

Guide for
Returning Resident's Visas

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Return

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To enter or re-enter New Zealand, you may need to apply for a Returning Resident's Visa. This booklet will provide you with information about how to apply.

Advance Passenger Screening

New Zealand has implemented a new system designed to enhance the security of New Zealand's borders. You may be refused permission to board your flight to New Zealand if:

- you do not have an appropriate Returning Resident's Visa; or
- your Returning Resident's Visa has expired; or
- your Returning Resident's Visa has not been transferred to your current / new passport or the passport you used to enter New Zealand.

To minimise any disruption to your travel plans, please ensure your travel documents are up to date and that you have the appropriate and current Returning Resident's Visa. If you have any questions, see our website www.immigration.govt.nz.

What is a Returning Resident's Visa?

A returning resident's visa is an endorsement in your passport or travel document which allows you to re-enter New Zealand and be granted a Residence Permit.

Provided you return to New Zealand before your Returning Resident's Visa expires, you do not have to re-apply for residence.

Who needs a Returning Resident's Visa?

You will need to apply for a Returning Resident's Visa if you:

- are in New Zealand, hold a Residence Permit and wish to leave New Zealand and then return; or
- held a Residence Permit but left New Zealand without first getting a Returning Resident Visa; or
- are a New Zealand citizen who travels on the passport of another country and wish to return to New Zealand.

Who does not need a Returning Resident's Visa?

You do not need to have a Returning Resident's Visa if you are:

- a New Zealand citizen re-entering New Zealand on a New Zealand passport; or
- an Australian citizen re-entering New Zealand on an Australian passport; or
- an Australian resident with a current Australian Permanent Residence Visa or a current Australian Resident Return Visa.

How Do I Apply?

You can apply for a Returning Resident's Visa by completing and submitting the *Application for Returning Resident's Visa (NZIS 1004)* yourself, or you can ask another person to assist you.

Immigration New Zealand (INZ) does not require you to have an agent, adviser or representative, but if you decide to use the services of an agent, adviser or representative you are free to do so.

- Anyone can act as your agent, adviser or representative.
- An agent, adviser or representative may be a lawyer, a consultant, or any other person, (including a friend) whom you hire or ask to help you apply.
- INZ treats all applicants equally and does not provide a preferential service to applicants with agents, advisers or representatives.

INZ deals with agents, advisers or representatives in the following ways:

- You may give your own address or the address of your agent, adviser or representative as the point of contact. If you choose to give your agent's, adviser's or representative's address, all correspondence from INZ, including notices for interviews, and the return of original documents, will be sent to your agent, adviser or representative.

- If you stop using the services of your agent, adviser or representative, you must cancel your authorisation in writing to INZ or INZ will continue to deal with them. If you hire a new agent, adviser or representative, you will need to provide a new authorisation to INZ. If you are changing your immigration adviser, please use the form *Immigration Adviser Details (INZ 1160)*.

- You are responsible for any documents or information that you submit to INZ, or that your agent, adviser or representative submits on your behalf.

You should apply to the nearest Immigration New Zealand branch.

To make an application you will need to supply all of the following:

- a completed *Application for Returning Resident's Visa (NZIS 1004)* form; and
- the correct visa fee (see our *Fees Guide (INZ 1028)* or visit our website at www.immigration.govt.nz); and
- your passport (which must be valid until at least 3 months past the date you plan to return to New Zealand); and
- evidence that you hold, or have held (or are considered under section 44 of the Act to hold or have held) a residence permit – see “How Do I Prove my Residence Status?” (page 10).

Note: *The passports of all persons included in the application must be submitted with the RRV application.*

What length of time will my Returning Resident's Visa be issued for?

The length of time your Returning Resident's Visa (RRV) will be valid for will depend on when you were first granted residence and your demonstrated commitment to New Zealand. Your commitment to New Zealand may be in the form of time spent in New Zealand, your tax status, or your investment, business, employment and family links in New Zealand. The level of commitment required to qualify for an RRV depends on what your circumstances were over the two years immediately before the date you lodge your application for an RRV.

Temporary tax exemption for foreign income

From 1 April 2006 most types of individual income derived from overseas are temporarily exempt from tax in New Zealand if you fulfil certain conditions. The temporary tax exemption is available to new migrants and returning New Zealanders who have not been resident for tax purposes in New Zealand for at least 10 years. See www.ird.govt.nz for further information.

Residence granted after 30 October 1995 (General RRV Policy)

If you were granted residence after 30 October 1995 then the following rules will apply.

First-time Returning Resident's Visas

Your first Returning Resident's Visa will be current for two years from the date of your first Residence Permit, unless you lodged your application for residence under the Investor Category on or after 4 July 2005, in which case your Returning Resident's Visa will be current for five years. It will be issued free of charge when you are granted your residence permit.

Second or Subsequent Returning Resident's Visas

Eligibility for an 'Indefinite' or '12-month' RRV is generally dependent on the circumstances of the principal applicant of the original residence application. i.e. if "you", the principal applicant, qualify for an RRV then your family members included in the original residence application will also qualify for an RRV of the same currency.

Indefinite

You qualify for an "indefinite" RRV if:

- you held a Residence Permit at a time which was a minimum of 2 years before the date your current application for an RRV is made, and
- you can demonstrate a commitment to New Zealand by meeting the requirements set out in any one of the five situations below.

Time spent in New Zealand

You have held residence permits for a total of 184 days or more in each of the two 12 month portions of the 24 months immediately preceding your RRV application.

Tax Status

You have held residence permits for a total of 41 days or more in each of the two 12 months portions of the 24 months immediately preceding your RRV application, and you are assessed by the Inland Revenue Department as holding tax residence status for the two years preceding your RRV application.

Investment in New Zealand

You have been approved residence under the Investor Category and met any requirements imposed under section 18A of the Immigration Act 1987; or obtained residence under another category and maintained an investment of NZ\$1,000,000 in New Zealand for two years.

Business in New Zealand

You have obtained residence under any category and have successfully established a business in New Zealand not less than 12 months ago which is trading successfully and benefiting New Zealand in some way.

Established base in New Zealand

You have held residence permits for a total of at least 41 days in the 12 month period immediately before lodging your RRV application, and:

- all members of your immediate family who were included in your residence application have resided in New Zealand for a total of at least 184 days in the two year period immediately before lodging your RRV application; and
- you own and maintain a family home in New Zealand; or
- you have been genuinely employed full time in New Zealand, in paid employment, for a total of at least 9 months in the two year period immediately before lodging your RRV application.

Note: *you are considered to own and maintain a family home in New Zealand if you own a residential property that you bought within 12 months of being granted a residence permit; and you, or members of your immediate family who were included in your residence application, live there.*

Twelve Months

You qualify for a 12 month RRV if:

- you held a Residence Permit at a time which was a minimum of 1 year before the date your current application for an RRV is made, and
- you meet the requirements set out in either of the two situations below.

Time spent in New Zealand

You have held residence permits for a total of 184 days or more in at least one of the two 12 month portions of the 24 months immediately before lodging your RRV application.

Tax Status

You have held residence permits for a total of 41 days or more in at least one of the two 12 month portions of the 24 months immediately before lodging your RRV application; and you are assessed by the Inland Revenue Department as holding tax residence status for twelve months in the two years immediately before lodging your RRV application.

14 Days

You will qualify for a '14-day' RRV if you hold a residence permit and you do not meet the requirements for an indefinite or 12 month RRV.

Residence granted before 30 October 1995 (Transitional RRV Policy)

Note: *People eligible for a Returning Resident's Visa under Transitional RRV Policy may also be considered under General RRV Policy if the General RRV policy is more favourable to them.*

If you were granted residence before 30 October 1995 or you arrived in New Zealand lawfully for the purpose of permanent residence before 2 April 1974 and are considered to hold a residence permit and held a residence permit at a time which was a minimum of 2 years before the current application for an RRV the following Transitional policy will apply.

First-time Returning Resident's Visas

If this is an application for your first Returning Resident's Visa, the Returning Resident's Visa will be current for either:

- an indefinite period, if you meet those conditions for an indefinite period Returning Resident's Visa; or
- for two years if you do not meet the conditions for an indefinite period Returning Resident's Visa as on pages 5-7.

Second or Subsequent Returning Resident's Visas

If this is an application for a second or subsequent RRV, then your Returning Resident's Visa will be current for either:

- an indefinite period, if you meet those conditions for an indefinite Returning Resident's Visa as listed on pages 5-7; or
- for the same period of time that you have held residence permits during the four years prior to your application.

Note: *you can apply ONCE ONLY for a Returning Resident's Visa under the Transitional policy. To get further Returning Resident's Visas you will have to meet the conditions as listed on pages 5-8.*

If you were granted residence before 30 October 1995 under the General (Investment) or the Business Investment Category and you are applying for your second Returning Resident's Visa, you may be issued with an RRV current for 2 years from the date of issue, provided you have met any requirements previously imposed under section 18A of the Immigration Act 1987.

Do my partner and children need Returning Resident's Visas?

Yes. If your partner and children intend to travel overseas and want to return permanently to New Zealand they should obtain Returning Resident's Visas. Your partner and dependent children under 20 years of age do not need to complete separate application forms or pay separate fees if they are included in your application for a Returning Resident's Visa. Your family's Returning Resident's Visas will be made current for the same period as your (the principal applicant's) Returning Resident's Visa.

Children over 20 years of age and all children who are not dependent must make their own application for a Returning Resident's Visa and pay a separate fee.

How do I prove my Residence Status?

Acceptable evidence to prove your residence status includes:

- a current or expired passport or travel document endorsed with your New Zealand Residence Permit or previous Returning Resident's Visa; or
- the original letter you received when you were first granted permanent residence in New Zealand; or
- a New Zealand passport.

Note: If you arrived in New Zealand before 2 April 1974 and did not receive a Residence Permit, you must provide evidence to show you arrived before this date and have lived in New Zealand or Australia continuously ever since.

Acceptable evidence which must all be dated in New Zealand before 2 April 1974 may include:

- a New Zealand driver's licence
- bank statements
- employment references
- New Zealand school reports
- marriage certificates
- any other evidence requested by INZ.

How do I prove my Tax Residence Status?

Acceptable evidence to prove your tax residence status includes:

- a statement from the Inland Revenue Department for the period for which you have been assessed as having tax residence status; or
- Confirmation of Tax Resident Status form completed and endorsed by the IRD.

What if I have Tax Residence Status in another country?

This section only applies to people who have been in New Zealand for less than 184 days in either of the preceding two years and are applying for their second or subsequent Returning Resident's Visa.

New Zealand has Double Tax agreements with a number of countries, which means you may be assessed for the purposes of the Double Tax Agreement as having tax residence status in another country.

New Zealand has Double Tax Agreements with the following:

Australia, Belgium, Canada, China, Denmark, Fiji, Finland, France, Germany, India, Indonesia, Ireland, Italy, Japan, Republic of Korea, Malaysia, the Netherlands, Norway, Philippines, Singapore, Sweden, Switzerland, Taiwan, Thailand, the United Kingdom and the United States of America.

Where, under the provisions of a Double Tax Agreement you are deemed to be a resident for the purpose of the tax agreement in the other country, you will not be considered to have tax residence status in New Zealand for the purpose of Returning Resident's Visa policy.

What Investment Funds Rules must I follow?

The funds must be owned solely by the principal applicant or jointly with your partner or dependent children included in the residence application. The funds must originally have been transferred to New Zealand through the trading bank system or have been earned or acquired lawfully in New Zealand. They must be invested in New Zealand currency in a venture capable of providing a commercial return. This does not include a home, car, boat or similar. The funds may not be used as collateral for any loan during the 2 year investment period, unless the money loaned

remains within New Zealand and in New Zealand dollars only. The funds may be transferred from one investment to another provided each investment meets these rules.

How do I prove that I have established a successful business?

You must have:

- established or purchased a business operating in New Zealand; or
- own a minimum 25% shareholding in an existing business in New Zealand.

Provide a set of your latest business accounts certified by a New Zealand chartered accountant and a statement from them confirming that in their view your business is a 'going concern'.

How do I prove I own and maintain a home in New Zealand?

By providing such evidence as your residential property title deed, mortgage documents, rate demands, home insurance papers, and accounts for the telephone, electricity, gas or water.

You must have purchased your home within 12 months of the date you were initially granted a residence permit and you, or members of your immediate family who were included in your residence application, must still occupy the property.

How do I prove I have been employed in New Zealand?

By providing written confirmation of your full time employment from your employer(s) or, if self-employed, evidence you have established, purchased or have a share-holding in a business in New Zealand and are actively involved in managing or operating that business.

Employment involving payment by commission and/or retainer is not acceptable.

What if I have requirements under Section 18A on my Residence Permit?

First time RRVs issued to people holding residence permits subject to requirements under section 18A of the Immigration Act 1987 will also be subject to those requirements. A subsequent RRV may not be issued until any requirements previously imposed under section 18A have been met.

Can I use my Returning Resident's Visa for more than one overseas visit?

Yes. There is normally no limit on the number of times you can leave New Zealand after you have been granted a Returning Resident's Visa. You must ensure that your Returning Resident's Visa is current when you travel.

What if I left New Zealand without a Returning Resident's Visa?

You will need to apply for a further Returning Resident's Visa at an INZ branch office overseas, or at a New Zealand diplomatic or consular office.

When you make your application you will have to provide evidence you were a lawful resident of New Zealand before your departure, and that you are entitled to a Returning Resident's Visa.

If you do not obtain a Returning Resident's Visa, you may be refused entry to New Zealand and may be unable to board your flight to New Zealand.

What if my Returning Resident's Visa expires before I return to New Zealand?

You will need to apply for a further Returning Resident's Visa at an INZ branch overseas, or at a New Zealand diplomatic or consular office.

If you do not obtain a Returning Resident's Visa, you may be refused entry to New Zealand and may be unable to board your flight to New Zealand.

Could I be refused a Returning Resident's Visa?

Yes, you could be refused a Returning Resident's Visa if you:

- have had your Residence Permit revoked; or
- have been deported from New Zealand; or
- are applying from outside New Zealand and have an expired Returning Resident's Visa; or
- left New Zealand without a Returning Resident's Visa.

If you are refused a further Returning Resident's Visa, you will have to reapply for residence in New Zealand. Your application will be considered under the residence policy current at the time you make your application. Approval for a new Residence Permit cannot be guaranteed, as policy may have changed since you were originally granted residence.

Can my Returning Resident's Visa be transferred to a new passport?

Yes, you can have your Returning Resident's Visa transferred into your new passport. The validity of the Returning Resident's Visa will be the same as the Returning Resident's Visa in your old passport.

A fee is payable for the transfer of a Returning Resident's Visa to a new passport. Please see our *Fee Guide (INZ 1028)* for the amount of the fee. No application form is required for a transfer of a Returning Resident's Visa.

Special Categories

New Zealand Residents Seconded Overseas

If you are seconded overseas as part of your New Zealand employment and do not meet the requirements for an indefinite Returning Resident's Visa, you may be issued further two year Returning Resident's Visas, every two years, to allow a maximum stay outside of New Zealand of eight years. Your application must be supported by your New Zealand employer confirming that you are required overseas.

Partners of New Zealand citizens

If you are the partner of a New Zealand citizen and do not meet the requirements for an indefinite Returning Resident's Visa, you may be issued a further two year Returning Resident's Visa. Your application must be supported by your partner and you must also show that your relationship is genuine and stable.

If you have dependent children, who were declared in your application for residence, they can also be issued with a Returning Resident's Visa which will be for the same period of time as your Returning Resident's Visa.

What if Special Circumstances have prevented me from qualifying for an RRV?

If you are not able to qualify for an RRV because of special circumstance outside your control you should submit detailed evidence of this with your RRV application. Dependent on your individual situation and circumstances, it may be possible to obtain a further RRV.

More Information and Advice

You can get more information and advice from:

- New Zealand diplomatic and consular offices.
- Any of our INZ branch offices overseas. We have overseas offices in Apia, Bangkok, Beijing, Hong Kong, Jakarta, London, Moscow, New Delhi, Nuku'alofa, Shanghai, Singapore, Suva, Sydney, Taipei and The Hague.
- Any of our INZ branch offices in New Zealand, which are located in Auckland, Manukau, Hamilton, Palmerston North, Wellington, Christchurch and Dunedin.
- All INZ forms and leaflets, and fee information, can be downloaded from our website at www.immigration.govt.nz.



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