



13 May 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-27

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 in Appendix 1 on and after 9 May 2022.

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

S6.10.1 Holders of an eligible visa

Changes have been made to the eligible visa list in 2021 Resident Visa instructions (S6.10.1) to include a visa granted by special direction in March 2022 or May 2022 where the applicant held one of the other eligible visas immediately prior to being granted the visa by special direction.

S6.10.5 People granted a Critical Purpose Visa

Changes have been made to provide clarity to the 2021 Resident Visa instructions that outline eligibility requirements for Other Critical Workers, following the changes to the major infrastructure border exception on 20 April 2022.

For Critical Purpose Visa applications made before 20 April 2022, an other critical worker must have been granted their visa for a role of more than 6 months and on the basis of having an essential role in the delivery or execution of an approved major infrastructure project.

For Critical Purpose Visa applications made on and after 20 April 2022, an other critical worker must have been granted their visa for a role of more than 6 months, for the delivery or execution of an approved major infrastructure project and in which they earn at least the median salary (\$27 per hour).

Appendix 1: Amendments to residence instructions effective from 9 May 2022

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 (S6.15 Requirement to be Settled, Skilled or Scarce, <http://inzkit/publish/opsmanual/#76360.htm>)) 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\(i\)](#) on the basis of holding an Essential Skills or Work to Residence visa.
 - iv. a visa granted by special direction by the Minister of Immigration under section 61A of the Immigration Act 2009, where that visa has a start date of either 10 March 2022 or 9 May 2022, provided that they held a visa listed in (i) above immediately prior to the visa granted by special direction.
 - o For the purposes of (iv), where a person has been granted two consecutive visas by special direction by the Minister of Immigration, and those visas had start dates of 10 March 2022 and 9 May 2022 respectively, the visa held immediately prior to the visa granted by special direction is considered to be the visa held immediately prior to the visa with a start date of 10 March 2022.
- 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\(c\)](#), in effect before 14 March 2022, with a role for more than 6 months and who met the criteria to be granted a visa for more than 6 months; or
 - an other critical worker that has a role for more than 6 months and is essential for:
 - the completion or continuation of a science programme under a government funded or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE Science, Innovation and International Branch to travel to New Zealand to carry out their work; or
 - the delivery or execution of an approved major infrastructure project (as defined in [H5.30.10](#)), for Critical Purpose Visa applications made before 20 April 2022; or
 - an other critical worker that has a role for more than 6 months in which they earn at least the median salary (currently \$27 per hour) for the delivery or execution of an approved major infrastructure project (as defined in [H5.30.10](#)) and whose visa was granted under [H5.30.5\(b\)\(iv\)](#); or
 - an other critical worker that meets [H5.30.5\(b\)\(i\)](#) and was paid at least \$106,080 per annum for a role of more than 6 months; or
 - an approved class of worker who meets (b) below with a role for more than 6 months.
- b. An applicant is eligible for a 2021 Resident Visa if they were approved their Critical Purpose Visa or variation of conditions for a role for more than 6 months on the basis of being a class of worker outlined in one of these specific rows from the table in [H5.30.20\(c\)](#):

The specific row from the table in H5.30.20(c) that the applicant must have been assessed under:	Class of worker eligible for a 2021 Resident Visa
c	Mixed and large animal veterinarian
g	Assistant Dairy Farm Manager or 2IC managerial roles Dairy Herd Manager Dairy Farm Assistants
h	General practice veterinarians
k	Early Learning Teachers and Primary/Secondary school teachers
l	Port Crane Operators
r	Specialist tech sector worker
s	External Auditor

Note: Extended classes of workers are not eligible for the 2021 Resident Visa, for example the new 2022 class exception for Dairy Farm Assistants listed in [H5.30.20\(c\)\(z\)](#).

- c. When considering whether a person meets the criteria in (a) or (b) above, an immigration officer may look at the duration of the CPV granted, or INZ records that indicate the person met the requirements for a longer term visa but were granted a CPV of a short duration (for example, due to an expiring passport).
- d. 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:
- i. on 29 September 2021, they were included in an Expression of Interest (EOI) for a residence application in the Skilled Migrant Category (SMC); or
 - ii. on 29 September 2021, they were included in an application for residence under:
 - o SMC; or
 - o Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions (RW2); or
 - o Residence instructions for holders of work visas granted under the Talent (Arts, Culture and Sports) work instructions ([RW3](#)); or
 - o Residence instructions for holders of work visas granted under the long term skill shortage list work instructions (RW4); or
 - o Residence instructions for holders of work visas granted under religious worker instructions ([RW7](#)); or
 - o Residence instructions for holders of work visas granted under South Island Contribution work instructions ([RW8](#)); and
 - iii. 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
 - iv. they meet the definition of a dependent child at R2.1.30(a), apart from the age requirement; and
 - v. one of their parents has been approved residence under the 2021 Resident Visa Category; and
 - vi. they are the biological or adopted (see R3) child of the parent who has been granted the 2021 Resident Visa.