

**PARTNERSHIP POLICY CHANGES  
QUESTIONS & ANSWERS**

<b>Residence - Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<b>What is the purpose of these changes?</b>	The primary purpose of these changes is to 1) ensure that both married and de facto couples (now both referred to in policy as partners) are treated on the same basis when applying for visas or permits under either residence or temporary entry immigration policies and 2) place the onus of proof on couples to establish that the relationship is genuine and stable.
<b>When do the new rules apply?</b>	The new rules will apply to all applications received on or after 29 September 2003.
<b>What happens to applications already in?</b>	The old rules will continue to apply to all applications lodged up to and including 28 September 2003 and accepted by NZIS.
<b>How many such residence applications are approved each year?</b>	For the year ended 30 June 2003 – <ul style="list-style-type: none"> <li>▪ 959 applns. (involving 1,016 individuals) based on de facto relationships with NZ citizens or residents, and</li> <li>▪ 5,302 applications (involving 6,237 individuals) based on marital relationships with NZ citizens or residents were approved.</li> </ul> Which totals 6,261 applications (involving 7,253 individuals)
<b>One definition of ‘partner’ under the new Partnership policy is “a person in an interdependent partnership akin to a marriage.” What does akin to a marriage mean?</b>	The term “akin to a marriage” simply means a de facto relationship that is entered into and maintained for similar reason as a marriage. The current policy that recognises relationships between same sex and opposite sex couples will continue.

<b>Residence - Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<p><b>The new rules require the couple to have ‘met’ prior to the application under Partnership policy being made.</b></p> <p><b>What is meant by ‘met’?</b></p>	<p>The couple must satisfy an NZIS Officer that they have physically met, ie, a meeting via an Internet chat room and/or communicating by e-mail will not satisfy this requirement.</p>
<p><b>How will the requirement for the couple to have met affect culturally arranged marriages?</b></p>	<p>The requirement is that the couple must have met prior to the application under Partnership policy being made. It does not require a couple to have met before their marriage takes place, which is the custom in some cultures. This is just one requirement, and all couples must prove that they are living together in a genuine and stable partnership, and have to have been living together for a minimum of 12-months for residence to be granted.</p>
<p><b>The Partnership policy refers to “forbidden marriages” under the Marriage Act 1955.</b></p> <p><b>Where can I get more information on this?</b></p> <p><b>What is the reason for the new rule that partners cannot be close relatives?</b></p>	<p>The Department of Internal Affairs is responsible for administration of these provisions of the Marriage Act 1955. They can be contacted as follows:  Email: <a href="mailto:bdm.nz@dia.govt.nz">bdm.nz@dia.govt.nz</a> or Call Free 0800 22 52 52 (New Zealand only).  The reason for the new rule that partners must not be close relatives is because under New Zealand law, you cannot marry a close relative by blood or marriage. This includes relatives by adoption and some step relatives. You may not marry someone of the same gender as you.</p>

<b>Residence - Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<p><b>The rules state that a couple must be 'living together' unless there are genuine &amp; compelling reasons for separation.</b></p> <p><b>What sorts of reasons are considered compelling?</b></p>	<p>Assessment of genuine and compelling reasons for separation will depend on the circumstances in each case, and may require consideration of:</p> <ul style="list-style-type: none"> <li>▪ either partner's family, education or employment commitments;</li> <li>▪ the duration of the partnership and the length of time the couple has spent apart;</li> <li>▪ the extent to which the couple has made efforts to be together during the time apart.</li> </ul>
<p><b>What happens if an NZIS Officer is not satisfied a couple is living together in a partnership that is genuine and stable?</b></p>	<p>The application will be declined.</p>
<p><b>Is there a right of appeal?</b></p>	<p>Yes. Declined applicants have the right to appeal to the Residence Review Board (RRB) within 42 days of notification of the decision.</p>
<p><b>What happens to applicants who are in a genuine and stable partnership but haven't been together for 12-months?</b></p>	<p>If NZIS is satisfied the couple is living together in a partnership that is genuine and stable, but the length of the partnership is less than the 12-months required then the final decision on the application may be deferred and a work visa/permit approved if the couple wish to live together in NZ to make up the time required.</p>

<b>Residence - Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<b>Can a person who obtained residence as the partner of a New Zealand citizen or resident sponsor the entry of a partner if they separate or their partner dies?</b>	Yes, they may sponsor one partner under Partnership policy but not until a period of five years has elapsed since they were granted residence under Partnership policy, or the previous Spouse or De facto partner policies.
<b>How old do partners have to be in order to apply for residency under Partnership policy?</b>	Over the age of 18 years at the time the application is lodged, or if either partner is under 18, but older than 16, provided the application is supported by the relevant parent(s), or guardian(s) and approved by the court. It does not matter that a couple may have married when one or both parties was under the age of 16 as is the case in some cultures, but they must meet the age requirements above at time of lodgement.

**PARTNERSHIP POLICY CHANGES TO RESIDENCE POLICY  
QUESTIONS & ANSWERS**

<b>Residence – Changes to residence policy arising from Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<b>Will partners included in a residence application automatically be approved residence if the principal applicant is approved?</b>	<p>Not automatically. Subject to meeting any other requirements e.g. health &amp; character, they will be approved residence provided:</p> <ul style="list-style-type: none"> <li>▪ they can satisfy a NZIS Officer they have been living together in a genuine and stable partnership for 12-months or more with the principal applicant at the time the application is assessed, &amp;</li> <li>▪ the partnership meets the minimum requirements for recognition of partnerships.</li> </ul>
<b>What happens to applicants who are in a genuine and stable partnership but haven't been together for 12-months?</b>	<p>If NZIS is satisfied the couple is living together in a partnership that is genuine and stable, but the length of the partnership is less than the 12-months required then:</p> <ul style="list-style-type: none"> <li>▪ provided the principal applicant is eligible in his or her own right the principal applicant may be approved residence, and</li> <li>▪ the final decision on the non principal applicant partner's application may be deferred and a work visa/permit approved on application if the couple wish to live together in NZ to make up the time required.</li> </ul> <p>The deferral and temporary provisions would also apply to a child of the partner whose application is deferred.</p>

**Residence – Changes to residence policy arising from Partnership policy**

<b>Question</b>	<b>Answer</b>
<p><b>Do these rule changes affect Returning Resident's Visa (RRV) policy?</b></p>	<p>Yes. Previously only spouses could be considered for an RRV (including an indefinite RRV) in their own right if any of the following happened:</p> <ul style="list-style-type: none"><li>▪ the principal applicant dies; or</li><li>▪ the spouse and the principal applicant become divorced; or</li><li>▪ the spouse is granted a non-molestation order against the principal applicant; or</li><li>▪ the principal applicant is convicted of an offence against the person of the spouse or of a dependent child.</li></ul> <p>The changes mean any partner included in a residence application is now eligible to be considered for an RRV in his or her own right in any of the circumstances listed above.</p> <p>However, because there is no one equivalent substitute for a dissolution of marriage in situations where separation between a couple in a partnership akin to a marriage occurs NZIS officers will assess applications based on separation on a case by case basis.</p>

**PARTNERSHIP POLICY CHANGES TO TEMPORARY ENTRY POLICY  
QUESTIONS & ANSWERS**

<b>Temporary entry policy – Changes to Temporary entry policy arising from Partnership policy</b>	
<b>Question</b>	<b>Answer</b>
<p><b>Married couples and couples in de facto relationships were treated differently under Temporary entry policy in the past.</b></p> <p><b>Has this changed?</b></p>	<p>Yes. Both married and de facto couples (now both referred to in policy as partners) are now treated on the same basis when applying for visas or permits under Temporary entry policy.</p> <p>Previously to be included in a temporary entry application a de facto partner had to have been living together in a genuine and stable relationship with the principal applicant for two years. There are no longer any duration of partnership, or genuine and stable relationship requirements for inclusion in a temporary entry application.</p>
<p><b>Will partners included in a temporary entry application automatically be approved temporary entry if the principal applicant is approved?</b></p>	<p>Not automatically. Subject to meeting any other requirements e.g. bona fides, health &amp; character, they will be approved temporary entry provided:</p> <ul style="list-style-type: none"> <li>▪ they can satisfy a NZIS Officer they are living together in a genuine and stable partnership with the principal applicant at the time the application is assessed, &amp;</li> <li>▪ the partnership meets the minimum requirements for recognition of partnerships.</li> </ul> <p><b>NOTE: Unlike residence there is no minimum duration of partnership requirement for temporary entry.</b></p>

**Temporary entry policy – Changes to Temporary entry policy arising from Partnership policy**

<b>Question</b>	<b>Answer</b>
<b>What about partners who are applying for a visitor or work visa/permit, as the partner of an applicant for or holder of a student or work visa/permit?</b>	Subject to meeting any other requirements e.g. bona fides, health & character, partners whose eligibility for a temporary entry visa/permit is reliant on their partnership with another person may be approved provided: <ul style="list-style-type: none"><li>▪ they can satisfy a NZIS Officer they are living together in a genuine and stable with the applicant for or holder of a student or work visa/permit, &amp;</li><li>▪ the partnership meets the minimum requirements for recognition of partnerships.</li></ul>

**Temporary entry policy – Changes to Temporary entry policy arising from Partnership policy**

Question	Answer
<p><b>There are specific visitors &amp; work policies for partners of New Zealand citizens or residents.</b></p> <p><b>Do the changes affect these policies?</b></p>	<p>Yes. The rules in these policies have changed to align them with the new Partnership policy rules.</p> <p>Under these policies applicants must still satisfy a NZIS Officer:</p> <ul style="list-style-type: none"> <li>▪ their partnership with a New Zealand citizen or resident is genuine and stable, and</li> <li>▪ the New Zealand citizen or resident partner intends to be in NZ for the period the applicant has applied for, and</li> <li>▪ the New Zealand citizen or resident supports the application.</li> </ul> <p>New requirements:</p> <ul style="list-style-type: none"> <li>▪ the partnership must meet the minimum requirements for recognition of a partnership in Partnership policy, and</li> <li>▪ the New Zealand citizen or resident partner must be an eligible sponsor under Partnership policy.</li> </ul> <p>New rules also apply to the length of permits that may be granted under these policies. The length of permit granted now depends on the duration of the couple's partnership as follows:</p> <ul style="list-style-type: none"> <li>▪ if 12-months or more, permit may be granted for the period applied for up to a maximum of two years from date of arrival, or</li> <li>▪ if less than 12-months the first permit will be for 12-months with right to apply for a further permit(s) up to two years from date of arrival if they: <ul style="list-style-type: none"> <li>▪ apply for residence under Partnership policy, or</li> <li>▪ are still living together with the New Zealand citizen or resident partner &amp; want to spend more time in New Zealand.</li> </ul> </li> </ul>



**Temporary entry policy – Entry to New Zealand for purpose of marriage**

<b>Question</b>	<b>Answer</b>
<p><b>How will people not involved in a culturally arranged marriage be able to enter New Zealand to marry a New Zealand citizen or resident?</b></p>	<p>As is the case now the vast majority will enter “visa free” as visitors.</p> <p>Persons from visa required countries who intend to marry (such as where a couple has met overseas and wish to meet family and marry in New Zealand) should now apply under normal visitor policy (visit for family or social purposes).</p> <p>Applicants will need to meet normal visitor policy requirements and provide proof of an established relationship, which will form part of the requirement to show they are a bona fide visitor to New Zealand.</p> <p>Visitor policy provides for a maximum stay of 9-months in any 18-month period. The length of stay granted is at the discretion of the NZIS officer deciding the application and will depend on the individual circumstances of the applicant.</p> <p>Once the marriage takes place application may be made for a 12-month work permit as the partner of a New Zealand citizen or resident.</p>