



File Ref: SDE-32

**WORKFORCE (IMMIGRATION NEW ZEALAND)  
INTERNAL ADMINISTRATION CIRCULAR NO: 08-14**

**To:** All Workforce/Immigration New Zealand (INZ) staff

**Date:** 24 November 2008

**APPLICATIONS UNDER THE NEW SPECIAL SAMOAN QUOTA AND  
PACIFIC PLACES POLICIES**

Please **READ** this information and ensure all staff members who may be affected (mainly those in the Auckland Pacific Division) are aware of what is required of them.

**Purpose**

1. The purpose of this Internal Administration Circular (IAC) is to provide guidance for staff in applying the new *Special Samoan Quota Places Policy* and *Special Pacific Access Category Places Policy* (special residence policies).
2. These guidelines should be read together with Amendment Circular 2008/18 dated 24 November 2008.

**Special Residence Policies**

3. Two special residence policies have been created at S1.45 and S1.50 to allow applicants who have applied but not had their application decided under the Residual Quota Places Policy and the Residual Pacific Access Category Places Policy (Residual policies) to reapply.
4. To be eligible to apply under these special residence policies applicants must:
  - i. have made an application under the Residual Quota Places Policy or Residual Pacific Access Category Places Policy before 28 November 2005 which was not decided as at 7 December 2008; and
  - ii. have withdrawn that undecided application after 7 December 2008.
5. The criteria for residence approval under these policies are based on the criteria for approval in the Residual policies of 2004/05.

### **Encouragement to apply**

6. Eligible applicants will be encouraged to apply under these special residence policies because their existing applications under one of the Residuals policies cannot be approved and it is unlikely that there will be further places available in the future.
7. The majority of these applicants are currently lawfully in New Zealand on work permits granted under the Pacific Quotas Work Permit Policy. When these permits expire on 30 September 2009, applicants will need to meet the requirements of other immigration policy to remain lawfully in New Zealand.

### **Face-to-face meetings with all applicants**

8. In order to make the application process as easy as possible, dedicated immigration officers at the Auckland Pacific Branch will contact all eligible applicants or their agents by telephone to arrange individual meetings. At these meetings the officer will explain the process and assist the applicant in withdrawing their old application and applying under the new policy. A special short form has been developed for this purpose which is designed to be completed with reference to the original application. Applicants or their agents will also be given formal advice in an information letter which will be available on the Template Letter System (see Appendix 1).
9. Please note: the new policies come into effect on 8 December 2008. Applications under the new policy cannot be accepted before this date. However, staff will start contacting the eligible applicants or their agents from 24 November 2008 to schedule one-on-one meetings from 8 December 2008.
10. If the applicant or agent is unable to attend a meeting, the case officer will explain the process to them on the telephone and send them the information letter with the new form along with a copy of their previous form on which they can check their details. The applicant or agent will be encouraged to complete and return the new form as quickly as possible to their named case officer. The last day for lodging an application under the special residence policies is **31 March 2009**.

### **Lodgement requirements**

11. The former Minister of Immigration has signed a Special Direction (see Appendix 2) waiving a number of the usual lodgement requirements for residence applications under these special residence policies. This means there is no application fee, and no requirement to submit passport photos, medical certificates or birth certificates with the application.
12. Officers may use medical certificates from previous residence and temporary entry applications to assess whether the applicants have an 'Acceptable Standard of Health' for residence. If an applicant has spent considerable time in non low TB incidence country since the last certificate was issued officers may request a new chest X-ray certificate, after the application has been lodged. Similarly if the applicant has a history of health issues or has indicated that there has been a change in their health status then the officer may request an up-to-date full medical certificate following lodgement.

13. A number of applicants will require up-to-date police clearances from the New Zealand Police covering their time in New Zealand. Pacific Division and Service Delivery Operational Support are arranging for some priority to be given to these clearances by the New Zealand Police.
14. If new applicants have been included since the original application was made, birth certificates, passport photos, medical and police certificates may be requested for those applicants, if not already held by the branch.

### **AMS**

15. A new application type will be available in AMS from 8 December under which applications under the special residence policies should be raised. This application will be called *Special SQ and PAC places*. There is no fee for this application and no cap or quota on applications under this category.
16. Withdrawn Residual policies applications should be finalised by choosing the decision *Withdrawn–No Fee Refund* where the applicant is applying under the one of the new policies.
17. For those applicants who indicate that they wish to withdraw their Residual policy application and **not** pursue a further application, the decision *Withdrawn–Fee Refunded* should be used and the fee refund processed.

### **Fijian applicants**

18. Fijian applicants will be required to complete the Supplementary Form for Citizens of Fiji to identify those applicants who are subject to the *Ban on the issue of residence visas and residence permits to individuals associated with the December 2006 Fiji coup* (S1.38). Where this form has already been completed on a previous application the applicants will be required to confirm in writing that the details have not changed.

### **Communications**

19. A set of questions and answers has been developed for staff to assist with enquiries from the general public. These are attached to this IAC. (Appendix 3)

Alejandra Mercado  
Manager Operational Policy  
Service Design

**Appendix 1**

**Application number:**  
**Client number:**

Dear

**Application for a residence permit for:**

**Applicant:**

**Date of birth:**

As we have discussed, I am pleased to confirm that the Department is now in a position to finally consider your application using a special policy. It is called the [Special Samoan Quota Places Policy S1.45 **[or]** Special Pacific Access Category Places Policy S1.50]. **[delete one]**

The Government has approved this special policy so that people like you who applied under the previous [Residual Quota Places Policy S1.11 **[or]** Residual Pacific Access Category Places Policy S1.41] **[delete one]** can now be considered for permanent residence.

We have established a simplified process that uses your previous application information and requires you to update some information if necessary in the attached form. You do not have to pay a fee for this application.

If you do not wish to proceed with an application for residence you will be entitled to a refund of your original application fee.

**What do you need to do?**

We have made a copy of your previous application form, and your job offer details. Please check that the details are still correct and fill in the attached new form. Please include any relevant changes to your circumstances.

Please return your completed form to me as soon as possible. You must do this by **31<sup>st</sup> March 2009**, however I encourage you to get it back to me before then. The sooner I receive the form, the earlier I can finalise your application.

**What will happen next?**

We will process your application as a matter of priority. If we require any further information from you, we will contact you.

**The Samoan and Pacific Access Category Quotas**

The annual Samoan and Pacific Access Category Quotas for 2008 are unaffected by these special policies.

**Contact us**

**[Choose one of the following contact options as appropriate. Delete these instructions.]**

If you have any questions, you can:

- call me on ,
- or email me at
- **[for applicants in Tonga]** Our Nuku'alofa Branch on 676 23 977.

You will need to tell us your application and client numbers (see the top of this letter). Please be ready to quote them when you phone.

Yours sincerely

Immigration New Zealand

## Appendix 2

### SPECIAL DIRECTION

*I, CLAYTON JAMES COSGROVE, MINISTER OF IMMIGRATION, acting pursuant to section 130(1)(b) of the Immigration Act 1987, hereby:*

- 1) *GIVE a special direction in respect of those people:*
  - (a) *Who made an application for residence under the Residual Quota Places Policy or the Residual Pacific Access Category Places Policy; and*
  - (b) *That application had not been decided as at 7 December 2008; and*
  - (c) *Have withdrawn that undecided application after 7 December 2008.*
  
- 2) *IN respect of those abovementioned people, in the event that they apply for residence under the Special Samoan Quota Places policy or the Special Pacific Access Category Places policy, I waive the requirements, imposed by Regulations 4 and 10 of the Immigration Regulations 1999 that an application for a residence visa or permit under section 14B(1), section 13(2) or section 17(1)(b) of the Act must be tendered to a visa or immigration officer at an office of the Department of Labour together with*
  - (a) *Two passport-sized photographs of the applicant; and*
  - (b) *An original or certified copy of the full birth certificate of the applicant, or, if this is unobtainable, an original or certified copy of an identity card; and*
  - (c) *The appropriate fee (if any); and*
  - (d) *The applicant's fully completed and acceptable medical certificate, which must be less than 3 months old.*

*Dated at CHRISTCHURCH this 7th day of November, 2008*

*Hon CLAYTON JAMES COSGROVE  
Minister of Immigration*

## Appendix 3

### Q & A FOR STAFF SPECIAL SAMOAN QUOTA PLACES and SPECIAL PACIFIC ACCESS CATEGORY PLACES POLICIES

#### **Q. Who are these special residence policies for?**

A. These special residence policies allow for the consideration of only those applicants who applied under the Residual Quota Places and Residual Pacific Access Category policies (Residual policies) in 2004 and 2005, and have not yet had a decision.

To be eligible to apply under the special residence policies applicants must:

- have made an application under the Residual Quota Places Policy or Residual Pacific Access Category Places Policy before 28 November 2005 which was not decided as at 7 December 2008; and
- have withdrawn that undecided application after 7 December 2008.

#### **Q. When will these changes come into effect?**

A. The new policies will come into effect on 8 December 2008.

#### **Q. How will applicants know that they are eligible?**

A. Case officers in Auckland Pacific Division will contact each principal applicant who has not had a decision made on their Residual policy application and arrange to meet with them. At this meeting the applicants will be assisted to withdraw their existing applications and submit an application under one of the new special residence policies.

#### **Q. What documentation will applicants have to supply?**

A. Applicants will need to complete a new application form. This form is an abbreviated version of the standard residence form and allows for the applicant to confirm or update the details on their original forms. In most cases there will be **no need** to submit passport photos, birth certificates, medical or police certificates, or job offer details.

If new applicants have been included since the original Residuals policy application was made, birth certificates, passport photos, medical and police certificates may be requested if not already held by the branch.

Applicants whose job offer details have changed since their last permit application will need to supply details of their new employment.

Applicants who have spent 12 months or more outside of New Zealand since their last application may be required to submit a new Chest X-ray Certificate, after lodgement.

Applicants who have indicated a change in their medical status may be required to submit a new full medical certificate, following lodgement.

The case officer will let the applicant know what is required in their case.

#### **Q. How much does it cost?**

A. There is no fee for an application under these special residence policies.

#### **Q. Is there a deadline for applying under these policies?**

A. Applications under these new policies must be made by 31 March 2009.

**Q. What if an applicant does not want to pursue their residence application?**

A. If an applicant wishes to withdraw their existing Residual policy application and does not wish to re-apply under the new special residence policies, they will be eligible for a refund of their original application fee.

If they wish to stay in New Zealand they will have to remain on a current permit. The majority of these applicants are currently lawfully in New Zealand on work permits granted under the Pacific Quotas Work Permit Policy. When these permits expire on 30 September 2009, applicants will need to meet the requirements of other immigration policy to remain lawfully in New Zealand.

**Q. Why should the eligible applicants apply under these special residence policies?**

A. Eligible applicants will be encouraged to apply under these policies because their existing Residual policies applications cannot be approved as it is unlikely there will be places available under Residuals policies in the future.

The Pacific Quotas Work Permit Policy under which the majority of these applicants are currently lawfully in New Zealand allows for permits until 30 September 2009. Once existing permits under this policy expire, applicants will need to meet the requirements of other immigration policy to remain lawfully in New Zealand.