



8 July 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-38

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

R4.20 Duration of sponsorship period

S4.10 Refugee Family Support Category

Changes have been made to immigration instructions to implement policy changes under the Refugee Family Support Category (RFSC) and a minor amendment under residence instructions to clarify that sponsorship obligations are subject to a maximum duration of up to ten years to reflect section 55(2A) of the Immigration Act 2009.

Appendix 1: Amendments to Residence instructions effective from 1 July 2022

R4.20 Duration of sponsorship period

- a. The responsibility of the sponsor to meet their undertakings remains in place from the date the sponsored person arrives in New Zealand, or if they are already onshore, from the date the visa with sponsorship conditions is granted, until the earliest of:
 - i. the date the person sponsored is granted a new visa with a new sponsor or no sponsorship requirement; or
 - ii. the date at the end of the duration stipulated in the category under which the person received their visa; or
 - iii. the date the sponsored person is deported from New Zealand.

b. Resident visas subject to sponsorship must specify a duration of sponsorship that does not exceed 10 years.

S4.10 Refugee Family Support Category

S4.10.1 Objective

The objective of the Refugee Family Support Category (RFSC) is to facilitate the successful resettlement of refugees and protected people resident in New Zealand by providing them with an opportunity to sponsor family members who do not qualify for residence under any other category of residence instructions.

S4.10.5 Number of places available under RFSC

- a. The number of places available for sponsored persons under RFSC (including any family members included in their registration) is set at 600 per year.
- b. For the purposes of these instructions, a year consists of the 12-month period from 1 July to 30 June.

S4.10.10 How do people qualify for residence under the RFSC?

- a. A principal applicant and their partner and dependent children qualify for residence under the RFSC if their sponsor's registration is selected from the RFSC queues under tier one (see S4.10.30) or tier two (see S4.10.40); and
 - i. they are not eligible for a residence class visa in New Zealand under any other category of Government residence instructions; and
 - ii. they meet health and character requirements (see [A4](#) and A5); and
 - iii. their application is made:
 - o within 12 months of Immigration New Zealand's (INZ) advice to their sponsor that the sponsor's registration has been selected from the RFSC tier one or tier two queue; or
 - o for those whose sponsor was advised by INZ between 1 March 2019 and 19 March 2020 inclusive that the sponsor's registration has been selected from the RFSC tier one or tier two queue, within 24 months of that advice.
- b. In each case, their sponsor must meet 'eligible sponsor' requirements set out at S4.10.15; and
 - i. the requirements for tier one sponsors (see S4.10.20(e)); or
 - ii. the requirements for tier two sponsors (see S4.10.20(g)).
- c. Despite [A4.20\(a\)](#), [R2.40\(e\)\(vi\)](#) and [R2.40\(e\)\(vii\)](#), an applicant is not required to provide a Medical Certificate or Chest X-ray Certificate for the purposes of lodging an application under the RFSC.
- d. In order to determine whether the applicant(s) meets health requirements at [A4](#), the applicant(s) must submit the following when requested by an immigration officer:
 - i. a completed General Medical Certificate (INZ 1007); and
 - ii. a completed Chest X-ray Certificate (INZ 1096) (except for pregnant women and children under the age of 11).
- e. Unless [A4.20\(d\)](#) applies, the General Medical Certificate (INZ 1007) and Chest X-Ray Certificate (INZ 1096) must have been issued less than three months before the date they are received by an immigration officer.
- f. Applicants are exempt from paying an application fee and Immigration levy.

S4.10.15 Eligible sponsors under RFSC

See also Immigration Act 2009, s 48

- a. For the purpose of RFSC, an 'eligible sponsor' is a New Zealand citizen or resident who:
 - i. was granted a residence class visa in New Zealand on the basis of:
 - o their status as a refugee or protected person; or
 - o being an Afghan interpreter; or
 - o being the partner or dependent child of an Afghan interpreter who accompanied that Afghan interpreter to New Zealand; and
 - ii. has not sponsored any other principal applicant who has obtained a resident visa in New Zealand under RFSC (or Refugee Family Quota); and
 - iii. is in New Zealand; and
 - iv. is aged 18 years or over; and
 - v. meets the requirements for an acceptable sponsor as set out at [R4.5](#), except for the requirements at [R4.5\(d\)\(ii\) and \(iii\)](#).
- b. For the purposes of these instructions, people granted residence on the basis of being an Afghan interpreter are people who have worked with the New Zealand Defence Force, the New Zealand Police or the New Zealand Special Air Service (SAS) in Afghanistan and were granted a residence class visa by the Minister of Immigration as an exception to instructions under section 72(3) of the Immigration Act 2009.

S4.10.20 Two tier registration system for sponsors

- a. Registrations from tier one sponsors (see (e) below) will be given first access to available places under RFSC by entry into the tier one queue.
- b. Registrations will be selected from the tier one queue in order of their entry to that queue until the annual number of places available under RFSC is met.
- c. If the places available annually under RFSC are not filled by people included in tier one registrations selected from the queue, registrations required to fill the remaining places will be selected from the tier two queue.
- d. If the places available annually under RFSC are not filled by people included in tier one registrations and the registrations in the tier two queue are insufficient to fill the remaining quota of places, INZ will call for tier two sponsors to submit registrations (see S4.10.20(g) and S4.10.35 below).
- e. A tier one sponsor is an 'eligible sponsor' who:
 - i. is a New Zealand citizen or the holder of a current residence class visa; and
 - ii. wants to sponsor their parent, grandparent, grandchild, uncle, aunt, nephew, niece, adult sibling or adult child, and that person's partner and/or dependent children for a resident visa under RFSC; and
 - iii. has no other 'family member' who is eligible for residence in New Zealand under any other category of residence instructions; and either
 - iv. has no 'immediate family' living lawfully and permanently in New Zealand; or
 - v. is the 'sole carer' (see S4.10.55.15) of a dependent relative or dependent relatives in New Zealand and the sponsor has no other 'immediate family' living lawfully and permanently in New Zealand apart from the dependent relative who is under care.
- f. For the purpose of S4.10.20(e)(v), the 'dependent relative' who requires on-going care must have no 'immediate family' in New Zealand other than the sponsor.
- g. A tier two sponsor is an 'eligible sponsor' who:
 - i. has 'immediate family' in New Zealand; and
 - ii. wants to sponsor their parent, adult sibling, adult child, or grandparent (if that grandparent is the sponsor's legal guardian, see S4.10.55.20), and that person's partner and dependent children for residence under RFSC; and
 - iii. has no other 'family member' who is eligible for residence in New Zealand under any other category of residence instructions; and
 - iv. is a New Zealand citizen or the holder of a current residence class visa; and
 - v. has been a New Zealand citizen and/or the holder of a residence class visa for at least three years immediately preceding the date the Registration Form for RFSC sponsor is lodged; and
 - vi. in each of the three 12-month portions within that three-year period, has spent a total of 184 days or more in New Zealand.
- h. For the purposes of S4.10.20(e), (f), and (g), to be an eligible sponsor under tier one or two of RFSC, a sponsor must meet the particular requirements that were in force at the time their registration was selected from the queue.

Note: For the purposes of these instructions 'immediate family' means a sponsor's partner, parent, or child (excluding any dependent child in terms of [R2.1.30](#)). For the purposes of these instructions, 'family member' means a sponsor's partner, parent, child, grandparent, grandchild, uncle, aunt, nephew, niece or adult sibling.

S4.10.25 Registration process for tier one sponsors

- a. Eligible sponsors who meet the requirements for tier one sponsors set out at S4.10.20(e) above may register with INZ to sponsor their parent, grandparent, grandchild, uncle, aunt, nephew, niece, adult sibling or adult child, and that person's partner and/or dependent children for residence under the RFSC tier one queue.
- b. Registrations must be made on the registration form for the appropriate RFSC tier.
- c. Registrations must be submitted by mail to the address specified on the applicable registration form.
- d. **Sponsors are exempt from paying a registration fee.**
- e. Subject to the provisions of S4.10.50, registrations from sponsors who meet the tier one sponsorship requirements set out at S4.10.20(e) above may be entered into the RFSC tier one queue if the form is fully completed, signed by the sponsor, and accompanied by any documents or evidence as required by the registration form.

S4.10.30 Selection process for tier one sponsors

- a. Registrations will be selected from the tier one queue in chronological order from the date that the registration was entered into the tier one queue until the appropriate number of potential applicants to meet the number of available places within the annual period has been met.
- b. If the number of potential applicants included in registrations in the tier one queue exceeds the number of available places within the annual period, INZ will delay the selection of further registrations until places become available in the next annual period.
- c. Tier one sponsors with registrations entered into the tier one queue must notify INZ of any change in their circumstances.
- d. Sponsors whose registrations have been selected from the tier one queue and appear to meet the relevant registration requirements will be notified by INZ that their registration has been successful. Sponsors must advise the potential applicants whom they are sponsoring to lodge a full application under RFSC to the appropriate receiving office of INZ. Such applications must be made within the relevant time period set out at S4.10.10(a)(iii). Any applications received outside that time limit will not be accepted.

S4.10.35 Registration process for tier two sponsors

- a. Eligible sponsors who meet the requirements for tier two sponsors set out at S4.10.20(g) above may register with INZ within a set registration period to sponsor their parent, adult sibling or adult child, or grandparent (if that grandparent is the sponsor's legal guardian, see S4.10.55.20), and that person's partner and dependent children for residence under RFSC tier two queue.
- b. INZ will announce that tier two will open for registration prior to its opening, if and when places are available for tier two potential applicants (places will be available if the number of potential applicants included in registrations in the tier one queue is less than the number of available places within the annual period). Registrations will then open for a set period as determined by INZ.
- c. Registrations must be made on the appropriate registration form for the tier under which the registration is made.
- d. Registrations must be submitted during the registration period by mail to the address specified on the appropriate Registration Form for RFSC
- e. **Sponsors are exempt from paying a registration fee.**
- f. Subject to the provisions of S4.10.50, registrations that are received by INZ before the end of the registration period from sponsors who meet the tier two sponsorship requirements set out at S4.10.20(g) above may be entered into RFSC tier two queue, if the form is fully completed, signed by the sponsor, and accompanied by any documents or evidence as required by the registration form.

S4.10.40 Selection process for tier two sponsors

- a. Registrations will be selected from the tier two queue in chronological order from the date the registration was entered into the queue, until the appropriate number of potential applicants to meet the number of available places in the annual period has been met.
- b. If the number of potential applicants included in registrations in the tier one queue exceeds the number of available places within the annual period, INZ will delay the selection of further registrations from tier two until places become available.
- c. Sponsors with registrations entered into the tier two queue must notify INZ of any change in their circumstances.
- d. Sponsors whose registrations have been selected from the tier two queue and appear to meet the relevant requirements will be notified by INZ that their registration has been successful. Sponsors must advise the potential applicants whom they are sponsoring to lodge a full application under RFSC at the appropriate receiving office of INZ. Such applications must be made within the relevant time period set out at S4.10.10(a)(iii). Any applications received outside that time limit will not be accepted.

S4.10.45 Inclusion in registration of immediate family members of the sponsored principal applicant

- a. Where the sponsored person has a partner and/or dependent children, all of those people must be included in the registration made by the sponsor.
- b. Despite [R2.1](#) concerning the inclusion of family members in an application, an application under RFSC can only include the partner and/or dependent children included in the preceding sponsor registration.
- c. Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child categories.
- d. Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child categories.
- e. Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with [R5.15](#) before applying the limitation referred to in (b).
- f. Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided [R2.1](#) is met.

S4.10.50 Number of registrations that may be submitted

- a. Sponsors must have only one registration in the tier one or two queues at any time. Each registration must be in respect of one potential principal applicant and that person's partner and/or dependent children. If a single sponsor lodges more than one registration, the second and subsequent registrations will not be accepted.
- b. A registration under RFSC will not be accepted if:
 - i. any of the potential applicants included in that registration have a current application for a residence class visa lodged with INZ under any other category of residence instructions; or
 - ii. any of the potential applicants included in that registration are eligible for a residence class visa in New Zealand under any other category of residence instructions (see S4.10.10(a)(i)).
- c. A registration under RFSC will not be accepted if, at the time the registration is lodged, any of the potential applicants included in the registration are unlawfully in New Zealand or subject to section 150 of the Immigration Act 2009 (concerning refugee or protection status claimants).

Notes:

~ Potential applicants in New Zealand must be lawfully in New Zealand and not subject to section 150 of the Immigration Act 2009 in order to lodge an application under RFSC.

S4.10.55 Definitions

S4.10.55.1 Definition of 'refugee'

For the purpose of RFSC, 'refugee' means a person who was granted a residence class visa in New Zealand under residence instructions by virtue of being either:

- a. a mandated or quota refugee (people determined to be refugees by the United Nations High Commissioner for Refugees (UNHCR)) before arrival in New Zealand; or
- b. a successful applicant under the Community Organisation Refugee Sponsorship category (see [S4.25](#)); or
- c. a Convention refugee (people recognised as refugees by the New Zealand Government under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees (see [C2.5](#) and [C5.15](#))).

S4.10.55.5 Definition of 'protected person'

For the purpose of RFSC, 'protected person' means a person who was granted a residence class visa in New Zealand under residence instructions by virtue of being recognised as having protection status in accordance with New Zealand's obligations under the:

- a. 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; or
- b. 1966 International Covenant on Civil and Political Rights.

S4.10.55.10 Definition of 'adult child'

In the context of a resident visa application under RFSC, 'adult child' means a child of 18 or older, unless they are dependent (see [R2.1.30](#)).

S4.10.55.15 Definition of 'sole carer' for tier one sponsorship purposes

- a. For tier one sponsorship purposes, a sponsor will be considered to be the sole carer of a dependent relative or relatives in New Zealand if they have the primary responsibility for the day-to-day care of a dependent relative or relatives in New Zealand, on an ongoing basis.

Note: A dependent relative can be a sponsor's partner, parent, child, grandparent, grandchild, uncle, aunt, nephew, niece or adult sibling.

- b. Evidence that a sponsor is the sole carer includes but is not limited to:
 - i. evidence of Accident Compensation Corporation (ACC) payments made to the sponsor (where the sponsor is considered by ACC to be a provider of home help to a sick or injured relative or relatives); and/or
 - ii. evidence from a District Health Board, General Practitioner or other Health agency which specifies the sponsor as a carer of a dependent relative or relatives; and/or
 - iii. evidence from Work and Income that the dependent relative or relatives are on an invalid's benefit; and/or
 - iv. evidence that the dependent relative or relatives are totally or substantially reliant on the sponsor for financial support whether living with them or not (where the dependent relative(s) are 17 or younger).

S4.10.55.20 Definition of 'grandparent' as a legal guardian for tier two sponsorship purposes

For tier two sponsorship purposes, a sponsor's grandparent will be considered as the sponsor's legal guardian if:

- a. both the sponsor's parents died before the sponsor attained the age of 20 years; and
- b. the grandparent had custody of the sponsor and the right to control the sponsor's upbringing, before the sponsor attained the age of 20 years

S4.10.60 Evidence

The items listed in S4.10.60.1 to S4.10.60.15 below are examples of relevant evidence. Other documents may also be relevant.

S4.10.60.1 Evidence of identity of applicant(s)

- a. For the purposes of the registration process, INZ may accept the statutory declaration made by the sponsor on the RFSC registration form submitted by the sponsor that the details they have provided of the person(s) being sponsored is true and correct as being sufficient evidence of identity.
- b. Other evidence of identity may also be sought by INZ during the registration process.

S4.10.60.5 Evidence of immigration status of sponsors

- a. When lodging a registration under RFSC, sponsors must provide evidence of their immigration status.
- b. Evidence that sponsors are New Zealand citizens may include but is not limited to original or certified copies of:
 - i. a valid New Zealand passport; or
 - ii. a Certificate of New Zealand Citizenship; or
 - iii. a recent official statement of citizenship from the Department of Internal Affairs.

- c. Evidence that sponsors are New Zealand residence class visa holders may include but is not limited to original or certified copies of a current New Zealand residence class visa, or evidence they are considered to hold a residence class visa in their passport or travel document.

S4.10.60.10 Evidence of time spent in New Zealand as a citizen and/or holder of a residence class visa

- a. When determining the amount of time spent in New Zealand, INZ may refer to INZ records of sponsors' entry to and exit from New Zealand.
- b. Other evidence of time spent in New Zealand may also be provided by a sponsor or sought by INZ.
- c. When lodging a registration under RFSC tier two queue, sponsors may be required to provide current and previous passports as evidence of time spent in New Zealand as a citizen and/or holder of a residence class visa.

Note: Periods during which a person is in New Zealand are calculated inclusive of both arrival and departure dates.

S4.10.60.15 Evidence of relationship to sponsor

- a. When lodging their application for a resident visa under RFSC, principal applicants must provide all available evidence of their relationship to their sponsor.
- b. Evidence of parent's, grandparent's, grandchildren's, nephews', nieces', aunts', uncles', siblings' or adult children's, relationship to their sponsor includes but is not limited to original or certified copies of:
- birth certificates establishing the relationship of the sponsor to the principal applicant; or
 - household registration documents, if these establish the relationship of the sponsor to the principal applicant; or
 - evidence of adoption (see [R3](#)), which establishes the relationship of the sponsor to the principal applicant; or
 - documents issued by the United Nations High Commissioner for Refugees (UNHCR) and/or other internationally recognised agencies if these establish the relationship of the sponsor to the principal applicant; or
 - other evidence establishing the relationship of the sponsor to the principal applicant.
- c. If satisfied that evidence necessary to establish an applicant's relationship to their sponsor is not available or would be unduly difficult to obtain, immigration officers may:
- i. specify another type of evidence to be submitted, such as a statutory declaration; and/or
 - ii. interview the principal applicant, those included in the application, or other parties involved in the application to verify identity and/or the relationship claimed by the applicant(s); and/or
 - iii. have the requirements waived by an appropriately delegated immigration officer if, due to the circumstances of the applicant(s), this is considered appropriate.

S4.10.65 Verification of family details

Immigration officers may refer to former applications lodged by applicants, family members of applicants or sponsors, in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant's or partner's marital status).

S4.10.70 Undertakings of sponsors

- a. **Despite R4.20(a), a sponsor must undertake to ensure that adequate accommodation for their relatives is available upon arrival in New Zealand and that they will notify INZ about the arranged accommodation prior to their relatives' arrival.**
- b. **A sponsor must also undertake to continue to provide support to their relatives to ensure that adequate accommodation continues to be available during the first 24 months of their relatives' residence in New Zealand.**