



29 October 2021

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-48**

**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.

For more information about these changes, please visit: [New 2021 Resident Visa | Immigration New Zealand](#)

## Description of changes

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### **Residence Instructions**

*A4.10 Acceptable standard of health (applicants for residence)*

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

*A4.60 Medical waivers (applicants for residence class visas)*

*S6 2021 Resident Visa Category*

*S6.1 Objective*

*S6.5 Applying for a 2021 Resident Visa*

*S6.10 2021 Resident Visa Requirements*

*S6.15 Requirement to be Settled, Skilled, or Scarce*

*Appendix 11 – List of Scarce Occupations*

Changes have been made to immigration instructions to implement the 2021 Resident Visa Category.

Changes have also been made to immigration instructions relating to medical certificates. Applicants for the 2021 Resident Visa may provide a Limited Medical Certificate (applicants who have provided a medical certificate within the last 36 months and were assessed as having an acceptable standard of health do not need to provide a further medical certificate).

### **Residence and Temporary Entry Instructions**

*A5.5 Character Checks*

Applicants for a 2021 Resident Visa will not be required to provide a police certificate from their country of citizenship or any country they have lived in for 12 months or more in the last ten years, unless requested by an immigration officer. A New Zealand Police Check is still required, regardless of the duration an applicant has spent in New Zealand, and INZ will request this on the applicant's behalf.

### **Residence and Temporary Entry (Border Entry) Instructions**

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

Changes have been made to Border Entry instructions to allow the holder of a 2021 Resident Visa granted as a Dependent Child aged 25 Years or Older to enter New Zealand.

**Appendix 1: Amendments to Residence instructions effective on and after 1 December 2021**

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#### A4.10 Acceptable standard of health (applicants for residence)

- a. Applicants for residence class visas must have an acceptable standard of health unless they have been granted a medical waiver or (f), below, applies. An application for a residence class visa must be declined if any person included in that application is assessed as not having an acceptable standard of health and a medical waiver is not granted (see [A4.60](#)).
- b. Applicants for residence class visas are considered to have an acceptable standard of health if they are:
  - i. unlikely to be a danger to public health; and
  - ii. unlikely to impose significant costs or demands on New Zealand's health services or special education services; and
  - iii. able to undertake the work on the basis of which they are applying for a visa, or which is a requirement for the grant of the visa.
- c. The conditions listed in A4.10.1 are considered to impose significant costs and/or demands on New Zealand's health and/or special education services. Where an immigration officer is satisfied (as a result of advice from an Immigration New Zealand medical assessor) that an applicant has one of the listed conditions, that applicant will be assessed as not having an acceptable standard of health.
- d. If an immigration officer is not satisfied that an applicant for a residence class visa has an acceptable standard of health, they must refer the matter for assessment to an Immigration New Zealand medical assessor (or the Ministry of Education as appropriate).
- e. Despite (d) above, referral to an Immigration New Zealand medical assessor (or the Ministry of Education) is not required where the applicant is the partner or dependent child of a New Zealand citizen or residence class visa holder, **or where the applicant is applying for a 2021 Resident Visa**, unless the provisions of [A4.60\(a\)](#) or [A4.60\(b\)](#) apply.
- f. Mandated refugees (see [S3.5\(a\)\(i\)](#)) and Refugee Quota Family Reunification Category applicants (see [S4.20](#)) are exempt from the requirement to have an acceptable standard of health, except where they have any of the conditions set out at [A4.74](#).
- g. The exemption at (f) above does not apply to those invited to apply under the Community Organisation Refugee Sponsorship category (see [S4.25](#)).

**Note:** These instructions do not apply to residents and former residents applying for a permanent resident visa or a second or a subsequent resident visa.

##### A4.10.1 Medical conditions deemed to impose significant costs and/or demands on New Zealand's health and/or education services

- Hepatitis B-surface antigen positive and meeting criteria for anti-viral treatment in New Zealand
- Hepatitis C-RNA positive and meeting criteria for anti-viral treatment in New Zealand
- Malignancies of organs, skin (such as melanoma) and haematopoietic tissue, including past history of, or currently under treatment. Exceptions are:
  - treated minor skin malignancies
  - malignancies where the interval since treatment is such that the probability of recurrence is <10 percent
- Requirement for organ transplants (with the exclusion of corneal grafts), or following organ transplant when immune suppression is required (with the exclusion of corneal grafts)
- Severe, chronic or progressive renal or hepatic disorders
- Musculoskeletal diseases or disorders such as osteoarthritis with a high probability of surgery in the next five years
- Severe, chronic or progressive neurological disorders, including but not exclusive to:
  - any dementia including Alzheimer's disease
  - poorly controlled epilepsy
  - complex seizure disorder
  - cerebrovascular disease
  - cerebral palsy
  - paraplegia, quadriplegia
  - poliomyelitis
  - Parkinson's disease
  - motor neurone disease, Huntington's disease, muscular dystrophy
  - prion disease
  - relapsing and/or progressive multiple sclerosis
- Cardiac diseases, including but not exclusive to:
  - severe ischaemic heart disease
  - cardiomyopathy

- valve disease with a high probability of surgical and/or other procedural intervention in the next five years
- aortic aneurysm with a high probability of surgical and/or other procedural intervention in the next five years
- Chronic respiratory disease, including but not exclusive to:
  - severe and/or progressive restrictive (including interstitial) lung disease
  - severe and/or progressive obstructive lung disease
  - cystic fibrosis
- Significant or disabling hereditary disorders, including but not exclusive to:
  - hereditary anaemias and coagulation disorders
  - primary immuno-deficiencies
  - Gaucher's disease
- Severe autoimmune disease which may require treatment in New Zealand with immune-suppressant medications other than Prednisone, Methotrexate, Azathioprine or Salazopyrin
- Severe (71-90 decibels) hearing loss or profound bilateral sensori-neural hearing loss after best possible correction at country of origin, where significant support is required, including cochlear implants
- Severe vision impairment with visual acuity of 6/36 or beyond after best possible correction at country of origin, or a loss restricting the field of vision to 15-20 degrees where significant support is required
- Severe developmental disorders or severe cognitive impairments where significant support is required, including but not exclusive to:
  - physical disability
  - intellectual disability
  - autistic spectrum disorders
  - brain injury
- Major psychiatric illness and/or addiction including any psychiatric condition that has required hospitalisation and/or where significant support is required
- Those with a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by a New Zealand Respiratory or Infectious Diseases specialist upon review of their file or review of the applicant according to the New Zealand Guidelines for Tuberculosis Treatment

**Note:** The list above at A4.10.1 is not an exhaustive list of conditions which may indicate that an applicant does not have an acceptable standard of health.

#### **A4.10.2 Assessment of whether an applicant for a residence class visa is unlikely to impose significant costs on New Zealand's health services**

- a. The requirement that an applicant for a residence class visa must be unlikely to impose significant costs on New Zealand's health services is not met if, in the opinion of an Immigration New Zealand medical assessor, there is a relatively high probability that the applicant's medical condition or group of conditions will require health services costing in excess of NZ\$41,000.

**Note:** Assessment will be in terms of current costs with no inflation adjustment.

- b. In the case of acute medical conditions, the medical assessor will provide an opinion on whether there is a relatively high probability that the condition or group of conditions will require health services costing in excess of NZ\$41,000 within a period of five years from the date the assessment against health requirements is made.
- c. In the case of chronic recurring medical conditions, the medical assessor will provide an opinion on whether, over the predicted course of the condition or group of conditions, there is a relatively high probability that the condition or group of conditions will require health services costing in excess of NZ\$41,000.
- d. The following factors have no bearing on whether an applicant is unlikely to impose significant costs on health services:
- i. The ability of a person or organisation to pay for health services, pharmaceuticals, or residential care which may be required.
  - ii. The ability of an applicant to gain access to the private health system.
  - iii. The applicant's possession of health insurance.
  - iv. The capacity of family, friends, or a charitable organisation to provide care for an applicant.

#### **A4.10.5 Assessment of whether an applicant for a residence class visa is unlikely to impose significant costs on New Zealand's special education services**

- a. The requirement that an applicant for a residence class visa must be unlikely to impose significant costs on New Zealand's special education services is not met if the Ministry of Education (MoE) has determined that there is a relatively high probability that the applicant's physical, intellectual, or sensory condition or their use of language and social communication would entitle them to Ongoing Resourcing Scheme (ORS) funding.
- b. Where it has been determined that there is a relatively high probability that an applicant would be entitled to ORS funding, the following factors have no bearing on whether an applicant is unlikely to impose significant costs on New Zealand's special education services:
  - i. The ability of a person or organisation to pay for education services.
  - ii. The ability of a person to provide in-home education services.

#### **A4.10.10 Assessment of whether an applicant for a residence class visa is unlikely to impose significant demands on New Zealand's health services**

- a. The requirement that an applicant must be unlikely to impose significant demands on New Zealand's health services is not met if, in the opinion of an Immigration New Zealand medical assessor, there is a relatively high probability that the applicant's medical condition or group of conditions will require health services for which the current demand in New Zealand is not being met.
- b. Where it has been determined that there is a relatively high probability that an applicant may require health services for which the demand in New Zealand is not being met, the following factors have no bearing on whether the applicant is unlikely to impose significant demands on New Zealand's health services:
  - i. The ability of a person to gain access to the private health system.
  - ii. The capacity of family, friends, or a charitable organisation to provide care for an applicant.

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

#### 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:
- i. *General Medical Certificate (INZ 1007)* which must be provided by all applicants other than those listed in (ii) below, or
  - ii. *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 who are applying under the Christchurch Response (2019) Category ([S4.30](#)); or
    - applicants for the 2021 Resident Visa Category (S6).

**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:
- i. they have provided a Medical Certificate and Chest X-ray Certificate with an earlier visa application; and
  - ii. they were assessed as having an acceptable standard of health based on those certificates; and
  - iii. those certificates were issued less than 36 months prior to the current application.
- e. Despite (d) above:
- i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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:
- i. a completed Medical Certificate and Chest X-ray Certificate; or
  - ii. an eMedical reference code (NZER); or
  - iii. 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.

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



#### A4.60 Medical waivers (applicants for residence class visas)

- a. Applicants for residence class visas in New Zealand who are assessed as not having an acceptable standard of health and whose applications meet all other requirements for approval under the relevant Government residence instructions may be considered for the grant of a medical waiver unless they:
  - i. require dialysis treatment, or an Immigration New Zealand medical assessor has indicated that they will require such treatment within a period of five years from the date of the medical assessment; or
  - ii. have severe haemophilia; or
  - iii. have a physical, intellectual, cognitive and/or sensory incapacity that requires full time care, including care in the community; or
  - iv. currently have tuberculosis (TB) (any form including pulmonary and non-pulmonary TB, Multidrug-Resistant (MDR)-TB and Extensively Drug-Resistant (XDR)-TB) and have not completed full treatment for TB as outlined in the New Zealand Guidelines for TB Treatment; or
  - v. have had a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by a New Zealand Respiratory or Infectious Diseases specialist upon review of their file or review of the applicant as outlined in the New Zealand Guidelines for TB.
- b. Medical waivers will also not be granted to people who:
  - i. are applying for residence under one of the Family Categories; and
  - ii. were eligible to be included in an earlier application for a residence class visa (or a residence visa or residence permit issued or granted under the Immigration Act 1987) as the partner of a principal applicant or the dependent child of a principal applicant or their partner; and
  - iii. were not declared in that earlier application; or
  - iv. were not included in that earlier application; or
  - v. were withdrawn from that earlier application.
- c. Applicants (and dependants included in their application) who have been recognised as having refugee or protection status (except those invited to apply under the Community Organisation Refugee Sponsorship category (see [S4.25](#))) will be granted medical waivers, unless (a) above applies.
- d. An applicant who is the partner or dependent child of a New Zealand citizen or residence class visa holder, who would otherwise meet the criteria for residence under Partnership (see [F2.5\(a\)](#)) or Dependent Child (see [F5.1\(a\)](#)) instructions, will be granted a medical waiver unless (a) or (b) above apply.
- e. Applicants for residence class visas under the Christchurch Response (2019) Category ([S4.30](#)) who otherwise meet the criteria for residence under those instructions will be granted a medical waiver unless (a) above applies.
- f. Despite A4.60 (a) above, applicants for residence class visas under the Christchurch Response (2019) Category who otherwise meet the criteria for residence will be granted a medical waiver if they have a condition described in A4.60(a) above which was caused by injuries or trauma suffered in the attacks on the Masjid Al Noor or Linwood mosques in Christchurch on 15 March 2019.
- g. Applicants for residence class visas under the Afghan Emergency Resettlement Category ([S4.35](#)) who otherwise meet the criteria for residence will be granted a medical waiver unless (a)(iv) or (v) above applies.
- h. Applicants for residence class visas under the 2021 Resident Visa Category (S6) who otherwise meet the criteria for residence under those instructions will be granted a medical waiver unless (a) above applies.

**Note:** These instructions do not apply to people applying for a permanent resident visa who currently hold resident visas.

**S6 2021 Resident Visa Category**

## S6.1 Objective

The objectives of the 2021 Resident Visa Category are to:

- a. provide certainty for employers that their existing migrant workforce will be able to remain in New Zealand permanently, and are available to continue filling skilled or scarce roles in businesses, especially while border restrictions make it difficult to bring new migrant workers to New Zealand; and
- b. enable migrants who are in New Zealand for the purpose of work to remain permanently, provided they are well settled in New Zealand or are working in skilled or scarce roles; and
- c. attract health workers and other highly-skilled critical workers who are granted appropriate border exceptions by providing them a pathway to stay in New Zealand permanently.

## S6.5 Applying for a 2021 Resident Visa

### S6.5.1 Opening and Closing Dates

- a. The 2021 Resident Visa Category will open on 1 December 2021 for phase 1 applicants.
- b. The 2021 Resident Visa Category will open on 1 March 2022 for phase 2 applicants.
- c. The 2021 Resident Visa Category will close on 31 July 2022 for all applicants and any applications received after this date will be declined.
- d. Applications must be made using the approved online form provided on the Immigration New Zealand website, apart from applications from Dependent Children Aged 25 Years or Older (S6.10.10), which must be made using the approved paper form.

### S6.5.5 Phase 1 and Phase 2 Applicants

- a. Phase 1 applicants are those who, on 29 September 2021:
  - i. had made an application for residence under the Skilled Migrant Category or a Residence from Work category; or
  - ii. had a Skilled Migrant Category Expression of Interest in the Pool which included a dependent child aged 17 years or older as at 29 September 2021.
- b. Phase 2 applicants are all other applicants.
- c. Applications made between 1 December 2021 and 28 February 2022 (inclusive) must include the number of the application or Expression of Interest referenced in (a) above.
- d. Applications made by a phase 2 applicant before 1 March 2022 must be declined.

**Note:** All applicants included in a Skilled Migrant Category or Residence from Work application, or Expression of Interest may qualify as a phase 1 applicant.

### S6.5.10 Provision of evidence

- a. Applicants must provide sufficient evidence to demonstrate that:
  - i. the principal and any secondary applicants meet health and character requirements; and
  - ii. the principal applicant meets the 2021 Resident Visa requirements set out in S6.10.
- b. An application must be declined if an immigration officer is not satisfied that sufficient evidence has been provided.

## S6.10 2021 Resident Visa Requirements

- a. An application under the 2021 Resident Visa Category will be approved if an immigration officer is satisfied that:
  - i. the principal applicant and family members included in the application meet requirements for health (A4) and character (A5); and
  - ii. the principal applicant did not make an application in phase 1 when they are a phase 2 applicant (S6.5.5(d)); and
  - iii. the principal applicant was in New Zealand at the time that the application was made and they meet the requirements outlined in:
    - o Holders of an Eligible Visa (S6.10.1) including requirements to be Settled, Skilled or Scarce (S6.15) at time of application and on 29 September 2021; or
    - o People granted a Critical Purpose Visitor Visa (S6.10.5); or
  - iv. the principal applicant meets the requirements outlined in Dependent Children Aged 25 Years or Older (S6.10.10).
- b. An application made by a principal applicant who is not in New Zealand at the time the application was made will be declined, unless the principal applicant meets the requirements outlined in Dependent Children Aged 25 Years or Older (S6.10.10).

### S6.10.1 Holders of an Eligible Visa

- a. An applicant meets requirements for Holders of an Eligible Visa if, when the application is made, they meet Settled, Skilled or Scarce criteria and they hold:
  - i. a visa granted under the following immigration instructions:
    - o WK Essential Skills work instructions
    - o WR Work to Residence instructions
    - o WD Post-study work instructions
    - o WI20 Migrant Exploitation Protection work visa
    - o WR5 Skilled Migrant Category Job Search instructions
    - o WM Religious Worker instructions
    - o WI16 Special work visa for victims of people trafficking
    - o WI7 Special work visas for victims of family violence
    - o WL3 Silver Fern Practical Experience
  - ii. a work visa granted under section 61 of the Immigration Act, provided that they held a visa listed in (i) above immediately prior to, and in the 6 months before being granted, the work visa under section 61.
- b. An applicant must also, on 29 September 2021, have met Settled, Skilled or Scarce criteria and:
  - i. held an eligible visa in (a) above; or
  - ii. had made an application or request for reconsideration for an eligible visa in (a)(i) that was subsequently granted.
- c. An applicant must have been in New Zealand on 29 September 2021.
- d. Despite (c) above, an applicant who was in Australia on 29 September 2021 and departed New Zealand for Australia between 6 April 2021 and 23 July 2021 (inclusive) is eligible to be considered for a 2021 Resident Visa.
- e. An applicant who held a Critical Purpose Visitor visa, or eligible visa (S6.10.1(a)), or was granted a variation of conditions on an eligible visa under H5: COVID-19 Support Restricted Temporary Entry Instructions on or after 29 September 2021 must be assessed under S6.10.5 People granted a Critical Purpose Visitor Visa, including people who have since been granted a different eligible visa.

**Note:** An applicant who held an Interim visa on 29 September 2021 is included in (b)(ii) if their application in progress as at 29 September 2021 is for a visa listed at S6.10.1(a)(i) and that visa is subsequently granted.

### S6.10.5 People granted a Critical Purpose Visitor Visa

- a. An applicant meets requirements for Holders of a Critical Purpose Visitor Visa (CPVV) if:
- i. when they make their application, they hold a Critical Purpose Visitor visa, or another eligible visa (S6.10.1(a)), or a variation of conditions on an eligible visa, granted under H5: COVID-19 Support Restricted Temporary Entry Instructions on the basis of being:
    - o a critical health worker that meets the definition of H5.30.1, with a role for 6 months or longer; or
    - o an other critical worker that meets the definition of H5.30.5(c) or H5.30.20, with a role for more than 6 months and who met the criteria to be granted a visa for more than 6 months; and
  - ii. they were not granted a visa or variation of conditions on the basis of being one of the following approved class of workers:
    - o Deepwater/Deep-sea fishing crew
    - o Agricultural and horticultural mobile plant operators
    - o Shearers
    - o Recognised Seasonal Employer
- b. An immigration officer may be satisfied a person meets the criteria in (a)(i) above if:
- i. the applicant was granted a CPVV as a critical health worker for six months or longer; or
  - ii. the applicant was granted a CPVV as an other critical worker for more than six months; or
  - iii. INZ's records indicate that the person met those requirements but were either granted a CPVV of a shorter duration (for example, due to an expiring passport) or were granted a different visa or a variation of conditions to an eligible visa under H5 instructions.
- c. An applicant who was granted a CPVV or an eligible visa or variation of conditions on an eligible visa under H5: COVID-19 Support Restricted Temporary Entry Instructions for the purpose of completing a Competence Assessment Programme (CAP) and obtaining occupational registration as a nurse in New Zealand must demonstrate that they have successfully passed their CAP and secured occupational registration to be eligible for a 2021 Resident Visa.
- d. A previous holder of a CPVV or an eligible visa or variation of conditions on an eligible visa granted under H5: COVID-19 Support Restricted Temporary Entry Instructions is eligible to be granted a 2021 Resident Visa if:
- i. the visa or variation of conditions they were previously granted meets (a) above; and
  - ii. they held this visa or the visa with varied conditions on or after 29 September 2021, or it was granted after that date; and
  - iii. they hold an eligible visa on the date the application is made.

**Note:** A previous holder of CPVV (including any variation of conditions) who was granted a different eligible visa on or before 29 September 2021 must be assessed under S6.10.1 Holders of an Eligible Visa.

### S6.10.10 Dependent Children Aged 25 Years or Older

- a. Dependent children who are 25 years or older are eligible for a 2021 Resident Visa if, on 29 September 2021;
- i. they were included in an Expression of Interest (EOI) for a residence application in the Skilled Migrant Category (SMC); or
  - ii. they were included in an application for residence under:
    - o SMC; or
    - o Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions (RW2); or
    - o Residence instructions for holders of work visas granted under the Talent (Arts, Culture and Sports) work instructions (RW3); or
    - o Residence instructions for holders of work visas granted under the long term skill shortage list work instructions (RW4); or
    - o Residence instructions for holders of work visas granted under religious worker instructions (RW7); or
    - o Residence instructions for holders of work visas granted under South Island Contribution work instructions (RW8); and
  - iii. they met the definition of a dependent child (R2.1.30) at the time their most recent EOI was submitted or residence application was made; and
  - iv. they meet the definition of a dependent child at R2.1.30(a), apart from the age requirement; and
  - v. one of their parents has been approved residence under the 2021 Resident Visa Category; and
  - vi. they are the biological or adopted (see R3) child of the parent who has been granted the 2021 Resident Visa.

## S6.15 Requirement to be Settled, Skilled or Scarce

**Note:** an applicant that meets the criteria for Settled, Skilled or Scarce must also meet the criteria for Holders of an Eligible Visa outlined at S6.10.1 in order to be eligible for a 2021 Resident Visa.

### S6.15.1 Settled criteria

- a. An applicant meets Settled criteria if they:
  - i. first arrived in New Zealand before or on 29 September 2018; and
  - ii. have been in New Zealand for at least 821 days between 29 September 2018 and 29 September 2021 (inclusive).
- b. An immigration officer will use information held in Immigration New Zealand travel records to determine whether an applicant meets Settled criteria.

### S6.15.5 Skilled criteria

- a. An applicant meets Skilled criteria if they are in employment with remuneration of \$27.00 or more per hour.
- b. An applicant met Skilled criteria on 29 September 2021 and if they:
  - i. were, on that date, in employment with remuneration of \$27.00 or more per hour and working in accordance with the conditions of their visa, or
  - ii. had made an application, variation of conditions, or request for reconsideration for an eligible visa that was subsequently granted (or in the case of conditions, were varied) and had an offer of employment with remuneration at or above \$27.00 per hour as at 29 September 2021.
- c. Employment must be:
  - i. full time (employment is full-time if the employment agreement demonstrates that the employment amounts to, on average, 30 hours per week over an agreed pay period); and
  - ii. genuine; and
  - iii. for a position that is paid by salary or wages or in terms of a contract for services (see (d) below).
- d. A contract for services will be considered employment if the applicant:
  - i. has a consistent history of contract work; and
  - ii. has a current contract for services.
- e. Remuneration is calculated as per S6.15.20.
- f. An applicant who had a temporary reduction to their pay rate and/or hours of work due to a COVID-19 related disruption to business activity can be assessed as having met Skilled criteria on 29 September 2021 or time of application provided that:
  - i. the disruption arises directly from a Government order (e.g. level change or otherwise) which imposes an obligation on businesses to restrict their activities; and
  - ii. the applicant can demonstrate they were paid at least \$27.00 per hour prior to the disruption; and
  - iii. any temporary change to pay rate and/or hours of work was agreed to in writing by the applicant and the employer; and
  - iv. the applicant has returned, or will be returning, to their normal pay rate and hours of work once the disruption has ended.

**Note:** An immigration officer has the discretion to allow for more than one temporary reduction in pay rate and/or hours if there have been multiple disruptions (as defined above) since August 2021.

#### S6.15.5.1 Evidence for Skilled criteria

- a. For an applicant who holds a current work visa that specifies they may only work for a specific employer, immigration officers may consider information provided on the 2021 Resident Visa Application form and information provided with the previous work visa application to determine whether they meet the Skilled criteria, unless their remuneration has increased since the grant of their visa, in which case the applicant will need to provide evidence that this increase occurred before or on 29 September 2021.
- b. An applicant whose remuneration has not previously been assessed or evidence was not previously provided will be required to provide sufficient evidence to demonstrate that they meet Skilled criteria.
- c. Evidence provided for remuneration must include an employment agreement or letter from the employer stating the pay and hours and one or more of the following:
  - i. full bank statements showing salary payment; or
  - ii. summary of income details from Inland Revenue; or
  - iii. payslips.
- d. In addition to (c) above, an immigration officer may request any additional evidence as necessary to determine if the applicant meets (and/or met) the Skilled criteria.
- e. Evidence may be required to demonstrate an applicant's current remuneration as well as their remuneration as at 29 September 2021.

### S6.15.10 Scarce criteria

- a. An applicant meets Scarce criteria if they are employed in one of the occupations listed at Appendix 11.
- b. An applicant met Scarce criteria on 29 September 2021 and if they;
  - i. were employed in one of the occupations listed at Appendix 11; or
  - ii. had made an application, variation of conditions, or request for reconsideration for an eligible visa that was subsequently granted (or in the case of conditions, were varied) and had an offer of employment in one of the occupations listed at Appendix 11 as at 29 September 2021.
- c. Employment must be:
  - i. full time (employment is full-time if the employment agreement demonstrates that the employment amounts to, on average, 30 hours per week over an agreed pay period); and
  - ii. genuine; and
  - iii. for a position that is paid by salary or wages or in terms of a contract for services (see (d) below).
- d. A contract for services will be considered employment if the applicant:
  - i. has a consistent history of contract work; and
  - ii. has a current contract for services.
- e. An applicant must hold provisional or full registration in New Zealand if the employment is in an occupation that requires New Zealand registration by law to be undertaken (see SM10.5), or the occupation is on the list of occupations in the health and education sector (appendix 11).
- f. An applicant working 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 will not meet Scarce criteria based on an occupation listed under Personal Carers and other critical health workers in Appendix 11.
- g. An applicant who had a temporary reduction to their hours of work due to a COVID-19 related disruption to business activity can be assessed as having met Scarce criteria on 29 September 2021 or time of application provided that:
  - i. the disruption arises directly from a Government order (e.g. level change or otherwise) which imposes an obligation on businesses to restrict their activities; and
  - ii. the applicant can demonstrate they were employed full time prior to the disruption; and
  - iii. any temporary change to the hours of work was agreed to in writing by the applicant and the employer; and
  - iv. the applicant has returned, or will be returning, to their normal hours of work once the disruption has ended.

**Note:** An immigration officer has the discretion to allow for more than one temporary reduction in hours if there have been multiple disruptions (as defined above) since August 2021.

#### S6.15.10.1 Evidence for Scarce criteria

- a. For an applicant who holds a current work visa that specifies they may only work for a specific employer, immigration officers will consider information provided on the 2021 Resident Visa Application form and information provided with the previous work visa application to determine whether they meet Scarce criteria, unless their occupation has changed since the grant of their visa, in which case the applicant will need to provide evidence that this change occurred before or on 29 September 2021.
- b. An applicant whose occupation has not previously been assessed or evidence was not previously provided will be required to provide sufficient evidence to demonstrate that they meet Scarce criteria including, but not limited to:
  - i. an employment agreement or letter from employer stating the occupation and hours; and
  - ii. evidence of provisional or full registration in an occupation in New Zealand where this is required.
- c. In addition to (b) above, an immigration officer may request any additional evidence as necessary to determine if the applicant meets (and/or met) the Scarce criteria.
- d. Evidence may be required to demonstrate an applicant's current occupation as well as the occupation they held as at 29 September 2021.



### S6.15.15 Genuine employment and pay rate

- a. Employment and employment offers must be genuine.
- b. 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. This includes but is not limited to:
  - i. payment(s) to secure or maintain an offer of employment; or
  - ii. partial or full repayment of wages to the employer, their agent or third party whether through payment or unpaid labour; or
  - iii. unlawful deduction(s).

### S6.15.20 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 S6.15.5(b) 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 overnight hours described at S6.15.25 below.
- h. For the purposes of S6.15.5 '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:**

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.

### S6.15.25 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 S6.15.20(g) provided that:
  - i. for any hours an applicant is sleeping, they are paid at or above the minimum wage; and
  - ii. for any hours an applicant is required to perform their duties, they are paid at least their normal rate; and
  - iii. the applicant works a minimum of 30 hours per week at their normal rate which must \$27.00 per hour or above; and
  - iv. the applicant works in the Aged, Residential Care or Disability Care industry.

## Appendix 11 – List of Scarce Occupations

The list of Scarce occupations is made up of four lists.

- Jobs on the Long Term Skill Shortage list
- Jobs requiring occupational registration in the health or education sector
- Personal Carers and other critical health workers
- Primary Sector roles

### Jobs on the Long Term Skill Shortage List

Analyst programmer
Automotive electrician
Chef (chef de partie or higher)
Chemical engineer
Civil engineer
Civil engineering technician
Clinical psychologist
Computer network and systems engineer
Construction project manager
Database administrator
Developer programmer
Diagnostic and interventional radiologist
Diesel motor mechanic (including heavy vehicle inspector)
Electric line mechanic
Electrical engineer
Electrical engineering technician
Electrician (general)
Electronic engineering technician
Electronics engineer
Engineering professional
Environmental engineer
Environmental research scientist
Food technologist
General practitioner
Geotechnical engineer
ICT business analyst
ICT customer support officer

ICT project manager
ICT quality assurance engineer
ICT security specialist
ICT support and test engineer
ICT support engineer
ICT systems test engineer
Industrial engineer
Materials engineer
Mechanical engineer
Medical laboratory scientist
Medical radiation therapist
Multimedia specialist (film animator)
Multimedia specialist
Network administrator
Obstetrician and gynaecologist
Organisation and methods analyst
Other spatial scientist
Physicist (medical)
Physiotherapist
Procurement manager
Production or plant engineer
Project builder (including building project manager and site foreman)
Psychiatrist
Quantity surveyor
Registered nurse (aged care)
Software engineer
Software tester
Software and applications programmer
Sonographer
Specialist physician in palliative medicine
Structural engineer
Surgeon (general)

Surveyor
Systems administrator
Systems analyst
Telecommunications engineer
Telecommunications network engineer
Veterinarian
Web developer

**Jobs requiring occupational registration in the health or education sector**

Chiropractor
Clinical dental technician
Clinical dental therapist
Dental hygienist
Dental technician
Dental therapist
Dentist
Dietitian
Dispensing optician
Medical laboratory scientist/technologist
Medical laboratory technician
Medical practitioner
Medical radiation technologist
Midwives
Nurse
Occupational therapist
Optometrist
Osteopath
Paramedic
Pharmacist
Physiotherapist
Podiatrist
Psychologist

Teacher (including Principals and registered Early Childhood Education teachers)
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**Personal Carers and other critical health workers**

Aged and disabled carers
Nursing support and personal care workers
Paramedics and ambulance workers (including air and road)
Physician Associates
Special care workers
Technical and support staff working in various services including theatre, laboratories, radiology, pharmacy services, oncology, haematology, pathology, hyperbaric medicine and mortuaries
Workers who install, operate or maintain medical equipment
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

**Primary Sector roles**

Agricultural and horticultural mobile plant operator
Agricultural consultant
Agricultural engineer
Agricultural scientist
Agricultural technician
Anaesthetic technician
Animal attendants and trainers nec
Apiarist
Aquaculture farmer
Aquaculture worker
Arborist
Baker
Baking factory worker
Beef cattle farm worker
Beef cattle farmer
Boat builder and repairer
Brewery worker
Butcher or smallgoods maker

Cabinetmakers
Cardiac technician
Chef
Chemist
Confectionery maker
Conservation Officer
Cook
Cotton Grower
Crop farm workers nec
Crop Farmers nec
Dairy cattle farm worker
Dairy cattle farmer
Dairy products maker
Deck hand
Deer farmer
Dog handler or trainer
Environmental consultant
Environmental engineer
Environmental manager
Environmental research scientist
Environmental scientists nec
Fabric and textile factory worker
Farm, forestry and garden workers
Farrier
Fencer
Fisheries officer
Fishing hand
Florist
Food and drink factory workers nec
Food technologist
Food trades assistants nec
Footwear production machine operator

Forester (AUS) / Forest scientist (NZ)
Forestry worker
Fruit and vegetable factory worker
Fruit and vegetable packer
Fruit or nut farm worker
Fruit or nut grower
Fruit or nut picker
Furniture finisher
Gardener (general)
Goat farmer
Grain mill worker
Grain, oilseed or pasture farm worker (AUS) / Field crop farm worker (NZ)
Grain, Oilseed or Pasture Grower / Field Crop Grower
Grape Grower
Greenskeeper
Hide and skin processing machines operators
Hide and skin processing worker
Horse breeder
Horse groomer
Horticultural nursery assistant
Hunter-trapper
Kennel hand
Knitting machine operator
Landscape gardener
Livestock farm workers nec
Livestock farmers
Logging assistant
Logging plant operator
Marine biologist
Marine transport professionals nec
Master fisher
Meat boner and slicer

Meat inspector
Meat packer
Meat process worker
Medical laboratory technician
Medical technician nec
Mixed crop and livestock farm worker
Mixed crop and livestock farmer
Mixed Crop Farmer
Mixed livestock farm worker
Mixed livestock farmer
Mushroom picker
Nurserypersons
Operating theatre technician
Other wood processing machine operator nec
Paper and pulp mill operator
Paper products machine operator
Park ranger
Pastrycook
Pastrycook's assistant
Pathology collector / phlebotomist
Pest controller
Pet groomer
Pharmacy technician
Picture framer
Pig farmer
Poultry farm worker
Poultry farmer
Poultry process worker
Primary products inspectors nec
Production manager (forestry)
Quarantine officer
Saw maker and repairer



Sawmill or timber yard worker
Sawmilling operator
Seafood packer
Seafood process worker
Shearer
Sheep farm worker
Sheep farmer
Ship's engineer
Ship's master
Ship's officer
Ship's surveyor
Shipwright
Slaughterer
Stablehand
Sugar Cane Grower
Sugar mill worker
Tanker driver
Textile and footwear production machine operators nec
Textile dyeing and finishing machine operator
Tree faller
Turf Grower
Vegetable farm worker (AUS) / Market garden worker (NZ)
Vegetable Grower (Aus) / Market Gardener (NZ)
Vegetable picker
Veterinarian
Veterinary nurse
Vineyard worker
Weaving machine operator
Wine maker
Winery cellar hand
Wood and wood products factory worker
Wood machinist

Wood machinist and other wood trades workers nec
Wood turner
Wool buyer
Wool classer
Wool handler
Yard carding and spinning machine operator
Zookeeper

**Appendix 2: Amendments to Residence and Temporary Entry instructions effective on and after 1 December 2021**

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## A5.5 Character checks

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regs 5(2)(d)(iii), 6(2)(d)(iv), 10(2)(e)(iii)*

- a. Character checks must be carried out for the following categories of applicant:
- those aged 17 and over applying for residence class visas; and
  - those aged 17 and over applying for temporary entry class visas who intend to stay in New Zealand for 24 months or longer; and
  - other applicants for temporary entry class visas who warrant a character check if the immigration officer decides it is necessary.

**Note:** the 24-month period in A5.5(a)(ii) above includes time already spent in New Zealand prior to the application being made.

- b. It is a mandatory requirement (see R2.40) for first time applicants for a residence class visa aged 17 and over to obtain a police or similar certificate from:
- the applicant's country of citizenship; and
  - each country in which the applicant has lived for 12 months or more (whether on one visit or intermittently) in the last 10 years (but see [A5.10.1](#)).

Applicants for a further residence class visa under RV2 or RV4 will not usually need to submit a police or similar certificate, unless specifically asked to by an immigration officer. Applicants for a further residence class visa applying under any other category are required to submit a police or similar certificate as if they were applying for residence for the first time.

**Note:** the requirement in A5.5(b) above does not apply to Australian citizens, holders of a current Australian permanent residence visa and holders of a current Australian resident return visa, applying for a resident visa at an immigration control area.

- c. If required, applicants aged 17 and over applying for a temporary entry class visa must obtain a police or similar certificate from:
- their country of citizenship; and
  - from any country in which they have lived for five or more years (whether on one visit or intermittently) since attaining the age of 17 years.
- d. Despite (c) above, student visa applicants do not have to provide a police or similar certificate until they are aged 20 or over if they:
- held a student visa when they turned 17; and
  - have held consecutive student visas (or interim visas with study conditions) since the date they turned 17; and
  - are applying for a further student visa.
- e. Despite (c) above, applicants for the following temporary entry class visas do not need to provide a police or similar certificate:
- applicants for a Supplementary Seasonal Employment (SSE) visa for the 2020/21 season (ie for SSE visas granted with an expiry date on or before 30 June 2021) do not have to provide a police or similar certificate;
  - applicants (and their partner and dependent child(ren), if any) for a Migrant Exploitation Protection work visa (see [W120](#)); and
  - applicants (and their partner and dependent child(ren), if any) for an Essential Skills work visa who provided a certificate with a previous visa application
  - applicants for an RSE Limited Visa in New Zealand, if the holder has remained in New Zealand beyond the normal maximum period allowed for under RSE instructions due to the COVID-19 pandemic (see [WH1.15.20 \(d\)\(i\) and \(ii\)](#)).
- f. Despite (b) above, applicants for an Afghan Emergency Resettlement Category permanent resident visa (see S4.35) do not need to provide a police or similar certificate if they are unable to obtain the required document.
- g. Despite (b) above, applicants aged 17 and over applying for residence under the 2021 Resident Visa Category (S6) are not required to provide a police certificate or similar from their country of citizenship or any country they have lived in 12 months or more (whether on one visit or intermittently) in the last 10 years, except for a New Zealand Police Check. This will be required regardless of the duration they have lived in New Zealand. INZ will request this from the New Zealand Police on the applicant's behalf.
- h. Despite (d), (e), (f) and (g) above, a police or similar certificate is required if an immigration officer decides it is necessary.

#### **A5.5.1 Impact of the Criminal Records (Clean Slate) Act 2004**

- a. When assessing whether a person meets an applicable character requirement, an immigration officer must be aware that New Zealand convictions may be covered by the Criminal Records (Clean Slate) Act 2004 (Clean Slate Scheme) and that if so, an eligible individual is not required to declare New Zealand convictions.
- b. If Immigration New Zealand (INZ) holds any information that a person has these New Zealand convictions, and that person is an eligible individual under the Clean Slate Scheme, this information cannot be used when assessing whether the person meets the applicable character requirements.
- c. The information referred to in (b), above, includes any prior police certificates, any information INZ holds in its records (including its Application Management System), and any other information which may have been gathered from a public source.
- d. If a person is an eligible individual under the Clean Slate Scheme, immigration officers cannot, under any circumstances, request or require that an individual disregard the effect of the Clean Slate Scheme when answering questions about his or her New Zealand criminal record, or disregard the effect of the Clean Slate Scheme and disclose, or give consent to the disclosure of, his or her criminal record. Doing so is an offence under the Criminal Records (Clean Slate) Act 2004. However, if the persons voluntarily declares criminal convictions that are subject to the Clean Slate Scheme, this information can be used to assess whether the person meets the applicable character requirements.

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

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

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

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

- b. A person may be granted entry permission if they are the holder of a temporary entry class visa which either:
- i. was granted or varied under the COVID-19 Support Restricted Temporary Entry Instructions; or
  - ii. has a condition that the holder carries out a critical purpose while they are in New Zealand.

**Note:** A person who was granted a second or subsequent resident visa by special direction on 11 September 2020 (i.e a person who held a resident visa with travel conditions which expired between 2 February 2020 and 11 September 2020 and had previously been in New Zealand as a resident but were outside New Zealand on 11

September 2020), is considered to hold a second or subsequent resident visa for the purposes of Y3.30(a)(viii). Quarantine-Free Travel is provided for by orders under the Covid-19 Public Health Response Act 2020. The COVID-19 Public Health Response (Air Border) Order (No 2) 2020 defines Quarantine-Free Travel (QFT) places, ports, carriers and persons. QFT is currently only possible for people arriving by the air border as part of a scheduled international service in accordance with the Air Border Order. Anyone arriving by private aircraft or by the maritime border are still subject to the border restrictions.

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

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