



2 August 2024

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2024-19

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

S4.30: Christchurch Response (2019) Category

SM: Skilled Migrant Category

H5: COVID-19 Support Restricted Temporary Entry Instructions

H6: COVID-19 Support Restricted Temporary Entry Instructions (relationship-based visitor visa for visa-waiver partners of New Zealanders)

U8.20.1 Tertiary aged dependent children of people who may be eligible for a 2021 Resident Visa

V3.155 Persons departing New Zealand during COVID-19

Y3.35 Revocation of deemed entry permission

Immigration instructions at Y3.35 have been revoked as they are no longer valid as the repeal date specified in section 113A(8) of the Immigration Act 2009 has passed. The remaining immigration instructions have been revoked as the visa categories can no longer be used.

R5.65 Approved applications for residence class visas

A4.20 Medical and Chest X-ray Certificates: residence class visa applications

E7.2.1 Automated processing of temporary entry class visas

E4.1.10 Definition of 'dependent child'

U13.15.1 Work conditions for up to twenty hours in any given week

U3.35.15 Tertiary sector domestic students who require a student visa, interim visa with study conditions, or limited visa

E4.50 Requirements for lodging an application for a temporary entry class visa

W2.2.1 Definition of 'work'

These immigration instructions have been amended to remove references to revoked instructions.

Amendments to immigration instructions at R5.65 and A4.20 are effective from 1 August 2024.

Other amendments are effective from 29 July 2024.

SR3.25.5 Qualification

Immigration instructions have been amended to enable PhD students who have completed their qualification, but not yet graduated, to meet the requirements to be awarded points for qualifications under the Skilled Migrant Category, provided they meet certain evidential requirements.

These amendments are effective from 1 August 2024.

WA4.10 Determining an Accredited Employer work visa

WA4.15 Currency and conditions of Accredited Employer work visas

Immigration instructions have been amended to clarify Accredited Employer work visa (AEWV) maximum continuous stay (MCS) and duration requirements for:

- workers moving from a below median wage role to a role that pays at or above median wage and
- care workforce workers earning above median wage.

These amendments are effective from 29 July 2024

Y4.15 People who must be refused entry permission unless granted as an exception to instructions: circumstances and compliance concerns

Y2.1 Passenger responsibilities on arrival

Y2.15 Who is exempt from presenting a New Zealand Traveller Declaration

Immigration instructions have been updated to clarify references to the New Zealand Traveller Declaration.

Amendments to Y4.15 instructions are effective from 26 July 2024.

Other amendments to are effective from 1 August 2024.

F4.35 Sponsorship Requirements

I3.10 Grant of an SMC interim visa

WM5.1 Minimum income requirement for dependent children of Religious Worker work visa holders

Changes have been made to correct an amount specified as the minimum income threshold for sponsors (for both single and joint sponsorship).

Amendments relating to the Parent Category are effective from 25 July 2024.

Other amendments are effective from 29 July 2024.

Appendix 1: Revocation to Residence instructions effective on and after 26 July 2024

S4.30 Christchurch Response (2019) Category

S4.30.1 Objective

The Christchurch Response (2019) Category provides certainty to the New Zealand-based individuals directly affected by terrorist attacks at the Masjid Al Noor and Linwood mosques in Christchurch on 15 March 2019 (the attacks) and to their family living in New Zealand about their ability to remain in New Zealand permanently.

S4.30.5 Overview

- a. Application for a permanent resident visa under the Christchurch Response (2019) Category is a two-stage process: people wishing to apply for a permanent resident visa under the Christchurch Response (2019) Category must first submit an expression of interest (EOI).
- b. EOIs may result in an invitation to apply for residence if the claims made in the EOI concerning health, character, being based in New Zealand, and being either directly affected by the attacks, or the family member of a person directly affected by the attacks are assessed as credible by an immigration officer.
- c. A Christchurch Response (2019) Category application will be approved if the requirements for being based in New Zealand, and being either directly affected by the attacks, or the family member of a person directly affected by the attacks are met, and the requirements for health and character are either met or waived.

S4.30.10 Expression of interest and invitation to apply for a Christchurch Response (2019) permanent resident visa

See also Immigration Act 2009 ss 92, 93 and 95.

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regulations 9 and 20.

- a. A person may express interest in applying for a Christchurch Response (2019) Category permanent resident visa if she or he:
 - i. was based in New Zealand on 15 March 2019 (S4.30.25.10); and
 - ii. was directly affected by the attacks (S4.30.25.5) or is the eligible family member of a person directly affected by the attacks (S4.30.25.1).
- b. A person may express interest in applying by completing the Christchurch Response (2019) Category expression of interest form (INZ 1244), and submitting it to an immigration officer.
- c. An immigration officer may invite a person to apply if the information provided in an EOI indicates:
 - i. no health or character issues that may adversely affect the ability of any person included in the expression of interest to be granted a Christchurch Response (2019) permanent resident visa; and
 - ii. the principal applicant was based in New Zealand on 15 March 2019; and
 - iii. the principal applicant was either:
 - o directly affected by the attacks; or
 - o is the eligible family member of a person directly affected by the attacks.

S4.30.15 Making an application

See also Immigration Act 2009 ss 93 and 94.

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regulations 5 and 20.

- a. A person may only apply for a Christchurch Response (2019) Category permanent resident visa if she or he is invited to do so.
- b. Applications for residence under the Christchurch Response (2019) Category must be made in the prescribed manner (see R2).
- c. Applications made under these instructions must be lodged on or before 23 April 2021.

Note: The prescribed fee for applications under these instructions has been waived by the Minister of Immigration by special direction.

S4.30.20 Determining a Christchurch Response (2019) Category permanent resident visa application

- a. Permanent resident visas may be granted if an immigration officer is satisfied that the applicant:
 - i. meets health and character requirements for residence (A4 and A5); and
 - ii. on 15 March 2019 was based in New Zealand (S4.30.25.10); and
 - iii. was directly affected by the attacks (S4.30.25.5).
- b. Permanent resident visas may also be granted if an immigration officer is satisfied that the applicant:
 - iv. meets health and character requirements for residence (A4 and A5); and
 - v. on 15 March 2019 was based in New Zealand (S4.30.25.10); and
 - vi. is the eligible family member of a person who was directly affected by the attacks (S4.30.25.1 and S4.30.25.5).

S4.30.25 Definitions

S4.30.25.1 Family members eligible for residence under these instructions

The following table describes which family members of people directly affected by the attacks are eligible for residence under these instructions.

	Column A: The person who was directly affected:	Column B: The family members eligible are:
	was a dependent child	The directly affected person's: Parents Grandparents Siblings who are dependent children
	was not a dependent child	The directly affected person's: Partner Dependent children Partner's dependent children Parents Partner's parents

S4.30.25.5 People who were directly affected by the attacks

A person will be considered to have been directly affected by the attacks if an immigration officer is satisfied they are recorded on the official New Zealand Police list of:

- people killed in the attacks; or
- people injured in the attacks; or
- people present at either mosque during the attacks.

Note: For the purposes of this policy, first responders such as police and medical staff are not considered to be people who were directly affected by the attacks.

S4.30.25.10 Based in New Zealand

- A person is considered to be 'based in New Zealand' where an immigration officer is satisfied that on 15 March 2019 they were living primarily in New Zealand.
- Unless there is evidence to the contrary, a person will be considered to be based in New Zealand under these instructions if on 15 March 2019 she or he held any visa except:
 - a visitor visa; or
 - a working holiday visa; or
 - a limited visa; or
 - an interim visa where the holder had applied for a visitor or limited visa.
- When considering if a person is based in New Zealand, factors an immigration officer may consider include (but are not limited to):
 - the length of time a person has been living in New Zealand;
 - the frequency and duration of absences from New Zealand;
 - whether a person is working or studying in New Zealand;
 - the strength of family, social, economic or civic ties to New Zealand.

S4.30.25.15 Family relationships

- A person will be considered to be the partner of a person directly affected by the attacks if they meet the requirements for partnership specified in R2.1.

- b. A person will be considered to be a dependent child of a person directly affected by the attacks if they meet the requirements for dependent children specified in R2.1.
- c. A person will be considered to be the parent of a person if they are the:
 - i. biological parent of the affected person; or
 - ii. parent through adoption of the affected person.
- d. A person will be considered to be the grandparent of a person directly affected by the attacks if they are the:
 - iii. biological parent of a parent of the affected person; or
 - iv. parent through adoption of the parent of the affected person.

S4.30.30 Evidence

S4.30.30.1 Evidence that a person is based in New Zealand

Evidence that an immigration officer may refer to or request when considering whether a person is based in New Zealand may include, but is not limited to:

- o travel records held by Immigration New Zealand;
- o correspondence addressed to the person;
- o employment records;
- o records of benefit payments from the Ministry of Social Development;
- o banking records;
- o rates demands;
- o Inland Revenue records;
- o mortgage documents;
- o tenancy and utility supply agreements;
- o documents showing that the person's household effects have been moved to New Zealand.

Note: The presence or absence of any of the documents listed above is not determinative. Each case will be decided on the basis of all the evidence provided.

S4.30.30.5 Evidence a person was directly affected by the attacks

Immigration New Zealand will confirm directly with the New Zealand Police that a person is on the official Police lists of people who died, were injured, or were present at either mosque during the attacks.

S4.30.30.10 Evidence of relationship

- a. Evidence of an applicant's relationship to a person who was directly affected by the attacks (see S4.30.25.5) includes, but is not limited to:
 - i. birth certificates establishing the relationship;
 - ii. marriage certificates establishing the relationship;
 - iii. household registration documents that establish the relationship;
 - iv. evidence of adoption (see R3) that establishes the relationship;
 - v. documents issued by the United Nations High Commissioner for Refugees (UNHCR) and/or other internationally recognised agencies that establish the relationship;
 - vi. evidence of partnership (see F2.20.15);
 - vii. other evidence establishing the relationship to the satisfaction of an immigration officer.
- b. If satisfied that evidence necessary to establish an applicant's relationship to a person who was directly affected by the attacks on mosques in Christchurch is not available or would be unduly difficult to obtain, immigration officers may:
 - i. specify another type of evidence to be submitted, such as a statutory declaration; and/or
 - ii. interview the principal applicant, those included in the application, or other parties involved in the application to verify identity and/or the relationship claimed by the applicant(s).

S4.30.35 Verification of family details

Immigration officers may refer to former applications lodged by applicants, family members of applicants or sponsors, in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant's or partner's marital status).

S4.30.40 Grant of a permanent resident visa

Successful applicants under the Christchurch Response (2019) Category will be granted a permanent resident visa.

Skilled Migrant Category

SM1.1 Objective

- a. The objective of the Skilled Migrant Category is to provide for the grant of resident visas to people who demonstrate that they:
 - o have skills to fill identified needs and opportunities in New Zealand; and
 - o are able to transfer those skills to New Zealand and link with local needs and opportunities; and
 - o are able to demonstrate an ability to contribute to and successfully settle in New Zealand.
- b. In meeting this objective the Skilled Migrant Category will maximise and accelerate the contribution of immigration to New Zealand's:
 - o capacity building, sustainable growth and innovation;
 - o global connectedness; and
 - o thriving and inclusive communities**through linking global talent with local opportunities.**

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 SM instructions 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. If submitted on or before 11:59 pm (NZT) 15 August 2023, 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).

Note: The final selection from the Pool under the Skilled Migrant Category SM instructions is scheduled to take place on 16 August 2023 (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

SM1.10 Points for employability and capacity building factors

Factors		Points	Criteria
Age (20 to 55 years)	20-39	30	SM5
	40-44	20	
	45-49	10	
	50-55	5	
Skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand	50	SM6
Bonus points for skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand in an area of absolute skills shortage	10	SM6.40
	Current skilled employment or an offer of skilled employment outside the Auckland region	30	SM6.50
	Current skilled employment or an offer of skilled employment with remuneration of least \$54.00 per hour, or the equivalent annual salary	20	SM6.60
Skilled work experience	2 years	10	SM7
	4 years	20	
	6 years	30	
	8 years	40	
	10 years	50	

Additional bonus points if skilled work experience is in New Zealand	1 year or more	10	SM7.25
Additional bonus points for skilled work experience in an area of absolute skills shortage	2 to 5 years	10	SM7.30
	6 years or more	15	
Qualifications	Recognised level 3 qualification if included on the List of Qualifications Exempt from Assessment (LOEA)	40	SM8
	Recognised level 4-6 qualification (e.g. trade qualification, diploma)	40	
	Recognised level 7 or 8 qualification (e.g. bachelor's degree, bachelor's degree with Honours)	50	
	Recognised level 9 or 10 post-graduate qualification (Master's degree, Doctorate)	70	
Bonus points for qualifications gained in New Zealand	2 years of full-time study in New Zealand completing a recognised bachelor degree (level 7) New Zealand qualification; or	10	SM8.25
	1 year of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification; or	10	
	2 years of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification	15	
Bonus points for partner's skilled employment	Partner's current skilled employment in New Zealand or offer of skilled employment in New Zealand.	20	SM9.5

Bonus points for partner's qualification (either)	Recognised qualification at level 7 or 8; or	10	SM9.10
	Recognised qualification at level 9 or above	20	

SM2 Expressions of Interest and Invitation to Apply

SM2.1 Submitting an Expression of Interest

See also Immigration Act 2009 s 92

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 9

SM2.1.1 How to make an Expression of Interest

- a. A person who is interested in applying for a resident visa under the Skilled Migrant Category SM instructions must complete an Expression of Interest (EOI) form in the prescribed manner.
- b. The prescribed manner for completing and submitting an EOI is that the person expressing interest submits to an immigration officer:
 - i. the completed EOI form; and
 - ii. the appropriate fee (if any).
- c. It is the responsibility of the person submitting the EOI to ensure that it is correct in all material respects.

SM2.1.5 Submission into the Pool

EOIs submitted in the prescribed manner may be entered into a Pool of EOIs (the Pool) if the person expressing interest:

- a. has confirmed that health and character requirements for entry to the Pool have been met because none of the people included in their EOI are people who:
 - i. are described in sections 15 or 16 of the Immigration Act 2009 (see A5.20); or
 - ii. would be ineligible for a medical waiver (see A4.60); and
- b. has confirmed that they meet the minimum standard of English (see SM4) or have confirmed that they have:
 - i. booked an acceptable English language test (SM4.5.5); or
 - ii. requested an International Qualification Assessment or a Qualifications Assessment Report from the New Zealand Qualifications Authority for the purposes of SM4.5; and
- c. has claimed a minimum of 100 points for employability and capacity building factors (see SM5 to SM9); and
- d. has claimed points for either recognised qualifications (see SM8) or have confirmed that they have requested an International Qualification Assessment or a Qualifications Assessment Report from the New Zealand Qualifications Authority (SM8.15); or
- e. has claimed points for skilled work experience (see SM7); and
- f. is less than 56 years of age at the time the EOI is submitted.

SM2.1.10 Currency of Expressions of Interest

- a. An EOI is current for a period of six months from the date of initial submission to the Pool unless no selection of EOIs from the Pool has occurred within that six-month period. Where this is the case, an EOI is current until such time as a selection from the Pool has occurred.
- b. An EOI will be withdrawn from the Pool if:
 - i. it is no longer current; or
 - ii. it is rejected after selection because it does not meet prerequisites for entry to the Pool and as a result no invitation to apply has been issued.

Note: The final selection from the Pool under the Skilled Migrant Category SM instructions is scheduled to take place on 16 August 2023 (See [SM2.5](#)).

SM2.5 Selection from the Pool

- a. EOIs will be selected from the Skilled Migrant Pool (the Pool) that have total points of:
 - i. 180 or more, provided the EOI was submitted at or before 11:59pm (NZT) on 15 August 2023; or
 - ii. between 100 and less than 179 inclusive, effective from 16 August 2023.

Note: EOIs that are selected with less than 180 points will not result in an invitation to apply for residence.

- b. The total points required for selection may be adjusted by the Minister of Immigration certifying amended Residence instructions as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP).
- c. EOIs in the Pool completed on the approved EOI form are selected from that Pool on the Government's behalf by the Ministry of Business, Innovation and Employment.
- d. As EOIs are entered into the Pool they are ranked on the basis of total points claimed for employability and capacity building factors. The ranking of EOIs relative to each other change as EOIs enter, or are withdrawn from, the Pool.
- e. An EOI submitted on or after 16 August 2023 will not result in an invitation to apply for residence under SM instructions.

Note: The final selection from the Pool under the Skilled Migrant Category SM instructions is scheduled to take place on 16 August 2023.

SM2.10 Invitation to apply for a resident visa

See also Immigration Act 2009 s 95

- a. People whose EOIs have been selected from the Pool on or before 16 August 2023 may be invited to apply for a resident visa under the Skilled Migrant Category SM instructions if:
 - i. the information provided does not indicate the presence of any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category; and
 - ii. an immigration officer considers that the claims about English language and points for employability and capacity building factors which were the basis for selection from the Pool are credible; and
 - iii. it is confirmed that they have 180 or more points.
- b. An immigration officer may seek further evidence, information and submissions from a person whose EOI has been selected from the Pool for the purpose of determining whether their claims are credible and whether there are any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category.
- c. In any particular case, an EOI selected from the Pool may not result in an invitation to apply for a resident visa under the Skilled Migrant Category. No person is entitled as of right to an invitation to apply for a visa and the decision to issue or revoke an invitation is a matter for the discretion of the Minister of Immigration or, subject to any special direction, an immigration officer.
- d. EOIs submitted on or after 16 August 2023 will not be invited to apply for a Skilled Migrant Category Residence Visa under SM instructions.

Note: An immigration officer's decision to invite a person to apply for a resident visa under the Skilled Migrant Category (based on information, evidence and submissions provided prior to application) does not guarantee in any subsequent application for a resident visa the points claimed by the applicant or a positive assessment against health, character or English language requirements.

SM3 Applying for residence

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 SM instructions if:

- a. they have been invited to apply under these instructions, and they make such an application (see R2.25) within four months of the date of the letter in which that invitation is made; and
- b. that invitation has not been revoked.

SM3.5 Skilled Migrant Category requirements

SM3.5.1 Health, character and English language requirements

- a. Applicants under the Skilled Migrant Category must meet:
 - i. health and character requirements (see A4 and A5); and
 - ii. a minimum standard of English or, where instructions allow, pre-purchase English for Speakers of Other Languages (ESOL) tuition.
- b. If an ESOL charge is required (see SM4.20), but is not paid within the time specified by INZ, the resident visa application will be declined.

SM3.5.5 Employability and capacity building requirements (SM5 to SM9)

- a. Employability and capacity building factors comprise the requirements contained in SM5, SM6, SM7, SM8 and SM9 and are assessed using a points system.
- b. An application for a resident visa under the Skilled Migrant Category SM instructions will be declined if a principal applicant:
 - i. does not qualify for the points for employability and capacity building factors on the basis of which their Expression of Interest was selected from the Pool (unless SM3.15 (b) applies); or
 - ii. does not qualify for points for either work experience (see SM7) or qualifications (see SM8); and either
 - iii. does not qualify for points for skilled employment in New Zealand (either before or during the deferral period as set out at SM3.20 below); or
 - iv. has not undertaken full time study for at least two years in New Zealand that has resulted in the award **of a Doctorate or Master's degree.**

SM3.10 Provision of evidence

- a. Applicants must provide sufficient evidence to demonstrate that:
 - i. the principal and any secondary applicants meet health, character and English language requirements, and
 - ii. the principal applicant qualifies for points claimed for employability and capacity building factors.
- b. An application must be declined if an immigration is not satisfied that sufficient evidence (as set out in (a) above), has been provided.

SM3.10.1 False or misleading information in an Expression of Interest

- a. **It is sufficient grounds to decline a Skilled Migrant Category resident visa application made under SM instructions if:**
 - i. false or misleading information was provided as part of the associated Expression of Interest (EOI); or
 - ii. relevant, potentially prejudicial information was withheld from the associated EOI; or
 - iii. an applicant or their agent failed to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is submitted that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa.
- b. **A decision that false or misleading information was provided does not require an immigration officer to determine whether or not the applicant personally:**
 - i. knew that the information was false or misleading; or
 - ii. knew that such information was provided to INZ (for example by their agent); or
 - iii. intended to deceive Immigration New Zealand through their actions or inaction.
- c. A decision that relevant, potentially prejudicial information was withheld requires an immigration officer to be satisfied that the applicant, or their agent, knew that information, but does not require an immigration officer to determine whether or not the applicant personally intended to withhold information, or deceive Immigration New Zealand through their actions or inaction.
- d. In cases where an applicant had an agent acting on their behalf, a decision that false or misleading information was provided does not require an immigration officer to determine whether or not the agent knew that the information was false or misleading.

SM3.10.2 Deciding whether to decline a Skilled Migrant Category (SM) application for false, misleading or withheld information in the associated Expression of Interest

- a. Where an immigration officer determines that false or misleading information was provided, or relevant, potentially prejudicial information was withheld, in an associated EOI, the residence application under the Skilled Migrant Category (SM instructions) is to be normally declined.
- b. Despite SM3.10.2(a), an immigration officer must not decline the application under SM.3.10.1(a) without considering the circumstances of the application.

SM3.15 Approving an application

- a. An application under the Skilled Migrant Category SM instructions will be approved if an immigration officer is satisfied that:
- i. the principal applicant and family members included in the application meet health and character and English language requirements as required; and
 - ii. the principal applicant qualifies for the points for employability and capacity building factors that were the basis on which their Expression of Interest (EOI) was selected from the Pool on or before 16 August 2023 which resulted in an invitation to apply (i.e. they qualify on the basis of the criteria to be awarded points that were in place on the date their EOI was selected) (see SM2.5); and
 - iii. the principal applicant is less than 56 years of age on the date their application is made; and
 - iv. the principal applicant:
 - o has current skilled employment in New Zealand or an offer of ongoing skilled employment in New Zealand; or
 - o has undertaken full-time study for at least two years in New Zealand that has resulted in the award of a **Doctorate or Master's degree**.

Note: The requirement at SM3.15(a)(ii) means that where there have been amendments or updates to the requirements setting out how points are awarded between the EOI being selected and the application being made, the requirements in place on the date of selection will be applied. Examples of requirements that may change between the date of selection and application include the occupations on the Long Term Skill Shortage List ([Appendix 4](#)) and remuneration thresholds set out in [SM6.10](#) and [SM6.60](#).

- b. Despite SM3.15(a)(ii) above, if a principal applicant does not qualify for the points for employability and capacity building factors on the basis of which their EOI was selected from the Pool, an immigration officer may, on a case by case basis, determine that the application may nevertheless be approved, where:
- i. the principal applicant has satisfied the immigration officer that there was a reasonable basis for making the claim for points in the EOI; and
 - ii. the principal applicant qualifies for the points for employability and capacity building factors on the basis of which a subsequent selection was made, within the period that their EOI would have been current.

Note: Where SM3.15 (b) applies, officers may defer a decision on the application until such time as an EOI's currency (had it remained in the Skilled Migrant Category Pool) expires (see [SM2.1.10](#)).

SM3.20 Deferral of a decision on the resident visa application

- a. The decision on a Skilled Migrant Category application will be deferred and, 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 skilled employment in New Zealand if they:
 - i. do not qualify for points for an offer of skilled employment or current skilled employment in New Zealand; and
 - ii. have not undertaken two or more years of full-time study in New Zealand that has resulted in the **award of a Doctorate or Master's degree; and**
 - iii. meet all other requirements for approval.
- b. If SM3.20 (a) above applies, the principal applicant may apply for a work visa under WR5 Skilled Migrant Category Job Search Instructions for the purpose of obtaining skilled employment in New Zealand and that application must be made within three months of the date of advice from INZ inviting them to apply for that work visa.
- c. An application for a Skilled Migrant Category resident visa will be declined if SM3.20 (a) above applies and the principal applicant:
 - i. does not apply for a work visa under WR5 Skilled Migrant Category Job Search Instructions within three months of being invited to do so by INZ; or
 - ii. applies for a work visa under WR5 Skilled Migrant Category Job Search Instructions and does not meet the requirements for the grant of a work visa under those instructions.

SM3.20.1 Duration of deferral period

- a. Principal applicants who are in New Zealand will have the decision on their Skilled Migrant Category application deferred for a period of nine months from the date their work visa is granted under WR5 Skilled Migrant Category Job Search Instructions.
- b. Principal applicants who are outside New Zealand will have the decision on their Skilled Migrant Category application deferred for a period of 12 months from the date their work visa is granted under WR5 Skilled Migrant Category Job Search Instructions.

SM3.20.5 Completing a resident visa application during the deferral period

- a. **If an immigration officer is satisfied that a principal applicant has obtained an offer of ongoing skilled employment (see SM6) in New Zealand during the deferral period, their application for a resident visa under the Skilled Migrant Category may be approved, provided all other requirements are met; and**
 - i. a resident visa subject to the conditions set out at SM11 will be granted if the principal applicant has been working in that skilled employment for less than three months; or
 - ii. a resident visa not subject to conditions will be granted if the principal applicant has been working in that skilled employment for three months or more.
- b. If, on the expiry of the deferral period, a principal applicant has not provided evidence that satisfies an **immigration officer that they have obtained an offer of ongoing skilled employment in New Zealand, the application for a resident visa under the Skilled Migrant Category will be declined.**

SM4 English Language Requirements

SM4.1 Aim and intent

- a. Principal applicants under the Skilled Migrant Category are required to meet a minimum standard of English to enable successful settlement and skilled employment in New Zealand.
- b. Non-principal applicants (partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application) are required to meet a minimum standard of English or to pre-purchase ESOL tuition, to enable successful settlement in New Zealand.

SM4.5 Minimum standard of English language for principal applicants

- a. Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide acceptable English language test results no more than two years old at the time the application is lodged, as set out at SM4.5.5.
- c. Other evidence that a principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM8) **comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America** as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a principal applicant to provide an English language test result in terms of paragraph SM4.5 (b). In such cases, the English language test result will be used to determine whether the principal applicant meets the minimum standard of English.
- e. Despite (b) above, if a principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 1pm on 11 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged

SM4.5.1 Decision to request English language test

Full consideration must be given to all evidence of English language ability provided before a decision to request an English language test under SM4.5 (d) is made. If an English language test result is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

SM4.5.5 Acceptable English language test results for principal applicants

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 6.5 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 79 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 58 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	Overall score of 176 or more

Occupational English Test (OET)	Grade B or higher in all four skills (Listening, Reading, Writing and Speaking)*
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* A score of Grade B or higher in all four skills is required for the OET as there is no overall grade for this test.

SM4.10 English language requirements for non-principal applicants

- a. Unless SM4.15 applies, partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application must:
 - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
 - ii. pre-purchase ESOL tuition (see SM4.20).
- b. Non-principal applicants meet the minimum standard of English if they provide English language test results, no more than 2 years old at the time the application is lodged, as set out at SM4.10.5.
- c. Other evidence that a non-principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM8) **comparable to a New Zealand level 7 bachelor's degree and gained in** Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a non-principal applicant to provide an English language test result in terms of paragraph SM4.10 (b). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.
- e. Despite (b) above, if a non-principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 1pm on 11 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged.

SM4.10.1 Decision to request English language test

Full consideration must be given to all evidence of English language ability provided before a decision to request an English language test under SM4.10 (d) is made. If an English language test result is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

SM4.10.5 Acceptable English language test results for non-principal applicants

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 5.0 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 35 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 36 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First	Overall score of 154 or more

(FCE) for Schools)	
Occupational English Test (OET)	Grade C or higher in all four skills (Listening, Reading, Writing and Speaking) *

* A score of Grade C or higher in all four skills is required for the OET as there is no overall grade for this test.

SM4.15 English language requirements for partners where bonus points are claimed for the partner's skilled employment or recognised qualifications

A partner's skilled employment in New Zealand (see SM9.5) or recognised qualifications (see SM9.10), only qualify for points if the partner meets the English language requirements for principal applicants (see SM4.5).

SM4.20 Pre-purchase of ESOL tuition

SM4.20 Pre-purchase of ESOL tuition

- a. Instead of meeting the minimum standard of English, non-principal applicants may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to Immigration New Zealand (INZ), who collect this charge on behalf of TEC.
- b. Applicants must pay any ESOL charge due, sign the ESOL Agreement and return it to INZ within the time specified by INZ before a resident visa is granted.

SM4.20.1 Amount of ESOL tuition to be pre-purchased by non-principal applicants

- a. The amount of ESOL tuition to be pre-purchased is determined by the applicant's English language test results according to the following table.

Test	Overall score	Charge to be paid	ESOL entitlement
International English Language Testing System (IELTS) - General or Academic Module	4.5 or more but less than 5.0	NZ\$1,735	NZ\$1,531.82
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	32 to 34		
Pearson Test of English Academic (PTE Academic)	30 to 35		
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	147 to 153		
Occupational English Test (OET)	Not applicable (see SM4.10.5)		
IELTS - General or Academic Module	4.0 or more, but less than 4.5	NZ\$3,420	NZ\$3,063.64
TOEFL iBT	31		
PTE Academic	29		

B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	142 to 146		
OET	Failed to achieve Grade C or higher in all four skills (Listening, Reading, Writing and Speaking), but achieved at least Grade D in all four skills*		
IELTS - General or Academic Module	3.5 or more, but less than 4.0	NZ\$5,110	NZ\$4,600.00
IELTS - General or Academic Module	Less than 3.5	NZ\$6,795	NZ\$6,131.82
TOEFL iBT	Less than 31		
PTE Academic	Less than 29		
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	Less than 142		
OET	Failed to achieve at least Grade D in all four skills (Listening, Reading, Writing and Speaking)*		

* A score in all four skills is required for the OET as there is no overall grade for this test.

- b. The charge includes the applicant's ESOL tuition entitlement, as well as the INZ and TEC administration costs.

- c. If an applicant has not submitted English language test results when requested, the maximum charge of NZ\$6,795 applies.

SM4.20.5 TEC to arrange ESOL tuition

- a. The applicant is entitled to tuition to the value of the ESOL entitlement component of the ESOL tuition charge. This does not include the INZ and TEC administration costs.
- b. TEC will advise the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one or more of their own choice.
- c. TEC will manage the contract between the ESOL tuition provider and the applicant.
- d. The applicant must advise TEC of a contact email address.

SM4.20.10 Applicant's agreement with TEC

- a. Each applicant who pre-purchases ESOL tuition must sign an Agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.
- b. The content of the Agreement is determined by INZ and TEC.
- c. Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

SM4.20.15 Completion of Agreement

- a. When an application for a resident visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking the ESOL tuition.
- b. After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to INZ processing office with the tuition fee(s).
- c. If the Agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.
- d. The INZ copy of the Agreement should be sent to the TEC.

SM4.20.20 Failure to pre-purchase ESOL tuition

Any ESOL tuition charge due must be paid before the grant of a resident visa. If it is not paid to INZ within the specified time, the resident visa application will be declined.

SM4.20.25 Limited period to use ESOL tuition

- a. If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.
- b. ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the five year time limit.

SM4.20.30 Refunds of ESOL tuition money

- a. If ESOL tuition money is paid but the principal applicant and partner and dependent children do not take up residence, a refund may be granted upon request to INZ. The request must be made in writing.
- b. Requests for refunds will be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.
- c. Immigration officers considering requests for refunds must be satisfied that the principal applicant and partner and dependent children included in the application:
 - i. have not entered New Zealand as residents; and
 - ii. do not hold resident visas with current travel conditions.
- d. The person who paid the fee will be refunded only the ESOL entitlement. INZ and TEC administration costs will not be refunded.

SM5 Age

SM5.1 Points

a. A principal applicant's age qualifies for points as follows:

Age	Points
20-39	30
40-44	20
45-49	10
50-55	5

b. Principal applicants aged 56 and over on the date their application is made must be declined under the Skilled Migrant Category.

SM5.5 Evidence

Evidence of age may include, but is not limited to, original or certified copies of:

- a. a birth certificate
- b. a passport or other travel document
- c. an identity card (from countries which require an identity card and where birth details must be confirmed before one is issued).

SM6 Skilled employment

SM6.1 Aim and intent

- a. The aim of providing points for skilled employment is:
 - i. to facilitate access by New Zealand employers and industry to global skills and knowledge; and
 - ii. to recognise that people who have skilled employment in New Zealand are well positioned to meet New Zealand's needs and opportunities and more quickly achieve positive settlement outcomes.
- b. Bonus points are available:
 - i. **for employment in areas of absolute skills shortage, to recognise that New Zealand's short and longer term economic development can be facilitated by migrants with skills that will contribute to New Zealand's economic growth**
 - ii. for employment outside the Auckland region, to enhance the ability of other regions to utilise immigration to support regional development
 - iii. for high remuneration, to recognise remuneration as an indicator of skills in demand in New Zealand.

Note: The aim of providing points for skilled employment is not met by a person undertaking employment in their own business rather than for a third party. People wishing to obtain residence by establishing and operating their own business in New Zealand should apply under the Business categories.

SM6.5 Points for skilled employment

A principal applicant's current skilled employment in New Zealand or offer of skilled employment in New Zealand qualifies for 50 points.

SM6.10 Skilled Employment

- a. Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or
 - iii. the completion of recognised relevant qualifications and/or work experience.
- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment (see R5.7).

Note: Version 1.2 of the ANZSCO is available at www.immigration.govt.nz/anzsco.

For the purposes of assessing Dairy Cattle Farmer occupations with the ANZSCO six digit level code 121313, immigration officers must make an assessment based on the Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand on their website (refer [R5.7](#))

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is:
 - i. a skill level 1, 2 or 3 occupation and the remuneration for that employment is \$29.66 per hour or above (or the equivalent annual salary); or
 - ii. a skill level 4 or 5 occupation and the remuneration for that employment is \$44.49 per hour or above (or the equivalent annual salary); or
 - iii. listed at Appendix 7 and the remuneration for that employment is \$29.66 per hour or above (or the equivalent annual salary); and
- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- c. the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and
- d. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and
- e. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see SM6.30.10).

SM6.10.5.1 Assessment of 'substantial match'

- a. For the purpose of SM6.10.5 (b) above, assessment of 'substantial match' involves a determination of whether the applicant's employment is substantially consistent with the ANZSCO 'Occupation' (6-digit) level description for that occupation and with the tasks listed at the ANZSCO 'Unit Group' (4-digit) level description for that occupational group, excluding any tasks which are not relevant to the 'Occupation' description.
- b. To be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of that role.

For example: An applicant's employment in the occupation 'Disabilities service officer' (411712) is not required to include the task set out at the ANZSCO Unit Group (4-digit) classification level for 'Welfare support workers' of "supervising offenders on probation and parole". Other listed tasks that are relevant to the role of a "Disabilities services officer" must comprise most of their role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

Note: Determining whether an applicant's employment substantially matches an ANZSCO occupation description may require consideration of the scope and scale of the employer's organisation and operation (the size of the operation, the number of staff and managers, and whether management functions are centralised at a head office or undertaken by other managers).

SM6.10.15 Occupations not included in the ANZSCO

Where an immigration officer is satisfied that an applicant's employment has no corresponding description in the ANZSCO, the employment may be assessed as skilled if:

- a. the remuneration for that employment is \$44.49 per hour or above (or the equivalent annual salary); and

- b. the employment is full-time because it amounts to, on average, at least 30 hours per week over an agreed pay period; and
- c. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.25; and
- d. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see SM6.30.10).

SM6.10.20 Suitably qualified by training and/or experience: skill level 1, 2 and 3 occupations

- a. **Where the applicant's employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:**
 - i. they hold a relevant recognised qualification that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see SM8.10) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
 - ii. they have the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an occupation included on the Long Term Skill Shortage List (LTSSL) (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - iv. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.
- b. Despite (a) (ii) above, applicants in skill level 1 occupations may substitute the required qualification with five years of relevant work experience.
- c. **Despite (a)(i) and (ii) and (b) above, applicants employed as 'Pharmacy technicians' (ANZSCO 311215) will only be awarded points for skilled employment in New Zealand in that occupation if they hold the required New Zealand qualification (a National Certificate in Pharmacy (Technician), or the New Zealand Certificate in Pharmacy (Pharmacy Technician) Level 4 or 5 or the New Zealand Certificate in Pharmacy (Specialist Technician) Level 6), as required by the Director-General of Health.**

SM6.10.25 Suitably qualified by training and/or experience: other occupations

Where the applicant's employment is in an occupation described in the ANZSCO as a skill level 4 or 5 occupation, (including occupations listed at Appendix 7), or their employment is assessed under the provisions of SM6.10.15, they will be assessed as being suitably qualified by training and/or experience if:

- a. they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see SM8.10); or
- b. they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see Appendix 3); or
- c. they have three years of relevant work experience; or
- d. the employment is in an occupation included on the LTSSL (see Appendix 4) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
- e. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.

SM6.15 Relevance of qualification(s) to employment

Qualifications are relevant to employment if:

- a. the major subject area of the principal applicant's recognised qualification is directly applicable to the employment; or
- b. an immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

Note: For the purposes of this provision, 'qualifications' must meet the requirements for recognition set out in [SM8](#) but are not required to be the same qualification(s) that qualifies for points under the Qualifications part of these instructions (see [SM8](#)).

SM6.15.5 Relevance of work experience to employment

Work experience is relevant to employment if the employer considers, and an immigration officer is satisfied that:

- a. the work experience is directly applicable to the employment; or
- b. the offer of employment could not reasonably have been made or the employment could not reasonably have been undertaken if the applicant did not have that work experience.

SM6.15.10 Additional requirements for relevant work experience

Work experience will only be assessed as meeting the requirements of SM6.10.20 or SM6.10.25 above if an immigration officer is satisfied that it was lawfully obtained.

SM6.20 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. For the purpose of determining whether remuneration meets the requirements of SM6.10.5(a)(i) and (ii) or SM6.10.15 (a) and SM6.60, evidence must be provided of hours of work in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary) and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked to determine whether the variance in the hours worked would result in the per hour rate of pay being below the applicable remuneration threshold.
- e. Hours of work per week will be considered variable if the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (d) above, or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate whether the relevant remuneration threshold is met.
- g. Each hour of work must be paid at or above the applicable per hour remuneration threshold, except for hours described at SM6.20.10 below.
- h. For the purposes of SM6.10.5(a)(i) and (ii) and SM6.10.15(a) and SM6.60(a) 'remuneration' includes:
 - i. **the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and**
 - ii. in the case of accommodation provided in connection with the employment:
 - iii. **the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or**
 - iv. **if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or**
 - v. if an accommodation allowance is provided, the amount of that allowance.
- i. 'Remuneration' excludes any other employment-related allowances (for example tool or uniform allowances) and bonuses which are dependent on performance.

Note: In relation to SM6.20 (h) (ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- j. The remuneration requirements set out in SM6.10.5(a)(i) and (ii) and SM6.10.15(a) and SM6.60(a) will be updated in November each year based on New Zealand income data.

SM6.20.5 Payment on a per activity basis

- a. Despite SM6.20 (g) above, an applicant with employment in a position that is not an ANZSCO skill level 1, 2 or 3 occupation whose employment agreement specifies an hourly rate of pay that is below the remuneration threshold set out at SM6.10.15 (a) may be assessed as meeting that remuneration threshold if they are additionally paid on a per activity basis and if:
 - i. they provide evidence, taking into account their payment on a per activity basis, that they were paid at or above \$44.49 per hour, on average, for prior work undertaken in the same occupation in New Zealand for at least two years; and
 - ii. that work on average amounts to at least 30 hours per week in each of those two years.
- b. For the purposes of this provision 'payment on a per activity basis' excludes:
 - i. payment based on the time taken to complete a task or the number of hours worked
 - ii. payment on commission (a commission is where an employee is paid based on sales they have made or other targets they have met)
 - iii. payment on an incentive or productivity basis (where remuneration is reliant on the variable rate of production of a good or the variable rate of sale of a service)
 - iv. payment based on a piece rate (piece rate is a commission where the employee is paid for the number of pieces they worked on, for example, being paid for the number of bins of fruit picked, or the number of garments sewn).

SM6.20.10 Overnight hours

- a. Where an applicant is required to work overnight, but allowed to sleep during this time, any hours spent sleeping, may be excluded from SM6.20(g) provided that:
- b. for any hours an applicant is sleeping, they are paid at or above the minimum wage; and
- c. for any hours an applicant is required to perform their duties, they are paid at least their normal rate; and
- d. the applicant works a minimum of 30 hours per week at their normal rate required by SM6.10.5 or SM6.10.15; and

- e. the applicant works in the Aged, Residential Care or Disability Care industry.

SM6.30 Additional requirements for skilled employment

Skilled employment only qualifies for points if the employment is:

- a. for a position that is paid by salary or wages or on a per activity basis (see SM6.20.5 above) or in terms of a contract for service (payment by commission and/or retainer are not acceptable); and
- b. accompanied by evidence of full or provisional registration, or evidence of eligibility for registration by the New Zealand Medical or Dental Council subject only to an interview with the relevant registration authority on arrival, if full or provisional registration is required by law to undertake the employment (see SM10).

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a resident visa application.

SM6.30.5 Genuine employment

- a. Employment will not be considered genuine if it is offered as a result of payment made by the applicant (or their agent or a third party) to the employer (or their agent or a third party) in exchange for securing that offer of employment. Such practices are contrary to the principles of the Wages Protection Act 1983, as well as to immigration instructions.
- b. When assessing whether an offer of employment is genuine an immigration officer may consider (among other things) whether the remuneration offered for the position is comparable to the market rate for New Zealand workers in that occupation.

SM6.30.10 Ongoing and sustainable employment

- a. Ongoing and sustainable employment is:
 - i. employment with a single employer, that is permanent or indefinite, and of which the employer is in a position to meet the terms specified; or
 - ii. employment with a single employer, for a stated term of at least 12 months; or
 - iii. work on a contract basis where the applicant:
 - o has a consistent history of contract work, and
 - o has a current contract for services, and
 - o INZ is satisfied that such contract work is likely to be sustained.
- b. Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
 - i. if the applicant has current employment, he or she must be in that employment, or
 - ii. if the applicant has an offer of employment, the offer must continue to be valid.
- c. For the purposes of SM6.30.10 (a) (ii), INZ must be satisfied that the employer:
 - i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
 - ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
 - iii. is in a position to meet the terms specified.
- d. 'Genuine reasons' for the purposes of SM6.30.10 (c) do not include reasons:
 - i. that exclude or limit the rights of a person under employment law (including the Employment Relations Act and the Holidays Act); or
 - ii. to determine the suitability of a person for permanent or indefinite employment.

Note: In order to meet employment law, employment agreements that are for a stated term must specify in writing the way in which the employment will end and the reasons for ending the employment.

- e. When assessing whether employment is sustainable, officers may consider factors including, but not limited to:
 - i. the residence status of the employer
 - ii. the period for which the employing organisation has been established as a going concern
 - iii. the financial sustainability of the employing organisation
 - iv. forecasts of projected growth.

SM6.30.15 Independent midwife practitioners

In the case of independent midwife practitioners a letter of authority to claim under the Maternity Notice pursuant to section 88 of the New Zealand Public Health and Disability Act 2000 as well as evidence of admission to the New Zealand Register of Midwives will satisfy the requirements of SM6.5, SM6.10.5 (c), SM6.30 (a) and SM6.30.10 and can be used to satisfy the requirements of SM11.5 (a)(i)

SM6.35 Requirements for employers

- a. All employers (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer) wishing to employ non-New Zealand citizens or residents must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:
 - i. paying employees no less than the appropriate minimum wage rate or other contracted industry standard; and
 - ii. meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and
 - iii. only allowing people to work in their service who can lawfully work in New Zealand, and in compliance with their visa conditions.
- b. To qualify for points, skilled employment must be with an employer that has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000; the Wages Protection Act 1983, the Parental Leave and Employment Protection Act 1987, the Equal Pay Act 1972 and the Holidays Act 2003.
- c. An employer is considered to not have a history of compliance with employment and immigration law if it fails to meet the requirements set out at R5.110 or if it is included on a list of non-compliant employers maintained by the Ministry of Business, Innovation and Employment (see Appendix 10 and Appendix 18).
- d. Current employment or an offer of employment does not qualify for points if it is not compliant with all relevant immigration and employment laws in force in New Zealand or if INZ considers that the employment of the applicant creates unacceptable risks to the integrity of New Zealand's immigration or employment laws, policies or instructions.
- e. To determine whether an offer of employment creates an unacceptable risk to the integrity of New Zealand's immigration and employment laws, policies or instructions an immigration officer may consider whether the remuneration offered for the position is comparable to the market rate for New Zealand workers in the same occupation.
- f. Breaches of employment standards or immigration law which lead to inclusion on a list of non-compliant employers may still be considered when determining if an employer has a history of compliance with employment or immigration law, even if the employer is no longer on the list.
- g. An employer (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer) who supports a visa application, or provides an offer of employment in support of an application, must not have been convicted at any time of an offence under the following sections of the Crimes Act 1961:
 - i. Section 98 (Dealing in slaves)
 - ii. Section 98C (Smuggling migrants)
 - iii. Section 98D (Trafficking in persons).

SM6.40 Bonus points for employment in an area of absolute skills shortage

An offer of skilled employment or current skilled employment in New Zealand in an area of absolute skills shortage qualifies for 10 points.

SM6.40.1 Employment in an area of absolute skills shortage

A principal applicant is assessed as having employment in an area of absolute skills shortage if:

- a. they are employed in an occupation included on the Long Term Skill Shortage List (see Appendix 4) or that was on the Long Term Skill Shortage List at the time their Expression of Interest was selected; and
- b. the current employment or offer of employment meets the specifications for that occupation; and
- c. they are suitably qualified by training and/or experience to undertake the employment or offer of employment (including any specific requirements set out on the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).

SM6.50 Bonus points for employment outside the Auckland region

Current skilled employment or an offer of skilled employment outside the Auckland region qualifies for 30 points.

SM6.50.1 Definition: Employment outside the Auckland region

- a. Employment is outside the Auckland region if the principal applicant's entire or principal place of work is not within the territories covered by the Auckland Council.
- b. For the purposes of this provision 'place of work' is defined as a place (whether or not within or forming part of a building, structure or vehicle) where any person is to work, for the time being works, or customarily works, for gain and reward; and includes a place, or part of a place, (not being domestic accommodation provided for the employee):
 - i. where the employee comes or may come to eat, rest or get first aid or pay; or
 - ii. where the employee comes or may come as part of the employee's duties to report in or out, get instructions, or deliver goods or vehicles; or
 - iii. through which the employee may or must pass to reach a place of work.

SM6.60 Bonus points for high remuneration

- a. Recognised current skilled employment or an offer of skilled employment qualifies for 20 bonus points if the remuneration for that employment is \$59.32 per hour or above (or the equivalent annual salary); and
- b. the assessing officer is satisfied that the employment is genuine; and the assessing officer is satisfied that the employment is sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM7 Skilled work experience

SM7.1 Aim and intent

- a. The aim of providing points for skilled work experience is to recognise the importance of skills and experience gained through previous employment that:
 - i. are readily transferable; and
 - ii. will enable migrants to obtain skilled employment in New Zealand; and
 - iii. will enhance migrants' ability to contribute to New Zealand economically and socially.
- b. Bonus points are available for skilled work experience in New Zealand to recognise that such experience enhances understanding of the New Zealand labour market, the ability to gain skilled employment and to achieve positive settlement outcomes.
- c. Bonus points are available for work experience in an area of absolute skills shortage to ensure that those skilled migrants who can contribute significantly to areas of skill shortage in New Zealand are given recognition for that potential specific contribution.

SM7.5 Points for skilled work experience

- a. Skilled work experience qualifies for points as set out below:

2 years	10 points
4 years	20 points
6 years	30 points
8 years	40 points
10 years	50 points

- b. Points are calculated on the basis of every two complete years of skilled work experience up to a maximum of ten years e.g. Three years of skilled work experience qualifies for 10 points.

SM7.10 Requirements for skilled work experience

SM7.10.1 Skilled work experience in an ANZSCO skill level 1, 2, or 3 occupation

Points are awarded for skilled work experience in a skill level 1, 2 or 3 occupation if an immigration officer is satisfied that:

- a. the work undertaken substantially matched (see SM7.10.5) the description for that occupation as set out in the Australia New Zealand Standard Classification of Occupations (ANZSCO) (see [R5.7](#)); and
- b. the applicant was suitably qualified (see SM7.10.10 and SM7.10.15) for that work prior to the work experience for which points are claimed.

SM7.10.5 Assessment of 'substantial match'

- a. For the purposes of SM7.10.1 (a) above, an immigration officer must be satisfied that the applicant's work experience for which they are claiming points was in employment that is substantially consistent with the ANZSCO Occupation (6-digit) level description for that occupation.
- b. If an immigration officer is unable to determine a claimed substantial match to an ANZSCO occupation, they may request evidence of the tasks associated with that employment to assess whether the previous employment displays the characteristics of that occupation in terms of the relevant ANZSCO 'Unit Group' (4-digit) level description of tasks for that role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

SM7.10.10 'Suitably qualified'

- a. An applicant will be assessed as suitably qualified in terms of SM7.10.1 (b) above if they hold a relevant qualification as specified in the ANZSCO for that occupation.
- b. For the purposes of this provision, a qualification is relevant to an applicant's employment in a skill level 1, 2 or 3 occupation for which they are claiming points for skilled work experience if:
 - i. the major subject area of the principal applicant's recognised qualification is directly applicable to the employment; or
 - ii. an immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

Note: For the purposes of this provision, 'qualifications' must meet the requirements for recognition set out in [SM8](#) but are not required to be the same qualification(s) that qualifies for points under the 'Recognised Qualifications' part of these instructions (see [SM8](#)).

SM7.10.15 'Suitably qualified' through prior work experience

- a. An applicant may also be assessed as qualified through relevant prior work experience, in terms of [SM6.10.20 \(a\) \(ii\)](#) or [SM6.10.20 \(b\)](#).
- b. For the purposes of this provision, prior work experience is relevant to the employment for which an applicant is claiming points if:
 - i. an immigration officer is satisfied that it was directly applicable to, or in a closely related field to, the employment for which work experience points are claimed; or
 - ii. the experience was a key factor in the employer's decision to employ the principal applicant in that position.

Note: 'Prior work experience' is work experience completed before the work experience for which points are claimed. Prior work experience does not have to be 'skilled work experience'

- c. Where an applicant is claiming points for relevant work experience in related occupations that demonstrate career progression, they are only required to show that they were adequately qualified by prior work experience for the first of the related roles for which points are claimed.

Examples:

An applicant who does not have a relevant recognised qualification and has worked for a total of 10 years in the related occupations of:

Software Tester (skill level 1) for three years, followed by
Database Administrator (skill level 1) for three years, followed by
Analyst Programmer (skill level 1) for four years

is not required to show five years prior relevant work experience for each of these roles.

The three years as a Software Tester and two of the three years as a Database Administrator are sufficient to demonstrate that they are adequately qualified (as per ANZSCO requirements) to claim 20 points for a total of five years of skilled work experience – one year as a Database Administrator and four years as an Analyst

Programmer.

An applicant who does not have a relevant recognised qualification and has worked for a total of seven years in the related occupations of:

Waiter (skill level 4) for two years, followed by
Maitre d' (skill level 4) for one year, followed by
Restaurant Manager (skill level 2) for four years

is qualified (as per ANZSCO requirements) by three years of relevant prior work experience to claim 20 points for four years of skilled work experience in the skill level 2 role of Restaurant Manager.

SM7.10.20 Recognition of work experience: other occupations

Points will only be awarded for work experience that is not in an ANZSCO skill level 1, 2 or 3 occupation, or listed at [Appendix 7](#) if:

- a. the applicant qualifies for points for skilled employment in terms of [SM6.10.5 \(a\)\(ii\)](#), [SM6.10.5 \(a\)\(iii\)](#) or [SM6.10.15](#); and
- b. an immigration officer is satisfied that the work experience for which points are claimed was undertaken in the same occupation; and
- c. the applicant was suitably qualified by training and/or experience for that work in terms of [SM6.10.25](#); and
- d. that qualification or work experience was completed prior to the work experience for which points are claimed.

SM7.15 Comparable labour markets

Work experience must have been gained in a labour market that is comparable to the New Zealand labour market unless:

- a. the work experience meets the requirements set out at [SM7.30](#) for work experience in an area of absolute skills shortage; or
- b. the principal applicant has current skilled employment in New Zealand or an offer of skilled employment in New Zealand (see [SM6](#)).

SM7.15.1 Definition: Comparable labour market

- a. Work experience is assessed as being in a comparable labour market if it was undertaken in one of the following countries by:
 - i. a citizen or permanent resident of that country; or
 - ii. a person who had the lawful authority to work in that country.

Australia	Greece	Macau	South Africa
Austria	Hong Kong	Malta	South Korea
Belgium	Hungary	Malaysia	Spain
Canada	Iceland	New Zealand	Sweden
Cyprus	Ireland	Netherlands	Switzerland
Czech Republic	Israel	Norway	Taiwan
Denmark	Italy	Poland	United Kingdom
Estonia	Japan	Portugal	United States
Finland	Latvia	Singapore	
France	Lithuania	Slovak Republic	
Germany	Luxembourg	Slovenia	

- b. Work experience undertaken in a country not listed at SM7.15.1 (a) above will be assessed as being in a comparable labour market only if it was undertaken for a multinational commercial entity (including a wholly or majority owned subsidiary of such an entity that bears the same core name as the parent company) domiciled in one of the countries listed in (a) above.

SM7.20 Additional requirements for skilled work experience

- a. Work experience only qualifies for points if an immigration officer is satisfied that the principal applicant's work experience was lawfully obtained.
- b. Work experience will not be recognised if it was gained while in a country where the principal applicant was either an unlawful resident or required authority to undertake employment, but did not have such authority.
- c. Calculation of levels of work experience must be for complete weeks based on a 30-hour week.
- d. Credit is given for 30-hour weeks only, even though a principal applicant has worked more than 30 hours in any week.

Example: Fifty-two 60-hour weeks are equal to one year's work experience.

- e. Credit for part-time work experience may be given on a proportional basis.

Example: Four years work experience for 15 hours per week is equal to two years work experience for a 30-hour week, and therefore qualifies for 10 points.

SM7.25 Bonus points for recognised skilled work experience in New Zealand

- a. Skilled work experience in New Zealand of one year or more qualifies for 10 bonus points.
- b. A principal applicant's skilled work experience in New Zealand will only be awarded points if they already qualify for 10 or more points under the provisions set out at [SM7.1](#) to [SM7.20](#).

SM7.30 Bonus points for work experience in an area of absolute skills shortage

- a. Work experience in an area of absolute skills shortage which meets the requirements set out at [SM7.1](#) to [SM7.20](#) qualifies for points as set out below:

2-5 years	10 points
6 years or more	15 points

- b. Work experience is assessed as being in an area of absolute skills shortage if:
- it was undertaken in an occupation included on the Long Term Skill Shortage List (see [Appendix 4](#)) or that was on the Long Term Skill Shortage List at the time the principal applicant's Expression of Interest was selected; and
 - it meets the specifications for that occupation; and
 - the principal applicant is suitably qualified by training and/or experience to undertake that work (including any specific requirements set out in column three of the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).
- c. Where the Long Term Skill Shortage List specifies that occupational registration is required for a listed occupation, the principal applicant must demonstrate that they:
- held occupational registration while undertaking the work experience, if occupational registration was required in the country in which the work occurred; and
 - hold current full or provisional New Zealand occupational registration, or meets the requirements of SM10.10.5 (b) if registration is required from the New Zealand Medical or Dental Council.

SM8 Recognised qualification

SM8.1 Aim and intent

- a. The aim of providing points for qualifications is to recognise the importance of qualifications as an indicator of ability to obtain skilled employment in New Zealand and to increase New Zealand's capability.
- b. Bonus points are available for time spent studying in New Zealand towards a recognised qualification and for obtaining recognised New Zealand qualifications to acknowledge that:
 - i. time spent studying in New Zealand and completing recognised qualifications in New Zealand enhances settlement outcomes; and
 - ii. recognised qualifications gained in New Zealand will be recognised by, and are relevant to the needs of, New Zealand employers.

SM8.5 Points for recognised qualifications

Qualifications are recognised and qualify for points as follows:

	Qualification	Additional requirements	Points awarded
a.	Qualifications assessed as occupying levels 9 or 10 on the New Zealand Qualifications Framework (NZQF)		70
b.	Qualifications assessed as occupying levels 7 or 8 on the NZQF		50
c.	Qualifications assessed as occupying level 5 or 6 on the NZQF		40
d.	Qualifications assessed as occupying level 4 on the NZQF	Must be relevant to an occupation at ANZSCO skill level 3, 4 or 5, and either included on the List of Qualifications Exempt from Assessment (see Appendix 3) and meet the requirements specified in that list, or assessed by the NZQA as an NZQF level 4 Certificate.	40
e.	Qualifications assessed as occupying Level 3 on the NZQF	Must be relevant to an occupation at ANZSCO skill level 3, 4 or 5, and included on the List of Qualifications Exempt from Assessment (see Appendix 3) and meet the requirements specified in that list.	40

f. Despite SM8.5 (a) to (e) above:

- i. points will not be awarded to any English for Speakers of Other Languages (ESOL) qualifications; and
- ii. a qualification will not be recognised if gained while in a country where the principal applicant was either an unlawful resident or required authority to study, but did not have such authority.

SM8.5.1 How points for recognised qualifications are allocated

- a. Points for recognised qualifications are not cumulative. A principal applicant may qualify for only 40, 50, or 70 points.
- b. Points are provided for:
 - i. one qualification only; or
 - ii. two or more qualifications assessed in combination.

SM8.5.5 Transitional provisions: New Zealand qualifications

Despite SM8.5, a New Zealand qualification at levels three, four, five or six on the NZQF qualifies for 50 points if:

- a. it would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and
- b. the principal applicant completed the qualification before 25 July 2011 or the principal applicant had commenced a course of study, resulting in the qualification for which they are claiming points, on or before 24 July 2011.

SM8.10 Recognition of qualifications

A recognised qualification is a qualification that an immigration officer is satisfied occupies a level on the New Zealand Qualifications Framework (NZQF) which qualifies it for points by reference to:

- a. the level that the qualification(s) occupies on the NZQF as assessed by the New Zealand Qualifications Authority (NZQA); or
- b. the level that the qualification(s) occupies on the NZQF as set out in the List of Qualifications Exempt from Assessment (see [Appendix 3](#)); or
- c. the level that the qualification(s) occupies on the NZQF having regard to the full or provisional registration of the principal applicant by a New Zealand organisation authorised by law to give occupational registration, if that registration involves an assessment that the principal applicant's overseas qualification(s) is comparable with a New Zealand qualification included in the List of Qualifications Exempt from Assessment.

Note:

- ~ For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a resident visa application or a work to residence application.
- ~ For teachers, 'provisional' registration includes both 'provisional' and 'subject to confirmation' registration.
- ~ The NZQF is available at www.nzqf.govt.nz.

SM8.15 Evidence

- a. Principal applicants under the Skilled Migrant Category must submit their qualifications and provide an NZQA assessment (Pre Assessment Result (PAR), International Qualification Assessment (IQA) or Qualifications Assessment Report (QAR) (see [SM8.20.1](#)) unless:
 - i. their qualification(s) is included on the List of Qualifications Exempt from Assessment (see Appendix 3); or
 - ii. they have been awarded full or provisional registration by a New Zealand organisation authorised by law to give occupational registration, and registration involves an assessment that their overseas qualification(s) is comparable with a New Zealand qualification that is included in the List of Qualifications **Exempt from Assessment**.
- b. If an NZQA assessment is required for an overseas qualification, a PAR is suitable for lodgement of an application under the Skilled Migrant Category, but a QAR or IQA will be required to determine whether a qualification (or group of qualifications) will qualify for points.
- c. Applicants with New Zealand qualifications should provide evidence of the level of that qualification by submitting a 'Qualification Overview' report with their qualification. This report can be obtained from the New Zealand Qualifications Authority website (www.nzqf.govt.nz).
- d. In the case of a New Zealand qualification that is not included on the NZQF, a letter from the NZQA will be required to determine whether the qualification will qualify for points.
- e. In order for a qualification to qualify for points on the basis of full or provisional registration, the certificate of registration, or evidence of eligibility for registration subject only to an interview with a representative of the New Zealand Medical or Dental Council on arrival must also be provided (see [SM10.10.1](#)).

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a resident visa application or a work to residence class application.

- f. If a principal applicant is claiming points for a qualification on the basis of their occupational registration, the qualification(s) qualifies for the points identified for the comparable New Zealand qualification in the List of Qualifications Exempt from Assessment.
- g. Despite the fact that the List of Qualifications Exempt from Assessment provides that a specified qualification qualifies for certain points, an applicant or an immigration officer (by requesting the applicant to do so) may seek a IQA or QAR of any particular qualification. Where this occurs, the most recent NZQA assessment will prevail.

SM8.20 NZQA involvement in the assessment of qualifications

- a. If a NZQA assessment of qualification(s) is sought, the NZQA determines the level that the qualification(s) occupy on the NZQF, however, the points for which a particular qualification or group of qualifications qualifies is determined by INZ alone.
- b. Despite the fact that the NZQA may undertake its own verification of qualifications that are submitted to it for assessment, INZ alone determines whether an applicant genuinely holds the qualification(s) which may qualify for points.

SM8.20.1 NZQA Pre-Assessment Results (PARs), International Qualification Assessments (IQAs) and Qualifications Assessment Reports (QARs)

- a. The NZQA will provide Pre-Assessment Results (PARs), and International Qualification Assessments (IQAs) (formerly a Qualifications Assessment Report (QAR)).
- b. A Pre-Assessment Result is a report that compares an applicant's nominated qualification to a Level on the New Zealand Qualifications Framework. It is made on the understanding that:
 - i. a pre-assessment result is based solely on unverified information provided by the applicant on the application form; and
 - ii. no documentation is sighted; and
 - iii. only one overseas qualification is compared; and
 - iv. when an application for a resident visa is made, a full assessment (a IQA or QAR) will be required to **determine whether a qualification (or group of qualifications) will qualify for points.**
- c. An International Qualification Assessment (IQA) (formerly a Qualifications Assessment Report (QAR)):
 - i. assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest New Zealand equivalent qualification; and
 - ii. states the New Zealand Qualifications Framework of New Zealand Quality Assured Qualifications level of that equivalent qualifications; and
 - iii. refers to any verification of the applicant's qualifications undertaken by the NZQA.

Note: From 27 June 2008 the Qualifications Assessment Report (QAR) has been renamed 'International Qualification Assessment' (IQA). Both IQAs and QARs are acceptable as evidence to determine whether a qualification will qualify for points.

SM8.25 Bonus points: New Zealand qualifications

Recognised New Zealand qualifications qualify for points as follows:

	Qualification	Additional requirements	Points awarded
a.	A recognised New Zealand bachelor degree (level 7 on the NZQF).	The qualification must require a minimum of two years full time study in New Zealand, and the full time study must have been completed over four semesters during a period of at least 16 months.	10
b.	A recognised postgraduate New Zealand qualification (levels 8, 9 or 10 on the NZQF).	The qualification must require a minimum of one year of full-time study in New Zealand.	10
c.	A recognised postgraduate New Zealand qualification (level nine or ten on the NZQF) (see SM15.10).	The qualification must require a minimum of two years full time study in New Zealand.	15

d. Qualifications gained with New Zealand Scholarship funding from the Ministry of Foreign Affairs and Trade will not qualify for bonus points.

SM8.25.1 Bonus points for New Zealand qualifications gained before, or commenced on or before 25 July 2011

- If SM8.25 (a), (b), and (c) above do not apply, the principal applicant may be eligible for New Zealand qualification bonus points under SM8.25.1 if they:
 - gained the qualification before 25 July 2011; or
 - had commenced a programme of study towards a recognised New Zealand qualification on or before 24 July 2011.
- Two years of full-time study in New Zealand towards a recognised New Zealand qualification qualifies for 5 points, providing the full-time study was over four semesters during a period of at least 16 months.
- A recognised basic New Zealand qualification from level four up to and including level eight on the NZQF qualifies for 5 points.

SM8.25.1.1 Definition of 'full-time study' for the purpose of the Skilled Migrant Category

Study undertaken in New Zealand is defined as full-time where:

- an undergraduate student at a tertiary education institution was enrolled in at least three papers per semester; or
- a postgraduate student at a tertiary education institution was enrolled in either a programme of study:
 - that resulted in at least 100 credits per calendar year; or
 - with a workload of at least 20 hours per week; or
- a student at a private training establishment was enrolled in:
 - a programme of study that requires attendance for a minimum of 20 hours per week; or
 - at least three papers, or equivalent, per semester if the programme of study is at level 7 or above on the New Zealand Qualification Framework.

SM9 Bonus points for partners' skilled employments and recognised qualifications

SM9.1 Aim and intent

The aim of providing bonus points for partners' skilled employment and recognised qualifications is to recognise such employment and qualifications as an indicator of the likely contribution of the whole migrating family.

SM9.5 Bonus points for partners' skilled employment in New Zealand

A principal applicant's partner's offer of skilled employment or current skilled employment in New Zealand qualifies for 20 points if:

- a. the employment meets the requirements for skilled employment set out in [SM6](#); and
- b. the principal applicant's partner is included in the application; and
- c. the partner meets the English language requirements for principal applicants (see [SM4.15](#)); and
- d. an immigration officer is satisfied that the principal applicant and their partner have been living together for 12 months or more in a partnership that is genuine and stable (see [F2.10.1](#)) and otherwise meet Partnership category criteria (see [F2.15](#)).

SM9.10 Bonus points for partners' recognised qualifications

- a. A recognised qualification held by the partner of a principal applicant qualifies for the following
- b. points:

Level on the New Zealand Qualification Framework	Points
7 or 8	10
9 or 10	20

- c. A partner's recognised qualification only qualifies for points under this provision if:
- the partner is included in the application; and
 - the partner meets the English language requirements for principal applicants (see SM4.15); and
 - an immigration officer is satisfied that the principal applicant and their partner have been living together **for 12 months or more in a partnership that is genuine and stable** (see [F2.10.1](#)) and otherwise meet Partnership category criteria (see [F2.15](#)).
- d. Despite SM9.10 (a), if a partner of a principal applicant holds a recognised New Zealand qualification at levels 3, 4, 5 or 6 on the NZQF, they will be eligible for 10 points if:
- the qualification would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and
 - the qualification was completed before 25 July 2011 or they had commenced a course of study, resulting in the qualification for which they are claiming points, on or before 24 July 2011.

SM10 Requirements for occupational registration

SM10.1 Aim and intent

The aim of requiring occupational registration is to ensure that applicants seeking employment in New Zealand in occupations for which registration is required by law have the ability to undertake that employment.

SM10.5 Occupations requiring registration

In New Zealand registration is required by law in order to undertake employment as one of the following:

Architect	Immigration adviser
Barrister	Line mechanic
Barrister and solicitor	Medical laboratory scientist/technologist
Cable jointer	Medical laboratory technician
Chiropractor	Medical practitioner
Clinical dental technician	Medical radiation technologist
Clinical dental therapist	Nurses and midwives
Dental hygienist	Occupational therapist
Dental technician	Optometrist
Dental therapist	Osteopath
Dentist	Pharmacist
Dietitian	Physiotherapist
Dispensing optician	Plumber, gasfitter and drainlayer
Electrician	Podiatrist
Electrical appliance serviceperson	Psychologist
Electrical engineer	Real estate agent
Electrical inspector	Social worker
Electrical installer	Cadastral (land title) surveyor
Electrical service technician	Teacher
Financial adviser	Veterinarian

Note: Electrician - where a current 'Employer License' is held, an electrician working for that employer does not require individual occupational registration

SM10.10 Effect of occupational registration on eligibility for points

The requirement for occupational registration to undertake the occupations listed above in New Zealand can affect eligibility for points for qualifications and offers of employment.

SM10.10.1 Effect on points for qualifications

- a. This section applies to principal applicants whose recognised qualification is required for employment in one of the occupations listed in [SM10.5](#).
- b. Such qualifications only qualify for points if the principal applicant:
 - i. holds evidence of full or provisional registration in that occupation in New Zealand, if full or provisional registration is required by New Zealand law to undertake that employment; or
 - ii. has an offer of skilled employment (see SM6) in that occupation and holds evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; or
 - iii. has current skilled employment or an offer of skilled employment (see SM6) in an occupation that does not require registration; or
 - iv. has post-qualification work experience in an occupation for which registration is not required in New Zealand, and were employed in that occupation for the same or a greater period of time than in an occupation for which registration is required by law in New Zealand.

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence class visa application or a work to residence application.

Note: For teachers, 'provisional' registration includes both 'provisional' and 'subject to confirmation' registration.

SM10.10.5 Effect on points for skilled employment

If a principal applicant's qualifications are affected by registration requirements, the principal applicant's current skilled employment or offer of skilled employment in New Zealand will only qualify for points if the principal applicant:

- a. holds evidence of full or provisional registration in that occupation in New Zealand, if registration is required by New Zealand law to undertake that employment; or
- b. has an offer of skilled employment (see [SM6](#)) in that occupation and holds evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative in New Zealand; or
- c. has current skilled employment, or an offer of skilled employment (see [SM6](#)), in New Zealand in an occupation that does not require registration.

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence class visa application or a work to residence application.

SM11 Resident visas subject to conditions

SM11.1 Resident visas may be subject to conditions

See also Immigration Act 2009 ss 49, 50

- a. A resident visa may be granted under the Skilled Migrant Category to a principal applicant (and any accompanying partner and dependent children) subject to conditions imposed under section 49(1) of the Immigration Act 2009.
- b. Resident visas will be granted subject to the conditions specified in [SM11.5](#) and/or [SM11.10](#), as applicable.

SM11.5 Offer of skilled employment or skilled employment for less than three months

	Points claimed for skilled employment (SM6)	Conditions imposed
a.	Principal applicant with an offer of skilled employment for which bonus points for employment outside the Auckland region (SM6.50) have not been awarded	<p>(i) The principal applicant must take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand); and</p> <p>(ii) The principal applicant must remain in that employment (or another position of employment that meets the requirements for offers of skilled employment including requirements for bonus points if the offer of employment qualified for bonus points under SM6.40) for a period of at least 3 months.</p>
b.	Principal applicant who has current skilled employment for less than three months for which bonus points for employment outside the Auckland region have not been awarded	The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40) for a period of at least 3 months.
c.	Principal applicant who has been awarded bonus points for an offer of skilled employment outside Auckland (SM6.50).	<p>(i) The principal applicant must take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted outside New Zealand), or the grant of their resident visa (if the visa was granted in New Zealand); and</p> <p>(ii) The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40 or SM6.50), for a period of at least 12 months.</p>
d.	Principal applicant who has been awarded bonus points for current skilled employment outside Auckland for less than three months (SM6.50).	The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40 or SM6.50) for a period of at least 12 months.
e.	All principal applicants with skilled employment	The principal applicant must be remunerated for the employment at or above the level of remuneration (see SM6.10.5 (a) (i) or (ii) , SM6.10.15 (a) or SM6.60 (a)) on the basis of which points for skilled employment were awarded, for the duration for which any conditions are imposed

		under (a), (b), (c) or (d) above.
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SM11.10 Where occupational registration is subject only to interview by the Medical or Dental Council

Where a resident visa application is approved on the basis that the principal applicant is eligible for occupational registration under [SM10.10.1\(b\)\(ii\)](#) subject only to a satisfactory personal interview with a representative of the Medical or Dental Council on arrival in New Zealand, the visa holder is subject to the following conditions:

- a. In the case of the principal applicant:
 - i. that, within one month of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant obtains full or provisional occupational registration in New Zealand; and
 - ii. that, within five years of the grant of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant submits evidence to an immigration officer that requirement (i) above has been met.
- b. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

SM11.15 Meeting s 49(1) conditions

- a. The visa holder must:
 - i. inform INZ of their residential address and any changes of residential address while they are subject to those requirements; and
 - ii. submit evidence to an immigration officer within five years of their first entry to New Zealand as a resident (if the visa was granted offshore) or within five years of the grant of their resident visa (if the visa was granted in New Zealand) demonstrating that the conditions set out in the relevant provision of [SM11.5 \(a\)](#) to (e) above have been met.
- b. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

SM11.20 Compliance with conditions

When the principal applicant has satisfied an immigration officer that they have met any conditions under section 49 (1) in full, the immigration officer will cancel the conditions on their resident visa and the resident visa of any accompanying family members.

SM11.25 Non-compliance with conditions

If a principal applicant has not satisfied an immigration officer that any of the conditions imposed under section 49 (1) of the Immigration Act 2009 have been complied with, the resident visa holder and their accompanying partner or dependent child may become liable for deportation.

Note: A Permanent Resident Visa will not be granted to a person whose resident visa is subject to conditions under s 49 (1) of the Immigration Act 2009

Appendix 2: Revocation to Temporary Entry instructions effective on and after 26 July 2024

U8.20.1 Tertiary aged dependent children of people who may be eligible for a 2021 Resident Visa

- a. Between 1 January 2022 and 31 December 2023, dependent children (see E4.1) of work visa holders who wish to undertake tertiary study in New Zealand may be granted student visas if they are:
- i. **residing** in New Zealand; and
 - ii. aged 25 years or under as at 1 January 2022; and
 - iii. the child of a person who held one of the following visa types as at 29 September 2021:
 - o Essential Skills Work Visa
 - o Approval in Principle
 - o Work to Residence (all categories)
 - o Skilled Migrant Category Job Search
 - o Religious Worker
 - o Post Study Work Visa
 - o Work Visa granted under section 61 of the Immigration Act 2009 (provided the applicant held another eligible visa type within 6 months of being granted a visa under section 61)
 - o Special work visa for victims of people trafficking
 - o Migrant Exploitation Protection
 - o Special work visa for victims of family violence
 - o Silver Fern Practical Experience
 - o Other Critical Workers visitor visas (provided the visa was granted for a minimum of 6 months)
 - o Critical Health Workers visitor visa (provided the visa was granted for a minimum of 6 months)
 - o a Critical Purpose Visitor Visa granted under H5.25.15(j) on the basis of holding an Essential Skills or Work to Residence visa; or
 - iv. the child of a person who was granted a visa between 30 September 2021 and 31 July 2022 if it is:
 - o an Other Critical Workers visa (provided the visa was granted for a minimum of 6 months); or
 - o a Critical Health Workers visa (provided the visa was granted for a minimum of 6 months).
- b. People defined in (a) above are considered to be domestic students (see [U3.35](#)), and can be granted a visa provided they meet the criteria to be considered a dependent child, being that they are single and:
- i. aged 17 or younger; or
 - ii. aged 18 to 20 with no child(ren) of their own; or
 - iii. aged 21 to 24 with no child(ren) of their own and are totally or substantially reliant on their parent or **their parent's partner for financial support, whether living with them or not; or**
 - iv. aged 25 or older and meets instructions to be included as a dependent child aged 25 years or older as per [S6.10.10.1](#)
- c. Applicants may be granted a student visa for the duration of their parent's visa, as outlined in (a) above, or until 31 December 2023 (whichever is sooner).
- d. Applicants under these instructions do not need to produce evidence of enrolment (unless are required to do so to qualify for working rights under [U13.15.1\(g\)\(i\)](#)).

V3.155 Persons departing New Zealand during COVID-19

See also Immigration Act 2009, s 4

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

- a. Individuals who are in New Zealand and are genuinely unable to depart as a result of the COVID-19 pandemic may be granted a visitor visa.
- b. Applications lodged under these instructions must be made online using the electronic form provided on the Immigration website.
- c. To be granted a visitor visa applicants must:
 - i. be in New Zealand; and
 - ii. meet the requirement to be a bona fide applicant as set out at E5.1; and
 - iii. meet character requirements as set out at A5; and
 - iv. provide evidence to establish that as a result of the COVID-19 pandemic they are unable to depart New Zealand, as per (e) and (f) below.

Note: A person may apply for and be granted a visa multiple times under these instructions provided they can demonstrate they continue to meet the applicable requirements, including establishing that as a result of the COVID-19 pandemic they are unable to depart New Zealand.

- d. Applicants do not need to meet the following visitor visa requirements:
 - i. funds and onward travel requirements as set out at [V2.20](#) and [V2.25](#); and
 - ii. health requirements as set out at A4.5 (unless A4.25(g) applies); and
 - iii. length of maximum permitted stay as set out at [V2.5](#)
- e. Applicants must satisfy an immigration officer that they are genuinely unable to depart New Zealand due to the effects of the COVID-19 pandemic. Evidence may include, but is not limited to:
 - i. Evidence of border or transit route closures demonstrating an inability to return to their home country;
 - ii. Evidence of cancelled flights or travel arrangements;
 - iii. **Correspondence with an applicant's embassy or consulate asking for repatriation assistance and demonstrating an inability to return to their home country;**
 - iv. **A written statement explaining why the applicant is unable to return home.**
- f. In any subsequent applications under these instructions, an applicant must provide evidence to show the steps they undertook to leave New Zealand while holding their previous visitor visa (granted under these instructions), and why they remain genuinely unable to depart.
- g. An immigration officer may decline an application where they are not satisfied that a person is genuinely unable to depart New Zealand as a result of COVID-19.
- h. A visitor visa under these instructions:
 - i. **may be granted for a maximum of two months;** and
 - ii. will not include travel conditions; and
 - iii. will be subject to the condition **that the visa holder must not work.**

Appendix 3: Revocations to Border (Residence and Temporary Entry) instructions effective on and after 26 July 2024

Y3.35 Revocation of deemed entry permission

See also Immigration Act 2009 s113A

- a. An immigration officer may revoke the entry permission of any person deemed to hold entry permission under the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 where they have arrived in New Zealand and do not comply with:
 - i. **any** order made under section 11 the COVID-19 Public Health Response Act 2020; or
 - ii. any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable **disease**.
- b. An immigration officer may revoke the entry permission of any person deemed to hold entry permission under the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 where they have arrived in New Zealand on a ship and that ship:
 - i. does not have permission by the Director-General of Health to arrive in New Zealand if required to do so by an order made under section 11 of the COVID-19 Public Health Response Act 2020; or
 - ii. is not permitted to arrive in New Zealand under an order made under section 11 of the COVID-19 Public Health Response Act 2020; or
 - iii. has not been **granted pratique under the Health Act 1956**.
- c. If the person arrives at an immigration control area, entry permission may be revoked at any time before the person leaves the immigration control area.
- d. If the person arrives in New Zealand other than at an immigration control area, entry permission may be revoked within 72 hours of the person first arriving in New Zealand.
- e. A revocation under this section is made by entry on the records of the Department and takes effect immediately.

Note: These instructions are valid until the close of the repeal date specified in section 113A(8) of the Immigration Act 2009.

**Appendix 4: Amendments to Residence instructions effective on
and after 25 July 2024**

F4.35 Sponsorship Requirements

F4.35.1 General Requirements

- a. A sponsor or sponsors on a Parent Category application must be:
 - i. the adult child of the principal applicant; or
 - ii. the adult child of the principal applicant and that adult child's partner (joint sponsorship); or
 - iii. the adult child of the principal applicant and one other adult child of either applicant included in the application (joint sponsorship).
- b. Each sponsor must:
 - i. meet the requirements to be an acceptable sponsor as set out at [R4.5](#); and
 - ii. meet the relevant minimum income requirement for sponsors outlined at F4.35.5; and
 - iii. agree to meet the undertakings set out at [R4.10](#) for the required sponsorship period (see (c) below); and
 - iv. must not be a dependent child (see [F4.20.10](#)).
- c. The sponsor(s) must sponsor the applicant or applicants for a sponsorship period of 10 years.
- d. A maximum of two people can act as sponsors in a Parent Category application.
- e. A sponsor can sponsor a maximum of six parents.

F4.35.5 Minimum income requirement for sponsors

- a. The sponsor or joint sponsors must:
 - i. have total income that meets the minimum income threshold set out at F4.35.5.1; and
 - ii. meet that income threshold for two 12-month periods within the 3 years prior to their EOI being selected (as set out at F4.35.5.1); and
 - iii. demonstrate that income through the evidential requirements set out at (F4.35.5.10).
- b. The calculation of the minimum income threshold will consider any parents currently sponsored by the sponsors, as set out at F4.35.5.15.
- c. The two 12-month periods may not overlap.
- d. If there are joint sponsors, the 12-month periods must be the same for both sponsors.
- e. The income of a sponsoring adult child's partner may only be considered if:
 - i. the partner is acting as a joint sponsor; and
 - ii. the partner has been living with the sponsoring adult child for a period of at least 12 months in a partnership that is genuine and stable (see [F2.10.1](#)); and
 - iii. they meet the requirements for the recognition of a partnership set out at [F2.15](#).

F4.35.5.1 Minimum income thresholds

- a. The minimum income threshold for sponsors under the Parent Category is based on the following and is set out in the tables at (b) and (c) below:
 - i. 1.5 times the median income if sponsoring a single parent; and
 - ii. an additional 0.5 times the median income for each additional parent sponsored; and
 - iii. an additional 0.5 times the median income (combined) if two people are acting as sponsors.

b. Minimum income thresholds for one sponsor:

	Number of Parents						
Effective date	Median income	1	2	3	4	5	6
28 February 2024 onwards	\$65,748.80	\$98,623.20	\$131,497.60	\$164,372	\$197,246.40	\$230,120.80	\$262,995.20
1 May 2023 to 27 February 2024	\$61,692.80	\$92,539.20	\$123,385.60	\$154,232	\$185,078.40	\$215,924.80	\$246,771.20
1 January 2022 to 30 April 2023	\$57,740.80	\$86,611.20	\$115,481.60	\$144,352	\$173,222.40	\$202,092.80	\$230,963.20
1 January to 31 December 2021	\$56,160	\$84,240	\$112,320	\$140,400	\$168,480	\$196,560	\$224,640
1 January to 31 December 2020	\$53,040	\$79,560	\$ 106,080	\$132,600	\$159,120	\$185,640	\$212,160

c. Minimum income thresholds for two (joint) sponsors:

	Number of Parents						
Effective date	Median income	1	2	3	4	5	6
28 February 2024 onwards	\$65,748.80	\$131,497.60	\$164,372	\$197,246.40	\$230,120.80	\$262,995.20	\$295,869.60
1 May 2023 to 27 February 2024	\$61,692.80	\$123,385.60	\$154,232	\$185,078.40	\$215,924.80	\$246,771.20	\$277,617.60
1 January 2022 to 30 April 2023	\$57,740.80	\$115,481.60	\$144,352	\$173,222.40	\$202,092.80	\$230,963.20	\$259,833.60
1 January to 31 December 2021	\$56,160.00	\$ 112,320	\$ 140,400	\$ 168,480	\$ 196,560	\$ 224,640	\$252,720
1 January to 31 December 2020	\$53,040.00	\$106,080	\$132,600	\$159,120	\$185,640	\$212,160	\$238,680

- d. The income threshold required to be met for each 12-month period is calculated based on the median income that is in effect at the end of each 12-month period the sponsor is providing evidence for, according to the tables above.
- e. The median income for each year is based on the median hourly earnings from wages and salaries released periodically by Statistics New Zealand. It is converted into an annual rate based on a 40-hour working week.

Note: The median income salary of \$65,748.80 for sponsors under the Parent Category resident visa (F4.35.5.1) reflects the June 2023 quarter publication of median wage data by Statistics New Zealand.

F4.35.5.10 Evidential requirements for sponsor's income

- Only taxable income that is recorded on New Zealand's Inland Revenue tax statements (Summary of Income) of the sponsor(s) will be recognised when calculating a sponsor's income.
- For self-employed sponsors, only taxable income recorded on the New Zealand's Inland Revenue Final Tax Summary at the end of the three most recent financial years will be considered when calculating a sponsor's income.
- Income earned by another legal entity, such as a company or a trust, cannot be included unless it has been paid directly to the sponsor in the form of shareholder-employee salary or dividends, or is income derived from the trust. This income must appear on the Inland Revenue tax statements of the sponsor(s).
- All sponsors whose income is considered when meeting the minimum income threshold must meet the evidential requirements set out above.

F4.35.5.15 How to calculate the number of people being sponsored

- a. The total number of parents being sponsored includes:
 - i. any person and their partner who:
 - has been sponsored in an earlier Parent Category resident visa application by a sponsor in the current visa application; and
 - is still being sponsored within the required sponsorship period; and
 - ii. any person and their partner who is included in the current Parent Category resident visa application.

Note: Where a partner's income was used in support of an application processed using Parent Category instructions in place before 7 October 2019, but that partner did not act as a sponsor, this is not considered 'sponsorship' for the purposes of these instructions.

**Appendix 5: Amendments to Residence instructions effective on
and after 1 August 2024**

R5.65 Approved applications for residence class visas

- a. Unless otherwise stated, an approved application for a residence class visa will result in the grant of a resident visa.
- b. The travel conditions to be granted on a resident visa are set out at [R5.66](#).
- c. A permanent resident visa may be granted as a result of an approved application for a:
 - i. permanent resident visa, by a resident visa holder who meets the requirements set out in RV2;
 - ii. residence class visa under Partnership Category, by a person who meets the requirements set out F2.5.1;
 - iii. residence class visa under the Talent (Accredited Employer) Category, by a person who meets the requirements set out at RW2.1;
 - iv. residence class visa by a quota refugee, asylum seeker or protected person (S3.10), or community organisation sponsored refugee (see S4.25);
 - v. permanent resident visa under the Afghan Emergency Resettlement Category, by a person who meets **the requirements set out at [S4.35](#)**.

A4.20 Medical and Chest X-ray Certificates: residence class visa applications

- a. Applications for residence class visas must include, at the time the application is lodged, evidence that a Medical Certificate and Chest X-ray Certificate (INZ 1096) have been completed (see A4.20(f)) for every person included in the application.

Note: Pregnant women and children under 11 years of age are not required to have an X-ray examination.

- b. The Medical Certificate that may be required with a residence class visa application, includes the:
- General Medical Certificate (INZ 1007) which must be provided by all applicants other than those listed in (ii) below, or
 - Limited Medical Certificate (INZ 1201) which must be provided by:
 - applicants who are the partner of a New Zealand citizen or residence class visa holder and who meet the requirements of the Partnership Category (see F2.5(a)), and any dependent child(ren) included in their application made under the Partnership Category, unless R5.96 applies; or
 - applicants who are the dependent child of a New Zealand citizen or residence class visa holder and who meet the requirements of the Dependent Child Category (see F5.1(a)) unless R5.96 applies; or
 - applicants who have been recognised as having refugee or protection status in New Zealand and are thereby eligible to apply for a permanent resident visa (see S3) and their partner and dependent child(ren), (if any); or
 - applicants who are applying under the Refugee Quota Family Reunification (RQFR) Category (S4.20); or
 - mandated refugees who have been selected as candidates for New Zealand's Refugee Quota Programme S3.5(a)(i); or
 - applicants for the Ukraine Resident Visa category (S4.40).

Note: For the avoidance of doubt, applicants under the Community Organisation Refugee Sponsorship category (S4.25) must provide a General Medical Certificate (INZ 1007).

- c. All Medical and Chest X-ray Certificates must have been issued less than three months before the date the application for a residence class visa is made, unless (d) below applies.

Notes:

~ The issue date of a Medical Certificate is the date of the declaration by the examining physician concerning the overall findings of the medical examination, or the date that the Medical Certificate was submitted to Immigration New Zealand if submitted by the physician electronically.

~ The issue date of a Chest X-ray Certificate is the date of the declaration by the radiologist, or the date that the Chest X-ray Certificate was submitted to Immigration New Zealand if submitted by the physician electronically.

- d. Applicants for a residence class visa may provide a Medical Certificate and Chest X-ray Certificate, which was issued more than three months before the date that their application is made, if:
- they have provided a Medical Certificate and Chest X-ray Certificate with an earlier visa application; and
 - they were assessed as having an acceptable standard of health based on those certificates; and
 - those certificates were issued less than 36 months prior to the current application.
- e. Despite (d) above:
- Applicants who have spent six consecutive months in any one or more countries not listed in A4.25.10 since their previous Chest X-ray Certificate was issued, must provide a Chest X-ray Certificate which is less than three months old with their application.
 - Applicants who provided a Limited Medical Certificate (INZ 1201) with a previous visa application but no longer fall within the criteria listed at A4.20(b)(ii), must provide a General Medical Certificate (INZ 1007), which is less than three months old with their application.
 - Applicants must provide a Chest X-ray Certificate and specified tests, if:
 - they did not provide a Chest X-ray Certificate or specified tests with a Medical Certificate provided in the past 36 months because of their age, or because they were pregnant; and
 - their age would now require them to undertake the specified tests or provide a Chest X-ray Certificate, or they are no longer pregnant.
 - An immigration officer may require a Medical Certificate and Chest X-ray Certificate which is less than three months old, if they consider this is necessary to establish whether the applicant has an acceptable standard of health.
- f. Evidence of completion of a Medical Certificate and Chest X-ray Certificate includes:
- a completed Medical Certificate and Chest X-ray Certificate; or
 - an eMedical reference code (NZER); or
 - confirmation in the applicant's visa application form that a physician is directly submitting the applicant's Medical Certificate and Chest X-ray Certificate to Immigration New Zealand.
- g. Despite (a), applicants for a permanent resident visa under the Afghan Emergency Resettlement Category do not need to provide a medical certificate but must provide a chest X-ray Certificate.

- h. Where an application has been made through an online system that does not require a Medical Certificate or Chest X-ray to complete the application, an immigration officer may request one, should it be required to determine that the applicant is of an acceptable standard of health.

Note: These instructions do not apply to people applying for a further residence class visa under [RV2](#) or [RV4](#).

SR3.25.5 Qualification

- a. When claiming points for a qualification, the principal applicant must hold a qualification recognised on the New Zealand Qualifications Framework (NZQF) as a:
- level 10 Doctoral degree to qualify for 6 points; or
 - level 9 Master's degree to qualify for 5 points; or**
 - level 8 Bachelor honours degree or Postgraduate Diploma to qualify for 4 points; or
 - level 7 Bachelor's degree or level 8 Postgraduate Certificate to qualify for 3 points.**
- b. As evidence of qualifications, applicants must provide their qualification **certificate** and if the qualification is from outside New Zealand:
- an **International Qualifications Assessment (IQA)** from the NZQA; or
 - the qualification must be included on the List of Qualifications Exempt from Assessment ([Appendix 17](#)).**
- c. If the principal applicant provides an **IQA** and it does not confirm their qualification is equivalent to a specific New Zealand qualification type listed at (a) above, their IQA must recognise the qualification on the NZQF as:
- a level 10 qualification to qualify for 5 points; or**
 - a level 9 qualification to qualify for 4 points; or
 - a level 8 qualification **to qualify for 3 points.**
- d. **Despite the requirements in (a) above to hold the qualification, when claiming points for a level 10 Doctoral degree from a New Zealand University an applicant may instead provide evidence they have met all the requirements to graduate with a Doctoral degree to qualify for 6 points.**
- e. **As evidence of meeting requirements in (d) above, the applicant may provide a 'letter of eligibility to graduate' from their New Zealand University stating that they have met all the requirements to graduate with a Doctoral degree.**

Note: An IQA:

- assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest equivalent New Zealand qualification; and
- states the NZQF level and qualification type of that equivalent qualification; and
- refers to any verification of the applicant's qualifications undertaken by the NZQA.

Appendix 6: Amendments to Border (Residence and Temporary Entry) instructions effective on and after 26 July 2024

Y4.15 People who must be refused entry permission unless granted as an exception to instructions: circumstances and compliance concerns

See also Immigration Act 2009 ss 22 and 107

- a. Entry permission must be refused to any person, except a person listed in [Y3.10\(a\)](#), who is not otherwise dealt with under [Y4.1](#) and:
 - i. makes a false declaration on any part of the [New Zealand Traveller Declaration](#) or Crew Declaration, whether that declaration relates to an immigration matter or not; or
 - ii. fails to comply with an immigration, customs, biosecurity, health or Police responsibilities on arrival, including (but not limited to) failing to:
 - o apply for a visa, if a visa waiver applies; and entry permission; or
 - o produce [New Zealand Traveller Declaration](#); or
 - o produce a passport or certificate of identity; or
 - o produce other immigration documentation required by an immigration officer; or
 - o comply with any other direction or request by immigration, customs, biosecurity, health or Police.
- b. A person subject to (a) above may be granted entry permission if an immigration officer deliberately and properly does so as an exception to instructions (see Y4.45).

Note: Immigration Officers may consult with Customs, Biosecurity, Police Officers or health officials, as necessary.

Appendix 7: Amendments to Border (Residence and Temporary Entry) instructions effective on and after 2 August 2024

Y2.1 Passenger responsibilities on arrival

See also Immigration Act 2009 ss 2, 4, 28, 60, 103, 110, 111, 114, 342, 344(e), 384

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 regs 24, 28B, 28C, 29

- a. New Zealand citizens, if arriving at an immigration control area (see Y2.1.1) are responsible for presenting themselves and producing to an immigration officer:
 - i. their New Zealand passport or certificate of identity; or
 - ii. a foreign passport containing an endorsement of a type described in section 384(1) of the Act; or
 - iii. a foreign passport containing a returning resident's visa (within the meaning of section 2(1) of the Immigration Act 1987).
- b. New Zealand citizens must present a New Zealand Traveller Declaration to an immigration officer and comply with any direction of an immigration officer while in the immigration control area.
- c. A New Zealand citizen who has had their citizen status confirmed by giving their New Zealand passport to an automated electronic system is exempt from the obligation to present themselves and a New Zealand Traveller Declaration to an immigration officer unless the automated electronic system indicates otherwise.

Note: The obligation on New Zealand citizens to produce a completed New Zealand Traveller Declaration does not arise from the Immigration Act 2009 and does not give rise to liability for arrest under that Act.

- d. Non-New Zealand citizens, including permanent residents and residents, if arriving at an immigration control area, are responsible, for:
 - i. presenting themselves to an immigration officer with a completed New Zealand Traveller Declaration (and thereby making an application for entry permission and a visa (if a visa waiver applies)); and
 - ii. producing their passport or certificate of identity to an immigration officer; and
 - iii. allowing biometric information to be collected when they are applying for a visa or entry permission (see A22);
 - iv. producing, if required by an immigration officer, all or any of the following:
 - o evidence of any visa held;
 - o travel tickets or evidence of onward travel arrangements;
 - o evidence of funds for maintenance or of sponsorship; and
 - v. complying with any direction of an immigration officer while in the immigration control area (see Y2.1.1).
- e. A non-New Zealand citizen may meet (d) (i) and (ii) above by giving their passport to the automated electronic system and answering questions as required by the system (and thereby make an application for entry permission and a visa (if a visa waiver applies)).
- f. If a passenger is responsible for the care of a person who cannot comply with Y2.1(a) or Y2.1(d)(i), (ii), (iv) or (v) because of age or disability, it is their responsibility to comply on behalf of that person.

Note: A passenger who applies for entry permission by completing a New Zealand Traveller Declaration must provide a physical address in New Zealand under section 110 of the Immigration Act 2009.

- g. A person who arrives in New Zealand other than at an immigration control area must report to an immigration officer at an immigration control area within 72 hours after arriving and then comply with the responsibilities in Y2.1(a) or (d) above and any requirements prescribed in regulations.

Example: an ocean-going yacht which calls into the nearest New Zealand port for repairs or maintenance.

- h. A passenger who fails to comply with the responsibilities set out above or completes a New Zealand Traveller Declaration in a manner that they know is false or misleading in any way, commits an offence and may be prosecuted.
- i. Any person who does not report, or in respect of whom it is suspected that they will not report, to an immigration officer at an immigration control area may be arrested by a constable and brought before an immigration officer.
- j. If a person arrives at a place other than an immigration control area and does not report to an immigration officer at an immigration control area within 72 hours - see reg 29, Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 - any visa they hold will be deemed to be cancelled under section 64 of the Immigration Act 2009.

Note: Y2.1 does not apply to people who arrive in New Zealand other than at an immigration control area who are deemed to have been granted a visa.

Y2.1.1 Definition of 'Immigration Control Area'

See also Immigration Act 2009 s 382

An immigration control area is that part of an airport or port or any other place so designated by the Chief Executive of the Ministry of Business, Innovation and Employment for the processing of people arriving in or departing from New Zealand. A list and description of all immigration control areas is available:

- at every office of Immigration New Zealand, both onshore and offshore that deals with immigration matters; and
- on the Immigration New Zealand website.

Y2.15 Who is exempt from presenting a New Zealand Traveller Declaration

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 25

A person is exempt from having to present a New Zealand Traveller Declaration if they are:

- a. crew or passengers on any ship carrying passengers or cargo or both (in the ordinary course of business of the ship) between any foreign port and New Zealand;
- b. crew on any foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo (within the meaning of subsection (6) of that section);
- c. aircraft crew on any commercial aircraft flying between any other country and New Zealand;
- d. members of the armed forces of any country, members of its civilian component or crew members of any craft transporting such people in New Zealand at the request or with the consent of the New Zealand government, in the ordinary course of that member's duty or employment as defined in the Visiting Forces Act 2004 who arrive in New Zealand at a military base;
- e. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who enter the Ross Dependency from a country other than mainland New Zealand;
- f. members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who:
 - i. have entered the Ross Dependency from a country other than mainland New Zealand; and
 - ii. subsequently travel from the Ross Dependency to mainland New Zealand.
- g. guests of government who have been granted a visa waiver to travel by special direction.

Note: A request may also be made to waive, by special direction, the requirement for distinguished visitors to provide a passport or certificate of identity for inspection.

**Appendix 8: Revocation to Restricted Temporary instructions
effective on and after 29 July 2024**

H5: COVID-19 Support Restricted Temporary Entry Instructions

H5.1 Objective

- a. The original objective of these instructions was to minimise risks to New Zealand posed by the COVID-19 virus. In order to achieve this objective, the New Zealand Government put in place measures to prevent and prohibit the travel to New Zealand of all persons except New Zealand citizens and other exempted persons (which have now been rescinded). As the international and domestic context has changed since the COVID-19 Support Restricted Temporary Entry Instructions were first introduced in 2020 and the border **has reopened, the objective of these instructions has evolved. In the context of New Zealand's border reopening**, the objective of these instructions is to facilitate the entry of people considered to have a critical purpose to travel to New Zealand while their ability to submit an expression of interest for a border exception, and for those who are invited to apply, to make a subsequent visa application, remains open and provides for a valid pathway to New Zealand.

Note: All border exceptions are considered to have a critical purpose to travel to New Zealand until 11:59pm on 31 July 2022, except for primary sector class exceptions listed under [H5.15.1\(d\)](#), deep-sea fishing crew and seafood processing worker class exceptions, who are considered to have a critical purpose to travel to New Zealand until 11:59pm on 1 September 2022, 11:59pm on 30 October 2022 and 11:59pm on 30 November 2022 respectively.

- b. The COVID-19 restricted immigration instructions aim to achieve this objective by providing certainty about the situations where a person may be invited to apply for and granted a:
- Critical Purpose visitor visa or other temporary entry class visa appropriate to a person's circumstances may be granted to people who do not currently hold a visa; or
 - variation of conditions to people who already hold a temporary entry class visa.
- c. People who do not have a critical purpose for travel to New Zealand will not be invited to apply for a visa or a variation of conditions under these instructions.
- d. An Invitation to Apply will only be issued to those listed in [H5.25.15](#) if the Expression of Interest was submitted on or before 31 July 2022, except for:
- approved classes of workers listed under H5.15.1(d), who will only be issued an Invitation to Apply if the Expression of Interest was submitted on or before 1 September 2022; and
 - deep-sea fishing crew class exceptions listed under H5.30.20, who will only be issued an Invitation to Apply if the Expression of Interest was submitted on or before 30 October 2022; and iii. seafood processing workers listed under H5.30.20, who will only be issued an Invitation to Apply if the Expression of Interest was submitted on or before 30 November 2022.

Note: The instructions in this chapter are restricted temporary entry instructions. In accordance with section 76(2) of the Immigration Act 2009, immigration officers may not grant a temporary visa as an exception to restricted temporary entry instructions. Restricted temporary entry instructions are defined in section 4 of the Immigration Act 2009:

Restricted temporary entry instructions are temporary entry instructions that require, in relation to the type of visa to which the instructions relate, that any decision made on an application for that type of visa, or on an application for entry permission in relation to that type of visa, must be made in terms of the temporary entry instructions applicable at the time the application for the visa was made, and any discretion exercised must be in terms of those instructions.

H5.5 Overview

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

- a. These instructions allow for the grant of a visa to:
 - i. persons who have a critical purpose for travelling to New Zealand as defined at H5.25.15; or
 - ii. variation of visa conditions (for people with a valid temporary entry class visa).
- b. The grant of a visa or variation of conditions under these instructions is a two-step process:
 - i. Interest in travelling to New Zealand must first be expressed by:
 - o applicants; or
 - o employers, or supporting agencies, on behalf of 'other critical workers', with the agreement of the 'other critical worker'.
 - ii. An immigration officer may then invite a person (that is, an applicant or an 'other critical worker'), to apply for a Critical Purpose visitor visa, another visa appropriate to that person's circumstances or a variation of conditions if they are satisfied based on the information available, that the person has a critical purpose to travel to New Zealand ([H5.25.15](#)) and is likely to meet the requirements of the visa applied for or variation of conditions requested.
- c. Only a person who has been invited to apply for a visa or variation of conditions may make an application under these instructions.
- d. Applications must be made in the prescribed manner within 4 months of an invitation to apply.
- e. Despite (d) above, where a person makes an expression of interest on or after 8 July 2022 and is then invited to apply, they must make an application within 2 months of an invitation to apply (unless [H5.20\(c\)\(i\)](#) applies).

Note: An application notifying an Expression of Interest may, where instructions provide for it, include the applicant's spouse or partner and any dependent children 19 years of age or younger.

H5.10 Expression of Interest and Invitation to Apply

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

- a. With the exception of requests to travel to New Zealand as an 'other critical worker' ([H5.30.5](#)), a person may express interest in applying for a visa, or requesting a variation of conditions to travel to New Zealand, under these instructions by applying on an approved form provided for this purpose on the Immigration New Zealand website.
- b. A person expressing interest in applying for a visa, or requesting a variation of conditions, under these instructions must pay the prescribed fee (if any), which also covers any partner and dependent children included in the Expression of Interest.
- c. An immigration officer may invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or request a variation of conditions if they are satisfied that:
 - i. **the Expression of Interest was submitted on or before 31 July 2022, or the Expression of Interest is:**
 - o for a specific approved class of worker listed at H5.15.1(d) and submitted on or before 1 September 2022; or
 - o for a deep-sea fishing crew class border exception listed at H5.30.20 and submitted on or before 30 October 2022; or
 - o for a seafood processing workers class border exception listed at H5.30.20; and submitted on or before 30 November 2022; and
 - ii. the information available does not indicate any health, character or bona fide issues that would prevent any person who will be included in the application to be granted a visa or variation of conditions; and
 - iii. the people who will be included in the application or request are likely to meet funds or sponsorship and onward travel requirements; and
 - iv. the principal applicant has a critical purpose for travelling to New Zealand; and
 - v. where the principal applicant is expressing interest in applying for a visa based on their relationship with a New Zealand citizen or resident visa holder, the supporting partner appears to meet the **character requirements necessary for partners supporting 'partnership based temporary entry applications'** (see E7.45), based on the information available to the assessing officer; and
 - vi. if the principal applicant expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under H5.25.15(j), any partner or dependent child (see E4.1) of the principal applicant included in the Expression of Interest must:
 - o have been born on or after 1 December 2019; or
 - o currently hold, or held at the time of departing New Zealand, a visitor, work or student visa based on their **relationship to the principal applicant**; or
 - vii. **if the principal applicant is a dependent child who expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under [H5.25.15\(i\)](#), and they do not currently hold a visa based on their relationship to a work or student visa holder who is in New Zealand, then they must have been born or adopted on or after 1 December 2019.**
- d. If the principal applicant expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under [H5.25.15\(j\)](#) and establishing this critical purpose involves meeting the requirements of [H5.30.35\(c\)\(ii\)](#), the further visa application submitted does not need to have been approved in order for the principal applicant to be issued with an invitation to apply.

H5.15 Approval in principle

H5.15.1 Approval in principle for other critical workers to travel to New Zealand

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

- a. The employer or supporting agency of a person whose critical purpose to travel to New Zealand is to work as an 'other critical worker' ([H5.30.5](#)) may request approval in principle for that person and their partner and dependent children to travel to New Zealand by applying on an approved form provided for this purpose on the Immigration New Zealand website.
- b. A request for approval in principle may relate to one or more critical workers who will travel to New Zealand for the same purpose and to work for the same employer or supporting agency, and include the partner and dependent children of those workers (except where [H5.30.20](#) states that partners and dependent children are not eligible to be included).
- c. An invitation to apply will only be issued if the Expression of Interest was submitted on or before 31 July 2022, except for:
 - i. an approved class of workers set out at (d) below; or
 - ii. deep-sea fishing crew who can continue to submit Expressions of Interest until on or before 30 October 2022; or
 - iii. seafood processing workers who can continue to submit Expressions of Interest until on or before 30 November 2022
- d. An invitation to apply will only be issued for the following approved classes of workers if the Expression of Interest was submitted on or before 1 September 2022:
 - i. Agricultural mobile plant operators
 - ii. Assistant Dairy Farm Manager or 2IC managerial roles
 - iii. Dairy Herd Manager
 - iv. Dairy Farm Assistants
 - v. General practice veterinarians
 - vi. Agricultural and horticultural mobile plant machinery operators
 - vii. Wool handler
 - viii. Shearer
 - ix. Winery workers
 - x. Meat processing worker
 - xi. Silviculture forestry worker
 - xii. Wood processors and manufacturers
- e. **Where a request for travel to New Zealand is made for an 'other critical worker' ([H5.30.5](#)):**
 - i. a notification of Expression of Interest to apply for a visa, or to request a variation of conditions, under these instructions, must be provided by the employer or supporting agency with the request on behalf of that 'other critical worker' and with their agreement; and
 - ii. the Expression of Interest must have been submitted on or before 31 July 2022, 1 September 2022, 30 October 2022, or 30 November 2022 (see (c) and (d) above); and
 - iii. the employer or supporting agency must confirm that the worker or workers agree to notification of an Expression of Interest made on their behalf, on the approved form provided for this purpose.
- f. A request for approval in principle must be accompanied by evidence that demonstrates the worker meets the requirements in [H5.30.5](#).
- g. An employer or supporting agency requesting approval in principle for a person and their family to travel to New Zealand as an 'other critical worker' must pay the prescribed fee (if any).
- h. Following a request for approval in principle from an employer or supporting agency, if an immigration officer agrees that a person has a critical purpose for travelling to New Zealand as an 'other critical worker' ([H5.30.5](#)), an immigration officer may invite that person to apply for a Critical Purpose visitor visa, another visa appropriate to the person's circumstances, or to request a variation of conditions.
- i. An immigration officer will invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or request a variation of conditions if they are satisfied that:
 - i. the Expression of Interest was submitted on or before 31 July 2022, 1 September 2022, 30 October 2022, or 30 November 2022 (see (c) and (d) above); and
 - ii. the information available does not indicate any health, character or bona fide issues that would prevent that person being granted a visa or variation of conditions; and
 - iii. they are likely to meet funds or sponsorship and onward travel requirements; and
 - iv. the principal applicant has a **critical purpose for travelling to New Zealand**.
- j. A person who is invited to apply for a visa or to request a variation of conditions on the basis of having been determined to be an 'other critical worker' may be required to provide:

- i. sufficient evidence to demonstrate that they meet the requirements of W2.10.1(b) as applicable; and
 - ii. a copy of the proposed employment agreement or a copy of the signed offer of employment (see W2.10.10).
- k. Following a request for approval in principle from an employer, an immigration officer may, at their discretion, invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances, or to request a variation of conditions if they are satisfied that:
 - i. the Expression of Interest was submitted on or before 31 July 2022, 1 September 2022, 30 October 2022, or 30 November 2022 (see (c) and (d) above); and
 - ii. **they are the partner or dependent child of a person invited to apply as an 'other critical worker' (except where H5.30.20 states that partners and dependent children are not eligible to be included); and**
 - iii. **an immigration officer agrees that their presence in New Zealand is necessary for the critical worker to carry out their work. When considering a request for approval in principle under these instructions an immigration officer may seek advice from relevant Government agencies or other authorities.**

Note: For the purposes of these instructions, a 'supporting agency' is the organisation seeking to bring a person to New Zealand as an 'other critical worker' and who will be directly responsible for that person's work while they are in New Zealand.

H5.20 Making an application for a visa or variation of conditions

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

- a. A person may only apply for a visa or variation of conditions under these instructions if they are invited to do so.
- b. An application must be made within 4 months of the date of the invitation to apply.
- c. Despite (b) above, an application must be made within:
 - i. 1 month of the date of the invitation to apply where the applicant is a new and returning student (H5.30.21(c)(vi)) or a Maanaki Scholarship student (H5.30.21(c)(vii)); or
 - ii. 2 months of the date of the invitation to apply for all other applicants where the applicant expressed **interest on or after 8 July 2022.**
- d. An application for a visa must be made in the prescribed manner.

An application for a variation of conditions must be made by submitting the following to an immigration officer:

- i. the completed form approved for this purpose; and
 - ii. the prescribed fee (if any); and
 - iii. the documentation and evidence requested in the invitation to apply, including evidence of the **applicant's critical purpose in New Zealand.**
- e. A person who is invited to apply for a visa or to request a variation of conditions on the basis of having been **determined to be a 'critical health worker' (H5.30.1)** or an **'other critical worker' (H5.30.5)** may be required to provide a copy of the employment agreement or offer of employment for the role (see [W2.10.10](#)).

H5.25 Determining an application for a visa or variation of conditions

H5.25.1 Determining an application for a Critical Purpose visitor visa

- a. A Critical Purpose visitor visa may be granted if an immigration officer is satisfied that all applicants included in the application:
 - i. meet health and character requirements for temporary entry (A4 and A5); and
 - ii. are bona fide (E5) applicants for a temporary entry class visa; and
 - iii. meet funds or sponsorship requirements for visitors (V2.20); and
 - iv. meet onward travel requirements for visitors (V2.25); and
 - v. have a critical purpose for travel to New Zealand as described in H5.25.15; and
 - vi. if they are a 'critical health worker' (H5.30.1) or an 'other critical worker' (H5.30.5), they have provided sufficient evidence to demonstrate that they meet the requirements of [W2.10.1\(b\)](#) as applicable.

H5.25.5 Determining an application for another visa (appropriate to the applicant's circumstances)

An immigration officer may grant a visa appropriate to the applicant's circumstances if they are satisfied that the applicant:

- a. meets all relevant immigration instructions required for the grant of that visa; and
- b. has a critical purpose for travel to New Zealand as described in H5.25.15.

H5.25.10 Determining an application for a variation of conditions (for holders of a valid temporary entry class visa)

- a. A variation of conditions can be granted where an immigration officer is satisfied:
 - i. the applicant has a critical purpose for travelling to and being in New Zealand as described at H5.25.15; and
 - ii. all the other requirements of the visa the person currently holds continue to be met.

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 meet compassionate entry requirements, or who hold a valid invitation to apply based on previous humanitarian requirements ([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 commercial ship crew travelling to New Zealand by air ([H5.30.30](#)).
- i. 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 and, on the date they express interest:
 - i. the work or student visa holder is in New Zealand; and either
 - ii. that relationship-based visa is still current; or
 - iii. 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](#)).
- j. The partner or dependent child of a work visa or a Critical Purpose visa holder who is in New Zealand when the expression of interest is made and that visa-holder's visa either:

- i. is 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. is employed as a full-time teacher in either Early Childhood Education or at a primary or secondary school.

H5.25.20 Family relationships

- a. A person will be considered to be the partner of a New Zealand citizen, or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for partners specified in [E4.1](#).
- b. A person will be considered to be a dependent child of a New Zealand citizen or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for dependent children specified in [E4.1](#).
- c. A person will be considered to be a partner of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for partners specified in [E4.1](#).
- d. A person will be considered to be a dependent child of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for dependent children specified in [E4.1](#).
- e. An immigration officer must be satisfied that a person is a partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, before a visa can be granted to a person for a critical purpose based on that relationship.
- f. For the avoidance of doubt and the purposes of (a) (c) and (e) above, a person will only be considered to have met the requirements of partnership if they also have lived together.
- g. Any New Zealand citizen or resident visa holder partner who is supporting an application for a relationship based visitor visa made by a person described in H5.25.20(a), must meet the character requirements for partners supporting 'partnership-based temporary entry applications' ([E7.45](#)).

Note: Where a person is applying as the partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, evidence of the relationship must be provided if Immigration New Zealand has not established the relationship in a previous visa application.

H5.30 Definitions

H5.30.1 Critical health workers

- a. A critical health worker is a person who will work in an occupation needed to deliver critical health services in New Zealand (see H5.30.1(b)) for an employer listed at H5.30.1(c).
- b. Occupations needed to deliver critical health services in New Zealand are:
 - i. registered health practitioners as set out in the Health Practitioners Competence Assurance Act 2003; or
 - ii. a worker who installs, operates or maintains medical equipment; or
 - iii. paramedics and ambulance workers (including air and road); or
 - iv. physician associates; or
 - v. **technical and support staff working in:**
 - o theatre
 - o laboratory
 - o radiology
 - o pharmacy services
 - o cardiology blood service
 - o nuclear medicine
 - o oncology
 - o haematology
 - o pathology
 - o hyperbaric medicine
 - o mortuary
 - o research **staff**; or
 - vi. **workers delivering mental health and addictions services, aged care, respite, home care and support, child health, palliative and hospice care, forensic health, and disability support.**
- c. Critical health workers may work in one or more of the following:
 - i. a District Health Board;
 - ii. the New Zealand Blood Service;
 - iii. a hospice or palliative care provider;
 - iv. a primary care practice such as urgent care or a medical or healthcare centre;
 - v. **an aged residential care, respite or continuing care facility, including care in a person's home or community facility;**
 - vi. a government or Non-Government Organisation delivering health and disability services;
 - vii. organisations that provide, operate and maintain medical equipment;
 - viii. **private employers delivering health and disability services.**
- d. Workers in an occupation that is indirectly related to the provision of health services, or corporate functions such as (but not limited to) human resources, office administration or property maintenance are not considered critical health workers.
- e. For the purposes of these instructions, internationally qualified nurses are also considered to be critical health workers where they:
 - i. are invited to come to New Zealand by the Nursing Council of New Zealand, and
 - ii. are **enrolled in a Competence Assessment Programme.**
- f. Any partners or dependent children (see [E4.1](#)) of critical health workers who have been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the critical health worker.
- g. When considering whether a person is a critical health worker, an immigration officer may request evidence **of the person's qualifications or registration.**
- h. An immigration officer may request the critical health worker to provide evidence of an offer of employment (see [W2.10.10](#)).

H5.30.5 Other critical workers

- a. A person may be considered an 'other critical worker' and granted a visa or variation of conditions for up to six months if they are required to come to New Zealand for up to six months and they:
 - i. **have unique experience and technical or specialist skills that are not readily obtainable in New Zealand;** or
 - ii. **are undertaking a time-critical role:**
 - o **for a government approved event or a major government-approved programme (as defined in H5.30.15); or**
 - o **in support of an approved government-to-government agreement (as defined in H5.30.15); or**

- o for work which brings significant wider benefit to the national or regional economy; or
 - iii. meets the requirements of an approved class of worker listed at H5.30.20.; or
 - iv. have a role in which they earn at least the median salary (currently \$27 per hour) for the delivery or execution of an approved major infrastructure project (as defined in H5.30.10).
- b. However, a person may be considered an 'other critical worker' and granted a visa or variation of conditions for more than six months (up to a maximum of 12 months), if they are required to stay in New Zealand for more than six months to achieve their critical purpose, and they have:
- i. a role in which they earn at least 1.5 times the median salary (currently \$84,240 per annum); or
 - ii. a role that is essential for the completion or continuation of a science programme under a government funded or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE Science, Innovation and International Branch to travel to New Zealand to carry out their work; or
 - iii. an essential role for a government approved event or a major government-approved programme (as defined in H5.30.15); or
 - iv. have a role in which they earn at least the median salary (currently \$27 per hour) for the delivery or execution of an approved major infrastructure project (as defined in H5.30.10).
- c. Despite, (a) above, a person considered an 'other critical worker' approved on the basis of being part of a class of workers, may be granted a visa or variation of conditions for up to six months unless a maximum duration is specified at H5.30.20.
- d. When considering H5.30.5 (b)(i) and (iv), an immigration officer must be satisfied that the offer of employment meets the requirements set out at [W2.10.5](#) and [W2.10.10](#).
- e. Factors an immigration officer may take into account when determining whether a person is an 'other critical worker' as defined in H5.30.5 (a) and (b), include:
- i. why that person is needed to ensure the delivery, continuity or execution of the work or service, and the effect on the work or service if the person was unable to come; and
 - ii. why it is not possible to re-deploy workers already in New Zealand (this could include time constraints or the specific nature of the work or service to be done); and
 - iii. the situation of the staff (if any) currently performing the role(s), and whether they can remain or not in the roles; and
 - iv. the length of the visa required and the reason for that length of visa.
- f. Any partners or dependent children (see [E4.1](#)) of an 'other critical worker' who has been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the 'other critical worker' (except where H5.30.20) states that partners and dependent children are not eligible to be included).
- g. When considering H5.30.5 (a)(i), the factors that an immigration officer may take into consideration when assessing:
- i. "unique experience and technical or specialist skills" include, but are not limited to, whether these skills or experience:
 - o have been gained in a specialist training institution or by working in a highly-specialist firm
 - o can be demonstrated through global experience
 - o are inherent to a person
 - ii. "not readily obtainable" include, but are not limited to, whether:
 - o there are no workers in the country who could perform the role, or
 - o there is a very limited pool of available workers who could perform the role and they are not available to the employer.
- h. When considering H5.30.5 (a)(i), applications for seasonal workers will generally not be approved under these instructions. The only exceptions will be if the nature of the work is highly skilled or uniquely specialised.
- i. "Time critical" in H5.30.5 (a)(ii) includes if the person does not come to New Zealand, the project, work or event will cease or be severely compromised, or significant costs will be incurred.
- j. When considering H5.30.5 (a)(iv) and (b)(iv), workers in an occupation that is indirectly related to the delivery or execution of an approved major infrastructure project, such as (but not limited to) human resources, office administration or property maintenance are not considered other critical workers.
- k. A person enrolled in, or with an offer to study, a Doctoral Degree at a New Zealand university, may be determined to be an 'other critical worker', if the person:
- i. has a role that is essential for the completion or continuation of a science programme under a government funded or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE Science, Innovation and International Branch to travel to New Zealand to carry out their work, or
 - ii. has unique experience and technical or specialist skills that are not readily obtainable in New Zealand or
 - iii. is undertaking a time-critical role:

- for the delivery of an approved major infrastructure project (as defined in H5.30.10); or a government approved event or a major government-approved programme (as defined in H5.30.15); or
 - in support of an approved government-to-government agreement (as defined in H5.30.15); or
 - for work which brings significant wider benefit to the national or regional economy.
- I. A student who is assessed as meeting the criteria in (k) can be invited to apply for a:
- i. student visa, and if their visa application is approved, may be granted a student visa for more than six months (up to a maximum of 12 months); or
 - ii. variation of conditions, if they already hold a student visa for their study for a Doctoral Degree.
- m. For the purpose of the H5 instructions, the median wage is \$27 per hour.

Notes:

- Examples of workers meeting this standard may include: some highly specialist veterinarians, vendor-appointed engineers required to install major equipment, or an actor in a key film role.
- For the absence of doubt, co-owners of America's Cup syndicates may be considered other critical workers under H5.30.5(a)(ii).
- For the avoidance of doubt, a person outside of New Zealand who is required for more than six months must meet the relevant criteria at H5.30.5(b) if they are an 'other critical worker' as defined at H5.30.5(a)(i) or (ii).

H5.30.10 Approved major infrastructure projects

For the purposes of these instructions, approved major infrastructure projects are:

- a. those projects with a cost of \$50 million or more, as listed on the infrastructure pipeline on a website maintained by the Infrastructure Commission (except those listed as "project complete"); or
- b. the Marsden Point decommissioning project.

Notes: The infrastructure pipeline can be viewed at www.infracom.govt.nz/projects/pipeline/

H5.30.15 Major government-approved programmes, government-approved events and government-to-government agreements

For the purposes of these instructions, major government-approved programmes, government-approved events, and government-to-government agreements are:

Column A: Major government-approved programmes	Column B: Government-approved events	Column C: Government-to-government agreements
Rocket Lab launches	BWF Junior World Championships (Badminton)	The Antarctic Programme
Mutual Assistance Programme (Defence programme)	ICC Women's World Cup	The Tuvalu Maritime Strengthening Project
Pacific Leadership Development Programme (Defence programme)	New Zealand Golf Open	
Recruitment and personnel exchange programmes (Defence programme)	36th America's Cup	
Defence capability programmes (Defence programme)	ICF Junior and U23 Canoe Slalom World Championships	

<p>Replacement international fishing crew for foreign-flagged fishing vessels operating in international waters, who:</p> <p>Will transfer to the vessel as soon as reasonably practicable after arrival in New Zealand; and</p> <p>Will transfer to a vessel that the Ministry of Foreign Affairs and Trade confirms will operate in international waters within the framework of a regional or international agreement of which New Zealand is a member.</p> <p>Entry to New Zealand to deliver this major government-approved programme is limited to up to 160 replacement international fishing crew in total (and not per fishing vessel) every six months, from 17 December 2020.</p>	Crankworx	
<p>Kāinga Ora build and urban development programme.</p> <p>Entry to deliver this major government-approved programme will be from March 2021.</p>	IronMan 70.3 World Championship 2020	
Innovative Partnerships	The Pioneer	
New Zealand Trade & Enterprise (NZTE) Investment Attraction Programme	Winter Games	
Tourism New Zealand Strategic Media Programme	Rugby World Cup (Womens)	
	WSL Challenger Series Piha	

	Pro	
	XVI WSBC Men's Softball World Championship	
	Ocean Race 2022	
	FIFA Women's World Cup 2023 and any lead-in events and critical delegations from FIFA officials	
	Bledisloe Cup	
	Taini Jamison Trophy	
	International West Indian Men's Cricket Tour of New Zealand	
	International Pakistan Men's Cricket Tour of New Zealand	
	The 'Summer of Cricket' series	
	The Constellation Cup	
	Fijian Rugby Team Tour of New Zealand	
	The Rugby Championship 2021	
	The Women's Rugby World Cup 2022 and any lead-in events and critical delegations from World Rugby	
	The World Rugby PAC4 tournament (2022)	

	IWG Women in Sport Conference (November 2022)	
	Ireland Rugby tour (June 2022)	
	Super Rugby Pacific (April 2022)	
	New Zealand Warriors fixtures	
	New Zealand Breakers fixtures	
	Wellington Phoenix fixtures	
	FIBA Basketball World Cup Qualifier 2023	

H5.30.20 Approved classes of workers

- a. For the purpose of these instructions, the authorised government organisation, industry group, or relevant departmental agency, as specified in column F below, will liaise with relevant industries and employers and provide a list of nominated workers to Immigration New Zealand.
- b. An immigration officer will determine whether a person is part of an approved class of workers based on whether they are on a list of nominated workers provided by the authorised government organisation, industry group or relevant departmental agency, as specified in column F below.
- c. The classes of workers that have been approved by Cabinet are:

	Column A: Class of worker	Column B: Class details	Column C: Eligible to include partners and/or dependents	Column D: Maximum duration of visa	Column E: Last date of entry	Column F: Authorised government organisation, industry group, departmental agency	Column G: Number of workers in class
a.	Deepwater fishing crew	<p>Workers must be employed by one of the following companies to work on any of the named deepwater fishing vessels:</p> <p>Company: Independent Fisheries Ltd</p> <p>Vessels:</p> <p>Independent</p> <p>Irvinga</p> <p>Mainstream</p> <p>Company: Maruha (N.Z.) Corporation Ltd</p> <p>Vessels:</p> <p>Aleksey Slobodchikov</p> <p>Te Raukura</p> <p>Company: Sealord Charters Ltd</p>	No			Ministry for Primary Industry (MPI)	Up to 570

		<p>Vessels:</p> <p>Meridian</p> <p>Professor Mykhaylo Aleksandrov</p> <p>Company: Aurora Fisheries Ltd</p> <p>Vessel:</p> <p>Tomi Maru 87</p> <p>Company: DW New Zealand Limited</p> <p>Vessels:</p> <p>Dong Won 519</p> <p>Dong Won 530</p> <p>Company: Jaico Limited</p> <p>Vessels:</p> <p>Fortunui</p> <p>Pacinui</p>				
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b.	Agricultural mobile plant operators	<p>Workers must:</p> <ul style="list-style-type: none"> • Have at least three seasons' experience as agricultural mobile plant operators; and • have relevant vehicle licencing qualifications; and • have an approved contract agreement in a fulltime role with specified rural contract operators. 	Yes		April 2021	MPI	Up to 210
c.	Mixed and large animal veterinarian	Veterinarians must hold the necessary qualifications and experience for them to be licensed and registered with the Veterinary Council of New Zealand.	Yes			MPI	Up to 30
d.	Shearers	Shearers contracted by or through a NZSCA approved employer, and with more than two years' shearing experience	No		31 March 2021	MPI	60

e.	Recognised Seasonal Employer (RSE) workers (until 31 March 2021)	<p>Workers must:</p> <ol style="list-style-type: none"> 1. have completed at least one season in New Zealand as an RSE worker; and 2. be from a Pacific Island country who have committed to the repatriation of RSE workers, as confirmed by the Ministry of Foreign Affairs and Trade; and 3. have an employment agreement with an RSE employer and the pay rate specified in the employment agreement is for no less than \$22.10 per hour. <p>The RSE employer offering</p>	No			New Zealand Apples & Pears Incorporated	Up to 2013
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		employment to the RSE worker must have made an undertaking to INZ on the form approved for this purpose, committing to certain employment and pastoral care obligations.					
f.	Recognised Seasonal Employer (RSE) workers (from June 2021)	RSE workers from the Solomon Islands.	No			Horticulture New Zealand (HortNZ)	Up to 150
g.	Assistant Dairy Farm Manager or 2IC managerial roles Dairy Herd Manager	Assistant Dairy Farm Manager or 2IC managerial roles must have 2-4 years relevant work experience and earn above \$92,000 per annum.	Yes	12 months		MPI	Up to 200

	Dairy Farm Assistants	<p>Dairy Herd Manager roles must have 2-4 years relevant work experience and earn above \$79,500 per annum.</p> <p>Workers must earn at or above the median wage plus \$1 per hour at time of application in regions with acute shortages.</p> <p>Applications must be submitted by 30 April 2022.</p>					
h.	General practice veterinarians	<p>Veterinarians must hold the necessary qualifications for them to be licensed and registered with the Veterinary Council of New Zealand, must have 3-5 years relevant work experience and earn at or above \$85,000 per annum.</p>	Yes	12 months		MPI	Up to 50

i.	Agricultural and horticultural mobile plant machinery operators	<p>Workers must:</p> <ul style="list-style-type: none"> • have at least three seasons' experience as agricultural or horticultural mobile plant operators; and have relevant vehicle licencing qualifications; and • have an approved contract agreement in a fulltime role with specified rural contract operators; and • earn at or above the median wage at time of application. 	No	8 months	August 2022	MPI	Up to 200
j.	Shearers	Shearers contracted by or through a NZSCA approved employer, and with more than two years' shearing experience.	No			MPI	Up to 40
k.	Early Learning Teachers and Primary/Secondary school teachers	<p>The Ministry of Education will nominate the teachers to INZ by 30 June 2022.</p> <p>Early learning teachers and Primary/Secondary teachers in State and State-integrated schools must be certificated</p>	Yes	12 months		Ministry of Education	Up to 300

		and registered with the Teaching Council of Aotearoa New Zealand.					
l.	Port Crane Operators	Workers must have at least two years crane operating experience and be paid at or above 1.5 times the median wage per annum.	Yes	12 months		Ministry of Transport	Up to 5
m.	Deep-sea fishing crew	The crew must be paid at least the minimum wage plus \$4 per hour.	No	12 months	September 2022	MPI	Up to 615
n.	Recognised Seasonal Employer (RSE) workers travelling from Samoa, Vanuatu, Tonga, Fiji Tuvalu or Solomon Islands	Workers must be from Samoa, Vanuatu, Tonga, Fiji, Tuvalu or Solomon Islands.	No			Horticulture New Zealand (HortNZ) and NZ Apples and Pears Incorporated (NZAPI)	

o.	Deep-sea fishing crew	The crew must be paid at least the minimum wage plus \$5 per hour to enter in April and May 2022.	No	12 months	31 May 2023	MPI	Up to 450
p.	Deep-sea fishing crew	The crew must be paid at least the minimum wage plus \$5 per hour to enter in September and October 2022.	No	12 months	31 May 2023	MPI	Up to 615
q.	Agricultural and horticultural mobile plant machinery operators	Workers must: <ul style="list-style-type: none"> • have at least three seasons' experience as agricultural or horticultural mobile plant operators; and • have relevant vehicle licencing qualifications; and • have an approved contract agreement in a fulltime role with specified rural contract operators; and • earn at or above the median wage at time of application. 	No	8 months	30 April 2023	MPI	Up to 200

r.	Specialist tech sector worker	<p>The worker must be coming to New Zealand for a role in one of the following occupations and be paid at least the identified salary:</p> <ul style="list-style-type: none"> • Software and Application Programmers (\$120,000 per annum) • ICT Managers (\$120,000 per annum) • ICT Security Specialists (\$120,000 per annum) • Multimedia Specialists (\$95,000 per annum). <p>Workers must submit their applications by 14 February 2023.</p>	Yes	12 months		Digital, Communications and Transitions Branch - Ministry of Business, Innovation and Employment	Up to 600
s.	External Auditor	<p>Workers must be paid at least:</p> <ul style="list-style-type: none"> • \$70,000 per annum if they have between two to three years' relevant work experience • \$85,000 per annum if they have at least four years' work experience <p>Workers must submit their applications by 14 February</p>	Yes	12 months		Chartered Accountants of Australia and New Zealand (CAANZ)	Up to 180

		2023.					
t.	Wool handler	Workers must have at least one season's experience in a similar jurisdiction and be paid at least \$30 per hour.	No		February 2023	MPI	Up to 50
u.	Shearer	Shearers contracted by or through a NZSCA approved employer, and with more than two years' shearing experience.	No		February 2023	MPI	Up to 40
v.	Winery workers	Must be paid at least the median wage in the following roles: <ul style="list-style-type: none"> • Winery supervisors • Winemakers • Assistant winemakers • Cellar 	No			MPI	Up to 75

		<div>managers</div> <ul style="list-style-type: none">• Cellar hand supervisor					
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w.	Meat processing worker	Must be paid at least the median wage and averaged at the median wage per hour over a specified pay period, no longer than one month)	No	10 months		MPI	Up to 650
x.	Seafood processing worker	Must be paid at least \$24 per hour and averaged at \$24 per hour over a specified pay period that is no longer than one month	No	10 months		MPI	Up to 300
y.	Seafarer	Qualified Able seafarers	Yes	12 months		Ministry of Transport	Up to 30
z.	Dairy farm assistant Assistant Dairy Farm Manager or 2IC managerial roles Dairy Herd Manager	Must be paid at least the median wage plus \$1	Yes	12 months		MPI	Up to 800

aa	Advanced manufacturing specialist	Must be paid at least the median wage plus \$1	Yes	12 months		Economic Development and Transitions- Ministry of Business Innovation and Employment	Up to 100
bb	Silviculture forestry worker	Must be paid at least the median wage	No			MPI	Up to 300
cc	Wood processors and manufacturers	Must be paid at least the median wage	Yes	12 months		MPI	Up to 280
dd	Seasonal ski workers	<p>Must be paid at least the median wage. The worker must be coming for one of the following roles:</p> <ul style="list-style-type: none"> • Snow sports instructors • Snow safety/ patrol • Groomer operators • Lift technicians • Ski workshop technicians • Snowmaking 	No			Tourism New Zealand	Up to 275

H5.30.21 Approved classes of individuals

- a. For the purpose of these instructions, the authorised government organisation or relevant departmental agency, as specified in column F below, will liaise with relevant parties and provide a list of nominated individuals to Immigration New Zealand.
- b. An immigration officer will determine whether a person is part of an approved class of individuals based on whether they are on a list of nominated individuals provided by the authorised government organisation or relevant departmental agency, as specified in column F below.
- c. The classes of individuals that have been approved by Cabinet are:

	Column A: Class of individual	Column B: Class details	Column C: Eligible to include partners and/or dependent children	Column D: Maximum duration of visa	Column E: Last date of entry	Column F: Authorised government organisation or departmental agencies	Column G: Number of people in class	Column H: Relevant parties
i.	PhD and post-graduate students (cohort 1)	Nominated PhD and postgraduate students who held or hold a visa to study in 2020 but have been unable to enter New Zealand due to COVID-19	Yes, if under current instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student	Up to a maximum of four years (U6.30(b))		Ministry of Education	Up to 250, not including partners or dependent children	Education providers, tertiary education sector groups
ii.	Essential travel to and from the	Nominated individuals who are travelling to or from the Cook Islands, Niue, Samoa, Tokelau,	Yes, if they are also	Up to a maximum of six		Ministry of Foreign Affairs and	Up to 100 in the period 4 November	The governments of Cook

	Cook Islands, Niue, Samoa, Tokelau, Tonga, and Tuvalu	Tonga, or Tuvalu for essential activities, but who may be required to enter New Zealand before onward travel	nominated	months		Trade	2021 – 3 May 2022 Up to 100 in the period 3 May 2022 - 3 November 2022	Islands, Niue, Samoa, Tokelau, Tonga, and Tuvalu
iii.	Priority returning international students studying for degree and post-graduate qualifications (cohort 2)	<p>Nominated returning students who:</p> <ul style="list-style-type: none"> • had commenced studying for degree or post-graduate qualifications in New Zealand; and • hold or have held a valid visa to study in 2020 but have been unable to enter New Zealand to complete their qualification due to COVID-19; and • are nominated by the education provider they will continue studying with; 	Yes, if under current instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student	Up to a maximum of four years (U6.30(b))		Ministry of Education	Up to 1,000, not including partners or dependent children	Education providers, tertiary education sector groups

		<p>and</p> <ul style="list-style-type: none"> • have NZD\$20,000.00 per year (or \$1,667.00 per month) available to maintain themselves during their stay in New Zealand (less prepaid living expenses); and • have sufficient funds available to pay for the costs of their stay in Managed Isolation and Quarantine in New Zealand, if subject to pay for these costs. 						
iv.	Tertiary students (cohort 3)	<p>Students who: are nominated by the education provider they will study with; and have:</p> <ul style="list-style-type: none"> • NZD\$20,000.00 per year (or \$1,667.00 per month) available to maintain themselves 	Yes, if under current instructions they are able to apply for a temporary visa on the			Ministry of Education	<p>Up to 1,000 allocated by the following sub sectors:</p> <ul style="list-style-type: none"> • 400 pilot trainee places • 300 Bachelor 	Education providers, tertiary education sector groups

		<p>during their stay in New Zealand (less prepaid living expenses); and</p> <ul style="list-style-type: none"> • sufficient funds available to pay for the costs of their stay in Managed Isolation and Quarantine in New Zealand (if required) 	<p>basis of their relationship to the nominated student</p>				<p>degree level and above places</p> <p>300 sub degree level places</p>	
v.	Edmund Hillary Fellowship Fellows	<p>Global Impact Visa applicants, prospective applicants and visa holders, selected by Edmund Hillary Fellowship (EHF).</p> <p>That is, people who:</p> <ul style="list-style-type: none"> • hold a Global Impact work visa; or • have made a Global Impact work visa application which has yet to be decided; or • have been selected by EHF for the Global Impact Visa programme but are yet to make a Global Impact work visa application. 	Yes	<p>Up to a maximum of 36 months from date of entry (BG2.15)</p>		Ministry of Business, Innovation and Employment (Innovation Policy, Labour Science and Enterprise)	<p>Up to 50, not including partners or dependent children</p>	EHF, EHF fellows
vi.	New and returning international	<p>Students who:</p> <ul style="list-style-type: none"> • are nominated by the education provider they will study 	Yes, if under current	<p>Up to a maximum of four</p>		Ministry of Education	<p>Up to 5,000</p>	Education providers, education

	students (cohort 4)	<p>with; and</p> <ul style="list-style-type: none"> • have NZD\$20,000.00 per year (or \$1,667.00 per month) for tertiary level students or \$15,000 per year (\$1,250.00 per month) for secondary school students available to maintain themselves during their stay in New Zealand (less prepaid living expenses) 	<p>instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student. For the avoidance of doubt, this may include parents or guardians able to apply under V3.100</p>	<p>years (U6.30(b))</p>				sector groups (tertiary and secondary)
vii.	Manaaki Scholarship Students	Students who are nominated and supported by the Ministry of Foreign Affairs and Trade	Yes, if under current	Up to a maximum of four		MFAT	Up to 250	Ministry of Foreign Affairs and

		(MFAT)	instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student	years (U6.30(b))				Trade
viii.	Foreign officials	Foreign officials (Ministers and other Government representatives plus their official delegations) from visitor visa-required countries	Yes	Up to a maximum of six months		Ministry of Foreign Affairs and Trade	Up to 200	Ministry of Foreign Affairs and Trade
ix.	Adult family members of diplomats	Immediate adult family members from non-visa waiver countries of diplomats resident in New Zealand		Up to a maximum of 12 months		Ministry of Foreign Affairs and Trade	Up to 25	Ministry of Foreign Affairs and Trade

Notes:

- For the purposes of H5.30.21(b)(ii), essential activities can include, but are not limited to: activities related to key sectors vital for Pacific economies; critical relief and development activities; technical specialists to support good governance; and staff for diplomatic missions.
- For the purposes of Column C of H5.30.21(c)(i) and (iii), an eligible partner or dependent child needs to be included on the nominated student's request for travel made under H5.5(b)(i) and if that request is approved, will be invited to apply for a temporary visa on the basis of their relationship to the nominated student under H5.5(b)(ii).

H5.30.25 Compassionate entry exception

- a. A person meets the compassionate entry requirements if there are exceptional circumstances of a familial (see H5.30.25.1) or medical (see H5.30.25.5) nature which make it critical for that person to urgently travel to and enter New Zealand specifically, over and above any other country.
- b. When determining whether an applicant meets the compassionate entry requirements, factors that are not considered relevant include whether:
 - i. the applicant has been affected by a humanitarian crisis occurring outside of New Zealand
 - ii. an application, sponsorship registration, or Expression of Interest for a New Zealand visa has been made.

H5.30.25.1 Compassionate entry exception for familial reasons

- a. Familial reasons are extraordinary family circumstances resulting in the need for a person to travel to New Zealand to lend support in order to prevent significant harm.
- b. Relevant factors when considering if there are familial reasons that support entry on compassionate grounds under these instructions include:
 - i. **the applicant's familial or otherwise demonstrably close personal connection to someone in New Zealand**
 - ii. whether the situation involves extraordinary family trauma, or provision of support for a minor
 - iii. **whether the applicant's close personal connection in New Zealand has any alternative supporting options**
 - iv. whether New Zealand is their primary place of residence, and their period of absence from New Zealand.

Note:

- For the avoidance of doubt, separation from close family members as a result of COVID-19 does not in and of itself meet the compassionate entry threshold. The government has created alternate border exceptions to enable entry to these groups, such as the family relationships category (see [H5.25.15\(m\)](#)).
- An example of a situation that would meet the compassionate entry threshold is allowing the closest relative of an orphaned child to travel to New Zealand to support the child temporarily, due to a lack of New Zealand-based alternatives.

H5.30.25.5 Compassionate entry exception for medical treatment

- a. Where a person is applying on compassionate entry grounds because they require medical treatment in New Zealand, that person must have the support of the Ministry of Health or a District Health Board.
- b. Where the applicant can reasonably delay, or otherwise obtain treatment outside of New Zealand, an exception will not be granted.

H5.30.30 Replacement commercial ship crew

- a. A replacement commercial ship crew member is a person travelling to New Zealand as a passenger on a commercial aircraft for the purpose of leaving New Zealand as crew on a commercial ship.
- b. After arriving in New Zealand, replacement commercial ship crew must transfer as soon as reasonably practicable to a commercial ship to depart New Zealand.
- c. Commercial crew include any crew on ships that are in New Zealand, excluding crew who:
 - i. intend to work in New Zealand rather than immediately departing; or
 - ii. are on ships that are pleasure craft; or
 - iii. are on ships that are powered solely manually or by sail.

Notes: For the avoidance of doubt, crew subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are not subject to this instruction (namely cargo crew on a ship when arriving by sea in New Zealand).

"Pleasure craft" as outlined in (c)(ii) above means the same as defined under the Maritime Transport Act 1994.

H5.30.40 Partner or dependent child with a visa based on their relationship to a temporary visa holder in New Zealand

- a. A person will be considered to have a critical purpose for travel to New Zealand (H5.25.15(l)) if they meet the following requirements:
 - i. **the person is currently outside of New Zealand; and**

- ii. on 19 March 2020 the person held a temporary visa granted on the basis on their relationship with a work or student visa holder; and
- iii. at the time the person expresses interest in travelling to New Zealand under these instructions (see [H5.10](#)), the visa that they held on 19 March 2020 either:
 - o is still current; or
 - o had a "first entry" condition and, had the holder entered New Zealand on the last date allowed for by the first entry condition, would be current; and
- iv. the visa the person holds or held is based on their relationship to their partner or parent who:
 - o is in New Zealand when the expression of interest is made; and
 - o holds a work or student visa that is valid for at least a further 12 months, on the date that the person expresses interest in travelling to New Zealand under H5.25.15(I).
- b. A person who is considered to have a critical purpose for travel to New Zealand under (a) may be invited to apply under these instructions (see [H5.10](#)) for either:
 - i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the work or student visa holder referred to in (a)(iii); or
 - ii. a variation of conditions for the visa they hold.
- c. If the person otherwise meets the criteria in (a) but does not hold a visa because they are a dependent child who meets the criteria in H5.10(c)(iv), then they must be considered as meeting the requirements in (a)(ii) and (iii).

H5.30.45 Partner or dependent child of a worker in critical health services

- a. A person will be considered to have a critical purpose for travel to New Zealand ([H5.25.15\(m\)\(i\)](#)) if they meet the following requirements:
 - i. the person is currently outside of New Zealand; and
 - ii. the person is the partner or dependent child of a temporary visa holder who is in New Zealand **when the expression of interest is made and is employed in an occupation needed to deliver critical health services in New Zealand (as defined in H5.30.1(b)).**
- b. A person who is considered to have a critical purpose for travel to New Zealand under (a) may be invited to apply under these instructions (see [H5.10](#)) for either:
 - i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the health worker referred to in (a)(ii); or
 - ii. a variation of conditions for the visa they hold.

H5.30.50 Partner or dependent child of a highly-skilled worker in New Zealand

- a. A person will be considered to have a critical purpose for travel to New Zealand ([H5.25.15\(m\)\(ii\)](#)) if they meet the requirements in (b) and (c) below.
- b. The person is currently outside of New Zealand.
- c. The person is the partner or dependent child of a temporary visa holder who:
 - i. is in New Zealand when the expression of interest is made; and
 - ii. is in current employment that meets H5.30.50.1 below; and
 - iii. holds a visa valid for at least a further 12 months on the date that the person makes a request to travel to New Zealand under H5.25.15(m)(ii); and
 - iv. holds a visa that is eligible to support partners and dependent children (see [WF3.1](#) and [V3.10](#)).
- d. A person who is considered to have a critical purpose for travel to New Zealand under (a) above may be invited to apply under these instructions (see [H5.10](#)) for either a:
 - i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the highly-skilled worker referred to in (c); or
 - ii. a variation of conditions for the visa they hold.

H5.30.50.1 Requirements for the temporary visa holder's employment

- a. A temporary visa holder described in H3.30.50(c) is considered highly skilled if their current employment is:
 - i. paid at least 1.5 times the median salary (NZD \$84,240 per year); or
 - ii. they have a role essential for the completion or continuation of a science programme under a government funded or partially government funded contract, including research and development exchanges and partnerships, and have the support of the Science, Innovation and International Branch at MBIE; or
 - iii. their role is essential for the delivery or execution of one of the following:
 - o an approved major infrastructure project, or a government approved event or a major government approved programme, or
 - o an approved government-to-government agreement.

Notes:

- For the absence of doubt, 'current employment' in H5.30.50.1 above does not include an offer of employment.
- When considering H5.30.50.1(a), an immigration officer may determine if the current employment of the temporary visa holder meets the requirements of H5.30.50.1(a) for the person in H5.30.50 to be eligible to be invited to apply for a visa.

H5.30.55 Partner or dependent child of a teacher in New Zealand

- A person will be considered to have a critical purpose for travel to New Zealand if they meet the following requirements:
 - the person is currently outside of New Zealand; and
 - the person is the partner or dependent child of a temporary visa holder who is in New Zealand when the expression of interest is made and who is registered with the Teaching Council of Aotearoa New Zealand and is employed as a teacher in Early Childhood Education, or primary, or secondary schooling.
- A person who is considered to have a critical purpose for travel to New Zealand under (a) above may be invited to apply under these instructions (see [H5.10](#)) for either:
 - a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the teacher referred to in H5.25.15(m)(iii); or
 - a variation of conditions for the visa they hold.

H5.30.60 Calculating remuneration

- Where an annual salary is specified under H5 instructions, remuneration will be calculated according to the salary stated in the employment agreement of the temporary visa applicant or temporary visa holder under H5.30.50.1(a)
- Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of a 40 hour week.
- Remuneration includes:
 - the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - in the case of accommodation provided in connection to the employment:
 - the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - if an accommodation allowance is provided, the amount of that allowance.

Notes:

- In relation to H5.30.60 (c)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.
- For the purposes of H5.30.60, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.

H5.31 Marine Definitions

The following interpretations applies:

A Fishing ship has the same meaning as section 2(1) of the Maritime Transport Act 1994.

H5.35 Currency and conditions

H5.35.1 Currency and conditions of a Critical Purpose visitor visa

- a. A Critical Purpose visitor visa may be granted with sufficient duration for the holder to achieve their critical purpose in New Zealand, up to 6 months.
- b. Despite (a) above, where a person is not required by [A4.25](#) to provide Medical or Chest X-ray Certificates, they may be granted a visitor visa for a maximum period of 12 months.
- c. Despite (a) and (b) above, the duration of the visitor visa granted to a person who meets the requirements of an 'other critical worker' as an approved class of worker ([H5.30.20](#)) may be subject to a maximum duration, as specified in the table at [H5.30.20](#).
- d. A Critical Purpose visitor visa must be granted with the condition that the holder carries out the critical purpose that allowed the grant of this visa while they are in New Zealand.
- e. A person granted a visitor visa who meets requirements for either a critical health worker ([H5.30.1](#)), or an 'other critical worker' ([5.30.5](#)), may have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.
- f. A Critical Purpose visitor visa may be granted allowing multiple journeys to New Zealand where the applicants passport is valid for the period set out in [3.10\(a\)](#).

H5.35.5 Currency and Conditions of another visa (appropriate to the applicant's circumstances)

- a. A temporary entry class visa (other than a Critical Purpose visitor visa) may be granted for the duration set out in the relevant instructions for that visa.
- b. Despite (a), the duration of a visa granted to a person who meets the requirements of an 'other critical worker' as an approved class of worker ([H5.30.20](#)) may be subject to a maximum duration, as specified in the table at [H5.30.20](#).
- c. A temporary entry class visa granted to a person who has a critical purpose for travelling to New Zealand must be granted with conditions imposed that the holder carries out that critical purpose while they are in New Zealand.

H5.35.10 Conditions of visas varied for a critical purpose

- a. Any visa varied under these instructions will have the condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.
- b. A person whose visa conditions are varied under these instructions and who meets the requirements for either a critical health worker or an 'other critical worker' may, at the discretion of an immigration officer, also have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.
- c. A person whose visa conditions are varied under these instructions and who meets the requirements for marine crew arriving by the maritime border may, at the discretion of an immigration officer, also have conditions imposed allowing them to work where appropriate and relevant to the needs of a ship ([H5.31](#)).
- d. Any visa varied under these instructions is subject to the condition that the holder comply with:
 - i. any order made under section 11 of the COVID-19 Public Health Response Act 2020; and
 - ii. any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and
 - iii. any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.

H5.35.15 First entry dates

See also Immigration Act 2009 ss 6, 49, 63, 77

- a. A visa granted under [H5.25.1](#) or [H5.25.5](#) may be granted with a travel condition that first entry to New Zealand must be made within nine months of the visa being granted.
- b. Despite (a), where the visa is granted to a person on the basis of having a critical purpose for travelling to New Zealand as a member of an approved class of workers ([5.30.20](#)) or an approved class of individuals ([H5.30.21](#)), and a first entry date is specified with respect to that class, then that first entry date will be imposed

H5.40 Grant of work visa in special cases

- a. Where a person meets requirements for either a critical health worker ([H5.30.1](#)), or an 'other critical worker' ([H5.30.5](#)) and where the application is supported by a Government agency with a role in operationalising any measures required to respond to the COVID-19 situation, an immigration officer may grant the principal applicant a work visa for up to 24 months.
- b. Where a work visa is granted under these instructions, the holder may have conditions imposed that allows them to work in any occupation for any employer in any location in New Zealand.
- c. Where an applicant for a visa is granted a work visa under these instructions, that visa must be granted with a condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.

H6 COVID-19 Support Restricted Temporary Entry Instructions (relationship-based visitor visa for visa-waiver partners of New Zealanders)

H6.1 Objective

The original objective of these instructions was to support the Government's intent to reunite New Zealand citizen and resident visa holders with partners to whom the requirement to hold a visa permitting travel to New Zealand has been waived by Schedule 2 of the Immigration (Visa, Entry Permission and Related Matters) Regulations, referred to as visa-waiver partners in these instructions. These instructions support immigration system integrity by recognising only genuine partnerships and allowing visa-waiver partners of New Zealanders to apply for a relationship-based visitor visa to travel to New Zealand while the borders are re-opening.

Note:

The instructions in this chapter are restricted temporary entry instructions. In accordance with section 76(2) of the Immigration Act 2009, Immigration officers may not grant a temporary visa as an exception to restricted temporary entry instructions. Restricted temporary entry instructions are defined in section 4 of the Immigration Act 2009:

Restricted temporary entry instructions are temporary entry instructions that require, in relation to the type of visa to which the instructions relate, that any decision made on an application for that type of visa, or on an application for entry permission in relation to that type of visa, must be made in terms of the temporary entry instructions applicable at the time the application for the visa was made, and any discretion exercised must be in terms of those instructions.

H6.5 Expression of Interest and Invitation to Apply

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A

- a. The grant of a relationship-based visitor visa under these instructions is a two-step process:
 - i. interest in travelling to New Zealand must first be expressed by a requestor; and
 - ii. **an immigration officer may then invite the requestor to apply for a relationship-based visitor visa.**
- b. A person may express interest in applying for a visa under these instructions by:
 - i. applying on an approved form provided for this purpose on the Immigration New Zealand website; and
 - ii. **pay the prescribed fee, which also covers any dependent children included in the expression of interest.**
- c. Where an applicant is expressing interest in applying for a relationship-based visitor visa based on these instructions, an invitation to apply will only be issued if the Expression of Interest was submitted on or before 31 July 2022.
- d. An immigration officer may invite a person (and any dependent child of the person who is 19 years of age or younger) to apply for a relationship-based visitor visa if they are satisfied that:
 - i. **the** expression of interest was made on or before 31 July 2022; and
 - ii. the information available does not indicate any health, character or bona fide issues that would prevent any person who will be included in the application to be granted a relationship-based visitor visa; and
 - iii. the people who are included in the expression of interest are likely to meet funds or sponsorship requirements; and
 - iv. the principal submitter is a person to whom the requirement to hold a visa permitting travel to New Zealand has been waived by Schedule 2 of the Immigration (Visa, Entry Permission and Related Matters) Regulations, ("visa-waiver partners") and they are satisfied based on the information available that the person meets the requirements to be granted a relationship-based visitor visa (see H6.10); and
 - v. in the event the expression of interest includes one or more dependent children 19 years of age or younger, there is no evident reason to doubt the claimed relationship between the person and the child(ren).
 - vi. The New Zealand citizen or resident visa holder partner who is supporting the application must appear to meet **the character requirements necessary for partners supporting 'partnership based temporary entry applications' (E7.45)**, based on the information available to the assessing officer.

H6.10 Making an application for a relationship-based visitor visa

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

- a. A person may only apply for a visa under these instructions if they are invited to do so.
- b. An application must be made within 4 months of the date of the invitation to apply.
- c. Despite (b) above, where a person makes an expression of interest on or after 8 July 2022 and is then invited to apply, they must make an application within 2 months of an invitation to apply.
- d. An application for a visa must be made in the prescribed manner.
- e. An application for a relationship-based visitor visa must be made by submitting the following to an immigration officer:
 - i. **the completed** form approved for this purpose; and
 - ii. the prescribed fee (if any); and
 - iii. the documentation and evidence requested in the invitation to apply, including evidence of the **applicant's relationship to the New Zealand citizen or resident.**

H6.15 Determining an application for a relationship-based visitor visa

H6.15.1 Principal applicants in a relationship with a New Zealander

- a. A relationship-based visitor visa may be granted if an immigration officer is satisfied the applicant:
 - i. is the citizen of a visa-waiver country (as per [E2.1\(n\)](#)); and
 - ii. meets the requirements of being of good health and character for temporary entry (as per A4 and A5); and
 - iii. is a bona fide applicant for temporary entry (as per E5); and
 - iv. meets funds or sponsorship requirements for visitors (as per V2.20); and
 - v. has met the relationship requirements by:
 - o having lived together with a New Zealand citizen or resident visa holder (see H6.15.1.1); and
 - o currently being in a genuine and stable relationship with that New Zealand citizen or resident visa holder (see H6.15.1.1); and
 - vi. is requesting to travel for the purpose of reuniting with their New Zealand citizen or resident visa holder partner in New Zealand.
- b. Applicants do not need to meet the following visitor visa requirements:
 - i. length of maximum permitted stay (as per V2.5)
 - ii. onward travel requirements (as per [V2.25](#)).
- c. The New Zealand citizen or resident visa holder partner who is supporting the application for a relationship-based visitor visa made by a person described in H6.15.1(a), must meet the character requirements for partners supporting 'partnership-based temporary entry applications' (see [E7.45](#)).

H6.15.1.1 Evidence of relationship

- a. Evidence that the applicant is in a genuine and stable partnership with the New Zealand citizen or resident visa holder can include, but is not limited to:
 - i. a description of the partnership, including details of any previous shared living arrangements.
 - ii. any supporting documentation that demonstrates their partnership (including marriage certificate or joint bank account)
 - iii. recent travel movements of the applicant and their New Zealand partner
 - iv. evidence that the New Zealand partner supports the applicant's Request to Travel to New Zealand
 - v. other evidence set out at [E4.5.35\(c\)](#).
- b. Evidence that the applicant has lived together with the New Zealand citizen or resident visa holder can include, but is not limited to:
 - i. joint ownership of residential property
 - ii. joint tenancy agreement or rent book or rental receipts
 - iii. correspondence (including postmarked envelopes) addressed to both principal applicant and partner at the same address.

H6.15.5 Dependent children included in an application

Dependent children included as secondary applicants in an application may be approved a visa if an immigration officer is satisfied:

- a. the dependent child:
 - i. is 19 years of age or younger; and
 - ii. meets the requirements of being of good health and character for temporary entry (as per A4 and A5); and
 - iii. meets the definition of 'dependent child' (as per E4.1.10)
 - iv. is a bona fide applicant for a temporary entry (as per [E5](#)); and
- b. sufficient evidence of the relationship between the applicant and the child(ren) is provided as per [E4.5.10](#); and
- c. the dependent child's parent's (i.e. the principal applicant's) visa is also approved (see [E4.5.1\(c\)](#)); and
- d. the application meets the requirements set out at [E4.1.15](#), which relate to the custody of children under the age of 16 years of age.

H6.20 Currency and conditions of relationship-based visitor visas

- a. A relationship-based visitor visa:
 - i. may be granted for a maximum of six months; and
 - ii. will include **single entry travel conditions**.
- b. Despite (a) above, where a person is not required by [A4.25](#) to provide Medical or Chest X-ray Certificates, they may be granted a relationship-based visitor visa for a maximum period of 12 months.
- c. A relationship-based visitor visa issued to a person under these instructions is subject to the condition that the holder comply with:
 - i. **any** order made under section 11 of the COVID-19 Public Health Response Act 2020; and
 - ii. any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and
 - iii. any instruction from **a Medical Officer of Health which relates to a notifiable or quarantinable disease**.

**Appendix 9: Amendments to Temporary Entry instructions
effective on and after 29 July 2024**

WA4.10 Determining an Accredited Employer work visa

- a. An immigration officer may grant an Accredited Employer work visa if they are satisfied that the applicant:
 - i. meets the generic work visa requirements for applicants at W2.10.1; and
 - ii. holds an offer of employment that meets the requirements at WA4.10.1; and
 - iii. is suitably qualified by training and experience to do the job they have been offered, as set out at WA4.10.5 and meet the minimum skills threshold as set out at WA4.10.6; and
 - iv. has not exceeded a maximum continuous stay period as set out at WA4.10.7 or WA4.10.10; and
 - v. has a Job Check number (a number referring to a job that has been approved as part of a Job Check application) that has not been used to approve another Accredited Employer work visa application, unless that work visa has been varied to allow the visa holder to work for a different employer or the Job check number has been reused as set out at WA4.10.20; and
 - vi. meets a **minimum standard of English language at WA4.12 for roles assessed at the Job Check as ANZSCO level 4 or 5.**
- b. If there is information that indicates the employer may no longer meet the requirements of their accreditation, an immigration officer may postpone making a decision on the application until the employer **is determined to meet the requirements, or until the employer's accreditation is revoked ([WA2.55](#))**.
- c. **If the employer's accreditation is suspended, an immigration officer may postpone making a decision on the application until the suspension ends.**
- d. **If the employer's accreditation expires or is revoked, an immigration officer may decline the application.**
- e. Applicants who hold a work visa with remuneration as a condition of that visa, may be required to provide evidence of their remuneration payment, such as an Inland Revenue income summary and bank statements.

WA4.10.1 Requirements for the employment offered

- a. The offer of employment must be genuine and include the following information:
 - i. **name, address, telephone number of the employer; and**
 - ii. **name and address of the person to whom the job is offered; and**
 - iii. **a full job description including:**
 - o the job title or designation; and
 - o the address of the place of employment if different from that in (i) above; and
 - o the type of work, duties and responsibilities involved; and
 - o details of pay and conditions of employment; and
 - o the hours of work; and
 - o the duration of the job; and
 - o how long the job offer is open.
- b. The offer of employment must be from an accredited employer (as defined at [WA2.60.1](#)).
- c. The following details of the employment offered must be the same as those approved as part of the Job Check application:
 - i. **the location of the job; and**
 - ii. **the occupation; and**
 - iii. **the hours of work (the minimum guaranteed hours of work must not be less, and the maximum hours must not be more, than those approved as part of the Job Check application); and**
 - iv. **the remuneration (the remuneration must be within the range approved as part of the Job Check application unless an exception under WA4.10.3 below applies); and**
 - v. **the direct employer (as defined at [WA2.60.5](#)).**
- d. All other terms and conditions of the employment offered (for example leave entitlements, notice periods and absence of a trial provision (as set out in [WA3.15\(q\)\(vii\)](#)) must be the same as, or more favourable to the applicant than, those provided as part of the Job Check application.
- e. The employment must continue to meet all other requirements for acceptable employment as specified at WA3.15, including the remuneration thresholds in effect at the time the Accredited Employer work visa application is made.
- f. INZ will decline an application for a work visa where it considers that the employment was offered as a result of payment made or promised by the applicant (or their agent) to the employer (or their agent) in exchange for securing that offer of employment.

WA4.10.3 When the remuneration in the job offer may differ from the remuneration approved in the Job Check

- a. Despite WA4.10.1(c)(iv), an immigration officer may approve an application when the remuneration in the employment offered is not the same as the Job Check application if:
 - i. **the remuneration in the employment offered is less than the remuneration approved at Job Check stage and:**

- the role is an occupation listed in Appendix 14 in the meat processing or seafood processing (onshore) sector; and
 - the Job Check was submitted or approved prior to 31 October 2022; and
 - the remuneration in the employment offered meets the sector agreement threshold and this was within the range advertised (WA3.15.1(a)); and
 - the employer has confirmed with INZ that they wish to use a place out of their allocation under the sector cap for the associated Job Check, and INZ is satisfied that the employer has sufficient places available to do so (WA3.15.1(b)); or
- ii. the remuneration in the employment offered is more than the remuneration approved at Job Check stage and:
 - the Job Check application was approved before a median wage increase took effect in immigration instructions and the advertised range does not meet the new wage requirement; and
 - the pay rate offered is the same as the wage threshold in place on the date the work visa application is made.
- b. Where (a) occurs, if the jobs are covered by a capped sector agreement and the employer indicates that some of the jobs should be considered under that agreement, a Job Check may include jobs with different minimum guaranteed remuneration.

WA4.10.5 Determining whether an applicant is suitably qualified to do the job they have been offered

- a. An applicant is suitably qualified to do the job they have been offered if they have the qualifications, work experience, skills and other specifications that were listed by the employer, in the Job Check application, as the minimum requirements for the job.
- b. If the employment offered is for an occupation that is on the Green List, an applicant is suitably qualified if:
 - i. they meet (a) above; or
 - ii. they meet the current requirements on the list for that occupation ([Appendix 13](#)).
- c. Despite [W2.10.1\(b\)\(i\)](#), an immigration officer may accept that an applicant has the minimum qualifications, work experience, skills or other specifications required for the job, without the applicant providing evidence of those specifications, where:
 - i. an immigration officer has already assessed and accepted them as part of a previous application; or
 - ii. the applicant holds evidence of full or provisional occupational registration for the job they have been offered, where the specifications were required to obtain that registration.

WA4.10.6 Determining whether an applicant meets the minimum skills threshold

- a. An applicant meets the minimum skills threshold if an immigration officer is satisfied that they:
 - i. can demonstrate three years or more of relevant work experience with sufficient evidence from a third party; or
 - ii. have a relevant qualification at Level 4 or higher on the New Zealand Qualifications and Credentials Framework (NZQCF).
- b. A qualification or work experience can be considered to be relevant if it is in the same field or industry as the job offered.
- c. Qualifications that are Bachelor's degrees or higher can be considered relevant to any employment offered.
- d. Evidence of relevant work experience from a third party may include, but is not limited to:
 - i. letters of reference from an employer; or
 - ii. certificates of employment; or
 - iii. payslips; or
 - iv. tax certificates.

Note: For the avoidance of doubt, a curriculum vitae is not sufficient unless it is provided with supporting documentation not written by the applicant that satisfies an immigration officer.

- e. Evidence of a qualification at Level 4 or higher on the NZQCF must include:
 - i. a copy of the qualification certificate awarded to the applicant specifying the qualification type and awarding institution; and
 - ii. an NZQA assessment (International Qualification Assessment (IQA)) provided with the application, if the qualification was gained outside of New Zealand and is not a Level 7 Bachelor's degree or higher.
- f. Despite WA4.10.6(a), an applicant can be considered to meet the minimum skills threshold if:
 - i. the employment offered is for an occupation that is on the Green List and they meet the current requirements on the list for that occupation ([Appendix 13](#)); or
 - ii. the employment offered has a proposed remuneration of twice the median wage or higher.
- g. An immigration officer may accept that the applicant meets the minimum skills threshold, without the applicant providing evidence, where:
 - i. an immigration officer has already assessed and accepted them as part of a previous application; or

- ii. the applicant holds evidence of full or provisional occupational registration for the job they have been offered, where the specifications were required to obtain that registration.

WA4.10.7 Determining the maximum continuous stay and required time spent outside of New Zealand

- a. An Accredited Employer work visa must be declined if the maximum continuous stay period holding an Accredited Employer work visa has been met.
- b. The maximum continuous stay period depends on when the applicant's first Accredited Employer work visa application was submitted and whether the role is paid at or above the median wage.
- c. If the applicant's current offer of employment is paid at or above the median wage (currently \$29.66), and the first Accredited Employer work visa application was submitted between 21 June 2023 and 6 April 2024 (inclusive) for a role paid
 - i. at or above median wage, the applicant is eligible for a maximum continuous stay holding an Accredited Employer work visa of 5 years; or
 - ii. below median wage, the applicant is eligible for a maximum continuous stay as outlined in table (d) below.
- d. If the applicant's current offer of employment is paid at or above the median wage (currently \$29.66), and the first Accredited Employer work visa application was submitted on or before 20 June 2023 or on or after 7 April 2024, the applicant is eligible for a maximum continuous stay as outlined in the table below.

Current offer of employment assessed as	Maximum Continuous Stay
i. ANZSCO Skill Level 1, 2, or 3; or	60 months (5 years)
ii. on the Green List (Appendix 13); or	
iii. included in the Transport Sector: Work to Residence (SR7); or	
iv. included in the Transport Sector: Work to Residence (SR7) as of 6 April 2024 and they hold an AEVW that was submitted on or before 6 April 2024; or	
v. paid at or above 1.5 times the median wage in the Skilled Migrant Category (SR3.10(b)) (currently \$47.41 per hour)); or	
vi. ANZSCO Skill Level 4 or 5 (where the employment is not otherwise assessed as meeting (d)(i) to (v) above)	36 months (3 years)

- e. If the current offer of employment is for an occupation in the care workforce sector ([Appendix 14](#)) and is paid at or above median wage (\$29.66), the applicant is eligible for a maximum continuous stay of 5 years.
- f. If the current offer of employment is paid below the median wage (\$29.66), the applicant is eligible for a maximum continuous stay as set out in WA4.10.10.
- g. Where the applicant has already held a visa in line with the maximum continuous stay periods outlined in (c), (d), (e) and (f) above without spending the required time outside New Zealand (as set out at (i) below) the maximum continuous stay period has been met and the Accredited Employer work visa must be declined.
- h. Where an applicant is outside of New Zealand when the visa is granted, the maximum continuous stay period must be counted from the first date of entry to New Zealand after the grant of the visa.
- i. The required time outside New Zealand is:
 - i. 12 consecutive months; or
 - ii. the time specified in WA4.10.10 if the role is paid below the median wage (\$29.66).
- j. A person who has spent the required time outside New Zealand can be granted a further Accredited Employer work visa for the duration allowed by [WA4.15](#). Once they reach the maximum continuous stay period again, they must once again spend the required time outside of New Zealand.

Notes:

- The median wage rate of \$29.66 for the Accredited Employer Work Visa and the maximum continuous stay reflects the June 2022 quarter publication of median wage data by Statistics New Zealand.
- The 'required time spent outside of New Zealand' is the duration a person is required to be outside of New Zealand to be eligible for a further Accredited Employer work visa. A person may remain in New Zealand and hold another type of visa (e.g a visitor visa or a Working Holiday visa) however this will not count towards the time spent outside of New Zealand.
- The maximum continuous stay period excludes any time spent on an interim visa between Accredited Employer work visas or any other temporary or work visa (i.e. a student or visitor visa, or Essential Skills work visa).

WA4.10.10 Maximum visa duration, maximum continuous stay periods and required time spent outside of New Zealand for applicants who are employed as part of a sector agreement or below the median wage

The table below sets out the maximum visa duration, associated maximum continuous stay period and the required period of time that must be spent outside of New Zealand that applies to applicants covered by a Sector Agreement or who are otherwise paid below the median wage (WA3.15(b)) as listed in Appendix 14.

	Sector	Maximum duration a visa may be granted for	Maximum continuous stay	Duration of time that must be spent outside of New Zealand (consecutive months)
a.	Tourism and hospitality	24 months	24 months	12 months
b.	Construction and infrastructure	24 months	24 months	12 months
c.	Meat processing	7 months	7 months	4 months
d.	Seafood processing (onshore)	7 months	7 months	4 months
e.	Care workforce Paid below \$28.25 per hour or equivalent salary	36 months	36 months	12 months
f.	Care workforce Paid at or above \$28.25 per hour or equivalent salary, but below median wage (\$29.66)	36 months	60 months (5 years)	12 months
g.	Transport sector	24 months	36 months or 60 months (5 years)	12 months

			if they hold an AEWV submitted on or before 6 April 2024	
h.	Seasonal Snow and Adventure Tourism	7 months	36 months	12 months

Note:

- If a person is granted a visa based on employment below the median wage in an occupation listed under the Meat Processing and Seafood Processing (onshore) sectors for less than 7 months, that person is still required to spend 4 months outside New Zealand to be eligible for a further Accredited Employer work visa under the median wage (WA3.15(b)).

WA4.10.15 Requirements for dependents of Accredited Employer work visa holders

See also Immigration Act 2009 s 49(1)(b)

- a. Accredited Employer work visa holders who wish to support their partner's visa application must meet the requirements specified in:
 - i. WF3.1.5 for a special work visa, or
 - ii. V3.10.1 for a visitor visa.
- b. Accredited Employer work visa holders who wish to support their dependent child's visa application must meet the requirements specified in:
 - i. U8.20.2 for a student visa, or
 - ii. V3.10.1 for a visitor visa.
- c. Accredited Employer work visa holders who wish to support their dependent child's visitor or student visa application must meet the minimum income threshold. The visa holder's dependent child will be assessed against criteria set out in U8.20.6 or V3.10.10.
- d. Parents holding Accredited Employer work visas may be liable for deportation if the dependent child's visa application is declined under these instructions and the dependent child becomes unlawful.
- e. It will be a condition of the dependent child's visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child's visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

Notes:

- Where both parents hold Accredited Employer work visas (or Accredited Employer and Essential Skills work visas), their incomes may be combined to meet the minimum income threshold.
 - The minimum income threshold excludes employment-related allowances (for example tool or uniform allowances) and must be calculated on the basis of no more than 40 hours' work per week

WA4.10.20 Subsequent applications re-using a Job Check number

- a. An application for an Accredited Employer work visa can be granted if it is made on the basis of a previously used Job Check number, provided the applicant holds an Accredited Employer work visa and that application:
 - i. was made on the basis of that Job Check number; and
 - ii. was either submitted:
 - o between 21 June 2023 and 6 April 2024 (inclusive) and their current Accredited Employer work visa was granted based on employment assessed as paid at or above the median wage; or
 - o before 21 June 2023 and their current Accredited Employer work visa was granted based on employment assessed as paid at or above the median wage and granted based on an occupation assessed as:
 - ANZSCO skill level 1, 2, or 3; or
 - on the Green List ([Appendix 13](#)); or
 - included in the Transport Sector: Work to Residence ([SR7](#)) as of 6 April 2024; or
 - being paid at or above 1.5 times median wage; or
 - o on or before 6 April 2024 and were granted based on an occupation included in the Care workforce or Transport sector agreements ([Appendix 14](#)).

Note: For the purposes of WA4.10.20 median wage refers to the median wage in place at the time the applicant's current visa was applied for.

- b. A subsequent Accredited Employer work visa may only be granted under these instructions if the offer of employment is made by an accredited employer and the following details of the employment offered in the current application are the same as the conditions of employment upon which the applicant's current Accredited Employer work visa was based:
- i. the location of the job; and
 - ii. the occupation; and
 - iii. the remuneration (the remuneration must be no less than the remuneration offered at the time their current visa was granted); and
 - iv. the direct employer (as defined at [WA2.60.5](#)).

Note: Subsequent Accredited Employer work visa applications applied for using a re-used Job Check number as per WA4.10.20, must meet the requirements at WA4 at the time of the application.

WA4.15 Currency and conditions of Accredited Employer work visas

- a. An Accredited Employer work visa may be granted for the period for which the employment is offered, up to a maximum of:
- five years for employment assessed as being paid at or above:
 - the median wage (\$29.66) and the occupation has been assessed at the Job Check as ANZSCO skill level 1, 2, or 3; or
 - the median wage (\$29.66) and the role is on the Green List ([Appendix 13](#)); or
 - the median wage (\$29.66) and an occupation included in the Transport Sector: Work to Residence ([SR7](#)); or
 - 1.5 times the median wage in the Skilled Migrant Category at SR3.10(b) (currently \$47.41 per hour); or
 - the median wage (\$29.66) and the application for an Accredited Employer work visa was submitted on or before 6 April 2024; or
 - the maximum duration a visa may be granted for specified in [WA4.10.10](#) for employment paid below the median wage ([WA3.15\(b\)](#)); or
 - the balance of five years, where the applicant holds an Accredited Employer work visa submitted on or before 6 April 2024 and the Job Check number is being re-used as set out at [WA4.10.20](#); or
 - two years for a role paid at or above the median wage (\$29.66) and the occupation has been assessed at the Job Check as ANZSCO skill level 4 or 5; or
 - three years for a role paid at or above the median wage (\$29.66) and the occupation is part of the Care workforce sector ([Appendix 14](#)) and the occupation has been assessed at Job check as ANZSCO skill level 4 or 5.
- Note:** The median wage rate of \$29.66 for the Accredited Employer Work Visa reflects the June 2022 quarter publication of median wage data by Statistics New Zealand.
- b. Despite (a)(i), (ii), (iv) and (v) above, where the grant of a visa would result in the holder exceeding the maximum continuous stay period allowed under WA4.10.7 or WA4.10.10, the visa must only be granted for the remainder of the maximum continuous stay period.
- c. Despite (a)(i) and (iii) above, an Accredited Employer work visa granted on the basis of re-using a Job Check number (WA4.10.20) for a role as part of the Care workforce sector agreement may only be granted for the balance of the 36-month maximum visa duration.
- d. Accredited Employer work visas will be subject to conditions that the holder:
- may only work in a specified occupation; and
 - may only work for a specified employer; and
 - may only work in a specified location; and
 - must be employed full time (as defined at [WA3.15\(d\)](#)); and
 - must be paid at or above a specified remuneration level; and
 - must provide evidence of the payment of remuneration if requested by an immigration officer; and
 - unless (e) below applies, may not be placed in a triangular employment arrangement with a controlling third party ([WA2.60.15](#)).
- e. An Accredited Employer work visa holder may be placed with a controlling third party if the job approved as part of the employer's Job Check application involved the employee being placed in a triangular employment arrangement.

I 3.10 Grant of an SMC Interim visa

- a. An SMC interim visa may be granted to a person who:
 - i. holds a temporary visa; and
 - ii. has applied for a Skilled Migrant Category resident visa under SR3 instructions; and
 - iii. has not applied for a further temporary visa (at the time the SMC interim visa is granted); and
 - iv. has not been granted a 2021 interim visa; and
 - v. is in **New Zealand**.
- b. An SMC interim visa cannot be applied for.
- c. An SMC interim visa may be granted by electronic means.
- d. For the avoidance of doubt, people **who applied** for a Skilled Migrant Category resident visa under SM instructions do not meet the requirements set out at I 3.10(a)(ii) for the grant of an interim visa.

Notes:

~Interim and limited visas are not temporary visas and do not meet the requirements of I 3.10(a)(i).

~Persons who make an expression of interest for the SMC under SM instructions **(now revoked)** will not be granted an SMC interim visa.

I 3.10.1 Grant of an SMC interim visa a matter of absolute discretion

- a. No person is entitled to an SMC interim visa as a matter of right.
- b. Whether or not to grant an SMC interim visa to any person is a matter for the absolute discretion of the Minister of Immigration or the relevant immigration officer.
- c. There is no right of appeal against a decision not to grant an SMC interim visa.

E7.2.1 Automated processing of temporary entry class visas

An automated electronic system may determine whether an applicant meets one or more of the requirements for a visitor visa under the following immigration instructions:

- [V2](#) General visitor
- [V3.5](#) Business visitor
- [V3.25](#) Children entering New Zealand for adoption
- [V3.30](#) Children adopted overseas before their New Zealand Citizenship is confirmed
- [V3.35](#) Culturally arranged marriage
- [V3.40](#) Entry to New Zealand for the purpose of medical treatment or consultation (and/or escorts of patients)
- [V3.45](#) Applicants wanting to obtain occupational registration in New Zealand
- [V3.50](#) Persons associated with a Contracting Party to the Antarctic Treaty and other Antarctic travellers
- [V3.55](#) Visiting Media Programme
- [V3.60](#) Pitcairn Islanders
- [V3.65](#) Conference delegates
- [V3.70](#) Crew members joining vessels for aircraft
- [V3.80](#) Visitors arriving by yacht or private aircraft
- [V3.81](#) Owners and crew of super yachts
- [V3.85](#) Sports people, support staff, match and tournament officials and media and broadcasting personnel associated with sports events, tours or tournaments
- [V3.95](#) German law students and graduates
- [V3.115](#) Work visa holders dismissed during a trial period
- [V3.130](#) Visiting academics
- [V3.140](#) Approved arts or music festival
- [V3.145](#) Short-term live entertainment acts

E4.1.10 Definition of 'dependent child'

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 20

- a. For the purpose of lodging an application, and despite the definition in section 4 of the Immigration Act 2009, a child is dependent if:
 - i. they are under 18 years of age; and
 - o they are single; and
 - o (if included in an application for a visitor visa, limited visa or transit visa) they are totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support, whether living with them or not; or
 - o (if applying for a temporary entry class visa under [E4.5](#)) they are totally or substantially reliant on that student, work or military visa holder for financial support.
 - ii. they are aged 18 or 19 years; and
 - o they are single with no child(ren) of their own; and
 - o (if included in an application for a visitor visa, limited visa or transit visa), they are totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support, whether living with them or not; or
 - o (if applying for a temporary entry class visa under [E4.5](#)) they are totally or substantially reliant on that student, work or military visa holder for financial support.
- b. An unmarried child under 18 years of age is presumed to be dependent unless there is evidence to the contrary.
- c. For children aged 18 or 19 years of age, evidence of actual dependence may be required.

U13.15.1 Work conditions for up to twenty hours in any given week

A student visa holder may be granted with conditions to work for up to 20 hours in any given week during the validity of the visa if the student is:

- a. undertaking a full-time programme of study (see U6.1.1) of at least two academic years' duration; or
- b. undertaking a full-time programme of study, culminating in a New Zealand qualification at level four or higher on the New Zealand Qualification Framework; or

Note: Micro-credentials are not qualifications, even if they are listed on the NZQF. They are therefore excluded when assessing eligibility for work rights under (b).

- c. undertaking a full-time programme of study of at least one academic year's duration as part of an approved tertiary student exchange scheme (see E11.45); or
- d. engaged in a full-time programme of study of at least 24 teaching weeks duration; and
 - i. an immigration officer is satisfied that the primary purpose of the programme of study is to develop English language skills; and
 - ii. the student can provide acceptable English language test results, as set out at U13.15.20 (no more than 2 years old at the time the application is lodged); or
- e. undertaking full-time English language study of at least 14 consecutive weeks' duration at an education provider that:
 - i. is a university; or
 - ii. holds Category One status under the NZQA EER quality assurance system; or

Note: When assessing eligibility for work rights under (e) for an applicant who holds a current student visa, all consecutive previous English language study undertaken on this and any previous student visa can be counted towards the 14 consecutive week period provided the programme of study the applicant is applying for:
- follows directly from their current study and
- is with the same provider as that on their current and any previous student visa.

- f. undertaking a full-time foundation programme that commenced on or before 28 February 2014 and that programme of study is of at least one academic year's duration at level four or higher on the New Zealand Qualification Framework at an education provider in Canterbury that:
 - i. is a university; or
 - ii. holds Category One status under the New Zealand Qualifications Authority's (NZQA) External Evaluation Review (EER) quality assurance system; or

U13.15.5 Full time work rights during Christmas-New Year vacation period

A student visa may be granted with conditions to allow the holder to work full-time during the Christmas-New Year vacation (summer vacation) period provided that the student is:

- a. studying full-time (see U6.1.1); and
- b. enrolled in a programme of study that has a minimum duration of at least two semesters during a period of at least eight months.

WM5.1 Minimum income requirement for dependent children of Religious Worker work visa holders

See also Immigration Act 2009 s 49(1)(b)

- a. Under Religious Worker instructions dependent children's (see [E4.1.10](#)) student or visitor visa applications (see V3.10 or [U8.20](#)) can be supported if:
 - i. a minimum income threshold is met by the Religious Worker visa holder and their partner; or
 - ii. the religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.

Visa holder's dependent children will be assessed against criteria set out in [V3.10.15](#) or [U8.20.10](#).

- b. Parents holding work visas under Religious Worker instructions may be liable for deportation if the dependent children's visa application is declined under these instructions and the dependent child becomes unlawful.
- c. It will be a condition of the dependent child's visa and the parents visa(s) that the parents must maintain the minimum income threshold for the duration of their dependent children's visa, except where [WM5.1\(a\)\(ii\)](#) applies. If the threshold is not maintained the parents and child may be liable for deportation.

Note: The income of both parents may be combined to meet the minimum income threshold. The minimum income threshold excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of no more than 40 hours' work per week.

U3.35.15 Tertiary sector domestic students who require a student visa, interim visa with study conditions, or limited visa

The following people require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending an education provider in the tertiary sector and are exempt from paying foreign tuition fees for foreign students:

- a. Students enrolled in any Doctor of Philosophy (PhD) programme, in any New Zealand university (see [U5.20](#)).
- b. A person who is in New Zealand to study under a New Zealand Government approved exchange programme at a tertiary education provider.

E4.50 Requirements for lodging an application for a temporary entry class visa

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 10, 11, 13, 14, 23A

- a. These requirements apply to the lodgement of the following types of temporary entry class visa applications:
 - i. Applications lodged on an approved paper form (E4.50.1, E4.50.15).
 - ii. Applications lodged under a Working Holiday Scheme (WI2) and under Silver Fern instructions (WL) which must be made online using the electronic form provided on the Immigration website (<https://onlineservices.immigration.govt.nz/?whs>) (E4.50.2, E4.50.15).
 - iii. Applications not covered by (a)(ii), made on an electronic form (E4.50.2, E4.50.15).
 - iv. Applications lodged otherwise than on an approved form (E4.50.5, E4.50.10, E4.50.15).
 - v. Applications for a temporary entry class visa or entry permission in an immigration control area (E4.50.35, E4.50.40).
- b. The requirements for applications for Diplomatic, consular, and official staff, and their dependants are at H4 ([H4 Applications for visas for diplomatic, consular, and official staff, and their dependants](#)).
- c. The requirements for the reconsideration of decision to decline further temporary entry class visa are at [E7.35.1](#).

W2.2.1 Definition of 'work'

- a. Work means any activity undertaken for gain or reward, but does not include:
 - i. visits by persons undertaking business activities detailed in V3.5(b);
 - ii. official business in the service of any government, or of any inter-governmental or international organisation that is entitled to any privileges and immunities under the Diplomatic Privileges and Immunities Act 1968 (see H2);
 - iii. study or training under a scholarship or other award recognised by the Minister;
 - iv. visits by guests of government (guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs);
 - v. visits by persons who meet the special requirements under V3.55, V3.85, V3.130, V3.140 or V3.150;
 - vi. volunteer **work for the Department of Conservation**;
- b. 'Gain or reward' includes any payment or benefit that can be valued in terms of money, such as board and lodging, goods (e.g., food or clothing) and services (e.g., transport).

Note: This definition does not require work as an 'employer'. It also covers an 'employee'.