



19 November 2019

Immigration New Zealand Instructions: Amendment Circular No. 2019/11

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.

Description of changes

The following changes have been made to the Immigration New Zealand Operational Manual:

Culturally Arranged Marriage Visitor Visa instructions

Immigration instructions have been changed to allow people who have entered into a culturally arranged marriage and have had the wedding ceremony outside New Zealand to be eligible for a visitor visa.

Appendix 1 contains changes to temporary entry instructions effective on and after 18 November 2019.

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

**Appendix 1 - Amendments to immigration instructions
effective on and after 18 November 2019**

V3.35 Culturally arranged marriage

- a. People who have married, or who are intending to marry in New Zealand, New Zealand citizens or residence class visa holders may be granted a visitor visa authorising a maximum stay of 3 months from their date of arrival, provided that:
 - i. the marriage follows an identified and recognised cultural tradition where the arrangements for the marriage, including facilitation of the initial selection of the persons to be married, are made by persons who are not parties to the marriage; and
 - ii. it is intended that the marriage will be maintained on a long term and exclusive basis; and
 - iii. the New Zealand residence class visa holder or citizen they intend to marry:
 - o supports the application; and
 - o is an eligible partner under Partnership residence instructions (see F2.10.10); and
 - o meets the character requirement for partners supporting 'partnership-based temporary entry applications' set out at E7.45; and
 - iv. there is no legal impediment to the intended marriage; and
 - v. where the applicant will marry in New Zealand, that the couple genuinely intend to marry within 3 months of the applicant's arrival in New Zealand; and

Note: For there to be no legal impediment to the intended marriage the principal applicant and intended New Zealand citizen or residence class visa holder partner must:
~ both be free to marry in that neither are already married to another person, and
~ not be close relatives i.e. those relationships specified as "prohibited degrees of marriage" under Schedule 2 of the Marriage Act 1955 (see F2.15(d)).

- b. If applicants are already in New Zealand when applying, the visa will be current for a maximum of 3 months from their date of arrival in New Zealand.

Note: The applicant does not require an outward ticket if the New Zealand citizen or residence class visa holder they intend to marry or another New Zealand citizen or residence class visa holder formally sponsors the applicant using the relevant INZ sponsorship form. In such cases the sponsor must satisfy an immigration officer they will meet their sponsorship undertakings (see E6).

V3.35.1 Evidence

- a. Where an applicant intends to marry in New Zealand, immigration officers must establish (through interview and/or documentary evidence), and be satisfied that:
 - i. there is a genuine intent to marry and that it is intended the marriage be maintained on a long term and exclusive basis; and
 - ii. the person the applicant intends to marry in New Zealand is a New Zealand citizen or residence class visa holder; and
 - iii. the marriage follows an identified and recognised cultural tradition where the arrangements for the marriage, including facilitation of the selection of the persons to be married, have been made by persons who are not parties to the marriage; and
 - iv. the couple intend to marry within 3 months of the applicant's arrival in New Zealand; and
 - v. in the event the marriage does not take place the applicant will leave New Zealand.
- b. Where an applicant has married before travelling to New Zealand, immigration officers must establish (through interview and/or documentary evidence), and be satisfied that:
 - i. the marriage ceremony genuinely occurred and followed an identified cultural tradition.
 - ii. there is a genuine intent to live together and that it is intended the marriage be maintained on a long term and exclusive basis; and
 - iii. the person the applicant married is a New Zealand citizen or residence class visa holder who they intend to live with in New Zealand in a genuine and stable relationship; and
 - iv. the marriage followed an identified and recognised cultural tradition where the arrangements for the marriage, including facilitation of the selection of the persons to be married, have been made by persons who are not parties to the marriage; and
 - v. the application is made within 3 months of the wedding.
- c. All applicants must provide the *Form for Partners Supporting Partnership-Based Temporary Entry Applications (INZ 1146)* completed by their intended New Zealand partner confirming that:
 - i. their intended partner supports the application; and
 - ii. their intended partner is an eligible partner under Partnership instructions (see F2.10.10); and
 - iii. that their intended partner complies with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and
 - iv. their intended partner meets the character requirements for partners supporting 'partnership-based temporary entry applications' set out at E7.45.

- d. Substantive evidence must be provided to demonstrate that the marriage follows an identified and recognised cultural tradition where the arrangements for the marriage, including facilitation of the selection of the persons to be married, have been made by persons who are not parties to the marriage. Such evidence may include but is not limited to:
- i. communication between the parents of the couple, or a person acting as a go-between or matchmaker, or both;
 - ii. other documents indicating public recognition of the arrangement, or ceremony, or both;
 - iii. confirmation from independent sources that such arrangements or ceremonies, or both, are in accordance with the cultural custom of the parties concerned.