

# Guide for Resident and Former Resident Visa Holders



To enter New Zealand as a resident

To enter or re-enter New Zealand as a resident, you must hold either a permanent resident visa, or a resident visa with valid travel conditions. This guide will provide you with information about applying for a permanent resident visa, a variation of travel conditions, or a second or subsequent resident visa.

## What is the difference between a resident visa and a permanent resident visa?

If your application to live in New Zealand is approved, you will normally be granted a **resident visa**.

A resident visa:

- allows you to travel to New Zealand multiple times, but only within the validity of the travel conditions of the visa, and
- allows you to stay in New Zealand indefinitely, if you are granted entry permission.

**Permanent resident visas** are usually granted to resident visa holders who have complied with the conditions of their visa and shown a commitment to New Zealand. A permanent resident visa:

- allows you to travel to and enter New Zealand anytime, and
- allows you to stay in New Zealand indefinitely.

For information about applying, see the 'Requirements for a permanent resident visa' section of this guide.

A small number of people can be granted a permanent resident visa without first having held a resident visa. These are:

- refugees and protected people
- successful applicants under the Talent (Accredited Employer) Residence from Work Category who meet a certain income threshold, and
- partners of New Zealand citizens, where the couple has been together for more than five years and the New Zealand citizen has been overseas for more than five years.

## Can my resident visa or permanent resident visa be transferred to a new passport?

Yes. If you have a new passport and intend to travel out of New Zealand, you should make sure your visa is transferred, as you cannot use your resident visa or permanent resident visa to enter New Zealand if it is in an expired passport. To transfer it to a new passport, you must complete the form *Confirmation or Transfer of a Residence Class Visa (INZ 1023)* and provide:

- the correct fee (see our *Fees Guide (INZ 1028)*), and
- your old and new passports.

While you can provide a certified copy of your passport(s) with your application, we **highly recommend you provide your original passport(s)**. This will enable us to process your application faster and it may be needed to complete your application. Please note during the processing of an application an immigration officer may request any document, including your original passport(s).

## What if I am a New Zealand citizen?

Under the Immigration Act 2009, New Zealand citizens cannot hold any type of visa, including a residence class visa. If you are a dual citizen and you wish to use your non-New Zealand passport to travel, you should obtain an endorsement of your New Zealand citizenship in that passport. This will allow you to re-enter New Zealand as a citizen. To obtain an endorsement, you must complete the form *New Zealand Citizen Endorsement (INZ 1174)* and supply the evidence explained on the form.

## What are travel conditions?

Travel conditions allow holders of resident visas to travel to and enter New Zealand as a resident. There are two types of travel conditions.

**First entry travel conditions:** If you are granted a resident visa outside of New Zealand, your visa will indicate the date by which you must enter New Zealand. This date cannot be varied or extended. If you do not enter New Zealand by this date, your resident visa will expire and you will have to apply for a resident visa again.

**Multiple entry travel conditions:** Your resident visa will be granted with multiple entry travel conditions for a certain amount of time from your first day in New Zealand as a resident. Your first day in New Zealand as a resident is either:

- the day you entered New Zealand using your first-entry travel conditions (if your resident visa was granted while you were outside New Zealand), or
- the day you were granted your resident visa (if your resident visa was granted while you were in New Zealand).

The end of your multiple entry travel conditions is indicated by the 'Expiry date travel' on your resident visa.

## **Do I need travel conditions?**

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You need to have valid travel conditions on your resident visa if you plan to leave and return to New Zealand as a resident. You do not need to have valid travel conditions on your resident visa if you are in New Zealand and wish to remain in New Zealand. However, even if you are not planning to travel, it is advisable to make sure your travel conditions are valid, in case you have to go overseas urgently.

If you have a permanent resident visa, you do not need travel conditions as you have the indefinite right to travel to and enter New Zealand (although you must make sure your visa is in a valid passport).

## **Can my resident visa expire?**

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Yes, your resident visa will expire if you are outside New Zealand and the travel conditions on your resident visa are past their expiry date.

The date your resident visa expired is either:

- the date you left New Zealand, if your travel conditions had already expired when you left, or
- the day after the date your travel conditions expired, if you were outside New Zealand when your travel conditions expired.

## **Do I currently hold a resident visa?**

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To find out whether you currently hold a resident visa, check the expiry date of your multiple entry travel conditions. If you have been outside New Zealand at any point after the expiry of your travel conditions, your resident visa will have expired.

**Note** – if you hold a returning resident's visa granted under the Immigration Act 1987, the expiry of your travel conditions is deemed to be the same as the expiry of your returning resident's visa.

## **What should I do if my resident visa has expired?**

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If you intend to return to New Zealand as a resident, you will need to make an application for either a permanent resident visa or a second or subsequent resident visa to regain your resident status.

You may still qualify for a permanent resident visa if your resident visa expired less than three months ago (see the 'Requirements to be granted a permanent resident visa' section of this guide). Otherwise you may be able to qualify for a second or subsequent resident visa (see the 'Requirements to be granted a second or subsequent resident visa' section).

## **How do I apply?**

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You must apply on the form *Application from a Resident or Former Resident Visa Holder (INZ 1175)*, supply your passport, two passport-size photos and the correct fee. See the *Fees Guide (INZ 1028)* or visit [www.immigration.govt.nz/fees](http://www.immigration.govt.nz/fees) for the correct fee.

In addition, you must provide any evidence to show you meet the requirements for your application to be approved. The requirements are explained in the following sections.

## **Requirements for a permanent resident visa<sup>1</sup>**

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You must:

- hold a resident visa, or have held one in the last three months
- hold, or have held, that resident visa for at least two years continuously, and it has been at least two years since your first day as a resident in New Zealand
- have met any conditions that your resident visa was subject to under section 49(1) of the Immigration Act

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<sup>1</sup> Please note, if you have held a resident visa for less than 24 months, you will not be granted a permanent resident visa and may be granted a 12-month variation of travel conditions instead.

- meet character requirements for residence
- have met one of the five commitments to New Zealand criteria set out below.

### 1. You have spent enough time in New Zealand

You have been in New Zealand as a resident for a total of 184 days or more in each of the two 12-month portions of the 24 months immediately preceding your permanent resident visa application. You do not have to provide any extra evidence, other than your passport(s).

### 2. You have tax residence status

You have been in New Zealand as a resident for a total of 41 days or more in each of the two 12-month portions of the 24 months immediately preceding your permanent resident visa application, and you are assessed by Inland Revenue (IR) as holding tax residence status for the two years preceding your application for a permanent resident visa. You must include evidence of your tax residence status with your application. Acceptable evidence includes:

- a statement from IR for the period for which you have been assessed as having tax residence status, or
- the INZ form *Confirmation of Tax Resident Status (INZ 1006)* completed and endorsed by IR.

**Note:** If, under the provisions of a double tax agreement (DTA), you also have tax residence status in another country, you will not be considered to have tax residence status in New Zealand for the purpose of meeting the requirements for a permanent resident visa.

A list of countries New Zealand has double tax agreements with can be found at [www.ird.govt.nz](http://www.ird.govt.nz).

### 3. Investment in New Zealand

You have been approved residence under the Investor Category and met any conditions imposed under section 49(1) of the Immigration Act 2009, or you obtained residence under another category and maintained an investment of NZ\$1,000,000 or more in New Zealand for two years. The funds must be lawfully obtained and owned solely by you, or jointly with your partner or dependent children included in the residence application. The funds must originally have been transferred to New Zealand through the trading bank system, or have been earned or acquired in New Zealand. They must be invested in New Zealand currency in a venture capable of providing a commercial return.

This does not include a home, car, boat or similar items. The funds may not be used as collateral for any loan during the two-year investment period, unless the money loaned remains within New Zealand and in New Zealand dollars only. The funds may be transferred from one investment to another provided each investment meets these rules.

### 4. Business in New Zealand

You have obtained residence under any category and have successfully established or purchased a business in New Zealand at least 12 months ago that is trading successfully and benefiting New Zealand in some way. You must either:

- have established or purchased the business operating in New Zealand, or
- own a minimum 25 per cent shareholding in an existing business in New Zealand.

With your application you will have to provide a set of your latest business accounts certified by a New Zealand chartered accountant and a statement from them confirming that in their view your business is a 'going concern'.

### 5. Established base in New Zealand

You have been in New Zealand as a resident for a total of at least 41 days in the 12-month period immediately before lodging your permanent resident visa application, and all members of your immediate family who were included in your residence application have resided in New Zealand for a total of at least 184 days in the two-year period immediately before lodging your permanent resident visa application. Also, either:

- you own and maintain a family home in New Zealand<sup>2</sup>, or
- you have been genuinely employed full-time in New Zealand, in paid employment, for a total of at least nine months in the two-year period immediately before lodging your permanent resident visa application. Employment involving payment by commission and/or retainer is not acceptable.

With your application you will have to provide evidence of owning and maintaining a home or evidence of employment.

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<sup>2</sup> You are considered to own and maintain a family home in New Zealand if you own a residential property that you bought within 12 months of your first day in New Zealand as a resident and you, or members of your immediate family who were included in your residence application, live there.

Evidence of owning and maintaining a home may include:

- your residential property title deed
- mortgage documents
- rate demands
- home insurance papers, and
- accounts for the telephone, electricity, gas or water.

Evidence of employment may include written confirmation of your full-time employment from your employer(s).

If you are self-employed, you should provide evidence you have established, purchased or hold shares in a business in New Zealand, and are actively involved in managing or operating that business.

## Requirements for a variation of travel conditions

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### 12-month variation of travel conditions

You qualify for 12 months of travel conditions if you entered New Zealand as a resident at least one year before the date your current application for a variation of travel conditions is made, and either of the following situations applies to you.

#### 1. You have spent enough time in New Zealand

To meet this requirement, you must have been in New Zealand as a resident for a total of 184 days or more in at least one of the two 12-month portions of the 24 months immediately before lodging your variation of travel conditions application.

#### 2. You have tax residence status

To meet this requirement:

- you must have been in New Zealand as a resident for a total of 41 days or more in at least one of the two 12-month portions of the 24 months immediately before lodging your application for a variation of travel conditions, and
- you must have been assessed by Inland Revenue (IR) as holding tax residence status for 12 months in the two years immediately before lodging your variation of travel conditions application.

With your application you must provide evidence of your status, such as:

- a statement from IR for the period for which you have been assessed as having tax residence status, or
- the INZ form *Confirmation of Tax Resident Status (INZ 1006)* completed and endorsed by IR. The note about double tax agreements in the Requirements for a permanent resident visa' section also applies here.

### 14-day variation of travel conditions

You will qualify for a 14-day variation of travel conditions if you are a resident visa holder in New Zealand and you do not meet the requirements for either a permanent resident visa, or a variation of travel conditions for a longer time, or you are a person who would otherwise be prohibited from entry (for instance, because you would be subject to travel sanctions). If you think this might apply to you, you should contact our call centre to discuss your situation.

### Variation of travel conditions – special categories

#### Australian citizens and residents

You may be granted a variation of travel conditions if you hold a New Zealand resident visa and one of the following:

- current Australian citizenship
- current Australian resident visa
- current Australian resident return visa.

Your variation of travel conditions will be valid for 24 months from the date your New Zealand resident visa was granted. For most people, this will be the date of their most recent entry to New Zealand.

Once you have held a New Zealand resident visa for more than 24 months, you may be eligible for a permanent resident visa. You may also be eligible for a 12-month or 14-day variation of travel conditions.

#### Partners of New Zealand citizens

If you are the partner of a New Zealand citizen and do not meet the requirements for a permanent resident visa, you may be granted a two-year variation of travel conditions. You must show that either:

- you were granted a resident visa under Partnership Category on the basis of your relationship with your New Zealand citizen partner and the relationship is ongoing, or

- you were granted a resident visa under a different residence category, and you can provide evidence that you have been living with your New Zealand citizen partner in a genuine and stable relationship for at least 12 months.

### **New Zealand residents seconded overseas**

If you are seconded overseas as part of your New Zealand employment and do not meet the requirements for a permanent resident visa, you may be granted a further two years of travel conditions, up to a maximum of eight years. Your application must be supported by your New Zealand employer confirming that you are required overseas.

## **Requirements for a second or subsequent resident visa**

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Your eligibility for a second or subsequent resident visa depends on what you were eligible for on the day your resident visa expired.

The date your resident visa expired is either:

- the date you left New Zealand, if your travel conditions had expired, or
- the date your travel conditions expire, if you are out of New Zealand on that day.

You must also meet character requirements for residence.

### **Previously eligible for a variation of travel conditions**

If you were eligible for a variation of travel conditions on the day your resident visa expired, you can be granted a second or subsequent resident visa provided the travel conditions you would have been granted would still be valid. The second or subsequent resident visa will be granted with travel conditions valid until the same expiry date as the travel conditions you would have got on your previous resident visa, if you had applied on the day it expired.

For example, on the day your resident visa expired, you were eligible for a 12-month variation to your travel conditions. You apply for a second or subsequent resident visa four months later. You are eligible for a second or subsequent resident visa with travel conditions valid for another eight months (taking you up to 12 months from the date the visa expired).

You will need to provide any evidence required to show that you were previously eligible for a variation of travel conditions. See the 'Variation of travel conditions requirements' section of this guide for more information.

### **Previously eligible for a permanent resident visa**

You may still be eligible for a permanent resident visa if your resident visa has expired, provided you apply within three months of the expiry of your resident visa. See the 'Requirements for a permanent resident visa' section.

If more than three months have passed since the expiry of your resident visa, but you were eligible for a permanent resident visa on the date your resident visa expired, you may be eligible for a second or subsequent resident visa.

In this situation, you can be granted a second or subsequent resident visa if you apply within two years of the expiry of your resident visa. The second or subsequent resident visa will be granted with travel conditions valid for two years from the expiry of the resident visa.

For example, on the day your resident visa expired, you were eligible for a permanent resident visa. You apply for a second or subsequent resident visa six months later. You are eligible for a second or subsequent resident visa with travel conditions valid for another 18 months (taking you up to 12 months from the date the visa expired).

You will need to provide any evidence required to show that you were previously eligible for a permanent resident visa.

## **Second or subsequent resident visa – special categories**

### **Partners of New Zealand citizens**

If your resident visa has expired and you are the partner of a New Zealand citizen, you may be granted a second or subsequent resident visa with travel conditions valid for two years. You must show that either:

- you were granted a resident visa under Partnership Category on the basis of your relationship with your New Zealand citizen partner and the relationship is ongoing, or
- you were granted a resident visa under a different residence category, and you can provide evidence that you have been living with your New Zealand citizen partner in a genuine and stable relationship for at least 12 months.

## New Zealand residents seconded overseas

If your resident visa has expired and you are seconded overseas as part of your New Zealand employment, you may be granted a further two years of travel conditions, up to a maximum of eight years. Your application must be supported by your New Zealand employer confirming that:

- you are currently required overseas, and
- you were required overseas when your resident visa expired.

## What will happen if I apply under the wrong category?

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There is a question at the end of each section of the form asking whether you give permission for us to assess you against the other categories.

If you give permission in this question, we will grant you the most favourable type of visa or travel conditions that you are eligible for, based on the information and evidence we have. If you do not give this permission, you will only be assessed against the category you applied under. We will always provide you with a chance to comment on potentially prejudicial information that could lead to your application being declined.

## Can my application be declined?

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You cannot be approved a permanent resident visa, variation of travel conditions, or second or subsequent resident visa if you do not meet the requirements set out in this guide.

In addition, your application for a permanent resident visa or a second or subsequent resident visa will be declined if you do not meet the character requirements to be granted a residence class visa. People normally ineligible for a residence class visa include those who have made any statement or provided any information, evidence or submission that was false, misleading or forged, or withheld material information from Immigration New Zealand.

The application form will require you to complete a character declaration stating whether you have any convictions or other character issues of concern. Although police certificates will not normally be required from applicants, Immigration New Zealand can apply for New Zealand police certificates on your behalf. In addition, an immigration officer has the right to ask you to provide updated police certificates from your countries of citizenship or countries you have lived in for a year or more in the last 10 years, as evidence you meet these requirements.

If we decline your application for a permanent resident visa, you may still be eligible for further travel conditions on your resident visa.

## Principal and non-principal applicants

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The 'principal applicant' is the main applicant from your original residence application. 'Non-principal applicants' are the family members included in that application, ie the partner and dependent children of the principal applicant.

The principal applicant must have been granted a permanent resident visa or a variation of travel conditions before a non-principal applicant can be granted one. A non-principal applicant can be granted a second or subsequent resident visa, regardless of whether the principal applicant has been granted one, as long as the principal applicant qualifies for a second or subsequent resident visa at the time the non-principal applicant makes the application.

There are some exceptions to the general rule that a non-principal applicant's eligibility relies on the principal applicant. In these cases, non-principal applicants can be assessed in their own right. These exceptions are:

- the principal applicant has died
- the principal applicant and the non-principal applicant partner have separated or divorced
- the principal applicant has become a New Zealand citizen
- the original residence application was approved before 30 October 1995.

If you are a non-principal applicant and any of these situations apply to you, please provide evidence of this when you make your application.

## Can I include my family in my application?

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If you are the principal applicant you can include your partner and children aged 24 and under in your application if they were also included on your original resident visa application. If you do include them in your application, they do not need to complete separate applications forms or pay separate fees.

Any children who were included in your original resident visa application, and who are now aged 25 years and over, will need to submit a separate application and pay a separate fee. Please note their eligibility will still be dependent on you as the principal applicant in the original resident visa application.

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## **What are section 49(1) conditions**

If your resident visa label or your resident visa approval letter indicates your visa is subject to conditions under section 49(1) of the Immigration Act 2009, it means that there are certain conditions that you must meet before you can be granted a permanent resident visa. Once you have provided us with the evidence that you have met the conditions, they can be removed from your visa.

Your resident visa approval letter will contain details of any conditions you must meet and the process for having these conditions removed once you have met them.

## **Holders of residence permits and returning resident's visas**

Holders of residence permits and returning resident's visas (RRVs) granted under the Immigration Act 1987 are deemed to hold resident visas or permanent resident visas under the Immigration Act 2009. If this applies to you, you do not need to do anything to update your status.

### **If your passport contains an indefinite returning resident's visa (RRV)**

Your indefinite RRV is deemed to be a permanent resident visa. When it is time to transfer your residence status into a new passport, the new label will be for a permanent resident visa.

### **If your passport contains a returning resident's visa (RRV) with an expiry date**

You are deemed to have a resident visa with travel conditions that expire on the date specified on your RRV. You will need to apply for a variation of travel conditions or a permanent resident visa rather than a new RRV if you want to travel outside New Zealand beyond this date.

### **If your passport contains a residence permit and no valid returning resident's visa (RRV)**

You are deemed to hold a resident visa with no travel conditions. If you wish to travel, you will need to apply for a variation of travel conditions or a permanent resident visa rather than a new RRV.

## **If you are outside New Zealand and you hold a returning resident's visa (RRV) past its expiry date**

In this situation, your residence status has expired. You may apply for a second or subsequent resident visa if you wish to return to New Zealand as a resident.

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## **For more information**

If you have questions about any of the information in this guide:

- see our website [www.immigration.govt.nz](http://www.immigration.govt.nz)
- phone our call centre on 0508 558 855 (within New Zealand)

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New Zealand Government