



28 June 2018

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2018/08

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 28 June 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

China Working Holiday Scheme

WI2.30 China Working Holiday Scheme

Instructions have been amended to replace the China Academic Degrees and Graduate Education Development Centre (CDGC) with China Higher Education Student Information and Career Centre (CHESICC) as the agency that must verify the senior high school qualifications of applicants. The timeframe for applicants to submit further documentation has also been amended from 30 days to 60 days.

Updates on the United Nations (UN) Sanctions

R5.100 Ban on the grant of residence class visas to certain individuals and classes of individuals

RA9 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

E2.60 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

E2.110 Ban on the grant of visas with work rights to DPRK nationals

Y4.10 Restrictions on the grant of a visa or entry permission to certain groups as designated by the United Nations Security Council

N2.10 General rules for transit visas

Instructions have been amended to reflect current UN sanctions. Specifically, they:

- update sanctions against Libya, Somalia, Mali and Democratic People's Republic of Korea
- remove Liberia and Côte d'Ivoire from the listed countries following UN resolutions to remove sanctions
- include a note within the Border Entry chapter at Y4.10 to define who is a designated individual, and
- include new instructions outlining that certain groups designated by the UN may not be granted transit visas.

Appendix 1 – Amendments to Temporary instructions effective on and after 28 June 2018

WI2.30 China Working Holiday Scheme

- a. This scheme is available to 1000 young citizens of the People's Republic of China annually.
- b. To be eligible for a work visa under this scheme, applicants must:
 - i. be citizens of China, ordinarily resident in the People's Republic of China and actually resident there at the time of applying; and
 - ii. have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand; and
 - iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
 - iv. have a senior high school qualification (gao zhong xue li) granted in respect of a minimum of three years' full-time study; and
 - v. show that they have a level of proficiency in English that is deemed to be at least functional, by providing acceptable English language test results, as set out at WI2.30.1 (no more than 2 years old at the time the application is lodged); and
 - vi. meet the requirements at [WI2.1.1\(b\) and \(d\)](#).

Note: For the purposes of these instructions, the evidence required at [WI2.30 \(b\)\(iv\)](#) must be verified by the [China Higher Education Student Information and Career Centre](#) and such verification provided with the qualification

- c. Successful applicants will be granted a work visa which will allow first entry to New Zealand to be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival.
- d. Participants in this scheme must not work for the same employer for a period exceeding six months.
- e. Applicants under this scheme must lodge their application in the prescribed manner ([E4.50](#)).
- f. Further documentation must be lodged by the applicant no later than **60** days from the date of advice from INZ. If documentation is not received by the deadline, the application may be determined on the basis of the information available.

WI2.30.1 Acceptable English language test results

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score 5.5 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 46 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 42 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	Overall score of 162 or more
Occupational English Test (OET)	Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*

* A score of Grade C or higher in all four skills is required for the OET as there is no overall grade for this test.

Appendix 2 – Amendments to operational instructions effective on 28 June 2018

R5.100 Ban on the grant of residence class visas to certain individuals and classes of individuals

R5.100.1 Ban on the grant of visas to leading members of the Government of the Federal Republic of Yugoslavia (FRY) including Serbia and their supporters

- a. New Zealand has taken action in respect of leading citizens of the FRY and Serbia, being persons closely aligned with the regime of Slobodan Milosevic whose activities support President Milosevic or whose actions are presumed to provide support (including members of his immediate family), and who are named on the lists of such persons held by INZ and updated from time to time.
- b. Ordinarily, none of the persons named on the lists held by INZ may be granted a visa to enter New Zealand (including a transit visa).
- c. Where special circumstances exist (supported by cogent and reliable evidence) INZ may nonetheless grant a visa to a person named on the lists.
- d. The decision to grant a visa to a person named on the lists is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

R5.100.10 Restriction on the grant of visas to Robert Mugabe, President of Zimbabwe, and his wife

- a. Ordinarily, Robert Mugabe, President of Zimbabwe, and his wife, Grace, may not be granted a visa to New Zealand (including a transit visa).
- b. Notwithstanding (a), where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant such a visa.
- c. The decision to grant a visa under (b) is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

R5.100.20 Ban on the grant of visas to leading members of the Syrian regime

- a. New Zealand has taken action in respect of leading members of the regime in Syria, being persons closely aligned with the regime of President Bashar Hafez al-Assad, and who are named on the list of such persons held by INZ and updated from time to time.
- b. Ordinarily, none of the persons named on the list held by INZ may be granted a visa to enter New Zealand (including a transit visa).
- c. Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to a person named on the list.
- d. The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

R5.100.25 Ban on the grant of visas to individuals associated with the Ukraine crisis

- a. New Zealand has taken action in respect of key individuals identified as being responsible for, or associated with, actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, and who are named on the list of such persons held by INZ and updated from time to time.
- b. Ordinarily, none of the persons named on the list held by INZ may be granted a visa to enter New Zealand (including a transit visa).
- c. Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to a person named on the list.
- d. The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

R5.100.30 Ban on the grant of visas to DPRK nationals

United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 Reg 46A

- a. A person who is a national of DPRK is not eligible to obtain a visa, or any other authorisation, that would entitle the person to work in New Zealand.
- b. R5.100.30(a) does not apply with regard to a visa or other authorisation approved in advance by the Committee (as defined in the UN Sanctions (DPRK) Regulations 2017).

C. If the visa or other authorisation as to the eligibility of the person is approved in advance by the Committee, the decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

RA9 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

See also *United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 reg 13*; *United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47*; *United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 32*; *United Nations Sanctions (Lebanon) Regulations 2008 reg 17*; *United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D*; *United Nations Sanctions (Sudan) Regulations 2004 reg 13D*; *United Nations Sanctions (Somalia) Regulations 2018 reg 20*; *United Nations Sanctions (Eritrea) Regulations 2010 reg 13*; *United Nations Sanctions (Libya) Regulations 2018 reg 23*; *United Nations Sanctions (Mali) Regulations 2018 reg 4*; *United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4*; *United Nations Sanctions (Central African Republic) Regulations 2014 reg 13*; *United Nations Sanctions (Yemen) Regulations 2014 reg 4*; *United Nations Sanctions (South Sudan) Regulations 2015 reg 4*.

- a. In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
 - o their immediate family members, and
 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual, and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017
 - ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.
- c. A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

E2.60 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

See also United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 reg 13; United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47; United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 32; United Nations Sanctions (Lebanon) Regulations 2008 reg 17; United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D; United Nations Sanctions (Sudan) Regulations 2004 reg 13D; United Nations Sanctions (Somalia) Regulations 2018 reg 20; United Nations Sanctions (Eritrea) Regulations 2010 reg 13; United Nations Sanctions (Libya) Regulations 2018 reg 23; United Nations Sanctions (Mali) Regulations 2018 reg 4; United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4; United Nations Sanctions (Central African Republic) Regulations 2014 reg 13; United Nations Sanctions (Yemen) Regulations 2014 reg 4; United Nations Sanctions (South Sudan) Regulations 2015 reg 4.

- a. In accordance with UNSC sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa and entry permission. This restriction is in place for the following people:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
 - o their immediate family members, and
 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual, and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017.
 - ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.
- c. A visa and entry permission may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

E2.110 Ban on the grant of visas with work rights to DPRK nationals

United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 Reg 46A

- a. A person who is a national of DPRK is not eligible to obtain a visa, or any other authorisation, that would entitle the person to work in New Zealand.
- b. E2.110(a) does not apply with regard to a visa or other authorisation approved in advance by the Committee (as defined in the UN Sanctions (DPRK) Regulations 2017).
- c. If the visa or other authorisation as to the eligibility of the person is approved in advance by the Committee, the decision to grant a visa to a person under this instruction is limited to immigration officers with Schedule 1-2 delegations (see [A15.5](#)).

Y4.10 Restrictions on the grant of a visa or entry permission to certain groups as designated by the United Nations Security Council

See also United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 reg 13; United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47; United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 32; United Nations Sanctions (Lebanon) Regulations 2008 reg 17; United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D; United Nations Sanctions (Sudan) Regulations 2004 reg 13D; United Nations Sanctions (Somalia) Regulations 2018 reg 20, United Nations Sanctions (Eritrea) Regulations 2010 reg 13; United Nations Sanctions (Libya) Regulations 2018 reg 23; United Nations Sanctions (Mali) Regulations 2018 reg 4; United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4; United Nations Sanctions (Central African Republic) Regulations 2014 reg 13; United Nations Sanctions (Yemen) Regulations 2014 reg 4; United Nations Sanctions (South Sudan) Regulations 2015 reg 4.

- a. Entry permission must be refused to any person, except a person listed in [Y3.10\(a\)](#), who is a designated individual or specified entity; and is not otherwise dealt with under [Y4.1](#).
- b. A designated individual or a specified entity means someone who is named on a list of such persons held by Immigration New Zealand and includes:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
 - o their immediate family members, and
 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual, and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017
 - ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- c. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing application for entry permission or a visa from a person to whom (b) above applies.
- d. A visa or entry permission may only be granted to a person to whom (b) above applies:
 - i. on the advice of the Secretary of Foreign Affairs and Trade; and
 - ii. if the immigration officer deliberately and properly does so as an exception to instructions (see [Y4.45](#)).

Note: For the purposes of these instructions a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

N2.10 General rules for transit visas

See also *Immigration Act 2009 s 86(1), 89(1)*

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg, 15, 17*

- a. Transit visas may be granted to applicants who:
 - i. apply in the prescribed manner (see [N3.10.1](#)) for a transit visa; and
 - ii. have stated a genuine intention to be in New Zealand only for the purpose of reaching a further destination; and
 - iii. will be confined to a transit area during the whole of their stay in New Zealand; and
 - iv. will not be in New Zealand longer than 24 hours.
- b. Holders of transit visas are not entitled to apply for entry permission or any class or type of visa while in New Zealand during the transit period.

N2.10.1 Currency of transit visa

See also *Immigration Act 2009 s 88*

A transit visa is current for the period or until the date specified in it. The transit visa may be valid for any number of journeys to New Zealand in that period or until that date.

N2.10.5 Cancellation of transit visa

See also *Immigration Act 2009 ss 66, 90*

- a. If there is sufficient reason, the Minister or an immigration officer may cancel a transit visa at any time.
- b. If a transit visa is cancelled based on (a) above; and
 - i. the person is outside New Zealand, the Minister or an immigration officer must notify the person in writing;
 - ii. the person has arrived in New Zealand, the person is liable for turnaround.

N2.10.10 Expiry of transit period

See also *Immigration Act 2009 s 91*

- a. Where the holder of a transit visa is still in New Zealand on the expiry of the transit period, an immigration officer may by his or her absolute discretion:
 - i. extend the period for which the person may remain in New Zealand as a transit visa holder; or
 - ii. grant the person a visa and entry permission.

N2.10.15 Restrictions on the grant of transit visas to certain groups as designated by the United Nations Security Council

See also *United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 reg 13; United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47; United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 32; United Nations Sanctions (Lebanon) Regulations 2008 reg 17; United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D; United Nations Sanctions (Sudan) Regulations 2004 reg 13D; United Nations Sanctions (Somalia) Regulations 2018 reg 20, United Nations Sanctions (Eritrea) Regulations 2010 reg 13; United Nations Sanctions (Libya) Regulations 2018 reg 23; United Nations Sanctions (Mali) Regulations 2018 reg 4; United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4; United Nations Sanctions (Central African Republic) Regulations 2014 reg 13; United Nations Sanctions (Yemen) Regulations 2014 reg 4; United Nations Sanctions (South Sudan) Regulations 2015 reg 4.*

- a. In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
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 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual; and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017
 - ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan

- vii. designated individuals from Somalia
- viii. designated individuals from Eritrea
- ix. designated individuals from Libya
- x. designated individuals from Mali
- xi. designated individuals from Guinea-Bissau
- xii. designated individuals from Central African Republic
- xiii. designated individuals from Yemen
- xiv. designated individuals from South Sudan.

b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.

c. A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.