



27 May 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-31

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 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

A15.15 Delegation of Powers: Minister of Immigration to Delegated Decision Makers of the Ministry of Business, Innovation and Employment – Immigration New Zealand

Changes have been made to the Operational Manual to reflect the following delegations from the Minister to Delegated Decision Makers (DDMs):

- the ministerial decision-making power under section 76(3) of the Immigration Act 2009 (the Act) to grant a visa as an exception to restricted temporary entry instructions
- the power under section 53(1) of the Act to impose additional conditions, vary or waive conditions that would otherwise apply, when granting a temporary entry class visa subject to restricted temporary entry instructions
- the power under section 53(2) of the Act to impose further conditions, vary or cancel conditions that would otherwise apply to a temporary entry class visa subject to restricted temporary entry instructions following the grant of that visa.

Appendix 1: Amendments to Operational instructions effective from 25 May 2022

A15.15 Delegation of Powers: Minister of Immigration to Delegated Decision Makers of the Ministry of Business, Innovation and Employment – Immigration New Zealand

PURSUANT to section 380 of the Immigration Act 2009 (the Act) and effective from the date of signature I, Kris Faafoi, Minister of Immigration, hereby:

1. REVOKE the Instrument of Delegation dated **13th day of November 2020** previously made under that section with the title *Delegation of Powers: Minister of Immigration to Delegated Decision Makers of the Ministry of Business, Innovation and Employment – Immigration New Zealand*;
2. DELEGATE the powers in the Act that are specified below to the immigration officers specified below (known as Delegated Decision Makers (“DDMs”));
3. DELEGATE to every immigration officer the power to take the practical steps necessary under that Act to implement a decision taken by a DDM pursuant to this Instrument. Any person who exercises any power pursuant to this Instrument shall do so in accordance with
 - a. any applicable immigration instructions (s22 of the Act); and
 - b. any applicable general instructions to immigration officers from the chief executive (s26(4) of the Act).
4. For the avoidance of doubt, this Instrument is additional to, and does not revoke, any other Instrument aside from that revoked by paragraph 1 of this Instrument.

Dated at Wellington this **25th** day of May 2022

Kris Faafoi
Minister of Immigration

Specified Delegated Decision Makers

Alejandra Mercado
Michael Carley
Steve Cantlon
Elizabeth Cantrick
Katherine Macleod
Nicola Scotland
Gordon Barlow

Additional Powers Delegated:

1. On granting a resident visa as an exception to residence instructions, the power under s50(1) to impose conditions in addition to those specified in the applicable residence instructions (if any); or to vary or waive conditions that would otherwise apply to a visa of that type;
2. Following the grant of a resident visa, the power under s50(2) to, by special direction, impose further conditions whether or not the conditions are specified in the applicable residence instructions (if any); or vary or cancel conditions that would otherwise apply to the visa or were imposed under s50(1);
3. **On granting a temporary entry class visa subject to restricted temporary entry instructions as an exception to those instructions, the power under s53(1) to impose conditions in addition**

to those specified in temporary entry instructions in relation to a visa of that type; and to vary or waive conditions that would otherwise apply to a visa of that type.

4. Following the grant of a temporary entry class visa subject to restricted temporary entry instructions, the power under s53(2) to, by special direction, impose further conditions, whether or not the conditions are specified in temporary entry instructions in relation to a visa of that type; and to vary or cancel conditions that would otherwise apply to a visa of that type or were imposed under s53(1).
5. The power under s61A(1) to, by special direction, grant a visa of any type to a person who is outside New Zealand or is in New Zealand and holds a temporary entry class visa.
6. The power under s71(5) to grant a residence class visa, as a matter of absolute discretion, to a person to whom s71(4) of the Act applies;
7. The power under s72(2) to give a special direction allowing a residence application received by an immigration officer in the first instance to be considered by the Minister;
8. The power under s72(3), as a matter of absolute discretion, to grant a residence class visa as an exception to residence instructions;
9. The power under s76(3), as a matter of absolute discretion, to grant a visa as an exception to restricted temporary entry instructions.
10. The power under s94(4) to, by special direction, issue an invitation to apply for a visa to a person whether or not the person has expressed his or her interest in the manner required by the Act or immigration instructions;
11. The power to determine that a residence class visa holder is liable for deportation under ss156(1)(b), 158(1)(b), 159, or 160;
12. The power under s172(1) to, as a matter of absolute discretion, cancel a person's liability for deportation where deportation liability arises under ss156(1), 158(1), 159, 160(1), 161, or 162;
13. The power under s172(2) to, as a matter of absolute discretion, suspend a residence class visa holder's liability for deportation where deportation liability arises under ss156(1), 158(1), 159, 160(1), 161, or 162. Any suspension of liability may be set for a period not exceeding 5 years, and may be made subject to any conditions which are to be stated in the written notice of suspension.
14. The power under s172(3) to reactivate a person's liability for deportation if the person fails to comply with the conditions imposed by a DDM under s172(2)(b).
15. The power under s174(2) to determine that a person has met the conditions imposed by the Minister under s172(2) for the period of the suspension, to cancel that person's liability for deportation, and notify the person and the Tribunal of that fact.
16. The power under s182 to reduce or remove a period of prohibition on entry for those who have a permanent prohibition on re-entry to New Zealand under ss179 due to being deported from New Zealand following deportation liability arising under ss156, 158, 160, 161 and 162.
17. The power under s213(5) to determine that a person has met any conditions imposed by the Tribunal under s212(1) for the duration of the suspension, cancel the person's liability for deportation, and notify the Tribunal accordingly.