



21 May 2020

**Immigration New Zealand Operational Manual: Amendment Circular No. 2020-19**

**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](http://www.immigration.govt.nz).

## Summary of contents

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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 *Residence instructions* effective on and after 18 May 2020.

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

## Description of changes

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

***BJ5.1 Ability to apply***

***SM1.5 Overview***

***SM3.1 Ability to apply***

Potential residence applicants who wish to apply under the Skilled Migrant or Investor 2 Categories are provided four months to do so after being invited to apply. Due to the novel coronavirus (COVID-19) crisis, potential applicants are facing challenges in meeting the normal four month deadline.

Changes have therefore been made to immigration instructions to provide for a six month extension to the normal deadline, for a limited cohort of potential applicants.

Appendix 1 contains amended immigration instructions effective on and after 18 May 2020. Additions to the instructions have been highlighted for ease of reference.

## **Appendix 1 - Amendments to Residence instructions effective on and after 18 May 2020**

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## BJ5.1 Ability to apply

### ***See also Immigration Act 2009 ss 57, 94***

A person may only apply for a resident visa under the Investor 2 Category if:

- a. they have been invited to apply under the Investor 2 Category, and either:
  - i. they make an application (see [R2.25](#)) for a resident visa under the Investor 2 Category within four months of the date of the letter in which that invitation is made; or
  - ii. for those whose invitation to apply is dated between 1 November 2019 and 15 April 2020 inclusive, they make an application for a resident visa under the Investor 2 Category within ten months of the date of the letter in which that invitation is made; and
- b. that invitation has not been revoked.

## SM1.5 Overview

- a. Application for a resident visa under the Skilled Migrant Category is a two-stage process: people wishing to submit an application for a resident visa under the Skilled Migrant Category must first submit an Expression of Interest (EOI) in the prescribed manner (see [SM2.1](#)).
- b. EOIs that meet prerequisites for health, character, English language and age, and have a total of 100 or more points for employability and capacity building factors, are entered into a Pool of EOIs.
- c. EOIs that meet a selection point threshold set from time to time by the Minister of Immigration are selected from the Pool (see [SM2.5](#)).
- d. EOIs selected from the Skilled Migrant Category Pool may result in an invitation to apply for a resident visa under the Skilled Migrant Category (see [SM2.10](#)) if the claims made in the EOI concerning health, character, English language and employability and capacity building factors are assessed as credible by an immigration officer.
- e. Applications for a resident visa made in the prescribed manner must, **unless SM3.1(a)(ii) applies**, be made within four months of the date of the invitation to apply (see [SM3.1](#)).
- f. A Skilled Migrant Category application will be approved if an immigration officer is satisfied the requirements for health, character, English language and employability and capacity building factors are met.
- g. If a principal applicant otherwise meets all requirements for the grant of a resident visa under the Skilled Migrant Category but does not have points for employment in New Zealand ([SM6](#)) or has not studied full time for two years in New Zealand resulting in the award of a Doctorate or Master's degree:
  - i. the decision on the application will be deferred (see [SM3.20](#)); and
  - ii. subject to meeting the requirements of WR5 Skilled Migrant Category Job Search Instructions, the principal applicant will be eligible for the grant of a work visa to allow them to obtain an offer of ongoing skilled employment in New Zealand.
- h. If an offer of ongoing skilled employment (see [SM6](#)) is obtained during the deferral period, the application may be approved.

### SM3.1 Ability to apply

**See also Immigration Act 2009 ss 57, 94**

A person may only apply for a resident visa under the Skilled Migrant Category if:

- a. they have been invited to apply under the Skilled Migrant Category, and either:
  - i. they make an application (see [R2.25](#)) for a resident visa under the Skilled Migrant Category within four months of the date of the letter in which that invitation is made; or
  - ii. for those whose invitation to apply is dated between 1 November 2019 and 15 April 2020 inclusive, they make an application (see [R2.25](#)) for a resident visa under the Skilled Migrant Category within ten months of the date of the letter in which that invitation is made; and
- b. that invitation has not been revoked.