



9 November 2018

Immigration New Zealand Instructions: Amendment Circular No. 2018/11

To: All Manual Holders

Amendments to the Immigration New Zealand Operational Manual

Introduction

This circular outlines changes to the 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 26 November 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.

Summary of contents

This amendment circular details changes to the Immigration New Zealand immigration instructions, and is set out as follows:

- The *Description of changes* section contains a summary of the changes to immigration instructions.
- Appendix 1 contains amended *Residence* instructions.
- Appendix 2 contains amended *Temporary Entry* instructions.
- Appendix 3 contains amended *Residence and Temporary Entry* instructions.
- Appendix 4 contains *rescinded* instructions.

All changes are effective on and after 26 November 2018.

Additions to the immigration instructions have been highlighted for ease of reference. Deletions have not been highlighted.

Description of changes

Changes to post-study work rights

WD Post-Study work instructions

WD1 Objective

WD2 Lodging an application under Post-Study work visa instructions

WD3 Requirements for Post-Study work visas

WD3.1 Determining and granting a Post-Study work visa

WD3.5 Transitional requirements

WF4.1 Who is eligible for a Special Work visa

Changes to post-study work rights have been made to ensure post-study immigration pathways for international students are fit-for-purpose and to reduce the likelihood of exploitation, while minimising losses of genuine students. The changes are as follows:

- The Employer-Assisted Post-Study work visa has been removed.
- A three-year post-study open work visa is available for bachelor's degree or above qualifications.
- A one-year post-study open work visa is available for students studying New Zealand Qualification Framework level 4 to 6 and non-degree level 7 qualifications, with an additional year available for Graduate Diploma students whose qualification and work is needed for registration with a professional or trade body.
- A time-bound, two-year post-study open work visa is available for students studying level 4 to 6 and non-degree level 7 qualifications outside Auckland (study must be completed by the end of 2021).

Transitional provisions

To ensure no current tertiary students and post-study work visa holders are disadvantaged by the changes, the following transitional provisions have also been introduced:

- Students who held a student visa or were in the process of applying for a student visa to study towards an eligible qualification as at 8 August 2018 will be able to apply for:
 - a three-year post-study open work visa on completion of their qualification(s)
 - a two-year post study open work visa if they have previously held a one year open post study work visa, on completion of their qualification(s)
- Holders of a one year post-study work visa will be eligible to apply for a further two-year open post-study work visa.
- Holders of a Post-Study Work Visa-Employer Assisted can apply to vary their visa conditions to remove the occupation, employer and location.

Work visa eligibility for partners of students

People studying level 8 qualifications will need to study a qualification listed in an area on the Long Term Skills Shortage List to be eligible to support their partner for an open work visa.

Updates to the remuneration threshold values for Essential Skills and Skilled Migrant Category visas

WK3.5 Acceptable Employment

SM1.10 Points for employability and capacity building factors

SM6.10 Skilled Employment

SM6.20 Calculating remuneration

SM6.60 Bonus points for high remuneration

The Essential Skills work visa and Skilled Migrant Category resident visa remuneration thresholds have been updated. These thresholds are updated annually. The new thresholds are based on the New Zealand median salary and wage rate of \$25 per hour (up 2.9% from last year), equivalent to \$52,000 per annum for a 40 hour per week job. The thresholds are:

- Skilled Migrant Category
 - The threshold for gaining skilled employment points will be \$25 per hour for jobs at ANZSCO skill level 1, 2, or 3, and \$37.50 per hour for jobs at skill level 4 or 5.
 - The threshold for bonus points for high remuneration will be \$50 per hour.
- Essential Skills
 - The mid-skilled remuneration threshold will be \$21.25 per hour for jobs at ANZSCO skill level 1, 2, or 3, and or \$37.50 per hour for ANZSCO skill level 4 or 5 roles.
 - The high-skilled remuneration threshold will be \$37.50 per hour.

Other minor changes

Remove references to departure cards

Y2.5 Passenger responsibilities on departure

Y2.15 Who is exempt from presenting an arrival card

Clarify that refugees, refugee claimants and protected people exempt from application fees

R2.60 Payment of the fee and immigration levy

S4.20 Refugee Quota Family Reunification Category

E4.60 Payment of the fee and immigration levy

V3.90 Visitor visas for refugee or protection status claimants

WI6.5 Who is not normally eligible for a special work visa

WI6.10 Making an application

L6.1 Limited visas for some refugee or protection status claimants, refugees or protected people

Refer to Robert Mugabe in instructions as ‘former’ President of Zimbabwe following his removal as Zimbabwe President in 2017

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

E2.55 Restriction on the grant of visas, to Robert Mugabe, former President of Zimbabwe, and his wife

Update references to the new Customs and Excise Act 2018

Y4.5 People who must be refused entry permission unless granted as an exception to instructions: general character concerns

Update incorrect cross-references and typographical errors

WK2.1 Lodging an Essential Skills work visa application

WR1.25 Requirements for accreditation

U7.20 Part-time study

Appendix 1 - Amendments to Residence instructions effective on and after 26 November 2018

R2.60 Payment of the fee and immigration levy

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010

- a. Principal applicants must pay the fee specified for that type of application at the time the application is lodged, unless:
 - i. the fee is waived by an officer with schedule 1-3 delegations, who has the authority to grant a special direction under section 395 (2) of the Immigration Act 2009; or
 - ii. the principal applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see [A6.5](#)); or
 - iii. the applicant is exempt from paying the application fee.
- b. Principal applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:
 - i. the immigration levy is waived by an officer with schedule 1-3 delegations, who has the authority to grant a special direction under section 399(3A) of the Immigration Act 2009; or
 - ii. the principal applicant is exempt from paying the immigration levy (see [A6.11](#)).
- c. A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or MFAT post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.
- d. The fee payable for an application is determined by the principal applicant's country of citizenship.
- e. If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.
- f. If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant's citizenship.
- g. Fees and the immigration levy may be paid for by bank cheque, as well as by money order (from registered banks), credit card or EFTPOS, if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.
- h. Cash is not an acceptable form of payment, with the exception of the Beijing [office](#).
- i. Bank cheques for applications lodged at INZ offices in New Zealand should be made out to 'Immigration New Zealand'.

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, former President of Zimbabwe, and his wife

- a. Ordinarily, Robert Mugabe, former 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](#)).

R5.100.35 Ban on the grant of visas to Russian individuals expelled from certain countries for activities incompatible with their diplomatic status

- a. New Zealand has taken action in respect of Russian individuals expelled from certain countries for activities incompatible with their diplomatic status.
- b. Ordinarily, a person described in (a) above may not 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 such a person.
- 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](#)).

SM1.10 Points for employability and capacity building factors

Factors		Points	Criteria
Age (20 to 55 years)	20-39	30	SM5
	40-44	20	
	45-49	10	
	50-55	5	
Skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand	50	SM6
Bonus points for skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand in an area of absolute skills shortage	10	SM6.40
	Current skilled employment or an offer of skilled employment outside the Auckland region	30	SM6.50
	Current skilled employment or an offer of skilled employment with remuneration of least \$50.00 per hour, or the equivalent annual salary	20	SM6.60
Skilled work experience	2 years	10	SM7
	4 years	20	
	6 years	30	
	8 years	40	
	10 years	50	
Additional bonus points if skilled work experience is in New Zealand	1 year or more	10	SM7.25
Additional bonus points for skilled work experience in an area of absolute skills shortage	2 to 5 years	10	SM7.30
	6 years or more	15	
Qualifications	Recognised level 3 qualification if included on the List of Qualifications Exempt from Assessment (LQEA)	40	SM8
	Recognised level 4-6 qualification (e.g. trade qualification, diploma)	40	
	Recognised level 7 or 8 qualification (e.g. bachelor's degree, bachelor's degree with Honours)	50	
	Recognised level 9 or 10 post-graduate qualification (Master's degree, Doctorate)	70	
Bonus points for qualifications gained in New Zealand	2 years of full-time study in New Zealand completing a recognised bachelor degree (level 7) New Zealand qualification; or	10	SM8.25
	1 year of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification; or	10	
	2 years of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification	15	
Bonus points for partner's skilled employment	Partner's current skilled employment in New Zealand or offer of skilled employment in New Zealand.	20	SM9.5
Bonus points for partner's qualification (either)	Recognised qualification at level 7 or 8; or	10	SM9.10
	Recognised qualification at level 9 or above	20	

SM6.10 Skilled Employment

- a. Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or
 - iii. the completion of recognised relevant qualifications and/or work experience.
- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment.

Note: The ANZSCO is available at www.immigration.govt.nz/ANZSCO

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is described in the ANZSCO as:
 - i. a skill level 1, 2 or 3 occupation and the remuneration for that employment is **\$25.00** per hour or above (or the equivalent annual salary); or
 - ii. a skill level 4 or 5 occupation and the remuneration for that employment is **\$37.50** per hour or above (or the equivalent annual salary); and
- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- c. the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and
- d. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and
- e. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM6.10.5.1 Assessment of 'substantial match'

- a. For the purpose of SM6.10.5 (b) above, assessment of 'substantial match' involves a determination of whether the applicant's employment is substantially consistent with the ANZSCO 'Occupation' (6-digit) level description for that occupation and with the tasks listed at the ANZSCO 'Unit Group' (4-digit) level description for that occupational group, excluding any tasks which are not relevant to the 'Occupation' description.
- b. To be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of that role.

For example: An applicant's employment in the occupation 'Disabilities service officer' (411712) is not required to include the task set out at the ANZSCO Unit Group (4-digit) classification level for 'Welfare support workers' of "supervising offenders on probation and parole". Other listed tasks that are relevant to the role of a "Disabilities services officer" must comprise most of their role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

Note: Determining whether an applicant's employment substantially matches an ANZSCO occupation description may require consideration of the scope and scale of the employer's organisation and operation (the size of the operation, the number of staff and managers, and whether management functions are centralised at a head office or undertaken by other managers).

SM6.10.15 Occupations not included in the ANZSCO

Where an immigration officer is satisfied that an applicant's employment has no corresponding description in the ANZSCO, the employment may be assessed as skilled if:

- a. the remuneration for that employment is **\$37.50** per hour or above (or the equivalent annual salary); and
- b. the employment is full-time because it amounts to, on average, at least 30 hours per week over an agreed pay period; and
- c. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.25; and
- d. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM6.10.20 Suitably qualified by training and/or experience: skill level 1, 2 and 3 occupations

- a. Where the applicant's employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:
 - i. they hold a relevant recognised qualification that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see [SM8.10](#)) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
 - ii. they have the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an occupation included on the Long Term Skill Shortage List (LTSSL) (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - iv. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at [SM10.5](#) and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.
- b. Despite (a) (ii) above, applicants in skill level 1 occupations may substitute the required qualification with five years of relevant work experience.
- c. Despite (a)(i) and (ii) and (b) above, applicants employed as 'Pharmacy technicians' (ANZSCO 311215) will only be awarded points for skilled employment in New Zealand in that occupation if they hold the required New Zealand qualification (a National Certificate in Pharmacy (Technician), or the New Zealand Certificate in Pharmacy (Pharmacy Technician) Level 4 or 5 or the New Zealand Certificate in Pharmacy (Specialist Technician) Level 6), as required by the Director-General of Health.

SM6.10.25 Suitably qualified by training and/or experience: other occupations

Where the applicant's employment is in an occupation described in the ANZSCO as a skill level 4 or 5 occupation, or their employment is assessed under the provisions of SM6.10.15, they will be assessed as being suitably qualified by training and/or experience if:

- a. they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see [SM8.10](#)); or
- b. they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see [Appendix 3](#)); or
- c. they have three years of relevant work experience; or
- d. the employment is in an occupation included on the LTSSL (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
- e. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.

SM6.20 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. For the purpose of determining whether remuneration meets the requirements of [SM6.10.5 \(a\) \(i\) and \(ii\)](#) or [SM6.10.15 \(a\)](#) and [SM6.60](#), evidence must be provided of hours of work in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary) and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked to determine whether the variance in the hours worked would result in the per hour rate of pay being below the applicable remuneration threshold.
- e. Hours of work per week will be considered variable if the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (d) above, or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate whether the relevant remuneration threshold is met.
- g. Each hour of work must be paid at or above the applicable per hour remuneration threshold.
- h. For the purposes of [SM6.10.5\(a\)\(i\)](#) and (ii) and [SM6.10.15\(a\)](#) and [SM6.60\(a\)](#) 'remuneration' includes:
 - i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - ii. in the case of accommodation provided in connection with the employment:
 - iii. the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - iv. if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - v. if an accommodation allowance is provided, the amount of that allowance.
- i. 'Remuneration' excludes any other employment-related allowances (for example tool or uniform allowances) and bonuses which are dependent on performance.

Note: In relation to SM6.20 (h) (ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- j. The remuneration requirements set out in [SM6.10.5\(a\)\(i\) and \(ii\)](#) and [SM6.10.15\(a\)](#) and [SM6.60\(a\)](#) will be updated in November each year based on New Zealand income data.

SM6.20.5 Payment on a per activity basis

- a. Despite SM6.20 (g) above, an applicant with employment in a position that is not an ANZSCO skill level 1, 2 or 3 occupation whose employment agreement specifies an hourly rate of pay that is below the remuneration threshold set out at SM6.10.15 (a) may be assessed as meeting that remuneration threshold if they are additionally paid on a per activity basis and if:
 - i. they provide evidence, taking into account their payment on a per activity basis, that they were paid at or above **\$37.50** per hour, on average, for prior work undertaken in the same occupation in New Zealand for at least two years; and
 - ii. that work on average amounts to at least 30 hours per week in each of those two years.
- b. For the purposes of this provision 'payment on a per activity basis' excludes:
 - i. payment based on the time taken to complete a task or the number of hours worked
 - ii. payment on commission (a commission is where an employee is paid based on sales they have made or other targets they have met)
 - iii. payment on an incentive or productivity basis (where remuneration is reliant on the variable rate of production of a good or the variable rate of sale of a service)
 - iv. payment based on a piece rate (piece rate is a commission where the employee is paid for the number of pieces they worked on, for example, being paid for the number of bins of fruit picked, or the number of garments sewn).

SM6.60 Bonus points for high remuneration

- a. Recognised current skilled employment or an offer of skilled employment qualifies for 20 bonus points if the remuneration for that employment is **\$50.00** per hour or above (or the equivalent annual salary); and
- b. the assessing officer is satisfied that the employment is genuine; and
- c. the assessing officer is satisfied that the employment is sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

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. Applicants are exempt from paying the application fee and immigration levy.
- d. Appropriately delegated immigration officers may waive by special direction:

- i. the requirement to submit an overseas police clearance certificate from any country where the sponsor has a well-founded fear of persecution; and
 - ii. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

Appendix 2 – Proposed amendments to Temporary Entry instructions effective on and after 26 November 2018

E2.55 Restriction on the grant of visas, to Robert Mugabe, former President of Zimbabwe, and his wife

- a. Ordinarily, Robert Mugabe, former President of Zimbabwe, and his wife, Grace may not be granted a visa (including a transit visa) or entry permission.
- b. Student visas may not be granted to the adult children of Robert or Grace Mugabe.
- c. Notwithstanding (a) and (b) above, where special circumstances exist (supported by cogent and reliable evidence) INZ may nonetheless grant a visa and entry permission to such a person.
- d. The decision to grant a visa under (c) is limited to immigration officers with Schedule 1-3 delegations (see [A15.5](#)).

E4.60 Payment of the fee and immigration levy

- a. Applicants must pay the fee specified for that type of application at the time the application is lodged, unless:
 - i. the fee is waived by special direction under section 395 of the Immigration Act 2009 or by regulation; or
 - ii. the applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see [A6.5](#)); or
 - iii. the applicant holds a diplomatic or official passport and meets the criteria set out at [A6.1](#); or
 - iv. the applicant is exempt from paying the application fee.
- b. Applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:
 - i. the immigration levy is waived by an officer with schedule 1-3 delegations, who has the authority to grant a special direction under section 399 (3A) of the Immigration Act 2009; or
 - ii. the principal applicant is exempt from paying the immigration levy (see [A6.11.20](#)).
- c. The fee payable for an application is determined by the principal applicant's country of citizenship.
- d. A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or Ministry of Foreign Affairs and Trade (MFAT) post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.
- e. If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.
- f. If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant's citizenship.
- g. Fees and the immigration levy may be paid by bank or personal cheque, as well as by money order (from registered banks), credit card or EFTPOS (Electronic Funds Transfer Point of Sale), if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.
- h. Cash is not an acceptable form of payment, with the exception of the Beijing [office](#).
- i. Cheques for applications lodged at INZ offices in New Zealand should be made out to "Immigration New Zealand".
- j. Fees and the immigration levy for applications that may be lodged otherwise than on an approved form through the INZ Online Service may only be paid by means of either a MasterCard, [UnionPay](#) or Visa credit card.
- k. Detailed information on fee amounts and immigration levy rates in New Zealand dollars can be found at www.immigration.govt.nz/fees.

V3.90 Visitor visas for refugee or protection status claimants

See also Immigration Act 2009 s 378

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 34

- a. Refugee or protection status claimants may be granted visitor visas while they await a decision on their refugee or protection status claim.
- b. Applications must be made in the prescribed manner (see [E4](#)); but an appropriately delegated immigration officer may waive, by special direction:
 - i. the requirement to produce evidence of funds or sponsorship; and
 - ii. the requirement to produce evidence of travel tickets or onward travel arrangements.
- c. Applicants are exempt from paying the application fee and immigration levy.
- d. Immigration officers should refer to [E8.10](#) for further guidance.

WD1 Objective

The Post-Study work instructions contribute to the overall work instructions objective (see [W1](#)) by facilitating and retaining access of New Zealand employers and industry to global skills and knowledge.

WD2 Lodging an application under Post-Study work visa instructions

- a. Applicants must:
 - i. lodge their Post-Study work visa application in the prescribed manner (see E4.50); and
 - ii. provide evidence that they have completed a qualification in New Zealand that meets the requirements as set out at WD3; and
 - iii. provide evidence that they have a minimum of \$4,200 in funds available to maintain themselves during their stay in New Zealand.
- b. An offer of employment is not required.

WD3 Requirements for Post-Study work visas

WD3.1 Determining and granting a Post-Study work visa

WD3.1.1 Determining a Post-Study work visa application

Applicants may be granted a work visa if:

- a. they hold:
 - i. a qualification at level 7 to 10 on the New Zealand Qualifications Framework that has been studied full-time for at least 30 weeks in New Zealand; or
 - ii. a single qualification at level 4 to 6 that has been studied full-time for at least 60 weeks in New Zealand; or
 - iii. two qualifications at levels 4 to 6 that have been studied full-time for at least 60 weeks in New Zealand (including at least 30 weeks per qualification) and the second qualification is at a higher level than the first qualification; and
- b. they apply no later than three months after the end date of their student visa for that programme of study or qualification(s) or, if the qualification was a Doctoral Degree, no later than six months after the end date of their student visa; and
- c. they have successfully completed the qualification for which the student visa was granted; and
- d. they have met the requirements set out at U11.1(d) if their studies have been supported under the New Zealand Aid Programme; and
- e. they have NZ\$4,200 in funds available to maintain themselves during their stay in New Zealand; and
- f. they have not previously been granted a Post-Study work visa unless:
 - i. they have undertaken and completed a second higher qualification that is either a New Zealand Bachelor's Degree or postgraduate qualification, and have studied that qualification full-time in New Zealand for at least 30 weeks; or
 - ii. they are working towards occupational registration and meet the requirements at WD3.1.15; or
 - iii. transitional provisions apply (see WD3.5).

WD3.1.5 Currency and conditions

- a. The currency of the work visa depends on the qualification(s) gained as set out in the table below:

Qualification completed and programme duration	A Post-Study work visa may be granted for:
i. a level 7 Bachelor's Degree or level 8 to 10 qualification that has been studied full-time for at least 30 weeks in New Zealand	Three years
ii. a level 7 Graduate Diploma that has been studied full-time for at least 30 weeks in New Zealand	One year. Plus an additional one year, if the applicant is in the process of gaining registration with a registration authority and meets the requirements of WD3.1.15 Two years, if the study was undertaken outside of Auckland and completed by 31 December 2021 (see WD3.1.10)
iii. any other level 7 qualification that has been studied full-time for at least 30 weeks in New Zealand	One year Two years, if the study was undertaken outside of Auckland and completed by 31 December 2021 (see WD3.1.10)
iv. a single qualification at level 4 to 6 that has been studied full-time for at least 60 weeks in New Zealand	One year Two years, if the study was undertaken outside of Auckland and completed by 31 December 2021 (see WD3.1.10)
v. two qualifications at levels 4 to 6 that have been studied full-time for at least 60 weeks in New Zealand (including at least 30 weeks per qualification) and the second qualification is at a higher level on the NZQF than the first qualification. The qualifications must have commenced in either the same or consecutive calendar years	One year Two years, if the study was undertaken outside of Auckland and completed by 31 December 2021 (see WD3.1.10)

- b. A holder of a Post-Study work visa may work for any employer in any occupation in any location, subject to meeting E7.40.

Note: Study weeks include exam preparation time and exclude holiday periods.

WD3.1.10 Qualifications completed outside Auckland

- a. Students who successfully complete a qualification specified at WD3.1.1(a) outside Auckland by 31 December 2021 qualify for a two-year Post-Study work visa.
- b. A qualification(s) completed outside Auckland must have been studied entirely at a campus outside the territories covered by the Auckland Council.
- c. A two-year Post-Study work visa will not be granted if any part of the qualification(s) was completed at a campus located within territories covered by the Auckland Council, including distance learning components.

WD3.1.15 Working towards occupational registration

- a. Post-Study work visa holders who have successfully completed a level 7 Graduate Diploma may be granted an additional one-year Post-Study work visa (to a total of two years) if:
 - i. they are in the process of gaining registration with a registration body; and
 - ii. they require an additional year of work experience to obtain the registration; and
 - iii. the registration body is included in the list of acceptable registration authorities at WD3.1.15.1; and
 - iv. they have not been granted a two-year Post-Study work visa under WD3.1.10 due to having completed their qualification outside Auckland.
- b. To qualify for an additional one-year Post-Study work visa, applicants must currently hold a Post-Study work visa and provide:
 - i. a copy of the qualifying level 7 Graduate Diploma; and
 - ii. evidence of provisional registration with an acceptable registration authority.

WD3.1.15.1 List of acceptable registration authorities

The following are acceptable registration authorities for the purposes of Post-Study work visa instructions:

- o Teaching Council of Aoteroa New Zealand

WD3.5 Transitional requirements

WD3.5.1 Applicants who, on 8 August 2018, held a student visa or had made a student visa application

- a. If an applicant meets the requirements at WD3.1.1 (a) to (e) and, on 8 August 2018, either held a student visa or had made an application for a student visa that was subsequently approved, they may be granted a work visa for the following duration:
 - i. two years, where the applicant has previously held a Post-Study Work Visa – Open; or
 - ii. three years, where the applicant has not previously held a Post-Study Work Visa – Open.
- b. An applicant seeking to meet requirement (a) above, in part, by holding two qualifications (see WD3.1.1(a)(iii)):
 - i. must have commenced the qualifications in either the same or consecutive calendar years; and
 - ii. instead of meeting the requirement that the qualifications be at levels 4 to 6, they may hold two qualifications at levels 4 to 7.
- c. A Post-Study work visa may only be granted once under these transitional instructions.
- d. Holders of a Post-Study work visa may work for any employer in any occupation in any location, subject to meeting E7.40.

WD3.5.5 Applicants who held a “Post-Study Work Visa – Open” on 26 November 2018

- a. Applicants, who, on 26 November 2018, held a Post-Study Work Visa – Open that was granted under the previous instructions (*Archived WD2*), may be granted a further two-year Post-Study work visa if they:
 - i. apply before the expiry of their current Post-Study Work Visa – Open; and
 - ii. lodge their Post-Study work visa application in the prescribed manner (see E4.50).
- b. Holders of a Post-Study work visa may work for any employer in any occupation in any location, subject to meeting E7.40.

WD3.5.10 Applicants who held a “Post-Study Work Visa – Employer Assisted” on 26 November 2018

- a. Applicants who hold a Post-Study Work Visa - Employer Assisted, granted under the previous instructions (*Archived WD1*), may apply for a variation of conditions to allow them to work in any occupation, for any employer and in any location, subject to meeting E7.40.
- b. Immigration officers may grant a variation of conditions in such cases provided the applicant completes:
 - i. an *Application for a Variation of Conditions for holders of an employer-assisted post study work visa (INZ 1243)*; and
 - ii. lodges their application in the prescribed manner (see E4.50).

WF4.1 Who is eligible for a special work visa

- a. Unless WF4.5 applies, a person may apply for and be granted a multiple entry work visa if their partner holds:
 - i. a student visa to study for a level 7 or 8 qualification on the New Zealand Qualifications Framework (NZQF) in an area of absolute skill shortage as specified in the Long Term Skill Shortage List (see [Appendix 4](#)); or
 - ii. a student visa to study for a level 9 or 10 qualification on the NZQF.

Note: In order to be eligible for a work visa under (a)(i) the qualification undertaken by the student visa holder must be specified on the Long Term Skill Shortage List at the time the work visa application is submitted.

- b. Work visas will be granted for the same period as the student visa held by the applicant's partner subject to the generic requirements at E4.5 being met.
- c. Any work visas granted under these instructions, may be endorsed with conditions that allow work for any employer.
- d. Applicants must have NZ\$4,200 available for their maintenance during the period of stay in New Zealand.
- e. If, subsequent to any work visa granted under these instructions, the work visa holder's student partner changes their study and the new study no longer meets the requirements under WF4.1(a), the work visa holder will no longer meet the requirements for a work visa under these instructions and may be liable for deportation.

WI6.5 Who is not normally eligible for a special work visa

- a. Claimants who are sponsored for a particular period or who arrived in New Zealand with sufficient funds for a particular period, are unlikely to be granted a special work visa for that period.
- b. Persons not eligible for a work visa under this provision may apply under the provision for work visas in [WK](#), but must meet all the requirements.
- c. Claimants are exempt from paying the **application fee and** immigration levy (see [A6.11.20](#)).

WI6.10 Making an application

- a. Applications must be made in the prescribed manner (see [E4](#)); but an appropriately delegated immigration officer may waive:
 - i. the requirement to produce evidence of funds or sponsorship; and
 - ii. the requirement to produce evidence of travel tickets or onward travel arrangements; and
 - iii. the requirement to produce a job offer.
- b. Any work visas granted under this provision may be endorsed with conditions that allow work for any employer.

WK2.1 Lodging an Essential Skills work visa application

- a. Applications for Essential Skills work visas must be lodged in the prescribed manner (see [E4.50](#)) and include an Employer Supplementary Form (INZ 1113) completed by the employer.
- b. Applicants who hold a work visa with remuneration as a condition of that visa (see [WK4.5\(d\)](#)), must include evidence of their remuneration payment, such as Inland Revenue income summaries and bank statements.
- c. Applicants must provide:
 - i. a copy of the proposed employment agreement; and
 - ii. a copy of the signed offer of employment (see [W2.10.10](#)).
- d. Applications made on the basis of an offer of employment in an ANZSCO skill level 4 or 5 occupation must include a valid Skills Match Report prepared by Work and Income, unless:
 - i. the employer holds valid approval in principle for the role identified; or
 - ii. the role is on an Essential Skills in Demand list and the applicant meets the qualification and/or experience requirements; or
 - iii. the role is in the Canterbury region ([WK3.10.20](#)) and evidence of the outcome of engagement with the Canterbury Skills and Employment Hub has been included with the visa application; or
 - iv. Work and Income have advised Immigration New Zealand of a regional absolute labour shortage ([WK3.10.1\(e\)\(i\)](#)); or
 - v. the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process, and meets any additional requirements of that list (e.g. region of employment).

Note: A Skills Match Report may be used to support more than one work visa application, as long as it remains valid. A copy of the Skills Match Report should be included with each visa application.

WK3.5 Acceptable employment

- a. To grant an Essential Skills work visa, an immigration officer must be satisfied that:
 - i. the offer of employment meets the requirements set out at [W2.10.10](#); and
 - ii. the employment offered is genuine, sustainable and full-time for the duration of the employment period specified in the employment agreement; and
 - iii. payment is by wages, or salary; and
 - iv. the rate of pay is not less than the market rate for New Zealand workers in that occupation (regardless of whether the occupation is on one of the Essential Skills in Demand Lists).
- b. An immigration officer will assess the employment offered to determine the skill-band of that employment (WK3.5.1) based on the remuneration and the skill level of the occupation as set out in the Australian and New Zealand Standard Classification of Occupations (ANZSCO).
- c. Applications for visas under Essential Skills instructions for self-employment must be declined.
- d. Applications for visas under Essential Skills instructions related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be declined.

Note: Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions (see [WH1](#)) or the Supplementary Seasonal Employment Instructions (see [WH3](#)).

WK3.5.1 Determining the skill-band of employment

- a. Employment will be assessed as higher-skilled where the remuneration offered is **\$37.50** per hour or above, regardless of the ANZSCO occupation.
- b. Employment will be assessed as mid-skilled where:
 - i. the remuneration offered is between **\$21.25** per hour and **\$37.49** per hour (inclusive); and
 - ii. the employment substantially matches the description for a skill level 1, 2 or 3 occupation as set out in the ANZSCO.
- c. Employment will be assessed as lower-skilled where:
 - i. the remuneration offered is less than **\$21.25** per hour, regardless of the ANZSCO occupation; or
 - ii. the remuneration offered is less than **\$37.50** per hour and the employment substantially matches the description for a skill level 4 or 5 occupation as set out in the ANZSCO.

WK3.5.5 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. Remuneration will be calculated according to the hours of work stated in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary), and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked in order to calculate the remuneration and determine the skill-band of the employment.
- e. Hours of work per week will be considered variable where the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (e) above or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.
- g. Each hour of work must be paid at or above the remuneration threshold for a particular skill-band, for employment to be assessed as within that skill-band.
- h. For the purposes of WK3.5.5, remuneration includes:
 - i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - ii. in the case of accommodation provided in connection to the employment:
 - the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - if an accommodation allowance is provided, the amount of that allowance.

Note: In relation to WK3.5.5(h)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- i. For the purposes of WK3.5.5, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.
- j. The remuneration requirements set out in WK3.5.1 will be updated in November each year based on New Zealand income data.

WK3.5.10 Assessment that employment substantially matches an ANZSCO occupation

- a. When assessing whether an offer of employment substantially matches a particular occupation in the ANZSCO, an immigration officer must be satisfied that the applicant's duties and responsibilities match the description of that occupation as set out in the ANZSCO.
- b. Where related occupations are described by the same task list in the ANZSCO, an immigration officer may disregard tasks not relevant to the occupation that most closely matches that of the applicant.

WR1.25 Requirements for accreditation

- a. The objective of accreditation is to allow accredited employers to supplement their own New Zealand workforce in their core area of business activity through:
 - i. the recruitment of workers who are not New Zealand citizens or residence class visa holders and whose talents are required by the employer; and
 - ii. the accredited employer having direct responsibility for those employees and their work output.
- b. Under Talent (Accredited Employer) Work Instructions, accredited employers may offer employment to workers who are not New Zealand citizens or residence class visa holders without the need to establish that there are no New Zealand citizens or residence class visa holders suitably qualified by training and experience available, or readily able to be trained, to do the work.
- c. Accreditation will be granted where an immigration officer is satisfied that an employer:
 - i. is in a sound financial position; and
 - ii. has human resource policies and processes which are of a high standard; and
 - iii. has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders; and
 - iv. has good workplace practices, including a history of compliance with all immigration and employment New Zealand laws including but not limited to the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987, the Equal Pay Act 1972 and the Holidays Act 2003.
- d. Subsidiary companies cannot be covered by the accreditation of a parent company. To be accredited they must apply in their own right.

WR1.25.1 Applying for accreditation

- a. An application for accreditation must be made online using the electronic form provided on the INZ website. Applications must be accompanied by documents which demonstrate that the employer meets the requirements for accreditation set out at WR1.25.
- b. A fee is payable for an application for accreditation. A lower fee is payable for renewal of accreditation.

WR1.25.5 Determining applications for accreditation

- a. In determining whether an employer is in a sound financial position, an immigration officer may take into account such factors as:
 - i. the period for which the employing organisation has been established as a going concern;
 - ii. financial indicators such as revenue, profit and equity levels;
 - iii. reserve capital;
 - iv. ability to sustain current and proposed employment;
 - v. accounts receivable;
 - vi. whether the employer is a state sector agency whose financial situation and performance is included in the Crown accounts as part of the Government reporting entity under the Public Finance Act 1989;
 - vii. whether the employer is are a local authority named in Schedule 2 of the Local Government Act 2002.
- b. In determining whether an employer has human resource policies and practices which are of a high standard, an immigration officer may take into account such factors as:
 - i. WorkSafe NZ or Labour Inspectorate findings;
 - ii. sample employment agreements;
 - iii. evidence of HR and health and safety policies and procedures;
 - iv. whether the employer is International Organisation for Standardisation (IOS) certified;
 - v. feedback from relevant unions and other employee representatives.
- c. In determining whether an employer has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders, an immigration officer may take into account such factors as:
 - i. whether the employer has engaged with the relevant Industry Training Organisation (ITO);
 - ii. evidence of training provided to staff who are New Zealand citizens or residents;
 - iii. whether the employer makes 'genuine attempts' (see [WK3.10.5](#)) to recruit New Zealand citizens or residents to fill any vacancies, including that advertised vacancies accurately reflect the position and salary or wages;
 - iv. the proportion of the employer's workforce who are New Zealand citizens or residents;
 - v. feedback from relevant unions and other employee representatives.
- d. In determining whether employers have good workplace practices, an immigration officer may take into account such factors as:
 - i. whether the employer has diversity policies and practices in place as outlined by Diversity Works NZ;
 - ii. the extent of any non-compliance with immigration or employment legislation;
 - iii. where there have been minor breaches of legislation listed in [WK5.1 \(b\)\(iv\)](#), the degree to which the employer has put in place remedies to prevent similar breaches in the future; and

- iv. policies and processes the employer has put in place to ensure they remain compliant with immigration and employment legislation;
 - v. feedback from relevant unions and other employee representatives.
- e. In determining whether employers may be accredited an immigration officer will also give consideration to whether the employer has an intention to maintain accreditation throughout the period of currency of any visas granted to their employees under the Talent (Accredited Employers) Work Instructions.
 - f. An immigration officer must be satisfied that the information and documents included in an application for accreditation are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain, including interviews. An immigration officer will decline an application for accreditation if they are satisfied that an employer provided false or misleading information in support of an application, or withheld relevant information that was prejudicial to the grant of accreditation.
 - g. INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises.
 - h. Applicants must consent to INZ seeking information from the Ministry of Business, Innovation and Employment, WorkSafe New Zealand and the Accident Compensation Corporation concerning the applicant's compliance with New Zealand employment laws. Where such consent is not given an application for accreditation will be declined.
 - i. An application for accreditation will be declined where the employer has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at [W2.10.15](#) or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see [Appendix 10](#)).
 - j. An application for accreditation will be declined where an immigration officer considers accreditation would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.
 - k. The accreditation of employers whose main business is the facilitation of entry to New Zealand of non-New Zealand citizens and residence class visa holders potentially creates an unacceptable risk to the integrity of New Zealand's immigration laws and policies, therefore applications for accreditation by such employers will not be approved.
 - l. INZ will consult with relevant unions and other employee representatives when determining whether an employer has human resource policies and processes which are of a high standard, a commitment to training and employing New Zealand citizens and residence class visa holders and good workplace practices.
 - m. An application for accreditation will be declined where an employer does not give consent to disclose relevant information. Before disclosing information, INZ will seek the consent of the employer for the disclosure of information that is:
 - i. identified by the employer as commercially sensitive; and
 - ii. that information is provided in confidence to INZ; and
 - iii. INZ considers that disclosure of that information is necessary for the determination of an application;
 - n. Where INZ, in consulting with other agencies, receives information which may be prejudicial to the positive outcome of an employer's application for accreditation, that adverse information will be put to the employer for comment before a decision is made on their application.

WR1.25.10 Reconsideration process for applications for accreditation which are declined

- a. There is no statutory right of appeal against the decision to decline an application for accreditation, however INZ will reconsider a declined application for accreditation where new information is promptly provided within 14 days of the employer being notified of the decline.
- b. The fee for reconsideration of an application for accreditation must accompany the written request for reconsideration.

WR1.25.15 Auditing accredited employers

- a. INZ may audit an employer to ensure that they continue to meet the requirements of accreditation at any time during the period of accreditation.
- b. INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises or request documentation or evidence from the employer as part of an audit.
- c. An audit will entail INZ making an assessment about whether the accredited employer continues to meet the criteria at WR1.25. Information taken into account during an audit may include but is not limited to:
 - i. information supplied by the employer to INZ as part of the audit process;
 - ii. information about the employer held by INZ from their previous accreditation application or from other interactions the employer has had with INZ (e.g. visa applications they have supported);
 - iii. information supplied by third parties, such as the Labour Inspectorate;
 - iv. findings of a site visit conducted by INZ;
 - v. publicly available information about the employer.
- d. If an immigration officer is not satisfied the employer has continued to meet the requirements of WR1.25, the accreditation may be revoked (see WR1.25.20 below). The employer's accreditation and the processing of any associated work to residence applications may be suspended until an immigration officer is satisfied that the requirements of WR1.25(c) have been met or the accreditation is revoked.

WR1.25.20 Revoking accreditation

- a. INZ may revoke an employer's accreditation where:
 - i. as a result of an audit, an immigration officer is not satisfied that the requirements of WR1.25 continue to be met; or
 - ii. the employer fails to comply with a request for further information or records by INZ within a reasonable specified timeframe; or
 - iii. the conduct of that employer has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies; or
 - iv. an employer supplies false or misleading information to INZ.
- b. If an immigration officer has concerns that the employer meets one of the criteria at (a) above, the employer will be notified in writing and provided an opportunity to provide comment before a final decision to revoke accreditation is made.
- c. Any decision to revoke accredited status must be approved by an INZ Area Manager.
- d. Employers that have their accreditation revoked will be notified of this and informed of the reasons in writing.

WR1.25.25 Duration of accreditation

- a. Employers approved accreditation will be granted accreditation for two years where they have not held accreditation continuously for the two years prior to the date the application was made.
- b. Employers approved renewal of their accreditation will receive accreditation for a period of two years, unless an immigration officer is satisfied an employer will continue to meet all requirements of WR1.25 for five years, in which case accreditation may be granted for five years.
- c. When considering whether an employer will continue to meet all requirements of WR1.25 for a five year period, an immigration officer will take into account:
 - i. whether the employer has provided evidence to demonstrate they have continuously met or exceeded all requirements of WR1.25 for the previous two years,
 - ii. the likelihood that the employer will remain in a sound financial position for a five year period, including consideration of:
 - their projected revenues;
 - their equity and capital reserves;
 - whether they are a state sector agency whose financial situation and performance is included in the Crown accounts as part of the Government reporting entity under the Public Finance Act 1989;
 - whether they are a local authority named in Schedule 2 of the Local Government Act 2002.
 - iii. the likelihood that the employer will continue to meet or exceed the other requirements of accreditation, including consideration of whether they have sufficient resources and systems in place to actively manage:
 - human resources policies and processes;
 - training and recruitment of staff, in particular New Zealand citizens and residents;
 - compliance with immigration and employment laws.

U7.20 Part-time study

People who are not considered to be full-time students (see U6.1.1) may apply for a visitor visa with a variation of conditions to allow study on a part-time basis.

U7.20.1 Programmes of study lasting up to 9 months

- a. People outside New Zealand may apply for and be granted a variation of conditions to allow study on a part-time basis for a maximum of 9 months from the date of their arrival in New Zealand, provided that they are enrolled in a part-time programme of study certified as one that complies with foreign student requirements (see [U3.1](#)) and lasts no more than 9 months, and comply with visitor requirements (see [V2.1](#)).
- b. People already in New Zealand may apply for and be granted a visitor visa with a variation of conditions to allow study on a part-time basis for the balance of their stay up to a maximum of 9 months from the date of their arrival.
- c. If study is the main reason for the applicant being in New Zealand, immigration officers must decline any application to undertake part-time programmes of study lasting longer than 9 months, unless the officers are satisfied that:
 - i. the application has special merit that warrants the application being approved, and
 - ii. the applicant will comply with the conditions of their visa.
- d. Immigration officers must be satisfied that applicants who wish to undertake part-time programmes of study lasting up to 9 months after their date of arrival:
 - i. are enrolled in and have paid the fees for such a programme of study; and
 - ii. are able to satisfy the standard visitor requirements (see [V2.1](#)).

U7.20.5 Students completing their programme of study

- a. Despite U7.20 above and U6.1.1, a person who is:
 - i. in their final semester of a programme of study in New Zealand, that is of at least 2 academic years' duration; or
 - ii. in their final semester of a programme of study in New Zealand, culminating in a New Zealand qualification that would qualify for points under the Skilled Migrant Category (see [SM8](#))may be considered to be a full-time student and may be granted a student visa for the remaining duration of their programme of study if they can meet student requirements (see [U3.1](#)).
- b. To be eligible for a student visa under these instructions, applicants must not previously have been granted a visa under these instructions.

L6.1 Limited visas for some refugee or protection status claimants, refugees or protected people

See also Immigration Act 2009 s 150

A limited visa may be granted to a refugee or protection status claimant, a refugee or a protected person **only if** that person is at the time a holder of a current limited visa and only if a visa is required for the claimant to be in New Zealand lawfully while their claim is being determined.

L6.1.1 General requirements

See also Immigration Act 2009 ss 61, 150

- a. A refugee or protection status claimant, a refugee or a protected person who holds a limited visa may submit an application for a further limited visa at any INZ office in New Zealand.
- b. Applications must be made on the application form *Visitor Visa Application (INZ 1017)* or *Student Visa Application (INZ 1012)* (depending on the nature of the express purpose), and submitted together with the applicant's passport (or a certified copy) or travel document (or a certified copy) and a passport-sized photograph.
- c. **Applicants are exempt from paying the application fee and immigration levy.**
- d. The applicant must ensure that they submit each application before any current limited visa expires (see [L2.1](#)).
- e. The following refugee or protection status claimants, refugees or protected persons who require further time in order to achieve the express purpose for which they were granted a limited visa should normally be granted an appropriate temporary visa rather than a further limited visa where:
 - i. claimants who apply to be lawfully in New Zealand while their claim is determined;
 - ii. refugees or protected people who have yet to be granted a residence class visa.
- f. Refugee or protection status claimants, a refugee or a protected person whose express purpose has been achieved or abandoned or is no longer achievable may not be granted a further limited visa because no further time is required in order to achieve the express purpose. However such applicants should be advised that although as the holder of a limited visa they have no right to apply for a further visa, they may nevertheless be eligible for the grant of a visa under section 61 after their limited visa expires, at the discretion of the Minister or an immigration officer.

L6.1.5 Conditions of limited visas granted to refugee or protection status claimants

In addition to any of the conditions listed in [L2.40](#), each time a limited visa is granted to a refugee or protection status claimant, they must be advised in writing that their visa is subject to the following conditions:

- a. that at all times they keep INZ informed of any change of residential address; and
- b. that they may be liable for deportation if:
 - i. their claim for refugee or protection status is declined and they fail to appeal, or have appealed unsuccessfully, to the Tribunal; or
 - ii. they withdraw their claim.

L6.1.10 Granting limited visas to refugee or protection status claimants at the border

See also Immigration Act 2009 ss 15, 16

- a. If the holder of a limited visa claims refugee or protection status at the border, the holder, unless subject to sections 15 or 16 of the Immigration Act 2009 (see [A5.40](#)), should be granted entry permission for the period required to achieve the express purpose for which they were originally issued the limited visa.
- b. If the claimant does not confirm their claim in the prescribed manner (see [C3.25](#)) at the border, they should be told that an application for a further limited visa will only be considered after they have confirmed their claim in the prescribed manner.

L6.1.15 Grant of limited visa in relation to criminal matters

See also Immigration Act 2009 s 83

- a. A limited visa may be granted to a person if:
 - i. a certificate has been issued in respect of the person under section 13 or 42(5) of the Mutual Assistance in Criminal Matters Act 1992; and
 - ii. the limited visa is granted for the sole purpose of enabling the person:
 - o to be in New Zealand for the purposes of giving or providing evidence or assistance pursuant to a request made under section 12 of the Mutual Assistance in Criminal Matters Act 1992; or
 - o to be transported through New Zealand pursuant to section 42 of the Mutual Assistance in Criminal Matters Act 1992.
- b. A limited visa may also be granted to a person for the sole purpose of enabling the person to return to New Zealand to face any charge in New Zealand or to serve any sentence imposed on the person in New Zealand.

Appendix 3 - Amendments to Residence and Temporary Entry instructions effective on and after 26 November 2018

Y2.5 Passenger responsibilities on departure

See also Immigration Act 2009 ss 119, 120, 342, 344(e)

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, regs 30, 31, 31A

- a. Passengers are responsible on departure for:
 - i. presenting themselves to an immigration officer at an immigration control area; and
 - ii. producing their passport or certificate of identity to an immigration officer; and
 - iii. complying with any direction of an immigration officer; and
 - iv. presenting evidence of their entitlement to travel such as a boarding pass or travel ticket, if requested by an immigration officer; and
 - v. in the case of passengers who are not New Zealand citizens - allowing biometric information to be collected (see A22).
- b. Passengers leaving New Zealand by means of the automated electronic system:
 - i. are exempt from (a)(i) above, unless the automated electronic system indicates otherwise; and
 - ii. may meet (a)(ii) above by presenting their passport to the automated electronic system.
- c. If a passenger is responsible for the care of a person who cannot comply with Y2.5(a)(i)-(iv) above because of age or disability, it is their responsibility to comply on behalf of that person.
- d. A passenger who, without reasonable excuse, fails to comply with the responsibilities set out above, commits an offence and may be prosecuted.

Note: Y2.5 does not apply to people in New Zealand who are deemed to hold a visa and leave New Zealand other than at an immigration control area.

Y2.15 Who is exempt from presenting an arrival card

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 25

A person is exempt from having to present an arrival card if they are:

- a. crew or passengers on any ship carrying passengers or cargo or both (in the ordinary course of business of the ship) between any foreign port and New Zealand;
- b. crew on any foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo (within the meaning of subsection (6) of that section);
- c. aircraft crew on any commercial aircraft flying between any other country and New Zealand;
- d. members of the armed forces of any country, members of its civilian component or crew members of any craft transporting such people in New Zealand at the request or with the consent of the New Zealand government, in the ordinary course of that member's duty or employment as defined in the Visiting Forces Act 2004 who arrive in New Zealand at a military base;
- e. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who enter the Ross Dependency from a country other than mainland New Zealand;
- f. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who:
 - i. have entered the Ross Dependency from a country other than mainland New Zealand; and
 - ii. subsequently travel from the Ross Dependency to mainland New Zealand.
- g. guests of government who have been granted a visa waiver to travel by special direction.

Note: A request may also be made to waive, by special direction, the requirement for distinguished visitors to provide a passport or certificate of identity for inspection.

Y4.5 People who must be refused entry permission unless granted as an exception to instructions: general character concerns

See also Immigration Act 2009 ss 22 and 107.

- a. Entry permission must be refused to any person, except a person listed in [Y3.10\(a\)](#), who is not otherwise dealt with under [Y4.1](#) and;
 - i. is arrested on arrival in New Zealand; or
 - ii. possesses a forged, fraudulent, or improperly-altered identity document or other official document; or
 - iii. possesses a controlled drug (as defined in s 2 of the Misuse of Drugs Act 1975) without proper authority; or
 - iv. possesses a prohibited import (as defined in s 5 of the Customs and Excise Act 2018) without proper authority.
- b. A person subject to Y4.5(a) above may be granted entry permission if the immigration officer deliberately and properly does so as an exception to instructions (see [Y4.45](#)).

Note: A person should be dealt with under [Y4.1](#) if, on arrival, the person possesses a controlled drug in an amount, level, or quantity at or over which the controlled drug is presumed to be for supply (as per s 2(1A) of the Misuse of Drugs Act 1975).

Appendix 4 - Rescinded immigration instructions effective on and after 26 November 2018

E8.15 Temporary visas for people affected by the Christchurch earthquake

- a. Temporary visa holders affected by the Christchurch earthquake of 22 February 2011 may apply for a further temporary visa in accordance with the special direction issued by the Minister of Immigration on 1 March 2011.
- b. To be granted a temporary visa under these instructions, applicants must hold a temporary visa that is due to expire on or before 31 March 2011.
- c. Temporary visas granted under these instructions will be valid for three months from the date of grant and have conditions allowing:
 - i. multiple entry travel for the duration of the visa, and
 - ii. work or study as appropriate to the applicant's needs.
- d. Notwithstanding (c) above, applicants who currently hold visitor visas will be granted a three month visitor visa.

Note: These instructions do not prevent people described in (a) from applying in the normal manner and, if they meet immigration instructions, being granted visas for the period of time and with the conditions they are entitled to under those instructions.

WD1.5 Relevance of qualification(s) to employment

Qualifications are relevant to employment if:

- a. the major subject area and level of the principal applicant's recognised qualification is directly applicable to the employment; and
- b. the immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

WD1.10 Qualification requirements

- a. Applicants must have successfully completed a New Zealand qualification(s) that would qualify for points under the Skilled Migrant Category (see [SM8](#)) and meet one of the requirements set out in (b) below.
- b. Applicants must have completed:
 - i. a programme of study that results in a qualification at level seven or above on the New Zealand Qualifications Framework (NZQF) that they have studied for at least 30 weeks in New Zealand; or
 - ii. a programme of study that results in at least one qualification at levels four to six on the NZQF that they have studied for at least 60 weeks in New Zealand; or
 - iii. two programmes of study that result in at least two qualifications (at least one for each programme) at levels four to six on the NZQF provided each programme of study has involved at least 30 weeks study in New Zealand (60 weeks in total) and the final qualification is at a higher level.

Note: Study weeks includes exam preparation time and excludes holiday periods.