



31 March 2020

Immigration New Zealand Operational Manual: Amendment Circular No. 2020-14

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to the Immigration New Zealand Operational Manual. A copy of the changes 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 *Border Entry instructions* effective on and after 11:59pm 31 March 2020
- Appendix 2 contains amended *Transit visa instructions* effective on and after 11:59pm 31 March 2020

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

Description of changes

Implementing the New Zealand Government response to the novel coronavirus (COVID-19) outbreak

This circular contains immigration instructions which form part of Immigration New Zealand's response to the novel coronavirus (COVID-19) outbreak.

The changes to immigration instructions are to retain the temporary border measures and remove the current end date of 31 March 2020.

The review of the temporary border measures will now take place when Ministers reassess New Zealand's COVID-19 alert level.

Appendix 1 - Amendments to Border Entry instructions effective on and after 11:59pm 31 March 2020

Y4.50 People who must be refused entry permission: novel coronavirus (COVID-19) outbreak

See also *Immigration Act 2009 ss 22 and 107*.

- a. Entry permission must be refused to any person, except a person listed in Y4.50(b), who is not otherwise dealt with under Y4.1 and who is:
 - i. the holder of a temporary entry class visa (except as provided for by (c) below)
 - ii. a person described under Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (visa-waiver travellers, including Australians)
 - iii. the holder of a residence class visa whose visa was granted offshore and who is arriving in New Zealand for the first time.
- b. The following persons must be granted entry permission:
 - i. Those New Zealand residence class visa holders listed in Y3.10(a)
 - ii. The partner, legal guardian or any dependent children who are travelling with a New Zealand Citizen or a New Zealand residence class visa holder listed at Y3.10(a)
 - iii. Australian citizens or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia, where New Zealand is their primary place of established residence
 - iv. Diplomats accredited to New Zealand and currently resident in New Zealand.
- c. A person may be granted entry permission if they are the holder of a temporary entry visa which either:
 - i. was granted under the COVID-19 Support Restricted Temporary Entry Instructions; or
 - ii. has a condition that the holder carries out a critical purpose while they are in New Zealand.
- d. A person subject to (a) above may still be granted entry permission by an immigration officer as an exception to instructions (see Y4.45), for reasons including but not limited to:
 - i. Humanitarian reasons
 - ii. Essential health workers as confirmed by the Ministry of Health
 - iii. Other essential workers as defined by the New Zealand Government
 - iv. Citizens of Samoa and Tonga for essential travel to New Zealand
 - v. People who hold a visitor, work or student visa and:
 - o are ordinarily resident in New Zealand; and
 - o are the partner or dependent child of a work or student visa holder who is in New Zealand.

Notes:

- For the avoidance of doubt
- New Zealand citizens are not subject to this instruction
- people subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are deemed to be granted entry permission.

Appendix 2 - Amendments to Transit visa instructions effective on and after 11:59pm 31 March 2020

N2.10 General rules for transit visas

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

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

N2.10.1 People who must be refused a transit visa: novel coronavirus (COVID-19) outbreak

A transit visa will not be granted unless an immigration officer is satisfied that exceptional circumstances, in particular humanitarian circumstances, warrant the grant of a transit visa.

N2.10.2 General rules

- a. Subject to N2.10.1, transit visas may be granted to applicants who:
 - i. apply in the prescribed manner (see [N3.10.1](#)) for a transit visa; and
 - ii. have stated a genuine intention to be in New Zealand only for the purpose of reaching a further destination; and
 - iii. will be confined to a transit area during the whole of their stay in New Zealand; and
 - iv. will not be in New Zealand longer than 24 hours.
- b. Holders of transit visas are not entitled to apply for entry permission or any class or type of visa while in New Zealand during the transit period.

N2.10.3 Currency of transit visa

See also Immigration Act 2009 s 88

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

N2.10.5 Cancellation of transit visa

See also Immigration Act 2009 ss 66, 90

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

N2.10.10 Expiry of transit period

See also Immigration Act 2009 s 91

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

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

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

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

- ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.
 - c. A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

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