

9 December 2016

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2016/11

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments in Appendix 1 and operate in accordance with the amended instructions on and after 9 December 2016.

Note

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

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

Changes to immigration instructions effective on and after 9 December 2016

NZQA Statutory Intervention processes

U16 Students affected by New Zealand Qualifications Authority Compliance notification

U16.1 Application and evidence

U16.5 Currency and conditions

A new provision has been added to student visa instructions to ensure students who have finished their study but have not been awarded their qualification as a result of a New Zealand Qualifications Authority statutory intervention process, are able to maintain lawful status along with the ability to work part-time and study if and when required.

APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER 9 DECEMBER 2016

U16 Students affected by New Zealand Qualifications Authority Compliance notification

- a. The intent of these instructions is to allow people whose education provider is subject to statutory intervention by the New Zealand Qualifications Authority (NZQA) to maintain their status as student visa holders while awaiting a determination of whether their qualification can be awarded.
- b. Student visas may be granted under these instructions where the applicant:
 - i. has submitted all required material for the assessment of their qualification;
 - ii. is or has been enrolled at an education provider that is subject to statutory intervention by NZQA which prevents the awarding of their qualification;
 - iii. is awaiting NZQA's confirmation that their qualification can be awarded; and
 - iv. meets health and character requirements as set out at A4 and A5.

U16.1 Application and evidence

a. Applicants must provide:

- i. a completed student visa application form and fee; and
- ii. evidence that they have a minimum of \$1,250 per month in funds available to maintain themselves during their intended stay in New Zealand; and
- iii. confirmation from their education provider that they have submitted all required material for the assessment of their qualification.

b. If an applicant is unable to obtain confirmation from their education provider required for (a)(iii) (for example if the education provider has ceased to operate), confirmation from NZQA that they have submitted all required material for assessment can be provided instead.

U16.5 Currency and conditions

- a. Despite U13.15, a student visa holder may be granted under these instructions with conditions allowing work for up to 20 hours in any given week during the validity of the visa.
- b. Visas can be granted up to a maximum period of six months with multiple entry travel conditions.
- c. Where the education provider is continuing to operate the original programme of study, education provider and location must be specified on the visa.
- d. In the event the education provider has ceased to operate, the visa can be granted without a specified programme of study, education provider, or location.