

24 August 2026

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2026-23
AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to operational instructions in the Operational Manual.

All immigration officers should read the amendments and operate in accordance with the amended instructions from the effective date.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz

Description of changes

A16.1 General Instructions for the order of processing visa applications

Changes have been made to general instructions to provide guidance on the order of processing applications within the Skilled Residence group and to remove prioritisation within the Skilled Residence Group where applicants have an hourly rate equivalent to or higher than three times the median wage.

A16.2 Operational instructions: treatment of persons claiming refugee or protected person status on arrival at the border

These provisions have been amended to remove guidance to immigration officers regarding discretionary decisions on restricting the freedom of movement of individuals claiming refugee or protected person status, and to replace this text with reference to such decisions being made by the *Decision-making Panel: Freedom of Movement of Asylum Claimants*. Guidance is now included to recommending restrictions to the Panel, taking into account the UNHCR 2012 Detention Guidelines.

Y8.1 Claims for refugee or protection status at port of entry

Y8.1 has been amended to clarify that claimants for refugee or protected person status cannot be turned around at the border. Y8.5 has been removed in its entirety and replaced by reference in Y8.1 to information held at A16.2 on the role of the *Decision-making Panel: Freedom of Movement of Asylum Claimants*.

Appendix 1: Amendments to general instructions effective on and after 24 August 2026

A16.1 General Instructions for the order of processing visa applications

For the avoidance of doubt, general instructions are to be read alongside and subject to any immigration instructions specifically addressing order or manner of processing visa applications.

For the purposes of this general instruction, residence class visa applications are categorised in groups. Groups consist of either application types within a particular overarching policy, a category with different but associated visa policies, or specific applications that are grouped together in the Immigration New Zealand Operational Manual. Current groupings are found at [A16.5](#).

Under section 26(4) of the Immigration Act 2009 and acting under delegated authority from the Chief Executive of the Ministry of the Business, Innovation, and Employment, I give the following general instructions as to the order and manner of processing of visa applications, effective from: **24 August 2026**.

Residence applications

- a. Applications of the same group should generally be processed in lodgement date order unless specified below.
- b. Despite (a) above, applications in the following residence class categories may be grouped by like characteristics, and those groups prioritised for processing at the discretion of the designated and authorised immigration officer in the role of Deputy Chief Operating Officer, Director Visa, Operations Director (Central/Southern), or Operations Director (Northern/Pacific).
 - i. Within the Business Residence group, Active Investor Plus category
 - ii. Within the Family Residence Group, Parent Retirement category
- c. When the order of processing for residence class categories at (b) is determined by like characteristic groups, the Deputy Chief Operating Officer, Director Visa, Operations Director (Central/Southern), or Operations Director (Northern/Pacific) must:
 - i. Inform the Deputy Secretary, Immigration of the grouping; and
 - ii. Ensure the publication of details and rationale for the grouping on the INZ website.

Note: Examples of like characteristics for grouping may include, but are not limited to, applications that have been submitted with all mandatory documentation and adhered to the acceptable investment information guide published on the INZ website, or Active Investor Plus applications changing investment category between Growth or Balanced.

- d. Within the Skilled Residence group, applications will be prioritised where:
 - i. applicants are employed or have been offered employment in an occupation listed in Tier 1 of the Green List; or
 - ii. for the Skilled Migrant Category **(Points-based pathway)**, applicants qualify for six points without work experience.
- e. Within the Family Residence group, Partnership and Dependent Child Family applications will be prioritised.
- f. Within the Parent Resident Visa category of the Family Residence group, visa applications are split into two cohorts. Cohort one comprises applications from people invited to apply for a visa who had an expression of interest selected from the Queued Pool. Cohort two comprises applications from people invited to apply for a visa who had an expression of interest selected from the Ballot Pool. Each cohort will generally be processed in application lodgement date order to meet the annual limit specified in immigration instructions.
- g. Within the Refugee (and other special visas) Residence group, applications for the following permanent resident visas will be prioritised:
 - i. Refugee and Protection Category
 - ii. Refugee Quota Family Reunification Category
 - iii. Community Organisation Refugee Sponsorship Category Pilot

Temporary entry applications

- h. Applications should generally be processed in lodgement date order unless specified below.
- i. Job Check applications and Accredited Employer Work Visa (AEWV) applications will be prioritised where the application is based on a job offer or employment in an occupation listed on the Green List (Appendix 13).

- j. Unless (i) above applies, applications in the following temporary entry categories may be grouped by like characteristics, and those groups prioritised for processing at the discretion of the designated and authorised immigration officer in the role of Deputy Chief Operating Officer, Director Visa, Operations Director (Central/Southern), or Operations Director (Northern/Pacific).
- k. AEWV (Employer accreditation, Job Check and Accredited Employer Work Visa)
 - i. Partner of an AEWV holder
 - ii. Dependent of an AEWV holder
 - iii. International student visa categories:
 - English language studies
 - Exchange student
 - Full-fee paying
 - Pathway
 - Scholarship holder
 - iv. Partner of a student visa holder
 - v. Dependent child of a work visa holder (who is a partner of a student visa holder)
 - vi. Dependent child of a student visa holder
 - vii. Guardian of a student visa holder
- l. When the order of processing for temporary entry categories at (j) is determined by like characteristic groups, the Deputy Chief Operating Officer, Director Visa, Operations Director (Central/Southern), or (Northern/Pacific) must:
 - i. Inform the Deputy Secretary, Immigration of the grouping; and
 - ii. Ensure the publication of details and rationale for the grouping on the INZ website.

Note: Examples of like characteristics may include but are not limited to sector, employer, occupation, course of study, education provider, or applications where all the information required to make a decision is or is not present.

Applications generally

- m. Where INZ accepts applications through both the Enhanced Immigration Online system (known within INZ as ADEPT) and other submission channels, applications will be processed separately by submission channel. Applications submitted through the Enhanced Immigration Online system will be processed in lodgement date order relative to other Enhanced Immigration Online applications, while applications submitted through any other channels will be processed in lodgement date order relative to applications submitted through other channels. Exceptions to date order processing set out in other provisions within this instruction apply regardless of submission channel.

Note: The initial stage of processing applications submitted through Enhanced Immigration Online is "gathering information", during which activities take place to collect the information required for an immigration officer to undertake their assessment.

- n. These instructions do not prevent immigration officers according urgency to the processing of any particular visa application when the individual circumstances so warrant that.

Note: Processing timeliness of applications generally, as well as those particular applications assigned priority over others in their group, will vary based on factors including resourcing, availability of relevantly trained immigration officers, system capacity, volumes, typical complexity of the application and can change depending on circumstances.

The prioritisation for allocation set out above does not affect the date the application is made. An application is made on the date the application is submitted in accordance with the applicable immigration regulations.

On 24 August 2026, the previous General Instructions dated 29 May 2026 as to the order of processing of visa applications made under section 26(4) of the Immigration Act 2009 are revoked.

Jeannie Melville
Acting Chief Operating Officer
Immigration New Zealand

Signed 19 August 2026

Appendix 2: Amendments to operational instructions effective on and after 4 August 2026

A16.2 Operational instruction: treatment of persons claiming refugee or protected person status on arrival at the border

Note: The operational instructions contained in this section of the Operational Manual do not constitute immigration instructions as described in section 22 of the Immigration Act 2009.

A16.2.1 Introduction

This Operational Instruction provides guidance to immigration officers concerning the treatment of **individuals** claiming refugee or protection status on arrival at the border.

The overriding principle behind the Operational Instruction is that, if freedom of movement of persons claiming refugee or protection status at the border is to be restricted at all, then it should be restricted to the least degree and for the shortest duration possible.

A16.2.5 Background

- a. Where a person arrives in New Zealand from another country and claims refugee status under the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention), or protection status under the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) or the 1966 International Covenant on Civil and Political Rights (ICCPR), care must be exercised in determining the appropriate immigration response. This is especially important where the response involves possible restrictions on their freedom of movement. Commitment to a system of asylum, as being a Party to the Refugee Convention, CAT and ICCPR entails, requires all persons claiming asylum to be treated carefully and with sensitivity at all stages of the process.

A16.2.10 When an individual claims asylum at the border

- a. New Zealand has a general obligation to admit people who make a claim for refugee or protection status on arrival in New Zealand. In essence, this means that generally claimants at the border should be granted a visa and entry permission.
- b. In making an entry permission decision (see Y3.5), officers should consider that such people may be tired, disoriented, distressed, and incapable of communicating in English, either orally or in writing.

A16.2.15 Decisions to restrict freedom of movement

- a. Decisions whether to restrict the freedom of movement of asylum claimants are made by the *Decision-making Panel: Freedom of Movement of Asylum Claimants* (the Panel) (see A16.2.25 below). If a decision has been made to refuse to grant entry permission an officer may recommend to the Panel that the person's freedom of movement should be restricted by:
 - i. release into the community on residence and reporting requirements under section 315 of the Immigration Act 2009 without the grant of a visa and without initially detaining the person under section 313 of the Immigration Act 2009; or
 - ii. initial detention under section 313 of the Immigration Act 2009 for the purpose of release into the community on conditions under section 320 Immigration Act 2009; or
 - iii. initial detention under section 313 of the Immigration Act 2009 for the purpose of obtaining a warrant for further detention in an approved premises under section 317 of the Immigration Act 2009; or
 - iv. initial detention under section 313 of the Immigration Act 2009 for the purpose of obtaining a warrant for further detention in a penal institution under section 317 of the Immigration Act 2009.
- b. A decision must be made by the Panel, before immigration officers proceed with such restrictions.
- c. No claimants should be detained in police custody unless at the direction of the Panel; however, where risks to the safety of INZ staff or the claimant are identified, police should be contacted as a matter of course.

A16.2.20 Considerations when recommending restrictions on freedom of movement

- a. When recommending restrictions on freedom of movement to the Panel, the overriding principle to be applied is that, if freedom of movement of individuals claiming refugee or protection status at the border is to be restricted at all, then it should be restricted to the least degree and for the shortest duration possible. Particular care must be given in any decision involving women (particularly pregnant women and adolescent girls), children and members of other vulnerable groups (see A16.2.20.1 below).
- b. In making a recommendation to the Panel, officers must take into account the individual circumstances of the claimant and factors relevant to the arrival. This may include the extent to which the claimant is able to provide

accurate and reliable information about their identity, and the extent to which there are identified risks to national security and public order.

- c. As per the UNHCR 2012 Detention Guidelines, and international law, there are three purposes for which restrictions may be necessary in any individual case:
 - i. to protect public order; and
 - ii. to protect public health (this is a matter for New Zealand's health authorities rather than Immigration New Zealand); and
 - iii. to protect national security.
- d. The protecting public order ground has a number of "sub-purposes" including:
 - i. to prevent absconding and/or in cases of likelihood of non-cooperation;
 - ii. for initial identity and/or security verification (for minimal periods only and only for as long as reasonable efforts are being made to establish identity or to carry out security checks).
- e. It should be noted that the absence of valid travel documents is just one factor which may be taken into consideration when making a decision whether or not to recommend restrictions on freedom of movement. There is no predetermined view that a claimant without valid travel documents, or whose documents have been destroyed, should be treated as high risk, as it is recognised that individuals with legitimate claims to refugee or protection status may have to resort to such measures to escape a well-founded fear of persecution, torture, cruel treatment or arbitrary deprivation of life.

A16.2.20.1 Children and young persons under 18 years of age

- a. In cases where a child or young person under 18 years of age who has (or, if accompanied, whose parent/s have) claimed refugee or protection status and any restriction on freedom of movement is being considered, the additional principles set out below apply. These principles are in accordance with the UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum (February 1997) the 2008 UNHCR Guidelines on Determining the Best Interests of the Child, Guidelines on International Protection No 8 and the United Nations Convention on the Rights of the Child:
 - i. The best interests and welfare of a child or young person shall be the primary consideration;
 - ii. A child or young person is entitled to such measures of protection as are required given their status as a minor;
 - iii. A child or young person is entitled to receive appropriate protection and humanitarian assistance in pursuing their claim to refugee or protection status;
 - iv. A child or young person is not to be separated from their parent(s) against their will, except where such separation is necessary for the best interests and welfare of the child or young person;
 - v. In the case of a child or young person under 18, there must be a responsible adult to represent their interests, in accordance with, and as defined in, section 375 of the Immigration Act 2009, before any decision regarding restrictions on that child or young person's freedom of movement is made;
 - vi. A child or young person is entitled to express their views regarding any proposed restriction on their freedom of movement, either personally or through a responsible adult. Due weight is to be given to those views having regard to the age and level of maturity and understanding of that child or young person;
 - vii. The detention of a child or young person is only to be used as a measure of last resort and for the shortest appropriate period of time; and
 - viii. A child or young person should not be detained with adults unless it is considered in that child's or young person's best interests and welfare to do so (for example if this is the only way to preserve family unity). It is recognised, however, that due to the number of suitable facilities, in some cases detention with adults will be unavoidable.
- b. On the basis of these principles, as a general rule, unaccompanied children and children and young persons under 18 years of age should not be detained, and it would only be in extenuating circumstances that their detention in a penal institution could be justified as necessary. Any restriction on the freedom of movement of an unaccompanied child or young person under 18 years of age should only occur after the Ministry for Children, Oranga Tamariki has been involved, either in the role of responsible adult, or otherwise.
- c. As a minimum, any restriction on the freedom of movement of an accompanied or unaccompanied child (all young persons under 18 years of age) should be notified to the Ministry for Children, Oranga Tamariki as soon as practicable.

A16.2.25 Decision-making by the Decision-making Panel: Freedom of Movement of Asylum Claimants (the Panel)

- a. The Panel makes decisions having regard to the United Nations High Commissioner for Refugees (UNHCR) 2012 Detention Guidelines and the New Zealand Bill of Rights Act 1990. The Panel may, however, also consider issues of public safety where these are material to determining the suitability of any recommendations.
- b. Panel decisions initially, and upon review, include whether an asylum claimant:
 - o is to be subject to no restrictions and referred to the section 61 team for consideration as to whether to grant a visa under section 61 of the Immigration Act 2009 (the Act) (and/ or entry permission); or
 - o is to be subject to no restrictions, and released into the community without a visa (meaning the claimant remains unlawfully in New Zealand); or
 - o is to have their liability for deportation cancelled; or
 - o is provided with the opportunity to enter into a Residence and Reporting Requirements Agreement (RRRA); or
 - o is subject to an application to the district court for a Warrant of Commitment (WOC). This includes situations in which an individual makes a claim for asylum once they have been served with a Deportation Liability Notice or a Deportation Order and have already been arrested and detained for the purposes of deportation or turnaround under Part 9 of the Immigration Act 2009; or
 - o if detained under a WOC, is subject to an application to Release on Conditions (ROC); or
 - o if subject to a ROC, is also subject to an application to the district court to vary or cancel those conditions; or
 - o is arrested and detained by police under section 313 of the Immigration Act 2009 (if otherwise liable for arrest and detention); or
 - o is granted a visa and/or entry permission and/or has their liability for deportation cancelled.
- c. Panel members are immigration officers and authorised to make decisions under the following sections of the Immigration Act 2009:
 - o Section 61 (to grant a visa of any type to a person unlawfully in New Zealand)
 - o Sections 172 and 177 (Cancellation or suspension of deportation liability)
 - o Section 313 (Initial detention)
 - o Section 315 (Residence and reporting requirements)
 - o Section 316 (Warrant of Commitment)
 - o Section 320 (3)(b) (Variation of conditions)
 - o Section 324 (Review of WOC and ROC).

A16.2.25.1 Regular review of restrictions on freedom of movement

- a. Where a decision is made by the Panel to restrict the freedom of movement of a claimant, those restrictions will be reviewed on a two-weekly basis (or earlier where relevant new information becomes available prior to the regular review) to ensure that the reasons for such restrictions still apply.

Appendix 3: Amendments to operational instructions effective on and after 4 August 2026

Y8.1 Claims for refugee or protection status at port of entry

See also Immigration Act 2009 ss 125, 133

- a. Under the guidelines set down by the United Nations High Commissioner for Refugees (UNHCR) and the obligations set out in the Immigration Act 2009 with reference to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Civil and Political Rights (ICCPR), New Zealand has a general obligation to admit people who make a claim for refugee or protection status on arrival in New Zealand.
- b. An indication of intent is all that is required to initiate the processing of a refugee or protection claim.
- c. Immigration officers should give due consideration to people who wish to claim refugee or protection status, because they may be tired, disoriented, distressed, and incapable of communicating in English, either orally or in writing.
- d. People may express an intention to seek refugee or protection status in a variety of ways, to a representative of the Ministry of Business, Innovation and Employment or a constable including, but not limited to, statements of the following kind:
 - i. they have been persecuted; or
 - ii. they are in fear of being persecuted; or
 - iii. they have been imprisoned for political reasons; or
 - iv. they are afraid of being imprisoned in their home country; or
 - v. they want to 'see the United Nations' (ie the United Nations High Commissioner for Refugees ('UNHCR')); or
 - vi. they want to know if there is a United Nations office in New Zealand; or
 - vii. they are 'stateless' or 'homeless' persons; or
 - viii. they want to see a lawyer; or
 - ix. they are afraid to return to their home country; or
 - x. they are in danger of being subjected to cruel, inhuman or degrading treatment if they are returned home; or
 - xi. they will be in danger of being arbitrarily killed; or
 - xii. they simply "do not want to return".
- e. No person who is a refugee or protection status claimant may be **turned around at the border** or deported from New Zealand until their refugee or protection status has been finally determined.
- f. Assessment against the general instructions at **Y3.5** will indicate where a person is not someone to whom a visa should be granted.
- g. Other than where (f) above applies, claimants may be granted temporary visas as outlined at [E8.10](#).
- h. **If a decision has been made to refuse to grant entry permission, an officer may recommend to the Decision-making Panel: Freedom of Movement of Asylum Claimants (the Panel), that the claimant's freedom of movement should be restricted, as per the Operational instruction at A16.2.**