IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2017/14

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 on and after 15 December 2017.

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).
Summary of contents

This amendment circular details changes to Immigration New Zealand's Operational Manual, and contains the following:

- The *Description of changes* section contains a summary of the changes to immigration instructions.
- Appendix 1 contains amended *Residence instructions* effective on and after 15 December 2017.
- Appendix 2 contains amended *Residence* and *Temporary Entry instructions* effective on and after 15 December 2017.
Description of changes

Implementation of the Community Organisation Refugee Sponsorship category pilot

S4.25 Community Organisation Refugee Sponsorship Category
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Immigration instructions have been introduced to implement the pilot of the Community Organisation Refugee Sponsorship (CORS) category. The CORS category provides an alternative pathway to New Zealand residence for 25–30 refugees in 2017/2018. To be successful, applicants must be sponsored by an approved community organisation and meet a range of requirements including health, character and English language.

Minor amendments have been made to existing refugee and health instructions to incorporate the new category.

Information about approved community organisations will be made available on the Immigration New Zealand website in January 2018.
Appendix 1: Amendments to Residence instructions effective on and after 15 December 2017
S4.25 Community Organisation Refugee Sponsorship Category

S4.25.1 Objective
The objective of the Community Organisation Refugee Sponsorship (CORS) category is to:

- provide an opportunity for community organisations to actively engage in supporting successful refugee settlement and to build local communities that welcome refugees; and

- enable sponsored refugees, with the support of community organisations, to quickly become independent and self-sufficient so that they are able to enter the labour market, navigate their communities and access mainstream services without requiring additional support; and

- provide an alternative form of admission for refugees to complement New Zealand’s refugee quota and, in doing so, demonstrate New Zealand’s response to the scale of refugee movement and commitment to international responsibility sharing.

S4.25.5 Overview

- The CORS category operates as a pilot in 2017/2018.

- Approved community organisations are selected through a request for application process.

- An approved community organisation may elect to sponsor:
  1. identified mandated refugees which the organisation has nominated; and/or
  2. mandated refugees who have been referred to Immigration New Zealand (INZ) by the United Nations High Commissioner for Refugees (UNHCR) and allocated by INZ to the approved community organisation.

- The CORS category is only open to mandated refugees who are physically present in a geographic region identified by INZ. The geographic region will coincide with one or more refugee quota selection missions undertaken by INZ.

- The pilot CORS category intake will consist of 25 mandated refugees, but may be increased to up to 30 mandated refugees in order to enable qualifying family groups to be resettled together. No more than 30 CORS permanent resident visas may be granted as a result of the pilot.

- An approved community organisation must provide settlement services to sponsored refugees for two years.

Note: A mandated refugee is someone who, before arrival in New Zealand, was determined by the UNHCR to be a refugee under the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees.

S4.25.10 Expression of interest and invitation to apply for a Community Organisation Refugee Sponsorship category permanent resident visa

See also Immigration Act 2009 ss 92-95

- A person may express interest in applying for a CORS permanent resident visa if he or she is:
  1. a mandated refugee; and
  2. physically present in the identified geographical region of the INZ selection mission; and
  3. either:
     - nominated by an approved community organisation; or
     - referred by the UNHCR to INZ for allocation to an approved community organisation.

- A person may express interest in applying by completing the CORS expression of interest (EOI) form and submitting it to an immigration officer.

- An EOI made in the prescribed manner may be entered into the EOI Pool, and will be valid for a period of six months. EOIs that are still in the Pool after six months, or rejected because they do not meet the criteria to be invited to apply, will be withdrawn.

- EOIs are selected in the order in which they are received.

- An immigration officer may invite a person to apply if:
  1. the person has been nominated by, or allocated to, an approved community organisation; and
  2. all people included in the expression of interest have been recognised by the UNHCR as mandated refugees; and
  3. the cap on approvals under the CORS category will not be exceeded as a result of an application resulting from the invitation to apply (see S4.25.5(e)); and
  4. the information provided:
Permanent resident visas under the CORS category may be granted if an immigration officer is satisfied that:

- does not indicate the presence of health or character issues that may adversely affect the ability of any person included in the expression of interest to be granted a CORS permanent resident visa; and
- does not indicate any person included in the expression of interest is eligible to be sponsored for residence under any other family category, including the Refugee Family Support Category; and
- indicates the information provided regarding the principal applicant’s age, English language proficiency, and work experience or qualifications, is credible.

f. An invitation to apply for a visa may at any time be revoked by the Minister of Immigration or an immigration officer. A revocation takes immediate effect.

g. An immigration officer’s decision to issue an invitation to apply does not guarantee a positive assessment of any factor in any subsequent application for a residence class visa, or that the person will be granted a permanent resident visa.

54.25.15 Lodging an application for a Community Organisation Refugee Sponsorship category permanent resident visa

a. A person may only apply for a CORS permanent resident visa if he or she is invited to do so. Applications must be made within four months of the date INZ advises of that invitation.

b. Applications for a CORS permanent resident visa must be made in the prescribed manner (subject to any applicable special direction), and be processed and decided by immigration officers from the Refugee Quota Branch.

c. If an original or certified copy of a birth certificate or identity card for any person included in the application is unavailable, a signed declaration confirming their full name, date and place of birth and the full names of both parents must be submitted.

d. If documents relating to the custody of any child under the age of 16 included in the application are unavailable, a signed declaration confirming their full name, date and place of birth and the full names of both parents must be submitted.

e. The principal applicant and partner included in the application must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A signed declaration confirming the duration and nature of the partnership must be submitted by the applicants if an immigration officer is satisfied that such evidence would be unduly difficult to obtain because there are circumstances beyond their control which prevent them obtaining that evidence.

f. All applicants aged 17 and over must provide a police clearance certificate, less than 6 months old at the time the application is lodged, for each country in which they have lived for 12 months or more during the past 10 years except where:

- the certificate is required from the applicant’s home country, where they have a well-founded fear of approaching the authorities; or
- the authorities of any such country do not generally provide police certificates; or
- the immigration officer deems it unsafe for the applicant to approach the authorities of that country.

g. If overseas police clearances are unavailable, a signed declaration must be provided by each applicant aged 17 years or older, stating whether they have been convicted, or found guilty of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.

Notes: Applicants under this category are exempt by special direction from paying the prescribed application fee and the following mandatory requirements for lodgement have been waived by special direction: two passport-sized photographs, completed medical certificate and chest x-ray.

- Appropriately delegated immigration officers may waive by special direction any other mandatory requirement for lodgement.
- Any lodgement requirement waived by special direction may be required by an immigration officer at a later date.

54.25.20 Determining a Community Organisation Refugee Sponsorship category resident visa application

Permanent resident visas under the CORS category may be granted if an immigration officer is satisfied that:

a. the principal applicant has been nominated by an approved community organisation, or referred to INZ by the UNHCR and allocated to an approved community organisation; and

b. the principal applicant is aged between 18 and 45 years old (inclusive); and

c. the principal applicant can demonstrate English language ability that is sufficient that they can read, understand and respond to basic questions in English at an interview with an immigration officer; and

d. the principal applicant has:

- a minimum of three years’ work experience in the same occupation, or the same or related sector; or
- a qualification that required a minimum of two years’ tertiary study; and

e. the identity of all applicants has been confirmed; and
f. all applicants are mandated as refugees under the 1951 Refugee Convention and recognised by the UNHCR; and

g. all applicants have been interviewed by an immigration officer; and

h. all applicants have an acceptable standard of health (see A4.10); and

i. all applicants meet character requirements at A5, except the requirement to provide police certificates at A5.10 (applicants must instead meet the requirements of S4.25.15(f)); and

j. there are no significant barriers to the ability of any of the applicants to settle in New Zealand; and

k. no applicant is eligible to be sponsored for residence under any family category, including the Refugee Family Support Category; and

l. the approval of the application would result in no more than 30 permanent resident visas being granted as a result of the CORS category pilot.

S4.25.25 Evidence of work experience or qualification

a. Evidence of work experience may include but is not limited to written confirmation from the employer of the duration of employment, role and responsibilities.

b. Evidence of qualification may include but is not limited to a copy of the qualification gained or an academic transcript.

c. If evidence of work experience or qualifications are unavailable, a declaration signed by the principal applicant confirming the details of employment or study should be provided.

S4.25.30 Status of people granted a permanent resident visa under the Community Organisation Refugee Sponsorship category

All applicants granted a permanent resident visa under this category are to be treated as principal applicants for the purpose of any future requests to sponsor family members under any applicable categories.
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 300 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 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.

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.

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:

• their status as a refugee or protected person; or
• being an Afghan interpreter; or
• 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. Sponsors aged 18 to 24 must be able to satisfy an immigration officer that they are able to meet the undertakings given in the sponsorship form.

c. 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. A fee is payable for registration.

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 12 months after the date of the INZ notification to the sponsor. 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. A fee is payable for registration.

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 the appropriate receiving office of INZ. Such applications must be made within 12 months after the date of the INZ notification to the sponsor. 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.
~ Where a registration is not accepted for any of the reasons set out in this provision, the registration fee will be returned to the sponsor.

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. A sponsor must undertake to ensure that adequate accommodation for their relatives is available upon arrival in New Zealand and continues to be available during the first 24 months of their relatives’ residence in New Zealand.

b. An immigration officer must be satisfied that the sponsor will be able to fulfil their undertakings provided under (a). A sponsor may demonstrate this by providing a completed Questionnaire for Refugee Family Support Category sponsor undertakings, outlining a credible accommodation plan.
c. The application may be declined if an immigration officer is not satisfied a sponsor has the ability to meet their undertaking obligations set out at S4.10.70(a) above.
S4.20 Refugee Quota Family Reunification Category

S4.20.1 Objective

The objective of the Refugee Quota Family Reunification Category, which is part of the Refugee Quota residence programme, is to:

a. enable New Zealand to meet its international and humanitarian obligations;

b. maintain the principle of family unity; and

c. facilitate the successful resettlement of mandated refugees resident in New Zealand by providing them with an opportunity to sponsor immediate family members.

Note: The places available under this category are incorporated into the quota places available for the family reunification subcategory of the United Nations High Commissioner for Refugees (UNHCR) mandated refugee residence category; however applicants do not themselves have to be mandated refugees.

S4.20.5 Who is eligible for residence under the Refugee Quota Family Reunification Category?

a. An applicant may qualify for residence under the Refugee Quota Family Reunification Category if:

i. they have an acceptable sponsor (see S4.20.10);

ii. they were declared as an immediate family member (see S4.20.15) in the sponsor’s original Residence Application for Mandated Refugees form, and they can provide satisfactory evidence of the relationship;

iii. they meet the character requirements at A5;

iv. they meet the health requirements specified at A4.74; and

v. they have satisfied an immigration officer that:
   o the circumstances and reasons for the separation from, and re-establishment of contact with, their sponsor are plausible and credible; and
   o reunification will have a positive settlement effect on the sponsor; and
   o they have the potential for successful settlement.

b. Applicants are exempt from the requirement to have an acceptable standard of health (see A4.10), except for the health requirements specified at A4.74.

c. If the applicant is a dependent child aged 21-24, evidence must be submitted to show dependence on the sponsor (see R2.1.30).

S4.20.10 Who is an acceptable sponsor under the Refugee Quota Family Reunification Category?

a. An acceptable sponsor is a New Zealand citizen or resident who:

i. was granted a residence class visa as a mandated refugee (see S3.22), excluding people granted permanent residence under the Community Organisation Refugee Sponsorship category (see S4.25); and

ii. is living in New Zealand; and

iii. is an immediate family member of the applicant (see S4.20.15); and

iv. has attended an interview with a Refugee Quota Branch immigration officer and been deemed to be an acceptable sponsor.

Note: A person granted permanent resident visa under this category is not able to be a sponsor under this category as they are not a mandated refugee.

b. If the sponsor is a child aged 18 and under sponsoring a parent, the immigration officer must be satisfied that it is in the best interests of the child to grant a permanent residence visa to the parent(s).

c. The immigration officer must be satisfied that the relationship between the sponsor and the applicant is credible and genuine. If the sponsor did not declare the applicant in their own residence application then R5.15 must be followed.

S4.20.10.1 Undertakings and responsibilities of sponsors

A sponsor under this category is exempt from meeting the sponsorship undertakings requirement at R4.10.

S4.20.15 Who is an immediate family member under the Refugee Quota Family Reunification Category?

For the purposes of the Refugee Quota Family Reunification Category, an immediate family member is defined as a partner, dependent child, or parent where the applicant is a dependent child.

S4.20.20 Requirements for making an application for the grant of a permanent resident visa

a. Applications for a permanent resident visa under the Refugee Quota Family Reunification Category must be made in the prescribed manner (see R2.40).

b. Applications can only be made to the Refugee Quota Branch, and only after the applicant’s sponsor has been deemed acceptable (see S4.20.10).
c. Appropriately delegated immigration officers may waive by special direction:
   i. the application fee for the applicant(s);
   ii. the requirement to submit an overseas police clearance certificate from any country where the sponsor has a well-founded fear of persecution; and
   iii. any other mandatory requirement for lodgement except the requirement to complete and submit a residence application form together with two passport photographs of, and medical and X-ray certificates for, each person included in the application.

d. If a birth certificate for any person included in the application is unavailable, a statutory declaration confirming the full name, date and place of birth and full names of both parents must be submitted.

e. If documents relating to the custody of any child included in the application and aged under 16 are unavailable, a statutory declaration confirming the legal custody of the child must be submitted.

f. The principal applicant and partner included in the application must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A statutory declaration confirming the duration and nature of the partnership must be submitted if such evidence would be unduly difficult to obtain because:
   i. conditions in the relevant country are such that the country’s governmental infrastructure is no longer functioning; and/or
   ii. there are circumstances beyond the control of the applicants which prevent them obtaining the required evidence.

g. If overseas police clearances are unavailable for any person aged 17 and older included in the application, a statutory declaration must be provided stating whether the applicant has been convicted, or found guilty of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.
**R5.65 Approved applications for residence class visas**

a. Unless otherwise stated, an approved application for a residence class visa will result in the grant of a resident visa.

b. The travel conditions to be granted on a resident visa are set out at R5.66.

c. A permanent resident visa may be granted as a result of an approved application for a:
   i. permanent resident visa, by a resident visa holder who meets the requirements set out in RV2;
   ii. residence class visa under Partnership Category, by a person who meets the requirements set out F2.5.1;
   iii. residence class visa under the Talent (Accredited Employer) Category, by a person who meets the requirements set out at RW2.1;
   iv. residence class visa by a quota refugee, asylum seeker or protected person (S3.10), or community organisation sponsored refugee (see S4.25).

**R5.65.1 Resident visas subject to conditions**

*See also Immigration Act 2009 ss 49, 50, 55*

a. When a principal applicant is granted a resident visa subject to conditions, the resident visas of any accompanying partner and dependent child will be subject to the condition that “the principal applicant comply with the conditions of the principal applicant’s visa”.

b. For applications based on partnership, or dependent child relationships, any applicant who is supported by a person whose resident visa is subject to conditions at the time the sponsorship was undertaken or support was given, will be granted a resident visa subject to the condition that "[name of supporter] comply with the requirements of [his or her] visa".
F2.40 General rules

F2.40.1 English language requirements

a. If an applicant was eligible to be included as a partner or a dependent child of a principal applicant in an earlier successful application under the General Skills Category, Skilled Migrant Category, Residence From Work Category, Business Immigration Instructions or previous Business Investor Category, but was not at that time included in the application, they will have to meet the criteria of the English language instructions applicable at the time the application under the Partnership Category is made.

b. Such an applicant will be subject to the applicable English language instructions as if they were a non-principal applicant under the Skilled Migrant Category or Business Immigration Instructions.

c. An applicant who would have been eligible for inclusion in an earlier General Skills Category or Skilled Migrant Category application will be subject to the English language of the Skilled Migrant Category applicable at the time the application under Partnership Category is made.

d. An applicant who would have been eligible for inclusion in an earlier Business Investor category or Business Immigration Instructions application will be subject to the English language requirements of Business Immigration Instructions applicable at the time the application under Partnership Category is made.

F2.40.5 Applications under Partnership Category of persons eligible for inclusion in earlier registrations or expressions of interest

If the principal applicant in an application under Partnership Category was eligible for inclusion in a successful registration under the Family Quota, the Refugee Family Support Category, Samoan Quota Scheme or the Pacific Access Category, or in an expression of interest under the Parent Category or Community Organisation Refugee Sponsorship category from which an invitation to apply was subsequently issued, but was not included, they must not subsequently be granted residence under Partnership Category.

F2.40.10 Resident visas with conditions imposed under section 49(1)

If a New Zealand partner holds a resident visa subject to conditions (excluding travel conditions) imposed under section 49(1) of the Immigration Act 2009, then the principal applicant’s resident visa will be subject to the condition that the New Zealand resident partner complies with those conditions (see R5.65.1).
F5.35 Application under Dependent Child Category of person eligible for inclusion in an earlier registration or expression of interest

A resident visa will not be granted under the Dependent Child category if the principal applicant was eligible for inclusion but not actually included in:

a. a successful registration under either the Family Quota, Refugee Family Support Category, Samoan Quota Scheme or Pacific Access Category; or

b. an expression of interest under the Community Organisation Refugee Sponsorship category from which an invitation to apply was subsequently issued.
A4.10 Acceptable standard of health (applicants for residence)

a. Applicants for residence class visas must have an acceptable standard of health unless they have been granted a medical waiver or (f), below, applies. An application for a residence class visa must be declined if any person included in that application is assessed as not having an acceptable standard of health and a medical waiver is not granted (see A4.60).

b. Applicants for residence class visas are considered to have an acceptable standard of health if they are:
   i. unlikely to be a danger to public health; and
   ii. unlikely to impose significant costs or demands on New Zealand’s health services or special education services; and
   iii. able to undertake the work on the basis of which they are applying for a visa, or which is a requirement for the grant of the visa.

c. The conditions listed in A4.10.1 are considered to impose significant costs and/or demands on New Zealand’s health and/or special education services. Where an immigration officer is satisfied (as a result of advice from an Immigration New Zealand medical assessor) that an applicant has one of the listed conditions, that applicant will be assessed as not having an acceptable standard of health.

d. If an immigration officer is not satisfied that an applicant for a residence class visa has an acceptable standard of health, they must refer the matter for assessment to an Immigration New Zealand medical assessor (or the Ministry of Education as appropriate).

e. Despite (d) above, referral to an Immigration New Zealand medical assessor (or the Ministry of Education) is not required where the applicant is the partner or dependent child of a New Zealand citizen or residence class visa holder, unless the provisions of A4.60(a) or A4.60(b) apply.

f. Mandated refugees (see S3.5(a)(i)) and Refugee Quota Family Reunification Category applicants (see S4.20) are exempt from the requirement to have an acceptable standard of health, except where they have any of the conditions set out at A4.74.

g. The exemption at (f) above does not apply to those invited to apply under the Community Organisation Refugee Sponsorship category (see S4.25).

Note: These instructions do not apply to residents and former residents applying for a permanent resident visa or a second or a subsequent resident visa.

A4.10.1 Medical conditions deemed to impose significant costs and/or demands on New Zealand’s health and/or education services

- HIV infection
- Hepatitis B-surface antigen positive and meeting criteria for anti-viral treatment in New Zealand
- Hepatitis C-RNA positive and meeting criteria for anti-viral treatment in New Zealand
- Malignancies of organs, skin (such as melanoma) and haematopoietic tissue, including past history of, or currently under treatment. Exceptions are:
  - treated minor skin malignancies
  - malignancies where the interval since treatment is such that the probability of recurrence is <10 percent
- Requirement for organ transplants (with the exclusion of corneal grafts), or following organ transplant when immune suppression is required (with the exclusion of corneal grafts)
- Severe, chronic or progressive renal or hepatic disorders
- Musculoskeletal diseases or disorders such as osteoarthritis with a high probability of surgery in the next five years
- Severe, chronic or progressive neurological disorders, including but not exclusive to:
  - any dementia including Alzheimer’s disease
  - poorly controlled epilepsy
  - complex seizure disorder
  - cerebrovascular disease
  - cerebral palsy
  - paraplegia, quadriplegia
  - poliomyelitis
  - Parkinson’s disease
  - motor neurone disease, Huntington’s disease, muscular dystrophy
  - prion disease
  - relapsing and/or progressive multiple sclerosis
- Cardiac diseases, including but not exclusive to:
• severe ischaemic heart disease
• cardiomyopathy
• valve disease with a high probability of surgical and/or other procedural intervention in the next five years
• aortic aneurysm with a high probability of surgical and/or other procedural intervention in the next five years
  o Chronic respiratory disease, including but not exclusive to:
    • severe and/or progressive restrictive (including interstitial) lung disease
    • severe and/or progressive obstructive lung disease
    • cystic fibrosis
  o Significant or disabling hereditary disorders, including but not exclusive to:
    • hereditary anaemias and coagulation disorders
    • primary immuno-deficiencies
    • Gaucher’s disease
  o Severe autoimmune disease which may require treatment in New Zealand with immune-suppressant medications other than Prednisone, Methotrexate, Azathioprine or Salazopyrin
  o Severe (71-90 decibels) hearing loss or profound bilateral sensori-neural hearing loss after best possible correction at country of origin, where significant support is required, including cochlear implants
  o Severe vision impairment with visual acuity of 6/36 or beyond after best possible correction at country of origin, or a loss restricting the field of vision to 15-20 degrees where significant support is required
  o Severe developmental disorders or severe cognitive impairments where significant support is required, including but not exclusive to:
    • physical disability
    • intellectual disability
    • autistic spectrum disorders
    • brain injury
  o Major psychiatric illness and/or addiction including any psychiatric condition that has required hospitalisation and/or where significant support is required
  o Those with a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by a New Zealand Respiratory or Infectious Diseases specialist upon review of their file or review of the applicant according to the New Zealand Guidelines for Tuberculosis Treatment

Note: The list above at A4.10.1 is not an exhaustive list of conditions which may indicate that an applicant does not have an acceptable standard of health.

A4.10.2 Assessment of whether an applicant for a residence class visa is unlikely to impose significant costs on New Zealand’s health services

a. The requirement that an applicant for a residence class visa must be unlikely to impose significant costs on New Zealand’s health services is not met if, in the opinion of an Immigration New Zealand medical assessor, there is a relatively high probability that the applicant’s medical condition or group of conditions will require health services costing in excess of NZ$41,000.

Note: Assessment will be in terms of current costs with no inflation adjustment.

b. In the case of acute medical conditions, the medical assessor will provide an opinion on whether there is a relatively high probability that the condition or group of conditions will require health services costing in excess of NZ$41,000 within a period of five years from the date the assessment against health requirements is made.

c. In the case of chronic recurring medical conditions, the medical assessor will provide an opinion on whether, over the predicted course of the condition or group of conditions, there is a relatively high probability that the condition or group of conditions will require health services costing in excess of NZ$41,000.

d. The following factors have no bearing on whether an applicant is unlikely to impose significant costs on health services:

i. The ability of a person or organisation to pay for health services, pharmaceuticals, or residential care which may be required.

ii. The ability of an applicant to gain access to the private health system.

iii. The applicant’s possession of health insurance.

iv. The capacity of family, friends, or a charitable organisation to provide care for an applicant.
A4.10.5 Assessment of whether an applicant for a residence class visa is unlikely to impose significant costs on New Zealand’s special education services

a. The requirement that an applicant for a residence class visa must be unlikely to impose significant costs on New Zealand’s special education services is not met if the Ministry of Education (MoE) has determined that there is a relatively high probability that the applicant’s physical, intellectual, or sensory condition or their use of language and social communication would entitle them to Ongoing Resourcing Scheme (ORS) funding.

b. Where it has been determined that there is a relatively high probability that an applicant would be entitled to ORS funding, the following factors have no bearing on whether an applicant is unlikely to impose significant costs on New Zealand’s special education services:
   i. The ability of a person or organisation to pay for education services.
   ii. The ability of a person to provide in-home education services.

A4.10.10 Assessment of whether an applicant for a residence class visa is unlikely to impose significant demands on New Zealand’s health services

a. The requirement that an applicant must be unlikely to impose significant demands on New Zealand’s health services is not met if, in the opinion of an Immigration New Zealand medical assessor, there is a relatively high probability that the applicant’s medical condition or group of conditions will require health services for which the current demand in New Zealand is not being met.

b. Where it has been determined that there is a relatively high probability that an applicant may require health services for which the demand in New Zealand is not being met, the following factors have no bearing on whether the applicant is unlikely to impose significant demands on New Zealand’s health services:
   i. The ability of a person to gain access to the private health system.
   ii. The capacity of family, friends, or a charitable organisation to provide care for an applicant.

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

i. General Medical Certificate (INZ 1007) which must be provided by all applicants other than those listed in (ii) below, or

ii. Limited Medical Certificate (INZ 1201) which must be provided by:
   o 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
   o 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
   o 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 S3.3) and their partner and dependent child(ren), (if any); or
   o applicants who are applying under the Refugee Quota Family Reunification (RQFR) Category (S4.20); or
   o mandated refugees who have been selected as candidates for New Zealand’s Refugee Quota Programme (S3.5(a)(i)).

**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:

i. they have provided a Medical Certificate and Chest X-ray Certificate with an earlier visa application; and

ii. they were assessed as having an acceptable standard of health based on those certificates; and

iii. those certificates were issued less than 36 months prior to the current application.

e. Despite (d) above:

i. 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.

ii. 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)(i)(ii), must provide a General Medical Certificate (INZ 1007), which is less than three months old with their application.

iii. Applicants must provide a Chest X-ray Certificate and specified tests, if:
   o 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
   o their age would now require them to undertake the specified tests or provide a Chest X-ray Certificate, or they are no longer pregnant.

iv. 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.

**Note:** These instructions do not apply to people applying for a further residence class visa under RV2 or RV4.
A4.60 Medical waivers (applicants for residence class visas)

a. Applicants for residence class visas in New Zealand who are assessed as not having an acceptable standard of health and whose applications meet all other requirements for approval under the relevant Government residence instructions may be considered for the grant of a medical waiver unless they:
   i. require dialysis treatment, or an Immigration New Zealand medical assessor has indicated that they will require such treatment within a period of five years from the date of the medical assessment; or
   ii. have severe haemophilia; or
   iii. have a physical, intellectual, cognitive and/or sensory incapacity that requires full time care, including care in the community; or
   iv. currently have tuberculosis (TB) (any form including pulmonary and non-pulmonary TB, Multidrug-Resistant (MDR)-TB and Extensively Drug-Resistant (XDR)-TB) and have not completed full treatment for TB as outlined in the New Zealand Guidelines for TB Treatment; or
   v. have had a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by a New Zealand Respiratory or Infectious Diseases specialist upon review of their file or review of the applicant as outlined in the New Zealand Guidelines for TB.

b. Medical waivers will also not be granted to people who:
   i. are applying for residence under one of the Family Categories; and
   ii. were eligible to be included in an earlier application for a residence class visa (or a residence visa or residence permit issued or granted under the Immigration Act 1987) as the partner of a principal applicant or the dependent child of a principal applicant or their partner; and
   iii. were not declared in that earlier application; or
   iv. were not included in that earlier application; or
   v. were withdrawn from that earlier application.

c. Applicants (and dependants included in their application) who have been recognised as having refugee or protection status (except those invited to apply under the Community Organisation Refugee Sponsorship category (see S4.25)) will be granted medical waivers, unless (a) above applies.

d. An applicant who is the partner or dependent child of a New Zealand citizen or residence class visa holder, who would otherwise meet the criteria for residence under Partnership (see F2.5(a)) or Dependent Child (see F5.1(a)) instructions, will be granted a medical waiver unless (a) or (b) above apply.

Note: These instructions do not apply to people applying for a permanent resident visa who currently hold resident visas.
A4.74 Health requirements for mandated refugees and Refugee Quota Family Reunification Category applicants

Mandated refugees who have been put forward for consideration to be resettled in New Zealand under the Refugee Quota Programme (S3.5(a)(i)), and applicants for residence under the Refugee Quota Family Reunification (RQFR) Category (S4.20), can be considered for a residence class visa unless they:

a. require dialysis treatment, or have an Immigration New Zealand medical assessor indicate that they will require such treatment within a period of five years from the date of the medical assessment; or
b. have severe haemophilia; or
c. have a physical, intellectual, cognitive and/or sensory incapacity that requires full time care, including care in the community; or
d. currently have tuberculosis (TB) (any form including pulmonary and non-pulmonary TB, Multidrug-Resistant (MDR)-TB and Extensively Drug-Resistant (XDR)-TB) and have not completed full treatment for TB as outlined in the New Zealand Guidelines for TB Treatment; or
e. have had a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by a New Zealand Respiratory or Infectious Diseases specialist upon review of their file or review of the applicant as outlined in the New Zealand Guidelines for TB.

A4.74.1 Medical and Chest X-ray Certificates for mandated refugees, Refugee Quota Family Reunification category and Community Organisation Refugee Sponsorship category applicants

a. The following medical certificates must be provided by mandated refugees (S3.5(a)(i)), and Refugee Quota Family Reunification (RQFR) Category applicants (S4.20):
   i. Limited Medical Certificate (INZ 1201); and

b. Separate medical certificates must be provided for each person.

c. A Chest X-ray Certificate (INZ 1096) may not be required until such time as one is requested by Immigration New Zealand.

d. All applicants included in a Community Organisation Refugee Sponsorship (CORS) category (see S4.25) must provide a General Medical Certificate (INZ 1007) and Chest X-ray Certificate (INZ 1096).

Notes:
~ Pregnant women and children under 11 years of age are not required to have an X-ray examination.
~ 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 INZ 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 INZ if submitted by the physician electronically.

e. An immigration officer may request a further medical certificate and chest X-ray certificate, or other medical information, if they consider this is necessary to establish whether a mandated refugee, RQFR or CORS category applicant has a condition that means they are ineligible for the grant of residence under A4.74.
Appendix 2: Amendments to Residence and Temporary Entry instructions effective on and after 15 December 2017
A4.70 Determination of whether a medical waiver should be granted (residence and temporary entry)

a. Any decision to grant a medical waiver must be made by an immigration officer with Schedule 1-3 delegations (see A15.5).

b. When determining whether a medical waiver should be granted, an immigration officer must consider the circumstances of the applicant to decide whether they are compelling enough to justify allowing entry to, and/or a stay in New Zealand.

c. Factors that officers may take into account in making their decision include, but are not limited to, the following:
   i. the objectives of Health instructions (see A4.1) and the objectives of the category or instructions under which the application has been made;
   ii. the degree to which the applicant would impose significant costs and/or demands on New Zealand’s health or education services;
   iii. whether the applicant has immediate family lawfully and permanently resident in New Zealand and the circumstances and duration of that residence;
   iv. whether the applicant’s potential contribution to New Zealand will be significant;
   v. the length of intended stay (including whether a person proposes to enter New Zealand permanently or temporarily).

d. An applicant who is the partner or dependent child of a New Zealand citizen or residence class visa holder, who would otherwise meet the criteria for residence under Partnership (see F2.5(a)) or Dependent Child (see F5.1(a)) instructions, will be granted a medical waiver unless the limitations on the grant of medical waivers to such persons set out at A4.60(a) and A4.60(b) apply.

e. An applicant who has been recognised as having refugee or protection status (except those invited to apply under the Community Organisation Refugee Sponsorship category) will be granted a medical waiver, unless the limitation on the grant of medical waivers to such persons set out at A4.60(a) applies.

f. An immigration officer should consider any advice provided by an Immigration New Zealand medical assessor on medical matters pertaining to the grant of a waiver, such as the prognosis of the applicant.

g. An immigration officer must record decisions to approve or decline a medical waiver, and the full reasons for such a decision.