

20 October 2016

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2016/07

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 in Appendix 1 and operate in accordance with the amended instructions on and after 17 October 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 residence instructions effective on and after 17 October 2016

SM5.10 English language requirements for non-principal applicants

SM5.10.1 Transitional provisions for non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016

On 12 October 2016 Residence instructions were amended to adjust English language requirements for Skilled Migrant Category applicants. A further amendment has now been made to instructions to reinstate a cross reference inadvertently removed from the transitional English language provisions for non-principal applicants.

SM5.5.1 Transitional provisions for principal applicants invited to apply on or before 11 October 2016 allows non-principal applicants included in applications for which the invitation to apply was issued on 11 October or before the option of meeting English language requirements in place prior to the introduction of new requirements on 12 October 2016, including by reference to the circumstances set out in SM5.5.1 (c).

APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER 17 OCTOBER 2016

SM5.10 English language requirements for non-principal applicants

- a. Unless [SM5.15](#) applies, partners and dependent children aged 16 and older, who are included in Skilled Migrant Category applications, must:
 - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
 - ii. pre-purchase ESOL training.
- b. Non-principal applicants meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from IELTS, showing they achieved an overall band score of at least 5 in the IELTS General or Academic Module.
- c. Other evidence that a non-principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM14) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM14) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a non-principal applicant to provide an IELTS certificate in terms of paragraph SM5.10(b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

Note: Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

SM5.10.1 Transitional provisions for non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016

For non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016 an immigration officer may, on a case by case basis, also consider the following as evidence of the applicant meeting the minimum standard of English:

- a. (if they are the partner of a principal applicant), they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see [SM10](#)); or
- b. they provide other evidence which satisfies a visa or immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English (see [SM5.5.1 \(c\)](#)); or
- c. they provide evidence of one of the following:
 - i. completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
 - ii. completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
 - iii. completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
 - iv. that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);
 - v. that the applicant holds International Baccalaureate – full Diploma in English Medium;
 - vi. that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
 - vii. that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
 - viii. that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;
 - ix. that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;

- x. that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
 - xi. that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
 - xii. that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form.
- d. In any case, an immigration officer may require a non-principal applicant to provide an IELTS certificate in terms of paragraph SM5.10 (b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

Note: Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (e) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

