



30 April 2019

Immigration New Zealand Instructions: Amendment Circular No. 2019/02

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 their effective dates.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz .

Summary of contents

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

- The *Description of changes* section contains a summary of the changes to immigration instructions.
- Appendix 1 contains amended immigration instructions effective on and after 1 May 2019.
- Appendix 2 contains amended immigration instructions effective on and after 13 May 2019.

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

Description of changes

Extension of the Pathway Student Visas pilot

U14 Pathway student visas pilot

U14.5 Requirements to be granted a pathway student visa

The pathway student visas pilot has been extended to 24 November 2019. Pathway student visa applications may be accepted until 24 November 2019.

New Zealand Residence Programme (NZRP) planning range

R6.1 New Zealand Residence Programme

R6.5 Allocation of places within the New Zealand Residence Programme

The NZRP planning range, which sets the upper and lower number for resident visa approvals, has been updated to 50,000 to 60,000 from 1 July 2018 to 31 December 2019.

South Island Contribution Resident Visa clarifications

RV2.20 Permanent resident visas for Filipino dairy workers who have provided false documents and hold a South Island Contribution resident visa

RV2.25 Declining applications for permanent resident visas

RV4.20 Special provisions for the grant of a second or subsequent resident visa

RW5 English language requirements under the Residence from Work Category

RW8.10 South Island Contribution resident visas for Filipino dairy workers who have provided false documents

Changes have been made to the South Island Contribution work visa instructions to:

- clarify English language requirements for secondary applicants and
- ensure the exemptions regarding character requirements that are in place for Filipino applicants in the temporary entry instructions are extended to those applying under residence instructions.

Place of lodgement for China Special and China Skilled work visas

WI12 China Special Work Instructions

WI13 China Skilled Workers Instructions

The requirement for applications under these instructions to be lodged in China has been removed.

Update the List of Qualifications Exempt from Assessment (LQEA)

Appendix 3 of the Operational Manual

The following country lists in the LQEA have been updated following advice from the New Zealand Qualifications Authority:

- Canada - Academic Qualifications

- Germany - Craft and Trade Qualifications
- Hungary - Academic Qualifications
- Indonesia - Academic Qualifications
- Poland - Academic Qualifications
- Singapore - Academic Qualifications
- Sweden - Academic Qualifications

Minimum income threshold to support dependants

S1.10.35 Minimum income requirement

S1.40.35 Minimum income requirement

U8.20.5 Dependent children of Essential Skill work visa holders

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

V3.10.10 Minimum income threshold

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

The minimum income thresholds that parents must meet in order to support dependants for certain visa categories have been updated as follows:

- Samoan Quota and Pacific Access Category has increased from \$38,199.20 to \$38,577.76.
- Essential Skills and Religious Worker has increased from \$42,944.20 to \$43,322.76.

These thresholds are updated annually.

Remove reference to 'aid' or 'award' to reflect the current names of Ministry of Foreign Affairs and Trade scholarships

A4.25 Medical and Chest X-ray Certificates: temporary entry class visa applications

R5.105 Restrictions on the grant of residence class visas for students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade and their dependants

SM8.25 Bonus points: New Zealand qualifications

E2.50 Restrictions on the grant of temporary entry class visas for students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade and their dependants

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

WF4.5 Partners of holders of student visas who are supported by the New Zealand scholarship programme administered by the Ministry of Foreign Affairs and Trade

I1.10 Automated and manual processing of interim visas

U3.1 Summary

U3.10 Tuition fees

U3.35 Definition of 'domestic student'

U3.40 Students who wish to change their study conditions

U3.45 Insurance requirements for fee-paying foreign students

U4.1 Fully supported students

U4.20 Vocational trainees

U5.5 Primary and secondary schools (state and integrated)

U5.20 Tertiary institutions (Universities, Polytechnics, Colleges of Education, Wananga)

U7.1 Students transferring from scholarship to fee-paying foreign student status

U8.25 Dependent children of holders of student visas

U9.15 New Zealand Short Term Training Scholarship (STTS) trainees

U11 New Zealand scholarship students

U11.1 Students holding a New Zealand scholarship undertaking employment

U14.15 Changing and complying with pathway student visa conditions

Update position titles ‘Area Manager’ and ‘Operations Manager’ to ‘Head of Operations’ and ‘Visa Operations Manager’

A5.35.1 Action

A5.35.5 Second and subsequent deferral periods

A16.2.35 Officers authorised to exercise discretionary powers

BA3 Streamlining

BM2.1 Applications usually deferred

BM2.1.1 Second and subsequent deferral periods

WH1.5.20 Rescinding RSE status

WJ2.10.1 Applications usually deferred

WJ2.10.5 Second and subsequent deferral periods

WR1.25.20 Revoking accreditation

Update branch name and in some cases remove reference to ‘Business Migration Branch,’ to ‘Business Migration’

BB3.5.1 Discretion to waive capital investment requirement

BJ3.15.10 Philanthropic Investments

BJ5.50.25 Definition of ‘Philanthropic Investment’

BJ7.20 Timeframe for investing funds in New Zealand

BJ7.20.1 Extending the timeframe for investing funds in New Zealand

F3.25.20 Time frame for investing funds in New Zealand

Update ‘New Zealand Child, Youth and Family (CYF)’ to ‘Ministry for Children, Oranga Tamariki’

A16.2.15 Children and young persons under 18 years of age

F7.10 Pre-adoption information

U3.35.5 Primary and secondary domestic students who require a student visa, interim visa with study conditions, or limited visa

V3.25 Children entering New Zealand for adoption

V3.25.1 Further visas for children entering New Zealand for adoption

Add a note clarifying residence options for people who have renounced their New Zealand citizenship and are deemed to hold a residence visa

R5.66.10 Former New Zealand citizens deemed to hold a resident visa

Remove an obsolete reference to the Canterbury Skills and Employment Hub

WK2.1 Lodging an Essential Skills work visa application

Remove an obsolete note explaining minimum base salary

WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

Other minor formatting and cross-referencing changes and corrections

RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

E3.26.1.10 Varying the conditions of temporary entry class visas

WR1.25.5 Determining applications for accreditation

Appendix 1 - Amendments to immigration instructions effective on and after 1 May 2019

U14 Pathway student visas pilot

- a. For the purposes of these instructions, a pathway is defined as a progression of up to three consecutive programmes of study, offered by qualifying education providers, either within their institution or in conjunction with other qualifying education providers.
- b. Pathway study can be undertaken on a single student visa.
- c. Any application for a pathway student visa made after 24 November 2019 must be declined.

U14.5 Requirements to be granted a pathway student visa

To be granted a pathway student visa, an applicant must:

- a. be offered an eligible study pathway from a qualifying provider(s) (U14.20); and
- b. meet the general requirements to be granted a student visa as set out at U3.1; and
- c. meet the additional evidential requirements for pathway student visa set out at U14.5.1; and
- d. make an application for a student visa before **24 November 2019**.

U14.5.1 Evidence of meeting requirements

- a. In addition to meeting the general requirements to be granted a student visa as set out at [U3.1](#), when applying for a pathway student visa an applicant must provide:
 - i. where there is more than one education provider, a joint letter of support from pathway education providers; and
 - ii. an offer of place (or joint offer) for each programme of study that meets the requirements set out at [U3.5](#); and
 - iii. evidence that tuition fee requirements, as set out at [U3.10](#), for either the first programme of study or first year of study (whichever is shorter) have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway; and
 - iv. evidence that the maintenance funds requirements set out in [U3.20](#) for the first year of study on the intended pathway have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway.
- b. Despite (a)(ii), second and subsequent offers of place for a pathway can be conditional on meeting pre-requisite programme of study entry criteria.
- c. Pathway student visa applicants from a country with a student visa decline rate of more than 20 per cent who intend a study pathway commencing with an English language programme of study and culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework must:
 - i. submit an International English Language Testing System test (IELTS) (or equivalent internationally recognised proficiency test) at the time of application; and
 - ii. demonstrate that they only require an improvement of 0.5 of an IELTS overall band score (or equivalent) to meet the English language prerequisite for entry into the intended level 5 to 8 programme of study.

Note: The student visa decline rate for a country is based on statistics, generated over a calendar year (12 months), by Immigration New Zealand. The decline rate and the name of the country are published on the INZ website. For the purpose of this instruction, the internationally recognised English language tests and corresponding IELTS equivalent test scores set out on the INZ website are considered acceptable.

Appendix 2 - Amendments to immigration instructions effective on and after 13 May 2019

A4.25 Medical and Chest X-ray Certificates: temporary entry class visa applications

- a. Applications for temporary entry class visas from applicants intending a stay in New Zealand of more than 12 months must include a completed Medical Certificate and a Chest X-ray Certificate (see A4.25(k)) which have been issued less than three months before the date the application is made, for every person included in the application, unless (c) or (d) below apply.
- b. The Medical Certificate and Chest X-ray Certificate that may be required with a temporary entry visa application; include:
 - i. *General Medical Certificate (INZ 1007)*
 - ii. *Chest X-ray Certificate (INZ 1096)*
 - iii. *Limited Medical Certificate (INZ 1201)*
 - iv. *Recognised Seasonal Employer Scheme Supplementary Medical Certificate (INZ 1143)*

Note: Unless specified otherwise in A4.25(e), applicants should provide the General Medical Certificate (INZ 1007) and the Chest X-ray Certificate (INZ 1096).

- c. Applicants for a temporary entry class visa do not ordinarily need to provide a Medical Certificate and a Chest X-ray Certificate if:
 - i. they have provided a Medical Certificate and a Chest X-ray Certificate with an earlier visa application; and
 - ii. they were assessed as having an acceptable standard of health based on those certificates; and
 - iii. those certificates were issued less than 36 months prior to the current application.
- d. Medical Certificates and Chest X-ray Certificates do not need to be provided by the following types of temporary entry class visa applicants:
 - i. Applicants for a student visa as a fee paying foreign student (see [U4.10](#)) (except for **students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade** (see [U11](#))), unless (f) below or A4.25.1 applies.
 - ii. Applicants for a Working Holidaymaker Extension visa (see [WH2](#)).
 - iii. Applicants (and their partner and dependent child(ren), if any) who have been recognised as having refugee or protection status in New Zealand and are eligible to apply for a permanent resident visa.
- e. Applicants who must provide a Medical Certificate other than the General Medical Certificate (INZ 1007) are set out below:
 - i. Partners of New Zealand citizens and residence class visa holders must provide a Limited Medical Certificate (INZ 1201) and a Chest X-ray Certificate (INZ 1096) if they are intending a stay in New Zealand of more than 12 months, and they meet the criteria for residence under the Partnership Category (see [F2.5\(a\)](#)), unless [E7.50](#) applies.
 - ii. Dependent children of New Zealand citizens or residence class visa holders must provide a Limited Medical Certificate (INZ 1201) and a Chest X-ray Certificate (INZ 1096) if they are intending a stay in New Zealand of more than 12 months and they meet the criteria for residence under the Dependent Child Category (see [F5.1\(a\)](#)), unless [E7.50](#) applies.
 - iii. Recognised Seasonal Employment limited visa applicants must provide a Chest X-ray Certificate (INZ 1096) where A4.25.1(b) applies and a Recognised Seasonal Employer Scheme Supplementary Medical Certificate (INZ 1143) where [WH1.15.15](#) applies.
- f. Despite (c), (d)(i),(ii) and (e)(iii) above, an immigration officer may require a Medical Certificate and a Chest X-ray Certificate if they consider this is necessary to establish whether the applicant has an acceptable standard of health.
- g. Risk factors which may indicate that an applicant should be asked to provide a Medical Certificate or Chest X-ray Certificate, where not otherwise required, may include:
 - i. the applicant declaring they have a medical condition; or
 - ii. INZ having knowledge of an applicant's medical condition; or
 - iii. a recommendation from an INZ medical assessor that a future application be accompanied by an updated Medical Certificate and a Chest X-ray Certificate; or
 - iv. where A4.25.1(e) applies.
- h. Applicants must provide a Chest X-ray Certificate and specified tests, if:
 - i. A4.25(a) applies; and
 - ii. the applicant did not provide a Chest X-ray Certificate or specified tests with a Medical Certificate provided in the past 36 months because of their age, or because they were pregnant; and
 - iii. their age would now require them to undertake the specified tests or provide a Chest X-ray Certificate, or they are no longer pregnant.
- i. Applicants who intend to stay in New Zealand for a total of more than 12 months include those:
 - i. already in New Zealand for up to 12 months seeking a further visa to be in New Zealand for longer than 12 months; or
 - ii. applying for visas who indicate their intention is to remain in New Zealand for longer than 12 months; or

- iii. applying for student visas and who are defined as domestic students (see [U3.35](#)), or who are **students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade** (see [U11](#)), for a course or courses of study that are longer in total than 12 months.
- j. Applicants who intend to stay in New Zealand for more than 12 months are also subject to the provisions of A4.25.1(h) and (i).
- k. Evidence of completion of a Medical Certificate and Chest X-ray Certificate includes:
 - i. a completed Medical Certificate and Chest X-ray Certificate; or
 - ii. an eMedical reference code (NZER); or
 - iii. confirmation in the applicant's visa application form that a physician is directly submitting the applicant's Medical Certificate and Chest X-ray Certificate to Immigration New Zealand.

Notes:

~ Pregnant women and children under 11 years of age are not required to have an X-ray examination.
 ~ The issue date of a Medical Certificate is the date of the declaration by the examining physician concerning the overall findings of the medical examination, or the date that the Medical Certificate was submitted to INZ if submitted by the physician electronically.
 ~ The issue date of a Chest X-ray Certificate is the date of the declaration made by the radiologist, or the date that the Chest X-ray Certificate was submitted to INZ if submitted by the physician electronically.

A4.25.1 Requirement to undergo screening for tuberculosis for people with risk factors

- a. Applicants for temporary entry class visas who intend to be in New Zealand more than six months, and not more than 12 months, and are considered to have risk factors for tuberculosis (TB), must undergo TB screening unless:
 - i. they are pregnant; or
 - ii. they are under 11 years of age.
- b. All Recognised Seasonal Employer limited visa applicants (regardless of the length of time they intend to stay in New Zealand) who are considered to have risk factors for TB must undergo TB screening unless they are pregnant.
- c. Applicants required to undergo TB screening must provide:
 - i. a completed Immigration New Zealand Chest X-ray Certificate (INZ 1096); and
 - ii. any associated radiologist report.
- d. A Chest X-ray Certificate and the associated report must be less than three months old at the time the application is made unless:
 - i. the applicant has provided a Chest X-ray Certificate with an earlier visa application; and
 - ii. they were assessed as having an acceptable standard of health based on that certificate; and
 - iii. that certificate was issued less than 36 months prior to the current application.
- e. Applicants who have spent six consecutive months in any one or more countries not listed in A4.25.10, since their previous Chest X-ray Certificate was issued, must provide a Chest X-ray Certificate which is less than three months old with their application, despite (d) above.

Note:

The issue date of a Chest X-ray Certificate is the date of the declaration by the radiologist, or the date that the Chest X-ray Certificate was submitted to INZ if submitted by the physician electronically.

- f. Despite (a) and (d) above, an immigration officer may require a Chest X-ray Certificate if they consider this is necessary to establish whether the applicant has an acceptable standard of health.
- g. Applicants who intend to stay in New Zealand for a total of more than six months include those:
 - i. already in New Zealand for up to six months seeking a further visa to be in New Zealand for longer than six months; or
 - ii. applying for visas who indicate their intention is to remain in New Zealand for longer than six months; or
 - iii. applying for student visas for a course or courses of study that are longer in total than six months.
- h. Where an applicant in New Zealand has applied for a further temporary entry class visa and is assessed as having TB (excluding latent TB), their application must be declined on the basis that they do not have an acceptable standard of health. A limited visa should be granted for an initial period of one month for the express purpose of undergoing immediate medical treatment to render the disease non-infectious and to travel out of New Zealand. The limited visa should be granted using the delegated power to grant a visa of a different type from that for which an application is made (see [A15.5](#)).
- i. Pregnant applicants who intend to be in New Zealand for more than six months, and are considered to have risk factors for TB (see A4.25.5) but otherwise meet immigration instructions for the grant of a temporary entry visa, may only be granted a visa within the limitations of [E3.10.1](#).

Note: A limited visa may be granted to a refugee or protection status claimant or a refugee or protected person only if that person is at the time a holder of a current limited visa.

A4.25.5 Definition of person with risk factors for TB

- a. A person is considered to have risk factors for TB if:
- they hold a passport issued by a country not listed in A4.25.10; or
 - in the five years prior to application they have spent a combined total of three or more months in any one or more countries not listed in A4.25.10.
- b. Despite (a)(i) above, if an applicant provides evidence that satisfies an immigration officer they have never lived or spent time in the country that issued their passport, and (a)(ii) does not apply, they will not be considered to have risk factors for TB and the requirement to undergo TB screening and provide a Chest X-ray Certificate will not apply.

A4.25.10 Low TB Incidence Countries, Areas and Territories

The following countries are deemed for the purpose of immigration instructions to be countries with a low incidence of TB.

American Samoa	France	(New Zealand)
Andorra	Germany	Norway
Antigua and Barbuda	Greece	Oman
Australia	Grenada	Puerto Rico
Austria	Iceland	Saint Kitts and Nevis
Barbados	Ireland	Saint Lucia
Belgium	Israel (including the Occupied	San Marino
Bermuda	Palestinian Territory, and including	Slovakia
British Virgin Islands	East Jerusalem)	Slovenia
Canada	Italy	Sweden
Cayman Islands	Jamaica	Switzerland
Costa Rica	Jordan	Trinidad and Tobago
Cuba	Libya	Turks and Caicos
Cyprus	Liechtenstein	United Kingdom
Chile	Luxembourg	United States of America
Czech Republic	Malta	United States Virgin Islands
Denmark	Monaco	Vatican City
Dominica	Montserrat	
Finland	Netherlands Antilles	
	Netherlands	

A5.35 Applications usually deferred

Applications for a residence class visa will usually be deferred for up to six months if, at the time the application is assessed:

- a. the applicant (see [R2.1.5](#)) has an arrest warrant (or the equivalent) outstanding in any country; or
- b. the applicant:
 - i. has been charged with any offence which, on conviction, would make either [A5.20](#) or [A5.25\(a\) to \(f\)](#) apply to that applicant; or
 - ii. is under investigation for such an offence; or
 - iii. is wanted for questioning about such an offence; or
- c. the applicant is applying for residence under the Family or Special Categories on the basis of their relationship to a person whose residence status is under investigation at the time of assessment of the Family or Special Category application. In such cases, if the investigation cannot be finalised within the initial six month deferral period the application may continue to be deferred until it is.

Note: if a resident visa holder is applying for a permanent resident visa, and the travel conditions on the resident visa are about to expire, further travel conditions can be granted for the same duration as the deferral period.

A5.35.1 Action

The immigration officer must:

- a. defer the decision on the application for up to six months; and
- b. inform the applicant of the decision to grant a deferral and the period of the deferral, in writing; and
- c. await the outcome of the charge, investigation or questioning, or await cancellation or execution of the arrest warrant; and
- d. if removal of the character impediment is confirmed, continue processing the application normally; and
- e. if the character impediment is not removed, refer to the [Head of Operations](#) or [Visa](#) Operations Manager for their decision on whether to grant a second or subsequent deferral under the provisions at A5.35.5.

A5.35.5 Second and subsequent deferral periods

- a. In cases where the deferral period is coming to an end and the applicant is still awaiting the outcome of the charge, investigation or questioning, or awaiting cancellation or execution of the arrest warrant, a second or subsequent deferral period may be imposed.
- b. A decision on a second or subsequent deferral will only be made after appropriate consultation with National Office and the Legal Services of the Ministry of Business, Innovation and Employment about:
 - i. whether a second or subsequent deferral is justified in the circumstances; and
 - ii. whether the deferral period is reasonable, given the likely timeframe of any outcome being reached and the efforts the applicant is making to reach an outcome.
- c. A decision to grant a second deferral must be made by an [Head of Operations](#) or [Visa](#) Operations Manager or above.
- d. If the character impediment is not removed by the end of the second deferral period, the [Head of Operations](#) or [Visa](#) Operations Manager may impose a subsequent deferral under the provisions at A5.35.5.
- e. The length of the subsequent deferral period will be decided according to the length of time it is expected for a decision on the charge, investigation or questioning, cancellation or execution of the arrest warrant to be made.
- f. The applicant must be informed of any decision to impose a second or subsequent deferral and the period of the deferral, in writing.
- g. If the subsequent deferral period comes to an end without the character impediment being removed or an outcome to the case, officers must assess the application as in [A5.25.1](#).

Note: A deferral does not require granting the applicant a temporary entry class visa.

R5.66 Travel conditions on resident visas

- a. Unless a resident visa is granted at an immigration control area, all resident visas may be granted with travel conditions allowing:
 - i. first arrival by a certain date, if the applicant is offshore (unless the resident visa is a second or subsequent resident visa granted under RV4); and
 - ii. multiple entries current either for a set period from date of the initial grant of entry permission based on the resident visa, or until a certain date.
- b. The currency of these travel conditions are determined by the residence category under which the resident visa has been granted.

R5.66.1 Travel conditions allowing first entry for applicants overseas when the resident visa is granted

- a. If an applicant is offshore at the time their application for a resident visa is granted, the following travel conditions must be granted to allow their first entry to New Zealand as a resident:
 - i. first entry within one year after the grant of the visa, unless the resident visa was granted under the Samoan Quota Scheme (see [S1.10.55](#)), or the Pacific Access Category (see [S1.40.55](#)); or
 - ii. first entry within three months after the grant of the visa, if the resident visa was granted under the Samoan Quota Scheme (see [S1.10.55](#)), or the Pacific Access Category (see [S1.10.55](#)).
- b. No variation to travel conditions pertaining to first entry may be granted.
- c. People with resident visas who fail to travel to New Zealand within the validity of their first travel condition must submit a further application for a residence class visa if they still wish to live in New Zealand.

Note:

~ In the case of applicants who wish to re-apply for a residence class visa under categories which require selection from a ballot (e.g. Samoan Quota, Pacific Access Category) such applicants must re-register for a ballot and submit a new application for a residence class visa if they are successful in such a ballot.
~ Applicants who wish to re-apply for a residence class visa under categories which require an invitation to apply following selection from a pool (e.g. Skilled Migrant Category) must submit a new Expression of Interest and subsequently be invited to apply for residence.

- d. Any new residence class visa application must be lodged in the prescribed manner and will be assessed against residence instructions applying at the time the new application is made.
- e. Visas will be granted only if the applicant's travel document is current for the proposed currency of the initial travel conditions.

R5.66.5 Travel conditions allowing multiple entries from the first day in New Zealand as a resident

- a. A resident visa may be granted with travel conditions allowing multiple entries for two years from the applicant's first day in New Zealand as a resident, unless the visa is granted under:
 - i. the Parent Category (F4), in which case a visa may be granted with multiple entry travel conditions for ten years from the applicant's first day in New Zealand; or
 - ii. Religious Worker instructions ([RW7.20](#)), in which case a visa may be granted with multiple entry travel conditions for five years from the applicant's first day in New Zealand.
- b. A person's first day in New Zealand as a resident is either:
 - i. the day their resident visa is granted in New Zealand; or
 - ii. the day they are first granted entry permission on the basis of their resident visa, if they were outside of New Zealand when their resident visa was granted.
- c. If a resident visa holder fails to travel to New Zealand within the validity of their first entry travel condition, their multiple entry travel conditions never become valid.
- d. If the holder of a resident visa wishes to travel to New Zealand outside of the validity of their multiple entry travel conditions and they do not qualify for a permanent resident visa (see [RV2](#)), they may apply for a variation of their travel conditions ([RV3](#)).

R5.66.10 Former New Zealand citizens deemed to hold a resident visa

See also Immigration Act 2009 s 75

- a. Former New Zealand citizens who have renounced their New Zealand citizenship and are deemed to hold a resident visa under section 75 may be granted multiple entry travel conditions for two years from the date they renounced their citizenship.
- b. Former New Zealand citizens who have been deprived of their New Zealand citizenship are deemed to hold a resident visa under section 75 may be granted multiple entry travel conditions for the duration they would be eligible for if they applied for a variation of travel conditions ([RV3](#)).

Note: Former New Zealand citizens who have renounced their New Zealand citizenship and are deemed to hold a resident visa under section 75 may also apply for and be granted a permanent resident visa (see [RV2.15](#)).

R5.105 Restrictions on the grant of residence class visas for students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade and their dependants

- a. Unless (b) applies, New Zealand scholarship students and their partners, and the dependent children of scholarship students and/or their partner are not eligible to be granted a residence class visa:
 - i. for the duration that the student receives the scholarship; and
 - ii. in the two-year period following cessation of the student's scholarship (see [U11](#)).
- b. The restriction in (a) may be waived if written approval from the Ministry of Foreign Affairs and Trade (MFAT) is obtained.
- c. INZ will notify MFAT if any New Zealand scholarship student, their partner or dependent children apply for a residence class visa at any time throughout the duration of the scholarship or in the two-year period following the cessation of the scholarship.
- d. Any work visa granted to the New Zealand scholarship student's partner under immigration instructions at [WF4.5](#) will expire on cessation of the scholarship and cannot be renewed, unless the work visa holder has written approval from MFAT for a renewal (see [WF4.5](#)).

R6.1 New Zealand Residence Programme

- a. The New Zealand Residence Programme (NZRP) consists of all persons approved for residence class visas in the 18 months beginning 1 July 2018 and ending 31 December 2019.
- b. The NZRP is set for an 18 month period while a new approach for managing residence class visa numbers and priorities is finalised. Any changes will be advised by an amendment to these instructions.
- c. The NZRP for the 18 month period from 1 July 2018 to 31 December 2019 is 50,000 to 60,000 approved places.

Note: Permanent resident visas granted to holders of resident visas or second or subsequent resident visas granted to former holders of resident visas are not counted towards the NZRP.

R6.5 Allocation of places within the New Zealand Residence Programme

- a. There are three streams within the New Zealand Residence Programme (NZRP):
 - i. The Skilled/Business stream;
 - ii. The Family stream
 - iii. The International/Humanitarian stream.
- b. The Government may, from time to time, reallocate places for approvals within the three streams and/or add places to the three streams.
- c. The allocation of places for each stream across the 18 month NZRP period is as follows:
 - i. The Skilled/Business stream is allocated approximately 25,500 to 30,600 places.
 - ii. The Family stream is allocated approximately 19,000 to 22,800 places.
 - iii. The International/Humanitarian stream is allocated approximately 5,500 to 6,600 places.

BA3 Streamlining

- a. Applications under business immigration instructions will be given priority processing.
- b. Applications under business immigration instructions are to be determined only by immigration officers known as business immigration specialists.
- c. Despite (b) above, applications under the Investor Category may be determined by immigration officers other than business immigration specialists where this is directed by the General Manager, Visa Services, Immigration New Zealand (INZ).
- d. INZ **Heads of Operations** and **Visa** Operations Managers will provide liaison services for the business immigration specialists to facilitate contact with applicants and the processing of business immigration applications.

BB3.5 Requirement for capital investment

- a. An applicant must be able to make a minimum capital investment (see BB3.5.10) of NZ\$100,000 in to their proposed business, unless waived as per BB3.5.1 below.
- b. The principal applicant must:
 - i. nominate funds and/or assets equivalent in value to the total capital investment identified in the business plan; and
 - ii. demonstrate ownership of these funds and/or assets (see BB3.5.5); and
 - iii. demonstrate that the nominated funds and/or assets have been earned or acquired legally (see [BB6.1.5](#)).

BB3.5.1 Discretion to waive capital investment requirement

- a. Only members of the management team of Business Migration are able to waive the minimum capital investment requirement.
- b. The requirement for applicants to demonstrate a minimum capital investment of NZ\$100,000 can only be waived for businesses in science, ICT, or other high value export-oriented sector, which demonstrates a high level of innovation or credible short-term high growth prospects.

BB3.5.5 Ownership of nominated funds and/or assets

- a. The nominated funds and/or assets may be owned either:
 - i. solely by the principal applicant; or
 - ii. jointly by the principal applicant and partner, provided a business immigration specialist is satisfied that the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable (see [R2.1.15](#) and [R2.1.15.1\(b\)](#) and [R2.1.15.5\(a\)\(i\)](#)), and that the partner supports the use of these funds for the proposed business. If so, the principal applicant may claim the full value of such jointly owned funds or assets for assessment purposes.
- b. If nominated funds and/or assets are held jointly by the principal applicant and a person other than their partner, the principal applicant may only claim the value of that portion of funds and/or assets for which they provide evidence of ownership.
- c. The principal applicant may only nominate funds and/or assets that they earned or acquired legally, including funds and/or assets which have been gifted to them unconditionally and in accordance with local law. Where nominated funds and/or assets have been gifted to the principal applicant, a business immigration specialist must be satisfied that the funds and/or assets being gifted:
 - i. were earned lawfully by the person/s gifting the funds and/or assets; and
 - ii. are based outside of New Zealand.
- d. The nominated funds and/or assets must be unencumbered (see BB6.1.10).
- e. The nominated funds and/or assets must not be borrowed, but may be gifted as per BB3.5.5(c).

BB3.5.10 Recognition of capital investment

Capital investment includes all nominated funds used in the establishment and operation of the approved business, except those used for:

- a. passive or speculative investment(s), such as reserve funds or term deposits; or
- b. the purchase of items for the personal use of the applicant(s), such as personal residences, cars or boats; or
- c. remuneration paid to the applicant(s) or their immediate family; or
- d. investment in residential property, except where the development of residential property meets the requirements of [BB6.1.50](#) and formed part of an applicant's business plan.

BB3.5.15 Funds already held in New Zealand

Funds held in New Zealand must originally have been transferred:

- a. to New Zealand through the banking system; and
- b. from the country or countries in which they were earned or acquired legally, or have been earned or acquired legally in New Zealand.

BJ3.15 Definitions

BJ3.15.1 Growth investments

For the purposes of these instructions, growth investments are defined as acceptable investments, see ([BJ3.10.25](#)), other than:

- a. bonds; and
- b. philanthropic investments.

Note: For the purpose of growth investments, convertible notes are considered to be bonds.

BJ3.15.5 Commercial Property

For the purposes of Investor 1 Category instructions, commercial property is considered to be an acceptable investment if:

- a. the property(ies) is not residential or for domestic use; and
- b. the property(ies) is used for business purposes, in that it is:
 - i. capable of a commercial return; and
 - ii. not used for land banking ; and
- c. the purpose of the commercial property investments must be to make a commercial return on the open market; and
- d. neither the family, relatives, nor anyone associated with the principal applicant may reside in the development; and
- e. if a new development, the property(ies) must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities).

Note: Commercial property can include empty land if plans for development are submitted to regulatory authorities and/or work has commenced.

BJ3.15.10 Philanthropic Investments

- a. For Philanthropic investments to be considered acceptable, a Business Immigration Specialist must be satisfied the investment is genuine (see (b) below) and is in:
 - i. a registered charity with at least two years annual returns and Inland Revenue donee status; or
 - ii. a not-for-profit organisation that provides social, cultural or economic benefits approved by the Business Migration **Visa** Operations Manager.
- b. In determining whether a philanthropic investment is genuine, the factors a Business Immigration Specialist may consider include, but are not limited to:
 - i. the length of time the entity has been operating; and
 - ii. the constitutional arrangement of the entity; and
 - iii. the entity's track record.
- c. A maximum of 15 percent of total investment funds can be invested in philanthropic donations.

BJ5.50 Definition of 'acceptable investment'

- a. An acceptable investment means an investment that:
- is capable of a commercial return under normal circumstances; and
 - is not for the personal use of the applicant(s) (see BJ5.50.1 below); and
 - is invested in New Zealand in New Zealand currency; and
 - is invested in lawful enterprises or managed funds (see BJ5.50.5) that comply with all relevant laws in force in New Zealand; and
 - has the potential to contribute to New Zealand's economy; and
 - is invested in either one or more of the following:
 - bonds issued by the New Zealand government or local authorities; or
 - bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
 - bonds issued by New Zealand firms with at least a BBB- or equivalent rating from internationally recognised credit rating agencies (for example, Standard and Poor's); or
 - equity in New Zealand firms (public or private including managed funds and venture capital funds); or
 - bonds issued by New Zealand registered banks; or
 - equities in New Zealand registered banks; or
 - residential property development(s) (see BJ5.50.10) or
 - commercial property (see BJ5.50.20); or
 - bonds in finance companies (see BJ5.50 (d)); or
 - eligible New Zealand venture capital funds (see BJ5.50.15); or
 - philanthropic investment (see [BJ5.40.1](#)); or
 - 'Angel funds or networks' investments.

Note: New Zealand registered banks are defined by the New Zealand Reserve Bank Act 1989.

- b. For private equity investments to be acceptable, the business immigration specialist must be satisfied that the funds being investigated are to be actively used by the company to, for example, fund company growth, pay down company debt or purchase capital items.
- c. Notwithstanding (a) above, where an investment fails to meet one of the acceptable investment requirements, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant and if satisfied that this was the case, may consider the investment acceptable.
- d. A Business Immigration Specialist may consider bonds in finance companies as an acceptable investment where the finance company:
- is a wholly-owned subsidiary of,
 - raises capital solely for, and
 - has all its debt securities unconditionally guaranteed by a New Zealand Stock Exchange listed company or a local authority.

Note: The value of an investment is based on the net purchase price (for example, less any accrued interest, commission, brokerage and/or trade levy), not on the face value of the investment.

BJ5.50.1 Personal use of investment funds

Personal use includes investment in assets such as a personal residence, car, boat or similar.

BJ5.50.5 Managed funds

- a. For the purposes of these instructions, managed funds are defined as either:
- a managed fund investment product offered by a financial institution; or
 - funds invested in equities that are managed on an investor's behalf by a fund manager or broker.
- b. In order to be acceptable as a form of investment managed funds must be invested only in New Zealand companies. Managed fund investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is invested in New Zealand companies.

Example: Only 50% of a managed fund that equally invests in New Zealand and international equities would be deemed to be an acceptable investment as set out in BJ5.50.5

BJ5.50.10 Residential property development

For the purposes of these instructions, residential property development(s) is defined as property(ies) in which people reside and is subject to the following conditions:

- a. the residential property must be in the form of new developments on either new or existing sites; and

- b. the residential property(ies) cannot include renovation or extension to existing dwellings; and
- c. the new developments must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities), or if consents are not available, evidence must be submitted that consents have been requested; and
- d. the purpose of the residential property investments must be to make a commercial return on the open market; and
- e. neither the family, relatives, nor anyone associated with the principal applicant, may reside in the development.

BJ5.50.15 Venture capital funds

- a. For the purposes of these instructions, a venture capital fund is defined as a fund that invests capital in an early-stage or start-up (or seed) company or companies in exchange for an equity stake in that company or companies.
- b. In order for a venture capital fund investment to be deemed acceptable by a business immigration specialist, nominated funds can be placed in approved on-call accounts or venture capital funds, subject to the following conditions:
 - i. applicants must have entered into a binding fund investment contract with an approved venture capital fund manager and into an approved fund structure (for example a New Zealand limited partnership), to supply an agreed amount of funds as committed capital; and
 - ii. the committed funds are a fixed commitment, managed on an applicant's behalf by a fund manager or broker, to be drawn down over a stated period; and
 - iii. nominated funds can either be committed to an acceptable investment or placed into on-call accounts which meet the specifications in BJ5.50.15(e); and
 - iv. applicants must maintain a level of funds in any approved on-call account equal to the nominated amount minus any funds already committed to the venture capital fund; and
 - v. applicants must be able to demonstrate that all funds placed into on-call accounts are in those accounts pending call-up by their nominated venture capital fund.
- c. In order to be approved, all on-call accounts or venture capital funds must be managed on an applicant's behalf by a fund manager or broker and held in New Zealand in New Zealand dollars.
- d. Funds and fund administrators or managers must be able to provide confirmation that both funds and managers are fully compliant with any legislative and regulatory obligations, applicable codes of practice and licensing or registration requirements under New Zealand law, including any requirements imposed by the Financial Markets Authority.
- e. For the purposes of these instructions, acceptable on-call accounts are defined as an investment that can be liquidated to meet the needs of the venture capital fund, including trusts, bonds, or shares in equities.

BJ5.50.20 Definition of 'Commercial Property'

For the purposes of Investor 2 Category instructions, commercial property is considered to be an acceptable investment if:

- a. the property(ies) is not residential or for domestic use; and
- b. the property(ies) is used for business purposes, in that it is:
 - i. capable of a commercial return; and
 - ii. not used for land banking ; and
- c. the purpose of the commercial property investments must be to make a commercial return on the open market; and
- d. neither the family, relatives, nor anyone associated with the principal applicant may reside in the development; and
- e. if a new development, the property(ies) must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities).

Note: Commercial property can include empty land if plans for development are submitted to regulatory authorities and/or work has commenced

BJ5.50.25 Definition of 'Philanthropic Investment'

- a. For Philanthropic investments to be considered acceptable, a Business Immigration Specialist must be satisfied the investment is genuine (see (b) below) and is in:
 - i. a registered charity with at least two years annual returns and Inland Revenue donee status; or
 - ii. a not-for-profit organisation that provides social, cultural or economic benefits approved by the Business Migration Visa Operations Manager.
- b. In determining whether a philanthropic investment is genuine, the factors a Business Immigration Specialist may consider include, but are not limited to:
 - i. the length of time the entity has been operating; and

- ii. the constitutional arrangement of the entity; and
 - iii. the entity's track record.
- c. A maximum of 15 percent of total investment funds can be invested in philanthropic donations.

BJ7.20 Timeframe for investing funds in New Zealand

- a. Principal applicants must meet the requirements for transferring and investing the nominated funds within 12 months of the date of the letter advising of approval in principle.
- b. Principal applicants may request an extension to the 12-month transfer and investment period (see BJ7.20.1).
- c. Applications for a resident visa must be declined if principal applicants do not transfer and invest the nominated funds within 12 months (or up to a maximum of 24 months for Investor 1 applicants, or 18 months for Investor 2 applicants if an extension is granted, see BJ7.20.1 below) from the date of approval in principle.
- d. Principal applicants must provide acceptable evidence of having transferred and invested the nominated funds no later than three months after the expiry of the approved timeframe to transfer and invest the funds (i.e. three months after the 12-, 18- or 24-month timeframe from the date of approval in principle).

BJ7.20.1 Extending the timeframe for investing funds in New Zealand

- a. Principal applicants may request an extension to their transfer and investment period for up to a further 12 months for Investor 1 applicants, or six months for Investor 2 applicants.
- b. If a principal applicant wishes to request an extension to the timeframe for transferring and investing the nominated investment funds to New Zealand they must contact Business Migration of Immigration New Zealand within 12 months of the date of the letter advising of approval in principle and present evidence of reasonable attempts to transfer the nominated investment funds to New Zealand.
- c. Following a principal applicant's presentation of evidence a business immigration specialist may:
 - i. grant an extension to the transfer and investment period if they believe the evidence shows the principal applicant has made reasonable attempts to transfer and invest nominated investment funds within the 12-month time period; or
 - ii. decline to grant an extension to the transfer and investment period if they believe the principal applicant has not made reasonable attempts to transfer and invest nominated investment funds within the 12-month time period.

BM2.1 Applications usually deferred

- a. Applications under business instructions will usually be deferred for up to six months if, at the time the application is assessed the applicant:
 - i. has been charged with any offence which, on conviction, would result in the applicant failing to meet [BM2\(a\)\(ii\)](#) apply to that person; or
 - ii. is under investigation for such an offence.
- b. Where BM2.1(a) applies at the time an application under business instructions is assessed, an immigration officer must:
 - i. defer the decision on the application for up to six months; and
 - ii. inform the applicant in writing of the decision to grant a deferral and the period of the deferral; and
 - iii. await the outcome of the charge or investigation.
- c. If during the deferral period the investigation is completed with no further action taken or any case that resulted from charges or investigation is resolved, an immigration officer must continue processing the application and apply the fit and proper person instructions as per [BM2](#); and
- d. If the charge or investigation is still outstanding, or subsequent charges have been laid, when the deferral period is coming to an end, the application should be referred to a [Head of Operations](#) or [Visa](#) Operations Manager for their decision on whether to impose a second or subsequent deferral as per BM2.1.1.

BM2.1.1 Second and subsequent deferral periods

- a. In cases where the deferral period is coming to an end and the applicant is still awaiting the outcome of the charge or investigation, a second or subsequent deferral period may be imposed.
- b. A decision on a second or subsequent deferral will only be made after appropriate consultation with Visa Services Operations Support and the Legal Services of the Ministry of Business, Innovation and Employment about:
 - i. whether a second or subsequent deferral is justified in the circumstances; and
 - ii. whether the deferral period is reasonable, given the likely timeframe of any outcome being reached and the efforts the applicant is making to reach an outcome.
- c. A decision to grant a second deferral must be made by a [Head of Operations](#) or [Visa](#) Operations Manager or above.
- d. If the applicant is still awaiting the outcome of the charge or investigation by the end of the second deferral period, the [Head of Operations](#) or [Visa](#) Operations Manager may impose a subsequent deferral under the provisions at BM2.1.1.
- e. The length of the subsequent deferral period will be decided according to how long it is expected for a decision on the charge or investigation will take.
- f. The applicant must be informed in writing of any decision to impose a second or subsequent deferral and the period of the deferral.

F3.25 Approval in principle and transfer of funds

F3.25.1 Aim and intent

The instructions regarding the nominated investment funds and/or assets and the method of transfer of those funds to New Zealand is designed to ensure:

- a. the legitimacy and lawful ownership of the nominated funds and/or assets; and
- b. the direct transfer of the investment funds through a structured and prescribed process to guarantee on-going legitimacy and lawful ownership of the funds invested in New Zealand.

F3.25.5 Approval in principle

Principal applicants who are assessed as meeting the requirements under the Parent Retirement Category will be advised that:

- a. their application has been approved in principle; and
- b. resident visas may be granted once they:
 - i. provide acceptable evidence of having transferred and invested the nominated funds in accordance with the relevant requirements set out in instructions; and
 - ii. provide a New Zealand address at which they can be contacted by mail, after they arrive in New Zealand; and
- c. resident visas will be granted subject to conditions under section 49(1) of the Immigration Act 2009.

F3.25.10 Transfer of the nominated investment funds

- a. When their application is approved in principle, the principal applicant will be required to transfer the nominated investment funds to New Zealand. These funds must:
 - i. be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the resident visa application; or
 - ii. be funds, as agreed to by a business immigration specialist, secured against the nominated assets in the resident visa application and as approved in accordance with (b) below; and
 - iii. be transferred through the banking system directly from the principal applicant's bank account(s) to New Zealand; or
 - iv. be transferred by a foreign exchange company to New Zealand through the banking system. Business immigration specialists may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:
 - the nominated investment funds have been transferred to the foreign exchange company directly from the principal applicant's bank account(s): and
 - the nominated investment funds have not been transferred through the foreign exchange company contrary to the criminal law of New Zealand; and
 - nominated investment funds transferred are traceable; and
 - cash transactions were not made; and
 - the foreign exchange company is not suspected of, or proven to have committed fraudulent activity or financial impropriety in any country it operates from or in.
- b. A business immigration specialist may consider, on a case by case basis, borrowed funds as acceptable investment funds where the principal applicant is able to demonstrate that:
 - i. they own net assets equal or greater in value to the required investment amount; and
 - ii. the borrowed investment funds will be from a bank or commercial lending institution acceptable to a business immigration specialist and will be secured against the assets identified under (i); and
 - iii. it is not economically viable or practical to liquidate the nominated assets eg sell a business.
- c. The investment funds that are transferred to New Zealand and subsequently into an acceptable investment must be from the same source of funds as nominated in the resident visa application.

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

F3.25.15 Evidence of the transfer of the nominated funds to New Zealand

- a. Acceptable evidence of the transfer of the nominated funds must be provided by way of the telegraphic transfer documentation together with a current bank statement showing the transfer(s).
- b. A business immigration specialist may request any other information to satisfy them that the above requirements have been met.

F3.25.20 Time frame for investing funds in New Zealand

- a. Principal applicants must meet the requirements for transferring and investing the nominated funds within 12 months of the date of the letter advising of approval in principle.
- b. Applications for residence must be declined if principal applicants do not present acceptable evidence of having transferred and invested the nominated funds within 12 months from the date of approval in principle.
- c. Principal applicants must provide acceptable evidence of having transferred and invested the nominated funds no later than three months after the expiry of the approved timeframe to transfer and invest the funds (i.e. three months after the 12-month timeframe from the date of approval in principle).

F3.25.25 When the investment period begins

- a. If the investment already meets the investment requirements, the required investment period begins on the date of the letter advising approval in principle.
- b. If the investment is made after approval in principle, the required investment period will begin on the date the investment requirements are met.
- c. The date the investment period begins is specified in the letter to the successful principal applicant that advises of the conditions on their resident visa (see [F3.30.10](#)).

F3.25.30 Evidence of the principal applicant's investment

- a. Principal applicants must submit the following information and documentation as evidence of having invested funds:
 - i. the full name of the investor; and
 - ii. the amount invested in New Zealand dollars; and
 - iii. the date the investment was made; and
 - iv. the type of investment (in the case of shares or bonds in companies, the names of the companies invested in and the number of shares or bonds purchased must be listed); and
 - v. documentary evidence of the investment; and
 - vi. a letter from a reliable independent professional (for example, a solicitor or chartered accountant), confirming that the funds have been invested.
- b. A business immigration specialist, at their discretion, may require any other form of evidence.

F3.25.35 Temporary visa to arrange transfer and/or investment of funds

- a. After approval in principle, and upon application, a work visa may be granted to allow the principal applicant to arrange the transfer to, and investment of funds in, New Zealand.
- b. The work visa will be valid for multiple entries to New Zealand for 12 months after Approval in Principle has been given.
- c. A work visa may be granted for the same period on application to the principal applicant's partner (see [WS2.1.1\(d\)](#)).

F7.10 Pre-adoption information

- a. Under the Adoptions Act 1955, social workers approve prospective parents and report to the Family Court, which rules on individual adoptions.
- b. Generally, the authorities in the child's country of origin must give permission for it to leave, and the adoption must conform with the law of that country.
- c. INZ offices should advise prospective adoptive parents to consult the **Ministry for Children, Oranga Tamariki**, and to contact the equivalent welfare agency in the child's country.
- d. **The Ministry for Children, Oranga Tamariki** will arrange for a home study and liaise with the appropriate inter-country adoption agency for a child study, after which **the Ministry for Children, Oranga Tamariki** will advise INZ of the results.
- e. **The Ministry for Children, Oranga Tamariki** may also ask overseas posts to investigate the circumstances of the child.

SM8.25 Bonus points: New Zealand qualifications

Recognised New Zealand qualifications qualify for points as follows:

	Qualification	Additional requirements	Points awarded
a.	A recognised New Zealand bachelor degree (level 7 on the NZQF).	The qualification must require a minimum of two years full time study in New Zealand, and the full time study must have been completed over four semesters during a period of at least 16 months.	10
b.	A recognised postgraduate New Zealand qualification (levels 8, 9 or 10 on the NZQF).	The qualification must require a minimum of one year of full-time study in New Zealand.	10
c.	A recognised postgraduate New Zealand qualification (level nine or ten on the NZQF) (see SM15.10).	The qualification must require a minimum of two years full time study in New Zealand.	15

- d. Qualifications gained with New Zealand **Scholarship** funding **from the Ministry of Foreign Affairs and Trade** will not qualify for bonus points.

SM8.25.1 Bonus points for New Zealand qualifications gained before, or commenced on or before 25 July 2011

- a. If SM8.25 (a), (b), and (c) above do not apply, the principal applicant may be eligible for New Zealand qualification bonus points under SM8.25.1 if they:
- gained the qualification before 25 July 2011; or
 - had commenced a programme of study towards a recognised New Zealand qualification on or before 24 July 2011.
- b. Two years of full-time study in New Zealand towards a recognised New Zealand qualification qualifies for 5 points, providing the full-time study was over four semesters during a period of at least 16 months.
- c. A recognised basic New Zealand qualification from level four up to and including level eight on the NZQF qualifies for 5 points.

SM8.25.1.1 Definition of 'full-time study' for the purpose of the Skilled Migrant Category

Study undertaken in New Zealand is defined as full-time where:

- a. an undergraduate student at a tertiary education institution was enrolled in at least three papers per semester; or
- b. a postgraduate student at a tertiary education institution was enrolled in either a programme of study:
- that resulted in at least 100 credits per calendar year; or
 - with a workload of at least 20 hours per week; or
- c. a student at a private training establishment was enrolled in:
- a programme of study that requires attendance for a minimum of 20 hours per week; or
 - at least three papers, or equivalent, per semester if the programme of study is at level 7 or above on the New Zealand Qualification Framework.

RV2.20 Permanent resident visas for Filipino dairy workers who have provided false documents and hold a South Island Contribution resident visa

- a. These instructions apply to people who:
 - i. are nationals of the Philippines; and
 - ii. are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
 - iii. were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
 - iv. were granted a South Island Contribution resident visa based on ongoing employment, or an offer of employment, on a dairy farm; and
 - v. are applying for a permanent resident visa.
- b. Despite the requirement that applicants be of good character (see RV2.5(e)), applicants who meet the requirements of RV2.20(a) may still be granted a permanent resident visa if they:
 - i. have not withheld information or provided further false, misleading or forged information in the course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at RV2.20(a)(iii); and
 - ii. meet all other criteria for the grant of a permanent resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).

RV2.25 Declining applications for permanent resident visas

If a permanent resident visa application is declined, the applicant may be assessed under the instructions for a variation of travel conditions ([RV3](#)) or a second or subsequent resident visa ([RV4](#)). If the applicant is eligible for a variation of travel conditions or a second or subsequent resident visa, an immigration officer may grant the appropriate variation of travel conditions or second or subsequent resident visa in place of a permanent resident visa with the applicant's permission.

RV4.20 Special provisions for the grant of a second or subsequent resident visa

RV4.20.1 Partners of New Zealand citizens

- a. Partners of New Zealand citizens may be granted a second or subsequent resident visa with 24 months of multiple entry travel conditions, provided the New Zealand partner supports the application in writing and:
 - i. the applicant's resident visa was obtained on the basis of their partnership with the same New Zealand citizen and the partnership is ongoing; or
 - ii. an immigration officer is satisfied that the applicant has been living with the New Zealand citizen in a genuine and stable relationship for at least one year at the time of application.
- b. Dependent children of the partner of a New Zealand citizen, who were included in that partner's residence class visa application, may be granted a second or subsequent resident visa with 24 months of travel conditions, equivalent to the partner's second or subsequent resident visa.
- c. An immigration officer may ask for any additional evidence that the relationship is ongoing, genuine, and stable, including that obtained by interview.

RV4.20.5 Former resident visa holders seconded overseas as part of their New Zealand employment

- a. A former resident visa holder seconded overseas as part of their New Zealand employment may be granted a second or subsequent resident visa if:
 - i. the principal applicant would have met the criteria to be granted a variation of travel conditions under [RV3.20.10](#) had they applied for it on the date their resident visa expired and;
 - ii. the principal applicant met the criteria under RV3.20.10 at the time the application for a second or subsequent resident visa was made; and
 - iii. the date the principal applicant's resident visa expired was less than 24 months before the date the application for the second or subsequent resident visa was made.
- b. The multiple entry travel conditions on second or subsequent resident visas granted under these instructions must be valid until 24 months from the date the resident visa expired.
- c. Partners and children may be granted a second or subsequent resident visa with travel conditions for a period equivalent to that of the principal applicant provided the immigration officer is satisfied that the relationship between them and the principal applicant is genuine and ongoing.

RV4.20.10 Second or subsequent resident visas for Filipino dairy workers who have provided false documents and hold a South Island Contribution resident visa

- a. These instructions apply to people who:
 - i. are nationals of the Philippines; and
 - ii. are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
 - iii. were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
 - iv. were granted a South Island Contribution resident visa based on ongoing employment, or an offer of employment, on a dairy farm; and
 - v. are applying for a second or subsequent resident visa.
- b. Despite the requirement that applicants be of good character (see RV4.10(c)), applicants who meet the requirements of RV4.20.10(a) may still be granted a second or subsequent resident visa if they:
 - i. have not withheld information or provided further false, misleading or forged information in the course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at RV4.20.10(a)(iii); and
 - ii. meet all other criteria for the grant of a second or subsequent resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).

RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

Holders of visas granted under the Talent (Accredited Employers) work instructions may be granted a residence class visa where:

- a. they have held a work visa granted under the Talent (Accredited Employers) work instructions for a period of at least 24 months; and
- b. during the currency of that visa they have been employed in New Zealand throughout a period of 24 months:
 - i. by any accredited employer; or
 - ii. by an employer(s) who is not an accredited employer, provided that during the period of that employment the conditions of the applicant's visa were varied to allow them to work for that employer(s) in line with [E3.26.1.10](#); or
 - iii. by any accredited employer, whose accreditation is rescinded or not renewed during the currency of that visa, provided the employment continued to meet the following requirements:
 - o the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
 - o the offer of employment must meet the requirements of [WR1.10](#); and
 - o employers must meet the requirements under [W2.10.6](#) and [W2.10.10](#); and
- c. they have employment in New Zealand with a minimum base salary of NZ\$55,000 per annum if the associated work to Residence visa application ([WR1](#)) was made on or after 28 July 2008 ; and
- d. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and
- e. they meet health and character requirements (see [A4](#) and A5).

Note:

- ~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a residence class visa.
- ~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).
- ~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

RW5 English language requirements under the Residence from Work Category

- a. To be granted a resident visa, any partner or dependent child aged 16 and older, who are included in any Residence from Work Category application, must either:
 - i. show that they meet a minimum standard of English to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand (see RW5.1); or
 - ii. pre-purchase ESOL training.
- b. In addition, principal applicants under Religious Worker instructions must show that they meet a minimum standard of English to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand (see RW5.1).
- c. Despite RW5(a), any partner or dependent child included in a South Island Contribution Resident Visa application does not have to meet English language requirements.

RW8.10 South Island Contribution resident visas for Filipino dairy workers who have provided false documents

- a. These instructions apply to people who:
 - i. are nationals of the Philippines; and
 - ii. are subject to [A5.25\(i\)](#) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
 - iii. were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
 - iv. are applying for a South Island Contribution resident visa and have ongoing employment, or an offer of employment, on a dairy farm.
- b. Despite the requirement that applicants be of good character ([RW8\(e\)](#)), applicants who meet the requirements of RW8.10(a) may still be granted a South Island Contribution resident visa if they:
 - i. have not withheld information or provided further false, misleading or forged information in the course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at [RW8.10\(a\)\(iii\)](#); and
 - ii. meet all other criteria for the grant of a South Island Contribution resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).

S1.10 Samoan Quota Scheme

S1.10.1 Objective

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

S1.10.5 Criteria for a resident visa

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

S1.10.10 Registration process

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

S1.10.10.1 Definition of 'principal registrant'

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

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

- a. Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.
- b. If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Samoan Quota Scheme. This limitation applies despite [R2.1](#) concerning the inclusion of family members in an application.
- c. Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child Categories.
- d. Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child Categories.

- e. Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with [R5.15](#) before applying the limitation referred to in (b).
- f. Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided [R2.1](#) is met.

S1.10.20 Number of registrations that may be lodged

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

S1.10.25 Selection process following closure of registration

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

S1.10.30 Acceptable offers of employment

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

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

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:

~ if the applicant has current employment, he or she must be in that employment, or
 ~ if the applicant has an offer of employment, the offer must continue to be valid.

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

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

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

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

S1.10.35 Minimum income requirement

- a. Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and their dependent children.
- b. The gross minimum income requirement is NZ\$**38,577.76**. This is based on the **Jobseeker Support** (married and civil union rate) plus the maximum Accommodation Supplement (as set by the New Zealand Government).
- c. The minimum income requirement must be derived from an acceptable offer of employment - see S1.10.30.

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

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

S1.10.40 Evidence of employment offer

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

S1.10.45 Minimum English language requirement

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

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

S1.10.50 Determining applications

- a. The immigration officer must sight the original job offer and verify that it is genuine and current by checking:
 - i. directly with the employer; or
 - ii. through the nearest office of INZ to the employer in New Zealand; or
 - iii. by some other appropriate arrangement.
- b. The immigration officer must then assess the applicant's English language ability against the criteria at S1.10.45 above.

S1.10.55 Grant of visas

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

S1.40 Pacific Access Category

S1.40.1 Objective

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

S1.40.5 Criteria for a resident visa

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

S1.40.10 Registration process

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

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

S1.40.10.1 Definition of 'principal registrant'

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

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

- a. Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.
- b. If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Pacific Access Category. This limitation applies despite [R2.1](#) concerning the inclusion of family members in an application.
- c. Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child Categories.
- d. Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child Categories.
- e. Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with [R5.15](#) before applying the limitation referred to in (b).
- f. Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided [R2.1](#) is met.

S1.40.20 Number of registrations that may be lodged

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

S1.40.25 Selection process following closure of registration

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

S1.40.30 Acceptable offers of employment

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

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

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:

- ~ if the applicant has current employment, he or she must be in that employment, or
- ~ if the applicant has an offer of employment, the offer must continue to be valid.

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

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

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

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

S1.40.35 Minimum income requirement

- a. Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and their dependent children.
- b. The gross minimum income requirement is NZ\$**38,577.76**. This is based on the **Jobseeker Support** (married and civil union rate) plus the maximum Accommodation Supplement (as set by the New Zealand Government).
- c. The minimum income requirement must be derived from the acceptable offer of employment - see S1.40.30.

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

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

S1.40.40 Evidence of employment offer

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

- i. any information requested by INZ; and
- ii. the results of any verification undertaken by INZ; and
- iii. information from the employer or recruitment agency.

S1.40.45 Minimum English language requirement

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

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

S1.40.50 Determining applications

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

S1.40.55 Grant of visas

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

E2.50 Restrictions on the grant of temporary entry class visas for students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade and their dependants

New Zealand scholarship students and their partners, and the dependent children of New Zealand scholarship students and/or their partner will not be granted a temporary entry class visa in the two year period following completion of the student's scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or a short-term visitor visa) (see [U11](#)).

E3.26 Varying the conditions of temporary entry class visas

See also Immigration Act 2009 s 52

- a. Holders of temporary entry class visas should apply for a variation of the conditions of their visa if:
 - i. they wish to work and do not have a visa that allows work in New Zealand; or
 - ii. they hold a work or visitor visa and wish to undertake a programme of study in New Zealand for longer than 3 months (unless [U2.5](#) applies); or
 - iii. they hold a work visa limited by conditions and wish to change employers, and/or occupation and/or the place of employment
- b. Immigration officers may grant a variation of conditions in such cases provided that the applicant completes an Application for Variation of Conditions and produces:
 - i. the appropriate fee;
 - ii. a valid passport (or a certified copy) or travel document (or a certified copy);
 - iii. documents which support the requested variation, such as:
 - o an offer of employment (see [W2.10.10](#)); or
 - o an offer of place at a suitable education provider (see [U3.5](#)), and evidence of tuition fee payment or exemption (see [U3.10](#)); and
 - iv. any other documents or information requested by the immigration officer.
- c. A variation of conditions will only be granted where the varied conditions still meet the objectives of the instructions which the visa was granted under.
- d. A variation of conditions to work for a specific employer will only be granted where the employer meets requirements at [W2.10.5](#), [W2.10.6](#) and [W2.10.15](#).

E3.26.1 Varying the conditions of work visas

E3.26.1.1 Varying Essential Skills work visa conditions

- a. Essential Skills work visa holders seeking to change occupation or place of employment will not be granted a variation of conditions and must instead apply for a new work visa, unless:
 - i. their new occupation is listed on an Essential Skills in Demand list; and
 - ii. they meet the requirements of the list.
- b. Essential Skills work visa holders seeking to change employment to a skill-band lower than that of their current employment ([WK3.5.1](#)), will not be granted a variation of conditions, and must instead apply for a new work visa.

E3.26.1.5 Varying Specific Purpose or Event visa conditions

- a. Holders of a work visa granted under WS2 as players or professional sports coaches may apply for a variation of conditions of their work visa to undertake additional employment. A variation of conditions may be granted if:
 - i. the terms of the existing employment have been met, and will continue to be met; and either
 - ii. the secondary employment is offered by the sports club or a company involved in the sport and the position is offered solely to this particular player or coach; or
 - iii. the secondary employment is offered by an employer other than the sports club or a company involved in the sport and an immigration officer is satisfied that there are no New Zealand citizens or residence class visa holders available to be employed in the position (see [WK3.10](#)).

E3.26.1.10 Varying Talent (Accredited Employers) work visa conditions

- a. Holders of a work visa granted under WR1 (Talent Accredited Employers) Work Instructions) may apply for a variation of conditions of their work visa to change employers. A variation of conditions may be granted:
 - i. to undertake employment for another accredited employer; or
 - ii. to undertake employment for another employer who is not an accredited employer if their employment is no longer available due to reasons beyond the visa holder's control. When assessing such applications for a variation of conditions, immigration officers will consider all the circumstances of the applicant and the reasons for which the former accredited employer did not continue employment or the former employer's accreditation was not renewed or rescinded.
- b. In order to be granted a variation of conditions under (a) above:
 - i. the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
 - ii. the offer of employment must meet the requirements of [WR1.10](#); and
 - iii. employers must meet the requirements under [W2.10.5](#), [W2.10.6](#), [W2.10.10](#) and [W2.10.15](#).

Notes:

~ Where a person fails to continue employment in the circumstances described in (a) and (b) above, they will not be eligible for residence under the Residence Instructions for holders of work visas granted under the Talent (Accredited Employers) Work Instructions.

~ For the avoidance of doubt, the base salary in (b) above excludes employment-related allowances (for example overtime, tool or uniform allowances). The base salary is calculated on the basis of 40 hours work per week.

E3.26.5 Varying the conditions of visitor visas

- a. Holders of visitor visas granted under V3.100 Guardians accompanying students to New Zealand may only be granted a variation of conditions for part time work or part time study between the hours 9:30am and 2:30pm Monday to Friday (inclusive) (see V3.100.35).
- b. Holders of visitor visas may be granted a variation of conditions for a duration of six weeks to undertake seasonal work (planting, maintaining, harvesting and packing crops) in any region where the Ministry of Social Development has identified a shortage of seasonal labour and for any employer in the horticulture or viticulture industries, provided the applicant has not been granted a variation of conditions for this purpose since their most recent entry to New Zealand.

E3.26.10 Varying the conditions of student visas

Holders of student visas may be granted a variation of conditions to allow them to work in line with the requirements at [U13](#).

V3.25 Children entering New Zealand for adoption

- a. Children entering New Zealand to be adopted by New Zealand citizens or residence class visa holders under the New Zealand Adoption Act 1955 may be granted a temporary visa authorising an initial stay of a maximum of 6 months.
- b. An application for children entering New Zealand for adoption must include:
 - i. evidence of the support of the **Ministry for Children, Oranga Tamariki**; and
 - ii. the child's birth certificate; and
 - iii. evidence of the immigration status or New Zealand citizenship of the adoptive parents.
- c. Immigration officers may also waive, by special direction, the funds and onward travel and health requirements for the children.

V3.25.1 Further visas for children entering New Zealand for adoption

Temporary visas may be granted (for a maximum of 12 months at a time) for a total stay long enough to submit a full adoption order if:

- a. an interim order issued under the Adoption Act 1955 is still valid; and
- b. **The Ministry for Children, Oranga Tamariki** advises INZ of progress on the adoption.

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 scholarship programme administered by the Ministry of Foreign Affairs and Trade; 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:

- Teaching Council of Aotearoa New Zealand

WF4.5 Partners of holders of student visas who are supported by the New Zealand scholarship programme administered by the Ministry of Foreign Affairs and Trade

- a. Partners of New Zealand scholarship students (see [U11](#)), may be granted a work visa valid for the duration of their partner's scholarship unless the scholarship student has been granted a student visa under any one of the following scholarship programmes:
 - i. New Zealand Short Term Training Scholarships; or
 - ii. New Zealand English Language Training for Officials Scholarships.
- b. Applicants must provide a completed work visa application form, fee, immigration levy and meet the generic requirements at [E4.5.5](#).
- c. Applicants under these instructions are not required to produce a job offer.
- d. Any work visas granted under these instructions may be endorsed with conditions that allow work for any employer.
- e. Applicants must have NZ\$4,200 available for their maintenance during the period of stay in New Zealand.
- f. Partners of New Zealand scholarship students (see [U11](#)), are not eligible for a temporary entry class visa in the 2 year period following completion of the student's scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a short-term visitor visa).
- g. Despite (f) above, partners of New Zealand scholarship students who have completed Short Term Training Scholarships or English Language Training for Officials of less than six months in duration (see [U11](#)), are not eligible for a temporary entry class visa for one year following completion of the student's scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a short-term visitor visa).

WH1.5 Recognised Seasonal Employer (RSE)

For the purpose of these instructions, a Recognised Seasonal Employer (RSE) is a New Zealand employer whose core area of business is horticulture or viticulture and who has had an application for RSE status approved by INZ. An RSE is able to apply for an Agreement to Recruit (ATR) that will allow them to recruit workers who are not New Zealand citizens or residence class visa holders under the RSE Instructions.

WH1.5.1 Definition of a New Zealand employer under RSE Instructions

A New Zealand employer for the purposes of RSE Instructions is an employer who:

- a. has the power to enter into employment agreements; and
- b. is a natural person who is ordinarily resident in New Zealand; or
- c. is a company that is incorporated in New Zealand and carries on business in New Zealand; or
- d. is an overseas company that is registered under the Companies Act 1993 and carries on business in New Zealand; or
- e. is an incorporated society that is incorporated in New Zealand.

WH1.5.5 Requirements for RSE status

- a. RSE status may be granted where INZ is satisfied that an employer:
 - i. is a New Zealand employer as set out at WH1.5.1; and
 - ii. is in a sound financial position; and
 - iii. has human resource policies and practices which are of a high standard, promote the welfare of workers, and include dispute resolution processes; and
 - iv. has a demonstrable commitment to recruiting New Zealanders; and
 - v. has a demonstrable commitment to training New Zealanders; and
 - vi. has good workplace practices and a history of compliance with New Zealand immigration and employment law (see [W2.10.5](#)), including meeting the requirements of the following legislation:
 - o Accident Compensation Act 2001; and
 - o Employment Relations Act 2000; and
 - o Equal Pay Act 1972; and
 - o Health and Safety at Work Act 2015; and
 - o Holidays Act 2003; and
 - o Immigration Act 2009; and
 - o Minimum Wage Act 1983; and
 - o Parental Leave and Employment Protection Act 1987; and
 - o Wages Protection Act 1983; and
- b. will meet the requirements set out at (c) below.
- c. To ensure that INZ can verify an employer's ability to meet the requirements in (a) above, applicants must consent to INZ seeking information from other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies. Where such consent is not given an application for RSE status may be declined.
- d. RSEs must:
 - i. take all reasonable steps to recruit and train New Zealanders for available positions before seeking to recruit non-New Zealand citizen or residence class visa holder workers; and
 - ii. not use a recruitment agent who seeks a commission from workers in exchange for securing an employment agreement, to recruit non-New Zealand citizen or residence class visa holder workers; and
 - iii. pay for half the return airfare between New Zealand and the worker's country of residence for each worker recruited under the RSE instructions, unless the worker is a citizen of Tuvalu or Kiribati who is normally resident in Tuvalu or Kiribati (in which case the employer must pay for half the return airfare between Nadi (Fiji) and New Zealand), or [WH1.15.5\(a\)](#) applies; and
 - iv. comply with the requirements for employment agreements including the minimum remuneration and pay deduction requirements as set out at [WH1.20](#); and
 - v. make available appropriate pastoral care (including food and clothing and access to health services and suitable accommodation) to their non-New Zealand citizen or residence class visa holder workers at a reasonable cost during the period of the workers' RSE limited visas; and
 - vi. promptly notify INZ if any of their non-New Zealand citizen or residence class visa holder workers breach the conditions of their visas; and
 - vii. promptly notify INZ of any dispute with the holder of an RSE limited visa that has resulted in the suspension or dismissal of the worker; and

- viii. not engage the services of a contractor, who does not have good workplace practices as outlined at WH1.5.5(a)(vi) and who employs non New Zealand citizen or residence class visa holder workers; and
 - ix. have direct responsibility for the daily work output and supervision of non-New Zealand citizen or residence class visa holder workers recruited under RSE instructions, except where (d) below applies; and
 - x. pay to the Ministry of Business, Innovation and Employment any costs reasonably incurred by the Ministry, to a maximum of NZ\$3000 per worker, in relation to the repatriation (including any maintenance and accommodation) of any non-New Zealand citizen or resident worker who requires repatriation as a result of a breach of the terms and conditions of their RSE limited visa; and
 - xi. on request disclose to representatives of the Ministry of Business, Innovation and Employment all payments received from RSE workers (including payments for airfares, accommodation and other pastoral care).
- e. An RSE is not required to have direct responsibility for the daily work output and supervision of non-New Zealand citizens and residence class visa holder workers recruited under RSE instructions when the workers are temporarily working on the worksite or worksites of another RSE (the recipient RSE), and the recipient RSE has agreed to take on these responsibilities. The RSE who employed the workers under RSE instructions (the first RSE) remains accountable for all other responsibilities under RSE instructions. This arrangement may only occur where:
- i. the total period of work on the recipient RSE's worksite or worksites is of one month or less;
 - ii. the worksite or worksites of the recipient RSE is within the same region as that specified in the ATR held by the first RSE; and
 - iii. the first RSE has notified INZ in advance of the workers starting work at the recipient RSE's worksite or worksites.
- f. Employers are considered to not have a history of compliance with employment law if they fail to meet the requirements set out at [W2.10.15](#) or if they are included on a list of non-compliant employers maintained by the Labour Inspectorate (see [Appendix 10](#)).

Note: For the purposes of instructions, the return airfare is defined as the total cost of travel from the worker's country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

WH1.5.10 Determining applications for RSE status

- a. In determining whether employers may be granted RSE status, INZ will assess applications and associated documents taking into account such factors as:
 - i. the period for which the employing organisation has been established as a going concern; and
 - ii. whether the employer has engaged with the Ministry of Social Development - Work and Income; and
 - iii. whether the employer has engaged with the relevant Industry Training Organisation; and
 - iv. whether the employer is a member of any relevant industry bodies (eg Horticulture New Zealand, New Zealand Kiwifruit Growers Inc., Pipfruit New Zealand, Hawkes Bay Fruitgrowers Association, New Zealand Wine, Rural and Associated Contractors Federation or a regional contractors association); and
 - v. whether the employer is certified by any quality standard organisation (eg New Zealand GAP); and
 - vi. whether the criteria in WH1.5.5(a) and (b) have been met by the employer; and
 - vii. whether INZ is satisfied that the requirements in WH1.5.5(c) will be met by the employer; and
 - viii. where there has been any previous breach of the requirements of immigration instructions (regardless of whether or not that resulted in RSE status being rescinded), whether any evidence has been provided to satisfy INZ that the cause and consequence of that breach has been remedied.
- b. INZ must be satisfied that the information and documents included in an application for RSE status are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain.
- c. Representatives of the Ministry of Business, Innovation and Employment may, where it is deemed necessary, conduct a site visit to the employer's premises.
- d. INZ may consult with other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, WorkSafe New Zealand, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies when determining whether an employer has been compliant with relevant statutory law and policies, and has a demonstrable commitment to recruiting and training New Zealanders.
- e. Where any information is identified by the employer as commercially sensitive and:
 - i. that information is provided in confidence to INZ; and
 - ii. INZ considers that disclosure of that information is necessary for the determination of an application,
 INZ will seek the consent of the employer for the disclosure of that information. Where such consent is not given, an application for RSE status may be declined.
- f. Where INZ, in consulting with other agencies, receives information that may be prejudicial to the positive outcome of an employer's application for RSE status, that adverse information will be put to the employer for comment before a decision is made on their application.

- g. INZ will decline an application for RSE status where it considers granting RSE status to the employer would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

WH1.5.15 Evidential requirements

- a. Set out below are examples of evidence that may be provided in support of an application for recognition. The provision or non-provision of any of these examples of evidence will not be determinative.
- b. Evidence that an employer is in a sound financial position includes but is not limited to:
- a signed statement of creditworthiness from the applicant stating that the business seeking RSE status is financially viable and the applicant knows of no adverse credit matters affecting the business;
 - a statement from a chartered accountant confirming the business is financially sound and is able to meet all outstanding obligations;
 - an authenticated set of accounts showing a sound financial position.
- c. Evidence of an employer's human resource policies and practices includes but is not limited to:
- a copy of the business's human resource manual or guidelines;
 - a written statement describing the employer's human resource policies and practices such as information on:
 - how the business recruits workers;
 - what checks are carried out on prospective New Zealand and non-New Zealand citizen or residence class visa holder workers, including any checks done by a recruitment agent on behalf of an employer;
 - what remuneration structure is in place;
 - any internal disputes resolution policies, including any performance management processes;
 - health and safety practices, including any provision of health and safety equipment for workers.
- d. Evidence of an employer's commitment to training New Zealand citizens and residence class visa holders includes but is not limited to:
- records of in-house training and development programmes;
 - involvement with any New Zealand Industry Training Organisation;
 - records of funding provided to workers to allow attendance at training courses by external training providers.
- e. Evidence of an employer's commitment to recruiting New Zealand citizens and residence class visa holders includes but is not limited to:
- a written description of the steps taken in the previous 12 months to recruit workers;
 - evidence of previous advertising;
 - a letter of support from an industry body confirming the employer's commitment to recruiting New Zealanders;
 - records of any previous communication with Work and Income regarding the recruitment of workers.
- f. Where any previous breach of the requirements of immigration instructions has occurred (regardless of whether or not that breach resulted in RSE status being rescinded) the employer must provide evidence to satisfy INZ that the cause and consequence of that breach has been remedied.

WH1.5.20 Rescinding RSE status

- a. INZ may rescind an employer's RSE status where:
- there is any breach of RSE or ATR requirements other than of a minor nature; or
 - the conduct of that employer has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies.
- b. Where an employer's RSE status has been rescinded, INZ will not approve any further applications for RSE status from the employer that are made within one year of the date their RSE status was rescinded.
- c. Any decision to rescind RSE status must be approved by an INZ **Head of Operations** in consultation with their Assistant General Manager.

WH1.5.25 Reconsideration process for applications for RSE status which are declined

- a. There is no statutory right of appeal against the decision to decline an application for RSE status.
- b. INZ may reconsider a declined application for RSE status where the reconsideration request is made in writing and any new information (not amounting to a completely new application) is promptly provided.

WH1.5.30 Currency of RSE status and subsequent applications

- a. If an initial application for RSE status is successful, RSE status may be granted for a period of two years.
- b. If a subsequent application for RSE status is successful and the employer has previously held RSE status, and that status was not rescinded, the subsequent RSE status may be granted for a period of three years.

- c. Where an employer holds RSE status at the time a subsequent RSE application is accepted for consideration by INZ, their current RSE status will continue until the date their subsequent application is decided, unless their RSE status is rescinded during that interim period.

WH1.5.35 Applying to become an RSE

An application for RSE status must be:

- a. made in New Zealand; and
- b. made on the Application for Recognised Seasonal Employer Status (INZ 1140) form; and
- c. accompanied by the prescribed fee; and
- d. supported by evidence that demonstrates the employer meets the requirements set out at WH1.5.5.

WI12 China Special Work Instructions

- a. These instructions allow limited numbers of citizens of the People's Republic of China who are qualified in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa and entry permission.
- b. To be considered under these instructions the applicant must be one of the following:
 - i. a Chinese chef who has a Chinese Occupational Skills Testing Authority Certificate Level 3 in traditional cuisine; or
 - ii. a Traditional Chinese Medicine (TCM) practitioner (including a TCM nurse) who has a higher education degree requiring at least three years' successful study in TCM from an institution recognised by the Chinese government; or
 - iii. a Mandarin teachers' aide who has a higher education degree requiring at least three years' successful study; or
 - iv. a Wushu Martial Arts coach with Wushu Grade 3-5 Certificate and a post-compulsory education qualification in either physical education or teaching requiring at least two years' successful study from an institution recognised by the Chinese government; or
 - v. a Wushu Martial Arts coach with Wushu Grade 6-9 Certificate and five years' teaching experience; or
 - vi. a Chinese tour guide who, at the time of application, holds a valid Tour Guide Licence in China, and can demonstrate knowledge of New Zealand and can provide acceptable English language test results, as set out at WI12.1 (no more than two years old at the time the application is lodged).
- c. At any one time, the number of Chinese nationals holding a visa granted for any occupation under these instructions must not exceed the following:
 - i. 200 Chinese chefs;
 - ii. 200 TCM practitioners (including TCM nurses);
 - iii. 150 Mandarin teachers' aides;
 - iv. 150 Chinese Wushu Martial Arts coaches; and
 - v. 100 Chinese tour guides.
- d. To be granted a work visa under these instructions, applicants must:
 - i. provide a completed work visa application form, fee and immigration levy; and
 - ii. have a full-time New Zealand job offer in one of the occupations listed above, which meets the requirements set out in W2.10; and
 - iii. meet the specific qualifications and/or experience requirement for their occupation, as detailed in WI12(b) above; and
 - iv. meet health and character requirements set out in A4 and A5; and
 - v. meet the requirements for bona fide applicants set out in E5.

Note: For the purpose of these instructions the job offer for a Mandarin teacher's aide may meet the requirements at [W2.10.5](#) and [W2.10.10](#) if the applicant presents a letter showing they have been nominated by the Ministries of Education in New Zealand and China.

- e. A labour market **test** is not required.
- f. An application for an initial work visa under these instructions may be lodged by a person who is:
 - i. **outside New Zealand; or**
 - ii. lawfully in New Zealand on a work or student visa **at the time of application**, and who is a:
 - o TCM practitioner;
 - o Mandarin teachers' aide;
 - o Wushu Martial Arts coach; or
 - o tour guide.
- g. Successful applicants **who apply offshore** will be granted a work visa and entry permission with the following conditions:
 - i. first entry to New Zealand must be made within six months; and
 - ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years, depending on the length of their job offer.
- h. Successful applicants who apply in New Zealand will be granted a work visa with multiple-entry travel conditions for a maximum of three years, depending on the length of their job offer.
- i. If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.
- j. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.
- k. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

Note: These instructions reflect New Zealand's international trade commitments (see [E9](#)).

WI12.1 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	5.0 or more in Listening and Speaking
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	4 or more in Listening and 14 or more in Speaking
Pearson Test of English Academic (PTE Academic)	36 or more in Listening and Speaking
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)	154 or more in Listening and Speaking
Occupational English Test (OET)	Grade C or higher in Listening and Speaking

WI13 China Skilled Workers Instructions

- a. To be considered for a work visa under these instructions, the applicant must be a citizen of the People's Republic of China who has a full-time New Zealand job offer in one of the occupations listed in the table below, and the relevant qualifications and experience required for that occupation.

Occupation	Requirements Qualifications must be comparable to the standard of the New Zealand qualification listed.
Auditor	Degree level (Level 7) qualification majoring in accountancy and membership with New Zealand Institute of Chartered Accountants (NZICA)
Automotive electrician	National Certificate in Motor Industry (Automotive Engineering) (NZQF Level 4) or National Certificate in Motor Industry (Automotive Electrical Engineering) (NZQF Level 4) or National Certificate in Motor Industry (Automotive Electrical and Mechanical Engineering) (NZQF Level 4) (relevant strand is Electrical and Electronics)
Boatbuilder	National Certificate in Boatbuilding (Level 4)
Computer Applications Engineer	Degree level (Level 7) qualification majoring in computer science, information science or information technology and three years of relevant work experience
Design Engineer – Electronics / Product Engineer	Degree level (Level 7) qualification majoring in electronics, computer science or telecommunications and three years of relevant work experience with at least 12 months' relevant work experience in the past 18 months
Diesel Mechanic	National Certificate in Motor Industry (Automotive Heavy Engineering) (Level 4)
Early Childhood Teacher	A qualification in Early Childhood Education (ages 0-5) at a minimum of Level 7 which is approved by the Education Council of Aotearoa New Zealand, and New Zealand registration
Electronics Technician	National Diploma in Engineering (Level 6) (Electronics), or relevant degree-level qualification (Level 7) (for example, BTech in Electronics, BSc or BE) and three years' work experience and at least 12 months' relevant work experience in the past 18 months
Electrician	NZ registration as an electrician with a Full or Limited Certificate from the Electrical Workers Registration Board
Film Animator	Degree level qualification (Level 7) in one of the following: Fine Arts, Graphic Design, Computer Science, Software Engineering or Film, specialising in multimedia, computer graphics, digital design, computer programming or software development
Fitter and Turner	National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering, Machining and Toolmaking (Level 5)

Fitter / Welder	National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering - Fabrication with strands in Welding or Heavy Fabrication (Level 5)
Medical Diagnostic Radiographer / Medical Radiation Therapist	Bachelor in Health Science specialising in Medical Radiation Therapy or specialising in Medical Imaging and New Zealand registration
Motor Mechanic	National Certificate in Motor Industry (Automotive Engineering) (Level 4)
Plumber	New Zealand Plumbing Registration
Registered Nurse	Bachelor of Nursing or Diploma in Comprehensive Nursing, diploma or hospital based certificate and NZ registration
Senior Test Analyst	Degree level (Level 7) tertiary qualification (e.g. BTech in Electronics, BSc or BE) and three years' work experience with at least 12 months relevant work experience in the past 18 months
Structural Engineer	Degree level (Level 7) qualification and registered on the International Professional Engineers Register or Asia Pacific Economic Co-Operation (APEC) Engineers Register or a Washington Accord accredited engineering degree
University and Higher Education Lecturer and/or Tutor	Masters Degree or PhD
Veterinarian	NZ Registration with the Veterinary Council of New Zealand

- b. At any one time, the number of Chinese nationals holding a visa granted under these instructions:
 - i. must not exceed 100 in respect of any of the occupations listed above; and
 - ii. must not exceed 1000 in total.
- c. To be granted a work visa under these instructions, applicants must:
 - i. provide a completed work visa application form, fee and immigration levy; and
 - ii. have a full-time job offer from a New Zealand employer, which meets the requirements set out in W2.10; and
 - iii. meet the specific qualifications and/or experience requirement for their occupation, as detailed in WI13(a) above; and
 - iv. meet health and character requirements set out in A4 and A5; and
 - v. meet the requirements for bona fide applicants set out in E5.
- d. A labour market **test** is not required.
- e. Applications for a work visa under these instructions may be lodged by **a person who is:**
 - i. **outside New Zealand; or**
 - ii. lawfully in New Zealand and who is:
 - o on a temporary visa for the purpose of obtaining New Zealand registration, and who has successfully obtained registration; or
 - o on a work or student visa.
- f. Successful applicants will be granted a work visa and entry permission with the following conditions:
 - i. first entry to New Zealand must be made within six months; and
 - ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years from first arrival, depending on the length of their job offer.

- g.** Successful applicants who apply in New Zealand will be granted a work visa with multiple-entry travel conditions for a maximum of three years, depending on the length of their job offer.
- h.** If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.
- i.** Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.
- j.** On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

Note:

~ If one of these occupations is listed on the Long Term Skill Shortage List (LTSSL) and the qualifications requirement for that occupation is lowered on the LTTSL, the qualification requirement for these instructions will be correspondingly lowered.

~ These instructions reflect New Zealand's international trade commitments (see [E9](#)).

WJ2.10 Fit and proper person test

For the purpose of determining whether or not a director or senior manager of the New Zealand employer is a fit and proper person, INZ will take into account:

- a. whether the person:
 - i. at any time, has been declared bankrupt or been a director of a company that has been put into receivership or liquidation;
 - ii. at any time, has been a director or senior manager of a company that has failed to meet its obligations under relevant New Zealand employment and immigration law, and immigration instructions;
 - iii. has been convicted of an offence involving dishonesty in New Zealand or a foreign country;
 - iv. has been involved in business fraud or financial impropriety; or
 - v. has ever been convicted of any offence arising in the course of, or resulting from, business dealings; and
- b. any relevant feedback received from the Ministry for Primary Industries or Maritime New Zealand, (see [WJ2\(d\)](#)); and
- c. whether, bearing in mind all available evidence, there is reason to believe that the person will not meet their obligations under the foreign crew of fishing vessels instructions.

WJ2.10.1 Applications usually deferred

- a. Applications for an Approval in Principle to recruit foreign crew of fishing vessels will usually be deferred for up to six months if, at the time the application is assessed, a director or senior manager of the New Zealand employer:
 - i. has been charged with any offence which, on conviction, would make WJ2.10(a)(iii) apply to that person; or
 - ii. is under investigation for such an offence.
- b. At the time an application for is assessed, immigration officer must:
 - i. defer the decision on the application for up to six months; and
 - ii. inform the applicant of the decision to grant a deferral and the period of the deferral, in writing; and
 - iii. await the outcome of the charge or investigation; and
 - iv. if removal of the character impediment is confirmed, continue processing the application; and
 - v. if the character impediment is not removed, refer to the [Head of Operations](#) or [Visa](#) Operations Manager for their decision on whether to grant a second or subsequent deferral.

WJ2.10.5 Second and subsequent deferral periods

- a. In cases where the deferral period is coming to an end and the director or senior manager is still awaiting the outcome of the charge or investigation, a second or subsequent deferral period may be imposed.
- b. A decision on a second or subsequent deferral will only be made after appropriate consultation with Operations Support, Visa Services and the Legal Services of the Ministry of Business, Innovation and Employment about:
 - i. whether a second or subsequent deferral is justified in the circumstances; and
 - ii. whether the deferral period is reasonable, given the likely timeframe of any outcome being reached and the efforts the applicant is making to reach an outcome.
- c. A decision to grant a second deferral must be made by [a Head of Operations](#) or [Visa](#) Operations Manager or above.
- d. If the character impediment is not removed by the end of the second deferral period, the [Head of Operations](#) or [Visa](#) Operations Manager may impose a subsequent deferral under the provisions at WJ2.10.5.
- e. The length of the subsequent deferral period will be decided according to the length of time it is expected for a decision on the charge or investigation to be made.
- f. The applicant must be informed in writing of any decision to impose a second or subsequent deferral and the period of the deferral.

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. Work and Income have advised Immigration New Zealand of a regional absolute labour shortage ([WK3.10.1 \(e\)\(i\)](#)); or
 - iv. 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.

WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

- a. To be granted a visa under the Talent (Accredited Employers) Work Instructions applicants must:
 - i. hold an offer of employment in New Zealand from an accredited employer; and
 - ii. be aged 55 years or under; and
 - iii. meet the health and character requirements for Residence set out at [A4](#) and [A5.15](#) to [A5.25](#); and
 - iv. meet the requirements for bona fide applicants as set out at [E5](#); and
 - v. meet the requirements for lodging an application as set out in [WR1.30](#).
- b. Work visas granted to applicants under these instructions will be subject to the condition that the applicant may undertake employment for an accredited employer only.
- c. During the currency of the work visa granted the applicant may seek a variation of conditions to change employers in line with [E3.26.1.10](#).

WR1.5.1 Currency and travel conditions of work visas under the Talent (Accredited Employers) Work Instructions

- a. Applicants who are in New Zealand may be granted a Talent (Accredited Employers) work visa allowing stay and multiple entry travel for 30 months.
- b. Applicants who are not in New Zealand may be granted a Talent (Accredited Employers) work visa with the following travel conditions:
 - i. first entry to New Zealand must be made within three months of the visa being granted; and
 - ii. the visa will allow stay and multiple entry travel for 30 months from first arrival.

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 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;
 - iv. policies and processes the employer has put in place to ensure they remain compliant with immigration and employment legislation; **and**
 - 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:
- as a result of an audit, an immigration officer is not satisfied that the requirements of WR1.25 continue to be met; or
 - the employer fails to comply with a request for further information or records by INZ within a reasonable specified timeframe; or
 - the conduct of that employer has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies; or
 - 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 **Head of Operations**.
- 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:
- whether the employer has provided evidence to demonstrate they have continuously met or exceeded all requirements of WR1.25 for the previous two years,
 - 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.
 - 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.

11.10 Automated and manual processing of interim visas

- a. An automated system may grant an interim visa to a person who meets the criteria set out at [11.5](#) (a), unless 11.10 (b) applies.
- b. An interim visa will not be granted by an automated system if a person:
 - i. has particular alerts or warnings related to character;
 - ii. has an active appeal;
 - iii. is liable for deportation;
 - iv. has an open case with the Deputy Chief Executive or the Minister;
 - v. is a student funded through the Ministry of Foreign Affairs and Trade or the New Zealand scholarship programme;
 - vi. has compliance action underway; or
 - vii. holds a visa that has been granted because the Immigration and Protection Tribunal has ordered the grant of the visa under either section 210 or 216 of the Immigration Act 2009.
- c. In cases where (b) applies, a manual assessment may be carried out by an immigration officer to determine whether an interim visa will be granted.
- d. An automated system may grant an interim visa under section 61 of the Immigration Act 2009 using the criteria outlined in (a), (b) and (c) above, in cases where:
 - i. the associated temporary visa application is received at an Immigration New Zealand branch while the person holds a current temporary visa; and
 - ii. the current temporary visa subsequently expires; and
 - iii. the application is then accepted for processing.

U3.1 Summary

See also Immigration Act 2009 s4

- a. Unless otherwise specified, to be granted a student visa to attend a programme of study of more than three months, applicants must:
 - i. have an offer of a place or, if returning to continue a programme of study, a confirmation of enrolment in an approved programme of study with an education provider in New Zealand that meets student visa requirements (see U3.5, U3.10, and U5.1); and
 - ii. be exempted from or have paid tuition fees; and
 - iii. if aged under 18, meet accommodation requirements (see U3.15); and
 - iv. have fulfilled the purpose and met the conditions for any previous or current temporary visas held as set out in E3.15 and E3.20; and
 - v. meet the conditions set out in E3.20; and
 - vi. not be the holder of a current visitor visa granted under Guardians accompanying students to New Zealand instructions (see V3.100).); and
 - vii. hold insurance (see U3.45), unless they are a Doctor of Philosophy (PhD) student or a student holding a New Zealand scholarship administered through the Ministry of Foreign Affairs and Trade.
- b. All applicants must meet the requirements under Generic Temporary Entry Class instructions for:
 - i. lodging an application for a temporary entry class visa as set out at E4; and
 - ii. bona fide applicants as set out at E5; and
 - iii. health and character as set out at A4 and A5.
- c. Applicants who have not completed, or will not be completing the programme of study endorsed on their student visa and who wish to change their programme of study and/or education provider must:
 - i. meet requirements (a) and (b) above; and
 - ii. meet the requirements set out at U3.40.

Note: Applicants who are progressing to further study, for example a student in Year 13 who is progressing to tertiary studies, will not need to meet U3.40.

U3.10 Tuition fees

- a. Applicants must provide evidence of payment of tuition fees.
- b. For applicants living outside New Zealand, evidence of payment is not required until after the application has been approved in principle.
- c. Despite (a), the following students are not required to provide evidence of tuition fee payment if they can meet the required exemption and provide evidence as below:

	Exemption	Evidence required
i	Exempt from tuition fees	Confirmation that the programme of study is exempt from fees or that the student is exempt from paying any fees
ii	Students participating in a Study Abroad or Non-award scheme under a study abroad partner agreement with a New Zealand Tertiary education institution	Confirmation from the New Zealand tertiary institution that tuition fees are being paid directly to them from a foreign tertiary institution or authorised third party provider on behalf of the foreign tertiary institution.
iii	Students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade	Notice of the award of a full New Zealand scholarship.
iv	Home country government loan approval at a tertiary institution	Evidence that the loan has been applied for and confirmation from the tertiary institution that the fees will be paid directly to them.
v	Home country government loan approval at a private training establishment (PTE) for study at Bachelor's Degree and above	Evidence that the loan has been applied for and confirmation from the PTE that the fees will be paid directly to them.
vi	Foreign government-supported student	Meet the all requirements as applicable under U12 .

U3.35 Definition of 'domestic student'

For the purposes of student instructions a 'domestic student' means a domestic student as defined in section 2 of the Education Act 1989. The Ministry of Education holds a complete list of who is considered to be a domestic student for the purpose of fee payment and enrolment.

U3.35.1 Primary and secondary schooling domestic students who do not require a student visa, interim visa with study conditions, or limited visa

The following people are considered to be domestic students for the purpose of attending primary and secondary schools and do not require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand:

- a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue;
- b. New Zealand residents;
- c. New Zealand permanent residents;
- d. People who have a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade confirming that they are entitled to any immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 for the current school year, until the end of the year in which their diplomatic or consular status expires.
- e. Members of the armed forces of any country, members of its civilian component, or crew members of any craft transporting such people to New Zealand, while in New Zealand:
 - i. at the request or with consent of the Government of New Zealand; and
 - ii. in the ordinary course of the member's duty or employment.

U3.35.5 Primary and secondary domestic students who require a student visa, interim visa with study conditions, or limited visa

The following people require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending primary and secondary schools and are exempt from paying foreign tuition fees:

- a. Dependent children of any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government.
- b. Children whose application for a residence class visa is under consideration and who are the dependent children of any person who is a New Zealand citizen or the holder of a residence class visa.
- c. Children whose application for New Zealand citizenship is under consideration and who are the dependent children of a New Zealand citizen.
- d. Dependent children of any person who is onshore and the holder of a valid work visa other than those excluded under [U8.20](#).
- e. Students who have, or dependent children of any person who has, made a claim to be recognised as a refugee or protected person in accordance with Part 5 of the Immigration Act 2009.
- f. Dependent children of a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university.
- g. Dependent children of any person who, during the current calendar year, last ceased to hold a special temporary visa (see [H2](#)).
- h. Students who have entered New Zealand for the purposes of adoption and:
 - i. whose adoption application before the New Zealand Family Court (where the Final Order will entitle that student to education as a domestic student) is supported by the [Ministry for Children, Oranga Tamariki](#) and who has a letter from the [Ministry for Children, Oranga Tamariki](#) confirming this support; or
 - ii. who are the subject of an Interim Order of Adoption granted by the New Zealand Family Court under section 5 of the Adoption Act 1955 (where the Final Order will entitle that student to education as a domestic student).
- i. People who are in the custody of the Chief Executive of the Ministry [for Children, Oranga Tamariki](#); pursuant to any of the following orders:
 - i. an order, pursuant to sections 78, 101 or 238(1)(d) of the [Oranga Tamariki](#) Act 1989, in favour of the Chief Executive of the Ministry [for Children, Oranga Tamariki](#); or
 - ii. an order, pursuant to section 110 of the [Oranga Tamariki](#) Act 1989, appointing the Chief Executive of the Ministry [for Children, Oranga Tamariki](#) as sole guardian; or
 - iii. an order, pursuant to section 33 of the Care of Children Act 2004, whereby a child or young person is placed under the Guardianship of the Family Court or the High Court and the Chief Executive of the Ministry [for Children, Oranga Tamariki](#) is appointed as agent of the court with power and discretion to place the child.
- j. Dependent children of any person who is the holder of a New Zealand scholarship [administered by the Ministry of Foreign Affairs and Trade](#).

- k. Dependent children of any person who is the holder of a visitor visa granted under [V3.115](#).
- l. Dependent children of military visa holders, while the military visa holder is in New Zealand.
- m. Children granted a student visa under [U10.5](#).
- n. Students who are in New Zealand to study under an exchange scheme approved by the Ministry of Education (see [F11.45](#)).

U3.35.10 Tertiary sector domestic students who do not require a student visa, interim visa with study conditions, or limited visa

The following people are considered to be domestic students for the purpose of attending an education provider in the tertiary sector (see U5.20) and do not require a student visa, interim visa with study conditions or limited visa in order to undertake a programme of study in New Zealand:

- a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue.
- b. New Zealand residents.
- c. New Zealand permanent residents.
- d. People who have a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade confirming that they are entitled to any immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 for the current academic year, until the end of the year in which their diplomatic or consular status expires.
- e. Despite (d) above, dependent children aged 21 and over of Diplomatic, Consular or Official staff, who wish to undertake tertiary study in New Zealand, may not be eligible for domestic student status and may be required to pay foreign student fees (see [H2.1\(b\)](#)).
- f. A person who has made a claim to be recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009, and who is the holder of a valid temporary entry class visa.
- g. A person who has been recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009, and whose application for residence is being processed.
- h. A person who is enrolled at a tertiary education provider for the purpose of participating in industry training funded under the Industry Training Act 1992.

U3.35.15 Tertiary sector domestic students who require a student visa, interim visa with study conditions, or limited visa

The following people require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending an education provider in the tertiary sector and are exempt from paying foreign tuition fees for foreign students:

- a. Students enrolled in any Doctor of Philosophy (PhD) programme, in any New Zealand university (see [U5.20](#)).
- b. A person who is in New Zealand to study under a New Zealand Government approved exchange programme at a tertiary education provider.

U3.40 Students who wish to change their study conditions

See also Immigration Act 2009 ss 49, 52, 56

- a. A further student visa or variation of conditions, for the purpose of changing programme of study, education provider and/or study location, will only be granted if an immigration officer is satisfied that:
 - i. the applicant meets the student requirements set out at [U3.1](#); and
 - ii. the applicant has not breached their visa conditions as set out at [E3.20](#); and
 - iii. the original student visa would have been granted for the proposed programme of study, education provider, and/or study location; and
 - iv. the applicant remains a bona fide applicant (see [E5.1](#)).
- b. Factors that an immigration officer may take into consideration when determining (a)(iii) and (a)(iv) above include, but are not limited to:
 - i. the time elapsed since the original visa was granted;
 - ii. whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
 - iii. any relevant information held about the previous application(s) including advice from the original issuing branch (see [E7.1.1](#)).
- c. Applicants who have received New Zealand **Scholarship** funding within the two years prior to their application to change programme of study and/or education provider being made, must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study or education provider and that any scholarship continues.
- d. Applicants who wish to change their programme of study and/or education provider may provide evidence of payment of tuition fees after the application has been approved in principle.

U3.45 Insurance requirements for fee-paying foreign students

- a. Fee-paying foreign students must hold insurance as a condition of their visa (see [E3.20 \(f\)](#)) unless (d) below applies.
- b. A fee-paying foreign student must declare that they will arrange and hold insurance, which complies with the insurance requirements of the Education (Pastoral Care of International Students) Code of Practice 2016 and is acceptable to the student's education provider, from the period of their enrolment until the expiry of their student visa.
- c. A student may be required to provide evidence that they held insurance from the time of their enrolment until the expiry of their student visa with any further visa application made.
- d. The requirement to hold insurance does not apply to Doctor of Philosophy (PhD) students or **students holding New Zealand scholarships administered by the Ministry of Foreign Affairs and Trade.**

U4.1 Fully supported students

- a. New Zealand **scholarship** students, for which the Ministry of Foreign Affairs and Trade is responsible (see [U11](#)).
- b. Foreign government-supported students, for which the foreign government undertakes to support for the duration of their studies in New Zealand (see [U12](#)).

U4.20 Vocational trainees

- a. Only the following applicants may be granted a student visa as a vocational trainee:
 - i. Air New Zealand trainees that meet the requirements set out at [U6.35.5](#);
 - ii. Nautical students that meet the requirements set out at [U9.5](#);
 - iii. New Zealand Short Term Training Scholarship (STTS) trainees that meet the requirements set out at U9.15.
- b. Applicants who intend to undertake industry training or a modern apprenticeship, not listed at [U4.20\(a\)](#) above, or U9, must apply for a work visa (see [WK](#)).

U5.5 Primary and secondary schools (state and integrated)

- a. Primary and secondary schools are accredited by the Ministry of Education for admitting fee-paying foreign students and may offer them places, within any limits imposed by that Ministry on levels and subjects, after all New Zealand domestic and New Zealand scholarship students administered by the Ministry of Foreign Affairs and Trade have been placed.
- b. Where foreign students are enrolled in a programme of study intended exclusively or mainly for foreign students that class or programme of study must be approved by the New Zealand Qualifications Authority (see section 4E of the Education Act 1989).

U5.20 Tertiary institutions (Universities, Polytechnics, Colleges of Education, Wananga)

- a. Tertiary institutions may offer programmes of study or training scheme places to foreign students provided the programme of study or training scheme meets the criteria for one in which a foreign student may be enrolled in accordance with the provisions of the Education Act 1989 (see section 224(7)–(12)).
- b. The definition of a foreign student is contained in section 159 of the Education Act 1989.
- c. The primary requirements for section 224(7)–(12) of the Education Act 1989 in respect of programmes of study or training schemes that are or are likely to be longer than 3 months are that:
 - i. the programme or training scheme is an approved programme or training scheme, and
 - ii. the institution is accredited to provide the programme or training scheme, and
 - iii. the effect of the enrolment is not to deprive a domestic or exempt student of a place at the institution or on the programme of study or training scheme unless:
 - o the student is holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade; or
 - o the place has been established by the Council of the institution for a foreign student and its continued availability is dependent on the fees payable by the foreign student enrolled in it.

Note:

~ Polytechnics also include institutes of technology, technical institutes or community colleges established before 1 January 1991.

~ These requirements apply to all programmes of study and training schemes with the exception of those programmes of study or training schemes that are exempt as provided for in section 232(2) of the Education Act 1989.

U7.1 Students transferring from scholarship to fee-paying foreign student status

- a. **Students holding a** New Zealand scholarship **administered by the Minister of Foreign Affairs and Trade** may transfer to fee-paying foreign student status after their awards are terminated only if they provide evidence that:
 - i. they have met the mandatory requirements for a temporary entry class visa and the requirements for a student visa (see [U3.1](#)); and
 - ii. the Ministry of Foreign Affairs and Trade has no objection to the change of status.

U8.20 Dependent children of holders of work visas

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

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

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

U8.20.5 Dependent children of Essential Skill work visa holders

See also Immigration Act 2009 ss 56, 157

- a. Dependent children (see [E4.1.10](#)) of holders of work visas granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a student visa if their parent(s) meet a minimum income threshold.
- b. The minimum income threshold is NZ\$[43,322.76](#) gross per annum and must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c. Evidence must be provided of the Essential Skills work visa holder's current salary or wages to satisfy an immigration officer that the applicant's parent(s) meet the minimum income threshold.
- d. Despite (b) above, dependent children of Essential Skills work visa holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those instructions (see [S1.10.35](#) or [S1.40.35](#)) to be eligible for a student visa under these instructions.
- e. Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent(s):
 - i. have held any temporary work visa before 30 November 2009; and
 - ii. have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under U8.20.
- f. If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.
- g. If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa both the parent(s) and child may become liable for deportation.

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

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

See also Immigration Act 2009 ss 56, 157

- a. Dependent children of a holder of a work visa under Religious Worker instructions ([WM](#)) will only be granted a student visa if the:
 - i. minimum income threshold is met by the Religious Worker visa holder and their partner; or
 - ii. religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b. Under (a)(i) above:
 - i. the minimum income threshold is NZ\$**43,322.76** gross per annum; and
 - ii. the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and
 - iii. evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and
 - iv. if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
 - v. if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

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

U8.25 Dependent children of holders of student visas

- a. Dependent children (see [E4.1](#)) who wish to study in New Zealand may be granted student visas if their parent is a student visa holder who is:
 - i. any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government; or
 - ii. a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university; or
 - iii. any person who is the holder of a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade.
- b. Dependent children of student visa holders as defined in (a) above are regarded as domestic students (for the purpose of all tuition fees at primary and secondary schools for the period of the parent's student visa (see [U3.35](#)).
- c. Dependent children of student visa holders may be granted student visas without the need to produce evidence of enrolment (see [E4.1](#)).
- d. Guarantees of accommodation and evidence of maintenance funds are required (see [U3.20](#)).

U9.15 New Zealand Short Term Training Scholarship (STTS) trainees

- a. The STTS scheme is part of the New Zealand scholarship programme administered by the Ministry of Foreign Affairs and Trade and provides partner governments with the opportunities to develop new competencies in identified areas of need as well as to upskill their work force. Training may involve placement with a New Zealand government department, a private training establishment, or at a tertiary institution. Trainees are provided with entitlements for accommodation and maintenance whilst on this scheme.
- b. Applicants providing evidence of an award under the STTS scheme may be granted a student visa for the period of their award up to a maximum period of 12 months.

U11 New Zealand scholarship students

- a. A New Zealand scholarship student receives funding from the New Zealand Government through the Ministry of Foreign Affairs and Trade under the following schemes:
 - i. New Zealand Scholarships;
 - ii. New Zealand Short Term Training Scholarships;
 - iii. New Zealand Commonwealth Scholarships;
 - iv. New Zealand English Language Training for Officials;
- b. The objective of the scholarships is for candidates to gain knowledge and skills in specific subject areas that will assist in the development of their home country.
- c. Recipients are required to return to their home country for at least two years after the completion of their scholarship to apply these new skills and knowledge in government, civil society or private business organisations.
- d. Despite (c) above, New Zealand scholarship students who have completed Short Term Training Scholarships or English Language Training for Officials of less than six months in duration are required to return to their home country for at least one year after the completion of their scholarship.

U11.1 Students holding a New Zealand scholarship undertaking employment

See also Immigration Act 2009 ss 52, 56

- a. New Zealand scholarship students may be granted conditions on their student visa to allow them to work during the academic year for up to 20 hours per week, during any holidays within the academic year for up to 20 hours per week, and full-time during the Christmas-New Year holiday period unless they are studying under the following schemes:

- i. Short Term Training Scholarships; or
- ii. English Language Training for Officials Scholarships

Note: New Zealand scholarship students may also be eligible for full-time work rights during scheduled vacation periods. See [U13.15.10](#)

- b. With the exception of the schemes listed under (a), New Zealand scholarship students may be granted work visas at the completion of their programmes of study for qualification-related work experience for the minimum time needed to complete practical work requirements.

Note: New Zealand scholarship senior medical and pharmacy students may be granted a work visa for their internship/registration year.

- c. New Zealand scholarship students are not permitted to:
- i. work in self-employment; or
 - ii. provide commercial sexual services; or
 - iii. act as an operator of a New Zealand business of prostitution; or
 - iv. invest in a business of prostitution (see E7.40).
- d. Any New Zealand scholarship student, or their partner or dependent children, may only be granted a visa for New Zealand in the two-year period following completion of the student's scholarship, with written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).
- e. Despite (d) above, where a New Zealand scholarship student has completed a Short Term Training Scholarships or English Language Training for Officials of less than six months in duration, the New Zealand scholarship student, their partner or dependent children may only be granted a visa for New Zealand in the one year period following completion of their scholarship or training, with the written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).

Note: See [WF4.5](#) for work instructions for partners of holders of student visas who are holding a New Zealand scholarship.

U14.15 Changing and complying with pathway student visa conditions

See also Immigration Act 2009 ss 49, 52, 56

- a. If a pathway student visa holder wishes to move to a different education provider or lower level programme of study than those specified in their visa conditions, they must apply for a new student visa and meet the requirements set out at [U3.40](#).
- b. A variation of conditions, for the purpose of changing a programme of study at the same education provider will only be granted if an immigration officer is satisfied that:
 - i. the applicant meets the student requirements set out at U3.1; and
 - ii. the applicant has not breached their visa conditions as set out at E3.20; and
 - iii. the original student visa would have been granted for the proposed programme of study; and
 - iv. the proposed programme of study is at the same or higher level on the New Zealand Qualification Framework as the original programme of study; and
 - v. the applicant remains a bona fide applicant (see E5.1).
- c. Factors that an immigration officer may take into consideration when determining (b)(iii) and (b)(iv) above include, but are not limited to:
 - i. the time elapsed since the original visa was granted; and
 - ii. whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
 - iii. any relevant information held about the previous application(s) including advice from the original issuing branch (see [E7.1.1](#)).
- d. Students who have received New Zealand **scholarship** funding within the two years prior to their application to change programme of study must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study and that any scholarship continues.

U14.15.5 Breaching visa conditions

- a. A pathway student visa holder will be considered to be in breach of visa conditions where:
 - i. they fail to meet conditional pre-requisites for enrolment into a second or subsequent programme of study (E3.20(d)); or
 - ii. the time between the completion of one programme of study and the start of a second or subsequent programme of study on a pathway exceeds 16 weeks; or
 - iii. they have submitted an English language test result as set out at U14.5.1(c) and their intended pathway is an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework and the English Language programme of study is not completed within a 20 week period.
- b. A breach of visa conditions is "sufficient reason" to make a temporary entry class visa holder liable for deportation, and may result in the issue of a Deportation Liability Notice ([E3.60](#)).

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

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

- a. Partners (see [E4.1.20](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the partner's visa.
- b. Dependent children (see [E4.1.10](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the parent's visa.
- c. Despite (a) and (b) above, partners and dependent children of the following persons are not eligible for the grant of a visa under these instructions:
 - i. people granted an Essential Skills work visa where the employment has been assessed as lower-skilled([WK3.5.1](#)), unless V3.10.1 below applies; or
 - ii. people granted a work visa under the instructions for Foreign Crew of Fishing Vessels (see [WJ1](#)); or
 - iii. people granted a work visa under the instructions for Recognised Seasonal Employer (RSE) (see [WH1](#)); or
 - iv. people granted a work visa under the instructions for Supplementary Seasonal Employment (SSE) (see [WH3](#)); or
 - v. people granted a work visa under the Silver Fern Job Search Instructions ([WL2](#)); or
 - vi. people granted a work visa under the Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - vii. people granted a work visa under a Working Holiday Scheme (see [WI2](#)); or
 - viii. people granted a work visa as a domestic staff member of diplomatic, consular or official staff (see [WI4](#)).
- d. Partners and dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5.15](#) to [A5.25](#).

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

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

V3.10.5 Dependent children of Essential Skills work visa holders

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

V3.10.10 Minimum income threshold

- a. The minimum income threshold is NZ\$[43,322.76](#) gross per annum.
- b. The minimum income threshold must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c. Evidence must be provided of the Essential Skills work visa holder's current salary or wages.
- d. Despite (a) above, if the dependent child is included in a Samoan Quota or Pacific Access Category application, the minimum income threshold is the amount specified in Samoan Quota or Pacific Access Category instructions.

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

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

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

See also Immigration Act 2009 ss 56, 157

- a. Dependent children of a holder of a work visa under Religious Worker instructions ([WM](#)) will only be granted a visitor visa if:
 - i. the minimum income threshold of NZ\$43,322.76 gross per annum is met by the Religious Worker visa holder and their partner; or
 - ii. the religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b. Under (a)(i) above:
 - i. the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and
 - ii. evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and
 - iii. if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
 - iv. if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

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

Canada

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from or within the year range listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification	Abbreviation*	Level in NZQF terms	Points under SMC
Baccalauréat en (speciality)*** Bachelier en (speciality)*** Bachelière en (speciality)***	BACH	7	50
Baccalauréat en droit***	Bdr	7	50
Bachelor of Applied Science (Engineering speciality) ***	BAS	7	50
Bachelor of Arts with Honours Baccalauréat ès arts Baccalaureate in Arts Baccalaureum Artium Bachelier ès arts Bachelière ès arts (Honours must be stated on the award certificate)**	BAH	7	50
Bachelor of Business Administration***	BBA	7	50
Bachelor of Civil Law and Bachelor of Laws***	BCL	7	50
Bachelor of Commerce***	BC	7	50
Bachelor of Engineering*** Bachelor of Engineering Science*** Bachelor of Science in Engineering*** Baccalauréat en Génie*** Baccalaureréate en Ingénierie*** Bachelier en Ingénierie*** Bachelière en Ingénierie***	BE	7	50
Bachelor of Fine Arts***	BFA	7	50

Bachelor of Laws***	LLB	7	50
Bachelor of Pharmacy / Baccalauréat en Pharmacie***	BP	7	50
Bachelor of Science in Pharmacy / Bachelor of Science (Pharmacy) ***	BSP	7	50
Bachelor of Science with Honours Baccalauréat ès sciences Baccalaureate in Science Baccalaureus in Scientia Bachelier ès sciences Bachelière ès sciences (Honours must be stated on the award certificate)**	BSH	7	50
Bachelor of Social Work ***	BSW	7	50
Doctor of Dental Medicine	DDM	7	50
Doctor of Dental Surgery	DDS	7	50
Doctorat en Médecine Dentaire	DMD	7	50
Doctor of Medicine / Doctorat en Médecine	MD	7	50
Doctorem Medicinae et Chirurgiae Magistrum	DMCM	7	50
Doctor of Veterinary Medicine / Doctorat en Médecine Vétérinaire	DVM	7	50
Maître en (Speciality) Maîtresse en (Speciality) Maîtrise en (Speciality) Maîtrise en (Speciality) avec mémoire Maîtrise ès Sciences	M	8	50
Maîtrise professionnelle en (Speciality)	Requires assessment by NZQA		
Master of Arts	MA	8	50
Master of Education	MEd	8	50
Master of Science	MS	8	50

* Abbreviations used are for the purpose of this list only.

** Honours on the award certificate may be stated as 'Honours', '(Honours)', 'with Honours' or 'Honours Bachelor of' and may be spelt as 'honors'.

***These degrees are acceptable when awarded with or without honours

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language. French language universities may award qualification certificates in French, while McGill University, the University of New Brunswick, and the University of Saskatchewan may award qualification certificates in Latin. In these instances translated copies from the University must also be presented.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications that contain cross-credited courses or papers
- All initial teacher training degrees
- All qualifications awarded after 2019

Awarding Institutions Table

Institution	Qualification awarded from or between dates
Brock University	BAH, BSH, MA and MS: 1984 BBA: 1994
Carleton University	BAH, BSH, MA and MS: 1984 BE: 1989 BSW: 1994
Concordia University / Université Concordia	BAH, BC, BSH, MA and MS: 1984 BE: 1989
Dalhousie University	BAH, BSH, BSP, DDS, MD, MA and MS: 1984 BC and BSW: 1994 BE: 1997 LLB: 1984–2010
Lakehead University	BAH, BSH, BSW, MA and MS: 1984 BC and BFA: 1994 BE: 1989
Laurentian University / Université Laurentienne	BAH, BE, BSH and M: 2008
McGill University / Universitatis McGill	BAH, BCL, BSH, DMCM, MA and MS: 1984 BC: 1994 BE: 1989 DDM: 2000 DDS: 1984–2000
McMaster University	BAH, BSH, MD, MA and MS: 1984 BC: 1994 BE: 1989
Memorial University of Newfoundland	BAH, BSH, MD, MA and MS: 1984 BE: 1989 BFA: 1994 BSP: 1990

Nipissing University	BAH, BBA, BFA, BSH, BSW, MA and MS: 2016
Queen's University at Kingston	BAH, BSH, MD, MA and MS: 1984 BC: 1994 BE: 1989 LLB: 1984–2008
Royal Military College of Canada	BAH, BE, BSH, MA and MS: 2012
Ryerson University	BAH, BAS, BC, BFA, BSH, MA and MS: 2010
Saint Mary's University (Nova Scotia)	BAH, BC, BSH, MA and MS: 2015
Simon Fraser University	BAS, BAH, BBA, BFA, BSH, MA and MS: 1995
Trent University	BAH, BBA, BSH, BSW, MA, and MS: 2010
Université de Moncton	Bdr, BAH, BE, BSH and M: 1994
Université de Montréal	BACH, Bdr, BE, DMD, MD, DVM and M: 1984
Université de Sherbrooke	BACH, MD and M: 1984 BE: 1989
Université Laval	Bdr, MD, DMD and M: 1984 BE: 1989
The University of Alberta	BAH, BSP, BSH, DDS, MD, MA and MS: 1984 BE: 1989 LLB: 1984–2011
The University of British Columbia	BAS: 1989 BAH, BSH, DDM, MD, MA and MS: 1984 BC: 1994 LLB: 1984–2010 BSP: 1984–2018
The University of Calgary	BAH, BSH, MD, MA and MS: 1984 BC and BSW: 1994 BE: 1989 LLB: 1984–2009 DVM: 2012
The University of Guelph	BAH, BSH, DVM, MA and MS: 1984 BC: 1994 BE: 1989
University of Lethbridge	BFA, MA and MS: 2010
The University of Manitoba	BSE: 1989 BAH, BE, BSH, BSP, DDM, MD, MA and MS: 1989

	BC, BFA and BSW: 1994 LLB: 1989–2011
University of New Brunswick / Universitas Novi Brunsviri	BAH, BSH, MA, MEd and MS: 1984 BBA: 1994 BE: 1989 LLB: 1984–2014
University of Northern British Columbia	BAS: 2017 MA, MEd and MS: 2012
University of Ontario Institute of Technology	BAH, BC, BE, BSH, MA, MEd and MS: 2015
University of Ottawa / Université d'Ottawa	BAS: 1989 BAH, BSH, MD, MA and MS: 1984 LLB: 1984–2010
University of Prince Edward Island	BAH, BBA, BSH, DVM, MA, MEd and MS: 2015
University of Regina	BAS: 1989 BAH, BSH, MA, MEd and MS: 1984 BBA: 2008
University of Saskatchewan / Universitas Saskatchewanensis	BAH, BSH, DDM, MD, DVM, MA and MS: 1984 BC: 1994 BE: 1989 LLB: 1984–2010 BSP: 1991–2018
University of Toronto	BAS: 1989 BAH and BSH: 2006 BBA: 2002 BC: 1994 LLB: 1984–2001 BSP: 1984–2014 DDS, MD, MA and MS: 1984
University of Victoria	BAH, BSH, MA and MS: 1984 BC, BSW and MEd: 1994 BE: 1989 LLB: 1984–2010
The University of Waterloo	BAS: 1989 BAH, BSH, MA and MS: 1984
The University of Western Ontario	BAH, BSH, DDS, MD, MA and MS: 1984 BE: 1989 LLB: 1984–2008 BSW: 1994

University of Windsor	<p>BAS: 1989</p> <p>BAH, BC, BSH, MA and MS: 1984</p> <p>LLB: 1984–2009</p> <p>BSW: 1994</p>
Wilfrid Laurier University	<p>BAH, BBA, BSH, MA and MS: 2005</p>
York University / York Université	<p>BAS: 2007–2014</p> <p>BAH, BSH, MA and MS: 1984</p> <p>BBA, BFA, BSW and MEd: 1994</p> <p>BE: 2014</p> <p>LLB: 1984–2009</p>

Germany - Craft and Trade Qualifications

The Craft and Trade qualifications in Table A may be awarded the points indicated where:

- the qualification is relevant to an occupation at ANZSCO skill level 3, 4 or 5; and
- the applicant also provides evidence of completing an apprenticeship in Table B in the same occupation.

Table A

Qualification	Level in NZQF terms	Points under SMC
<i>Awarded by a Berufsschule or Berufsfachschule</i>		
Abschlußzeugnis / Abschlusszeugnis (Leaving certificate / Certificate of completion)	4	40
Abschlußzeugnis / Abschlusszeugnis der Berufsschule (Certificate of a vocational school)		
Berufsschulabschluß / Berufsschulabschluss (Vocational school degree)		

If an applicant believes their qualification may be higher than the level stated, they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications in Table A that contain cross-credited courses or papers
- All qualifications awarded after 2018

Table B

Apprenticeship Certificates*
<p>The applicant must provide evidence of completing an apprenticeship by providing any one of the following certificates awarded between 1980 and 2018 (or the dates stated) by an Industrie- und Handelskammer (Chamber of Industry and Commerce) or a Handwerkskammer (Chamber of Crafts):</p> <ul style="list-style-type: none"> • Gesellenbrief / Gesellenbriefe (Apprenticeship / Journeyman) • Gesellenprüfung (Trade test) / Gesellenprüfungzeugnis (Trade test certificate) • Facharbeiterbrief / Facharbeiterbriefe (Craft certificate)

* An official stamp on the apprenticeship documents will state the chamber name and the German State of jurisdiction. The apprenticeship documents will always state the crafts/trade that the apprenticeship was completed in.

All German apprenticeships which meet the documents requirements stated above can be considered eligible for points. The apprenticeship may have been completed in one of the following crafts/trades:

- Backofenbauer / Backofenbauerin (Oven Builder) 1980–2006
- Beton- und Stahlbetonbauer / Beton- und Stahlbetonbauerin (Concreter) from 1980
- Bootsbauer / Bootsbauerin (Boat Builder) from 1980
- Brunnenbauer / Brunnenbauerin (Well Builder) from 1980
- Büchsenmacher / Büchsenmacherin (Gunsmith) from 1980

- Chirurgiemechaniker / Chirurgiemechanikerin (Surgical Instrument Maker) from 1989
(Chirurgiemechaniker (Surgical Instrument Maker) 1980–1989)
- Dachdecker / Dachdeckerin (Roofer) from 1981
- Dreher (Turner) 1989–2002
- Elektromaschinenbauer / Elektromaschinenbauerin (Electrical Machine Technician) 1980–2003
- Elektroniker für Maschinen und Antriebstechnik / Elektronikerin für Maschinen und Antriebstechnik
(Electronic Technician for Machines and Drive Technology) from 2003
- Elektroniker / Elektronikerin (Electronics Technician) from 2003
- Estrichleger / Estrichlegerin (Floor Layer / Screeder) from 1980
- Feinwerkmechaniker / Feinwerkmechanikerin (Precision Machinist) from 2002 (Feinmechaniker /
Feinmechanikerin (Precision Machinist) 1980–2002)
- Fleischer / Fleischerin (Butcher) from 1983
- Friseur / Friseurin (Hairdresser) from 1980
- Gerüstbauer / Gerüstbauerin (Scaffolder) from 1990
- Glasapparatebauer / Glasapparatebauerin (Glass Apparatus Maker) from 1983
- Glaser / Glaserin (Glazier) from 1980
- Karosserie- und Fahrzeugbaumechaniker / Karosserie- und Fahrzeugbaumechanikerin (Motor
Vehicle Construction Mechanic) from 2003
- Karosserie- und Fahrzeugbauer / Karosserie- und Fahrzeugbauerin (Automotive Technician /
Bodywork) 1989–2003
- Konditor / Konditorin (Pastry Chef) from 1980
- Konstruktionsmechaniker / Konstruktionsmechanikerin (Construction Mechanic) from 1987
- Kraftfahrzeugmechatroniker / Kraftfahrzeugmechatronikerin (Motor Vehicle Mechatronics
Technician) from 2003
- Landmaschinenmechaniker / Landmaschinenmechanikerin (Mechanic for Agricultural and
Construction Machinery) 1980–2003
- Maler und Lackierer / Maler und Lackiererin (Painter and Varnisher) from 1980
- Maurer / Maurerin (Mason) from 1980
- Maschinenbaumechaniker / Maschinenbaumechanikerin (Engineering Mechanics) 1989–2002
- Mechatroniker für Kältetechnik / Mechatronikerin für Kältetechnik (Refrigeration Mechanic) from
2007 (Kälteanlagenbauer / Kälteanlagenbauerin (Refrigeration Mechanic) 1980–2007)
- Metallbauer / Metallbauerin (Metal worker) from 1989
- Ofen- und Luftheizungsbauer / Ofen- und Luftheizungsbauerin (Builder of Stoves and Air Heating
Systems) from 2006
- Parkettleger (FLOORER) from 1980
- Schornsteinfeger / Schornsteinfegerin (Chimney Sweep) from 1980
- Seiler (Ropemaker) from 1980
- Schiffbauer/ Schiffbauerin (Shipfitter/ Shipbuilder/ Shipwright) 1980–1987
- Steinmetz und Steinbildhauer / Steinmetzin und Steinbildhauerin (Stonemason) from 1983

- Straßenbauer / Straßenbauerin (Road Builder) from 1980
- Stuckateur / Stuckateurin (Plasterer) from 1980
- Tischler / Tischlerin (Joiner) from 1997 (Tischler (Joiner) 1980–1997)
- Vulkaniseur und Reifenmechaniker (Mechanic for Tyres and Vulcanisation) 1981–2004
- Wärme-, Kälte- und Schallschutzisolierer / Wärme-, Kälte- und Schallschutzisoliererin (Thermal and Noise Insulation Fitter) from 1980
- Werkzeugmechaniker / Werkzeugmechanikerin (Toolmaker) from 1987
- Zimmerer / Zimmerin (Carpenter) from 1980
- Zweiradmechaniker / Zweiradmechanikerin (Motorbike and Bicycle Mechanic) from 1989

Hungary

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from the year listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification	Abbreviation*	Level in NZQF terms	Points under SMC
Alapfokozat / Alapkepzes (Bachelor of Arts or Bachelor of Science)	BA / BS	7	50
Doctor of Philosophy (PhD)	D	10	70
Doctor of Liberal Arts (DLA)	DLA	10	70

*Abbreviations used are for the purpose of this list only.

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language for all qualifications.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications that contain cross-credited courses or papers
- All initial teacher training degrees
- All qualifications awarded after 2018

Awarding Institutions Table

Institution	Qualification awarded from
<i>Previous names and dates of change are indicated in brackets.</i>	
Állatorvostudományi Egyetem	D: 2016
Budapesti Corvinus Egyetem	BA and BS: 2009 D: 2004
Budapesti Műszaki és Gazdaságtudományi Egyetem	BS: 2009 D: 2004 DLA: 2016
Debreceni Egyetem	BA and BS: 2009 D: 2000
Debreceni Református Hittudományi Egyetem	BA and D: 2009
Eötvös Loránd Tudományegyetem	BA and BS: 2009 D: 1999

Evangélikus Hittudományi Egyetem	BA and D: 2009
Kaposvári Egyetem	BA and BS: 2009 D: 2005
Károli Gáspár Református Egyetem	BA: 2009 D: 2008
Liszt Ferenc Zeneművészeti Egyetem	BA: 2009 D and DLA: 2005
Magyar Képzőművészeti Egyetem	BA: 2009 DLA: 2007
Miskolci Egyetem	BA and BS: 2009 D: 2000
Moholy-Nagy Művészeti Egyetem (Magyar Iparművészeti Egyetem 2003–2006)	BA: 2009 D: 2003 DLA: 2004
Nemzeti Közzolgálati Egyetem	BA, BS and D: 2018
Óbudai Egyetem	BS and D: 2017
Országos Rabbiképző-Zsidó Egyetem	BA and D: 2010
Pannon Egyetem (Veszprémi Egyetem 2000–2006)	BA and BS: 2009 D: 2000
Pázmány Péter Katolikus Egyetem	BA, BS and D: 2009
Pécsi Tudományegyetem	BA and BS: 2009 D: 2000 DLA: 2004
Semmelweis Egyetem	BS: 2009 D: 2002
Soproni Egyetem (Nyugat-magyarországi Egyetem 2003-2017)	BA and BS: 2009 D: 2003
Széchenyi István Egyetem	BA and BS: 2009 D: 2008
Szegedi Tudományegyetem	BA and BS: 2009 D: 2000
Szent István Egyetem / St Stephens University	BA and BS: 2009 D: 2002
Színház-és Filmművészeti Egyetem	BA: 2003 D and DLA: 2004
Testnevelési Egyetem, Budapest	BS and D: 2014

Indonesia

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from the year listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification**	Abbreviation*	Level in NZQF terms	Points under SMC
Sarjana Strata Satu (S1) Sarjana Sarjana (S1) Sarjana (Strata 1) Sarjana Strata Satu Sarjana Strata 1 (S-1) Strata 1 (with speciality stated) Examples: Sarjana Sastra / Sarjana Pertanian / Sarjana Teknik (except Sarjana Pendidikan)	S1	7	50
Sarjana Pendidikan	Requires assessment by NZQA		
Magister Manajemen	M	8	50
Magister Sains Manajemen	MSM	8	50
Sarjana Strata Dua Sarjana Strata Dua (S2) Magister Strata II Magister (except those listed above) (with speciality stated)**	S2	9	70

* Abbreviations used are for the purposes of this list only.

** All degrees awarded from 2003 must have accreditation on the award certificate [e.g. Akreditasi Ban No. 023/BAN-PT/Ak-VII/S1/V1/2004 (Accredited by National Accreditation Board No: 023/BAN-PT/Ak- V11/S1/V1/2004)]. If the accreditation is not on the award certificate, or the accreditation is unclear, the degree must be referred to NZQA for an International Qualifications Assessment.

*** If only S2 is stated without a listed degree name on the award certificate the qualification needs to be referred to NZQA for an International Qualifications Assessment.

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language for all qualifications.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications that contain cross-credited courses or papers

- All initial teacher training degrees
- All qualifications awarded after 2019

Awarding Institutions Table

Institution	Qualification awarded from
Institut Pertanian Bogor	S1 , S2 and M: 1995
Institut Teknologi Bandung	S1 , S2 and M: 1995 MSM: 2009
Institut Teknologi Sepuluh November Surabaya	S1 and S2: 2003
Universitas Airlangga	S1 and S2: 1995 M and MSM: 2005
Universitas Brawijaya	S1 and S2: 2002 M: 2011
Universitas Diponegoro	S1 and S2: 2002
Universitas Gadjah Mada	S1, S2 and M: 1995
Universitas Hasanuddin	S1 and S2: 2000
Universitas Indonesia	S1, S2, M and MSM: 1995
Universitas Islam Negeri Sunan Kalijaga Yogyakarta	S1 and S2: 2004
Universitas Islam Negeri Syarif Hidayatullah Jakarta	S1 and S2: 2002
Universitas Negeri Jakarta	S1, M and S2: 2003
Universitas Negeri Malang	S1 and S2: 2003 MSM: 2013
Universitas Padjadjaran	S1 and S2: 1995
Universitas Pendidikan Indonesia	S2: 2012

Poland

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from the year listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification**	Abbreviation*	Level in NZQF terms	Points under SMC
Tytuł Licencjat / Licencjata Tytuł Zawodowy Licencjat / Licencjata (speciality stated)	L	7	50
Tytuł inżynier	Inz	7	50
Tytuł Magister / Magistra Tytuł Zawodowy Magister / Magistra (Speciality stated)	M	9	70
Tytuł Magister / Magistra inżynier Tytuł Zawodowy Magister / Magistra inżynier	MInz	9	70
Doktor (speciality stated)	D	10	70

* Abbreviations used are for the purpose of this list only

**Dyplom will be written at the top of all award certificates.

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications that contain cross-credited courses or papers
- All initial teacher training degrees
- All qualifications awarded after 2018

Awarding Institutions Table

Institution	Qualification awarded from
Katolicki Uniwersytet Lubelski Jana Pawła II. (Katolicki Uniwersytet Lubelski 1990-2006)	L and M: 2006 D: 1990
Politechnika Białostocka	L and Inz: 2006 M and MInz: 2008 D: 1995
Politechnika Częstochowska	L and Inz: 2009 M and MInz: 2008

	D: 1995
Politechnika Gdańska	L and Inz: 2007 M and MInz: 2011 D: 1990
Politechnika Koszalińska	L, Inz, M and MInz: 2006 D: 1996
Politechnika Krakowska im. Tadeusza Kościuszki / Tadeusz Kościuszko, Politechnika Krakowska	L and Inz: 2009 M and MInz: 2008 D: 1990
Politechnika Łódzka	L, Inz, M and MInz: 2006 D: 1990
Politechnika Lubelska	L: 2010 Inz, M and MInz: 2007 D: 1995
Politechnika Opolska	L and Inz: 2011 M and MInz: 2008 D: 1997
Politechnika Poznańska	L and Inz: 2010 M and MInz: 2009 D: 1990
Politechnika Rzeszowska im. Ignacego Łukasiewicza	L, Inz, and D: 2008 M and MInz: 2010

Politechnika Śląska	L and Inz: 2006 M and MInz: 2008 D: 1990
Politechnika Świętokrzyska	L and Inz: 2006 M and MInz: 2009 D: 1995
Politechnika Warszawska	L and Inz: 2006 M and MInz: 2007 D: 1986
Politechnika Wrocławska	L and Inz: 2011 M and MInz: 2007 D: 1990
Pomorski Uniwersytet Medyczny w Szczecinie	D: 2010
Śląski Uniwersytet Medyczny w Katowicach	L and M: 2010 D: 2007
Szkoła Główna Gospodarstwa Wiejskiego w Warszawie	L, Inz, M and MInz: 2006 D: 1990
Szkoła Główna Handlowa w Warszawie	L and M: 2007 D: 1991
Uniwersytet Ekonomiczny w Katowicach	L, M, and D: 2010

Uniwersytet Ekonomiczny w Krakowie	L, M, and D: 2007
Uniwersytet Ekonomiczny w Poznaniu	L, M, and D: 2008
Uniwersytet Ekonomiczny we Wrocławiu	L, M, and D: 2008
Uniwersytet Gdański	L: 2008 M: 2005 D: 1990
Uniwersytet Jana Kochanowskiego w Kielcach	L, Inz, M, MInz and D: 2011
Uniwersytet im. Adama Mickiewicza w Poznaniu	L, Inz, M and MInz: 2005 D: 1990
Uniwersytet Jagielloński w Krakowie	L, Inz, M and MInz: 2006 D: 1990
Uniwersytet Kardynała Stefana Wyszyńskiego w Warszawie	L, Inz, M and MInz: 2007 D: 1999
Uniwersytet Kazimierza Wielkiego w Bydgoszczy	L, Inz, M, MInz and D: 2005
Uniwersytet Łódzki	L, Inz, M and MInz: 2006 D: 1990
Uniwersytet Łódzki	L, Inz, M and MInz: 2006 D: 1990
Uniwersytet Marii Curie-Skłodowskiej w Lublinie	L, Inz, M and MInz: 2006 D: 1990
Uniwersytet Medyczny im. Karola Marcinkowskiego w Poznaniu / Uniwersytet Medyczny w Poznaniu	L: 2012 D: 2007
Uniwersytet Medyczny im. Piastów Śląskich we Wrocławiu / Wrocławski Uniwersytet Medyczny	D: 2012
Uniwersytet Medyczny w Białymstoku	D: 2008
Uniwersytet Medyczny w Łodzi	D: 2002
Uniwersytet Medyczny w Lublinie	D: 2008
Uniwersytet Mikołaja Kopernika w Toruniu	L and Inz: 2006 M and MInz: 2007 D: 2004
Uniwersytet Opolski	L, Inz and M: 2006 D: 2003
Uniwersytet Przyrodniczo-Humanistyczny w Siedlcach	L, Inz, M, MInz and D: 2010
Uniwersytet Przyrodniczy w Lublinie	L, Inz, M, MInz and D: 2008

Uniwersytet Przyrodniczy w Poznaniu	L, Inz, M, MInz and D: 2008
Uniwersytet Przyrodniczy we Wrocławiu	L, Inz, M, MInz and D: 2006
Uniwersytet Rolniczy im. Hugona Kołłątaja w Krakowie	L and Inz: 2009 M, MInz and D: 2008
Uniwersytet Rzeszowski	L and M: 2006 D: 2001
Uniwersytet Śląski w Katowicach	L, Inz and M: 2006 D: 90
Uniwersytet Szczeciński	L, Inz, M and MInz: 2006 D: 1995
Uniwersytet Technologiczno - Humanistyczny im. Kazimierza Pułaskiego w Radomiu	L, Inz, M, MInz and D: 2012
Uniwersytet Technologiczno-Przyrodniczy im. Jana i Jędrzeja Śniadeckich w Bydgoszczy / Uniwersytet Technologiczno-Przyrodniczy w Bydgoszczy	L and Inz: 2008 M and MInz: 2009 D: 2006
Uniwersytet w Białymstoku	D: 2000
Uniwersytet Warmińsko-Mazurski w Olsztynie	L, Inz, M and MInz: 2006 D: 1999
Uniwersytet Warszawski	L: 2004 M: 2006 D: 1990
Uniwersytet Wrocławski	L and M: 2006 D: 1990
Uniwersytet Zielonogórski	L and Inz: 2009 M and MInz: 2006 D: 2003
Warszawski Uniwersytet Medyczny / Uniwersytet Medyczny w Warszawie	D: 2008
Zachodniopomorski Uniwersytet Technologiczny w Szczecinie	L, Inz, M, MInz and D: 2009

Singapore

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from or within the year range listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification	Abbreviation*	Level in NZQF terms	Points under SMC
Bachelor of Accountancy**	BAC	7	50
Bachelor of Applied Science**	BAS	7	50
Bachelor of Arts**	BA	7	50
Bachelor of Arts (Education) with or without Honours (all specialities)	Requires assessment by NZQA		
Bachelor of Business**	BB	7	50
Bachelor of Business Administration**	BBA	7	50
Bachelor of Business Management**	BBM	7	50
Bachelor of Communications**	BCM	7	50
Bachelor of Communication Studies**	BCst	7	50
Bachelor of Computing (Computer Science)**	BCP	7	50
Bachelor of Counselling**	BCO	7	50
Bachelor of Dental Surgery**	BDS	7	50
Bachelor of Engineering**	BE	7	50
Bachelor of Fine Arts**	BFA	7	50
Bachelor of Human Resource Management**	BHRM	7	50
Bachelor of Laws**	LLB	7	50
Bachelor of Medicine, Bachelor of Surgery**	MD	7	50
Bachelor of Music**	BMus	7	50
Bachelor of Science**	BS	7	50
Bachelor of Science (Education) with or without Honours (all specialities)	Requires assessment by NZQA		
Bachelor of Social Sciences**	BSS	7	50

Bachelor of Social Work**	BSW	7	50
Bachelor of Technology**	BT	7	50
Masters degree (Except as listed below)	M	8	50
Master of Applied Research in Social Sciences	MAR	9	70
Master of Applied Science	MAS	9	70
Master of Communication Studies	MCSt	9	70
Master of Engineering	ME	9	70
Master of Philosophy	MP	9	70
Master of Science (a speciality may be stated)	MS	9	70
Master of Social Science (a speciality may be stated)	MSS	9	70
Doctor of Philosophy (PhD)	PhD	10	70

*Abbreviations used are for the purpose of this list only.

**All Bachelor degrees must be awarded with honours. Honours may be stated as a class of Honours.

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees
- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All listed qualifications that contain cross-credited courses or papers
- All initial teaching degrees
- All qualifications awarded after 2018

Awarding Institutions Table

Institutions	Qualification awarded from or between dates
Oh Nanyang Technological University	BA: 2008 BAC, BB, M and PhD: 1994 BAS: 1994–2000 BCSt: 1996 BE and BS: 2006 BFA: 2009 MD: 2018 MAS: 1994–2011 MCSt: 1996–2011 ME: 1994
National University of Singapore (The National	BA, BBA, BDS, LLB, MD, BS, BSS, M, MSS and PhD: 1984

University of Singapore 1980–2001)	BCP: 2001 BAS: 2002 BE: 2006 BMus: 2007 BT: 1999 ME: 1992
Singapore Management University	BAC, BBM, LLB, BS, BSS, M and PhD: 2015 MP: 2018
Singapore University of Social Sciences	BAC, BA, BCM, BCO, BE, BHR, BS, BSW, M, MAR, ME and PhD: 2018
Singapore University of Technology and Design	BE, BS, ME, MS and PhD: 2018

Sweden

A qualification is exempt from assessment and qualifies for the indicated points if:

- the qualification is listed in the Academic Qualifications Table; and
- the awarding institution is listed in the Awarding Institutions Table; and
- the qualification abbreviation is listed in the right-hand column in the Awarding Institutions Table; and
- the qualification was awarded from the year listed in the right-hand column in the Awarding Institutions Table; and
- the qualification is not excluded by the notes listed under the Academic Qualifications Table.

Academic Qualifications Table

Qualification	Abbreviation*	Level in NZQF terms	Points under SMC
Kandidatexamen** (Filosofie, Ekonomi, Naturvetenskaplig, Politices, Teknologie, or Teologie will be stated before Kandidatexamen on the award certificate)	K	7	50
Konstnärlig kandidatexamen**	KK	7	50
Civilingenjörsexamen**	CX	9	70
Magisterexamen and Konstnärlig Magisterexam	Requires assessment by NZQA		
Masterexamen** (Filosofie, Ekonomi, Politices, Teknologie, or Teologie will be stated before Masterexamen on the award certificate)	M	9	70
Konstnärlig masterexamen**	KM	9	70
Licentiatexamen***	L	9	70
Konstnärlig licentiatexamen**	KL	9	70
Doktorsexamen***	D	10	70
Konstnärlig doktorsexamen**	KD	10	70

*Abbreviations used are for the purpose of this list only.

** A speciality may also be stated after the qualification name.

***Filosofie, Ekonomi, Politices, Teknologie, or Teologie generally appear before Licentiatexamen or Doktorsexamen. Some Doktorsexamen may state the speciality after the qualification name. (e.g. Doktorsexamen i Odontologi)

If an applicant believes their qualification may be higher than the level stated they should apply to NZQA for an International Qualifications Assessment.

Note:

Award certificates must be provided in their original language for all qualifications. Translations should not be used to determine degree names.

The following must be referred to NZQA for an International Qualifications Assessment:

- All honorary degrees

- All listed qualifications where study was completed at any institution outside of the country, including any overseas campuses of any listed awarding institution
- All initial teacher training degrees
- All listed qualifications that contain cross-credited courses or papers
- All initial teacher training degrees
- All qualifications awarded after 2018

Awarding Institutions Table

Institution <i>Previous names and dates of change are indicated in brackets.</i>	Qualifications awarded from
Blekinge Tekniska Högskola / BTH	CX, M, L and D: 2017
Chalmers / Chalmers Tekniska Högskola / Chalmers University of Technology	K: 1999 CX: 2012 M: 2009 L: 2004 D: 1993
Göteborgs Universitet	K: 1999 KK: 2010 M: 2009 KM: 2009 L: 2004 KL: 2012 D: 1993 KD: 2014
Handelshögskolan i Stockholm	K: 2011 M: 2010 L: 2004 D: 1993
Jönköping University	K, CX, M, L and D: 2017
Karlstad Universitet	K, L and D: 2005 CX: 2012 M: 2009
Karolinska Institutet	K: 1999 M: 2009 L: 2004 D: 1997
KTH / Kungliga Tekniska Högskolan (Kungl Tekniska Högskolan 1993–2003)	K: 1999 CX: 2012 M: 2009

	L: 2004 D: 1993
Linköpings Universitet (Universitetet i Linköping 1993–1995)	K: 1999 M: 2009 L: 2004 D: 1993
Linnéuniversitetet	K, L, M and D: 2010
Luleå Tekniska Universitet	K and D: 2003 L: 2004 CX: 2012 M: 2009
Lunds Universitet / Lunds Tekniska Högskola	K: 19969 KK: 2010 CX: 2012 M: 2009 KM: 2009 L: 2004 KL: 2012 D: 1993 KD: 2014
Mittuniversitetet / Mid Sweden University	K, M, L, and D: 2008 CX: 2012
Örebro Universitet	K, M, L, and D: 2004 KK: 2015
Stockholms Universitet	K: 19969 M: 2009 L: 2004 D: 1993
Sveriges Lantbruksuniversitet	K: 19969 CX: 2012 M: 2009 L: 2004 D: 1993
Umeå Universitet	K: 19969 CX: 2012 M: 2009

	L: 2004 D: 1993
Uppsala Universitet	K: 19969 CX: 2012 M: 2009 L: 2004 D: 1993

A16.2 Operational instruction: exercise of discretionary powers...

Note: The operational instructions contained in this section of the Operational Manual do not constitute immigration instructions as described in section 22 of the Immigration Act 2009.

A16.2.1 Introduction

- a. This Operational Instruction provides guidance to immigration officers concerning the continuing treatment of persons claiming refugee or protection status on arrival at the border, including in a mass arrival context. In particular, it is intended to inform decisions made by immigration officers at the border and whether to detain or otherwise restrict the freedom of movement of persons claiming refugee or protection status. It rescinds previous operational instructions and internal administration circulars on this subject.
- b. The overriding principle behind the Operational Instruction is that, if freedom of movement of persons claiming refugee or protection status at the border is to be restricted at all, then it should be restricted to the least degree and for the shortest duration possible. Particular care must be given in any decision involving women (particularly pregnant women and adolescent girls), children and members of other vulnerable groups.
- c. The Operational Instruction has been drafted having regard to the UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers (February 1999), and the Court of Appeal's 16 April 2003 decision in *Refugee Council and Ors v AG*.
- d. The Operational Instruction will be incorporated into the INZ Operational Manual and the Compliance Staff Toolkit.

A16.2.5 Background

- a. The Immigration Act 2009 contains discretionary powers that may be exercised by immigration officers in relation to non-New Zealand citizens or residents arriving at New Zealand's border. The spectrum of responses ranges from the grant of a temporary visa and/or entry permission to New Zealand to detention in a penal institution until departure from New Zealand can be arranged on the first available flight. In all cases, a decision to detain in a penal institution rather than any lesser form of restriction on the freedom of movement of a refugee or protection claimant is to be made only after all other alternatives have been excluded.
- b. The full range of possible responses are as follows:
 - i. The grant of a visa under section 45 and/or entry permission under section 107 of the Immigration Act 2009 where the person is able to lodge an application in accordance with section 79 of the Immigration Act 2009 (i.e. they hold a valid visa or have arrived under a visa waiver);
 - ii. The grant of a visa under section 61 of the Immigration Act 2009 where the person is not able to lodge an application;
 - iii. Release into the community on residence and reporting requirements under section 315 of the Immigration Act 2009 without the grant of a visa and without initially detaining the person under section 313 of the Immigration Act 2009;
 - iv. Initial detention under section 313 of the Immigration Act 2009 for the purpose of release into the community on conditions under section 320 Immigration Act 2009;
 - v. Initial detention under section 313 of the Immigration Act 2009 for the purpose of obtaining a warrant for further detention in an approved premises under section 317 of the Immigration Act 2009;
 - vi. Initial detention under section 313 of the Immigration Act 2009 for the purpose of obtaining a warrant for further detention in a penal institution under section 317 of the Immigration Act 2009.
- c. The response chosen will take into account the individual circumstances of the person presenting at the border. In the case of a group arrival in New Zealand, all the circumstances surrounding its arrival will be considered. The responses are not static. It may be appropriate, throughout the duration of a person's presence in New Zealand, for an immigration officer to revisit the case to ensure that their decision remains appropriate in view of any changed circumstances (including the simple passage of time). This is particularly important where a person remains subject to restrictions on their freedom of movement (including being released on conditions). Those restrictions must continue to be able to be justified as necessary. It may, for example, be appropriate for a person initially detained in a penal institution to be moved to an approved premises. A person detained at an approved premises may be released on conditions or released into the community with a temporary visa. It may be appropriate for a person previously released on conditions to be taken back into custody to be detained at an approved premises or in a penal institution.

A16.2.10 Restricting movement of refugee or protection status claimants

A16.2.10.1 Convention/Covenant Analysis

Where a person arrives in New Zealand from another country and on arrival claims refugee status under the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention), or protection status under the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) or the 1966 International Covenant on Civil and Political Rights (ICCPR), care must be exercised in determining the appropriate immigration response. This is especially important where the response involves possible detention under section 317 in a penal institution or at an approved premises. There are a number of reasons for this:

- a. Commitment to a system of asylum, as being a Party to the Refugee Convention, CAT and ICCPR entails, requires all persons claiming asylum to be treated carefully and with sensitivity at all stages of the process. This

is especially important where it is proposed that restrictions on freedom of movement be imposed, particularly restrictions involving detention;

- b. The effect of custody in a penal institution can be traumatic for some genuine claimants;
- c. Immigration officers need to have regard to the provisions of the Refugee Convention in carrying out their functions. In accordance with Article 31 of the Refugee Convention and also with the UNHCR Guidelines on Detention, it is accepted that restrictions on freedom of movement of refugees, in particular by detention (including detention of refugee status claimants), should occur only where necessary. In particular Article 31 states:

Article 31: Refugee Unlawfully in the Country of Refuge

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restriction shall only be applied until their status in the country is regularised or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period of time and all the necessary facilities to obtain admission into another country.

Therefore, not only should restrictions on freedom of movement occur only where necessary, but the level of restriction on freedom of movement should be as minimal as possible, appropriate to the circumstances of the particular case.

Section 164 provides that no person who is a refugee status claimant (or who has been recognised as a refugee) may be deported from New Zealand unless such deportation is permitted in terms of Articles 32.1 or 33 of the Refugee Convention; and, no person who is claiming protection status or is a protected person may be deported from New Zealand to a place where there is reason to believe they would be in danger of being subjected to torture, arbitrary deprivation of life or cruel treatment. Because processing claims to refugee or protection status, and appeals, may not be straightforward, claimants held in detention may be liable for detention for a considerable period of time.

A16.2.10.1.5 Restrictions on freedom of movement

There will be circumstances where restricting the movement of a person who claims refugee or protection status at the border is necessary, particularly where issues of national security or public order arise. Determining whether placing restrictions on freedom of movement (in particular, through detention) is necessary will depend on a careful assessment of all factors relevant to the arrival. This may include the extent to which that person is able to provide accurate and reliable information about their identity, whether the claim appears to be made in good faith, and the extent to which there are identified risks to national security and public order.

An assessment of any risk to public safety, security, and order will need to take account of the prevailing security situation, both in New Zealand and globally. Whether the person arrived as part of a group which arrived unlawfully, or was involved in organised smuggling of illegal migrants, may be a factor in determining whether restriction on freedom of movement (in particular detention in a penal institution) is necessary. Smuggled migrants must not, however, be automatically subject to detention.

A16.2.10.10 Judgement

- a. The necessary standard will vary according to the type of restriction on freedom of movement to be applied. The UNHCR Guidelines on Detention recognise a distinction between detention in a prison environment and accommodation at an open centre with some restrictions on freedom of movement. The Guidelines also recognise a distinction between detention and release into the community with reporting conditions. Individual immigration officers must, therefore, make judgements taking into account a cumulative set of considerations:
 - i. Immigration officers are first to consider whether any restriction at all on a refugee or protection status claimant's freedom of movement is necessary or whether the officer may **grant the claimant a visa and/or entry permission so that they may remain in the community unrestricted**.
 - ii. If a visa and/or entry permission is refused then officers are next to consider whether **monitoring of the claimant on residence and reporting requirements** can manage the identified risks.
 - iii. If release on residence and reporting requirements is not sufficient to manage the risks, then officers should consider whether the client could be **released on conditions** by a District Court.
 - iv. If the identified risks cannot be managed by this means, immigration officers are to consider whether **accommodation at the Mangere Refugee Resettlement Centre** can manage those risks.
 - v. If not then **detention in a penal institution** may be considered necessary.
- b. All decisions are based on a careful, individual assessment of the circumstances of each case, and a decision must not restrict freedom of movement more than is necessary. All decisions involving any form of restriction on freedom of movement must be lawful and in accordance with international standards. An immigration officer making a decision to restrict freedom of movement should record *all* of the matters considered in reaching the decision. All decisions to restrict the freedom of movement of a refugee or protection status claimant are also subject to built in safeguards, by way of administrative or judicial review. These review processes are described at A16.2.25.

- c. An indicative list of considerations has been drawn up to *guide* decisions by immigration officers as to whether in a particular case any restrictions on freedom of movement are necessary, and if so, the type of restriction that may be necessary. See A16.2.30.

A16.2.15 Children and young persons under 18 years of age

- a. Under the Immigration Act 2009, an immigration officer may apply a discretionary power in respect of a child or young person under 18 years of age who has (or, if accompanied, whose parent/s have) claimed refugee or protection status. In this situation, where any restriction on freedom of movement is being considered, the additional principles set out below apply. These principles are in accordance with the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum (February 1997) and the United Nations Convention on the Rights of the Child:
- i. The best interests and welfare of a child or young person shall be the primary consideration;
 - ii. A child or young person is entitled to such measures of protection as are required given their status as a minor;
 - iii. A child or young person is entitled to receive appropriate protection and humanitarian assistance in pursuing their claim to refugee or protection status;
 - iv. A child or young person is not to be separated from their parent(s) against their will, except where such separation is necessary for the best interests and welfare of the child or young person;
 - v. In the case of a child or young person under 18, there must be a responsible adult to represent their interests, in accordance with, and as defined in, section 375 of the Immigration Act 2009, before any decision regarding restrictions on that child or young person's freedom of movement is made;
 - vi. A child or young person is entitled to express their views regarding any proposed restriction on their freedom of movement, either personally or through a responsible adult. Due weight is to be given to those views having regard to the age and level of maturity and understanding of that child or young person;
 - vii. The detention of a child or young person is only to be used as a measure of last resort and for the shortest appropriate period of time; and
 - viii. A child or young person should not be detained with adults unless it is considered in that child's or young person's best interests and welfare to do so (for example if this is the only way to preserve family unity). It is recognised, however, that due to the number of suitable facilities, in some cases detention with adults will be unavoidable.
- b. On the basis of these principles, as a general rule, children and young persons under 18 years of age should not be detained, and it would only be in extenuating circumstances that their detention in a penal institution could be justified as necessary. As a general rule, an unaccompanied child or young person under 18 should not be detained. Any restriction on the freedom of movement of an unaccompanied child or young person under 18 years of age should only occur after **the Ministry for Children, Oranga Tamariki** has been involved, either in the role of responsible adult, or otherwise.
- c. As a minimum, any restriction on the freedom of movement of an accompanied or unaccompanied child (all young persons under 18 years of age) should be notified to **the Ministry for Children, Oranga Tamariki** as soon as practicable after that detention has occurred.

A16.2.20 Officers authorised to exercise discretionary powers

Only immigration officers listed in A16.2.35, (as may be amended by an Area Manager from Compliance Risk and Intelligence Services from time to time), are authorised:

- to determine whether a request that a police officer arrest and detain a person who is a refugee or protection status claimant, under section 313 of the Immigration Act 2009, is justified as necessary;
- to agree to a residence and reporting requirements agreement with a refugee or protection status claimant under section 315 of the Immigration Act 2009;
- to apply for or give consent to the release on conditions of a refugee or protection status claimant under section 320 of the Immigration Act 2009;
- to refer to a branch with a direction to grant a visa under section 61 of the Immigration Act 2009 to a claimant who has been detained and/or released on conditions.

A16.2.25 Periodic review of restrictions on freedom of movement

A16.2.25.1 Administrative review processes

- a. Any decision restricting the freedom of movement of a refugee or protection status claimant must not only be justified as necessary at the time of the decision, but that restriction must continue to be justified as necessary. Individual's circumstances can change with the passage of time. Restrictions on freedom of movement that are necessary for shorter periods of time may not meet the necessary test over a longer period.
- b. At the time of a person's arrival in New Zealand there may be limited time and information available to inform a decision that affects a claimant's freedom of movement. A more conservative approach to the guidelines set out in A16.2.30 may be appropriate. Often, further information will become available over the next 10-14 days that may be relevant to the initial decision to restrict a person's freedom of movement. This may include information regarding the identity of the claimant such as:
- i. documents and further information provided by the claimant regarding their identity;

- ii. a credibility assessment concerning identity by a refugee and protection officer following an interview of the claimant;
 - iii. information from a superintendent of a penal institution or the person in charge of the Mangere Refugee Resettlement Centre (MRRC) about the identity of a person and any identified risks that they present in terms of criminal offending, absconding or to national security and public order; and
 - iv. any relevant information provided by international agencies, the New Zealand Police or security services.
- c. For claimants in detention, a review of the grounds justifying detention should occur as soon as practical after any new evidence or information emerges about the claimant, or 14 days after detention at the latest. This is preferable to waiting until the initial 28 day period expires, when the matter will be subject to mandatory judicial review by a judge. If detention is determined at that stage to no longer be necessary, then the immigration officer must decide whether to apply for the claimant's release on conditions under section 320 of the Immigration Act 2009, or to direct that a visa be granted under section 61 of the Immigration Act 2009. Alternatively, an application for a variation of the warrant to allow the person to be transferred from a penal institution to the MRRC may be appropriate.
- d. Immigration officers should also continue to monitor the circumstances of claimants released on conditions or subject to a residence and reporting requirements agreement. A review of the appropriateness of that release should occur as soon as practical after any new evidence or information emerges or is provided about the claimant, and immigration officers should continue to monitor these cases. Where applicable, steps to vary the conditions or requirements should be taken.
- e. In conducting a review, immigration officers may obtain information about the claimant and the claim from a variety of sources, including the Refugee Status Branch (RSB) of Immigration New Zealand. Without compromising its ability to carry out a full and fair assessment of the claim, the RSB may be in a position to offer factual advice about the circumstances of the claimant (including their identity and nationality) and about the relative strength or weakness of the claim. Where the RSB has declined refugee or protection status, that fact itself may have a bearing on any review of the necessity for continued restrictions on the claimant's freedom of movement.

A16.2.25.5 Further warrants of commitment and judicial review processes

Further Warrants of Commitment

- a. The Immigration Act 2009 provides for periodic review of the detention of all persons detained under sections 317 and 323 of the Immigration Act 2009 in either a penal institution or an approved premise, regardless of whether or not they have claimed refugee or protection status.
- b. Section 317(4) states that in determining whether to issue a warrant of commitment, or whether to order the person's release on conditions, the Judge must have regard to, among other things, the need to seek an outcome that maximises compliance with the Act.
- c. Section 323(3) allows the Judge to order a person's release on conditions where a warrant of commitment is applied for, and if successful would result in the persons continuous detention for a period of more than six months, unless the person's deportation or departure is prevented by some action or inaction of the person; and no exceptional circumstances exist.
- d. It is therefore particularly important that immigration officers, when preparing the required section 316 application, present all the circumstances of the case, and that the application justifies as necessary the continued detention of the claimant in either a penal institution or the Mangere Refugee Resettlement Centre

Application for release on conditions

- a. An immigration officer may at any time apply for release on conditions of a person detained under section 317 of the Immigration Act 2009. A detainee may also apply for a variation of the warrant or release on conditions, which is ultimately a matter for the discretion of a District Court Judge.
- b. Orders for release on conditions must be made subject to particular statutory conditions (e.g. place of residence, frequency and manner of reporting), and can be made subject to other conditions the Judge thinks fit to impose. Immigration officers have a role in informing the way in which the statutory conditions are applied and in assisting in the imposition of any judicial conditions. The conditions imposed should be no more than are necessary to manage the risks associated with the claimant.

Judicial review of release on conditions

A District Court Judge may make an order for a person released on conditions to be detained under a warrant on application by an immigration officer, either due to a breach or because detention in a penal institution or approved premises is considered necessary. Where a person breaches the statutory conditions, there is a presumption of continued detention unless the person concerned can provide a reasonable excuse for the breach. An application for an order to detain under a warrant of commitment by an immigration officer must include the reasons why detention in a penal institution or at the Mangere Refugee Resettlement Centre is necessary.

Habeas corpus and judicial review

- a. Persons subject to detention under sections 317 or 323 of the Immigration Act 2009 or released on conditions under section 320 of the Immigration Act 2009 may apply at any time to the High Court for judicial review of any decision by an immigration officer or a District Court Judge to detain them or release them on conditions.

- b. Persons detained pursuant to sections 317 or 323 of the Immigration Act 2009 may also apply to the High Court in accordance with the Habeas Corpus Act to have the lawfulness of their detention determined by a High Court Judge. Such applications must be heard and determined in precedence to all other matters.

A16.2.30 Indicative list of considerations which may guide decisions about restriction on freedom of movement (at the time of their arrival and subsequently) of persons claiming refugee or protection status at the border

Any decision to impose any level of restriction on the freedom of movement of the individual, and the level of restriction of movement that is to be imposed, remains a matter for careful judgement by the officer concerned after weighing up all relevant circumstances of the case. For example, with regard to the factors listed below, the absence of valid travel documents is just one factor which may be taken into consideration when making a decision whether or not to impose any level of restriction of movement. There is no predetermined view that a claimant without valid travel documents, or whose documents have been destroyed, should be treated as high risk, as it is recognised that individuals with legitimate claims to refugee or protection status may have to resort to such measures to escape a well founded fear of persecution, torture, cruel treatment or arbitrary deprivation of life.

A critical factor, particularly in considering whether detention in a penal institution is necessary, (and in line with the UNHCR Guidelines on Detention, including the 1989 Policy and 1991 Guidelines on the Protection of Refugee Women and the 1995 Sexual Violence against Refugees: Guidelines on Prevention and Response (as updated in 2003)), is the existence of an intention to mislead the authorities of the State in which they wish to claim asylum. In all cases, a decision to detain in a penal institution rather than any lesser form of restriction on the freedom of movement of a claimant is considered only after all other alternatives have been excluded.

A16.2.15 sets out the special principles that apply in relation to decisions affecting the freedom of movement of children and young persons under 18. Special consideration is also to be given to the treatment of other vulnerable groups, including women (especially pregnant women and adolescent girls), the elderly, the disabled, and torture or trauma survivors, in line with the relevant UN human rights instruments and UNHCR guidelines.

A16.2.30.1 Considerations which may inform a decision to grant a visa and release into the community

- a. The refugee or protection status claimant has valid travel documents. There are no concerns as to the claimant's identity (including nationality) or risks to national security or public order. There are no concerns as to the claimant criminally offending or absconding (including for example, where a preliminary interview by a refugee and protection officer discloses that a claim is brought in good faith);
- b. The circumstances outlined above apply but the claimant has no valid travel documents. However there would be no delay or difficulty in obtaining such documents in the event that the claim is declined;
- c. The claimant is otherwise able to enter the community unrestricted, particularly in the case of a member of a vulnerable group including women (particularly pregnant women and adolescent girls), children, the elderly, the disabled, and torture or trauma survivors.

A16.2.30.5 Considerations which may inform a decision to release into the community on conditions or residence and reporting requirements

- a. The identity (including nationality) of a refugee or protection status claimant cannot be ascertained to the satisfaction of an immigration officer but the officer is satisfied that the claimant presents a low risk of criminal offending, absconding or otherwise posing a risk to national security and public order;
- b. A preliminary assessment of a refugee or protection status claimant's claim by a refugee and protection officer suggests that the claim may not be brought in good faith and for this reason an immigration officer cannot be satisfied that there is no real risk of the claimant absconding;
- c. A refugee or protection status claimant has no valid travel and/or identity document [and there may be delay or difficulty in obtaining those documents in the event that their claim to refugee or protection status is declined].

A16.2.30.10 Considerations which may inform a decision to require residence at Mangere Refugee Resettlement Centre

- a. The identity (including nationality) of a refugee or protection status claimant cannot be ascertained to the satisfaction of an immigration officer and the risks presented by the claimant in terms of criminal offending, absconding or to national security and public order cannot be ascertained;
- b. There is a clearly identified risk of a refugee or protection status claimant criminally offending, absconding or otherwise posing a risk to national security or public order but that risk can be managed by the claimant being required to reside at the Mangere Refugee Resettlement Centre (MRRC);
- c. A refugee or protection status claimant has arrived as part of a group of 10 or more persons who have also arrived unlawfully, and it is not appropriate for them to be released into the community on conditions;
- d. A refugee or protection status claimant has no valid travel and/or identity document and there may be delay or difficulty in obtaining those documents in the event that their claim to refugee or protection status is declined, and requiring the claimant to reside at the MRCC is otherwise necessary given the risks associated with them;
- e. A preliminary assessment of a refugee or protection claimant's claim by a refugee and protection officer suggests any refugee or protection claim is clearly not brought in good faith, or not related to the criteria for the granting of refugee status laid down in the Refugee Convention nor any other criteria justifying the granting of refugee or

protection status, and requiring the claimant to reside at the MRRC is otherwise necessary given the risks associated with them;

- f. A refugee or protection status claimant has already had a claim to refugee or protection status **substantively** declined in New Zealand, or another country that affords effective protection in a similar manner to the obligations listed in the Immigration Act 2009, and requiring the claimant to reside at the MRRC is otherwise necessary given the risks associated with them. However, if there were evidence that the claim was unfairly rejected (including new circumstances not being properly considered) this should be taken into account.

A16.2.30.15 Considerations which may inform a decision to detain in a penal institution

- a. A refugee or protection status claimant is a person to whom section 15 or 16 of the Immigration Act 2009 applies, or detention is otherwise required to protect national security or public order;
- b. There is reason to suspect that a refugee or protection status claimant is a person to whom sections 15 or 16 of the Immigration Act 2009 applies but their section 15 or 16 status cannot be immediately ascertained. This is especially in the case of a group arrival situation where there may be good reason to suspect some of those people of being involved in people smuggling;
- c. It is necessary to verify the identity of a refugee or protection status claimant where identity cannot be ascertained, particularly if identity may impact on the application of sections 15 or 16 of the Immigration Act 2009. This is especially relevant in the group arrival situation where there may be reason to suspect some of those arriving of being involved in people smuggling and the risks in failing to properly ascertain identity are high;
- d. There are strong grounds to believe that a refugee or protection status claimant has destroyed or otherwise disposed of their travel and/or identity documents with the intention of misleading Immigration New Zealand (INZ) officials as to the details of their travel and/or identity;
- e. A refugee or protection status claimant has used fraudulent documents in order to mislead INZ officials (for example the claim to refugee or protection status **follows** detection of the fraud by officials or the New Zealand Police);
- f. There is a clearly identified risk of a refugee or protection status claimant criminally offending, absconding or otherwise threatening national security and public order and that risk cannot be managed by the claimant being required to reside at the Mangere Refugee Resettlement Centre (MRRC).
- g. A preliminary assessment of a refugee or protection claimant's claim suggests the claim is clearly not brought in good faith, or not related to the criteria for the granting of refugee status laid down in the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention) nor any other criteria justifying the granting of refugee or protection status, and detention in a penal institution is otherwise necessary given the risks associated with them;
- h. A refugee or protection status claimant has already had a claim to refugee or protection status **substantively** declined in New Zealand, or another country that affords effective protection in a similar manner to the obligations listed in the Act, and the risks associated with the claimant cannot be managed by the claimant being required to reside at the MRRC. However, if there were evidence that the claim was unfairly rejected (including new circumstances not being properly considered) this should be taken into account.
- i. In the case of a group arrival, if it is expected to take INZ and other government agencies considerable time to fully investigate and determine all the circumstances and facts pertaining to the group's arrival in New Zealand. Such enquiries might include extensive enquiries both inside New Zealand, as well as in other countries, to obtain information regarding the group's origin, history, composure, movements and activities.

A16.2.35 Officers authorised to exercise discretionary powers

- a. Immigration officers who are authorised to determine whether detention in a penal institution of a person who is a refugee or protection status claimant is justified as necessary, to apply for or consent to the release on conditions of a refugee or protection status claimant from a penal institution, or to direct that a visa be granted under section 61 of the Immigration Act 2009 to a refugee or protection status claimant detained in a penal institution are:
- Assistant General Manager(s), Compliance and Border Operations, CRIS
 - **Head(s) of Operation**, Compliance Investigations, CRIS
 - **Visa** Operations Manager(s) ; Manager(s) Systems and Support, Compliance Investigations, CRIS
 - Immigration Manager(s), Border Operations, CRIS
 - Technical Specialist(s), Compliance Investigations ; Border Operations, CRIS
 - Compliance Officers (CRIS) who, as determined by the Manager(s) Systems and Support, are deemed sufficiently experienced to make this determination
 - Border Officers (CRIS), as determined by Technical Specialist(s) Border Operations, are deemed sufficiently experienced to make this determination
- b. Immigration officers who are authorised to determine whether detention at the Mangere Refugee Resettlement Centre (MRRC) of a person who is a refugee or protection status claimant is justified as necessary, or to apply for or consent to the release on conditions of a refugee or protection status claimant from the MRRC, to agree a

residence and reporting requirements agreement with a person who is a refugee or protection status claimant, or to direct the grant of a visa under section 61 of the Immigration Act 2009 to a refugee or protection status claimant detained at the MRRC are:

- those immigration officers listed in A16.2.35(a).
- c. Immigration officers who are authorised to direct the grant of a visa under section 61 of the Immigration Act 2009 to a refugee or protection status claimant who is released on conditions or is subject to a residence and reporting requirements agreement are:
- those immigration officers listed in A16.2.35(a).