



30 May 2018

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2018/07

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions in Appendix 1 on and after 1 June 2018, and Appendix 2 on and after 1 July 2018.

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).

Description of changes

Amendments to minimum income thresholds

S1.10 Samoan Quota Scheme

S1.40 Pacific Access Category

F4.30 Additional requirements for tier one of the Parent Category

V3.10 Partners and dependent children of student or work visa holders

U8.20 Dependent children of holders of work visas

Income thresholds across a number of categories will increase to reflect changes to New Zealand benefits and tax credit rates.

The changes include the following:

- On 1 June 2018, the minimum income requirements for Samoan Quota Scheme and Pacific Access Category applicants who have partners or dependent children included will increase to \$38,199.20.
- On 1 July 2018, the minimum income requirement for Essential Skills and Religious Worker work visa holders whose dependent children are in New Zealand on visitor or student visas will increase to \$42,944.20.
- On 1 July 2018, the guaranteed lifetime minimum income requirements under tier one of the Parent Category will increase to \$28,166 for a single applicant and \$41,494 if a partner is included (note INZ is currently not selecting expressions of interest from the Parent Category pool).

Appendix 1: Amendments to immigration instructions effective on and after 1 June 2018

S1.10 Samoan Quota Scheme

S1.10.1 Objective

The Samoan Quota Scheme allows up to 1,100 Samoan citizens to be granted a resident visa each year. The total number of Samoan citizens approved under this category includes principal applicants, their partners and dependent children.

S1.10.5 Criteria for a resident visa

- a. To qualify for a resident visa under the Samoan Quota Scheme, the principal applicant must:
 - i. be a Samoan citizen (having been born in Samoa or born overseas to a Samoan citizen who was born in Samoa); and
 - ii. be either in Samoa or lawfully in New Zealand at the time their application for a resident visa is made; and
 - iii. have their registration drawn from the Samoan Quota Scheme pool; and
 - iv. lodge their application for a resident visa under the Samoan Quota Scheme within eight months of written advice from INZ that their registration has been drawn from the Samoan Quota Scheme pool; and
 - v. have been aged between 18 and 45 (inclusive) at the registration closing date; and
 - vi. have an acceptable offer of employment, or have a partner included in the application who has an acceptable offer of employment (see S1.10.30 below); and
 - vii. (if they have dependent children) meet the minimum income requirement (see S1.10.35 below); and
 - viii. meet a minimum level of English language ability (see S1.10.45 below); and
 - ix. meet health and character requirements (see [A4](#) and [A5](#)).
- b. Partners and dependent children of the principal applicant who are included in the resident visa application must also meet health and character requirements for a resident visa (see [A4](#) and [A5](#)).
- c. An immigration officer may extend the eight month timeframe referred to in paragraph (a)(iv) if the officer believes the special circumstances of the applicant justify such an extension.
- d. An Assistant General Manager, Visa Services may extend the eight month timeframe referred to in paragraph (a)(iv) in relation to a class of applicants if the Assistant General Manager believes the special circumstances of the class of applicants justify such an extension.

S1.10.10 Registration process

- a. Principal registrants may register for entry into the Samoan Quota pool within a set registration period. The dates of the registration period will be announced each year prior to the registration opening.
- b. Principal registrants must be aged between 18 and 45 (inclusive) at the registration closing date for their registration to be accepted into the ballot.
- c. Registrations must be made on the appropriate registration form for the Samoan Quota Scheme.
- d. Registrations must be submitted during the registration period to the appropriate receiving office specified in the appropriate registration guide for the Samoan Quota Scheme.
- e. Registrations will be accepted for entry into the ballot only if they are fully completed, signed by the principal registrant, and accompanied by any documents or evidence specified as required by the registration form.
- f. Any person included in a registration must either:
 - i. be in New Zealand lawfully at the time the registration is made; or
 - ii. be offshore at the time the registration is made.
- g. Any person who has previously overstayed in New Zealand, but has departed voluntarily, and is not subject to a removal order or period of prohibition on entry, can register under the Samoan Quota Scheme.

S1.10.10.1 Definition of 'principal registrant'

The principal registrant is the person who is declared to be the principal registrant on the registration application form and who intends to be the principal applicant of any resulting resident visa application.

S1.10.15 Inclusion in registration of immediate family members of the principal registrant

- a. Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.
- b. If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Samoan Quota Scheme. This limitation applies despite [R2.1](#) concerning the inclusion of family members in an application.
- 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.

S1.10.20 Number of registrations that may be lodged

Registrants must lodge (or be included in) only one registration within the registration period. If a registration is lodged that includes registrants who are already included in a registration accepted by INZ, the subsequent registration(s) will not be accepted.

S1.10.25 Selection process following closure of registration

- a. As soon as practicable following the closure of the registration period, INZ will conduct an electronic draw.
- b. Registrations will be randomly drawn from the pool until the appropriate number of potential applicants to fill the number of available places within the annual period has been drawn.
- c. Principal registrants whose registrations have been drawn from the pool will be notified by INZ in the month following the draw that their registration has been successful, and will be invited to lodge an application for a resident visa under the Samoan Quota Scheme at the appropriate receiving office of INZ not more than eight months after the date of that advice.

S1.10.30 Acceptable offers of employment

- a. Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for on-going and sustainable employment. On-going and sustainable employment is:
 - i. an offer of employment or current employment with a single employer which is permanent, or indefinite, and of which the employer is in a position to meet the terms specified; or
 - ii. an offer of employment or current employment, with a single employer for a stated term of at least 12 months.

Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
 ~ if the applicant has current employment, he or she must be in that employment, or
 ~ if the applicant has an offer of employment, the offer must continue to be valid.

- b. Acceptable offers of employment must also be:
 - i. for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week) unless S1.10.35.1(c) applies; and
 - ii. current at the time of assessing the application and at the time of grant of the visa; and
 - iii. genuine; and
 - iv. for a position that is paid by salary or wages (ie, positions of self-employment, payment by commission and/or retainer are not acceptable); and
 - v. accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and
 - vi. compliant with all relevant employment law in force in New Zealand.
- c. An acceptable offer of employment must be from an employer who complies with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law will be assessed on the basis of past and current behaviour, and includes, but is not limited to:
 - i. paying employees no less than the applicable minimum wage rate; and
 - ii. meeting holiday and leave entitlements and other minimum statutory requirements; and
 - iii. meeting occupational safety and health obligations; and
 - iv. only employing people who are entitled to work in New Zealand.
- d. An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at [R5.110](#) or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see [Appendix 10](#)).
- e. For the purposes of S1.10.30(a) (ii), INZ must be satisfied that the employer:

- i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
 - ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
 - iii. is in a position to meet the terms specified.
- f. 'Genuine reasons' for the purposes of [SM6.30.10\(c\)\(i\)](#) do not include reasons:
- i. that exclude or limit the rights of a person under employment law; or
 - ii. to determine the suitability of a person for permanent or indefinite employment.

Note: In order to meet employment law, employment agreements that are for a stated term must specify in writing the way in which the employment will end and the reasons for ending the employment.

- g. If the principal applicant has dependent children, the offer of employment must also meet the minimum income requirement set out at S1.10.35 below.

S1.10.35 Minimum income requirement

- a. Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and their dependent children.
- b. The gross minimum income requirement is NZ\$**38,199.20**. This is based on the Unemployment Benefit (married and civil union rate) plus the maximum Accommodation Supplement (as set by the New Zealand Government).
- c. The minimum income requirement must be derived from an acceptable offer of employment - see S1.10.30.

S1.10.35.1 Ability to include partner's income as part of the minimum income requirement

- a. If both the principal applicant and their partner included in their application have an acceptable offer of employment in New Zealand, both of their wages or salaries may be taken into account when determining if the minimum income requirement is met.
- b. In such cases the partner's employment and income will only be taken into account if, at the time the application is assessed, an immigration officer is satisfied the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable (see [R2.1.15.1\(b\)](#) and [R2.1.15.5\(a\)\(i\)](#)).
- c. Where the employment (and income) of both the principal applicant and their partner is used to meet the minimum income requirement, both offers of employment must meet all the requirements in S1.10.30 except that only one has to meet the requirement that the offer be for full-time employment.

S1.10.40 Evidence of employment offer

- a. Evidence of an offer of employment is original or certified copies of the following documents:
 - i. a written offer of employment; and
 - ii. a detailed job description; and
 - iii. an employment agreement entered into by the employer and the principal applicant, stating:
 - iv. the terms of employment; and
 - o the hours of work; and
 - o the period during which employment may begin.
- b. Additional evidence may include, but is not limited to:
 - i. any information requested by INZ; and
 - ii. the results of any verification undertaken by INZ; and
 - iii. information from the employer or recruitment agency.

S1.10.45 Minimum English language requirement

The interviewing immigration officer determines whether principal applicants meet the minimum English language requirement by assessing whether they are able to:

- a. read English; and
- b. understand and respond to questions in English; and
- c. maintain an English language conversation about themselves, their family or their background.

S1.10.50 Determining applications

- a. The immigration officer must sight the original job offer and verify that it is genuine and current by checking:
 - i. directly with the employer; or
 - ii. through the nearest office of INZ to the employer in New Zealand; or
 - iii. by some other appropriate arrangement.

- b. The immigration officer must then assess the applicant's English language ability against the criteria at S1.10.45 above.

S1.10.55 Grant of visas

- a. If an application for a resident visa under the Samoan Quota Scheme is approved and the applicant is in New Zealand lawfully, a resident visa will be granted.
- b. If an application for a resident visa under the Samoan Quota Scheme is approved and the applicant is in Samoa, the principal applicant will be granted with a resident visa with travel conditions allowing first entry within three months, while the partner and dependent children will be granted resident visas with travel conditions allowing first entry within 12 months.

S1.40 Pacific Access Category

S1.40.1 Objective

The Pacific Access Category allows up to 250 citizens of Fiji, 250 citizens of Tonga, 75 citizens of Tuvalu, and 75 citizens of Kiribati to be granted residence class visas in New Zealand each year. The total number of individuals approved under each category includes principal applicants, their partners and dependent children.

S1.40.5 Criteria for a resident visa

- a. To qualify for a resident visa under the Pacific Access Category, the principal applicant must:
 - i. be a citizen of Fiji, Tonga, Tuvalu, or Kiribati; and
 - ii. have their Pacific Access Category registration drawn from the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category; and
 - iii. lodge their application for a resident visa under the Pacific Access Category within eight months of written advice from INZ that their registration has been drawn from the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category; and
 - iv. have been aged between 18 and 45 (inclusive) at the registration closing date; and
 - v. have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.40.30 below); and
 - vi. (if they have dependent children) meet the minimum income requirement set out at S1.40.35 below; and
 - vii. meet a minimum level of English language ability (see S1.40.45 below); and
 - viii. meet health and character requirements (see [A4](#) and [A5](#)).
- b. Principal applicants who are citizens of Fiji:
 - i. must be either in Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
 - ii. must have been born in Fiji or born overseas to a Fijian citizen who was born in Fiji.
- c. Principal applicants who are citizens of Tonga:
 - i. must be either in Tonga or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
 - ii. must have been born in Tonga or born overseas to a Tongan citizen who was born in Tonga.
- d. Principal applicants who are citizens of Kiribati:
 - i. must be either in Kiribati or Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
 - ii. must have been born in Kiribati or born overseas to a Kiribati citizen who was born in Kiribati.
- e. Principal applicants who are citizens of Tuvalu:
 - i. must be either in Tuvalu or Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
 - ii. must have been born in Tuvalu or born overseas to a Tuvaluan citizen who was born in Tuvalu.
- f. Partners and dependent children included in applications under the Pacific Access Category must also meet health and character requirements (see [A4](#) and [A5](#)).
- g. An immigration officer may extend the eight-month timeframe referred to in paragraph (a)(iii) if the officer believes the special circumstances of the applicant justify such an extension.
- h. An Assistant General Manager, Visa Services may extend the eight-month timeframe referred to in paragraph (a)(iii) in relation to a class of applicants if the Assistant General Manager believes the special circumstances of the class of applicants justify such an extension.

S1.40.10 Registration process

- a. Principal registrants may register for entry into the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category within a set registration period. The dates of the registration period will be announced each year prior to the registration opening.
- b. Principal registrants must be aged between 18 and 45 (inclusive) at the registration closing date for their registration to be accepted into the ballot.
- c. Registrations must be made on the appropriate registration form for the Pacific Access Category.
- d. Registrations must be submitted during the registration period to the appropriate receiving office specified on the Pacific Access Category registration guide applicable to the country.
- e. Registrations will be accepted for entry into the ballot only if they are fully completed, signed by the principal registrant, submitted together with the appropriate fee and accompanied by any documents or evidence as required by the registration form.
- f. Any person included in a registration must either:
 - i. be in New Zealand lawfully at the time the registration is made; or

- ii. be offshore at the time the registration is made.
- g. Any person who has previously overstayed in New Zealand, but has departed voluntarily, and is not subject to a removal order or period of prohibition on entry, can register under the Pacific Access Category.

S1.40.10.1 Definition of 'principal registrant'

The principal registrant is the person who is declared to be the principal registrant on the registration application form and who intends to be the principal applicant of any resulting residence class visa application.

S1.40.15 Inclusion in registration of immediate family members of the principal registrant

- a. Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.
- b. If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Pacific Access Category. This limitation applies despite [R2.1](#) concerning the inclusion of family members in an application.
- 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.

S1.40.20 Number of registrations that may be lodged

Registrants must lodge (or be included in) only one registration within the registration period. If a registration is lodged that includes registrants who are already included in a registration accepted by INZ, the subsequent registration(s) will not be accepted.

S1.40.25 Selection process following closure of registration

- a. INZ will conduct an electronic draw as soon as practicable after the closure of the registration period.
- b. Registrations will be randomly drawn from the pool of registrations, until the appropriate number of potential registrants to meet the various quotas of available places within the annual period has been drawn.
- c. Principal registrants whose registrations have been drawn from the various pools will be notified by INZ in the month following the draw that their registration has been successful and that they must lodge a full application under the Pacific Access Category to the appropriate receiving office of INZ not more than eight months after the date of that advice.
- d. Principal registrants who are unsuccessful in the registration process within a particular registration period are able to re-register within subsequent registration periods at a reduced fee.

S1.40.30 Acceptable offers of employment

- a. Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for on-going and sustainable employment. On-going and sustainable employment is:
 - i. an offer of employment or current employment with a single employer which is permanent, or indefinite, and of which the employer is in a position to meet the terms specified; or
 - ii. an offer of employment or current employment, with a single employer for a stated term of at least 12 months.

Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
 ~ if the applicant has current employment, he or she must be in that employment, or
 ~ if the applicant has an offer of employment, the offer must continue to be valid.

- b. Acceptable offers of employment must also be:
 - i. for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week) unless S1.40.35.1 (c) applies; and
 - ii. current at the time of assessing the application and at the time of grant the visa; and
 - iii. genuine; and

- iv. for a position that is paid by salary or wages (ie, positions of self-employment, payment by commission and/or retainer are not acceptable); and
 - v. accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and
 - vi. compliant with all relevant employment law in force in New Zealand.
- c. An acceptable offer of employment must be from an employer who complies with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law will be assessed on the basis of past and current behaviour, and includes, but is not limited to:
- i. paying employees no less than the applicable minimum wage rate; and
 - ii. meeting holiday and leave entitlements and other minimum statutory requirements; and
 - iii. meeting occupational safety and health obligations; and
 - iv. only employing people who are entitled to work in New Zealand.
- d. An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at [R5.110](#) or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see [Appendix 10](#)).
- e. For the purposes of S1.40.30(a)(ii), INZ must be satisfied that the employer:
- i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
 - ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
 - iii. is in a position to meet the terms specified.
- f. 'Genuine reasons' for the purposes of [SM6.30\(c\)\(i\)](#) do not include reasons:
- i. that exclude or limit the rights of a person under employment law; or
 - ii. to determine the suitability of a person for permanent or indefinite employment.

Note: In order to meet employment law, employment agreements that are for a stated term must specify in writing the way in which the employment will end and the reasons for ending the employment.

- g. If the principal applicant has dependent children, the offer of employment must also meet the minimum income requirement set out at S1.40.35 below.

S1.40.35 Minimum income requirement

- a. Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and their dependent children.
- b. The gross minimum income requirement is NZ\$**38,199.20**. This is based on the Unemployment Benefit (married and civil union rate) plus the maximum Accommodation Supplement (as set by the New Zealand Government).
- c. The minimum income requirement must be derived from the acceptable offer of employment - see S1.40.30.

S1.40.35.1 Ability to include the partner's income as part of the minimum income requirement

- a. If both the principal applicant and their partner included in their application have an acceptable offer of employment in New Zealand, both of their wages or salaries may be taken into account when determining if the minimum income requirement is met.
- b. In such cases the partner's employment and income will only be taken into account if, at the time the application is assessed, an immigration officer is satisfied the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable (see [R2.1.15.1\(b\)](#) and [R2.1.15.5\(a\)\(i\)](#)).
- c. Where the employment (and income) of both the principal applicant and their partner is used to meet the minimum income requirement, both offers of employment must meet all the requirements in S1.40.30, except that only one has to meet the requirement that the offer be for full-time employment.

S1.40.40 Evidence of employment offer

- a. Evidence of an offer of employment is original or certified copies of the following documents:
 - i. a written offer of employment; and
 - ii. a detailed job description; and
 - iii. a letter from the employer stating whether or not any occupational registration is required by law for the principal applicant to take up the position; and
 - iv. an employment agreement entered into by the employer and the principal applicant, stating:
 - o the terms of employment; and
 - o the hours of work; and
 - o the period during which employment may begin.

- b. Additional evidence may include, but is not limited to:
 - i. any information requested by INZ; and
 - ii. the results of any verification undertaken by INZ; and
 - iii. information from the employer or recruitment agency.

S1.40.45 Minimum English language requirement

Immigration officers determine whether principal applicants meet the minimum English language requirement by assessing whether they are able to:

- a. read English; and
- b. understand and respond to questions in English; and
- c. maintain an English language conversation about themselves, their family or their background.

S1.40.50 Determining applications

- a. Immigration officers must sight the original job offer and verify that it is genuine and current by checking:
 - i. directly with the employer; or
 - ii. through the nearest office of INZ to the employer in New Zealand; or
 - iii. by some other appropriate arrangement.
- b. Immigration officers must assess the applicant's English language ability against the criteria at S1.40.45 above.

S1.40.55 Grant of visas

- a. If an application for a resident visa under the Pacific Access Category is approved and the applicant is in New Zealand lawfully, a resident visa will be granted.
- b. If an application for a resident visa under the Pacific Access Category is approved and the applicant is in Fiji, Tonga, Kiribati, or Tuvalu, the principal applicant will be granted a resident visa with travel conditions allowing first entry within three months, while the partner and dependent children will be granted resident visas with travel conditions allowing first entry within 12 months.

Appendix 2: Amendments to immigration instructions effective on and after 1 July 2018

F4.30 Additional requirements for tier one of the Parent Category

In addition to the requirements of the Parent Category in sections [F4.1](#) to [F4.25](#), applicants under tier one of the Parent Category must meet one of the following requirements:

- a. Sponsor's income (see [F4.30.1](#)); or
- b. Guaranteed lifetime minimum income (see [F4.30.5](#)); or
- c. Settlement funds (see [F4.30.10](#)).

F4.30.1 Sponsor's income

- a. To meet the minimum income requirements:
 - i. a sponsor or their partner must earn a minimum of \$65,000 per annum before income tax; or
 - ii. a sponsor and their partner together must earn a minimum of \$90,000 per annum before income tax.
- b. The minimum income requirement referred to in (a) above must be met by personal taxable income that is obtained from one or any combination of:
 - i. sustained paid employment; or
 - ii. regular self-employment; or
 - iii. regular investment income.
- c. The minimum income requirement must be met by personal taxable income. Income earned by another legal entity, such as a company or a trust, cannot be included unless it has been paid directly to the sponsor and/or their partner in the form of shareholder-employee salary or dividends, or is income derived from the trust.
- d. When assessing whether the income obtained from the source(s) in (b) above is sustained and/or regular, officers may consider, but are not limited to, such factors as the length of employment, terms of employment and the regularity of payments.
- e. The income of a sponsor's partner may only be considered if the partner has been:
 - i. living with the sponsor for a period of at least 12 months in a partnership that is genuine and stable (see [F2.10.1](#)), and they meet the requirements for the recognition of a partnership set out at [F2.15](#); and
 - ii. a New Zealand residence class visa holder for at least three years immediately preceding the date the application their partner wishes to sponsor is made, or is a New Zealand citizen.
- f. Sponsors must meet the evidential requirements set out at [F4.40.25.1](#).

F4.30.5 Guaranteed lifetime minimum income

- a. If there is one applicant included in the application, the applicant must have a guaranteed lifetime minimum income of at least NZ\$**28,166** per annum.
- b. If a partner is also included in the application, the applicants jointly must have a guaranteed lifetime minimum income of at least NZ\$**41,494** per annum.
- c. The applicants must meet the evidential requirements set out at [F4.40.30.1](#).

F4.30.10 Settlement funds

- a. Principal applicants must:
 - i. nominate funds (or assets that can be converted into funds) to bring to New Zealand of a minimum value of NZ\$500,000; and
 - ii. demonstrate ownership of the nominated funds and/or assets (see the evidential requirements set out at [F4.40.30.5](#)); and
 - iii. demonstrate that the nominated funds and/or assets have been earned or acquired legally (see [F4.5.25](#) and [F4.40.30.5](#)).
- b. Funds or assets may be owned either:
 - i. solely by the principal applicant; or
 - ii. jointly by the principal applicant and their partner who is included in the resident visa application.
- c. The principal applicant may claim the full value of jointly owned funds or assets (as per [F4.30.10\(b\)\(ii\)](#) above) for assessment purposes, provided an immigration officer is satisfied the principal and secondary applicants meet the partnership requirements set out at [R2.1.15](#).
- d. If funds or assets are held jointly by the principal applicant and a person other than their partner, the principal applicant may only claim the value of that portion of the funds or assets for which they provide evidence of ownership.
- e. The principal applicant may only nominate funds or assets that they earned or acquired legally, including funds and/or assets which have been gifted to them unconditionally and in accordance with local law (also see [F4.5.25](#)). Where nominated funds or assets have been gifted to the principal applicant an immigration officer must be satisfied that the funds or assets being gifted were earned lawfully by the person(s) gifting the funds or assets.

- f. The nominated funds and/or assets must be unencumbered.
- g. The nominated funds and/or assets must not be borrowed.
- h. The principal applicant and/or their partner who is included in the application must transfer, or have transferred, a total of NZ\$500,000 in settlement funds to New Zealand from outside New Zealand.

Note: The value of the amount transferred will be dependent on the currency exchange rate at the time of transfer, not at the time the residence application is assessed (see also F4.30.10.15). Funds that have not been transferred to New Zealand by the principal applicant and/or their partner who is included in the application may not be used to meet requirements for F4.30.10.

F4.30.10.1 Aim and intent of settlement funds transfer

The instructions regarding the nominated settlements funds and the method of transfer of those funds to New Zealand are designed to ensure:

- a. the legitimacy and lawful ownership of the nominated funds; and
- b. the direct transfer of the settlement funds through a structured and prescribed process to guarantee ongoing legitimacy and lawful ownership of the funds brought to New Zealand.

F4.30.10.5 Approval in principle pending the transfer of settlement funds

If the applicants meet the criteria set out for settlement funds at F4.30.10 and all other requirements under the Parent Category (excluding instructions for transferring funds to New Zealand at F4.30.10.15), the applicants will be advised that:

- a. their application has been approved in principle; and
- b. resident visas may be granted once they:
 - i. provide acceptable evidence of having transferred the nominated funds in accordance with the relevant instructions; and
 - ii. pay any outstanding fee for English language tuition to meet English language requirements (see [F4.15](#)).

F4.30.10.10 Timeframe for transferring funds to New Zealand

- a. Principal applicants must meet the requirements for transferring nominated funds within 12 months of the date of the letter advising of approval in principle.
- b. Applications for a resident visa must be declined if a principal applicant does not present acceptable evidence of having transferred the nominated settlement funds within 12 months (or 18 months if an extension is granted, see provisions (c), (d), and (e) below) from the date of approval in principle.
- c. Principal applicants may request an extension to their transfer period for up six months.
- d. If a principal applicant wishes to request an extension to the timeframe for transferring the nominated funds to New Zealand, they must contact the immigration officer within 12 months of the date of the letter advising of Approval in Principle and present evidence of reasonable attempts to transfer the nominated funds to New Zealand.
- e. Following a principal applicant's presentation of evidence an immigration officer may:
 - i. grant an extension to the transfer period if they believe the evidence shows the principal applicant has made reasonable attempts to transfer the nominated funds within the 12 month time period; or
 - ii. decline to grant an extension to the transfer period if they believe the principal applicant has not made reasonable attempts to transfer the nominated funds within the 12 month time period.

F4.30.10.15 Transferring funds to New Zealand

- a. When their application meets the requirements for tier one through settlement funds, as per F4.30.10, and is approved in principle, the applicant will be required to transfer the nominated settlement funds to New Zealand and meet the evidential requirements set out at [F4.40.30.10](#).
- b. A minimum of NZ\$500,000 in total must be transferred to New Zealand.
- c. These funds must be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the resident visa application; and
 - i. be transferred through the banking system directly from the principal and/or secondary applicant's bank account(s) to New Zealand; or
 - ii. be transferred by a foreign exchange company to New Zealand through the banking system. Immigration officers may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:
 - o the nominated funds have been transferred to the foreign exchange company directly from the applicant's bank account(s); and
 - o the nominated funds have been transferred through a foreign exchange company in a way that is not contrary to laws of New Zealand; and the nominated funds transferred are traceable; and
 - o cash transactions were not made; and
 - o the foreign exchange company is not suspected of, or proven to have committed, fraudulent activity or financial impropriety in any country it operates from or in.

Note: Nominated funds held in a country other than the country in which they were earned or acquired legally must have been originally transferred through the banking system, or a foreign exchange company that uses the banking system from the country in which they were earned or acquired.

V3.10 Partners and dependent children of student or work visa holders

Subject to the provisions of [E4.5](#):

- a. Partners (see [E4.1.20](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the partner's visa.
- b. Dependent children (see [E4.1.10](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the parent's visa.
- c. Despite (a) and (b) above, partners and dependent children of the following persons are not eligible for the grant of a visa under these instructions:
 - i. people granted an Essential Skills work visa where the employment has been assessed as lower-skilled ([WK3.5.1](#)), unless V3.10.1 below applies; or
 - ii. people granted a work visa under the instructions for Foreign Crew of Fishing Vessels (see [WJ](#)); or
 - iii. people granted a work visa under the instructions for Recognised Seasonal Employer (RSE) (see [WH1](#)); or
 - iv. people granted a work visa under the instructions for Supplementary Seasonal Employment (SSE) (see [WH3](#)); or
 - v. people granted a work visa under the Silver Fern Job Search Instructions ([WL2](#)); or
 - vi. people granted a work visa under the Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - vii. people granted a work visa under a Working Holiday Scheme (see [W12](#)); or
 - viii. people granted a work visa as a domestic staff member of diplomatic, consular or official staff (see [W14](#)).
- d. Partners and dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5.15](#) to [A5.25](#).

V3.10.1 Holders of Essential Skills work visas for lower-skilled employment who are able to support visitor visas for their family members

- a. Partners and dependent children of an Essential Skills work visa holder whose employment has been assessed as lower-skilled may be granted a visitor visa under these instructions if:
 - i. the applicant held a visa on the basis of their relationship to the Essential Skills work visa holder on 28 August 2017; and
 - ii. the Essential Skills work visa holder has not been subject to a stand-down period (see [WK3.20.5](#)).
- b. The applicant (who is the partner of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a visitor visa under these instructions if the Essential Skills work visa holder:
 - i. previously held a student visa that made them eligible to support a partner for a work visa ([WF4.1](#)); and
 - ii. held a post-study work visa ([WD](#)) based on that student visa; and
 - iii. supported the applicant for a visa based on the relationship while holding a post-study work visa.
- c. The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a visitor visa under these instructions if the Essential Skills work visa holder parent:
 - i. previously held a student visa that made them eligible to support a child for a student visa ([U8.25](#)); and
 - ii. subsequently held a post-study work visa ([WD](#)) based on that student visa; and
 - iii. supported the applicant for a visa based on their relationship while holding a post-study work visa.

V3.10.5 Dependent children of Essential Skills work visa holders

- a. A dependent child of a holder of a work visa granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a visitor visa if the minimum income threshold is met.
- b. Despite (a) above, dependent children born in New Zealand after 30 November 2009 will not be tested against the threshold until their parent(s) next applies for an Essential Skills work visa.
- c. Despite (a) and (b) above, the minimum income threshold does not apply if the dependent child's parent(s):
 - i. have held any temporary work visa before 30 November 2009; and
 - ii. have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under V3.10.

V3.10.10 Minimum income threshold

- a. The minimum income threshold is NZ\$**42,944.20** gross per annum.
- b. The minimum income threshold must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c. Evidence must be provided of the Essential Skills work visa holder's current salary or wages.
- d. Despite (a) above, if the dependent child is included in a Samoan Quota or Pacific Access Category application, the minimum income threshold is the amount specified in Samoan Quota or Pacific Access Category instructions.

- e. If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.
- f. If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa, both the child and the parent(s) may become liable for deportation.

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

V3.10.15 Dependent children of work visa holders under Religious Worker instructions

See also Immigration Act 2009 ss 56, 157

- a. Dependent children of a holder of a work visa under Religious Worker instructions ([WM](#)) will only be granted a visitor visa if:
 - i. the minimum income threshold of NZ\$42,944.20 gross per annum is met by the Religious Worker visa holder and their partner; or
 - ii. the religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b. Under (a)(i) above:
 - i. the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and
 - ii. evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and
 - iii. if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
 - iv. if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

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

U8.20 Dependent children of holders of work visas

- a. Dependent children (see [E4.1](#)) of work visa holders who wish to study in New Zealand may be granted student visas unless the work visa holder has been granted a work visa under any one of the following categories:
 - ix. Essential Skills work visa where the employment has been assessed as lower-skilled ([WK3.5.1](#)), unless U8.20.1 below applies; or
 - x. Foreign crew of fishing vessels (see [WJ](#)); or
 - xi. Recognised Seasonal Employer (RSE) Work instructions (see [WH1](#)); or
 - xii. Supplementary Seasonal Employment (SSE) instructions (see [WH3](#)); or
 - xiii. Silver Fern Job Search Instructions (see [WL2](#)); or
 - xiv. Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - xv. Working Holiday Scheme instructions (see [W12](#)); or.
 - xvi. domestic staff of diplomatic, consular or official staff (see [W14](#)).
- b. Dependent children of work visa holders as defined in (a) above are regarded as domestic students (see [U3.35](#)) for the purpose of all tuition fees at primary and secondary schools for the period of the parent's work visa.
- c. Dependent children (see [E4.1](#)) of work visa holders may be granted student visas without the need to produce evidence of enrolment.
- d. Guarantees of accommodation and/or maintenance for dependent children may be waived provided this is covered by the income of the work visa holder parent or by evidence of funds or guarantees submitted with the work visa application of the parent (see [W2.15](#)).
- e. Dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5.15](#) to [A5.25](#).

U8.20.1 Holders of Essential Skills work visas for lower-skilled employment who are able to support student visas for their dependent children

- a. The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a student visa under these instructions if:
 - i. the applicant held a visa on the basis of being a dependent child of the Essential Skills work visa holder on 28 August 2017; and
 - ii. the Essential Skills work visa holder has not been subject to a stand-down period (see [WK3.20.5](#)).
- b. The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a student visa under these instructions if:
 - i. the Essential Skills work visa holder parent previously held a student visa that made them eligible to support a child for a student visa ([U8.25](#)); and
 - ii. subsequently held a post-study work visa (WD) based on that student visa; and
 - iii. supported the applicant for a visa based on their relationship while holding a post-study work visa.

U8.20.5 Dependent children of Essential Skill work visa holders

See also Immigration Act 2009 ss 56, 157

- a. Dependent children (see [E4.1.10](#)) of holders of work visas granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a student visa if their parent(s) meet a minimum income threshold.
- b. The minimum income threshold is NZ\$**42,944.20** gross per annum and must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c. Evidence must be provided of the Essential Skills work visa holder's current salary or wages to satisfy an immigration officer that the applicant's parent(s) meet the minimum income threshold.
- d. Despite (b) above, dependent children of Essential Skills work visa holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those instructions (see [S1.10.35](#) or [S1.40.35](#)) to be eligible for a student visa under these instructions.
- e. Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent(s):
 - i. have held any temporary work visa before 30 November 2009; and
 - ii. have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under U8.20.
- f. If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.
- g. If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa both the parent(s) and child may become liable for deportation.

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

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

See also Immigration Act 2009 ss 56, 157

- a. Dependent children of a holder of a work visa under Religious Worker instructions (WM) will only be granted a student visa if the:
 - i. minimum income threshold is met by the Religious Worker visa holder and their partner; or
 - ii. religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b. Under (a)(i) above:
 - i. the minimum income threshold is NZ\$42,944.20 gross per annum; and
 - ii. the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and
 - iii. evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and
 - iv. if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
 - v. if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

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