

File Ref:

**IMMIGRATION NEW ZEALAND
INTERNAL ADMINISTRATION CIRCULAR NO: 12/03**

To:	All Immigration New Zealand Managers	Date: 26 July 2012
	All Immigration New Zealand Staff	
	MFAT Posts	

CHANGES TO IMMIGRATION HEALTH SCREENING

Please read this information and ensure all staff members who may be affected are aware of what is required of them.

Purpose

1. The purpose of this Internal Administration Circular is to:
 - advise staff of changes being made to streamline and improve immigration health screening; and
 - provide guidance on applying the new and amended instructions which support the changes to immigration health screening.
2. These changes take effect on 30 July 2012.

Outline of changes

3. The following changes have been made:
 - All temporary entry class and residence class visa applicants can re-use previously submitted medical and chest X-ray certificates provided they are less than 36 months old, unless there are identified risk factors.
 - Applicants who have spent six consecutive months since their last application in any country(ies) outside the list of countries, areas and territories with a low incidence of tuberculosis (TB), must be rescreened for TB, which will require them to provide a new chest X-ray certificate.
 - Foreign fee-paying students (excluding PhD and New Zealand Aid Programme-supported students) will not be required to provide a medical certificate and will only be screened for TB, which will require them to provide a chest X-ray certificate, unless there are identified risk factors.
 - Foreign fee-paying students (excluding PhD and New Zealand Aid Programme-supported students) must hold acceptable insurance as a condition of their student visa.
 - Partners and dependent children of New Zealand citizens and residents, and people who have been recognised as having refugee or protection status in New Zealand

(and their partners and children), will only be screened for conditions which disqualify them from consideration for a medical waiver.

- Partners and dependent children of New Zealand citizens and residents who were:
 - eligible for inclusion in a residence application made by their partner or parent, but were not included in, or
 - were withdrawn from their partner or parent's applicationwill be required to undergo full medical screening rather than limited screening, if they apply for any type of visa in the future. They will also be ineligible for a medical waiver if they do not have an acceptable standard of health.
- Where it has been determined that it is likely that an applicant will impose significant cost or demand on New Zealand's health or education services, the applicant's (or other party's) ability to pay for or provide health or special education services, has no bearing on whether they will impose significant cost or demand on these services.

Changes to Immigration New Zealand forms and guides

4. The majority of all application forms and guides have been updated to reflect the changes to immigration health screening. The medical and chest X-ray certificate forms have also been revised as part of the Immigration New Zealand Health Project. All updated forms and guides will be available on the INZ website and from branches on 30 July 2012.
5. The current *Medical and Chest X-Ray Certificate (INZ 1007)* which includes a medical certificate and chest X-ray certificate has been divided into the *General Medical Certificate (INZ 1007)* (with revisions made to the content of the form also) and the *Chest X-ray Certificate (INZ 1096)*. This chest X-ray certificate replaces the *X-ray Certificate for Temporary Entry (INZ 1096)*, and must be used by all temporary entry and residence class visa holders.
6. The other new medical certificate is the *Limited Medical Certificate (INZ 1201)*. This certificate is for partners and dependent children of New Zealand citizens and residents, and people who have been recognised as having refugee or protection status in New Zealand (and their partners and children). The medical examination required for this certificate is limited to identifying the disqualifying medical conditions for which a waiver cannot be given.

When to accept a *Limited Medical Certificate (INZ 1201)*

7. A *Limited Medical Certificate (INZ 1201)* must be provided by applicants who have been recognised as having refugee or protection status in New Zealand and are eligible to apply for a permanent resident visa (and their partner and dependent children, if any).
8. A *Limited Medical Certificate (INZ 1201)* must be provided by partners and dependent children of New Zealand citizens or residents who meet the requirements to be granted residence. This means that partners of New Zealand citizens or residents who lodge an application but have been living together for less than 12 months will need to provide a *General Medical Certificate (INZ 1007)*.
9. Despite the requirement for partners and dependent children of New Zealand citizens and residents to provide a *Limited Medical Certificate (INZ 1201)*, a *General Medical Certificate (INZ 1007)* must be provided by partners and dependent children who were:

- eligible for inclusion but were not included in their partner or parent's earlier residence application; or
- were withdrawn from their partner or parent's earlier residence application.

Validity of medical and chest X-ray certificates

10. The most significant change to immigration health screening requirements is that medical and chest X-ray certificates will now be valid for 36 months for both residence and temporary entry applications. This means that once an applicant has submitted a medical or chest X-ray certificate, they will not ordinarily need to provide new certificates for a further temporary entry class visa or a residence class visa.

Reasons to request further medical or chest X-ray certificates within 36 months, or to require a foreign fee-paying student to provide a medical or chest X-ray certificate where not otherwise required

11. There may be occasions where an immigration officer has reason to request medical and chest X-ray certificates or updated medical information within a 36 month period. Below is a list of possible scenarios where this may occur:

- INZ has knowledge of an applicant's medical condition through prior interaction with the applicant, or from information received from a third party such as a District Health Board.
- The applicant has self-declared a medical condition or a deterioration in their health on their application.
- The applicant has spent six consecutive months in a high-risk TB country since their previous X-ray (application forms have been amended to capture this information from applicants and if they are in this situation, the forms and guides advise that a new chest X-ray certificate must be provided).
- The applicant has previously completed a *Limited Medical Certificate (INZ 1201)* but now needs to provide a *General Medical Certificate (INZ 1007)*. This might occur where an applicant has previously applied on partnership grounds but is no longer in a partnership with a New Zealand citizen or resident.
- An INZ medical assessor has advised that an applicant's next application should be accompanied by a medical certificate and/or chest X-ray certificate.

12. Immigration officers should note that an applicant's age on its own or a significant length of time having passed since the previous medical or chest X-ray certificates were issued, are not valid reasons on their own to request new certificates (eg. if an applicant's certificates were issued 35 months ago and they are applying for new visa, which will take them over the 36 month period). Where such time lags do occur, this is also not a reason for granting a shorter visa than you would otherwise have issued to the applicant.

13. Where you have identified that an applicant must provide updated medical information or new medical and/or chest X-ray certificates with their next visa application you **must** confirm this in writing to the applicant.

Acceptance of previous medical and chest X-ray certificate forms where these certificates are required

14. Branches can accept pre-30 July 2012 medical and chest X-ray certificate forms until 31 December 2012. This will enable those applicants who have already completed their medical certificates to submit them without further inconvenience.

15. Applicants who have provided medical and chest X-ray certificates before 30 July 2012 may also re-use their certificates for 36 months from the date of issue. Immigration officers retain the discretion to request new certificates where this is appropriate to do so.
16. Where an applicant's medical and/or chest X-ray certificate cannot be located because the applicant's previous application has been disposed of in line with the INZ file disposal schedule, an immigration officer should use their discretion as to whether new certificates should be provided. Where there is no evidence on AMS to suggest that the applicant had health issues, i.e. the medical certificate was not referred and the applicant was determined as having an acceptable standard of health, the presumption should be that the applicant continues to meet health requirements.

Disposal of files containing medical and chest X-ray certificates

17. As medical and chest X-ray certificates can now be re-used for 36 months it is vital that relevant information about an applicant's health is retained. If you have identified a file for disposal and it contains a medical and/or chest X-ray certificate that was issued within the previous 36 months, and was referred to a Medical Assessor, or the applicant was determined as **not** having an acceptable standard of health, branches **must** retain a copy of the certificate(s) and associated information. Retention of this information can be electronic or manual and it will be up to the branch to decide how they wish to retain this information.

Data entry in AMS

18. It is essential that immigration officers enter comprehensive and accurate data about an applicant's state of health and the content of their medical and chest X-ray certificates into AMS. This information will be referred to by other immigration officers when future visa applications are made within the following 36 month period, and will form the basis upon which an immigration officer may decide whether an applicant has an acceptable standard of health.
19. The dates of medical and chest X-ray certificates **must** be accurately entered into the AMS health module. You must also record in notes:
- which type of medical certificate was provided, i.e. a *General Medical Certificate* or a *Limited Medical Certificate*, and
 - any advice received from the medical assessor, and
 - other relevant information.
20. Where you have requested that an applicant provide updated medical information or new certificates with their next application, you should raise an information warning against the client record to ensure that this is brought to the attention of the immigration officer who receives the applicant's next application.

Medical and chest X-ray certificate referrals and referral guidelines

21. In line with the changes to health screening, the existing medical referral templates have been updated and a new certificate has been added for referring a *Limited Medical Certificate (INZ 1201)*. When completing the referral templates the intended period of stay must also be completed to allow the Medical Assessors to make a fully informed decision.
22. The *Medical Certificate Referral Guidelines* have also been revised. The new guidelines

can be found in the Staff toolkit at *[your branch] » Health & character » Referring health certificates » Medical certificate referral guidelines*.

23. These guidelines are not the same as immigration instructions. They provide guidance about when a referral to a Medical Assessor is recommended and what conditions or test results don't usually require a referral. They are intended to help you exercise your judgement; they will not tell you what to do in each case.

Insurance requirements for foreign fee-paying students

24. Foreign fee-paying students (excluding PhD and New Zealand Aid Programme-supported students) will now only be screened for TB (if they have risk factors for TB), unless there are identified risk factors which indicate that a medical certificate should be provided. Foreign fee-paying students will, however, be required to hold acceptable health insurance as a condition of their visa and may become liable for deportation if they do not comply.

25. Foreign fee-paying students are already required by the Ministry of Education's Code of Practice for the Pastoral Care of International Students (the Code) to have acceptable insurance, so this is not a new requirement for these students. An acceptable insurance policy is one which complies with the insurance requirements of the Code and is acceptable to a student's education provider.

26. Many students arrange their insurance policy through their education provider and the insurance policy is often not obtained until the student has arrived in New Zealand and the enrolment process has been completed. Therefore immigration officers are not required to sight any evidence of, or to seek information about the applicant's insurance policy (unless, in a subsequent student visa application officers need to confirm that the applicant did hold insurance as required by the previous visa).

27. You must ensure that the student visa label that you issue to the student includes the condition that they must hold acceptable insurance. While the visa label implies that the applicant must hold acceptable insurance throughout the validity of the visa granted, we are expecting students to hold insurance from the date that they finalise the enrolment process with their education provider (often the first day they attend their provider), rather than the date that their visa is granted. The student will then be required to hold acceptable insurance until the expiry of their visa, unless they depart New Zealand earlier.

28. Where a student's education provider arranges their insurance policy, it may only cover the length of their programme of study rather than the length of their student visa. In this case it will be the responsibility of the student to arrange an extension of their insurance policy to cover the remainder of any time spent in New Zealand after their programme ends.

29. If the student submits a further application for another visa of any type and an immigration officer has good reason to believe that the student has not complied with the requirement to hold acceptable insurance while in New Zealand, they may ask the student to provide evidence of the insurance policy that have held or are currently holding.

30. There are no immigration requirements for the education provider to meet in relation to

insurance – it is strictly a requirement for the individual student to meet.

Eligibility of partner's and dependent children of New Zealand citizens and residents for a medical waiver

31. Under current immigration instructions, partners and dependent children who were withdrawn from, or were declared but not included in the original residence application made by their partner or parent, are assessed for a medical waiver as if their partner or parent is not a New Zealand resident. Despite this, there can be significant pressure on INZ to grant a medical waiver so that a family is not separated.
32. With the introduction of limited health screening for partners and dependent children of New Zealand citizens and residents, it is necessary to ensure that special provisions for partners and dependent children of New Zealand citizens and residents are not taken advantage of. Otherwise there is a risk that principal applicants may avoid including a partner or dependent child due to their poor health hoping to benefit from the limited health screening and medical waiver provisions for partners and dependent children of New Zealand citizens and residents.
33. In order to ensure that the objectives for health instructions are met, applicants under the Partnership or Dependent Child categories who were eligible for inclusion but were not included in, or were withdrawn from the original residence application made by their partner or parent, will have to undergo full health screening and provide a *General Medical Certificate (INZ 1007)*. Additionally, applicants in these circumstances cannot be granted a medical waiver should it be determined that they do not have an acceptable standard of health. The recourse for such applicants will be to appeal to the Immigration and Protection Tribunal.

Cost and demand on health or special education services

34. An objective of health instructions is to ensure that people entering New Zealand do not impose excessive costs and demands on New Zealand's health and special education services. As part of the assessment to determine if an applicant has an acceptable standard of health, immigration officers need to consider if an applicant will impose significant costs or demands on health or special education services. In some cases applicants dispute their impact on these services on the grounds that they (or someone else) will take responsibility for these costs, or the provision of services required. This is problematic as INZ has no means to compel a person (or organisation) to continue to fund or provide any services that may be required after a visa has been granted. Furthermore, if a person becomes eligible for publicly funded health or special education services once in New Zealand, they are not required to pay for these services despite any prior agreement to do so.
35. To provide greater clarity for applicants and immigration officers as to whether such claims should have any standing, immigration instructions have been amended. Immigration instructions now specify that the ability of applicants (or associated parties) to pay for, or provide health or special education services, will have no bearing on the determination of whether an applicant may impose significant costs or demands on New Zealand's health or special education services.

New question relating to the need for special education services

36. A new question has been added to the student visa application form and to some residence application forms. The question asks whether an applicant included in the

application (or the child itself in the case of a student visa application) has been identified as a person who requires special education services. An explanation of what this means has been included in the accompanying guides to the affected forms:

A child is considered to require special education services if they need a specialist teacher and/or other specialists such as a speech language therapist, an occupation therapist, a physiotherapist, and an educational psychologist to assist with their education.

37. The purpose of this question is to identify those children who may require Ongoing Resourcing Scheme (ORS) funding in New Zealand. As there can now be a lengthy gap between the provision of medical certificates, an applicant's state of health could deteriorate between applications, or the need for special education services may only become evident over a period of time.

Example: A medical certificate is provided for a two and a half year old dependent child of an applicant for a Long Term Business Visa and the child appears to have an acceptable standard of health at the time. The child does not continue to meet normal developmental milestones and at five years old is identified as needing ORS funding. If the child's parent applies for residence under the Entrepreneur Category, we would want to ensure that we were aware of this new information.

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