



17 October 2024

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2024-34

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

WI20 Migrant Exploitation Protection work visa (MEPV) instructions

V3.10 Partners and dependent children of student or work visa holders

WF3 Work visas for partners of work visa holders

U8.20 Dependent children of holders of work visas

Changes have been made to immigration instructions to:

- remove the ability for existing Migrant Exploitation Protection Work Visa (MEPV) holders to be granted a further MEPV on and after 31 October 2024
- allow MEPV holders to be granted a further MEPV if they apply for one before 31 October 2024 and they hold an initial MEPV expiring on or before 30 November 2024
- clarify that partners and dependent children will only be eligible for visas based on their relationship to the MEPV holder if they are in New Zealand

Appendix 1: Amendments to Temporary Entry instructions effective on and after 17 October 2024

WI20 Migrant Exploitation Protection work visa (MEPV) instructions

WI20.1 Objective

- a. The objectives of the Migrant Exploitation Protection work visa are to:
 - i. enable migrant workers who hold an employer supported work visa to leave an exploitative workplace situation quickly; and
 - ii. increase the incentives on migrants to report exploitation; and
 - iii. maintain the integrity of the immigration system.

WI20.5 Who is eligible for a Migrant Exploitation Protection (MEPV) work visa?

- a. Applicants for an initial visa under the MEPV instructions must:
 - i. be in New Zealand; and
 - ii. hold a work visa that specifies their employer as a condition of their visa; and
 - iii. meet the health and character requirements as set out at A4 and A5; and
 - iv. have made a report of exploitation to the Ministry of Business, Innovation and Employment (MBIE) and MBIE has assessed that it is credible that exploitation may have occurred.
- b. Holders of a visa granted under these instructions may be granted a further MEPV visa on the basis of the same report of exploitation, if the applicant:
 - i. is in New Zealand; and
 - ii. holds an initial MEPV **which expires on or before 30 November 2024**; and
 - iii. meet the health and character requirements as set out at A4 and A5; and
 - iv. has provided evidence (see WI20.17) to demonstrate at least two attempts to seek employment after the initial MEPV was granted that meets the requirements outlined in WI20.15(b)(i) to (iii) below.
- c. Applications for a further MEPV will be declined if:
 - i. the MEPV holder has already met or exceeded the entitlement set out at WI20.20; or
 - ii. MBIE has subsequently determined that the applicant's report of exploitation is not credible because a false report of exploitation was deliberately made.

Note:

- Applicants for an MEPV are required to meet health and character requirements, however they are not required to provide a Medical and/or Chest X-Ray Certificate or Police Certificate (see [A4.25\(d\)](#) and [A5.5\(e\)](#)) unless there is an indication that the applicant may not meet either health or character requirements, in which case an immigration officer may request the relevant certificates.

WI20.10 Making a Migrant Exploitation Protection work visa application

- a. Applications for a Migrant Exploitation Protection work visa must:
 - i. be made in the prescribed manner (see [E4.50](#)); and
 - ii. if applying for an initial MEPV, include a Report of Exploitation Assessment Letter issued by MBIE as evidence that the applicant meets WI20.5(a)(iv) above.
- b. Applicants are exempt from the requirement to pay an application fee, the Immigration Levy and the International Visitor Conservation and Tourism Levy.
- c. Applicants are not required to provide:
 - i. an offer of employment; or
 - ii. evidence of funds or sponsorship; or
 - iii. evidence of onward travel.

WI20.15 Determining and granting a Migrant Exploitation Protection work visa

- a. Applicants may be granted an initial MEPV if:
 - i. they hold a work visa that specifies their employer as a condition of their current visa; and
 - ii. an immigration officer is satisfied that the applicant has personally, or through an agent authorised by the applicant, made a report of exploitation and MBIE has assessed that it is credible that exploitation may have occurred; and
 - iii. the application is made within one month of the date that the applicant receives the Report of Exploitation Assessment Letter.
- b. Applicants may be granted a further MEPV on the basis of the same report of exploitation if an immigration officer is satisfied that:
 - i. the applicant has provided evidence (see WI20.17) to demonstrate having made at least two attempts to seek employment throughout a period of four months or more during the currency of the initial MEPV; and
 - ii. the employment sought was in a similar role as the applicant's previous employer specific work visa that the initial report of exploitation relates to; and
 - iii. the employment sought offered remuneration that meets the requirements of WA3.15(b) and (c); and

- iv. MBIE has not subsequently determined that the report of exploitation made by the applicant is not credible because a false report of exploitation was deliberately made.
- c. When assessing the application, immigration officers must disregard:
 - i. incidents of false, misleading, forged, or withheld information associated with the applicant's exploitation (see [A5.45.7](#)); or
 - ii. any period when the applicant has been working in breach of the conditions for the employer that they have claimed exploited them; or
 - iii. any periods of unlawfulness that are linked to the report of exploitation.

WI20.17 Evidence of attempts to seek employment

- a. Evidence of attempts to find employment may include, but is not limited to:
 - i. correspondence with a potential employer regarding their job application; or
 - ii. screenshots of job search platforms demonstrating the applications submitted; or
 - iii. job advertisements provided alongside confirmation of job applications submitted.
- b. The evidence provided must together demonstrate:
 - i. the names of the employer; and
 - ii. the dates that correspondence or application occurred; and
 - iii. the remuneration offered; and
 - iv. the role offered.

WI20.20 Currency and conditions of a Migrant Exploitation Protection work visa

- a. An initial MEPV may be granted for the shorter of:
 - i. six months; or
 - ii. the duration remaining on the applicant's current work visa, unless there is less than one month duration remaining, in which case a one month MEPV may be granted.
- b. A further MEPV on the basis of the same report of exploitation may be granted for the shorter of:
 - i. a balance of 12 months from the date the initial MEPV was granted, including any time spent on an interim visa; or
 - ii. the duration that remained on the applicant's previous employer specific work visa which the report of exploitation relates to.
- c. Any work visas granted under these instructions will be endorsed with conditions that allow work for any employer, and will not allow multiple entry travel conditions.

Appendix 2: Amendments to Temporary Entry instructions effective on and after 31 October 2024

WI20 Migrant Exploitation Protection work visa (MEPV) instructions

WI20.1 Objective

- a. The objectives of the Migrant Exploitation Protection work visa are to:
 - i. enable migrant workers who hold an employer supported work visa to leave an exploitative workplace situation quickly; and
 - ii. increase the incentives on migrants to report exploitation; and
 - iii. maintain the integrity of the immigration system.

WI20.5 Who is eligible for a Migrant Exploitation Protection (MEPV) work visa?

- a. Applicants for **a** visa under the MEPV instructions must:
 - i. be in New Zealand; and
 - ii. hold a work visa that specifies their employer as a condition of their visa; and
 - iii. meet the health and character requirements as set out at A4 and A5; and
 - iv. have made a report of exploitation to the Ministry of Business, Innovation and Employment (MBIE), **about the employer described in (ii)**, and MBIE has assessed that it is credible that exploitation may have occurred.
- b. Holders of a visa granted under these instructions **are not eligible for** a further MEPV on the basis of the same report of exploitation.

Note:

- Applicants for an MEPV are required to meet health and character requirements, however they are not required to provide a Medical and/or Chest X-Ray Certificate or Police Certificate (see [A4.25\(d\)](#) and [A5.5\(e\)](#)) unless there is an indication that the applicant may not meet either health or character requirements, in which case an immigration officer may request the relevant certificates.

WI20.10 Making a Migrant Exploitation Protection work visa application

- a. Applications for a Migrant Exploitation Protection work visa must:
 - i. be made in the prescribed manner (see [E4.50](#)); and
 - ii. include a Report of Exploitation Assessment Letter issued by MBIE as evidence that the applicant meets WI20.5(a)(iv) above.
- b. Applicants are exempt from the requirement to pay an application fee, the Immigration Levy and the International Visitor Conservation and Tourism Levy.
- c. Applicants are not required to provide:
 - i. an offer of employment; or
 - ii. evidence of funds or sponsorship; or
 - iii. evidence of onward travel.

WI20.15 Determining and granting a Migrant Exploitation Protection work visa

- a. Applicants may be granted an MEPV if:
 - i. they hold a work visa that specifies their employer as a condition of their current visa; and
 - ii. an immigration officer is satisfied that the applicant has personally, or through an agent authorised by the applicant, made a report of exploitation and MBIE has assessed that it is credible that exploitation may have occurred; and
 - iii. the application is made within one month of the date that the applicant receives the Report of Exploitation Assessment Letter.
- b. When assessing the application, immigration officers must disregard:
 - i. incidents of false, misleading, forged, or withheld information associated with the applicant's exploitation (see [A5.45.7](#)); or
 - ii. any period when the applicant has been working in breach of the conditions for the employer that they have claimed exploited them; or
 - iii. any periods of unlawfulness that are linked to the report of exploitation.

WI20.20 Currency and conditions of a Migrant Exploitation Protection work visa

- a. An MEPV may be granted for the shorter of:
 - i. six months; or
 - ii. the duration remaining on the applicant's current work visa, unless there is less than one month duration remaining, in which case a one-month MEPV may be granted.

- b. Any work visas granted under these instructions will be endorsed with conditions that allow work for any employer and will not allow multiple entry travel conditions.

V3.10 Partners and dependent children of student or work visa holders

Subject to the provisions of [E4.5](#):

- a. Partners (see [E4.1.20](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the partner's visa.
- c. Dependent children (see [E4.1.10](#)) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the parent's visa.
- d. Despite (a) and (b) above, partners and dependent children are not eligible for the grant of a visa under these instructions if the supporting partner or parent was granted a visa under the following instructions:
 - i. Foreign Crew of Fishing Vessels (see [WJ](#)); or
 - ii. Recognised Seasonal Employer (RSE) (see [WH1](#)); or
 - iii. Supplementary Seasonal Employment (SSE) (see [WH3](#)); or
 - iv. Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - v. a Working Holiday Scheme (see [WI2](#)); or
 - vi. people granted a work visa as a domestic staff member of diplomatic, consular or official staff (see [WI4](#)).
 - vii. seasonal workers under Specific Purpose Instructions (see [WS2.1.1\(o\)](#))
- e. Despite (a) and (b) above, the eligibility of partners and dependent children of Accredited Employer work visa holders for visitor visas is set out at V3.10.1 below.
- f. Partners and dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5](#).
- g. Despite (a) and (b) above, a partner or dependent child of the holder of a Migrant Exploitation Protection work visa (MEPV) may be granted a visitor visa under these instructions only if, at the time they apply, the partner or dependent child is in New Zealand on a visa that was granted on the basis of the visa held by the MEPV holder immediately prior to the MEPV holder's current visa. If granted, the visa's duration must be for the same period as the MEPV holder's visa, and will not include multiple entry travel conditions.

WF3 Work visas for partners of work visa holders

WF3.1 Who is eligible for a work visa

- a. Partners (see [E4.1.20](#)) of people granted work visas allowing a stay in New Zealand of more than six months may apply for, and be granted, a multiple entry work visa under these instructions, unless their partner has been granted a work visa under any one of the following instructions:
 - i. Essential Skills where the employment is paid below the median wage (see [WK3.5.1](#)), or lower-skilled if the visa application was made before 27 July 2020; or
 - ii. Foreign crew of fishing vessels (see [WJ1](#)); or
 - iii. a Working Holiday Scheme (see [WI2](#)); or
 - iv. Recognised Seasonal Employer (RSE) Work Instructions (see [WH1](#)); or
 - v. Supplementary Seasonal Employer (SSE) Instructions (see [WH3](#)); or
 - vi. Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - vii. domestic staff of diplomatic, consular, or official staff (see [WI4](#)); or
 - viii. seasonal workers under Specific Purpose Instructions (see [WS2.1.1\(o\)](#)).
- b. Despite (a) above and (f) below, the eligibility of partners of Accredited Employer Work Visa holders for special work visas, and the conditions to be granted on work visas for partners of Accredited Employer work visa holders, are set out at WF3.1.5 below.
- c. Despite (a) above, a partner of the holder of a Migrant Exploitation Protection work visa (MEPV) may be granted a work visa under these instructions only if, as at the time they apply, the partner is in New Zealand on a visa that was granted on the basis of the visa held by the MEPV holder immediately prior to the MEPV holder's current visa. If granted, the visa's duration must be for the same period as the MEPV holder's visa, will allow work for any employer (without the requirement of full-time employment), and will not include multiple entry travel conditions.
- d. Work visas will be granted for the same period as the work visa held by the applicant's partner subject to the generic requirements at [E4.5](#) being met.
- e. Partners of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and [A5](#).
- f. Any work visas granted under these instructions may be endorsed with conditions that allow work for any employer (unless WF3.1.5 applies) and do not require full-time employment.

U8.20 Dependent children of holders of work visas

- a. Dependent children (see [E4.1](#)) of work visa holders who wish to study in New Zealand may be granted student visas unless the work visa holder has been granted a work visa under any one of the following categories:
 - i. Foreign crew of fishing vessels (see [WJ](#)); or
 - ii. Recognised Seasonal Employer (RSE) Work instructions (see [WH1](#)); or
 - iii. Supplementary Seasonal Employment (SSE) instructions (see [WH3](#)); or
 - iv. Skilled Migrant Category Job Search Instructions (see [WR5](#)); or
 - v. Working Holiday Scheme instructions (see [WI2](#)); or
 - vi. domestic staff of diplomatic, consular or official staff (see [WI4](#)); or
 - vii. seasonal workers under Specific Purpose Instructions (see [WS2.1.1\(o\)](#)).
- b. Despite (a) above, the eligibility of dependent children of Accredited Employer work visa holders for student visas is set out at U8.20.2 below.
- c. Dependent children of work visa holders as defined in (a) above are regarded as domestic students (see [U3.35](#)) for the purpose of all tuition fees at primary and secondary schools for the period of the parent's work visa.
- d. Dependent children (see [E4.1](#)) of work visa holders may be granted student visas without the need to produce evidence of enrolment.
- e. Guarantees of accommodation and/or maintenance for dependent children may be waived provided this is covered by the income of the work visa holder parent or by evidence of funds or guarantees submitted with the work visa application of the parent (see [W2.15](#)).
- f. Dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at [A4](#) and A5.
- g. Despite (a) above, a dependent child of the holder of a Migrant Exploitation Protection work visa (MEPV) may be granted a student visa under these instructions only if, as at the time they apply, the dependent child is in New Zealand on a visa that was granted on the basis of the visa held by the MEPV holder immediately prior to the MEPV holder's current visa. If granted, the visa's duration must be for the same period as the MEPV holder's visa, and will not include multiple entry travel conditions.