



5 November 2021

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-50

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 from the effective date.

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

H5.25.15 List of critical purpose for travelling to New Zealand

Y3.30 People who may be granted entry permission: COVID-19

Changes have been made to immigration instructions to include Vanuatu government officials as having a critical purpose for travel to New Zealand, where the travel is essential, officially requested by the Vanuatu government, and formally approved by the Ministry of Foreign Affairs and Trade.

Changes have been made to the border entry instructions to allow the entry of New Zealand resident visa holders and Australian citizens and permanent residents who are travelling to New Zealand from Samoa, Tonga, Vanuatu or Tokelau, and who meet the requirements to travel quarantine-free (QFT). These instructions are effective from 8 November 2021. Another version of border entry instructions take effect from 1 December 2021 which include changes already certified relating to the 2021 Resident Visa.

Appendix 1: Amendments to Restricted Temporary Entry instructions effective on and after 8 November 2021

H5.25.15 List of critical purpose for travelling to New Zealand

The following people are defined as having a critical purpose for travelling to New Zealand under these instructions:

- a. Critical health workers and their partners and dependent children ([H5.30.1](#)).
- b. Other critical workers, and their partners and dependent children (except where [H5.30.20](#) states that partners and dependent children are not eligible to be included) ([H5.30.5](#)).
- c. People belonging to a class exception agreed to by Cabinet or the Minister of Immigration, consisting of either:
 - i. class of workers, that meets the requirements set out at [H5.30.20](#); or
 - ii. a class of individuals, that meets the requirements set out at [H5.30.21](#).
- d. Citizens of Samoa and Tonga, and Vanuatu government representatives, making essential travel to New Zealand where this travel has been officially requested by the Government of Samoa, Vanuatu or Tonga, and this request has been formally approved by the New Zealand Ministry of Foreign Affairs and Trade.
- e. People who have humanitarian reasons for travel to New Zealand ([H5.30.25](#)).
- f. The partner, dependent child or legal guardian of a New Zealand citizen or residence class visa holder (with the exception of the holder of a resident visa granted outside New Zealand who has not entered New Zealand as the holder of the visa), who is either:
 - i. travelling with that New Zealand citizen or residence class visa holder; or
 - ii. ordinarily resident in New Zealand; or
 - iii. has a visa based on their relationship to the New Zealand citizen or residence class visa holder.
- g. People who hold a visitor, work or student visa and:
 - i. are ordinarily resident in New Zealand; and
 - ii. are the partner or dependent child (see E4.1) of a work or student visa holder who is in New Zealand.
- h. Replacement cargo ship crew travelling to New Zealand by air ([H5.30.30](#)).
- i. Marine crew arriving by the maritime border ([H5.31](#)).
- j. Essential Skills, Entrepreneur and Work to Residence visa holders who normally live in New Zealand ([H5.30.35](#)).
- k. Replacement cargo ship crew travelling to New Zealand by air servicing the Pacific ([H5.30.31](#)).
- l. People who held a visitor, work or student visa on 19 March 2020 that was granted on the basis of their relationship to a work or student visa holder who is currently in New Zealand and, on the date they express interest either:
 - i. that relationship-based visa is still current; or
 - ii. that relationship-based visa had a "first entry" condition and, had they entered New Zealand on the last date allowed for by the first entry condition, their visa would still be current ([H5.30.40](#)).
- m. The partner or dependent child of a work visa or a Critical Purpose visa holder who is in New Zealand and that visa-holder's visa either:
 - i. indicates they are employed in an occupation in critical health services ([H5.30.45](#)); or
 - ii. was granted on the basis of current employment that meets the specified salary, and is highly-skilled, as defined in [H5.30.50](#); or
 - iii. indicates they are employed as a full-time teacher in either Early Childhood Education or at a primary or secondary school.

Appendix 2: Amendments to Temporary Entry and Residence (Border Entry) instructions effective on and after 8 November 2021

Y3.30 People who may be granted entry permission: COVID-19

- a. Despite Y4.50(a), the following persons may 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 of a New Zealand citizen or a New Zealand residence class visa holder listed at Y3.10(a) who:
 - o are travelling with that New Zealand citizen or residence class visa holder; or
 - o are ordinarily resident in New Zealand; or
 - o have a visa based on their relationship to the New Zealand citizen or residence class visa holder.
 - 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.
 - v. New diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand.
 - vi. Other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or their delegate where there is a compelling national interest.
 - vii. Holders of a resident visa granted under the COVID-19 Support residence instructions (S5).
 - viii. Persons who previously held their initial resident visa while in New Zealand, and are the holders of a second or subsequent resident visa granted offshore, and who are travelling to New Zealand for the first time as the holder of that visa.
 - ix. Positioning aircraft crew travelling to New Zealand as a passenger (other than a transit passenger) on a commercial aircraft for the purpose of leaving New Zealand as aircraft crew in the course of a scheduled international service.
 - x. A person who:
 - o has travelled to New Zealand directly from Australia, the Cook Islands or Niue; and
 - o travelled to New Zealand on a Quarantine-Free Travel flight (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020); and
 - o on boarding the flight, has been present in either of the following for the specified 14-day period (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020)
 - the Cook Islands or New Zealand (if travelling from the Cook Islands); or
 - Niue or New Zealand (if travelling from Niue); or
 - Australia or New Zealand (if travelling from Australia).
 - xi. A person who has travelled to New Zealand directly from Australia; and
 - o is the holder of a resident visa; or
 - o is the holder of a temporary visa who last departed from New Zealand on or after 6 April 2021; or
 - o is an Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia who last departed from New Zealand on or after 6 April 2021; or
 - o the partner, parent or dependent child of:
 - a New Zealand citizen
 - the holder of a resident visa
 - the holder of a temporary visa who last departed from New Zealand on or after 6 April 2021
 - an Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia who last departed from New Zealand on or after 6 April 2021
 - xii. Persons who were in Afghanistan on 15 August 2021 and who on 19 August 2021 held and continue to hold either a valid temporary entry class visa or a residence class visa which was granted when the person was offshore and the person is arriving in New Zealand for the first time.

xiii. A person who:

- is either:
 - The holder of a resident visa; or
 - An Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia; and
- has travelled to New Zealand directly from Samoa, Vanuatu or Tonga; and
- travelled to New Zealand on a Quarantine-Free Travel flight (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020); and on boarding the flight, has been present in either of the following for the specified 14-day period (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020):
 - Samoa or New Zealand (if travelling from Samoa); or
 - Vanuatu or New Zealand (if travelling from Vanuatu); or
 - Tonga or New Zealand (if travelling from Tonga); or
 - Tokelau, Samoa or New Zealand (if travelling from Tokelau).

Note: For the purpose Y3.30(a)(xi), dependent child has the meaning given by section 4 of the Immigration Act 2009, and parent, in relation to a dependent child, means a person on whom the child is dependent.

- b. A person may be granted entry permission if they are the holder of a temporary entry class visa which either:
- i. was granted or varied 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.

Note: A person who was granted a second or subsequent resident visa by special direction on 11 September 2020 (i.e a person who held a resident visa with travel conditions which expired between 2 February 2020 and 11 September 2020 and had previously been in New Zealand as a resident but were outside New Zealand on 11 September 2020), is considered to hold a second or subsequent resident visa for the purposes of Y3.30(a)(viii). Quarantine-Free Travel is provided for by orders under the Covid-19 Public Health Response Act 2020. The COVID-19 Public Health Response (Air Border) Order (No 2) 2020 defines Quarantine-Free Travel (QFT) places, ports, carriers and persons. QFT is currently only possible for people arriving by the air border as part of a scheduled international service in accordance with the Air Border Order. Anyone arriving by private aircraft or by the maritime border are still subject to the border restrictions.

In the Air Border Order, the specified 14-day period means the period that:

- (a) starts at the beginning of the 14th day before the day on which the person boards the aircraft undertaking the QFT flight concerned, and
- (b) ends when the person boards the aircraft.

Appendix 3: Amendments to Temporary Entry and Residence (Border Entry) instructions effective on and after 1 December 2021

Y3.30 People who may be granted entry permission: COVID-19

- a. Despite Y4.50(a), the following persons may 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 of a New Zealand citizen or a New Zealand residence class visa holder listed at Y3.10(a) who:
 - o are travelling with that New Zealand citizen or residence class visa holder; or
 - o are ordinarily resident in New Zealand; or
 - o have a visa based on their relationship to the New Zealand citizen or residence class visa holder.
 - 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.
 - v. New diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand.
 - vi. Other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or their delegate where there is a compelling national interest.
 - vii. Holders of a resident visa granted under the COVID-19 Support residence instructions (S5).
 - viii. Persons who previously held their initial resident visa while in New Zealand, and are the holders of a second or subsequent resident visa granted offshore, and who are travelling to New Zealand for the first time as the holder of that visa.
 - ix. Positioning aircraft crew travelling to New Zealand as a passenger (other than a transit passenger) on a commercial aircraft for the purpose of leaving New Zealand as aircraft crew in the course of a scheduled international service.
 - x. A person who:
 - o has travelled to New Zealand directly from Australia, the Cook Islands or Niue; and
 - o travelled to New Zealand on a Quarantine-Free Travel flight (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020); and
 - o on boarding the flight, has been present in either of the following for the specified 14-day period (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020)
 - the Cook Islands or New Zealand (if travelling from the Cook Islands); or
 - Niue or New Zealand (if travelling from Niue); or
 - Australia or New Zealand (if travelling from Australia).
 - xi. A person who has travelled to New Zealand directly from Australia; and
 - o is the holder of a resident visa; or
 - o is the holder of a temporary visa who last departed from New Zealand on or after 6 April 2021; or
 - o is an Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia who last departed from New Zealand on or after 6 April 2021; or
 - o the partner, parent or dependent child of:
 - a New Zealand citizen
 - the holder of a resident visa
 - the holder of a temporary visa who last departed from New Zealand on or after 6 April 2021
 - an Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia who last departed from New Zealand on or after 6 April 2021
 - xii. Persons who were in Afghanistan on 15 August 2021 and who on 19 August 2021 held and continue to hold either a valid temporary entry class visa or a residence class visa which was granted when the person was offshore and the person is arriving in New Zealand for the first time.
 - xiii. Holders of a resident visa granted under the 2021 Resident Visa instructions (S6) as a Dependent Child 25 Years or Older.

xiv. A person who:

o is either:

- The holder of a resident visa; or
 - An Australian citizen or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia; and
- o has travelled to New Zealand directly from Samoa, Vanuatu or Tonga; and
- o travelled to New Zealand on a Quarantine-Free Travel flight (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020); and on boarding the flight, has been present in either of the following for the specified 14-day period (as defined in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020):
- Samoa or New Zealand (if travelling from Samoa); or
 - Vanuatu or New Zealand (if travelling from Vanuatu); or
 - Tonga or New Zealand (if travelling from Tonga); or
 - Tokelau, Samoa or New Zealand (if travelling from Tokelau).

Note: For the purpose Y3.30(a)(xi), dependent child has the meaning given by section 4 of the Immigration Act 2009, and parent, in relation to a dependent child, means a person on whom the child is dependent.

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- (a) starts at the beginning of the 14th day before the day on which the person boards the aircraft undertaking the QFT flight concerned, and
- (b) ends when the person boards the aircraft.