

IMMIGRATION
NEW ZEALAND



Immigration New Zealand Operational Manual

Limited Purpose Entry

Issue Date: 4 May 2009

CONTENTS

L1 Objective	1-1
L2 Limited purpose visas	2-1
L3 Limited purpose permits	3-1
L4 Issuing limited purpose visas where temporary visa applied for	4-1
L5 Direct applications for a limited purpose visa or permit	5-1
L6 Policy requirements where direct application for limited purpose visa or permit.....	6-1
L7 Determining direct applications for limited purpose visas or permits	7-1
L8 Special cases	8-1

L1 OBJECTIVE

See previous policy Effective 01/10/1999

The objective of New Zealand's limited purpose entry policy is to facilitate the entry of visitors, students, and workers who seek to enter New Zealand temporarily for an express purpose only, and:

- a. who would not otherwise be accepted for temporary entry because of a risk that they might remain in New Zealand after their temporary permit expires; or
- b. who choose the limited purpose visa as their preferred method of entry; or
- c. who have been offered employment to undertake seasonal work in the horticulture or viticulture industry for a Recognised Seasonal Employer under the Recognised Seasonal Employer policy (see WH1).

Note: Applications for limited purpose visas and permits for work may only be considered if the applicant has an offer of employment from a Recognised Seasonal Employer. In such cases Limited Purpose Entry policy (including WH1.15 Recognised Seasonal Employer (RSE) Limited Purpose Entry (LPE) Policy - Visas and Permits applies.

Effective 26/11/2007

L2 LIMITED PURPOSE VISAS

IN THIS SECTION

L2.1 Definition of 'visa'	2-1
L2.5 Issue of limited purpose visa a matter of discretion	2-1
L2.10 Bonds and limited purpose visas	2-1
L2.15 Currency of limited purpose visas	2-1

L2.1 Definition of 'visa'

Immigration Act 1987 s 14A

- a. A visa is an endorsement by a visa officer in a passport or a certificate of identity, or in the case of an electronically issued visa, an entry made and retained in the records of the Department of Labour, and indicates that the visa officer, at the time of issuing the visa, knows of no reason that the holder of the passport or certificate of identity should not be granted the relevant permit.
- b. A visa merely entitles a person to travel to New Zealand and is not, nor does it have the effect of, a permit; nor does it entitle the holder to a permit as of right.
- c. A limited purpose visa authorises the granting of a limited purpose permit until a specified date, provided any conditions stipulated in the visa have been met.
- d. A limited purpose visa is not a temporary visa.

Effective 01/10/1999

L2.5 Issue of limited purpose visa a matter of discretion

Immigration Act 1987 s 10

- a. No person is entitled to a limited purpose visa as a matter of right.
- b. Whether or not to issue a limited purpose visa to any person is a matter for:
 - i the Minister's discretion; or
 - ii (unless there is a special direction in which the discretion is reserved to the Minister) the discretion of the appropriate visa officer.

Effective 01/10/1999

L2.10 Bonds and limited purpose visas

Immigration Act 1987 s 14DA(4)

A bond may not be imposed as a precondition to issuing a limited purpose visa if the purpose of the bond is to manage an identified risk that the applicant may remain in New Zealand after their permit expires.

Effective 01/10/1999

L2.15 Currency of limited purpose visas

Immigration Act 1987 s 14A

- a. All limited purpose visas are:
 - i current for travel until the date specified; and
 - ii effective for one entry only (single).

- b. A limited purpose visa must not be issued unless the applicant's travel document is current for:
 - i at least 3 months beyond the expiry date of the proposed permit; or
 - ii (only if the express purpose is urgent) one month, if the issuing Government has consular representation in New Zealand that is able to issue and renew travel documents.

Effective 01/10/1999

L3 LIMITED PURPOSE PERMITS

IN THIS SECTION

L3.1 Definition of 'permit'.....	3-1
L3.5 Definition of 'limited purpose permit'	3-1
L3.10 Express purposes.....	3-1
L3.15 Who may apply for a limited purpose permit	3-2
L3.20 Who may not apply for a limited purpose permit.....	3-2
L3.25 Who is not eligible for a limited purpose permit	3-3
L3.30 Grant of limited purpose permit a matter of discretion.....	3-3
L3.35 Currency of limited purpose permits	3-3
L3.40 Limitations to which holders of limited purpose permits are subject	3-3
L3.45 Conditions to which limited purpose permits are subject	3-4
L3.50 Further limited purpose permits	3-5
L3.55 Expiry of limited purpose permits	3-5
L3.60 Revoking a limited purpose permit in the case of administrative error	3-6
L3.65 Revoking a limited purpose permit if the holder breaches permit conditions	3-6
L3.70 People deemed to hold a limited purpose permit.....	3-6

L3.1 Definition of 'permit'

Immigration Act 1987 ss 2(1), 4(2)

A permit is an endorsement by an immigration officer in a passport or a certificate of identity, which confirms that the holder:

- a. is a person who requires a permit to be in New Zealand; and
- b. may lawfully remain in New Zealand while the permit is current.

Effective 01/10/1999

L3.5 Definition of 'limited purpose permit'

Immigration Act 1987 s 34A

- a. A limited purpose permit is a permit granted to allow its holder to be in New Zealand for an express purpose only.
- b. A limited purpose permit is not a temporary permit.

Effective 01/10/1999

L3.10 Express purposes

See previous policies:

L3.10 Effective 12/09/2007
L3.10 Effective 25/07/2007
L3.10 Effective 15/12/2003
L3.10 Effective 04/02/2002
L3.10 Effective 01/10/1999

Express purposes include the following:

- a. study as a full fee paying student (generally only for short courses);

- b. attending an event such as a wedding, funeral, conference or seminar, graduation or other significant ceremony, sports tournament or match, or religious event;
- c. medical treatment in NZ;
- d. family emergencies such as an illness or accident affecting a family member or relative of the applicant in New Zealand;
- e. "milestone" events such as anniversaries or reunions;
- f. primary or secondary school study while immigration status is being determined;
- g. undertaking seasonal work in the horticulture or viticulture industry (which is planting, maintaining, harvesting or packing crops) under Recognised Seasonal Employer policy (see WH1); and
- h. any other specific purpose other than employment (unless the employment is that which is specified in (g) above), where the circumstances justify issuing a limited purpose visa.

Effective 26/11/2007

L3.15 Who may apply for a limited purpose permit

Immigration Act 1987 s 34B

The following people may apply for a limited purpose permit:

- a. A holder of a limited purpose visa who arrives in New Zealand while that visa is current; and
- b. A person in New Zealand who is the holder of a current limited purpose permit and who needs further time to achieve the purpose for which that permit was granted.

Effective 01/10/1999

L3.20 Who may not apply for a limited purpose permit

Immigration Act 1987 ss 14E(5), 34B(3)

- a. A person may not apply for a limited purpose permit if they are:
 - i in New Zealand unlawfully; or
 - ii lawfully in New Zealand but not on a limited purpose permit.
- b. If such a person attempts to apply for a limited purpose permit:
 - i the Minister of Immigration or appropriate immigration officer is not obliged to consider their application; and
 - ii whether the application is considered or not, the Minister or immigration officer is not obliged to give reasons for any decision on it, other than that section 34B(3) applies; and
 - iii section 36 of the Immigration Act 1987 (concerning the reasons for a refusal to grant a permit to be given in writing if requested) and section 23 of the Official Information Act 1982 (concerning the right of access to reasons for decisions) do not apply to the application.

- c. A holder of a transit visa is not entitled to apply for any type of permit, and if such a person attempts to apply for a permit, their application may be refused.

Effective 01/10/1999

L3.25 Who is not eligible for a limited purpose permit

Immigration Act 1987 ss 7(1), 7(3)

The provisions of E2.20 (which relate to persons of undesirable character and persons who have breached immigration laws) apply to limited purpose entry, with any necessary modifications.

L3.25.1 Certain groups ineligible because of UN sanctions

The provisions of E2.25 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L3.30 Grant of limited purpose permit a matter of discretion

Immigration Act 1987 ss 9A, 34E(c), 35

The provisions of E3.5.10 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L3.35 Currency of limited purpose permits

Immigration Act 1987 s 34C

- a. The currency of a limited purpose permit must relate to the time required to achieve the express purpose.
- b. The period of time required to achieve an express purpose will vary according to the particular circumstances of a case. For this reason there is no prescribed maximum period for the currency of limited purpose permits.
- c. The currency of a limited purpose permit should include a short grace period within which the permit holder can leave New Zealand after they have achieved their express purpose.
- d. Every limited purpose permit must be endorsed with:
 - i the date on which it comes, or is considered to have come, into force; and
 - ii the latest date on which it will expire.

Effective 01/10/1999

L3.40 Limitations to which holders of limited purpose permits are subject

Immigration Act 1987 ss 34D, 34F

The holder of a limited purpose permit is subject to the following limitations:

- a. the holder must leave New Zealand no later than the date on which the permit expires; and
- b. the holder may not apply for a permit of a different type, whether before or after the permit expires, while in New Zealand; and
- c. the holder may not request a special direction or a permit under section 35A of the Immigration Act 1987, whether before or after the permit expires, while in New Zealand; and

- d. the holder may not, whether before or after the permit expires, appeal to:
 - i the Removal Review Authority; or
 - ii the Residence Appeal Authority; or
 - iii the Deportation Review Tribunal; or
 - iv the High Court; and
- e. the holder is immediately liable to removal if unlawfully in New Zealand after the limited purpose permit expires.

Effective 01/10/1999

L3.45 Conditions to which limited purpose permits are subject

See previous policy Effective 01/10/1999

Immigration Act 1987 ss 27, 34D(3)

Immigration Regulations 1999 regs 21, 22, 26(2)

- a. Every limited purpose permit is granted subject to the purpose for which it is granted and to any conditions:
 - i prescribed by regulations made under the Immigration Act 1987 at any time before the permit is granted (see L3.45(b), (c) and (d) below); or
 - ii imposed by special direction given at any time before, at the time when, or after the permit is granted.
- b. A holder of a limited purpose permit must not undertake employment in New Zealand or within the exclusive economic zone of New Zealand unless authorised by the terms or conditions of their limited purpose permit.
- c. The holder of a limited purpose permit may not undertake a course of study or training of any length unless authorised by the terms or conditions or purpose of their limited purpose permit.
- d. Every limited purpose permit granted for the purpose of study is subject to the conditions listed in U2.10.
- e. Every limited purpose permit granted for the purpose of working for a Recognised Seasonal Employer is subject to the conditions in WH1.15.20.

L3.45.1 Conditions of limited purpose permits may be varied

Immigration Act 1987 ss 27, 34D(3), 146(3)

The provisions of E3.5.25 apply to limited purpose entry, with any necessary modifications.

Effective 26/11/2007

L3.50 Further limited purpose permits

Immigration Act 1987 s 34C(4)

The holder of a limited purpose permit may be granted a further limited purpose permit only if they require further time to achieve the express purpose for which the original permit was granted.

Effective 01/10/1999

L3.55 Expiry of limited purpose permits

Immigration Act 1987 ss 34C, 34F

- a. Every limited purpose permit must state the date on which it will expire.
- b. An immigration officer may give, by personal service, the holder of a limited purpose permit a notice specifying an earlier expiry date for the permit, and the permit will then expire on that new expiry date, if:
 - i the express purpose for which the limited purpose permit was granted is achieved before the date on which the permit will expire; or
 - ii it becomes apparent at any time that the express purpose is no longer achievable or has been abandoned by the permit holder.
- c. The new expiry date may not be sooner than 14 days after the permit holder receives that notice.
- d. A person who is in New Zealand unlawfully after a limited purpose permit expires:
 - i may not appeal to the Removal Review Authority; and
 - ii is immediately liable for removal.

L3.55.1 Limited purpose permit expires on leaving New Zealand

Immigration Act 1987 ss 34E(f), 35A, 41

- a. A limited purpose permit expires when the holder leaves New Zealand.
- b. If a holder of a limited purpose permit leaves New Zealand, and before arriving in any other country is forced to return to New Zealand because of an emergency or other circumstances beyond the holder's control, an immigration officer must grant a limited purpose permit under section 35A to that person until a date not more than 14 days after returning.

- c. The express purpose of the permit to be granted is to enable the holder to be in New Zealand with a view to leaving New Zealand on the next available craft.

Effective 01/10/1999

L3.60 Revoking a limited purpose permit in the case of administrative error

Immigration Act 1987 ss 32, 34E(a)

The provisions of E3.5.45 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L3.65 Revoking a limited purpose permit if the holder breaches permit conditions

Immigration Act 1987 ss 33(1), 34E(a)

The provisions of E3.5.50 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L3.70 People deemed to hold a limited purpose permit

Immigration Act 1987 s4A

- a. If both parents of a child born in New Zealand on or after 1 January 2006 held limited purpose permits at the time of that child's birth, and both parents are recorded on the child's original birth certificate, the child is deemed to hold a limited purpose permit of the duration of the unexpired period of the permit of the parent whose limited purpose permit has the longest unexpired period; or
- b. If one parent of a child born in New Zealand on or after 1 January 2006 held a limited purpose permit at the time of that child's birth, and, both the parents are recorded on the child's original birth certificate, the child is deemed to hold a limited purpose permit of the duration of the unexpired period of that parent's limited purpose permit; or
- c. If one parent of a child born in New Zealand on or after 1 January 2006 held a limited purpose permit at the time of that child's birth, and that parent was recorded on the child's birth certificate, the child is deemed to hold a limited purpose permit of the duration of the unexpired period of that parent's limited purpose permit.

Effective 01/01/2006

L4 ISSUING LIMITED PURPOSE VISAS WHERE TEMPORARY VISA APPLIED FOR

IN THIS SECTION

- L4.5 Issuing limited purpose visas to temporary visa applicants.....4-1
L4.10 When limited purpose visas may not be issued to temporary visa applicants.....4-1

L4.5 Issuing limited purpose visas to temporary visa applicants

Immigration Act 1987 s 14DA

- a. If a person who is outside New Zealand applies in the prescribed manner for a temporary visa, a visa officer may issue a limited purpose visa instead of the temporary visa applied for **if and only if**:
 - i the person will not be exempt from having to hold a permit in New Zealand; and
 - ii the visa officer identifies a risk in the particular case that the person will remain in New Zealand after their permit expires; and
 - iii the visa officer considers that to manage that risk in the particular case, issuing a limited purpose visa rather than a temporary visa is:
 - necessary (i.e. the application would otherwise have to be declined); and
 - sufficient (i.e. a limited purpose visa can manage the identified risk); and
 - iv the person wishes to come to New Zealand for an express purpose (see *L3.10* (on page 3-1)).
- b. Normal verification processes must be carried out before a limited purpose visa can be considered.
- c. A limited purpose visa may be issued only to manage an identified risk that the applicant may remain in New Zealand after their permit expires. Other risks (e.g. health or character risks) may also be present in the application, but a limited purpose visa may not be issued to manage such risks.
- d. Limited purpose visas should be issued sparingly.
- e. If a visa officer intends to issue a limited purpose visa instead of the temporary visa applied for, the officer must:
 - i advise the applicant in writing of:
 - that intention; and
 - the limitations to which holders of limited purpose permits are subject (see *L3.40* (on page 3-3)); and
 - ii give the applicant reasonable opportunity to comment on that intention.
- f. If the applicant does not wish to be issued a limited purpose visa, the visa officer will determine the application on the available information.

Effective 01/10/1999

L4.10 When limited purpose visas may not be issued to temporary visa applicants

If a person who is outside New Zealand applies in the prescribed manner for a temporary visa, a visa officer may not issue a limited purpose visa instead of the temporary visa applied for if:

- a. the application for a temporary visa can be approved under normal temporary entry policy; or
- b. issuing a limited purpose visa cannot manage the risk that the applicant may remain in New Zealand after their permit expires; or
- c. there is no express purpose associated with the applicant's proposed visit to New Zealand.

Effective 01/10/1999

L5 DIRECT APPLICATIONS FOR A LIMITED PURPOSE VISA OR PERMIT

IN THIS SECTION

L5.1 Who may be included in a direct application for a...	5-1
L5.5 Partners and dependent children of...	5-3
L5.10 Who may not be included in a direct application for a limited purpose visa or permit	5-4
L5.15 Where to lodge a direct application	5-4
L5.20 Processing of direct applications for a limited purpose visa or permit	5-4
L5.25 Date a direct application for a limited purpose visa or permit is lodged	5-4
L5.30 Date a direct application is made	5-4
L5.35 Receipt of direct applications	5-4
L5.40 How a direct application must be lodged	5-4
L5.45 Requirements for lodging a direct application for a limited purpose visa	5-5
L5.50 Requirements for lodging a direct application for a limited purpose permit at a customs place	5-6
L5.55 Requirements for lodging a direct application for...	5-6
L5.60 Sponsorship	5-7
L5.65 Applications not lodged in the prescribed manner	5-7
L5.70 Payment of the fee	5-7
L5.75 How supporting documents must be submitted	5-7
L5.80 Obligation to advise of all relevant facts, including changed circumstances	5-7

L5.1 Who may be included in a direct application for a...

L5.1 Who may be included in a direct application for a limited purpose visa or permit

See previous policies:
L5.1 Effective 29/09/2003
L5.1 Effective 01/10/1999

- a. Each principal applicant must complete a separate application form.
- b. The partner of a principal applicant, and dependent children aged 19 or younger, may be included in an application for a further limited purpose permit and, if intending to travel together, in applications for limited purpose visas if:
 - i their express purpose is the same as, or is dependent upon, the principal applicant's express purpose; and
 - ii the principal applicant's express purpose is other than study or work.
- c. For the purpose of inclusion in an application, a partner is a person who meets the definition of partner in E4.1.10. Partners who do not meet this definition must apply for visas or permits in their own right.
- d. Every person applying for a limited purpose visa or permit for the purpose of study must complete a separate application form. Partners and dependent children of such persons must complete a separate application form for a limited purpose visa or permit appropriate

to their needs (see L5.5 (on page 5-3)). Their express purpose will be to accompany the principal applicant while the principal applicant's express purpose is being achieved.

Example: a dependent child intending to attend school in New Zealand must apply for a limited purpose permit with a condition that allows study.

- e. For the purpose of lodging an application, 'children of the principal applicant' means biological or adopted children of the principal applicant and/or the principal applicant's partner (if the partner is included in the application).

L5.1.1 Definition of 'principal applicant'

- a. For limited purpose visa or permit applications the principal applicant is identified as follows:
- i the principal applicant is the person who is declared to be the principal applicant on that application; or
 - ii for applications for a limited purpose visa or permit to be granted for the purpose of study, the principal applicant is the person whose express purpose is study; or
 - iii if the express purpose of one or more persons in an application is to accompany another person also in the application, the principal applicant must be that other person; or
 - iv if two or more persons in an application share the same express purpose and that express purpose does not depend on the express purpose of any other person also in the application, the principal applicant may be any one of those two or more persons.

Example: a husband and wife, both doctors, wish to attend a medical conference in New Zealand. Their dependent child is to accompany them. Either the husband or the wife may be the principal applicant.

- b. When the application is assessed, all persons included in the application will be assessed against the policy criteria for limited purpose entry.

L5.1.5 Definition of 'dependent child'

Immigration Regulations 1999 reg 20

The definition of 'dependent child' in E4.1.5 applies to limited purpose entry, with any necessary modifications.

L5.1.10 Definition of 'partner'

The definition of 'partner' in E4.1.10 applies to limited purpose entry, with any necessary modifications.

Effective 26/11/2007

L5.5 Partners and dependent children of...

L5.5 Partners and dependent children of holders of limited purpose visas or permits

See previous policies:
L5.5 Effective 29/09/2003
L5.5 Effective 01/10/1999

- a. Partners of holders of limited purpose visas or permits issued or granted for the purpose of study may be issued with limited purpose visas or granted limited purpose permits, the express purpose being to accompany the visa or permit holder, for the currency of the partner's visa or permit.
- b. To be eligible for a limited purpose visa or permit such partners must satisfy a visa or immigration officer that:
 - they are living together in a genuine and stable partnership with the principal applicant partner relied on for that purpose, and
 - the partnership meets the minimum requirements for the recognition of partnerships set out at F2.15.
- c. For the purposes of this policy a partnership meets the minimum requirements for recognition of partnerships if a visa or immigration officer is satisfied:
 - i the couple were both aged 18 years or older at the time the application for a limited purpose visa or permit was made, or if aged between 16 years or 18 years old have their parent(s), guardian(s), support for the application being lodged, and
 - ii the couple have met prior to the application being made, and
 - iii they are not close relatives (see F2.15(c)).
- d. Dependent children of holders of limited purpose visas or permits issued or granted for the purpose of study may be issued with limited purpose visas or granted limited purpose permits, the express purpose being to accompany the visa or permit holder, for the currency of the parent's visa or permit. However, any dependent child whose eligibility for a limited purpose visa or permit is reliant solely on being the dependent child of a non principal applicant partner included in an application (i.e. they are not a dependent child of the principal applicant), may only be issued with a limited purpose visa or granted a limited purpose permit if their parent partner is issued with a limited purpose visa or granted a limited purpose permit.
- e. Despite (d) above, partners and dependent children of holders of Recognised Seasonal Employer (RSE) limited purpose visas or permits must not be issued with limited purpose visas or granted limited purpose permits for the purpose of accompanying the holder of the RSE limited purpose visas or permits.

L5.5.1 Definition of 'genuine and stable partnership'

The definition of 'genuine and stable partnership' in E4.5.1 applies to limited purpose entry, with any necessary modifications.

L5.5.5 Evidential requirements

The provisions of E4.5.5 apply to limited purpose entry, with any necessary modifications.

Effective 26/11/2007

L5.10 Who may not be included in a direct application for a limited purpose visa or permit

Immigration Regulations 1999 reg 20

The provisions of E4.10 (relating to family members) apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.15 Where to lodge a direct application

The provisions of E4.15 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.20 Processing of direct applications for a limited purpose visa or permit

- a. Applications for limited purpose entry are processed by NZIS offices and certain MFAT posts.
- b. Applications for limited purpose entry are not processed by British offices undertaking work on behalf of the NZIS.
- c. The NZIS may determine at which office an application is processed. This means that an application may be processed at an office other than the office where it is lodged.

Effective 01/10/1999

L5.25 Date a direct application for a limited purpose visa or permit is lodged

The provisions of E4.25 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.30 Date a direct application is made

Immigration Act 1987 s 14DA(1)

The provisions of E4.30 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.35 Receipt of direct applications

The provisions of E4.35 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.40 How a direct application must be lodged

Immigration Regulations 1999 regs 3, 7, 14, 15

- a. Applications must be lodged in the prescribed manner.
- b. The prescribed manner is the manner that meets the mandatory requirements laid down for applications for limited purpose visas or permits in regulations 7, 14 and 15 of the Immigration Regulations 1999 depending on the nature of the express purpose.

- c. Applications that are not lodged in the prescribed manner must not be accepted for processing (see *L5.65* (on page 5-7)).

Effective 01/10/1999

L5.45 Requirements for lodging a direct application for a limited purpose visa

See previous policy L5.45 Effective 01/10/1999

L5.45.1 Mandatory requirements

Immigration Act 1987 s 14DA(1)
Immigration Regulations 1999 reg 7

For the purposes of limited purpose visa policy, mandatory requirements mean that applications must be made on the relevant application form, which must be completed in full and submitted to a visa 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. evidence or information about the nature, duration, and timing of the express purpose for which the applicant seeks to be in New Zealand; and
- f. 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
- g. any other information, evidence and submissions the applicant considers show that they should be issued with a limited purpose visa.

L5.45.5 Additional requirements

Immigration Act 1987 s 14DA(1)
Immigration Regulations 1999 reg 7

Before determining the application, the visa 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 any medical examination that the officer may require; or
- d. to appear for an interview.

L5.45.10 Applicant to specify address for service

Immigration Act 1987 ss 34E(d), 37(2)

The provisions of E4.55.10 apply to limited purpose entry, with any necessary modifications.

Effective 28/06/2004

L5.50 Requirements for lodging a direct application for a limited purpose permit at a customs place

*Immigration Act 1987 ss 34B(1)(a), 126
Immigration Regulations 1999 reg 14*

The provisions of E4.50 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.55 Requirements for lodging a direct application for...

L5.55 Requirements for lodging a direct application for a further limited purpose permit if express purpose has not been achieved

See previous policies:
L5.55 Effective 28/06/2004
L5.55 Effective 01/10/1999

L5.55.1 Mandatory requirements

*Immigration Act 1987 s 34B(1)(b)
Immigration Regulations 1999 reg 15*

For the purposes of limited purpose permit policy, mandatory requirements mean that applications by a person who is already in New Zealand must be made on the application form *Application For Visiting New Zealand*, or *Application For Study In New Zealand*, or *Application to Work in New Zealand for a Recognised Seasonal Employer* (depending on the nature of the express purpose), which must be completed in full and submitted to an immigration officer at an NZIS office in New Zealand, together with:

- a. the applicant's valid passport or travel document; or if this is unavailable, evidence of the applicant's current permit; and
- b. the appropriate fee (if any); and
- c. evidence of funds for maintenance in New Zealand or evidence of sponsorship; and
- d. travel tickets or evidence of onward travel arrangements; and
- e. evidence or information of the nature, duration, and timing of the express purpose for which the original permit was granted, and of why that purpose has not been achieved in the time allowed; and
- f. 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
- g. any other information, evidence and submissions the applicant considers show that further time is required, and its duration, to achieve the express purpose for which the limited purpose permit was originally granted.

L5.55.5 Additional requirements

Immigration Act 1987 s 34B(1)(b)
Immigration Regulations 1999 reg 15

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

- a. to produce any other photographs, documents and information the officer thinks necessary; or
- b. in the case of an application for a limited purpose permit for the purpose of study, to undergo any medical examination that the officer may require; or
- c. to appear for an interview.

Effective 26/11/2007

L5.60 Sponsorship

Immigration Act 1987 s 28
Immigration Regulations 1999 regs 7, 14, 15

The provisions of E4.60 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.65 Applications not lodged in the prescribed manner

The provisions of E4.75 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.70 Payment of the fee

Immigration Act 1987 s 150(b), Immigration Regulations 1999 reg 42, Schedule 3

The provisions of E4.80 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.75 How supporting documents must be submitted

The provisions of E4.85 apply to limited purpose entry, with any necessary modifications.

L5.75.1 Translations

The provisions of E4.85.1 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L5.80 Obligation to advise of all relevant facts, including changed circumstances

Immigration Act 1987 s 34G

The provisions of E4.95 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L6 POLICY REQUIREMENTS WHERE DIRECT APPLICATION FOR LIMITED PURPOSE VISA OR PERMIT

IN THIS SECTION

L6.1 Requirements for limited purpose visas where directly applied for.....	6-1
L6.5 Requirement to be a 'bona fide applicant' intending...	6-1
L6.10 Health and character requirements.....	6-1

L6.1 Requirements for limited purpose visas where directly applied for

Immigration Act 1987 s 14DA

If a person who is outside New Zealand applies in the prescribed manner for a limited purpose visa, a visa officer may issue a limited purpose visa if the person:

- a. genuinely wishes to come to New Zealand for an express purpose (see *L3.10* (on page 3-1)); and
- b. will not be exempt from having to hold a permit in New Zealand.

Effective 01/10/1999

L6.5 Requirement to be a 'bona fide applicant' intending...

L6.5 Requirement to be a 'bona fide applicant' intending a temporary stay in New Zealand for an express purpose

- a. A person who applies **directly** for a limited purpose visa is a bona fide applicant if:
 - i they genuinely intend a temporary stay in New Zealand for an express purpose (see *L3.10* (on page 3-1)); and
 - ii their express purpose is a lawful purpose; and
 - iii in the opinion of a visa officer they are not likely to:
 - remain in New Zealand unlawfully; or
 - breach the conditions of any permit granted.
- b. The provisions of E5.5 and E5.10 apply to direct applications for limited purpose visas or permits, with any necessary modifications.

Effective 01/10/1999

L6.10 Health and character requirements

The provisions of the health and character requirements in E6 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L7 DETERMINING DIRECT APPLICATIONS FOR LIMITED PURPOSE VISAS OR PERMITS

IN THIS SECTION

L7.1 Processing a direct application for a limited purpose visa or permit	7-1
L7.5 Verification	7-1
L7.10 Considering a direct application for a limited purpose visa or permit	7-1
L7.15 Potentially prejudicial information.....	7-2
L7.20 Reclaiming airfares and expenses.....	7-2
L7.25 Approving a direct application for a limited purpose visa or permit	7-2
L7.30 Declining a direct application for a limited purpose visa or permit	7-2

L7.1 Processing a direct application for a limited purpose visa or permit

- a. Visa and immigration officers must be satisfied that applicants for limited purpose visas and permits have met the health and character requirements for limited purpose entry (see *L6* (on page 6-1)) and are bona fide applicants (see *L5* (on page 5-1)).
- b. Applicants may be required to present further documents or attend an interview.

L7.1.1 Checking for information from previous applications

Visa and immigration officers should check previous applications for relevant information, and if necessary contact the branches or offices that processed the previous applications, especially if applicants are applying outside their home country.

Effective 01/10/1999

L7.5 Verification

Visa or immigration officers have a general obligation to take such steps as are necessary or appropriate to verify (see *Z2.5*) any documentation or information relevant to any decision under immigration limited purpose entry policy, whether or not a particular provision enables or obliges them to do so.

L7.5.1 Verification of identity

If there is reason to doubt the claimed identity of an applicant or the authenticity of identity document(s), visa and immigration officers must seek further information to verify identity and authenticity of the documents provided.

Effective 01/10/1999

L7.10 Considering a direct application for a limited purpose visa or permit

- a. Visa or immigration officers must first determine applications for limited purpose visas or permits in terms of:
 - i the requirements of the Immigration Act 1987; and
 - ii limited purpose entry policy applying at the time the application is made.

- b. If an application fails to meet policy, officers must then consider all the circumstances of the application to see if an exception to policy is justified, taking into account the objectives of limited purpose entry policy and the situation and purpose of the applicant.
- c. If applicants do not respond within the specified time to a request from a visa or immigration officer for further information, evidence or documents, or an interview, the application will be assessed on the relevant information then available to the NZIS.

Effective 01/10/1999

L7.15 Potentially prejudicial information

The provisions of E7.15 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L7.20 Reclaiming airfares and expenses

The provisions of E7.20 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L7.25 Approving a direct application for a limited purpose visa or permit

A direct application for a limited purpose visa or permit must be approved if the visa or immigration officer is satisfied that:

- a. the applicant has provided the evidence required by the policy, and any additional evidence requested by the visa or immigration officer; and
- b. the applicant meets the relevant limited purpose entry policy criteria as well as the requirements of the bona fide applicant, health and character policies.

Effective 01/10/1999

L7.30 Declining a direct application for a limited purpose visa or permit

See previous policy: L7.30 Effective 01/10/1999

- a. If a visa or immigration officer is not satisfied that a person who applies directly for a limited purpose visa or permit has met all the policy requirements for a limited purpose visa or permit, and that an exception to policy is not justified, the officer must decline the application.
- b. The visa or immigration officer must give written reasons for declining to the applicant or their agent.

L7.30.1 Reconsidering a decline of a direct application for a limited purpose visa or permit

- a. A person whose application for a further limited purpose permit has been declined does not have a right to have the decision to decline reconsidered.
- b. While not legally obliged to reconsider declined applications for a limited purpose visa or further permit, visa or immigration officers may do so if new and compelling information is promptly provided, except when the application is linked to an unlicensed immigration adviser (see E4.47).

- c. Applications for reconsideration should be considered against the limited purpose entry policy applying to the original application, as well as against an 'exception to policy' consideration (see *L7.10* (on page 7-1)(b)).

Effective 04/05/2009

L8 SPECIAL CASES

IN THIS SECTION

L8.1 Limited purpose permits only for some refugee status claimants or refugees.....	8-1
L8.5 Application for limited purpose permit by unmarried person under 17 years of age.....	8-2
L8.10 Children of school age in New Zealand unlawfully (to 12/09/07)	8-2

L8.1 Limited purpose permits only for some refugee status claimants or refugees

See previous policy L8.1 Effective 01/10/1999

Immigration Act 1987 s 35(1A)

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.

L8.1.1 General requirements

Immigration Act 1987 ss 34D(2), 35(1)

- a. A refugee status claimant or refugee who holds an limited purpose permit may submit an application for a further limited purpose permit at any NZIS office in New Zealand.
- b. Applications must be made on the application form *Application For Visiting New Zealand or Application For Study in New Zealand* (depending on the nature of the express purpose), and submitted together with the applicant's travel document (if available) and a passport-sized photograph.
- c. Such applicants do not have to pay a fee.
- d. The applicant must ensure that they submit each application before any current limited purpose permit expires (see *L3.15* (on page 3-2)).
- e. The following refugee status claimants or refugees who require further time in order to achieve the express purpose for which they were issued an limited purpose visa should normally be granted an appropriate temporary permit rather than a further limited purpose permit:
 - i claimants who need more time to have their claim determined;
 - ii refugees who have yet to be granted a residence permit.
- f. Refugee status claimants or refugees whose express purpose has been achieved or abandoned or is no longer achievable may not be granted a further limited purpose permit because no further time is required in order to achieve the express purpose. However such applicants should be advised that although as the holder of a limited purpose permit they have no right to apply for a further permit, they may nevertheless be eligible for the grant of a permit under section 35A after their limited purpose permit expires, at the discretion of the NZIS.

L8.1.5 Conditions of limited purpose permits granted to refugee status claimants

In addition to any of the conditions listed in *L3.45* (on page 3-4), each time a limited purpose permit is granted to a refugee status claimant, they must be advised in writing that their permit is subject to the following conditions:

- a. that at all times they keep the NZIS informed of any change of residential address; and
- b. that their limited purpose permit may be revoked if:
 - i. their claim for refugee status is declined and they fail to appeal, or have appealed unsuccessfully, to the Refugee Status Appeals Authority; or
 - ii. they withdraw their claim; or
 - iii. they fail to attend a scheduled interview; or
 - iv. they fail to comply with L8.1.5(a) above.

L8.1.10 Granting limited purpose permits to refugee status claimants at the border

- a. If the holder of a limited purpose visa claims refugee status at the border, the holder, unless subject to section 7 of the Immigration Act 1987 (see A5.35), should be granted a limited purpose permit for the period required to achieve the express purpose for which they were originally issued the limited purpose visa.
- b. If the claimant does not confirm their claim in the prescribed manner (see C3.20) at the border, they should be told that an application for a further limited purpose permit will only be considered after they have confirmed their claim in the prescribed manner.

L8.1.15 Situation of refugee status claimants in New Zealand unlawfully

Immigration Act 1987 s 34D(2)(b)

Refugee status claimants who hold an expired limited purpose permit may not request a further permit under section 35A of the Immigration Act 1987 (see L3.40 (on page 3-3)). However such people should be advised that although as the holder of an expired limited purpose permit they have no right to apply for a further permit, they may nevertheless be eligible for the grant of a permit under section 35A, at the discretion of the NZIS.

Effective 01/07/2001

L8.5 Application for limited purpose permit by unmarried person under 17 years of age

Immigration Act 1987 s 35(2)

The provisions of E8.3 apply to limited purpose entry, with any necessary modifications.

Effective 01/10/1999

L8.10 Children of school age in New Zealand unlawfully (to 12/09/07)

Note: This policy ceased to be effective from 12 September 2007.
