

1 October 2008

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2008/15

To: *All Manual Holders*

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL MANUAL – TEMPORARY ENTRY HEALTH POLICY

Introduction

This circular outlines changes to Government immigration policy in the INZ Operational Manual. A copy of the amended policies is attached to this circular.

All visa and immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended policies on and from **3 October 2008**.

Note

The amendments described in this circular will be published in the INZ Operational Manual on 3 October 2008.

Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).

Amendments to Government immigration policy

Temporary entry health policy has been amended to include a specific health waiver for applicants who intend to give birth in New Zealand if:

- they are partners of New Zealand citizens or permanent residents; or
- they or their partner is applying for a work to residence visa or permit, where the visa or permit is for a period of two years or more; or if the length of the visa or permit plus earlier visas or permits adds up to two years or more.

The granting of this specific health waiver does not require referral to a Medical Assessor.

A note has also been added clarifying that applicants who intend to give birth in New Zealand are not considered to have an acceptable standard of health as it is likely they will impose significant costs or demands on New Zealand's health services.

Appendix 1

A4.15 Acceptable standard of health (applicants for temporary entry)

- a. Applicants for temporary entry to New Zealand must have an acceptable standard of health, unless they have been issued or granted a visitor's visa for the purpose of obtaining medical treatment (see V3.40) or have been granted a medical waiver (see A4.65).
- b. Applicants for temporary entry to New Zealand are considered to have an acceptable standard of health if they are:
 - i unlikely to be a danger to public health; and
 - ii unlikely to impose significant costs or demands on New Zealand's health services during their period of intended stay in New Zealand; and
 - iii (if they are under 21 years of age and are applying for a student visa or permit) unlikely to qualify for Ongoing and Reviewable Resourcing Schemes (ORRS) funding during their period of intended stay in New Zealand; and
 - iv able to undertake the work or study on the basis of which they are applying for a visa or permit, or which is a requirement for the issue or grant of the visa or permit.

A4.15.1 Assessment of whether an applicant for temporary entry is unlikely to impose significant costs or demands on New Zealand's health services

Assessment of whether an applicant for temporary entry is likely to impose significant costs or demands on New Zealand's health services will take into account whether there is a relatively high probability that the applicant will need publicly funded health services during their period of stay in New Zealand including, but not limited to:

- hospitalisation;
- residential care;
- high cost pharmaceuticals;
- high cost disability services.

Note: Residential care is long term care provided in a live-in facility such as an aged-person's facility or a facility for people with a physical, sensory, intellectual or psychiatric disability.

Note: Applicants who intend to give birth in New Zealand are not considered to have an acceptable standard of health as it is likely they will impose significant costs or demands on New Zealand's health services.

A4.15.5 Requirement to refer Medical and Chest X-Ray Certificates

- a. If a visa or immigration officer is not initially satisfied that an applicant for temporary entry has an acceptable standard of health, they must refer the matter to an Immigration New Zealand medical assessor for assessment (or Ministry of Education where appropriate).
- b. Notwithstanding the requirement to refer Medical and Chest X-Ray Certificates, as set out in (a) above, where a person falls within the provisions of A4.65.5, referral to an Immigration New Zealand medical assessor is not required.

A4.65 Medical waivers (applicants for temporary entry)

Applicants for temporary entry will not be considered for the grant of a medical waiver unless:

- a. they are applying for work visas or permits as seconded business personnel (see A4.65.1 below); or
- b. they have submitted a claim for refugee status in New Zealand; or
- c. they are the partner or dependent child of a New Zealand citizen or resident; and
 - i the purpose of their stay in New Zealand is to be with that New Zealand citizen or resident; and
 - ii if they applied for residence in New Zealand they would meet the criteria for residence under the Partnership policy (see F2.5 (a)) or Dependent child policy (see F5.1 (a)); or
- d. they have been assessed as not having an acceptable standard of health on the sole basis that they intend to give birth in New Zealand and they meet the requirements as set out in A4.65.5.

Note: The grant of a medical waiver for the purpose of temporary entry to New Zealand does not confirm that the applicant has an acceptable standard of health for the purposes of residence in New Zealand or that a medical waiver would be granted if a residence application were made. This does not prevent a visa or immigration officer considering whether or not an applicant is likely to be granted a medical waiver for the purpose of residence in New Zealand.

A4.65.1 Seconded business people

- a. Seconded business people applying for work visas and/or work permits may be granted a medical waiver if an immigration or visa officer is satisfied that:
 - i the intended secondment will be of real benefit to New Zealand, and
 - ii the applicant is unlikely to be a danger to public health during the period of secondment; and
 - iii the employer has guaranteed to pay all medical expenses of the applicant during the secondment, including any significant costs to health services identified by a visa or immigration officer or Immigration New Zealand medical assessor.
- b. At the time the work visa is issued or the work permit granted, the principal applicant must be advised in writing that the visa has been issued or the permit granted even though the applicant does not have an acceptable standard of health.

Note: This policy (A4.65.1) facilitates New Zealand's international trade commitments (see E9).

A4.65.5 Applicants intending to give birth in New Zealand

- a. Applicants for temporary entry may be considered for the grant of a medical waiver by a visa or immigration officer with schedule 1 delegations without referring the matter to an Immigration New Zealand medical assessor if:
 - i they have been assessed as not having an acceptable standard of health on the sole basis that they intend to give birth in New Zealand; and
 - ii they are the partner of a New Zealand citizen or resident; or
 - iii they, or their partner, are applying for a work to residence visa or permit that is equal or greater than 24 months duration or is equal or greater than 24 months duration in combination with any visas or permits previously held.

E6.1 Health requirements for applications made on or after 28 November 2005

Immigration Regulations 1999 regs 6(2)(c), 8, 13(2)(b)

- a. Applicants for temporary entry to New Zealand must have an acceptable standard of health, unless they are entering New Zealand specifically for approved medical treatment under the policy in V3.40 or they have been granted a medical waiver.
- b. Applicants for temporary entry to New Zealand are considered to have an acceptable standard of health if they are:
 - i unlikely to be a danger to public health; and
 - ii unlikely to impose significant costs or demands on New Zealand's health services during their period of intended stay in New Zealand; and
 - iii (if they are under 21 years of age and are applying for a student visa or permit) unlikely to qualify for Ongoing and Reviewable Resourcing Schemes (ORRS) funding during their period of intended stay in New Zealand; and
 - iv able to undertake the work or study on the basis of which they are applying for a visa or permit, or which is a requirement for the issue or grant of the visa or permit.
- c. For the purposes of this policy, 'Health services' includes all health and disability support services funded through Vote Health.
- d. Assessment of whether an applicant for temporary entry is likely to impose significant costs or demands on New Zealand's health services will take into account whether there is a relatively high probability that the applicant will need publicly funded health services during their period of stay in New Zealand including, but not limited to:
 - hospitalisation;
 - residential care;
 - high cost pharmaceuticals;
 - high cost disability services.

Note: Residential care is long term care provided in a live-in facility such as an aged-person's facility or a facility for people with a physical, intellectual or psychiatric disability.

Note: Applicants who intend to give birth in New Zealand are not considered to have an acceptable standard of health as it is likely they will impose significant costs or demands on New Zealand's health services.

- e. If a visa or immigration officer is not initially satisfied that an applicant for temporary entry has an acceptable standard of health, they must refer the matter to an Immigration New Zealand medical assessor for assessment (or Ministry of Education where appropriate).
- f. Notwithstanding the requirement to refer the matter to an Immigration New Zealand medical assessor for assessment, as set out in (e) above, where a person is considered to have an unacceptable standard of health for temporary entry on the sole basis that they intend to give birth in New Zealand, referral to an Immigration New Zealand medical assessor is not required.
- g. Where any person included in an application for temporary entry is assessed as not having an acceptable standard of health, the application will be declined unless a medical waiver is granted (see A4.65) or V3.40 applies.

E6.1.5 Requirement to undergo screening for pulmonary tuberculosis for people with risk factors

- a. Applicants for temporary visas or permits who intend to be in New Zealand for more than six months, and not more than 12 months, and are considered to have risk factors for pulmonary tuberculosis must undergo a TB screening X-ray unless:
 - i they are pregnant; or
 - ii they are under 11 years of age.
- b. All Recognised Seasonal Employer limited purpose visa applicants (regardless of the length of time they intend to stay in New Zealand) who are considered to have risk factors for pulmonary tuberculosis must undergo a TB screening X-ray unless they are pregnant.
- c. Applicants required to undergo a TB screening X-ray must provide:
 - i a fully completed Immigration New Zealand Temporary Entry Chest X-ray Certificate (NZIS 1096); and
 - ii any associated medical or laboratory reports required for the X-ray certificate.
- d. Temporary Entry Chest X-ray Certificates and associated reports must be less than three months old at the time the application is made unless:
 - i the applicant has provided a Temporary Entry Chest X-ray Certificate with an earlier application for temporary entry; and
 - ii that Certificate was issued less than 24 months prior to the current application. (The issue date of a Temporary Entry Chest X-ray Certificate is the date of the declaration by the examining radiologist concerning the findings of the TB screening X-ray).
- e. Despite (a) and (d) above, visa and immigration officers may require Temporary Entry Chest X-ray Certificates:
 - i for applicants intending a stay of less than 6 months; or
 - ii for applicants who have provided a Temporary Entry Chest X-ray Certificate that was issued less than 24 months prior to the current application,if they consider this is necessary to establish whether the applicant has an acceptable standard of health.
- f. Where an applicant for a further temporary permit is assessed as having active tuberculosis, and their application for a further permit is declined on the basis that they do not have an acceptable standard of health, a limited purpose permit should be granted for an initial period of one month for the express purpose of undergoing immediate medical treatment to render the disease non-infectious and to travel out of New Zealand. The limited purpose permit should be granted using the delegated power to grant a permit of a different type from that for which an application is made. (see A15.4)

Note: A limited purpose permit may be granted to a refugee status claimant or a refugee only if that person is at the time a holder of a current limited purpose visa or permit.

E6.1.5.1 Definition of person with risk factors for pulmonary tuberculosis

- a. A person is considered to have risk factors for pulmonary tuberculosis if:
 - i they hold a passport issued by a country not listed in Appendix 9; or
 - ii in the five years prior to application they have spent a combined total of three or more months in any one or more countries not listed in Appendix 9.

- b. Despite (a)(i) above, if an applicant provides evidence that satisfies an immigration or visa officer they have never lived or spent time in the country that issued their passport, and (a)(ii) does not apply, they will not be considered to have risk factors for pulmonary tuberculosis and the requirement to undergo a TB screening X-ray and provide the associated Temporary Entry X-ray Certificate form will not apply.

E6.1.5.5 People intending to stay in New Zealand for a total of more than six months

People who intend to stay in New Zealand for a total of more than six months include:

- a. those already in New Zealand for up to six months seeking a further permit to be in New Zealand for longer than six months; and
- b. those applying for visas or permits who indicate their intention is to remain in New Zealand for longer than six months; and
- c. those applying for student visas or permits for a course or courses of study that are longer in total than six months.

E6.1.10 Requirement to undergo full health screening

- a. Applications for temporary entry visas and permits from applicants intending a stay in New Zealand of more than 12 months must include a fully completed Medical and Chest X-Ray Certificate NZIS 1007 that is less than 3 months old, for every person included in the application unless:
 - i the applicant has provided a Medical and Chest X-Ray Certificate with an earlier application for temporary entry; and
 - ii that Medical and Chest X-Ray Certificate was issued less than 24 months prior to the current application. (The issue date of a Medical and Chest X-Ray Certificate is the date of the declaration by the examining physician concerning the overall findings of the medical examination.)

Note: Pregnant women and children under the age of 11 are not required to have an X-ray examination.

- b. Despite (a) above, visa and immigration officers may require Medical and Chest X-Ray Certificates:
 - i for applicants intending a stay of less than 12 months; or
 - ii for applicants who have provided a Medical and Chest X-Ray Certificate that was issued less than 24 months prior to the current application,if they consider this is necessary to establish whether the applicant has an acceptable standard of health.

E6.1.10.1 Persons intending to stay in New Zealand for a total of more than 12 months

Persons who intend to stay in New Zealand for a total of more than 12 months include:

- a. those already in New Zealand for up to 12 months seeking a further permit to be in New Zealand for longer than 12 months; and
- b. those applying for visas or permits who indicate their intention is to remain in New Zealand for longer than 12 months; and

- c. those applying for student visas or permits for a course or courses of study that are longer in total than 12 months.

E6.1.15 Assessment

Officers must assess Medical and Chest X-Ray Certificates under Health requirements policy set out in A4 of this Manual.

E6.1.20 Validity of Medical and Chest X-Ray Certificates

- a. Medical and Chest X-Ray Certificates and Temporary Entry Chest X-ray Certificates are current for a period of 24 months from their date of issue. Applicants for temporary entry are required to provide new Medical and Chest X-Ray Certificates with subsequent applications, if the Certificates previously provided are more than 24 months old at the date the subsequent application is made.
- b. Despite (a) above, visa and immigration officers may also request further Medical and Chest X-Ray Certificates as a basis for determining an application within the 24 month period if they consider this is necessary to establish whether the applicant has an acceptable standard of health.