27 June 2019

Immigration New Zealand Instructions: Amendment Circular No. 2019/04
To: All Manual Holders
Amendments to the Immigration New Zealand Operational Manual

Introduction
This circular outlines changes to the INZ Operational Manual. 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.
Description of changes

The following changes have been made to the INZ Operational Manual:

International Visitor Conservation and Tourism Levy (IVL)

A new section, A6.13 International Visitor Conservation and Tourism Levy (IVL), has been created to reflect the introduction of the IVL into Regulations. This section outlines who is charged an IVL and who is exempt. Areas of the operational manual where fees and the immigration levy are mentioned have also been updated to include IVL.

Electronic Travel Authority (ETA)

Section A21 Automated electronic decision making has been updated to include the automatic processing of the ETA. A new section, E12 Electronic Travel Authority (ETA), introduces the ETA, who requires an ETA, who is exempt, and the receipt and processing of ETA requests. The ETA is a mandatory requirement for certain travellers from 1 October 2019, however requests for an ETA will be allowed from July 2019 and therefore some instructions related to visa waiver travel have also been updated in anticipation of this.

Appendix 1 contains amended operational instructions effective on and after 1 July 2019. Additions to the instructions have been highlighted for ease of reference. Deletions have not been highlighted.
Appendix 1 - Amendments to operational instructions effective on and after 1 July 2019

A6.1 Application fees and levies for holders of diplomatic and official passports

Holders of diplomatic or official passports who are listed below are exempt from the requirement to pay a visa fee, immigration levy and the International Visitor Conservation and Tourism Levy (IVL).

A6.1.1 Fee, immigration levy and IVL exempt

Applicants listed below are exempt from the requirement to pay a visa fee, immigration levy and IVL, holders of diplomatic or official passports who are:

a. Diplomatic consular and official staff and accompanying dependants immune from jurisdiction under the Diplomatic Privileges and Immunity Act 1968 and the Consular Privileges and Immunity Act 1971, as confirmed by the Protocol Division of the Ministry of Foreign Affairs and Trade (see H: Special Temporary Visas).

b. Officials of government entities travelling to New Zealand to conduct business with New Zealand Ministers of the Crown or New Zealand central Government Ministries or Departments. Applicants will be required to provide evidence of the purpose of their visit.

c. Entering or transiting New Zealand en route to or returning from, a Diplomatic posting in a country other than New Zealand. Applicants will be required to provide evidence of the purpose of their visit.

d. Officials of government entities entering or transiting New Zealand en route to or returning from a third country where the purpose of the visit to that country is to conduct official government to government business. Applicants will be required to provide evidence of the purpose of their visit.

e. Individuals entering or transiting New Zealand in order to assist the operations of their Embassy or Consulate in New Zealand or elsewhere. Applicants will be required to provide evidence of the purpose of their visit.

A6.1.5 Fee and levies payable

Applicants listed below are required to pay the appropriate visa fee, immigration levy and IVL:

a. Holders of diplomatic and official passports who are visiting or transiting New Zealand for the purposes of tourism or private business.

b. Holders of diplomatic and official passports who are visiting New Zealand for the purposes of official business, but who are not conducting business with New Zealand Ministers of the Crown or New Zealand central Government Ministries/Departments.

Note: Diplomats and officials from countries with which New Zealand has a visa waiver agreement (see E2.1), do not need to apply for a visa to travel for the purposes outlined in this section; however may be required to hold an Electronic Travel Authority from 1 October 2019 (see E12).
A6.5 Bilateral fee waivers

a. New Zealand has bilateral fee waiver agreements with several countries. These agreements were set up to facilitate and recognise New Zealand’s international relationships and obligations. The fee waivers do not apply to the [electronic travel authority](#), English language fee, transfer fee (where a visa stamp or label is transferred from one passport or certificate of identity to another) or the [International Visitor Conservation and Tourism Levy](#). Until further notice, visa fees for citizens of the following countries should be waived as specified below.

b. The principal applicant for a visa specified below is exempt from paying the immigration levy (see A6.11.20).

<table>
<thead>
<tr>
<th>Country</th>
<th>Type of Visa/Endorsement/Condition</th>
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<tbody>
<tr>
<td>AUSTRIA</td>
<td>Offshore applications for a:</td>
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<td>• residence class visa</td>
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<td>• visitor visa.</td>
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<td>Onshore and offshore applications for a:</td>
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<td>• variation of travel conditions on a resident visa</td>
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<td>• permanent resident visa</td>
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<td>• second or subsequent resident visa</td>
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<td>• endorsement indicating New Zealand citizenship</td>
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<td>• variation of travel conditions on a visitor visa.</td>
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<tr>
<td>FINLAND</td>
<td>Onshore and offshore applications for any type of visa, endorsement or variation of travel conditions (except transfers).</td>
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<tr>
<td>GREECE</td>
<td>Offshore applications for a visitor visa.</td>
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<td>Onshore and offshore applications for a:</td>
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<td>• variation of travel conditions on a visitor visa.</td>
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<td>ICELAND</td>
<td>Onshore and offshore applications for any type of visa, endorsement or variation of travel conditions (except transfers).</td>
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<td>ISRAEL</td>
<td>Offshore applications for a visitor visa.</td>
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<td>Onshore and offshore applications for a:</td>
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<td>• endorsement indicating New Zealand citizenship</td>
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<td>• variation of travel conditions on a visitor visa.</td>
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<td>ITALY</td>
<td>Offshore applications for a visitor visa.</td>
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<td>Onshore and offshore applications for a:</td>
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<td>• variation of travel conditions on a resident visa</td>
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<td>• endorsement indicating New Zealand citizenship</td>
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<td>• variation of travel conditions on a visitor visa.</td>
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<td>JAPAN</td>
<td>Offshore applications for any type of visa, endorsement or travel condition (except transfers).</td>
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<td>• variation of travel conditions on a resident visa</td>
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<td>• endorsement indicating New Zealand citizenship</td>
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<td>• variation of travel conditions on a temporary visa.</td>
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<td>MEXICO</td>
<td>Offshore applications for a:</td>
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<td>• visitor visa</td>
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<td>Country</td>
<td>Offshore Applications for a:</td>
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<tr>
<td>PHILIPPINES</td>
<td>visitor visa (for visits not exceeding 59 days)</td>
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<td>student visa (for visits not exceeding 59 days).</td>
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<td>RUSSIA</td>
<td>visitor visa</td>
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<td>TURKEY</td>
<td>visitor visa</td>
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<td>USA</td>
<td>visitor visa</td>
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<tr>
<th>Country</th>
<th>Onshore Applications for a:</th>
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<tr>
<td>PHILIPPINES</td>
<td>variation of travel conditions on a visitor visa (where the visitor visa does not exceed 59 days)</td>
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<td>variation of travel conditions on a student visa (where the student visa does not exceed 59 days).</td>
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<tr>
<td>RUSSIA</td>
<td>variation of travel conditions on a visitor visa (where period of stay does not exceed three months).</td>
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<tr>
<td>TURKEY</td>
<td>variation of travel conditions on a resident visa</td>
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<td>permanent resident visa</td>
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<td></td>
<td>second or subsequent resident visa</td>
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<td>endorsement indicating New Zealand citizenship</td>
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<td></td>
<td>variation of travel conditions on a visitor visa.</td>
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<tr>
<td>USA</td>
<td>variation of travel conditions on a visitor visa</td>
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<td></td>
<td>variation of travel conditions on a work visa</td>
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<tr>
<td></td>
<td>variation of travel conditions on a student visa.</td>
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</tbody>
</table>
A6.13 International Visitor Conservation and Tourism Levy (IVL)

A6.13.1 Objective

See also Immigration Act s 399A

The IVL is collected by INZ on behalf of the Crown. The purpose of the IVL is to fund, or contribute to the funding of conservation, infrastructure used for tourism (including the cost of operating the infrastructure) and other initiatives related to tourism.

A6.13.5 Who must pay the IVL

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 26AAD

Each person applying, or who is included in an application, for a temporary entry class visa (outside of an immigration control area) or who requests a traveller electronic travel authority (ETA) is required to pay the IVL unless exempt.

A6.13.10 IVL payable to INZ when making an application for a visa or ETA request

a. The Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 prescribe when an IVL is payable to INZ and the amount payable.

b. An IVL is payable:
   i. at the time an application for a visa is made to INZ or its agents; or
   ii. at the time a request for an ETA is made.

A6.13.15 Exempt from IVL

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 26AAE

The following people are exempt from paying the IVL:

a. A person applying under the Special Category for Victims of People Trafficking; or

b. A person applying under Skilled Migrant Category Job Search instructions; or

c. A diplomatic, consular or official staff or their domestic staff; or

d. A claimant, refugee, or protected person; or

e. A person applying as the partner or dependent child of an NZ citizen, visa holder or applicant for a visa; or

f. A child travelling to New Zealand for the purpose of adoption; or

g. A person travelling on a United Nations Laissez passer; or

h. A military person or crew member of a military craft travelling in the ordinary course of their duty or employment; or

i. A person travelling to New Zealand for medical consultation or treatment; or

j. A person escorting someone outlined in (i) above; or

k. A person associated with a Contracting Party to the Antarctic Treaty; or

l. A person who is positioning crew; or

m. A person applying for one of the following visas:
   i. Business visitor visa
   ii. Student visa supported by a scholarship from MFAT
   iii. China Special Work
   iv. China Skilled Worker
   v. Philippines Special Work
   vi. Vietnam Special Work
   vii. Indonesia Special Work
   viii. Interpreter from Japan
   ix. Thai Chef
   x. Essential Skills
   xi. Supplementary Seasonal Employer
   xii. Recognised Seasonal Employer
   xiii. Silver Fern Practical Experience
   xiv. Post-Study work visa
   xv. Pathway student visa
   xvi. Foreign Crew of Fishing Vessel
xvii. A work visa on the basis of which its holder may subsequently apply for a residence class visa (work to residence visa); or

n. A citizen of one of the following countries:
   i. American Samoa
   ii. Cook Islands
   iii. Fiji
   iv. Kiribati
   v. Republic of Marshall Islands
   vi. Federated States of Micronesia
   vii. Nauru
   viii. Niue
   ix. Palau
   x. Papua New Guinea
   xi. Pitcairn Islands
   xii. Samoa
   xiii. Solomon Islands
   xiv. Tonga
   xv. Tuvalu
   xvi. Vanuatu; or

0. Australian citizens and permanent residents.
A21 Automated electronic decision making

See also Immigration Act 2009 s 28

a. An automated electronic system that applies criteria predetermined in accordance with immigration instructions may be used to:
   i. rank an expression of interest
   ii. process, grant, or refuse to grant an invitation to apply for a visa
   iii. process an application for, grant (with or without conditions), or refuse to grant a visa
   iv. process an application for, grant, or refuse to grant entry permission.

b. An automated electronic system may be used to:
   i. process, grant (with or without conditions), or refuse to grant an interim visa; and
   ii. process, accept or refuse a request by a person seeking to rely on a visa waiver.
R2.60 Payment of the fee and immigration levy

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

a. Principal applicants must pay the fee specified for that type of application at the time the application is lodged, unless:
   i. the fee is waived by special direction by an appropriately delegated officer (see A15.5); or
   ii. the principal applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see A6.5); or
   iii. the applicant is exempt from paying the application fee.

b. Principal applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:
   i. the immigration levy is waived by special direction by an appropriately delegated officer (see A15.5); or
   ii. the principal applicant is exempt from paying the immigration levy (see A6.11).

c. A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or MFAT post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.

d. The fee payable for an application is determined by the principal applicant's country of citizenship.

e. If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.

f. If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant's citizenship.

g. Fees and the immigration levy may be paid for by bank cheque, as well as by money order (from registered banks), credit card or EFTPOS, if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.

h. Cash is not an acceptable form of payment, unless accepted by special direction by an appropriately delegated officer (see A15.5).

i. Bank cheques for applications lodged at INZ offices in New Zealand should be made out to ‘Immigration New Zealand’.
E2.1 People to whom a visa waiver applies

See also Immigration Act 2009, ss 4, 69

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Part 4A, and Schedule 2

A visa waiver means a waiver of the requirement to hold a visa permitting travel to New Zealand in relation to any class of persons. From 1 October 2019, a person travelling to New Zealand visa waiver is required to hold an Electronic Travel Authority (ETA) unless exempt (see E12 Electronic Travel Authority); a visa waiver applies to, but is not limited to, the following people:

a. citizens of the Commonwealth of Australia; and

b. people who hold:
   i. a current permanent residence visa issued by the Government of Australia; or
   ii. a current resident return visa issued by the Government of Australia; and

c. people granted a visa waiver by special direction; and

d. members of a visiting force (including members of the civilian component of the visiting force) but only if:
   i. each person is travelling to New Zealand in the ordinary course of the person’s duty or employment; and
   ii. each person is seeking a temporary entry class visa at an immigration control area; and
   iii. the craft transporting the visiting force is a commercial craft; and

e. members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or any person to whom section 5 of that Act applies, but only if:
   i. the person concerned is seeking a temporary entry class visa; and
   ii. the application is made at an immigration control area; and

f. Cruise ship passengers (from 1 October 2019 onwards); and

g. Cruise ship crew travelling in the ordinary course of business of the ship (from 1 October 2019 onwards); and

h. Positioning cruise ship crew (from 1 October 2019 onwards); and

i. Aircraft crew of an aircraft on a flight between any other country and New Zealand in the course of a scheduled international service (from 1 October 2019 onwards); and

j. Positioning aircraft crew (from 1 October 2019 onwards); and

k. British citizens, and other British passport holders who produce evidence of the right to reside permanently in the United Kingdom, but only if the person concerned is seeking a visitor visa current for not more than six months and the purposes of the visit do not include medical consultation or treatment; and

l. people travelling on a United Nations (UN) laissez-passer who are seeking a visitor visa current for not more than three months; and

m. any other class of persons specified in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010; and

n. citizens of the following countries, but only if the person concerned is seeking a visitor visa current for not more than three months and the purposes of the visit is not for medical consultation or treatment:

- Andorra
- Argentina
- Austria
- Bahrain
- Belgium
- Brazil
- Brunei
- Bulgaria
- Canada
- Chile
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Hungary
- Iceland
- Ireland
- Israel
- Italy
- Japan
- Korea (South)
- Kuwait
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Malta
- Malaysia
- Liechtenstein
- Liechtenstein
- Liechtenstein
- Macau
- Malta
- Oman
- Poland
- Portugal
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- Romania
- San Marino
- Saudi Arabia
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- Singapore
- Slovak Republic
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<td>Finland</td>
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<td>France</td>
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<td>Monaco</td>
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<td>Greece ²</td>
<td>Netherlands</td>
<td>Vatican City</td>
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<td>Hong Kong ³</td>
<td>Norway</td>
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¹ Visa waiver does not apply to people travelling on alien's (non-citizen's) passports issued by these countries.
² Greek passport holders whose passports were issued on and after 1 January 2006. (Greek passports issued before 1 January 2006 are not acceptable for travel after 1 January 2007, see A2.10.50)
³ Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) passports.
⁴ Residents of Macau travelling on Macau Special Administrative Region passports.
⁵ Portuguese passport holders must also have the right to live permanently in Portugal.
⁶ Permanent residents of Taiwan travelling on Taiwan passports. A personal identity number printed within the visible section of the biographical page of the Taiwan passport demonstrates that the holder is a permanent resident of Taiwan (see A2.10.40).
⁷ including nationals of the USA.
E2.5 Who needs a temporary entry class visa to travel to and be in New Zealand

See also Immigration Act 2009 s 14

a. A person who is not a New Zealand citizen may travel to New Zealand only if the person:
   i. is the holder of a visa and the travel is consistent with the conditions of the visa; or
   ii. is a person to whom a visa waiver applies and holds a valid Electronic Travel Authority (ETA) (from 1 October 2019) (see E2.1).

b. A person who is not a New Zealand citizen may enter and be in New Zealand only if the person is the holder of a visa and he or she has been granted entry permission.

c. The fact that an application for a visa has been made by or for any person who is onshore does not:
   i. render the person’s presence in New Zealand lawful; or
   ii. give the person a right to remain in New Zealand while the application is considered; or
   iii. give the person a right to apply for or be granted any other visa pending determination of the application; or
   iv. inhibit any deportation processes that may apply to the person.

d. From 1 April 2007 holders of Greek passports issued before 1 January 2006 with a temporary entry class visa or a permit under the Immigration Act 1987 will not be able to travel to New Zealand.
**E2.95 Temporary entry class visas deemed to be held**

*See also Immigration Act 2009 ss 4, 62(4)*

No electronic record is required to be created for a visa that is deemed to be granted by or under the Immigration Act 2009.

**E2.95.1 Visas deemed to be held by people granted visas, permits or exemptions under the Immigration Act 1987**

*See also Immigration Act 2009 ss 415, 417*

a. A person who, immediately before the commencement of the Immigration Act 2009, held a visa or a permit granted under the Immigration Act 1987 (or was deemed to hold a permit under the Immigration Act 1987) described in the first column of Schedule 5 of the Immigration Act 2009, is deemed on and from the commencement of the Immigration Act 2009 to hold a visa of the corresponding type described in the second column of Schedule 5 of the Immigration Act 2009.

b. A person who immediately before the commencement of the Immigration Act 2009:
   i. held a permit under the Immigration Act 1987 (or was deemed to hold a permit under the Immigration Act 1987) is deemed on and from the commencement of the Immigration Act 2009 to have been granted entry permission. The 2009 Act applies with any necessary modifications.
   ii. held a visa (other than a transit visa) and a permit under the Immigration Act 1987, is deemed on and from the commencement of the Immigration Act 2009 to hold a single visa for the duration, and subject to conditions (if any), of the visa and the permit combined (as determined under Schedule 5). The 2009 Act applies with any necessary modifications.

b. A person in New Zealand who immediately before the commencement of the Immigration Act 2009, was under section 11 of the Immigration Act 1987, exempt from the requirement to hold a permit is deemed to hold a temporary visa on and from the commencement of the Immigration Act 2009:
   i. that is current for the period for which the exemption would have applied under section 11 of the Immigration Act 1987 (calculated including any time that has elapsed before the commencement of the Immigration Act 2009); and
   ii. subject to conditions that allow the purpose for which the exemption applied to be pursued; and
   iii. with entry permission granted on the basis of the temporary visa.

c. A person in New Zealand who immediately before the commencement of the Immigration Act 2009 was, under section 12(2) the Immigration Act 1987, exempt from the requirement to hold a permit by special direction is deemed to:
   i. hold a temporary visa that is current for the period (calculated including any time that has elapsed before the commencement of the Immigration Act 2009) and subject to the conditions (if any) specified in the special direction;
   ii. have been granted entry permission on the basis of the temporary visa.

d. An Australian citizen in New Zealand who under the Immigration Act 1987 was exempt from the requirement to hold a permit is deemed on and from commencement of the Immigration Act 2009 to hold a resident visa under the Immigration Act 2009 allowing stay in New Zealand only.

**E2.95.5 Other visas deemed to be held**

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 19, 25, 31, schedule 2 and 3*

a. The people described below under E2.95.5(c) are deemed to hold a visa and entry permission.

b. People deemed to hold temporary entry class visas must be able to provide evidence of their entitlement to a deemed visa on request.

c. People listed below are deemed to hold a visa in New Zealand for the period specified. A visa must be applied for if a longer stay is required:
   i. Cruise ship passengers, who hold an ETA (from 1 October 2019) or Cruise ship crew travelling in the ordinary course of business of the ship who hold an ETA (from 1 October 2019) will, upon arrival in New Zealand, be deemed to have been granted entry permission and hold a visitor (for passengers) or work (for crew) visa from the time the ship arrives at a port of entry in New Zealand until whichever of the following occurs first:
      • the ship is given clearance to leave its last port of entry in New Zealand for that voyage; or
      • 28 days have expired, beginning with the day the ship arrived at its first port of entry in New Zealand on that voyage.
   ii. crew or passengers on any ship carrying cargo (in the ordinary course of business of the ship) will be deemed to hold a visitor (for passengers) or work (for crew) visa and entry permission from the time the ship arrives at a port of entry in New Zealand until whichever of the following occurs first:
      • the ship is given clearance to leave its last port of entry in New Zealand for that voyage; or
• 28 days have expired, beginning with the day the ship arrived at its first port of entry in New Zealand on that voyage.

iii. crew on any foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo (within the meaning of subsection (6) of that section) will be deemed to hold a work visa for a period of 28 days (the first day being the day on which the ship first arrives in New Zealand).

iv. aircraft crew on an aircraft flying between any other country and New Zealand in the course of a scheduled international service, who hold an ETA upon arrival (from 1 October 2019), will be granted entry permission and deemed to hold a work visa valid for 7 days, beginning with the day on which the aircraft arrived in New Zealand.

v. aircraft crew of a private or commercial aircraft on a flight between any other country and New Zealand that is not in the course of a scheduled international service will be granted entry permission and deemed to hold a work visa for 21 days, beginning with the day on which the aircraft arrived in New Zealand.

vi. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who enter the Ross Dependency from a country other than mainland New Zealand, will be deemed to hold a visitor visa for the duration of their stay in the Ross Dependency.

vii. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who:

• have entered the Ross Dependency from a country other than mainland New Zealand, and
• subsequently travel to another area of New Zealand

will be deemed to hold a visitor visa on arrival to mainland New Zealand valid for 3 months upon arrival (see V3.50.1).

viii. guests of government who have been granted a visa waiver to travel by special direction will be deemed to hold a visitor visa valid for 3 months from arrival, guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs.

ix. members of a visiting force (including members of the civilian component of the visiting force as defined in the Visiting Forces Act 2004, or crew members of any craft transporting such people to New Zealand who arrived in New Zealand, and are in New Zealand at the request or with the consent of the Government of New Zealand and in the ordinary course of the member’s duty or employment, will be deemed to hold a military visa valid until the earliest of:

• the day the holder ceases to be a member of a visiting force of any country, a member of its civilian component, or a crew member of any craft transporting such people to New Zealand; or
• the conclusion of the holder’s duties or employment in New Zealand.

x. a person born in New Zealand on or after 1 January 2006, who is determined by the Department of Internal Affairs not to be a New Zealand citizen will be deemed, from the time of birth, to initially have the same immigration status as the most favourable immigration status of either of the person’s parents at the time of their birth (see A17.1).
E3.10 Currency of visas

See also Immigration Act 2009 ss 6, 62, 63, 77

a. Temporary entry class visas with travel conditions must not be granted unless the applicant’s passport or travel document is current for:
   i. at least three months beyond the expiry date of the proposed visa; or
   ii. one month, if the issuing Government has consular representation in New Zealand that is able to issue and renew passports.

b. Despite (a) above, if an applicant has been approved a work visa for 24 months or longer, they may be granted the full duration of their visa, regardless of the applicant’s passport expiration date. If a visa is granted beyond the expiry of the passport, the holder must be informed in writing that their visa must be transferred into their new passport if they wish to travel in or out of New Zealand on their new passport.

c. The entry for the visa must specify, as appropriate:
   i. the start date (which may be the date of its grant or a future or past date);
   ii. any conditions of the visa that relate to travel, including:
      o whether the visa allows travel to New Zealand on a later occasion;
      o if the visa allows travel to New Zealand, the period during which the holder may travel to New Zealand;
      o if the visa allows travel to New Zealand, whether the visa gives permission to travel to New Zealand on a single journey, multiple journeys, or a set number of journeys;
   iii. in relation to the holder’s stay in New Zealand, the date or event on which the visa will expire, or the period after which it will expire;
   iv. any other conditions of the visa;
   v. for those persons granted entry permission, the date or dates the entry permission was granted.
   vi. such other matters as may be required or approved by the Chief Executive.

d. If the holder of a visa is in New Zealand, the visa expires on the earliest of:
   i. the beginning of the day after the date specified in the visa as the expiry date; or
   ii. the beginning of the day after the day on which an event specified in the visa as the event on the occurrence of which the visa will expire occurs; or
   iii. the beginning of the day after the last day of the period for which the visa grants stay in New Zealand to the holder;
   iv. the beginning of the day that is three months after the day on which an epidemic management notice expires, if the visa:
      o is a temporary entry class visa deemed to be extended as a result of an epidemic management notice; and
      o has not been cancelled earlier.

e. If the holder of a visa is outside New Zealand, the visa expires on the earlier of:
   i. the day and time the holder left New Zealand, if the conditions of the visa do not allow further travel to New Zealand;
   ii. the beginning of the day after the date that is specified by the conditions of the visa as the last day of the period of time within which travel is allowed to New Zealand.

f. Unless an appropriately delegated officer makes an exception to instructions (see E7.25) or immigration instructions state otherwise, an individual visa must not be granted for a period longer than:
   i. (in the case of a visitor visa) 12 months; or
   ii. (in the case of a work visa) 5 years; or
   iii. (in the case of a student visa) 4 years; or
   iv. (in the case of an interim visa) 6 months.

g. There is no maximum length of stay for:
   i. a Diplomatic, Consular or Official Visa (see section H);
   ii. a Military visa (see section M).

h. Since the periods listed in paragraph E3.10(f) above relate to individual visas and not the maximum length of stay, further individual visas may be granted, provided that relevant temporary entry class visa instructions are met.
E3.10.1 Pregnant applicants

a. This section applies to pregnant applicants for temporary entry class visas who:
   i. intend to be in New Zealand for more than six months; and
   ii. are considered to have risk factors for tuberculosis (TB) (see A4.25.5); and
   iii. otherwise meet immigration instructions for the grant of a temporary entry visa.

b. These applicants may only be granted a visa for up to three months from the date that they are due to give birth, unless (c) below applies.

c. An applicant may be granted a visa for the length of their intended stay:
   i. if they have provided a Chest X-ray Certificate (INZ 1096) with an earlier application and A4.25(c) or A4.25.1(d) applies; or
   ii. where a Chest X-ray Certificate (INZ 1096) has been provided in accordance with A4.25.1(f).

d. Applicants who are granted a visa in line with (b) above may apply for a further visa for the remainder of their intended stay if they provide:
   i. a completed application form; and
   ii. a completed Chest X-ray Certificate (INZ 1096); and
   iii. any associated medical or laboratory reports required for the Chest X-ray Certificate; and
   iv. their current passport (or a certified copy) or certificate of identity (or a certified copy); and
   v. the appropriate fee and levies (if any).

e. If the applicant is assessed as not having an acceptable standard of health based on the Chest X-ray Certificate they provide, a further visa may not be granted unless A4.25.1(h) or A4.65 applies.
E4.45 Applications not lodged in the prescribed manner

a. An application must be returned if it is submitted by an unlicensed immigration adviser (see E4.50.25).

b. Except in the case of E4.45 (a), INZ may, at its discretion, hold applications that are not lodged in the prescribed manner for a specified period of time until any outstanding mandatory requirements have been met; but INZ does not consider such applications to have been lodged.

c. INZ is under no obligation to hold an application that is not lodged in the prescribed manner.

d. If an application is lodged in an incomplete but minor and easily corrected manner, immigration officers may:
   i. receipt the application fee and levies; and
   ii. hold the papers; and
   iii. advise the applicant or agent that the application has not been made in the prescribed manner but is being held for a limited time to enable the applicant or agent to meet the mandatory requirements for lodgement; and
   iv. advise the applicant or agent of the documents required for the application to meet the mandatory requirements for lodgement.

e. Applicants will be given a specified time to complete the outstanding requirements, and if they do not do so, the application may be returned to the applicant or agent, and the fee returned or refunded.

f. If an application is not lodged in the prescribed manner and E4.45(d) do not apply, the application must be returned to the applicant or agent.
E4.50 Requirements for lodging an application for a temporary entry visa

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10, 11, 13, 14, 23A

a. These requirements apply to the lodgement of the following types of temporary entry class visa applications:
   i. Applications lodged on an approved paper form (E4.50.1, E4.50.15).
   ii. Applications lodged under a Working Holiday Scheme (WI2) and under Silver Fern instructions (WL) which must be made online using the electronic form provided on the Immigration website (https://onlineservices.immigration.govt.nz/?whs) (E4.50.2, E4.50.15).
   iii. Applications not covered by (a)(ii), made on an electronic form (E4.50.2, E4.50.15).
   iv. Applications lodged otherwise than on an approved form (E4.50.5, E4.50.10, E4.50.15).
   v. Applications for a temporary entry class visa or entry permission in an immigration control area (E4.50.35, E4.50.40).

b. The requirements for applications for Diplomatic, consular, and official staff, and their dependants are at H4.

c. The requirements for the reconsideration of decision to decline further temporary entry class visa are at E7.35.1.

E4.50.1 Mandatory requirements for applications lodged on an approved paper form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10

For the purposes of temporary entry instructions, mandatory requirements for applications lodged on an approved paper form means that applications must be made on the application form relevant to the type of visa required which must be completed in English, in full and submitted to an immigration officer, together with:

a. the applicant’s passport (or a certified copy) or certificate of identity (or a certified copy), or if this is unavailable, his or her original birth certificate (or a certified copy) or other identity document (or a certified copy); and
b. two passport-sized photographs of the applicant’s head and shoulders; and
c. the appropriate fee and levies (if any); and
d. (all temporary entry class applications apart from military visa applications (see M2.1)) evidence of funds for maintenance in New Zealand or evidence of sponsorship (see E6); and
e. such information and evidence as is required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories of immigration instructions under which the application is being made; and
f. any other information, evidence and submissions the applicant considers show that he or she is eligible to be granted a temporary entry class visa in terms of the relevant immigration instructions.

Applications must be signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant).

E4.50.2 Mandatory requirements for applications made on an electronic form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 23A

a. Applications for a second Working Holiday Scheme work visa (where a scheme allows for this) must be lodged according to E4.50.1.

b. An application made on an electronic form must be completed in English, and requires the applicant to:
   i. state his or her full name; and
   ii. state his or her date and place of birth; and
   iii. state the details of his or her passport or other certificate of identity; and
   iv. if prompted by the online system, upload a photograph of the applicant’s head and shoulders, that complies with the standards specified for the purpose; and
   v. produce the information and evidence required by immigration instructions to demonstrate he or she fits the category under which the application is being made; and
   vi. acknowledge that the details supplied in support of their application are true and correct to the best of their knowledge; and
   vii. agree that if their circumstances change before a visa is granted or before the application is determined, they will notify an immigration officer of the change; and
   viii. pay the prescribed fee for the type of visa applied for or arrange for its payment in a manner acceptable to the immigration officer processing the application; and
   ix. pay the immigration levy that is payable (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application; and

x. pay the International Visitor Conservation and Tourism Levy (IVL) (if applicable), or arrange for its payment in a manner acceptable to the immigration officer processing the application.

Note: The specified standards for the photograph can be obtained from the INZ website.

E4.50.5 Mandatory requirements for applications lodged otherwise than on an approved form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 21, 22

a. Despite E4.50.1, a person or their advisor may request an immigration officer to consider an application for a visa made without using the relevant approved form and an immigration officer may agree to the request.

b. Where an immigration officer agrees to that request, the applicant must supply the following information in English and in any way appropriate to the circumstances:
   i. his or her full name; and
   ii. his or her date and place of birth; and
   iii. details of his or her passport or certificate of identity, including country of citizenship; and
   iv. details of any current or previous visa (or permit as the case may be) held by him or her; and
   v. details of the type of visa he or she is applying for; and
   vi. any other information that he or she considers shows that the temporary entry class visa application should be granted; and
   vii. such information and evidence that the immigration officer thinks necessary for him or her to determine the application.

c. The application must be completed by the applicant:
   i. acknowledging that the details supplied in support of the application are true and correct to the best of his or her knowledge; and
   ii. agreeing that if his or her circumstances change before a visa is granted, he or she will notify an immigration officer of the change in circumstances; and
   iii. paying the prescribed fee (if any) for the type of visa applied for, or arranging for the payment of that fee in a manner satisfactory to the immigration officer; and
   iv. paying the immigration levy and/or IVL that is payable by the applicant (if any), or arranging for its payment in a manner acceptable to the immigration officer processing the application; and
   v. signing the application (except if the application is made in an electronic format).

d. If the applicant is less than 18 years old, (c)(v) does not apply. Instead, the application must be signed by his or her parent or guardian, except if the application is made in an electronic format or at an immigration control area (in which case the form must be signed by the parent or guardian only if the applicant is accompanied by that person).

E4.50.10 Processing of applications made otherwise than on an approved form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 21 and 22

a. Where an immigration officer has agreed to a request to consider an application for a visa made otherwise than on an approved form, the immigration officer may at any time before a visa is granted as a result of the application:
   i. refuse to consider the application, or continue to consider the application; and
   ii. inform the applicant that if he or she wishes to pursue the application, he or she must do so using the relevant approved form.

b. If an immigration officer refuses to consider an application for a visa made otherwise than on an approved form then:
   i. the application will be treated as not having been made; and
   ii. the applicant must apply for the visa in the normal way; and
   iii. in the event the person pursues an application for a visa in the normal way, the mandatory requirements as set out at E4.50.1 and E4.50.5 will apply; and
   iv. any application fee, Immigration Levy and IVL; will either be refunded or applied towards any visa application made by the same person.

c. In the event an application for a visa is made otherwise than on an approved form and has been accepted for processing but cannot be finalised without further information or documentation being obtained, an immigration officer may transfer the application to another INZ office for finalisation. In such cases the application may, at the discretion of the immigration officer considering it, continue to be finalised without the applicant needing:
   i. to complete the approved form; or
   ii. pay any additional fee, Immigration Levy and IVL.
E4.50.15 Additional requirements

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10, 21, 23A

Before determining an application made on an approved paper form or on an electronic form or otherwise than on an approved form, the immigration officer processing the application may do one or more of the following:

a. require the applicant to be interviewed by an immigration officer;
b. require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
c. require the applicant to undergo a medical examination or another medical examination, as the case may be;
d. require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application;
e. require the applicant to produce evidence of the applicant’s funds for maintenance while in New Zealand or evidence of the applicant’s sponsorship that the officer thinks necessary for him or her to determine the application;
f. if not already provided, require the applicant to produce his or her passport or other certificate of identity.

E4.50.20 Children under the age of 16 travelling alone or with one parent

If a child under the age of 16 years is travelling to New Zealand alone or with one parent only, officers may request evidence that both the child’s parents have consented to the child being removed from the child’s country of residence.

E4.50.25 No acceptance of immigration applications or requests from unlicensed immigration advisers

See also Immigration Advisers Licensing Act 2007 s 9

a. No immigration application or request put forward on behalf of another person by an unlicensed immigration adviser may be accepted, unless the immigration adviser is exempt from the requirement to be licensed under the Immigration Advisers Licensing Act 2007.
b. Where an immigration application or request on behalf of another person is not accepted because it contravenes E4.50.25 (a) the relevant person or body must notify that person in writing of that fact, and advise the person as to how the application or request may be re-lodged or advanced in an acceptable manner.

E4.50.30 Persons exempt from licensing

See also Immigration Advisers Licensing Act 2007 ss 11, 12

The following persons are exempt from the requirement to be licensed under the Immigration Advisers Licensing Act 2007:

a. a person who provides immigration advice in an informal or family context only, where the advice is not provided systematically or for a fee;
b. a Member of Parliament, or their staff, who provides immigration advice within the scope of their employment agreement;
c. a foreign diplomat or consular staff accorded protection as such under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971;
d. an employee of the New Zealand public service who provides immigration advice within the scope of their employment agreement;
e. a lawyer who holds a current practising certificate as a barrister or as a barrister and solicitor of the High Court of New Zealand;
f. a person employed by or working as a volunteer for a New Zealand community law centre, as defined in section 6 of the Lawyers and Conveyancers Act 2006, where at least one lawyer is on the employing body of the community law centre or is employed by or working as a volunteer for the community law centre in a supervisory capacity;
g. a person employed by or working as a volunteer for a New Zealand citizens advice bureau; or
h. a person who provides immigration advice only in respect of applications for temporary entry class visas with conditions authorising study in New Zealand, but subject to any regulations made under section 12(1)(b) of the Immigration Advisers Licensing Act 2007; or
i. a person exempted by regulations made under section 12 of the Immigration Advisers Licensing Act 2007.
E4.50.35 Requirements for lodging an application for a temporary entry class visa or entry permission in an immigration control area

See also Immigration Act 2009 ss 103, 382

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 11, 25, 28C

a. An application for a temporary entry class visa or entry permission made at an immigration control area must:
   i. be made on the approved form; and
   ii. be completed in English; and
   iii. relate to only one person; and
   iv. be signed by the applicant.

b. E4.50.35 (a)(iv) applies unless the applicant is less than 18 years old, in which case:
   i. the arrival card must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or
   ii. the arrival card is not required to be signed, if the applicant is not accompanied by a parent or guardian.

c. The application must be given to an immigration officer at an immigration control area, together with the applicant’s passport or certificate of identity and, if appropriate, evidence of any temporary entry class visa that the applicant holds (except in the case of an application for a military visa in which case M2.1 will apply).

d. A person who is eligible to use the automated electronic system may meet the requirements at (c) above by giving their passport to the automated electronic system.

E4.50.40 Additional requirements

Before determining the application, the immigration officer processing the application may do one or more of the following:

a. require the applicant to be interviewed by an immigration officer; or

b. require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application; or

c. require the applicant to undergo a medical examination or another medical examination, as the case may be; or

d. require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; or

e. require the applicant to produce evidence of the applicant’s funds for maintenance while in New Zealand or evidence of the applicant’s sponsorship that the officer thinks necessary for him or her to determine the application.

E4.50.45 Applicant to specify address for communication

See also Immigration Act 2009 ss 57(2), (3) and (4), 110, 387

a. Everyone who applies for a visa or entry permission must specify in their application for a visa a physical address in New Zealand to which any communication relating to the application, or to which advice of any visa that may be granted pursuant to that application may be sent, or at which any notice may be served under the Immigration Act 2009.

b. An applicant for or holder of a visa or entry permission may at any time, by written notice to an immigration officer, substitute a different address for that specified under E4.50.45 (a).

c. An applicant for a visa or entry permission may also specify in an application an electronic address to which any communication relating to the application, or to which advice of any visa that may be granted pursuant to the application, may be sent.
E4.60 Payment of the fee and levies

a. Applicants must pay the fee specified for that type of application at the time the application is lodged, unless:
   i. the fee is waived by special direction under section 395 of the Immigration Act 2009 or by regulation; or
   ii. the applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see A6.5); or
   iii. the applicant holds a diplomatic or official passport and meets the criteria set out at A6.1; or
   iv. the applicant is exempt from paying the application fee.

b. Applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:
   i. the immigration levy is waived by special direction by an appropriately delegated officer; or
   ii. the principal applicant is exempt from paying the immigration levy (see A6.11.20).

c. Applicants must pay the International Visitor Conservation and Tourism Levy (IVL) at the time of application if they are applying for a temporary entry class visa, or requesting an Electronic Travel Authority (ETA) unless:
   i. the IVL is waived by special direction by an appropriately delegated officer; or
   ii. the applicant is exempt from paying the IVL (see A6.13.15).

d. The fee payable for an application is determined by the principal applicant's country of citizenship.

e. The IVL payable for an application depends on each applicant's country of citizenship.

f. A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or Ministry of Foreign Affairs and Trade (MFAT) post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.

g. If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.

h. If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant's citizenship.

i. Fees and levies may be paid by bank or personal cheque, as well as by money order (from registered banks), credit card or EFTPOS (Electronic Funds Transfer Point of Sale), if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.

j. Cash is not an acceptable form of payment, unless accepted by special direction by an appropriately delegated officer.

k. Cheques for applications lodged at INZ offices in New Zealand should be made out to "Immigration New Zealand".

l. Fees and levies for applications that may be lodged otherwise than on an approved form through the INZ Online Service may only be paid by means of either a MasterCard, UnionPay or Visa credit card.
E8.10 Temporary visas for refugee or protection status claimants

The requirements for lodging temporary visa applications are different if the applicant is a person who is also claiming refugee or protection status in New Zealand. A claimant who meets the requirements in E8.10.1 may be granted a temporary visa.

E8.10.1 General requirements

See also Immigration Act 2009 s 393

a. A refugee or protection status claimant awaiting a decision on their claim, who holds a current temporary visa may submit an application for a further temporary visa at any INZ office in New Zealand.

b. Applications must be made on the approved application form and submitted together with the applicant’s travel document (or identity document in which the current visa is held), and a passport-sized photograph of the applicant’s head and shoulders.

c. Such applicants do not have to pay a fee provided they apply while their claim (or appeal) is being determined and are exempt from paying the Immigration Levy and the International Visitor Conservation and Tourism Levy.

d. The applicant must ensure that they submit each application before any existing visa expires (see E2.10).

e. Normally, claimants for refugee or protection status will be granted visitor visas (see V3.90). For information on when claimants may be granted other visas see E8.10.15 below, WI6 (work), U3.35 (student) and L6.1 (limited).

E8.10.5 Conditions of temporary visas granted to refugee or protection status claimants

See also Immigration Act 2009 ss 142, 239

a. A visa granted to a refugee or protection status claimant before their claim or appeal is determined will not normally include travel conditions because New Zealand’s obligations to refugee or protection status claimants cease when they leave New Zealand.

b. Despite E8.10.5(a) above, applications will be considered on a case by case basis to see whether the particular circumstances justify granting a visa with travel conditions to return to New Zealand.

c. Claimants wishing to travel overseas should be advised that their claim or any subsequent claim or appeal will be treated as withdrawn if they leave New Zealand.

d. Each time a temporary visa is granted to a refugee or protection status claimant, they must be advised in writing that their visa is subject to the following conditions:

  i. at all times they keep INZ informed of any change of their New Zealand residential address; and

  ii. that they may become liable for deportation, if:

      o their claim is declined, and they fail to appeal, or have appealed unsuccessfully, to the Tribunal;

      or

      o they withdraw their claim.

E8.10.10 Granting temporary visas to refugee or protection status claimants on arrival in New Zealand

See also Immigration Act 2009 ss 14, 15, 16, 103, 378

a. If a person indicates an intention to claim refugee or protection status on arrival in New Zealand and they complete a claim form for refugee or protection status, a visitor visa current for 6 months from the date of arrival may be granted, unless there are reasons not to grant a visa, such as:

  i. the individual is a person to whom section 15 or 16 of the Immigration Act 2009 applies (see A5.40); or

  ii. the person’s identity cannot be established to the satisfaction of INZ.

b. Appropriately delegated officers may give special directions to waive the following requirements that usually apply to persons travelling to New Zealand:

  i. the requirement to travel to New Zealand as the holder of a visa granted under the Immigration Act 2009; and

  ii. the relevant requirements arising under section 103(1) of the Immigration Act 2009.
c. The fact that a claimant entered New Zealand on a false passport does not mean that they should not be granted a temporary visa.

d. If the claimant entered New Zealand on their own genuine passport, the visitor visa should be endorsed in that passport.

e. If the claimant entered New Zealand on a false passport, the visitor visa should be endorsed in an INZ certificate of identity form (see A2.20.5), and INZ should retain the false passport.

f. If the claimant entered New Zealand without a travel document, the visitor visa should be endorsed in an INZ certificate of identity form (see A2.20.5) unless these are reasons not to grant a visa.

g. If the claim form for refugee or protection status has not been completed at the border, a visitor visa current for one month from the date of arrival may be granted unless there are reasons not to grant a visa and the refugee or protection status claimant should be told that:
   i. an application for a further temporary visa will only be considered after they have confirmed their claim in the prescribed manner (see C3.25); and
   ii. they should submit any application for a further temporary visa at an INZ office in New Zealand before the existing visa expires.

Note: Guidance concerning the continuing treatment of persons claiming refugee or protection status on arrival at the border, including in a mass arrival context, is contained in Operational Instructions A16.2.

E8.10.15 Refugee or protection status claimants granted temporary entry class visas

See also Immigration Act 2009 ss 61, 150, 187

a. Any claimant to whom a temporary entry class visa has been granted, (whether before or after the person became a claimant) or any temporary entry class visa holder who ceases to be a refugee or protection status claimant by virtue of his or her claim or appeal being declined may not, either before or after the expiry of the temporary entry class visa:
   i. apply for a further visa of any class or type while in New Zealand; or
   ii. while in New Zealand, request a special direction or make a request for the grant of a visa under A23; or
   iii. bring any appeal under section 187 of the Immigration Act 2009 to the Tribunal.

b. Despite (a)(i) above, a refugee or protection claimant may apply for a further temporary entry class visa for such period as may be required for the claimant to be lawfully in New Zealand while his or her claim is determined.

c. Nothing in E8.10.15 prevents a person from bringing an appeal to the Tribunal, arising from a decision made under part 5 and 6 of the Immigration Act 2009.

d. This section ceases to apply to a person if and when:
   i. the person is recognised as a refugee or a protected person; or
   ii. the person leaves New Zealand; or
   iii. the person is granted a visa (other than a temporary entry class visa granted in (b) above).

E8.10.20 Applications for further temporary visas by refugee or protection status claimants

See also Immigration Act 2009 s 378

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

a. To be eligible for the grant of a further temporary visa, claimants or refugee or protected persons must:
   i. be in New Zealand; and
   ii. submit their application before their existing visa expires.
b. Claimants or refugee or protected persons must apply for temporary visas in the prescribed manner (see E4.50.1), but when the applications are submitted, appropriately delegated immigration officers may waive, by special direction, any requirements specified for each type of visa.

c. Temporary visas valid for 12 months may be granted to successful applicants.

d. Immigration officers may grant visas valid for less than 12 months, where they expect the refugee or protection status claim to be determined in significantly less than 12 months.

e. Further visas will not normally be granted to those who make subsequent claims, but in each case applications will be considered to see whether the particular circumstances justify granting a visa.

E8.10.25 Situation of claimants in New Zealand unlawfully

See also Immigration Act 2009 s 61

a. A refugee or protection status claimant unlawfully in New Zealand may be eligible to be considered for a temporary visa under section 61 of the Immigration Act 2009 (see A23).

Note: such persons who have been granted a temporary entry visa under the Immigration Act 2009 or temporary permit under the Immigration Act 1987 on or after 1 October 1999 are covered by section 150 of the Immigration Act 2009 (see E8.10.15).

b. Before seeking approval to grant a visa under section 61, an immigration officer must first:

i. establish the reasons why the claimant’s original visa (if any) expired; and

ii. obtain supporting evidence confirming the claimant’s circumstances; eg, a medical certificate or financial circumstances.

If the claimant is in New Zealand unlawfully, no deportation action will be taken until the claim for refugee or protection status and any appeal to the Tribunal have been finally determined or the claimant withdraws the claim or appeal.

E8.10.30 Renewal of temporary visas for Immigration and Protection Tribunal appellants

If a claimant has appealed to the Tribunal, based on a decision made under part 5 and part 6 of the Immigration Act 2009, they are eligible to apply for further temporary visas until the final outcome of the appeal.

Immigration officers may grant a temporary visa in such cases to cover the period it is likely to take to determine the appeal.
E12 Electronic Travel Authority (ETA)

See also Immigration Act 2009 s69, 86

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Part 4A, Regulations 16, 18, and Schedules 1 and 2
E12.1 Requirement to hold an electronic travel authority (ETA)

E12.1.1 Who must hold an ETA

a. From 1 October 2019, a person described at N2.1(a)(iii) to (vii) who is transiting through New Zealand is required to hold a transit ETA or traveller ETA before travelling to New Zealand.

b. From 1 October 2019, a person who is visa waiver (see E2.1) and a crew member on a cruise ship or aircraft that is travelling in the ordinary course of the business of the ship or a scheduled international service, or positioning into New Zealand, is required to hold a crew ETA before travelling to New Zealand.

c. From 1 October 2019, a person who is visa waiver (see E2.1) and not described at (b) above is required to hold a traveller ETA before travelling to New Zealand.

E12.1.5 Exceptions to requirement to hold ETA

The following people are not required to hold an ETA before travelling to New Zealand:

a. citizens of Australia; or

b. members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty; or

c. members of a visiting force (including civilian components) travelling in the ordinary course of their employment or duty.
E12.9 Requesting an ETA

a. A request for an ETA may be made from 1 July 2019 for travel commencing from 1 October 2019.
b. Requests for traveller or transit ETAs must be made online.
c. Requests for crew ETA may be made on behalf of crew by a carrier or representative of a carrier, provided that a memorandum of understanding is in place between the carrier or the representative and INZ.
E12.10 Processing ETAs

E12.10.1 Automatic issuance of ETAs

See also Immigration Act 2009 s 28

An ETA request may be processed and automatically issued by an automated system.

E12.10.5 ETAs processed by Immigration Officers

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 23K, reg 23L

a. An immigration officer may issue a traveller ETA, a transit ETA or a crew ETA to a person who is visa waiver to travel to New Zealand.

b. An immigration officer must refuse to issue an ETA if the person who requested an ETA is:
   i. requesting a traveller ETA and not a visa waiver traveller outlined at E2.1; or
   ii. requesting a transit ETA and not a transit visa waiver traveller outlined at N2.1; or
   iii. subject to section 15 or 16 of the Immigration Act 2009; or
   iv. declaring that the purpose of their travel is to seek medical consultation or treatment (unless applying for a transit visa or is an Australian permanent resident); or
   v. their passport is invalid; or
   vi. in the case of a crew ETA made by a carrier or representative, if the carrier or representative does not have a memorandum of understanding in place with INZ.
E12.15 Validity of ETAs

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 23M, reg 23N

a. Traveller and Transit ETAs are valid for 2 years, beginning on the date of issue.

b. Crew ETAs are valid for 5 years, beginning on the date of issue.

c. A person may hold more than one type of ETA or more than one of the same type of ETA that are valid for different or overlapping periods.

d. An ETA ceases to be valid if:
   i. it has expired; or
   ii. the ETA requestor is found to be an excluded person (as defined in s15 or s16 of the Immigration Act 2009) or not a visa waiver traveller; or
   iii. in the case of a crew ETA, the person is no longer crew or no longer works for the carrier representative who made the ETA request on the person’s behalf; or
   iv. the holder is a person whose purpose of visit includes medical consultation or treatment.
V3.70 Crew members joining vessels or aircraft

a. Crew members from countries that do not have a visa waiver agreement with New Zealand, who enter New Zealand to join a vessel or aircraft that will then depart for another country, must obtain a visitor visa before travelling to New Zealand.

b. A visitor visa allowing a maximum stay of 28 days will be granted to such applicants if they provide fully documented evidence of their engagement as a crew member in New Zealand.

c. Visas granted to crew members joining vessels or aircraft must state the condition: 'To join the crew of [name of vessel/flight number of aircraft] at [port}'.

d. From 1 October 2019 and despite (a) above, crew members from countries that do not have a visa waiver agreement with New Zealand will be considered visa waiver provided they hold a valid crew ETA (see E12) and:

   i. enter New Zealand to join a vessel or aircraft that will then depart for another country; or
   ii. enter New Zealand to join a vessel and subsequently leave New Zealand on a commercial aircraft.
V3.90 Visitor visas for refugee or protection status claimants

See also Immigration Act 2009 s 378

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 26AAB and 26AAE

a. Refugee or protection status claimants may be granted visitor visas while they await a decision on their refugee or protection status claim.

b. Applications must be made in the prescribed manner (see E4); but an appropriately delegated immigration officer may waive, by special direction:
   i. the requirement to produce evidence of funds or sponsorship; and
   ii. the requirement to produce evidence of travel tickets or onward travel arrangements.

c. Applicants are exempt from paying the application fee, Immigration Levy and the International Visitor Conservation and Tourism Levy.

d. Immigration officers should refer to E8.10 for further guidance.
WF3.5 Making an application

a. Applications must be made in the prescribed manner (see E4.40); but an appropriately delegated immigration officer may waive:
   i. the application fee, Immigration Levy and the International Visitor Conservation and Tourism Levy; and
   ii. the requirement to produce evidence of funds or sponsorship; and
   iii. the requirement to produce evidence of travel tickets or onward travel arrangements.
WH2.1 Working holidaymaker extension requirements and conditions

a. To be eligible for a three month visa under the Working Holidaymaker Extension instructions applicants must:
   i. be in New Zealand; and
   ii. hold a current work visa granted under a Working Holiday Scheme; and
   iii. have a return ticket to their home country or sufficient funds to purchase such a ticket; and
   iv. submit an application in the prescribed manner; and
   v. pay the appropriate fee, Immigration Levy and the International Visitor Conservation and Tourism Levy; and
   vi. not previously have been granted a visa (or permit under the Immigration Act 1987) under the Working Holidaymaker Extension instructions; and
   vii. provide evidence to satisfy INZ that they have been employed for a minimum of three months to undertake seasonal work in the horticulture or viticulture industry during the currency of their current work visa (evidence may include, but is not limited to, letters from employers, wage slips, and/or IRD tax records).

b. Applicants are not required to provide evidence of a job offer.

c. Successful applicants will be granted a work visa under the Working Holidaymaker Extension instructions:
   i. for three months from the expiry date of the work visa held under a Working Holiday Scheme; and
   ii. with the same conditions as the original work visa granted under a Working Holiday Scheme.

Note: For the purposes of these instructions, the three months may include periods where the worker was employed but was unable to undertake work due to inclement weather or other factors. Employment does not need to be for consecutive periods, or for the same employer.
**WI2.1 Requirements for all working holiday scheme applicants**

As well as meeting the specific requirements for the relevant working holiday scheme, applicants must also meet the requirements under Generic Temporary Entry Instructions, and the conditions below.

**WI2.1.1 General conditions**

a. The objective of working holiday schemes is to allow young citizens of approved countries, whose primary intention is to holiday in New Zealand, to undertake employment and study during their stay in accordance with their scheme.

b. To be eligible for a work visa under these schemes, applicants, in addition to meeting the requirements of the particular scheme they are applying under, must:
   i. hold a valid passport from the country whose scheme they are applying under; and
   ii. be aged no less than 18 years of age and no more than 30 years of age, unless their scheme allows a different age limit; and
   iii. not be accompanied by children; and
   iv. meet onward travel requirements (see W2.20); and
   v. submit an application in the prescribed manner (see E4.50); and
   vi. pay the appropriate fee, Immigration Levy and the International Visitor Conservation and Tourism Levy (if any); and
   vii. meet health and character requirements as set out at A4 and A5; and
   viii. be the holder of a valid temporary visa if applying from New Zealand; and
   ix. not previously have been approved a visa under a working holiday scheme, except where their scheme allows a second application (see WI2.20(e) and WI2.160(f)).

c. Applicants are not required to provide evidence of a job offer.

d. Where a scheme has an 'ordinarily resident' requirement the applicant's usual place of permanent residence must be that country. This requirement is considered to be met if the applicant has not been absent from that country for more than two years immediately preceding the application.

e. Successful applicants must not undertake permanent employment unless they apply for and obtain a work visa that enables this.

f. Successful applicants may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand.

**WI2.1.5 Applying using the online system**

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Reg 23AA*

Applications for a working holiday scheme work visa must be made online using the electronic form provided through the Immigration website’s Online Services (www.immigration.govt.nz).
WHO 6.5 Who is not normally eligible for a special work visa

a. Claimants who are sponsored for a particular period or who arrived in New Zealand with sufficient funds for a particular period, are unlikely to be granted a special work visa for that period.

b. Persons not eligible for a work visa under this provision may apply under the provision for work visas in WK, but must meet all the requirements.

c. Claimants are exempt from paying the application fee, Immigration Levy (see A6.11.20) and the International Visitor Conservation and Tourism Levy (see A6.13.15).
**WI18.10 Evidential requirements**

To be granted a work visa with study conditions under these instructions, primary sector trainees must:

a. provide a completed work visa application form, fee, Immigration Levy and the International Visitor Conservation and Tourism Levy; and

b. provide a letter of support/funding arrangements from their home government; and

c. provide an offer of place from a high quality education provider (see WI18.5.1 (b)) that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016; and

d. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand.
**WI19.5 Generic requirements**

a. To be granted a work visa under these instructions, applicants must:
   i. provide a completed work visa application form, fee, Immigration Levy and the International Visitor Conservation and Tourism Levy, if any; and
   ii. have a full-time New Zealand job offer in one of the occupations listed in WI19.10, which meets the requirements set out in W2.10; and
   iii. meet the specific requirements relating to registration, qualifications and/or experience for their occupation as set out in WI19.10; 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; and
   vi. be ordinarily and actually resident in the Republic of Korea at the time of application unless WI19.5(d) below applies.

b. A labour market check is not required.

c. 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, depending on the length of their job offer.

d. 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.

e. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

f. 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).
WL2.5 Lodging an application

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 12, sch 1

a. Applications for a Silver Fern Job Search visa must be made online using the electronic form provided on the Online Services of the Immigration website (www.immigration.govt.nz).

b. An Immigration officer may consider an application where the applicant has supplied the following information in electronic form:
   i. his or her name; and
   ii. his or her date of birth; and
   iii. the details of their passport or other certificate of identity; and
   iv. such information as is required by the electronic form to be tendered in order to determine whether the relevant visa should be granted.

c. The applicant must also complete their application by:
   i. acknowledging that the details supplied in support of their application are correct; and
   ii. agreeing that if their circumstances change before a visa is granted they will notify an immigration officer of that change in circumstances; and
   iii. paying the prescribed fee, Immigration Levy and the International Visitor Conservation and Tourism Levy for a Silver Fern Job Search visa.

d. The electronic form provided on the INZ website will only allow an application to be lodged where there are places available under the annual limit (see WL2.1).

WL2.5.1 Additional requirements for lodging applications for a Silver Fern Job Search visa

See also Immigration (Visa, Entry Permission, or Related Matters) Regulations 2010 reg 12

a. Before determining an application the immigration officer processing the application may require the applicant to do one or more of the following:
   i. to be interviewed by an immigration officer; or
   ii. to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application; or
   iii. if applicable, require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; or
   iv. if applicable, require the applicant to produce evidence of the applicant’s funds for maintenance while in New Zealand or evidence of the applicant’s sponsorship that the officer thinks necessary for him or her to determine the application; or
   v. if not already provided, require the applicant to produce his or her passport or other certificate of identity.

b. If an applicant does not provide the additional requirements within the timeframe set by the immigration officer, the application will be assessed on the available information.
M2 members of a visiting force (including members of the civilian component of the visiting force), or crew members of any military craft transporting such people to New Zealand

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 schedules 2 and 3

Despite the visa waiver for travel provision (see E2.1(d)) and the deemed visa provision (see E2.95.5(c)(i)(ix)), members of a visiting force (including members of the civilian component of a visiting force) as defined in the Visiting Forces Act 2004, or crew members of any military craft transporting such people to New Zealand who will be in New Zealand:

a. at the request or with consent of the Government of New Zealand, and
b. in the ordinary course of the member's duty or employment,

may apply for and be granted a military visa with multiple entry travel conditions for the duration of their duties or employment in New Zealand.

**Note:** for the purpose of these instructions a 'member of a visiting force' can be an individual travelling alone.
N2.1 Who must apply for a transit visa

See also Immigration Act 2009 s 86

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 16, reg 23B, sch 1, sch 2

a. A person intending to travel to and be in New Zealand as a transit passenger must apply for and obtain a transit visa before proceeding to New Zealand, unless they are:
   i. a New Zealand citizen or residence class visa holder; or
   ii. the holder of a temporary entry class visa with relevant travel conditions; or
   iii. a person to whom a visa waiver applies under E2.1 and (from 1 October 2019) they hold a transit or traveller ETA; or
   iv. a person whose immediate or final destination after transiting through New Zealand is Australia and he or she holds a current visa issued by the government of Australia to enter Australia and (from 1 October 2019) they hold a transit ETA; or
   v. a person who is a citizen of a country listed under N2.5 Transit visa waiver country list and (from 1 October 2019) they hold a transit ETA; or
   vi. a person the Minister has, by special direction, classified as a person to whom a transit visa waiver applies; or
   vii. (from 1 October 2019) a person travelling from Australia and holds a transit ETA.

b. The Minister may, by special direction, suspend any transit visa waiver described in (a)(v) or (vi) above.