



16 February 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-07

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 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

A4.20 Medical and Chest X-ray Certificates: residence class visa applications

S6.5 Applying for a 2021 Resident Visa

S6.10 2021 Resident Visa Requirements

U8.20 Dependent children of holders of work visas

Changes have been made to the 2021 Resident Visa immigration instructions to:

- allow people with a current Expression of Interest in the Skilled Migrant Category Pool, who were not eligible from 1 December, to apply from 21 February 2022; and
- provide clarification of current eligibility requirements for holders of Critical Purpose Visas.

Minor related updates to A4.20 and U8.20.1 have also been made.

Appendix 1: Amendments to Residence instructions effective on and after 21 February 2022

A4.20 Medical and Chest X-ray Certificates: residence class visa applications

- a. Applications for residence class visas must include, at the time the application is lodged, evidence that a Medical Certificate and Chest X-ray Certificate (INZ 1096) have been completed (see A4.20(f)) for every person included in the application.

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

- b. The Medical Certificate that may be required with a residence class visa application, includes the:
- General Medical Certificate (INZ 1007)* which must be provided by all applicants other than those listed in (ii) below, or
 - Limited Medical Certificate (INZ 1201)* which must be provided by:
 - applicants who are the partner of a New Zealand citizen or residence class visa holder and who meet the requirements of the Partnership Category (see [F2.5\(a\)](#)), and any dependent child(ren) included in their application made under the Partnership Category, unless [R5.96](#) applies; or
 - applicants who are the dependent child of a New Zealand citizen or residence class visa holder and who meet the requirements of the Dependent Child Category (see [F5.1\(a\)](#)) unless [R5.96](#) applies; or
 - applicants who have been recognised as having refugee or protection status in New Zealand and are thereby eligible to apply for a permanent resident visa (see S3) and their partner and dependent child(ren), (if any); or
 - applicants who are applying under the Refugee Quota Family Reunification (RQFR) Category ([S4.20](#)); or
 - mandated refugees who have been selected as candidates for New Zealand's Refugee Quota Programme [S3.5\(a\)\(i\)](#); or
 - applicants who are applying under the Christchurch Response (2019) Category ([S4.30](#)); or
 - applicants for the 2021 Resident Visa Category ([S6](#)).

Note: For the avoidance of doubt, applicants under the Community Organisation Refugee Sponsorship category ([S4.25](#)) must provide a *General Medical Certificate (INZ 1007)*.

- c. All Medical and Chest X-ray Certificates must have been issued less than three months before the date the application for a residence class visa is made, unless (d) below applies.

Notes:

~ The issue date of a Medical Certificate is the date of the declaration by the examining physician concerning the overall findings of the medical examination, or the date that the Medical Certificate was submitted to Immigration New Zealand if submitted by the physician electronically.

~ The issue date of a Chest X-ray Certificate is the date of the declaration by the radiologist, or the date that the Chest X-ray Certificate was submitted to Immigration New Zealand if submitted by the physician electronically.

- d. Applicants for a residence class visa may provide a Medical Certificate and Chest X-ray Certificate, which was issued more than three months before the date that their application is made, if:
- they have provided a Medical Certificate and Chest X-ray Certificate with an earlier visa application; and
 - they were assessed as having an acceptable standard of health based on those certificates; and
 - those certificates were issued less than 36 months prior to the current application.
- e. Despite (d) above:
- Applicants who have spent six consecutive months in any one or more countries not listed in A4.25.10 since their previous Chest X-ray Certificate was issued, must provide a Chest X-ray Certificate which is less than three months old with their application.
 - Applicants who provided a Limited Medical Certificate (INZ 1201) with a previous visa application but no longer fall within the criteria listed at A4.20(b)(ii), must provide a General Medical Certificate (INZ 1007), which is less than three months old with their application.
 - Applicants must provide a Chest X-ray Certificate and specified tests, if:
 - they did not provide a Chest X-ray Certificate or specified tests with a Medical Certificate provided in the past 36 months because of their age, or because they were pregnant; and
 - their age would now require them to undertake the specified tests or provide a Chest X-ray Certificate, or they are no longer pregnant.
 - An immigration officer may require a Medical Certificate and Chest X-ray Certificate which is less than three months old, if they consider this is necessary to establish whether the applicant has an acceptable standard of health.

- f. Evidence of completion of a Medical Certificate and Chest X-ray Certificate includes:
- i. a completed Medical Certificate and Chest X-ray Certificate; or
 - ii. an eMedical reference code (NZER); or
 - iii. confirmation in the applicant's visa application form that a physician is directly submitting the applicant's Medical Certificate and Chest X-ray Certificate to Immigration New Zealand.
- g. Despite (a), applicants for a permanent resident visa under the Afghan Emergency Resettlement Category do not need to provide a medical certificate but must provide a chest X-ray Certificate.
- h. Where an application has been made through an online system that does not require a Medical Certificate or Chest X-ray to complete the application, an immigration officer may request one, should it be required to determine that the applicant is of an acceptable standard of health.

Note: These instructions do not apply to people applying for a further residence class visa under RV2 or RV4.

S6.5 Applying for a 2021 Resident Visa

S6.5.1 Opening and Closing Dates

- a. The 2021 Resident Visa Category will open on 1 December 2021 for phase 1 applicants.
- b. The 2021 Resident Visa Category will open on 1 March 2022 for phase 2 applicants, unless S6.5.15 applies.
- c. The 2021 Resident Visa Category will close on 31 July 2022 for all applicants and any applications received after this date will be declined.
- d. Applications must be made using the approved online form provided on the Immigration New Zealand website, apart from applications from Dependent Children Aged 25 Years or Older ([S6.10.10](#)), which must be made using the approved paper form.

S6.5.5 Phase 1 and Phase 2 Applicants

- a. Phase 1 applicants are those who, on 29 September 2021:
 - i. had made an application for residence under the Skilled Migrant Category or a Residence from Work Category which had not been determined; or
 - ii. had a Skilled Migrant Category Expression of Interest in the Pool which included a dependent child aged 17 years or older as at 29 September 2021.
- b. Phase 2 applicants are all other applicants.
- c. Applications made between 1 December 2021 and 28 February 2022 (inclusive) must include the number of the application or Expression of Interest referenced in (a) above, or the Expression of Interest number referenced in S6.5.15(a) below.
- d. Applications made by a phase 2 applicant before 1 March 2022 must be declined, unless the applicant has applied in accordance with S6.5.15 below.

Note: All applicants included in a Skilled Migrant Category or Residence from Work application, or Expression of Interest may qualify as a phase 1 applicant.

S6.5.10 Provision of evidence

- a. Applicants must provide sufficient evidence to demonstrate that:
 - i. the principal and any non-principal applicants meet health and character requirements; and
 - ii. the principal applicant meets the 2021 Resident Visa requirements set out in [S6.10](#).
- b. An application must be declined if an immigration officer is not satisfied that sufficient evidence has been provided.

S6.5.15 Early opening for some Phase 2 applicants

- a. The 2021 Resident Visa Category will open from 21 February 2022 for phase 2 applicants who have a Skilled Migrant Category Expression of Interest in the Pool that was submitted on or before 29 September 2021, according to the table below:

Submission date of Expression of Interest	Date applications open
Before or on 30 April 2020	Monday 21 February
Between 1 May 2020 – 30 June 2020	Tuesday 22 February
Between 1 July 2020 – 31 August 2020	Wednesday 23 February
Between 1 September 2020 – 30 November 2020	Thursday 24 February
Between 1 December 2020 – 28 February 2021	Friday 25 February
Between 1 March 2021 – 31 March 2021	Saturday 26 February
Between 1 April 2021 – 31 May 2021	Sunday 27 February
Between 1 June 2021 – 31 July 2021	Monday 28 February
Between 1 August 2021 – 29 September 2021	Tuesday 1 March

- b. Applications submitted before the corresponding opening date outlined in the table above must be declined.

Note: Applicants will be advised by email the best time for them to submit their application on each day. Emails will be staggered across the day.

S6.10 2021 Resident Visa Requirements

- a. An application under the 2021 Resident Visa Category will be approved if an immigration officer is satisfied that:
 - i. the principal applicant and family members included in the application meet requirements for health (A4) and character (A5); and
 - ii. the principal applicant did not make an application in phase 1 when they are a phase 2 applicant ([S6.5.5\(d\)](#)), unless [S6.5.15](#) applies; and
 - iii. following any approval in principle, that the total fee owing as notified by INZ has been paid (see [S6.20](#)); and
 - iv. the principal applicant was in New Zealand at the time that the application was made and they meet the requirements outlined in:
 - o Holders of an Eligible Visa ([S6.10.1](#)) including requirements to be Settled, Skilled or Scarce ([S6.15](#)) at time of application and on 29 September 2021; or
 - o People granted a Critical Purpose Visa ([S6.10.5](#)); or
 - v. the principal applicant meets the requirements outlined in Dependent Children Aged 25 Years or Older ([S6.10.10](#)).
- b. An application made by a principal applicant who is not in New Zealand at the time the application was made will be declined, unless the principal applicant meets the requirements outlined in Dependent Children Aged 25 Years or Older ([S6.10.10](#)).
- c. Any applicant who on or after 29 September 2021 held a visa or variation of conditions granted under H5 COVID-19 Support Restricted Temporary Entry Instructions for the purpose of completing a Competence Assessment Programme (CAP) and obtaining occupational registration as a nurse in New Zealand must demonstrate that they have successfully passed their CAP and secured occupational registration to be eligible for a 2021 Resident Visa.

S6.10.1 Holders of an Eligible Visa

- a. An applicant meets requirements for Holders of an Eligible Visa if, when the application is made, they meet Settled, Skilled or Scarce criteria and they hold:
 - i. a visa granted under the following immigration instructions:
 - o [WK](#) Essential Skills work instructions
 - o [WR](#) Work to Residence instructions
 - o [WD](#) Post-study work instructions
 - o [WI20](#) Migrant Exploitation Protection work visa
 - o [WR5](#) Skilled Migrant Category Job Search instructions
 - o [WM](#) Religious Worker instructions
 - o [WI16](#) Special work visa for victims of people trafficking
 - o [WI7](#) Special work visas for victims of family violence
 - o [WL3](#) Silver Fern Practical Experience
 - ii. a work visa granted under section 61 of the Immigration Act, provided that they held a visa listed in (i) above immediately prior to, and in the 6 months before being granted, the work visa under section 61.
 - iii. a Critical Purpose Visitor Visa granted under [H5.25.15\(j\)](#) on the basis of holding an Essential Skills or Work to Residence visa.
- b. An applicant must also, on 29 September 2021, have met Settled, Skilled or Scarce criteria and:
 - i. held an eligible visa in (a) above; or
 - ii. had made an application or request for reconsideration for an eligible visa in (a)(i) that was subsequently granted.
- c. An applicant must have been in New Zealand on 29 September 2021.
- d. Despite (c) above, an applicant who was in Australia on 29 September 2021 and departed New Zealand for Australia between 6 April 2021 and 23 July 2021 (inclusive) is eligible to be considered for a 2021 Resident Visa.

Note: An applicant who held an Interim visa on 29 September 2021 is included in (b)(ii) if their application in progress as at 29 September 2021 is for a visa listed at [S6.10.1\(a\)\(i\)](#) and that visa is subsequently granted.

S6.10.5 People granted a Critical Purpose Visa

- a. An applicant meets requirements for People granted a Critical Purpose Visa (CPV) if:
- when they make their application, they hold a [visa or variation of conditions granted under H5 COVID-19 Support Restricted Temporary Entry Instructions](#) on the basis of being:
 - a critical health worker that meets the definition of [H5.30.1](#), with a role for 6 months or longer; or
 - an other critical worker that meets the definition of [H5.30.5\(c\)](#) or [H5.30.20](#), with a role for more than 6 months and who met the criteria to be granted a visa for more than 6 months; and
 - they were not granted a visa or variation of conditions on the basis of being one of the following approved class of workers:
 - Deepwater/Deep-sea fishing crew
 - Agricultural and horticultural mobile plant operators
 - Shearers
 - Recognised Seasonal Employer
- b. An immigration officer may be satisfied a person meets the criteria in (a)(i) above if:
- the applicant was granted a CPV as a critical health worker for six months or longer; or
 - the applicant was granted a CPV as an other critical worker for more than six months; or
 - INZ's records indicate that the person met those requirements but were granted a CPV of a shorter duration (for example, due to an expiring passport).
- c. A previous holder of a CPV is eligible to be granted a 2021 Resident Visa if:
- the visa or variation of conditions they were previously granted meets (a) above; and
 - they held this visa or the visa with varied conditions on or after 29 September 2021, or it was granted after that date; and
 - they hold an eligible visa on the date the application is made.

Note: A previous holder of CPV who was granted [an](#) eligible visa (S6.10.1(a)) on or before 29 September 2021 must be assessed under S6.10.1 Holders of an Eligible Visa.

S6.10.10 Dependent Children Aged 25 Years or Older

- a. Dependent children who are 25 years or older are eligible for a 2021 Resident Visa if:
- on 29 September 2021, they were included in an Expression of Interest (EOI) for a residence application in the Skilled Migrant Category (SMC); or
 - on 29 September 2021, they were included in an application for residence under:
 - SMC; or
 - Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions (RW2); or
 - Residence instructions for holders of work visas granted under the Talent (Arts, Culture and Sports) work instructions ([RW3](#)); or
 - Residence instructions for holders of work visas granted under the long term skill shortage list work instructions (RW4); or
 - Residence instructions for holders of work visas granted under religious worker instructions ([RW7](#)); or
 - Residence instructions for holders of work visas granted under South Island Contribution work instructions ([RW8](#)); and
 - they met the definition of a dependent child ([R2.1.30](#)) at the time their most recent EOI was submitted or residence application was made; and
 - they meet the definition of a dependent child at [R2.1.30\(a\)](#), apart from the age requirement; and
 - one of their parents has been approved residence under the 2021 Resident Visa Category; and
 - they are the biological or adopted (see R3) child of the parent who has been granted the 2021 Resident Visa.

Appendix 2: Amendments to Temporary Entry instructions effective on and after 21 February 2022

U8.20 Dependent children of holders of work visas

- a. Dependent children (see [E4.1](#)) of work visa holders who wish to study in New Zealand may be granted student visas unless the work visa holder has been granted a work visa under any one of the following categories:
 - i. Foreign crew of fishing vessels (see [WJ1](#)); or
 - ii. Recognised Seasonal Employer (RSE) Work instructions (see [WH1](#)); or
 - iii. Supplementary Seasonal Employment (SSE) instructions (see [WH3](#)); or
 - iv. Silver Fern Job Search Instructions (see [WL2](#)); or
 - v. Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - vi. Working Holiday Scheme instructions (see [WJ2](#)); or.
 - vii. domestic staff of diplomatic, consular or official staff (see [WI4](#)).
- b. Dependent children of work visa holders as defined in (a) above are regarded as domestic students (see [U3.35](#)) for the purpose of all tuition fees at primary and secondary schools for the period of the parent's work visa.
- c. Dependent children (see [E4.1](#)) of work visa holders may be granted student visas without the need to produce evidence of enrolment.
- d. Guarantees of accommodation and/or maintenance for dependent children may be waived provided this is covered by the income of the work visa holder parent or by evidence of funds or guarantees submitted with the work visa application of the parent (see [W2.15](#)).
- e. Dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5.15](#) to [A5.25](#).
- f. Dependent children of people granted a Migrant Exploitation Protection work visa (MEPV) must be holding a visa based on their relationship to the MEPV holder to be eligible for a further visa under these instructions.

U8.20.1 Tertiary aged dependent children of people who may be eligible for a 2021 Resident Visa

- a. Between 1 January 2022 and 31 December 2023, dependent children (see [E4.1](#)) of work visa holders who wish to undertake tertiary study in New Zealand may be granted student visas if they are:
 - i. residing in New Zealand; and
 - ii. aged 25 years or under as at 1 January 2022; and
 - iii. the child of a person who held one of the following visa types as at 29 September 2021:
 - o Essential Skills Work Visa
 - o Approval in Principle
 - o Work to Residence (all categories)
 - o Skilled Migrant Category Job Search
 - o Religious Worker
 - o Post Study Work Visa
 - o Work Visa granted under section 61 of the Immigration Act 2009 (provided the applicant held another eligible visa type within 6 months of being granted a visa under section 61)
 - o Special work visa for victims of people trafficking
 - o Migrant Exploitation Protection
 - o Special work visa for victims of family violence
 - o Silver Fern Practical Experience
 - o Other Critical Workers visitor visas (provided the visa was granted for a minimum of 6 months)
 - o Critical Health Workers visitor visa (provided the visa was granted for a minimum of 6 months)
 - o a Critical Purpose Visitor Visa granted under [H5.25.15\(j\)](#) on the basis of holding an Essential Skills or Work to Residence visa; or
 - iv. the child of a person who was granted a visa between 30 September 2021 and 31 July 2022 if it is:
 - o an Other Critical Workers visa (provided the visa was granted for a minimum of 6 months); or
 - o a Critical Health Workers visa (provided the visa was granted for a minimum of 6 months).

- b. People defined in (a) above are considered to be domestic students (see [U3.35](#)), and can be granted a visa provided they meet the criteria to be considered a dependent child, being that they are single and:
 - i. aged 17 or younger; or
 - ii. aged 18 to 20 with no child(ren) of their own; or
 - iii. aged 21 to 24 with no child(ren) of their own and are totally or substantially reliant on their parent or their parent's partner for financial support, whether living with them or not; or
 - iv. aged 25 or older and meets instructions to be included as a dependent child aged 25 years or older as per S6.10.10. 1
- c. Applicants may be granted a student visa for the duration of their parent's visa, as outlined in (a) above, or until 31 December 2023 (whichever is sooner).
- d. Applicants under these instructions do not need to produce evidence of enrolment (unless are required to do so to qualify for working rights under U13.15.1(g)(i)).

U8.20.5 Dependent children of Essential Skill work visa holders

See also Immigration Act 2009 ss 56, 157

- a. Dependent children (see [E4.1.10](#)) of holders of work visas granted under the Essential Skills work instructions ([WK](#)) after 30 November 2009 will only be granted a student visa if their parent(s) meet a minimum income threshold.
- b. The minimum income threshold is NZ\$43,322.76 gross per annum and must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c. Evidence must be provided of the Essential Skills work visa holder's current salary or wages to satisfy an immigration officer that the applicant's parent(s) meet the minimum income threshold.
- d. Despite (b) above, dependent children of Essential Skills work visa holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those instructions (see S1.10.35 or S1.40.35) to be eligible for a student visa under these instructions.
- e. Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent(s):
 - i. have held any temporary work visa before 30 November 2009; and
 - ii. have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under U8.20.
- f. If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.
- g. If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa both the parent(s) and child may become liable for deportation.

Note: Where both parents hold Essential Skills work visas, their income may be combined to meet the minimum income threshold.

U8.20.10 Dependent children of work visa holders under Religious Worker instructions

See also Immigration Act 2009 ss 56, 157

- a. Dependent children of a holder of a work visa under Religious Worker instructions ([WM](#)) will only be granted a student visa if the:
 - i. minimum income threshold is met by the Religious Worker visa holder and their partner; or
 - ii. religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b. Under (a)(i) above:
 - i. the minimum income threshold is NZ\$43,322.76 gross per annum; and
 - ii. the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and
 - iii. evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and
 - iv. if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
 - v. if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

Note: The income of both parents may be combined to meet the minimum income threshold.