

22 September 2008

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2008/14**

*To: All Manual Holders*

**AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL MANUAL – CHINA WORKING HOLIDAY SCHEME AND OTHER GENERAL AMENDMENTS**

**Introduction**

This circular outlines the changes to Government immigration policy and government residence policy in the INZ Operational Manual, including a new Working Holiday Scheme resulting from the New Zealand – China Free Trade Agreement (NZ-China FTA).

All visa and immigration officers dealing with immigration applications should read the amended policy and operate in accordance with it from the relevant effective date being 1 October 2008.

A copy of the amended policy is attached to this Circular at Appendix 1.

**Note**

The amended policy described in this Circular will be published in the electronic version of the INZ Operational Manual on 29 September 2008.

**Any enquiries about this policy change should be directed to the National Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).**

## **Amendments to Government immigration policy effective on and after 1 October 2008**

### ***WI 4.140 China Working Holiday Scheme***

#### ***WI 4.140.1 Mandatory requirements for applications lodged under the China Working Holiday Scheme***

#### ***WI 4.140.5 Additional requirements for applications under the China Working Holiday Scheme***

This Scheme allows 1,000 young Chinese citizens each year to visit New Zealand on working holiday visas. Applications must be lodged online.

### ***E4.45 Requirements for lodging an application for a temporary visa or permit***

#### ***E4.45.1 Mandatory requirements for applications lodged on an approved form***

#### ***E4.45.5 Mandatory requirements for applications lodged otherwise than on an approved form***

A note has been added to *E4.45 Requirements for lodging an application for a temporary visa or permit* stating that the requirements in this policy do not apply to applications under the China WHS.

In addition some of the wording in these provisions has been amended to better reflect the wording in the Immigration Regulations.

### ***N2.1 Who must apply for a transit visa?***

A minor amendment has been made to the transit visa provisions.

## **Amendment to Government residence policy effective on and after 1 October 2008**

### ***R7.5 Grant of second or subsequent residence permit***

#### ***R7.15 Evidence***

The name of this policy has been changed from 'reinstatement of residence permit' to 'second or subsequent residence permit' and a fee has been introduced for applicants applying for a second or subsequent residence permit under this policy. Additionally, the evidence required to carry out the assessment under this policy has been clarified.

## **Amendment to Appendices effective on and after 1 October 2008**

### ***Appendix 1: Fees***

The table of fees has been amended to reflect the two new fee types:

- Grant of second or subsequent residence permit, and
- Group transit visa for Chinese nationals.

## **Appendix 1**

### **WI4.140 China Working Holiday Scheme**

*Immigration Regulations 1999 regs 6A*

- a. This scheme allows up to 1000 young citizens of the People's Republic of China annually to be issued a work visa, valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months.
- b. Successful applicants will also be issued a multiple entry work visa, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- c. To be eligible for a work visa or permit under this scheme, applicants must:
  - i be citizens of China, ordinarily resident in the People's Republic of China at the time of applying, and
  - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand, and
  - iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand, and
  - iv have a senior high school qualification (gao zhong xue li) granted in respect of a minimum of three years' full-time study, and
  - v have a level of proficiency in English that is assessed as at least functional.

**Note:** For the purposes of this policy an applicant's proficiency in English is deemed to be at least functional if they can produce evidence of:

- ~ an International English Language Testing System (IELTS), showing they achieved an average level of 4 over the four components of the test; or
  - ~ having completed all primary and at least three years' secondary education where all instruction was in English; or
  - ~ having completed at least five years' secondary education where all instruction was in English; or
  - ~ having gained a post-secondary qualification that required at least two years' full-time study or training where all tuition was in English.
- d. Participants in this scheme must not work for the same employer for a period exceeding three months.
  - e. Applicants under this scheme must lodge their application in the prescribed manner (WI4.140.1) using the online application system.
  - f. Further documentation must be lodged by the applicant no later than 60 days from the date of advice from INZ. If documentation is not received by the deadline, the application may be determined on the basis of the information available.

### **WI4.140.1 Mandatory requirements for applications lodged under the China Working Holiday Scheme**

*Immigration Act 1987 ss 13(2), 25(1), 29(1), 30(1), 14D(1)*

*Immigration Regulations 1999 regs 6A*

- a. Applications made under the China Working Holiday Scheme must be tendered online using the approved electronic form provided on the Immigration website of the Department of Labour ([www.immigration.govt.nz](http://www.immigration.govt.nz)).
- b. A visa or immigration officer may consider an application where the applicant has supplied the following information in electronic form:
  - i their name, and
  - ii their date of birth, and
  - iii details of their passport or other travel document, including country of citizenship, and
  - iv details of any current or previous visa or permit (if any) held by them, and
  - v details of the type of visa or permit applied for, and
  - vi such information as is required by the electronic form to be tendered in order to determine whether the relevant visa or permit should be issued or granted.
- c. The applicant must also complete their application by:

- i acknowledging that the details provided in support of their application are true and correct to the best of their knowledge, and
- ii agreeing that if their circumstances change before a visa or permit is issued or granted they will notify a visa or immigration officer of that change in circumstances, and
- iii paying the prescribed fee (if any) for the type of visa or permit applied for, or arranging for the payment of that fee in a manner satisfactory to the visa or immigration officer.

#### **WI 4.140.5 Additional requirements for applications under the China Working Holiday Scheme**

*Immigration Act 1987 ss 13(2), 25(1), 29(1), 30(1), 14D(1)*

*Immigration Regulations 1999 reg 6A*

Before determining an application, the visa or immigration officer processing it may require the applicant to:

- a. produce their valid passport or travel document; or
- b. produce any evidence or information that the officer thinks necessary (including the physical production of documents); or
- c. produce details and evidence of funds for maintenance while in New Zealand; or
- d. produce any travel tickets or evidence of onward travel arrangements; or
- e. appear for an interview.

#### **E4.45 Requirements for lodging an application for a temporary visa or permit**

These requirements apply to the lodgement of all temporary visa or permit applications with the exception of applications lodged under the China Working Holiday Scheme (WI4.140).

##### **E4.45.1 Mandatory requirements for applications lodged on an approved form**

*Immigration Act 1987 ss 13(2), 25(1), 29(1), 30(1), 14D(1)*

*Immigration Regulations 1999 reg 3, reg 6*

For the purposes of temporary entry policy, mandatory requirements for applications lodged on an approved form means that applications must be made on the application form relevant to the type of visa or permit required, which must be completed in full and submitted to a visa or immigration officer, together with:

- a. the applicant's valid passport or travel document, or if this is unavailable, a birth certificate or other identity document; and
- b. one passport-sized photograph of the applicant; and
- c. the appropriate fee (if any); and
- d. evidence of funds for maintenance in New Zealand or evidence of sponsorship; and
- e. such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government immigration policy under which the application is being put forward; and
- f. any other information, evidence and submissions the applicant considers show that the applicant should be issued with a temporary visa or permit.

##### **E4.45.5 Mandatory requirements for applications lodged otherwise than on an approved form**

*Immigration Act 1987 ss 13(2), 25(1), 29(1), 30(1), 14D(1)*

*Immigration Regulations 1999 regs 3, 13*

- a. A visa or immigration officer may consider a request that an application be made otherwise than on an approved form, and where agreement to that request is given the applicant must supply the following:
  - i. their name, and
  - ii. their date of birth, and
  - iii. details of their passport or other travel document, including country of citizenship, and
  - iv. details of any current or previous visa or permit (if any) held by them, and
  - v. details of the type of visa or permit applied for, and
  - vi. details of their funds for maintenance while in New Zealand, or details of sponsorship, and
  - vii. details of their travel tickets or evidence of onward travel arrangements from New Zealand, and
  - viii. such information and evidence as is required by a visa or immigration officer to be tendered with the application in order to determine whether the relevant visa or permit should be issued or granted; and
  - ix. any other information, evidence and submissions they consider show that they should be issued with the temporary visa or permit applied for.
- b. The applicant must also complete their application by:
  - i. acknowledging that the details provided in support of their application are true and correct to the best of their knowledge, and
  - ii. agreeing that if their circumstances change before a visa or permit is issued or granted they will notify a visa or immigration officer of that change in circumstances, and
  - iii. paying the prescribed fee (if any) for the type of visa or permit applied for, or arranging for the payment of that fee in a manner satisfactory to the visa or immigration officer.

##### **E4.45.10 Additional requirements**

*Immigration Act 1987 s 14D(1)*

*Immigration Regulations 1999 reg 6*

Before determining an application, the visa or immigration officer processing it may require the applicant:

- a. to produce any other photographs, documents and information that the officer thinks necessary; or

- b. to produce any travel tickets or evidence of onward travel arrangements that the officer thinks necessary; or
- c. to undergo a medical examination; or
- d. to appear for an interview.

**E4.45.15 Children under the age of 16 travelling alone or with one parent**

If a child under the age of 16 years is travelling to New Zealand alone or with one parent only, officers may request evidence that both the child's parents have consented to the child being removed from the child's country of residence.

## **N2.1 Who must apply for a transit visa?**

- a. Subject to any special direction to the contrary any person outside New Zealand who intends to transit New Zealand either on the way to, or coming from, any destination, must apply for and obtain a transit visa unless they are:
  - i exempt from the requirement to obtain a temporary visa for travel to New Zealand (see E2.1); or
  - ii a person whose **immediate** or final destination after transiting New Zealand is Australia and who holds a current visa issued by the Government of Australia to enter Australia; or
  - iii the holder of another current visa to enter New Zealand; or
  - iv a citizen of a country specified on the transit visa country waiver list (see N2.5).
- b. Transit visa policy applies to any persons or class of persons to which a special direction pursuant to s14E has been made.

## **R7.5 Grant of second or subsequent residence permit**

People who formerly held residence permits and return to New Zealand without current returning residents' visas (RRVs), and who are granted temporary permits on arrival, may be granted residence permits if:

- a. they would have been eligible to be granted an RRV before their most recent arrival in New Zealand; and
- b. any RRV granted would still have been current on the date of their most recent arrival in New Zealand.

## **R7.15 Evidence**

### **R7.15.1 Evidence required to confirm residence status**

Acceptable evidence for a confirmation of residence permit may include:

- a. the passport containing the original residence permit or other entry authority applying at the time of entry; or
- b. documents showing continued residence since 2 April 1974, which may include but are not limited to:
  - i. rates demands,
  - ii. driver's licenses,
  - iii. receipted power bills,
  - iv. income tax returns,
  - v. school records,
  - vi. employment references,
  - vii. any other evidence requested by the NZIS.

### **R7.15.5 Evidence required for the grant of a second or subsequent permit**

The evidence required for the grant of a second or subsequent residence permit is as follows:

- a. evidence of formerly holding a residence permit, this may include:
  - i. a residence permit endorsed in a current or expired passport or certificate of identity, or
  - ii. INZ records of a residence permit; and
- b. any other evidence required for the assessment of R7.5.

## Appendix 1 – Fees

### Fees in New Zealand dollars

All fees accepted in New Zealand dollars

Type of Application	Fee (NZ\$) Location of receiving office		
	<b>A</b> New Zealand	<b>B</b> Sydney, Apia, Nuku'alofa, or Suva	<b>C</b> Any other location

#### EXPRESSIONS OF INTEREST

<b>Skilled Migrant Category</b>			
Paper form	500	500	500
Online	400	400	400
<b>General (Active) Investor Category</b>			
Paper form	460	460	460

#### RESIDENCE VISA/PERMIT

Skilled Migrant Category (if invited to apply)	1400	1200	1800
General (Active) Investor Category	3400	3400	3400
Professional Investor Category	3400	3400	3400
Global Investor Category	3400	3400	3400
Entrepreneur Category	2600	2600	2600
Family Category	700	700	1200
Samoan Quota Scheme	600	600	-
Pacific Access Category	650	650	-
Family Quota Category	630	630	1130
Refugee Family Support Category	490	490	690
Residence from Work Category	700	-	-
Any other residence	700	700	1200
The residence application fees above are reduced by NZ\$90 for citizens of Samoa, and for applicants who, on or after 1 July 2003, have paid the fee for a long-term business visa or permit, Talent (Accredited Employers), Talent (Arts, Culture, and Sports), or Long Term Skill Shortage List application. No one to whom this applies is entitled to more than a NZ\$90 fee reduction on any single application.			
Returning Resident's Visa	140	140	140

Confirmation of residence status under Regulation 11	80	-	-
Grant of second or subsequent residence permit	80	-	-
A second or subsequent residence permit may only be granted if the applicant was eligible for a returning resident's visa (RRV) before their most recent arrival in New Zealand, and any RRV granted would still have been current on the date of their most recent arrival in New Zealand.			

#### VISITOR'S VISA/PERMIT

Visitor permit or visa	130	100	130
Group visitor visa, per person			
Beijing, Shanghai, Taipei	-	-	60
Bangkok (Thai citizens only)	-	-	60
ADS	-	-	40
Other	60	60	60

#### STUDENT VISA/PERMIT

Students permit - Students Online via education provider	70	-	-
Student permit - other	200	-	-
Student visa	200	150	200

#### WORK VISA/PERMIT

Work permit - work to residence	240	-	-
Work permit - partnership	280	-	-
Work permit - other	200	-	-
Work visa - work to residence	240	240	240
Work visa - partnership	280	280	280
Work visa - other	200	180	200
Working Holiday Scheme	120	-	120
Working Holidaymaker Extension Permit	120	-	-
Long Term Business Visa or Permit	2600	2200	2600

The work visa/permit fees above are reduced by NZ\$90 for citizens of Samoa applying for a long term business visa/permit, or a work visa/permit under the Long Term Skill Shortage List work policy.

Work to residence includes Talent (Accredited Employers), Talent (Arts, Culture and Sports), and Long Term Skill Shortage List.

#### LIMITED PURPOSE VISA/PERMIT

Student visa	200	150	200
Further Student permit	200	-	-
Other	130	100	130
Visa to work for a Recognised Seasonal Employer (RSE)	200	180	200
Further permit to work for an RSE	200	-	-

**TEMPORARY - OTHER**

Special direction fee	140	140	140
Reconsideration	140	-	-
Variation of Conditions	120	-	-
Request for Approval in Principle	180	-	-
Request for Transitioning to Recognised Seasonal Employer (TRSE) Approval in Principle	180	-	-

**OTHER**

Transit visa	120	120	120
Group transit visa for Chinese nationals, per person	60	-	60
For residence permit granted under Section 35A of the Act	700	-	-
For temporary permit granted under Section 35A of the Act	260	-	-

Citizens of Fiji are exempted from the transit visa fee.

The residence application fees above are reduced by NZ\$90 for citizens of Samoa, and for applicants who, on or after 1 July 2003, have paid the fee for a long-term business visa or permit, Talent (Accredited Employers), Talent (Arts, Culture, and Sports), or Long Term Skill Shortage List application. No one to whom this applies is entitled to more than a NZ\$90 fee reduction on any single application.

**Appeal to Residence Review Board**

Humanitarian category	700	-	-
Other	700	-	-
Appeal to Removal Review Authority	700	-	-
Call out fee, where office is opened outside ordinary opening hours in order to process application or other matter as requested	210	210	210
Transfer fee, where permit or visa stamp or label is transferred from one passport or certificate of identity to another	80	80	80

**Registration under Pacific Access Category**

First year's registration	50	50	-
Second and subsequent year's registration	20	20	-

**Registration under Refugee Family Support Category**

Tier 1 queue registration or tier 2 ballot first year's	70	-	-
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registration			
Tier 2 ballot second and subsequent years' registration	50	-	-
<b>Employer Accreditation under Talent (Accredited Employer) work policy</b>			
i first year's accreditation	1400	-	-
ii second and subsequent accreditation	400	-	-
iii reconsideration of application from employer for accreditation	140	-	-
Investor Category - Business Plan (first, subsequent, or change of plan)	750	750	750
Recognised Seasonal Employer (RSE) status	700	-	-
Agreement to Recruit under RSE policy	180	-	-