Immigration New Zealand Operational Manual

Residence Part 2

Issue Date: 20 August 2020
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SM1 Objective and overview

See previous instruction:
SM1 Effective 29/11/2010

Effective 28/08/2017
**SM1.1 Objective**

a. The objective of the Skilled Migrant Category is to provide for the grant of resident visas to people who demonstrate that they:
   - have skills to fill identified needs and opportunities in New Zealand; and
   - are able to transfer those skills to New Zealand and link with local needs and opportunities; and
   - are able to demonstrate an ability to contribute to and successfully settle in New Zealand.

b. In meeting this objective the Skilled Migrant Category will maximise and accelerate the contribution of immigration to New Zealand’s:
   - capacity building, sustainable growth and innovation;
   - global connectedness; and
   - thriving and inclusive communities
   through linking global talent with local opportunities.

*Effective 28/08/2017*
SM1.5 Overview

a Application for a resident visa under the Skilled Migrant Category is a two-stage process: people wishing to submit an application for a resident visa under the Skilled Migrant Category must first submit an Expression of Interest (EOI) in the prescribed manner (see SM2.1).

b EOIs that meet prerequisites for health, character, English language and age, and have a total of 100 or more points for employability and capacity building factors, are entered into a Pool of EOIs.

c EOIs that meet a selection point threshold set from time to time by the Minister of Immigration are selected from the Pool (see SM2.5).

d EOIs selected from the Skilled Migrant Category Pool may result in an invitation to apply for a resident visa under the Skilled Migrant Category (see SM2.10) if the claims made in the EOI concerning health, character, English language and employability and capacity building factors are assessed as credible by an immigration officer.

e Applications for a resident visa made in the prescribed manner must, unless SM3.1(a)(ii) applies, be made within four months of the date of the invitation to apply (see SM3.1).

f A Skilled Migrant Category application will be approved if an immigration officer is satisfied the requirements for health, character, English language and employability and capacity building factors are met.

g If a principal applicant otherwise meets all requirements for the grant of a resident visa under the Skilled Migrant Category but does not have points for employment in New Zealand (SM6) or has not studied full time for two years in New Zealand resulting in the award of a Doctorate or Master’s degree:

i the decision on the application will be deferred (see SM3.20); and

ii subject to meeting the requirements of WR5 Skilled Migrant Category Job Search Instructions, the principal applicant will be eligible for the grant of a work visa to allow them to obtain an offer of ongoing skilled employment in New Zealand.

h If an offer of ongoing skilled employment (see SM6) is obtained during the deferral period, the application may be approved.

Effective 18/05/2020
### SM1.10 Points for employability and capacity building factors

**See previous instruction:**
- SM1.10 Effective 26/11/2018
- SM1.10 Effective 15/01/2018
- SM1.10 Effective 28/08/2017

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**Effective 24/02/2020**
SM2 Expressions of Interest and Invitation to Apply
SM2.1 Submitting an Expression of interest

See also Immigration Act 2009 ss 92, 158
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 9

SM2.1.1 How to make an Expression of Interest

a. A person who is interested in applying for a resident visa under the Skilled Migrant Category must complete an Expression of Interest (EOI) form in the prescribed manner.

b. The prescribed manner for completing and submitting an EOI is that the person expressing interest submits to an immigration officer:
   i. the completed EOI form (in either electronic or paper form); and
   ii. the appropriate fee (if any).

c. It is the responsibility of the person submitting the EOI to ensure that it is correct in all material respects.

SM2.1.5 Submission into the Pool

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

a. has confirmed that health and character requirements for entry to the Pool have been met because none of the people included in their EOI are people who:
   i. are described in sections 15 or 16 of the Immigration Act 2009 (see A5.20); or
   ii. would be ineligible for a medical waiver (see A4.60); and

b. has confirmed that they meet the minimum standard of English (see SM4); and

c. has claimed a minimum of 100 points for employability and capacity building factors (see SM5 to SM9); and

d. has claimed points for either recognised qualifications (see SM8) or skilled work experience (see SM7); and

e. is less than 56 years of age at the time the EOI is submitted.

SM2.1.10 Currency of Expressions of Interest

a. An EOI is current for a period of six months from the date of initial submission to the Pool unless no selection of EOIs from the Pool has occurred within that six-month period. Where this is the case, an EOI is current until such time as a selection from the Pool has occurred.

b. An EOI that is no longer current will be withdrawn from the Pool.

c. An EOI will also be withdrawn from the Pool if it is rejected after selection because it does not meet prerequisites for entry to the Pool and as a result no invitation to apply has been issued.

Effective 28/08/2017
SM2.5 Selection from the Pool

a. EOI that have total points of 160 or more will be selected from the Pool, provided the EOI was submitted on or after 28 August 2017.

b. The total points required for selection may be adjusted by the Minister of Immigration certifying amended Residence instructions as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP).

c. EOI in the Skilled Migrant Category Pool (the ‘Pool’) completed on the approved EOI form are selected from that Pool on the Government’s behalf by the Ministry of Business, Innovation and Employment.

d. As EOIs are entered into the Pool they are ranked on the basis of total points claimed for employability and capacity building factors. The ranking of EOIs relative to each other change as EOIs enter, or are withdrawn from, the Pool.

Effective 28/08/2017
SM2.10 Invitation to apply for a resident visa

See also Immigration Act 2009 s 95

See previous instruction:
SM2.10 Effective 28/08/2017

a People whose EOIs have been selected from the Pool on and after 28 August 2017 may be invited to apply for a resident visa under the Skilled Migrant Category if:

i the information provided does not indicate the presence of any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category; and

ii an immigration officer considers that the claims about English language and points for employability and capacity building factors which were the basis for selection from the Pool are credible.

b An immigration officer may seek further evidence, information and submissions from a person whose EOI has been selected from the Pool for the purpose of determining whether their claims are credible and whether there are any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category.

c In any particular case, an EOI selected from the Pool may not result in an invitation to apply for a resident visa under the Skilled Migrant Category. No person is entitled as of right to an invitation to apply for a visa and the decision to issue or revoke an invitation is a matter for the discretion of the Minister of Immigration or, subject to any special direction, an immigration officer.

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

Effective 19/02/2018
SM3 Applying for residence
SM3.1 Ability to apply

See also Immigration Act 2009 ss 57, 94

A person may only apply for a resident visa under the Skilled Migrant Category if:

a. they have been invited to apply under the Skilled Migrant Category, and either;
   i. they make an application (see R2.25) for a resident visa under the Skilled Migrant Category within four months of the date of the letter in which that invitation is made; or
   ii. for those whose invitation to apply is dated between 1 November 2019 and 15 April 2020 inclusive, they make an application (see R2.25) for a resident visa under the Skilled Migrant Category within ten months of the date of the letter in which that invitation is made; and

b. that invitation has not been revoked.

Effective 18/05/2020
SM3.5 Skilled Migrant Category requirements

SM3.5.1 Health, character and English language requirements

a Applicants under the Skilled Migrant Category must meet:
   i health and character requirements (see A4 and A5); and
   ii a minimum standard of English or, where instructions allow, pre-purchase English for Speakers of Other Languages (ESOL) tuition.

b If an ESOL charge is required (see SM4.20), but is not paid within the time specified by INZ, the resident visa application will be declined.

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

a Employability and capacity building factors comprise the requirements contained in SM5, SM6, SM7, SM8 and SM9 and are assessed using a points system.

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

SM3.5.10 Applications made in response to an invitation to apply resulting from selection from the Skilled Migrant Category Pool prior to 28 August 2017

a Applications made on and after 28 August 2017 in response to an Invitation to Apply resulting from selection of an Expression of Interest from the Skilled Migrant Category Pool prior to 28 August 2017, will be assessed in terms of the Skilled Migrant Category criteria and associated Appendices 3, 4, 6, 7 and 8 of the Immigration New Zealand (INZ) Operational Manual in effect on 27 August 2017.

b Despite (a) above applicants must meet the requirements for health (see A4) and character (see A5) in effect on the date their application is made.

Effective 28/08/2017
**SM3.10 Provision of evidence**

a Applicants must provide sufficient evidence to demonstrate that:
   i the principal and any secondary applicants meet health, character and English language requirements, and
   ii the principal applicant qualifies for points claimed for employability and capacity building factors.

b An application must be declined if an immigration is not satisfied that sufficient evidence (as set out in (a) above), has been provided.

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

*See also Immigration Act 2009 s 58*

a It is sufficient grounds to decline a Skilled Migrant Category resident visa application if:
   i false or misleading information is provided as part of an Expression of Interest (EOI) or associated submission; or
   ii relevant, potentially prejudicial information is withheld from an EOI or associated submission; or
   iii an applicant or their agent fails to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is submitted that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa.

b Information relating to a claim made in an EOI by either the person expressing interest or their agent that is factually inaccurate and is relevant to the issuing of an invitation to apply or the assessment of a resident visa application, will be considered misleading unless the person expressing interest can demonstrate that there is a reasonable basis for making that claim.

*Effective 28/08/2017*
SM3.15 Approving an application

See previous instruction:
SM3.15  Effective 28/08/2017

a  An application under the Skilled Migrant Category will be approved if an immigration officer is satisfied that:

i  the principal applicant and family members included in the application meet health and character and English language requirements as required; and

ii  the principal applicant qualifies for the points for employability and capacity building factors that were the basis on which their Expression of Interest (EOI) was selected from the Pool (i.e. they qualify on the basis of the criteria to be awarded points that were in place on the date their EOI was selected); and

iii  the principal applicant is less than 56 years of age on the date their application is made; and

iv  the principal applicant:
   o  has current skilled employment in New Zealand or an offer of ongoing skilled employment in New Zealand; or
   o  has undertaken full-time study for at least two years in New Zealand that has resulted in the award of a Doctorate or Master’s degree.

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

b  Despite SM3.15(a)(ii) above, if a principal applicant does not qualify for the points for employability and capacity building factors on the basis of which their EOI was selected from the Pool, an immigration officer may, on a case by case basis, determine that the application may nevertheless be approved, where:

i  the principal applicant has satisfied the immigration officer that there was a reasonable basis for making the claim for points in the EOI; and

ii  the principal applicant qualifies for the points for employability and capacity building factors on the basis of which a subsequent selection was made, within the period that their EOI would have been current.

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

Effective 19/02/2018
SM3.20 Deferral of a decision on the resident visa application

a  The decision on a Skilled Migrant Category application will be deferred and, subject to meeting the requirements of WR5 Skilled Migrant Category Job Search Instructions, the principal applicant will be eligible for the grant of a work visa to allow them to obtain an offer of skilled employment in New Zealand if they:
   i  do not qualify for points for an offer of skilled employment or current skilled employment in New Zealand; and
   ii  have not undertaken two or more years of full-time study in New Zealand that has resulted in the award of a Doctorate or Master’s degree; and
   iii  meet all other requirements for approval.

b  If SM3.20 (a) above applies, the principal applicant may apply for a work visa under WR5 Skilled Migrant Category Job Search Instructions for the purpose of obtaining skilled employment in New Zealand and that application must be made within three months of the date of advice from INZ inviting them to apply for that work visa.

c  An application for a Skilled Migrant Category resident visa will be declined if SM3.20 (a) above applies and the principal applicant:
   i  does not apply for a work visa under WR5 Skilled Migrant Category Job Search Instructions within three months of being invited to do so by INZ; or
   ii  applies for a work visa under WR5 Skilled Migrant Category Job Search Instructions and does not meet the requirements for the grant of a work visa under those instructions.

SM3.20.1 Duration of deferral period

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

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

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

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

b  If, on the expiry of the deferral period, a principal applicant has not provided evidence that satisfies an immigration officer that they have obtained an offer of ongoing skilled employment in New Zealand, the application for a resident visa under the Skilled Migrant Category will be declined.

Effective 28/08/2017
SM4 English Language Requirements
SM4.1 Aim and intent

a Principal applicants under the Skilled Migrant Category are required to meet a minimum standard of English to enable successful settlement and skilled employment in New Zealand.

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

Effective 28/08/2017
SM4.5 Minimum standard of English language for principal applicants

See previous instruction:
SM4.5 Effective 28/08/2017

a Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.

b Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide acceptable English language test results no more than two years old at the time the application is lodged, as set out at SM4.5.5.

c Other evidence that a principal applicant meets the minimum standard of English is:

i Citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or

ii A recognised qualification (SM8) comparable to a New Zealand level 7 bachelor’s degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or

iii A recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.

d In any case, an immigration officer may require a principal applicant to provide an English language test result in terms of paragraph SM4.5 (b). In such cases, the English language test result will be used to determine whether the principal applicant meets the minimum standard of English.

SM4.5.1 Decision to request English language test

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

SM4.5.5 Acceptable English language test results for principal applicants

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 6.5 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 79 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 58 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 176 or more</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade B or higher in all four skills (Listening,</td>
</tr>
</tbody>
</table>
A score of Grade B or higher in all four skills is required for the OET as there is no overall grade for this test.

**Effective 21/05/2018**
SM4.10 English language requirements for non-principal applicants

See previous instruction:
SM4.10 Effective 28/08/2017

a Unless SM4.15 applies, partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application must:
   i show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
   ii pre-purchase ESOL tuition (see SM4.20).

b Non-principal applicants meet the minimum standard of English if they provide English language test results, no more than 2 years old at the time the application is lodged, as set out at SM4.10.5.

c Other evidence that a non-principal applicant meets the minimum standard of English is:
   i citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
   ii a recognised qualification (SM8) comparable to a New Zealand level 7 bachelor’s degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
   iii a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.

d In any case, an immigration officer may require a non-principal applicant to provide an English language test result in terms of paragraph SM4.10 (b). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.

SM4.10.1 Decision to request English language test

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

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

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 5.0 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 35 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 36 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First)</td>
<td>Overall score of 154 or more</td>
</tr>
<tr>
<td>Test</td>
<td>Requirement</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>(FCE) for Schools</td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

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

Effective 21/05/2018
SM4.15 English language requirements for partners where bonus points are claimed for the partner’s skilled employment or recognised qualifications

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

Effective 28/08/2017
SM4.20 Pre-purchase of ESOL tuition

Instead of meeting the minimum standard of English, non-principal applicants may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to Immigration New Zealand (INZ), who collect this charge on behalf of TEC.

Applicants must pay any ESOL charge due, sign the ESOL Agreement and return it to INZ within the time specified by INZ before a resident visa is granted.

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

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

<table>
<thead>
<tr>
<th>Test</th>
<th>Overall score</th>
<th>Charge to be paid</th>
<th>ESOL entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>4.5 or more but less than 5.0</td>
<td>NZ$1,735</td>
<td>NZ$1,531.82</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>32 to 34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>30 to 35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>147 to 153</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Not applicable (see SM4.10.5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>4.0 or more, but less than 4.5</td>
<td>NZ$3,420</td>
<td>NZ$3,063.64</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>142 to 146</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Failed to achieve Grade C or higher in all four skills (Listening, Reading, Writing)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Test</td>
<td>Score Range</td>
<td>Fee NZ$5,110</td>
<td>Fee NZ$6,131.82</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------</td>
<td>--------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>3.5 or more, but less than 4.0</td>
<td>NZ$5,110</td>
<td>NZ$4,600.00</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Less than 3.5</td>
<td>NZ$6,795</td>
<td>NZ$6,131.82</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Less than 31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Less than 29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Less than 142</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Failed to achieve at least Grade D in all four skills* (Listening, Reading, Writing and Speaking)*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
* A score in all four skills is required for the OET as there is no overall grade for this test.

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

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

SM4.20.5 TEC to arrange ESOL tuition

a  The applicant is entitled to tuition to the value of the ESOL entitlement component of the ESOL tuition charge. This does not include the INZ and TEC administration costs.

b  TEC will advise the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one or more of their own choice.

c  TEC will manage the contract between the ESOL tuition provider and the applicant.

d  The applicant must advise TEC of a contact email address.

SM4.20.10 Applicant’s agreement with TEC

a  Each applicant who pre-purchases ESOL tuition must sign an Agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.

b  The content of the Agreement is determined by INZ and TEC.
c Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

**SM4.20.15 Completion of Agreement**

a When an application for a resident visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking the ESOL tuition.

b After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to INZ processing office with the tuition fee(s).

c If the Agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.

d The INZ copy of the Agreement should be sent to the TEC.

**SM4.20.20 Failure to pre-purchase ESOL tuition**

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

**SM4.20.25 Limited period to use ESOL tuition**

a If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.

b ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the five year time limit.

**SM4.20.30 Refunds of ESOL tuition money**

a If ESOL tuition money is paid but the principal applicant and partner and dependent children do not take up residence, a refund may be granted upon request to INZ. The request must be made in writing.

b Requests for refunds will be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.

c Immigration officers considering requests for refunds must be satisfied that the principal applicant and partner and dependent children included in the application:

i have not entered New Zealand as residents; and

ii do not hold resident visas with current travel conditions.

d The person who paid the fee will be refunded only the ESOL entitlement. INZ and TEC administration costs will not be refunded.

*Effective 21/05/2018*
SM5 Age
**SM5.1 Points**

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

<table>
<thead>
<tr>
<th>Age</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-39</td>
<td>30</td>
</tr>
<tr>
<td>40-44</td>
<td>20</td>
</tr>
<tr>
<td>45-49</td>
<td>10</td>
</tr>
<tr>
<td>50-55</td>
<td>5</td>
</tr>
</tbody>
</table>

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

*Effective 28/08/2017*
**SM5.5 Evidence**

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

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

*Effective 28/08/2017*
SM6 Skilled employment
**SM6.1 Aim and intent**

a. The aim of providing points for skilled employment is:
   i. to facilitate access by New Zealand employers and industry to global skills and knowledge; and
   ii. to recognise that people who have skilled employment in New Zealand are well positioned to meet New Zealand’s needs and opportunities and more quickly achieve positive settlement outcomes.

b. Bonus points are available:
   i. for employment in areas of absolute skills shortage, to recognise that New Zealand’s short and longer term economic development can be facilitated by migrants with skills that will contribute to New Zealand’s economic growth
   ii. for employment outside the Auckland region, to enhance the ability of other regions to utilise immigration to support regional development
   iii. for high remuneration, to recognise remuneration as an indicator of skills in demand in New Zealand.

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

*Effective 28/08/2017*
**SM6.5 Points for skilled employment**

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

*Effective 28/08/2017*
SM6.10 Skilled Employment

See previous instructions:
SM6.10 Effective 30/10/2019
SM6.10 Effective 28/11/2018
SM1.10 Effective 21/05/2018
SM1.10 Effective 15/01/2018
SM1.10 Effective 28/08/2017

a  Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
   i  the completion of recognised relevant qualifications; or
   ii relevant work experience; or
   iii the completion of recognised relevant qualifications and/or work experience.

b  Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment (see R5.7).

Note: Version 1.2 of the ANZSCO is available at [www.immigration.govt.nz/anzsco](https://www.immigration.govt.nz/anzsco)

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

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

a  the occupation is:
   i  a skill level 1, 2 or 3 occupation and the remuneration for that employment is $25.50 per hour or above (or the equivalent annual salary); or
   ii  a skill level 4 or 5 occupation and the remuneration for that employment is $38.25 per hour or above (or the equivalent annual salary); or
   iii  listed at Appendix 7 and the remuneration for that employment is $25.50 per hour or above (or the equivalent annual salary); and

b  the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and

c  the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and

d  the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and

e  an immigration officer is satisfied that the employment is:
   i  genuine; and
   ii  ongoing; and
   iii  sustainable by the employer at the specified level of remuneration (see SM6.30.10).

SM6.10.5.1 Assessment of ‘substantial match’

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

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

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

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

**SM6.10.15 Occupations not included in the ANZSCO**

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

a. the remuneration for that employment is $38.25 per hour or above (or the equivalent annual salary); and

b. the employment is full-time because it amounts to, on average, at least 30 hours per week over an agreed pay period; and

c. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.25; and

d. an immigration officer is satisfied that the employment is:
   i. genuine; and
   ii. ongoing; and
   iii. sustainable by the employer at the specified level of remuneration (see SM6.30.10).

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

a. Where the applicant’s employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:
   i. they hold a relevant recognised qualification that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see SM8.10) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
   ii. they have the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
   iii. the employment is in an occupation included on the Long Term Skill Shortage List (LTSSL) (see Appendix 4) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
   iv. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional...
registration in that occupation in New Zealand.

b Despite (a) (ii) above, applicants in skill level 1 occupations may substitute the required qualification with five years of relevant work experience.

c Despite (a)(i) and (ii) and (b) above, applicants employed as ‘Pharmacy technicians’ (ANZSCO 311215) will only be awarded points for skilled employment in New Zealand in that occupation if they hold the required New Zealand qualification (a National Certificate in Pharmacy (Technician), or the New Zealand Certificate in Pharmacy (Pharmacy Technician) Level 4 or 5 or the New Zealand Certificate in Pharmacy (Specialist Technician) Level 6), as required by the Director-General of Health.

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

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

a they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see SM8.10); or

b they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see Appendix 3); or

c they have three years of relevant work experience; or

d the employment is in an occupation included on the LTSSL (see Appendix 4) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or

e the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.

Effective 24/02/2020
SM6.15 Relevance of qualification(s) to employment
Qualifications are relevant to employment if:

a. the major subject area of the principal applicant’s recognised qualification is directly applicable to
   the employment; or

b. an immigration officer is satisfied that the qualification was a key factor in the employer’s decision to
   employ the principal applicant in that position.

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

SM6.15.5 Relevance of work experience to employment
Work experience is relevant to employment if the employer considers, and an immigration officer is
satisfied that:

a. the work experience is directly applicable to the employment; or

b. the offer of employment could not reasonably have been made or the employment could not
   reasonably have been undertaken if the applicant did not have that work experience.

SM6.15.10 Additional requirements for relevant work experience
Work experience will only be assessed as meeting the requirements of SM6.10.20 or SM6.10.25 above if an
immigration officer is satisfied that it was lawfully obtained.

Effective 28/08/2017
SM6.20 Calculating remuneration

See previous instruction:
SM6.20 Effective 26/11/2018
SM6.20 Effective 15/01/2018
SM6.20 Effective 28/08/2017

a Remuneration will be calculated on the basis of payment per hour.

b For the purpose of determining whether remuneration meets the requirements of SM6.10.5(a)(i) and (ii) or SM6.10.15 (a) and SM6.60, evidence must be provided of hours of work in the employment agreement.

c If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.

d If the employment agreement specifies payment other than by hour (including payment by salary) and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked to determine whether the variance in the hours worked would result in the per hour rate of pay being below the applicable remuneration threshold.

e Hours of work per week will be considered variable if the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.

f Where evidence of the range of hours is provided in terms of (d) above, or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate whether the relevant remuneration threshold is met.

g Each hour of work must be paid at or above the applicable per hour remuneration threshold.

h For the purposes of SM6.10.5(a)(i) and (ii) and SM6.10.15(a) and SM6.60(a) ‘remuneration’ includes:

i the agreed value of any reasonable deduction from the applicant’s salary or wages for goods or services; and

ii in the case of accommodation provided in connection with the employment:

iii the agreed value of any reasonable deduction from the applicant’s salary or wages for that accommodation; or

iv if accommodation is provided by the employer, and there is no deduction from the applicant’s salary or wages for that accommodation, the market rental value of the accommodation provided; or

v if an accommodation allowance is provided, the amount of that allowance.

i ‘Remuneration’ excludes any other employment-related allowances (for example tool or uniform allowances) and bonuses which are dependent on performance.

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

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

SM6.20.5 Payment on a per activity basis

a Despite SM6.20 (g) above, an applicant with employment in a position that is not an ANZSCO skill level 1, 2 or 3 occupation whose employment agreement specifies an hourly rate of pay that is below the remuneration threshold set out at SM6.10.15 (a) may be assessed as meeting that remuneration threshold if they are additionally paid on a per activity basis and if:

i they provide evidence, taking into account their payment on a per activity basis, that they were
paid at or above $38.25 per hour, on average, for prior work undertaken in the same occupation in New Zealand for at least two years; and

ii that work on average amounts to at least 30 hours per week in each of those two years.

b For the purposes of this provision ‘payment on a per activity basis’ excludes:

i payment based on the time taken to complete a task or the number of hours worked

ii payment on commission (a commission is where an employee is paid based on sales they have made or other targets they have met)

iii payment on an incentive or productivity basis (where remuneration is reliant on the variable rate of production of a good or the variable rate of sale of a service)

iv payment based on a piece rate (piece rate is a commission where the employee is paid for the number of pieces they worked on, for example, being paid for the number of bins of fruit picked, or the number of garments sewn).

Effective 24/02/2020
**SM6.30 Additional requirements for skilled employment**

Skilled employment only qualifies for points if the employment is:

a. for a position that is paid by salary or wages or on a per activity basis (see SM6.20.5 above) or in terms of a contract for service (payment by commission and/or retainer are not acceptable); and

b. accompanied by evidence of full or provisional registration, or evidence of eligibility for registration by the New Zealand Medical or Dental Council subject only to an interview with the relevant registration authority on arrival, if full or provisional registration is required by law to undertake the employment (see SM10).

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

**SM6.30.5 Genuine employment**

a. Employment will not be considered genuine if it is offered as a result of payment made by the applicant (or their agent or a third party) to the employer (or their agent or a third party) in exchange for securing that offer of employment. Such practices are contrary to the principles of the Wages Protection Act 1983, as well as to immigration instructions.

b. When assessing whether an offer of employment is genuine an immigration officer may consider (among other things) whether the remuneration offered for the position is comparable to the market rate for New Zealand workers in that occupation.

**SM6.30.10 Ongoing and sustainable employment**

a. Ongoing and sustainable employment is:
   i. employment with a single employer, that is permanent or indefinite, and of which the employer is in a position to meet the terms specified; or
   ii. employment with a single employer, for a stated term of at least 12 months; or
   iii. work on a contract basis where the applicant:
      o has a consistent history of contract work, and
      o has a current contract for services, and
      o INZ is satisfied that such contract work is likely to be sustained.

b. Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
   i. if the applicant has current employment, he or she must be in that employment, or
   ii. if the applicant has an offer of employment, the offer must continue to be valid.

c. For the purposes of SM6.30.10 (a) (ii), INZ must be satisfied that the employer:
   i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
   ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
   iii. is in a position to meet the terms specified.

d. ‘Genuine reasons’ for the purposes of SM6.30.10 (c) do not include reasons:
   i. that exclude or limit the rights of a person under employment law (including the Employment Relations Act and the Holidays Act); or
   ii. to determine the suitability of a person for permanent or indefinite employment.
INZ Operational Manual  Residence Part 2

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

e When assessing whether employment is sustainable, officers may consider factors including, but not limited to:

   i  the residence status of the employer
   ii the period for which the employing organisation has been established as a going concern
   iii the financial sustainability of the employing organisation
   iv forecasts of projected growth.

SM6.30.15 Independent midwife practitioners

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

Effective 19/02/2018
SM6.35 Requirements for employers

a All employers wishing to employ non-New Zealand citizens or residents must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:

i paying employees no less than the appropriate minimum wage rate or other contracted industry standard; and

ii meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and

iii only employing people who have authority to work in New Zealand.

d Current employment or an offer of employment does not qualify for points if it is not compliant with all relevant immigration and employment laws in force in New Zealand or if INZ considers that the employment of the applicant creates unacceptable risks to the integrity of New Zealand’s immigration or employment laws, policies or instructions.

e To determine whether an offer of employment creates an unacceptable risk to the integrity of New Zealand’s immigration and employment laws, policies or instructions an immigration officer may consider whether the remuneration offered for the position is comparable to the market rate for New Zealand workers in the same occupation.

f Breaches of employment standards which lead to inclusion on a list of non-compliant employers may still be considered when determining if an employer has a history of compliance with employment law, even if the employer is no longer on the list.

Effective 28/08/2017
**SM6.40 Bonus points for employment in an area of absolute skills shortage**

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

**SM6.40.1 Employment in an area of absolute skills shortage**

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

a. they are employed in an occupation included on the Long Term Skill Shortage List (see Appendix 4) or that was on the Long Term Skill Shortage List at the time their Expression of Interest was selected; and

b. the current employment or offer of employment meets the specifications for that occupation; and

c. they are suitably qualified by training and/or experience to undertake the employment or offer of employment (including any specific requirements set out on the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).

*Effective 28/08/2017*
**SM6.50 Bonus points for employment outside the Auckland region**

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

**SM6.50.1 Definition: Employment outside the Auckland region**

a  Employment is outside the Auckland region if the principal applicant’s entire or principal place of work is not within the territories covered by the Auckland Council.

b  For the purposes of this provision ‘place of work’ is defined as a place (whether or not within or forming part of a building, structure or vehicle) where any person is to work, for the time being works, or customarily works, for gain and reward; and includes a place, or part of a place, (not being domestic accommodation provided for the employee):

   i  where the employee comes or may come to eat, rest or get first aid or pay; or
   
   ii where the employee comes or may come as part of the employee’s duties to report in or out, get instructions, or deliver goods or vehicles; or
   
   iii through which the employee may or must pass to reach a place of work.

*Effective 28/08/2017*
SM6.60 Bonus points for high remuneration

See previous instruction:
SM6.60 Effective 26/11/2018
SM6.60 Effective 15/01/2018
SM6.60 Effective 28/08/2017

a  Recognised current skilled employment or an offer of skilled employment qualifies for 20 bonus points if the remuneration for that employment is $51.00 per hour or above (or the equivalent annual salary); and

b  the assessing officer is satisfied that the employment is genuine; and

c  the assessing officer is satisfied that the employment is sustainable by the employer at the specified level of remuneration (see SM6.30.10).

Effective 24/02/2020
SM7 Skilled work experience
SM7.1 Aim and intent

a The aim of providing points for skilled work experience is to recognise the importance of skills and experience gained through previous employment that:
   i are readily transferable; and
   ii will enable migrants to obtain skilled employment in New Zealand; and
   iii will enhance migrants' ability to contribute to New Zealand economically and socially.

b Bonus points are available for skilled work experience in New Zealand to recognise that such experience enhances understanding of the New Zealand labour market, the ability to gain skilled employment and to achieve positive settlement outcomes.

c Bonus points are available for work experience in an area of absolute skills shortage to ensure that those skilled migrants who can contribute significantly to areas of skill shortage in New Zealand are given recognition for that potential specific contribution.

Effective 28/08/2017
SM7.5 Points for skilled work experience

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

<table>
<thead>
<tr>
<th>Years</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>40</td>
</tr>
<tr>
<td>10</td>
<td>50</td>
</tr>
</tbody>
</table>

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

Effective 28/08/2017
SM7.10 Requirements for skilled work experience

See previous instruction:
SM7.10 Effective 19/02/2018
SM7.10 Effective 28/08/2017

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

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

a. the work undertaken substantially matched (see SM7.10.5) the description for that occupation as set out in the Australia New Zealand Standard Classification of Occupations (ANZSCO) (see R5.7); and

b. the applicant was suitably qualified (see SM7.10.10 and SM7.10.15) for that work prior to the work experience for which points are claimed.

SM7.10.5 Assessment of ‘substantial match’

a. For the purposes of SM7.10.1 (a) above, an immigration officer must be satisfied that the applicant’s work experience for which they are claiming points was in employment that is substantially consistent with the ANZSCO Occupation (6-digit) level description for that occupation.

b. If an immigration officer is unable to determine a claimed substantial match to an ANZSCO occupation, they may request evidence of the tasks associated with that employment to assess whether the previous employment displays the characteristics of that occupation in terms of the relevant ANZSCO ‘Unit Group’ (4-digit) level description of tasks for that role.

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

SM7.10.10 ‘Suitably qualified’

a. An applicant will be assessed as suitably qualified in terms of SM7.10.1 (b) above if they hold a relevant qualification as specified in the ANZSCO for that occupation.

b. For the purposes of this provision, a qualification is relevant to an applicant’s employment in a skill level 1, 2 or 3 occupation for which they are claiming points for skilled work experience if:

i. the major subject area of the principal applicant’s recognised qualification is directly applicable to the employment; or

ii. an immigration officer is satisfied that the qualification was a key factor in the employer’s decision to employ the principal applicant in that position.

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

SM7.10.15 ‘Suitably qualified’ through prior work experience

a. An applicant may also be assessed as qualified through relevant prior work experience, in terms of SM6.10.20 (a) (ii) or SM6.10.20 (b).

b. For the purposes of this provision, prior work experience is relevant to the employment for which an applicant is claiming points if:
i an immigration officer is satisfied that it was directly applicable to, or in a closely related field to, the employment for which work experience points are claimed; or

ii the experience was a key factor in the employer’s decision to employ the principal applicant in that position.

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

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### Examples

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

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

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

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

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

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

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

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**SM7.10.20 Recognition of work experience: other occupations**

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

a the applicant qualifies for points for skilled employment in terms of SM6.10.5 (a)(ii), SM6.10.5 (a) (iii) or SM6.10.15; and

b an immigration officer is satisfied that the work experience for which points are claimed was undertaken in the same occupation; and

c the applicant was suitably qualified by training and/or experience for that work in terms of SM6.10.25; and

d that qualification or work experience was completed prior to the work experience for which points are claimed.

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*Effective 30/10/2019*
SM7.15 Comparable labour markets

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

a  the work experience meets the requirements set out at SM7.30 for work experience in an area of absolute skills shortage; or

b  the principal applicant has current skilled employment in New Zealand or an offer of skilled employment in New Zealand (see SM6).

SM7.15.1 Definition: Comparable labour market

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

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

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

Effective 28/08/2017
SM7.20 Additional requirements for skilled work experience

a. Work experience only qualifies for points if an immigration officer is satisfied that the principal applicant's work experience was lawfully obtained.

b. Work experience will not be recognised if it was gained while in a country where the principal applicant was either an unlawful resident or required authority to undertake employment, but did not have such authority.

c. Calculation of levels of work experience must be for complete weeks based on a 30-hour week.

d. Credit is given for 30-hour weeks only, even though a principal applicant has worked more than 30 hours in any week.

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

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

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

Effective 28/08/2017
SM7.25 Bonus points for recognised skilled work experience in New Zealand

a  Skilled work experience in New Zealand of one year or more qualifies for 10 bonus points.

b  A principal applicant’s skilled work experience in New Zealand will only be awarded points if they already qualify for 10 or more points under the provisions set out at SM7.1 to SM7.20.

Effective 28/08/2017
SM7.30 Bonus points for work experience in an area of absolute skills shortage

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

<table>
<thead>
<tr>
<th>Years</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-5 years</td>
<td>10</td>
</tr>
<tr>
<td>6 years or more</td>
<td>15</td>
</tr>
</tbody>
</table>

b Work experience is assessed as being in an area of absolute skills shortage if:

i It was undertaken in an occupation included on the Long Term Skill Shortage List (see Appendix 4) or that was on the Long Term Skill Shortage List at the time the principal applicant’s Expression of Interest was selected; and

ii It meets the specifications for that occupation; and

iii The principal applicant is suitably qualified by training and/or experience to undertake that work (including any specific requirements set out in column three of the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).

c Where the Long Term Skill Shortage List specifies that occupational registration is required for a listed occupation, the principal applicant must demonstrate that they:

i Held occupational registration while undertaking the work experience, if occupational registration was required in the country in which the work occurred; and

ii Hold current full or provisional New Zealand occupational registration, or meets the requirements of SM10.10.5 (b) if registration is required from the New Zealand Medical or Dental Council.

Effective 28/08/2017
SM8 Recognised qualifications
SM8.1 Aim and intent

a. The aim of providing points for qualifications is to recognise the importance of qualifications as an indicator of ability to obtain skilled employment in New Zealand and to increase New Zealand’s capability.

b. Bonus points are available for time spent studying in New Zealand towards a recognised qualification and for obtaining recognised New Zealand qualifications to acknowledge that:

i. time spent studying in New Zealand and completing recognised qualifications in New Zealand enhances settlement outcomes; and

ii. recognised qualifications gained in New Zealand will be recognised by, and are relevant to the needs of, New Zealand employers.

Effective 28/08/2017
## SM8.5 Points for recognised qualifications

See previous instruction:
SM7.10 Effective 28/08/2017

Qualifications are recognised and qualify for points as follows:

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

f. Despite SM8.5 (a) to (e) above:
   i. Points will not be awarded to any English for Speakers of Other Languages (ESOL) qualifications; and
   ii. A qualification will not be recognised if gained while in a country where the principal applicant was either an unlawful resident or required authority to study, but did not have such authority.

### SM8.5.1 How points for recognised qualifications are allocated

a. Points for recognised qualifications are not cumulative. A principal applicant may qualify for only 40, 50, or 70 points.

b. Points are provided for:
   i. One qualification only; or
   ii. Two or more qualifications assessed in combination.
SM8.5.5 Transitional provisions: New Zealand qualifications

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

a) it would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and

b) the principal applicant completed the qualification before 25 July 2011 or the principal applicant had commenced a course of study, resulting in the qualification for which they are claiming points, on or before 24 July 2011.

Effective 19/02/2018
SM8.10 Recognition of qualifications

See previous instruction:
SM8.10 Effective 28/08/2017

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

a  the level that the qualification(s) occupies on the NZQF as assessed by the New Zealand Qualifications Authority (NZQA); or

b  the level that the qualification(s) occupies on the NZQF as set out in the List of Qualifications Exempt from Assessment (see Appendix 3); or

c  the level that the qualification(s) occupies on the NZQF having regard to the full or provisional registration of the principal applicant by a New Zealand organisation authorised by law to give occupational registration, if that registration involves an assessment that the principal applicant’s overseas qualification(s) is comparable with a New Zealand qualification included in the List of Qualifications Exempt from Assessment.

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

~ For teachers, ‘provisional’ registration includes both ‘provisional’ and ‘subject to confirmation’ registration.


Effective 19/02/2018
SM8.15 Evidence

a  Principal applicants under the Skilled Migrant Category must submit their qualifications and provide an NZQA assessment (Pre Assessment Result (PAR), International Qualification Assessment (IQA) or Qualifications Assessment Report (QAR) (see SM8.20.1)) unless:

i  their qualification(s) is included on the List of Qualifications Exempt from Assessment (see Appendix 3); or

ii  they have been awarded full or provisional registration by a New Zealand organisation authorised by law to give occupational registration, and registration involves an assessment that their overseas qualification(s) is comparable with a New Zealand qualification that is included in the List of Qualifications Exempt from Assessment.

b  If an NZQA assessment is required for an overseas qualification, a PAR is suitable for lodgement of an application under the Skilled Migrant Category, but a QAR or IQA will be required to determine whether a qualification (or group of qualifications) will qualify for points.

c  Applicants with New Zealand qualifications should provide evidence of the level of that qualification by submitting a 'Qualification Overview' report with their qualification. This report can be obtained from the New Zealand Qualifications Authority website (www.nzqf.govt.nz http://www.nzqf.govt.nz).

d  In the case of a New Zealand qualification that is not included on the NZQF, a letter from the NZQA will be required to determine whether the qualification will qualify for points.

e  In order for a qualification to qualify for points on the basis of full or provisional registration, the certificate of registration, or evidence of eligibility for registration subject only to an interview with a representative of the New Zealand Medical or Dental Council on arrival must also be provided (see SM10.10.1).

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

f  If a principal applicant is claiming points for a qualification on the basis of their occupational registration, the qualification(s) qualifies for the points identified for the comparable New Zealand qualification in the List of Qualifications Exempt from Assessment.

g  Despite the fact that the List of Qualifications Exempt from Assessment provides that a specified qualification qualifies for certain points, an applicant or an immigration officer (by requesting the applicant to do so) may seek a IQA or QAR of any particular qualification. Where this occurs, the most recent NZQA assessment will prevail.

Effective 28/08/2017
SM8.20 NZQA involvement in the assessment of qualifications

a. If a NZQA assessment of qualification(s) is sought, the NZQA determines the level that the qualification(s) occupy on the NZQF, however, the points for which a particular qualification or group of qualifications qualifies is determined by INZ alone.

b. Despite the fact that the NZQA may undertake its own verification of qualifications that are submitted to it for assessment, INZ alone determines whether an applicant genuinely holds the qualification(s) which may qualify for points.

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

a. The NZQA will provide Pre-Assessment Results (PARs), and International Qualification Assessments (IQAs) (formerly a Qualifications Assessment Report (QAR)).

b. A Pre-Assessment Result is a report that compares an applicant's nominated qualification to a Level on the New Zealand Qualifications Framework. It is made on the understanding that:
   i. a pre-assessment result is based solely on unverified information provided by the applicant on the application form; and
   ii. no documentation is sighted; and
   iii. only one overseas qualification is compared; and
   iv. when an application for a resident visa is made, a full assessment (a IQA or QAR) will be required to determine whether a qualification (or group of qualifications) will qualify for points.

c. An International Qualification Assessment (IQA) (formerly a Qualifications Assessment Report (QAR)):
   i. assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest New Zealand equivalent qualification; and
   ii. states the New Zealand Qualifications Framework of New Zealand Quality Assured Qualifications level of that equivalent qualifications; and
   iii. refers to any verification of the applicant's qualifications undertaken by the NZQA.

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

Effective 28/08/2017
SM8.25 Bonus points: New Zealand qualifications

See previous instruction:
SM8.25 Effective 28/08/2017

Recognised New Zealand qualifications qualify for points as follows:

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

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

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

a. If SM8.25 (a), (b), and (c) above do not apply, the principal applicant may be eligible for New Zealand qualification bonus points under SM8.25.1 if they:
   i. gained the qualification before 25 July 2011; or
   ii. had commenced a programme of study towards a recognised New Zealand qualification on or before 24 July 2011.

b. Two years of full-time study in New Zealand towards a recognised New Zealand qualification qualifies for 5 points, providing the full-time study was over four semesters during a period of at least 16 months.

c. A recognised basic New Zealand qualification from level four up to and including level eight on the NZQF qualifies for 5 points.

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

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

a. an undergraduate student at a tertiary education institution was enrolled in at least three papers per semester; or

b. a postgraduate student at a tertiary education institution was enrolled in either a programme of study:
   i. that resulted in at least 100 credits per calendar year; or
   ii. with a workload of at least 20 hours per week; or

c. a student at a private training establishment was enrolled in:
   i. a programme of study that requires attendance for a minimum of 20 hours per week; or
ii at least three papers, or equivalent, per semester if the programme of study is at level 7 or above on the New Zealand Qualification Framework.

Effective 13/05/2019
SM9 Bonus points for partners’ skilled employment and recognised qualifications
SM9.1 Aim and intent
The aim of providing bonus points for partners’ skilled employment and recognised qualifications is to recognise such employment and qualifications as an indicator of the likely contribution of the whole migrating family.

Effective 28/08/2017
SM9.5 Bonus points for partners’ skilled employment in New Zealand

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

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

Effective 28/08/2017
SM9.10 Bonus points for partners’ recognised qualifications

See previous instruction:
SM9.10 Effective 28/08/2017

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

<table>
<thead>
<tr>
<th>Level on the New Zealand Qualification Framework</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 or 8</td>
<td>10</td>
</tr>
<tr>
<td>9 or 10</td>
<td>20</td>
</tr>
</tbody>
</table>

b A partner’s recognised qualification only qualifies for points under this provision if:

i the partner is included in the application; and

ii the partner meets the English language requirements for principal applicants (see SM4.15); and

iii an immigration officer is satisfied that the principal applicant and their partner have been living together for 12 months or more in a partnership that is genuine and stable (see F2.10.1) and otherwise meet Partnership category criteria (see F2.15).

c Despite SM9.10 (a), if a partner of a principal applicant holds a recognised New Zealand qualification at levels 3, 4, 5 or 6 on the NZQF, they will be eligible for 10 points if:

i the qualification would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and

ii the qualification was completed before 25 July 2011 or they had commenced a course of study, resulting in the qualification for which they are claiming points, on or before 24 July 2011.

Effective 19/02/2018
SM10 Requirements for occupational registration
SM10.1 Aim and intent
The aim of requiring occupational registration is to ensure that applicants seeking employment in New Zealand in occupations for which registration is required by law have the ability to undertake that employment.

Effective 28/08/2017
**SM10.5 Occupations requiring registration**

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

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

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

*Effective 28/08/2017*
SM10.10 Effect of occupational registration on eligibility for points

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

SM10.10.1 Effect on points for qualifications

a  This section applies to principal applicants whose recognised qualification is required for employment in one of the occupations listed in SM10.5.

b  Such qualifications only qualify for points if the principal applicant:

i  holds evidence of full or provisional registration in that occupation in New Zealand, if full or provisional registration is required by New Zealand law to undertake that employment; or

ii  has an offer of skilled employment (see SM6) in that occupation and holds evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; or

iii  has current skilled employment or an offer of skilled employment (see SM6) in an occupation that does not require registration; or

iv  has post-qualification work experience in an occupation for which registration is not required in New Zealand, and were employed in that occupation for the same or a greater period of time than in an occupation for which registration is required by law in New Zealand.

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

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

SM10.10.5 Effect on points for skilled employment

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

a  holds evidence of full or provisional registration in that occupation in New Zealand, if registration is required by New Zealand law to undertake that employment; or

b  has an offer of skilled employment (see SM6) in that occupation and holds evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative in New Zealand; or

c  has current skilled employment, or an offer of skilled employment (see SM6), in New Zealand in an occupation that does not require registration.

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

Effective 28/08/2017
SM11 Resident visas subject to conditions
SM11.1 Resident visas may be subject to conditions

See also Immigration Act 2009 ss 49, 50

a  A resident visa may be granted under the Skilled Migrant Category to a principal applicant (and any accompanying partner and dependent children) subject to conditions imposed under section 49(1) of the Immigration Act 2009.

b  Resident visas will be granted subject to the conditions specified in SM11.5 and/or SM11.10, as applicable.

Effective 28/08/2017
### SM11.5 Offer of skilled employment or skilled employment for less than three months

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

**Effective 28/08/2017**
SM11.10 Where occupational registration is subject only to interview by the Medical or Dental Council

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

a  In the case of the principal applicant:
   i  that, within one month of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant obtains full or provisional occupational registration in New Zealand; and
   ii that, within five years of the grant of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant submits evidence to an immigration officer that requirement (i) above has been met.

b  In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

Effective 28/08/2017
SM11.15 Meeting s 49(1) conditions

a The visa holder must:
   i inform INZ of their residential address and any changes of residential address while they are subject to those requirements; and
   ii submit evidence to an immigration officer within five years of their first entry to New Zealand as a resident (if the visa was granted offshore) or within five years of the grant of their resident visa (if the visa was granted in New Zealand) demonstrating that the conditions set out in the relevant provision of SM11.5 (a) to (e) above have been met.

b In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

Effective 28/08/2017
SM11.20 Compliance with conditions

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

Effective 28/08/2017
SM11.25 Non-compliance with conditions

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

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

Effective 28/08/2017

After the grant of a resident visa
IN THIS SECTION

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RV1 Generic provisions for applications made after the grant of a resident visa
RV1.1 Objectives

The objectives of this chapter are:

a. to protect the interests of New Zealand citizens and other people living permanently in New Zealand; and

b. to encourage those granted a resident visa to show a commitment to New Zealand; and

c. to assist the government in border control.

Effective 29/11/2010
**RV1.5 Overview**

See previous instructions RV1.5 Effective 29/11/2010

See also Immigration Act 2009 ss 63(2), 73

a A residence class visa holder in New Zealand is entitled to stay in New Zealand indefinitely (RA1.1), however a resident visa holder who leaves New Zealand may only travel to and be granted entry permission as a resident if the conditions of his or her visa allow (these are referred to as travel conditions).

b A resident visa expires if:
   i the holder leaves New Zealand and the visa has no valid travel conditions; or
   ii the travel conditions expire while the visa holder is outside New Zealand.

c This chapter sets out:
   i the manner in which a resident visa holder may apply for a permanent resident visa (RV2);
   ii the manner in which resident visa holders may apply to vary the travel conditions endorsed on their resident visas (RV3);
   iii the manner in which a second or subsequent resident visa can be applied for by a former resident visa holder whose resident visa has expired as set out in (b) above (RV4).

d A resident visa holder or former resident visa holder must have been in New Zealand as a resident (R5.66.5(b)) to be granted a residence class visa or a variation of travel conditions under these instructions.

**RV1.5.1 Visas and permits issued or granted under the Immigration Act 1987**

See also Immigration Act 2009 s 415, Schedule 5

a Where the instructions in this chapter refer to holders of a resident visa, this also includes holders of residence visas and residence permits issued or granted under the Immigration Act 1987.

b Where the instructions in this chapter refer to an applicant’s time spent in New Zealand as a resident, this is also considered to include time spent in New Zealand as a holder of a residence permit or exempt from the need to hold a residence permit under the Immigration Act 1987.

c Where the instructions in this chapter refer to conditions imposed under section 49(1) or 50 of the Immigration Act 2009, this is considered to include requirements imposed under section 18A of the Immigration Act 1987.

Effective 07/11/2011
RV1.10 Lodging an application

See previous instructions:
RV1.10 Effective 02/12/2013
RV1.10 Effective 29/11/2010

RV1.10.1 Where to lodge an application

Applications under this chapter may be lodged at an INZ office, or an authorised New Zealand Visa Application Centre and certain MFAT posts. Receiving Offices can be found on the INZ website.

RV1.10.5 How an application must be lodged

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

a Applications must be lodged in the prescribed manner.

b The prescribed manner is the manner that meets the mandatory requirements set out in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

c Applications that are not lodged in the prescribed manner will not be considered to be made.

d While under no obligation to do so, INZ may, at its discretion, hold applications that are not lodged in the prescribed manner for a period of time until any outstanding requirements are met (see R2.50).

RV1.10.10 Mandatory requirements for lodging an application for a variation of travel conditions, permanent resident visa or second or subsequent resident visa

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 6

An application for a variation of travel conditions, a permanent residence visa or a second or subsequent resident visa made outside of an immigration control area must be:

a made an approved form; and

b completed in English; and

c signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant); and

d given to an immigration officer, together with:

i evidence of the applicant’s current or previous resident visa or visas; and

ii the applicant's passport (or a certified copy) or certificate of identity (or a certified copy), or if that is unavailable, his or her original full birth certificate (or certified copy) or other identity document (or certified copy); and

iii two passport sized photos of the applicant’s head and shoulders; and

iv the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories of under which the application is being made; and

v any other information, evidence, or submissions that the applicant considers shows that he or she is eligible to be granted a new residence class visa or variation of travel conditions in terms of the immigration instructions; and

vi the appropriate fee (if any).

e Before determining the application, an immigration officer may require the applicant to produce any photographs, documents and information that the officer thinks necessary or require the applicant to be interviewed by an immigration officer, to help in determining whether the applicant meets the requirements to be granted a variation of travel conditions or a new residence class visa.

Note: The passports (or certified copies of passports) of all persons included in the application must be submitted with the application.

Effective 08/05/2017
RV1.15 Evidence

See previous instructions RV1.15 Effective 29/11/2010

RV1.15.1 Evidence that the applicant is deemed to hold, or to have held, a resident visa

Evidence that the applicant is deemed to hold or have held a resident visa is:

a  a resident visa in a current or expired passport or certificate identity; or

b  a residence permit granted under the Immigration Act 1987 in a current or expired passport or certificate of identity; or

c  INZ records of a resident visa or residence permit; or

d  in the case of a person who arrived in New Zealand lawfully to take a permanent residence at any time before 2 April 1974, other than under a permit granted under the Immigration Act 1964 or any corresponding earlier Act, a stamp or a label in a passport or certificate of identity showing a date of arrival in New Zealand prior to 2 April 1974, and documents showing continued residence since 2 April 1974, which may include but are not limited to:
   • rates demands
   • driver’s licences
   • receipted power bills
   • income tax returns
   • school records
   • employment references
   • any other evidence requested by INZ.

RV1.15.5 Evidence of periods spent in New Zealand as a resident

Evidence of the periods spent in New Zealand as a resident is:

a  a stamp or label in current or previous passports; and/or

b  INZ records of periods the applicant has been in New Zealand while holding a residence permit or a resident visa.

Note: Periods during which a person has been in New Zealand as a resident are calculated inclusive of both arrival and departure dates.

RV1.15.10 Evidence of tax resident status

a  Under these instructions, 'tax resident status' means tax residence status in New Zealand, as confirmed by New Zealand Inland Revenue (IR).

b  Applicants under these instructions cannot be New Zealand tax residents if the application of a double tax agreement means they are tax residents of another country.

c  Evidence of tax residence status includes:
   i  a statement from the IR for the period in which the applicant has been assessed as having tax residence status; or
   ii  Confirmation of Tax Resident Status form completed and endorsed by IR.

d  If the applicant is considered to have tax residence status under a double tax agreement, the applicant must provide supporting evidence from IR. A list of countries which have double tax agreements with New Zealand can be found at www.ird.govt.nz.

Effective 26/11/2012
**RV1.20 Determining the eligibility of non-principal applicants**

See previous instructions:
- RV1.20 Effective 11/04/2016
- RV1.20 Effective 26/11/2012
- RV1.20 Effective 07/11/2011
- RV1.20 Effective 15/12/2010
- RV1.20 Effective 29/11/2010

**a** For the purpose of making an application under this chapter,

i 'principal applicant' means the principal applicant of the original resident visa application; and

ii 'non-principal applicants' means the non-principal applicants included in the original resident visa application.

**b** The only requirement for the grant of a permanent resident visa to a non-principal applicant is that the principal applicant must hold a permanent resident visa, unless:

i the non-principal applicant is excluded by the provisions of RV2.1; or

ii the provisions requiring a secondary applicant to be assessed independently of the principal applicant apply (RV1.20.1 to RV1.20.20); or

iii the non-principal applicant has never been in New Zealand as a resident (as required by RV1.5(d)).

iv the non-principal applicant does not meet character instructions (see A5) (unless given a special direction or granted a character waiver) or falls under RV1.25.

**c** A non-principal applicant must be granted a variation of travel conditions to allow travel until the same date as the principal applicant’s resident visa unless:

i the non-principal applicant is excluded by the provisions of RV3.1(d); or

ii the provisions requiring a secondary applicant to be assessed independently of the principal applicant apply (RV1.20.1 to RV1.20.20); or

iii the non-principal applicant has never been in New Zealand as a resident (as required by RV1.5(d)).

**d** A non-principal applicant will be granted a second or subsequent resident visa based on the eligibility of the principal applicant for a variation of travel conditions, second or subsequent resident visa or permanent resident visa, unless

i the non-principal applicant is excluded by the provisions of RV4.1; or

ii specific instructions in RV1.20.1 to RV1.20.20 apply; or

iii the non-principal applicant has never been in New Zealand as a resident (as required by RV1.5(d)).

iv the non-principal applicant does not meet character instructions (see A5) (unless given a special direction or granted a character waiver) or falls under RV1.25.

**e** If a non-principal applicant makes an application for further travel conditions or a permanent resident visa and the principal applicant:

i does not lodge an application; or

ii is declined a variation of travel conditions or a permanent resident visa; or

iii does not hold a permanent resident visa or a resident visa with valid travel conditions,

iv then, unless the instructions in RV1.20.1 to RV1.20.20 apply, the application will only be considered under the provisions of RV3.1.1 or RV3.10.
INZ Operational Manual  Residence Part 2

Note: RV1.20 determines the eligibility of people who were not principal applicants in the original residence application to be granted a variation of travel conditions, second or subsequent resident visa or a permanent resident visa.

R2.1 Who may be included in an application determines who can be included in an application for a variation of travel conditions, second or subsequent resident visa or permanent resident visa application.

Examples:
- Andrea includes her son in her resident visa application under partnership. Her son is now 26, therefore he cannot be included in Andrea’s permanent resident visa application because he does not meet the definition of a dependent child at R2.1. His eligibility for a permanent resident visa will still be assessed as a non-principal applicant under RV 1.20 since he was a non-principal applicant in the original resident visa application.
- Sue and Mike were each granted a resident visa in their own right under the Skilled Migrant Category, becoming partners afterwards. Mike can be included in Sue’s permanent resident visa application as long as he provides evidence he meets the definition of a partner at R2.1, but they will be assessed for the grant of a permanent resident visa each in their own right as they were both principal applicants in their own original resident visa applications.

**RV1.20.1 Non-principal applicants who are partners**

a The partner of the principal applicant is eligible to be considered in their own right for variation of travel conditions or a new residence class visa if the following events occur:
   i the partner and the principal applicant become divorced or separated; or
   ii the partner is granted a non-molestation or protection order against the principal applicant; or
   iii the principal applicant is convicted of an offence against the partner or a dependent child;
   iv the principal applicant dies; or
   v the principal applicant has obtained New Zealand citizenship.

b Evidence of the circumstances in which the partner of a principal applicant may apply for an a variation of travel conditions or a new residence class visa in their own right may include but is not limited to original or certified copies of the following:
   • the final decree of divorce or a dissolution order from the principal applicant; or
   • a non-molestation or protection order against the principal applicant; or
   • evidence that the principal applicant has been convicted of an offence against the person of the partner or of a dependent child; or
   • evidence of separation; or
   • the death certificate of the principal applicant.

**RV1.20.5 Non-principal applicants who were dependent children in the original residence application**

a The eligibility of a dependent child included in the original residence application for a permanent resident visa, a variation of travel conditions or a second or subsequent visa will be assessed in the same way regardless of whether that child is still dependent at the time of application.

b In the case of the dissolution of a partnership as described in RV1.20.1(b) above, a child’s eligibility will be assessed on the basis of:
   i whichever parent has legal right of custody if they are under 16 (see R2.1.45); or
   ii whichever parent they are living with if they are 16 or over; or
   iii the principal applicant, if they are 16 or over and are not living with either parent.

c If the principal applicant dies or obtains New Zealand citizenship, children must be assessed on the basis of the eligibility of the non-principal applicant partner included in the original residence application.
The child can be assessed in their own right if the provisions of (b) or (c) above require that a child be assessed on the basis of the non-principal applicant partner included in the application, and this is not possible because:

i. a non-principal applicant partner was not included in the application; or

ii. the non-principal applicant partner has died; or

iii. the non-principal applicant partner has obtained New Zealand citizenship.

e. Children who wish to have their application under these instructions assessed based on the eligibility of a person other than the principal applicant must provide evidence that their circumstances meet the criteria set out in (b) to (d) above (for example, evidence of custody).

**RV1.20.20 Transitional provisions**

Non-principal applicants who are considered to hold resident visas because they:

a. were granted residence permits before 30 October 1995 or in reliance on residence visas issued before 30 October 1995; or

b. arrived in New Zealand lawfully to live permanently in New Zealand at any time before 2 April 1974 and were considered to hold a residence permit under the Immigration Act 1987;

may be granted a permanent resident visa or variation of travel conditions if they meet the criteria set out in the instructions in this chapter regardless of the status of the principal applicant.

*Effective 28/08/2017*
RV1.25 Declining an application from former residence class visa holders

See previous instructions:
RV1.25 Effective 11/04/2016
RV1.25 Effective 24/03/2014

See also Immigration Act 2009 ss 10, 155, 146, 156, 158, 161, 162, 169, 437, Immigration Act 1987 s 93

Applications from a person who no longer holds a resident visa, but who is eligible for consideration for a permanent resident visa, or a second or subsequent resident visa, will normally be declined if:

a an immigration officer determines that the person’s resident visa was:
   i granted as a result of administrative error; or
   ii held under a false identity; or
   iii procured through fraud, forgery, false or misleading representation, or concealment of relevant information (together, “deception”), whether or not the person committed the deception; or

b an immigration officer determines that the person held a resident visa granted on the basis of a visa procured through deception, whether or not the person committed the deception; or

c new information becomes available within five years of when the person first held a resident visa, and an immigration officer determines that the information:
   i relates to the person’s character; and
   ii was relevant at the time the visa was granted; and
   iii means that the person would not have been granted the visa; or

d while holding a resident visa or following its expiry, the person is convicted (whether in New Zealand or not):
   i of an offence for which the court has the power to impose imprisonment for a term of three months or more, if that offence is committed:
      o at any time when the person was unlawfully in New Zealand; or
      o at any time the person was the holder of a temporary entry class visa; or
   ii of an offence for which the court has the power to impose imprisonment for a term of two years or more, if the offence was committed not later than five years after the person first held a residence class visa; or
   iii of an offence and sentenced to imprisonment for a term of five years or more (or for an indeterminate period capable of running for five years or more), if the offence was committed not later than 10 years after the person first held a residence class visa; or

e they have been served a deportation liability notice but have not been deported within the meaning of section 10 of the Immigration Act 2009; or

f the person’s resident visa was granted on the basis of being recognised as a refugee or protected person, and that recognition was cancelled under section 146 of the Immigration Act 2009.

Note: An immigration officer should contact Immigration Resolutions in INZ’s Service, Design and Performance branch prior to declining an application for a permanent resident visa or second or subsequent resident visa based on the above provisions, to seek advice and to update the Resolutions Team on any current or potential deportation case.

RV1.25.1 Action

a An immigration officer must not automatically decline an application on any ground listed in RV1.25, unless RV1.25(a)(ii) or (e) applies.
   i An immigration officer must consider the surrounding circumstances of the application to decide
whether or not they are compelling enough to justify the grant of a residence class visa under RV2 or RV4. The circumstances include but are not limited to the following factors, as appropriate:

ii the seriousness of any offence (generally indicated by the term of imprisonment or size of the fine) and whether there is more than one offence;

iii the significance of any false, misleading or forged information provided, or information withheld, and whether the person is able to supply a reasonable and credible explanation or other evidence indicating that there was no intent to deceive INZ;

iv how long ago the relevant event occurred;

v whether the person has any immediate family lawfully and permanently in New Zealand;

vi whether the person has some strong emotional or physical tie to New Zealand; or

vii whether the person’s potential contribution to New Zealand would be significant.

b An immigration officer must make a decision only after they have considered all relevant factors, including:

i any advice from the National Office of INZ; and

ii fairness and natural justice requirements (see A1).

c An immigration officer must record:

i their consideration of the surrounding circumstances, (see (b) above), noting all factors taken into account; and

ii the reasons for their decision to approve or decline the application.
RV2 Resident visa holders applying for a permanent resident visa
RV2.1 Who is not eligible for a permanent resident visa?

See previous instructions:
RV2.1 Effective 24/03/2014
RV2.1 Effective 30/07/2012
RV2.1 Effective 29/11/2010

See also Immigration Act 2009 ss 15, 16, 17, 169, 174

a  People who are not eligible for a visa because they are subject to sections 15 and 16 of the Immigration Act 2009 (see A5.20) are not eligible for a permanent resident visa unless a special direction has been given, but may apply for a variation of their travel conditions under the provisions of RV3 Variation of travel conditions on resident visas.

b  People who would otherwise be prohibited for entry or for grant of a visa to New Zealand because they are subject to restrictions or a ban (see RA9 and R5.100) if it were not for their New Zealand resident status are not eligible for a permanent resident visa and may only be granted a 14-day variation to their travel conditions under RV3.10.

c  People who hold a resident visa but are liable for deportation may not apply for a permanent resident visa, though they may be granted one at the absolute discretion of the Minister or an immigration officer (see D2.30.5).

d  People who hold a resident visa, but are liable for deportation, and have had that liability suspended, may not apply for a permanent resident visa during the period of suspension.

Note: An immigration officer should contact Immigration Resolutions in INZ’s Service, Design and Performance branch prior to declining an application for a permanent resident visa or second or subsequent resident visa based on the above provisions, to seek advice and to update the Resolutions Team on any current or potential deportation case.

Effective 11/04/2016
Upon application principal applicants, except for those to whom RV2.10 applies, will be granted a permanent resident visa if:

a they either:
   i hold a resident visa, and have held that resident visa continuously for at least 24 months at the time of application; or
   ii have held a resident visa in the three months before the application is made, and had held that resident visa continuously for at least 24 months before it expired (provided RV1.25 does not apply); and

b their first day in New Zealand as a resident (R5.66.1) was at least 24 months before the application is made; and

c they can demonstrate a commitment to New Zealand by meeting the requirements set out in any one of the five subsections below (RV2.5.1 to RV2.5.20); and

d they have met any conditions imposed under section 49(1) or section 50 of the Immigration Act; and

e they meet character requirements for residence (see A5).

Note: Principal applicants who have been granted residence under the Migrant Investor or Parent Retirement categories will be assessed under RV2.10 rather than RV2.5.
Principal applicants applying for a permanent resident visa under RV2.5.10 (a)(ii) must meet the following rules for investment funds:

i. Investment funds must originally have been transferred to New Zealand through the trading bank system, or have been earned or acquired lawfully in New Zealand; and

ii. Investment funds must be invested in New Zealand in New Zealand currency; and under normal circumstances, be capable of providing a commercial return; and

iii. Apart from the interest earned from the investment, investment funds must not be used for their own personal use, for instance investment in assets such as a personal residence, car, boat or similar; and

iv. Investment funds must not be used as collateral for any loan during the 2 year investment period, unless the money loaned remains within New Zealand and in New Zealand dollars only; and

v. If the investment funds are moved from one investment to another during the two year period each investment must also meet the rules for investment funds.

Note: Investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is retained in New Zealand.

For example, an investment in a unit trust with sole international exposure would completely fail to meet the above requirement that an investment be "invested in New Zealand".

RV2.5.15 Establishment of a business in New Zealand

a. A principal applicant has demonstrated a commitment to New Zealand if they have been approved a resident visa under any category, and have successfully established a business in New Zealand that has been trading successfully and benefiting New Zealand in some way for at least 12 months immediately preceding the date the application for a permanent resident visa was made.

b. Principal applicants applying for a permanent resident visa under these instructions will be considered to have successfully established a business in New Zealand if:

i. They have established or purchased, a business operating in New Zealand; or

ii. They have invested in a business in New Zealand by purchasing 25% or more of the shareholding of an established business.

c. For the purposes of these instructions evidence that a business is trading successfully and benefiting New Zealand in some way is production of a set of the latest accounts relating to that business certified by a New Zealand chartered accountant and which confirm that in their view the business is a going concern.

RV2.5.20 Base established in New Zealand

a. A principal applicant has demonstrated a commitment to New Zealand if they have established a base in New Zealand. A principal applicant is considered to have established a base in New Zealand if:

i. Each and every member of their immediate family who was included in their application for a resident visa has resided in New Zealand for at least 184 days in the two year period immediately preceding the date the application for the permanent resident visa was made; and

ii. They have been in New Zealand as a resident for a total of at least 41 days in the 12 months immediately preceding the date the application for the permanent resident visa was made; and either

   o They own and maintain a family home in New Zealand; or

   o They have been engaged in full time continuous genuine employment in New Zealand immediately preceding the date the application for the permanent resident visa was made.

b. For the purpose of these instructions applicants are considered to own and maintain a family home in New Zealand if:
i they have purchased a residential property in New Zealand within 12 months of their first day in New Zealand as a resident and still own that property either solely or jointly with members of their immediate family who were included in the application for a resident visa; and
ii they and/or members of their immediate family who were included in the application for a resident visa occupy that property.

c Evidence of owning and maintaining a home in New Zealand includes but is not limited to items in the name of the applicant and/or members of their immediate family who were included in the application for a resident visa such as:
   o mortgage documents or title deeds to the residential property
   o rates demands
   o home and contents insurance cover
   o invoices for telephone, electricity, gas, or water
   o documents showing that household effects have been moved to New Zealand

d For the purpose of these instructions, applicants are considered to have been engaged in full time continuous employment in New Zealand if they can produce evidence of genuine full time paid employment in New Zealand for a period or periods amounting to at least 9 months in the 24 months immediately preceding the date the application for the permanent resident visa was made. Employment involving payment by commission and/or retainer is not acceptable. Self-employment is acceptable if they can produce evidence of genuine lawful active involvement in the management and operating of a business in New Zealand which the principal applicant has established, purchased, or has a shareholding in.

Effective 21/11/2016
**RV2.10 Permanent resident visas for holders of resident visas with investment conditions imposed under sections 49(1) or 50**

See previous instructions:

RV2.10 Effective 11/04/2016
RV2.10 Effective 24/03/2014
RV2.10 Effective 08/04/2013
RV2.10 Effective 29/11/2010

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a  Principal applicants will be granted a permanent resident visa if the requirements of RV2.10(b) have been met and they were previously granted a resident visa under:

i  the Migrant Investment Categories; or 

ii  the Parent Retirement Category.

b  At the time of application, principal applicants must:

i  either hold or be deemed to hold a resident visa, or have held a resident visa in the three months before the application is made; and 

ii  have held, or have been deemed to hold, a resident visa for at least 24 months; and 

iii  have met conditions previously imposed under section 49(1) or section 50 of the Immigration Act 2009; and 

iv  meet character requirements for residence (see A5).

**Effective 21/11/2016**
RV2.15 Permanent resident visas for residents who have renounced New Zealand citizenship

A person who holds a resident visa as a result of renouncing their New Zealand citizenship (RA4.10) may apply for and be granted a permanent resident visa without meeting the criteria set out in RV2.5.

Effective 29/11/2010
RV2.16 Permanent resident visas for residents affected by terrorist attacks on 15 March 2019

See previous instruction:
RV2.16 Effective 24/04/2019

a  A resident visa holder may be granted a permanent resident visa if they meet the requirements at S4.30 (with the exceptions of the health requirements and being invited to apply).

b  Applications for permanent resident visas made under these instructions must be lodged in the prescribed manner (RV1.10).

c  Applicants under these instructions must provide evidence they meet requirements for residence described in S4.30, with the exception of the health requirements.

d  Applications for permanent resident visas made under these instructions must be lodged on or before 23 April 2021.

e  Despite RV2.25, applicants who apply for a permanent resident visa under these instructions and do not meet the requirements above will not normally be considered for the grant of travel conditions (RV3) or a second or subsequent resident visa (RV4), or a permanent resident visa under other instructions (RV2.5).

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

Effective 06/05/2019
RV2.20 Permanent resident visas for Filipino dairy workers who have provided false documents and hold a South Island Contribution resident visa

a These instructions apply to people who:
   i are nationals of the Philippines; and
   ii are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
   iii were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
   iv were granted a South Island Contribution resident visa based on ongoing employment, or an offer of employment, on a dairy farm; and
   v are applying for a permanent resident visa.

b Despite the requirement that applicants be of good character (see RV2.5(e)), applicants who meet the requirements of RV2.20(a) may still be granted a permanent resident visa if they:
   i have not withheld information or provided further false, misleading or forged information in the course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at RV2.20(a)(iii); and
   ii meet all other criteria for the grant of a permanent resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).
RV2.25 Declining applications for permanent resident visas

If a permanent resident visa application is declined, the applicant may be assessed under the instructions for a variation of travel conditions (RV3) or a second or subsequent resident visa (RV4). If the applicant is eligible for a variation of travel conditions or a second or subsequent resident visa, an immigration officer may grant the appropriate variation of travel conditions or second or subsequent resident visa in place of a permanent resident visa with the applicant’s permission.

Effective 13/05/2019
RV3 Variation of travel conditions on resident visas
RV3.1 Applications for variations of travel conditions

See previous instructions:
RV3.1 Effective 11/04/2016
RV3.1 Effective 26/03/2012
RV3.1 Effective 29/11/2010

a The duration of travel conditions on a resident visa can be varied allowing for multiple journey travel to New Zealand within the following specified time periods:
   i 12 months; or
   ii 14 days; or
   iii 24 months.

b Travel conditions can only be varied if the resident visa is valid. A resident visa is valid when:
   i the holder is in New Zealand; or
   ii the holder is outside New Zealand and the current travel conditions have not expired.

c Holders of resident visas who are in New Zealand must be granted a variation of travel conditions for a duration of at least 14 days.

d People who would otherwise be prohibited from entry or for the grant of a visa to New Zealand because they are subject to restrictions or a ban (see RA9 and R5.100) if it were not for their New Zealand resident status, may only be granted a variation of travel conditions under RV3.10 (14-day variation of travel conditions).

RV3.1.1 Declining an application for a variation of travel conditions

a An application for a variation of travel conditions by a resident visa holder in New Zealand cannot be declined.

b An application for a variation of travel conditions made outside New Zealand must be declined, where the applicant:
   i does not meet any requirements of RV3.5 to RV3.20 or
   ii would be otherwise prohibited from entry or for grant of a visa to New Zealand because they are subject to restrictions or a ban (see RA9 and R5.100).

c Applications for variations of travel conditions made outside New Zealand by applicants who have failed to meet any conditions imposed under section 49(1) or section 50 of the Immigration Act 2009, must be declined whether or not they are otherwise eligible for a variation of travel conditions.

RV3.1.5 Requests for reconsideration

a An applicant may seek to have the decision to decline an application for a variation of travel conditions reconsidered, if it was declined because:
   i the immigration officer was not satisfied with the evidence produced; or
   ii the application did not meet the requirements set out in instructions.

b Another officer with a grading the same as or higher than the officer who made the original decision will review the decision.

c The review process involves checking that the immigration instructions and procedures were correctly applied when the application was processed.

Effective 22/08/2016
RV3.5 12-month variation of travel conditions

Principal applicants may be granted with travel conditions current for 12 months if:

a. they meet the requirements set out in either RV3.5.1 or RV3.5.5 below; and

b. their first day in New Zealand as a resident (see R5.66.5(b)) was at least 12 months before the current application for a variation of travel conditions was made; and

c. they continue to meet any conditions previously imposed under section 49(1) or section 50 of the Immigration Act 2009; unless RV3.1(d) applies.

RV3.5.1 Time spent in New Zealand

To meet the requirements regarding time spent in New Zealand, the principal applicant 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 in the 24 months immediately preceding the date the application for a variation of travel conditions was made (ie, in at least one of the two 12-month portions, a period or periods that amount to 184 days or more).

RV3.5.5 Tax residence status and limited time spent in New Zealand

To meet the requirements regarding tax residence status and limited time spent in New Zealand, the principal applicant must:

a. 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 preceding the date the application for a variation of travel conditions was made (ie, in at least one of the two 12-month portions, a period or periods that amount to 41 days or more); and

b. be assessed as having tax residence status for 12 months in the 2 years before their application.

Effective 29/11/2010
RV3.10 14-day variation of travel conditions

See previous instructions
RV3.10 29/11/2010

a Applicants must be granted a variation of travel conditions current for 14 days if they are in New Zealand as a resident and they:
   i do not meet the requirements for a permanent resident visa; and
   ii do not meet the requirements for a variation of travel conditions for a longer duration.

b Applicants who would otherwise be prohibited from entry or for grant of a visa to New Zealand because they are subject to restrictions or a ban (see RA9 and R5.100) may only be granted variation of travel conditions for 14 days and only if they are in New Zealand.

Note: The 14-day period begins the day after the variation of travel conditions is granted and expires on the same day of the week that it is granted, a fortnight later.

Effective 30/03/2015
RV3.15 Variation of travel conditions for principal applicants with investment conditions under Section 49(1)

See also Immigration Act 2009, ss 49, 50

Principal applicants who have been granted a resident visa under

a the Active Investor Migrant policy; or

b the Migrant Investment categories; or

c the Parent Retirement Category;

may be granted a variation of travel conditions for 24 months if their first day in New Zealand as a resident (see R5.66.5(b)) was at least 24 months before the current application for a variation of travel conditions was made, and they continue to meet any conditions imposed under section 49(1) and/or section 50 of the Immigration Act 2009 unless RV3.1(d) applies.

Effective 29/11/2010
RV3.20 Special provisions

See previous instructions:
RV3.20 Effective 29/11/2010

RV3.20.1 Australian citizens and residents

a Persons who hold a resident visa (or are deemed to hold a resident visa) because they are holders of current Australian permanent residence visas, current Australian resident return visas or Australian citizenship may be granted a variation of travel conditions for 24 months from the date their current resident visa was granted.

b Australian citizens or residents who:

i have held, or are deemed to have held, a resident visa for over 24 months; or

ii have been previously granted a variation of travel conditions under this provision;

may apply for variations of travel conditions under the provisions of RV3.5 or RV3.10 or for a permanent resident visa (RV2).

RV3.20.5 Partners of New Zealand citizens who do not qualify for a permanent resident visa

a Unless RV3.1 (c) applies, partners of New Zealand citizens who do not qualify for a permanent resident visa (see RV2), may be granted a further variation of travel conditions for a 24 month period, provided the New Zealand partner supports the application in writing and:

i the applicant’s resident visa was obtained on the basis of their partnership with the same New Zealand citizen and the partnership is ongoing; or

ii an immigration officer is satisfied that the applicant has been living with the New Zealand citizen in a genuine and stable relationship for at least one year at the time of application.

b Dependent children of the partner of a New Zealand citizen, who were included in that partner’s residence class visa application, may be granted with a variation of travel conditions for a period of 24 months, equivalent to that of the partner’s travel conditions.

c An immigration officer may ask for any additional evidence that the relationship is ongoing, genuine and stable, including that obtained by interview.

RV3.20.10 Resident visa holders seconded overseas as part of their New Zealand employment

a Unless RV3.1 (c) applies, resident visa holders seconded overseas as part of their New Zealand employment, who do not qualify for permanent resident visas, may be granted a variation of travel conditions for a further 24-month period provided that their New Zealand employer confirms in writing that they require the applicant to remain overseas and still consider the applicant to be a New Zealand resident.

b Written confirmation from a New Zealand employer must state the terms and duration of the secondment and confirm the applicant is still considered a New Zealand resident.

c Further travel conditions under this provision may be granted every two years, for up to a total of 8 years stay outside New Zealand.

d Partners and children may be granted further travel conditions for a period equivalent to that of the principal applicant provided the immigration officer is satisfied that the relationship between them and the principal applicant is genuine and ongoing.

Effective 22/08/2016
RV4 Grant of a second or subsequent resident visa
RV4.1 Who is not eligible for a second or subsequent resident visa?

See previous instructions:
RV4.1 Effective 24/03/2014
RV4.1 Effective 29/11/2010

See also Immigration Act 2009 ss 15, 16, 17

People are not eligible for a second or subsequent resident visa if:

a they are not eligible for a visa under section 15 or 16 of the Immigration Act 2009, unless a special direction has been given (see A5.20); or

b they are prohibited for entry or for grant of a visa to New Zealand because they are subject to restrictions or a ban (see RA9 and R5.100).

Effective 11/04/2016
RV4.5 Who may apply for a second or subsequent resident visa?

A person may apply for a second or subsequent resident visa if they have held, or been deemed to hold, a resident visa that has expired because the holder either:

a. left New Zealand after the expiry of the travel conditions; or

b. are outside of New Zealand when the travel conditions expired.

Effective 29/11/2010
RV4.10 Determining an application for a second or subsequent resident visa

See previous instructions:
RV4.10 Effective 24/03/2014
RV4.10 Effective 07/11/2011
RV4.10 Effective 29/11/2010

a An applicant for a second or subsequent resident visa may be granted a second or subsequent resident visa if:
   i the principal applicant would have met the criteria to be granted a variation of travel conditions under RV3.5, RV3.10 or RV3.15 had they applied for it on the date the current applicant’s resident visa expired and those travel conditions would still be valid on the date the application for a second or subsequent resident visa was made; or
   ii the principal applicant would have met the criteria to be granted a permanent resident visa had they applied for it on the date the current applicant’s resident visa expired and that date was less than 24 months before the date the application for a second or subsequent resident visa is made; or
   iii the principal applicant meets the criteria for one of the special provisions for a second or subsequent resident visa (RV4.20).

b A non-principal applicant may be assessed independently of the principal applicant if the instructions of RV1.20.1 to RV1.20.20 apply.

c Applicants for second or subsequent residence visas must meet character requirements for residence (see A5).

d An application will be declined if it falls under any of the criteria set out in RV1.25.

e Applicants who have failed to meet any conditions imposed under section 49(1) or section 50 of the Immigration Act 2009, must be declined whether or not they are otherwise eligible for second or subsequent resident visa.

Effective 11/04/2016
RV4.15 Conditions imposed on a second or subsequent resident visa

See previous instructions:
RV4.15 Effective 07/11/2011
RV4.15 Effective 29/11/2010

a Any conditions (except travel conditions) imposed under section 49(1) or section 50 of the Immigration Act 2009 on the expired visa must be replicated on any second or subsequent resident visa granted. Any such conditions must be valid until the same date as on the applicant’s previous resident visa.

b Multiple entry travel conditions granted on second or subsequent resident visa must be valid for the longest of:

i the date the variation of travel conditions would have been valid to, had the principal applicant applied for one on the date the current applicant’s resident visa expired; or

ii 24 months from the date the current applicant’s resident visa expired if the principal applicant was eligible for a permanent resident visa on that day; or

iii the duration specified by special provisions for the grant of a second or subsequent resident visa set out at RV4.20.

Effective 11/04/2016
**RV4.20 Special provisions for the grant of a second or subsequent resident visa**

**See previous instructions:**
RV4.20 Effective 29/11/2010

### RV4.20.1 Partners of New Zealand citizens

**a** Partners of New Zealand citizens may be granted a second or subsequent resident visa with 24 months of multiple entry travel conditions, provided the New Zealand partner supports the application in writing and:

1. the applicant’s resident visa was obtained on the basis of their partnership with the same New Zealand citizen and the partnership is ongoing; or
2. an immigration officer is satisfied that the applicant has been living with the New Zealand citizen in a genuine and stable relationship for at least one year at the time of application.

**b** Dependent children of the partner of a New Zealand citizen, who were included in that partner’s residence class visa application, may be granted a second or subsequent resident visa with 24 months of travel conditions, equivalent to the partner’s second or subsequent resident visa.

**c** An immigration officer may ask for any additional evidence that the relationship is ongoing, genuine, and stable, including that obtained by interview.

### RV4.20.5 Former resident visa holders seconded overseas as part of their New Zealand employment

**a** A former resident visa holder seconded overseas as part of their New Zealand employment may be granted a second or subsequent resident visa if:

1. the principal applicant would have met the criteria to be granted a variation of travel conditions under RV3.20.10 had they applied for it on the date their resident visa expired and;
2. the principal applicant met the criteria under RV3.20.10 at the time the application for a second or subsequent resident visa was made; and
3. the date the principal applicant’s resident visa expired was less than 24 months before the date the application for the second or subsequent resident visa was made.

**b** The multiple entry travel conditions on second or subsequent resident visas granted under these instructions must be valid until 24 months from the date the resident visa expired.

**c** Partners and children may be granted a second or subsequent resident visa with travel conditions for a period equivalent to that of the principal applicant provided the immigration officer is satisfied that the relationship between them and the principal applicant is genuine and ongoing.

### RV4.20.10 Second or subsequent resident visas for Filipino dairy workers who have provided false documents and hold a South Island Contribution resident visa

**a** These instructions apply to people who:

1. are nationals of the Philippines; and
2. are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
3. were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
4. were granted a South Island Contribution resident visa based on ongoing employment, or an offer of employment, on a dairy farm; and
5. are applying for a second or subsequent resident visa.

**b** Despite the requirement that applicants be of good character (see RV4.10(c)), applicants who meet the requirements of RV4.20.10(a) may still be granted a second or subsequent resident visa if they:

1. have not withheld information or provided further false, misleading or forged information in the
course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at RV4.20.10(a)(iii); and

ii meet all other criteria for the grant of a second or subsequent resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).

Effective 13/05/2019

Residence from Work Category
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RW1 Objective

See previous instructions RW1 Effective 07/11/2011

The objective of the Residence from Work Category is to enable the grant of residence class visas to people whose talents are needed by New Zealand employers, people with exceptional talent in a field of art, culture or sport, people working in areas of identified absolute occupational shortage in New Zealand and religious workers.

Note: Where these instructions refer to holding a visa, this includes holding a permit granted under the Immigration Act 1987.

Effective 07/11/2011
RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

Holders of visas granted under the Talent (Accredited Employers) work instructions may be granted a residence class visa where:

a  they have held a work visa granted under the Talent (Accredited Employers) work instructions for a period of at least 24 months; and

b  during the currency of that visa they have been employed in New Zealand throughout a period of 24 months:
   i  by any accredited employer; or
   ii by an employer(s) who is not an accredited employer, provided that during the period of that employment the conditions of the applicant's visa were varied to allow them to work for that employer(s) in line with E3.26.1.10; or
   iii by any accredited employer, whose accreditation is rescinded or not renewed during the currency of that visa, provided the employment continued to meet the following requirements:
      o the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
      o the offer of employment must meet the requirements of WR1.10; and
      o employers must meet the requirements under W2.10.6 and W2.10.10; and

c  they have employment in New Zealand with a minimum base salary of:
   i  NZ$55,000 per annum if the associated work to residence visa application (WR1) was made before 7 October 2019; or
   ii NZ$79,560 per annum if the associated work to residence visa application (WR1) was made on or after 7 October 2019; and

d  they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and

e  they meet health and character requirements (see A4 and A5).

Note:
~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a residence class visa.
~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).
~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.
~ The associated work to residence visa application is the application that resulted in a work visa that the applicant has held for a period of at least 24 months (RW2(a)) and on which the application for residence is based.
RW2.1 Eligibility for a permanent resident visa

See previous instructions:
RW2 Effective 22/08/2016

A permanent resident visa may be granted to an applicant under Talent (Accredited Employers) work instructions who:

a. meets all the requirements to be granted a residence class visa; and

b. at the time of their application for a residence class visa, has employment in New Zealand with a minimum base salary of NZ$90,000; and

c. made the application for the associated Talent (Accredited Employers) work visa before 7 October 2019.

Effective 07/10/2019
**RW2.5 Requirements for employment**

See previous instructions:
- RW2.5 Effective 17/11/2014
- RW2.5 Effective 25/08/2014
- RW2.5 Effective 29/11/2010

Employment must be:

a. in New Zealand; and

b. full-time (that is it amounts to, on average, at least 30 hours per week); and

c. ongoing, that is:
   i. an offer of employment or current employment, with a single employer, that is permanent or indefinite, and of which the employer is in a position to meet the terms specified; or
   ii. an offer of employment or current employment with a single employer, for a stated term of at least 12 months; and

d. genuine; and

e. compliant with all relevant employment law in force in New Zealand; and

f. with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see RS.110 and Appendix 10).

**Note:** Compliance with relevant New Zealand employment law includes but is not limited to:
- a written employment agreement that contains the necessary statutory specified terms and conditions;
- meeting holiday and special leave requirements and other minimum statutory criteria;
- meeting occupational safety and health obligations.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
- if the applicant has current employment, he or she must be in that employment, or
- if the applicant has an offer of employment, the offer must continue to be valid.

**RW2.5.1 Requirements for employment for a stated term**

a. For the purposes of RW2.5(c)(ii), INZ must be satisfied that the employer:
   i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
   ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
   iii. is in a position to meet the terms specified.

b. ‘Genuine reasons’ for the purposes of RW2.5.1(a)(i) do not include reasons:
   i. that exclude or limit the rights of a person under employment law; or
   ii. to determine the suitability of a person for permanent or indefinite employment.

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

*Effective 01/04/2017*
**RW2.10 Evidential requirements**

Applications for a residence class visa under the residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions must include:

a. Evidence that during the currency of their visa granted under the Talent (Accredited Employers) work instructions, the applicant has been employed in New Zealand by any accredited employer throughout a period of at least 24 months; and

b. Evidence of employment that meets the requirements set out at RW2.5; and

c. Evidence that the applicant holds full or provisional registration, if full or provisional registration is required to practice in the occupation in which they have employment.

*Effective 29/11/2010*
RW3 Residence instructions for holders of work visas granted under the Talent (Arts, Culture and Sports) work instructions

Holders of visas granted under the Talent (Arts, Culture and Sports) work instructions may be granted a resident visa where:

a. they have held a work visa granted under the Talent (Arts, Culture and Sports) work instructions for a period of at least 24 months; and

b. during the currency of that visa they have been actively engaged in their declared field of art, culture or sport throughout a period of 24 months in New Zealand; and

c. they are still prominent in that field of art, culture or sport; and

d. their continued presence in New Zealand will enhance the quality of New Zealand's accomplishments and participation in that field of art, culture or sport; and

e. they are supported by a New Zealand organisation of national repute in their declared field; and

f. they have an acceptable sponsor (see R4.5); and

g. they meet health and character requirements (see A4 and A5); and

h. they have not, at any time since the grant of their visa under the Talent (Arts, Culture and Sports) work instructions, applied for, or been granted welfare assistance under the Social Security Act 1964. (For the purpose of these instructions, any welfare assistance applied for by, or granted to, a partner or child of the holder of a work visa granted under these instructions is welfare assistance applied for or granted to the holder.)

**Note:** Applicants under these instructions must be in New Zealand at the time they lodge their application for a resident visa.

*Effective 29/11/2010*
RW3.1 Definition of 'New Zealand organisation of national repute'

A 'New Zealand organisation of national repute' is:

a  a New Zealand organisation that has a nationally recognised record of excellence in a field of art, culture or sport; or

b  a New Zealand organisation that has a nationally recognised record of excellence in fostering exceptional talent in a field of art, culture or sport.

Effective 29/11/2010
RW3.5 Support by a New Zealand organisation of national repute and sponsorship by an acceptable sponsor

a. Applicants must provide evidence of support by a New Zealand organisation of national repute in their declared field of art, culture or sport and evidence of sponsorship by an acceptable sponsor by providing a completed Talent (arts, culture and sports) Sponsorship Form (INZ 1091) with their application for a resident visa.

b. Completion of the form includes:
   i. a statement of support for the resident visa application from an organisation of national repute in the applicant’s declared field of art, culture or sport; and
   ii. the reasons for which the organisation considers that the applicant’s presence in New Zealand will continue to enhance the quality of New Zealand’s accomplishments and participation in the declared field of art, culture or sport; and
   iii. a written undertaking of sponsorship from a natural person, organisation, or government agency which is an acceptable sponsor to confirm they will meet the costs specified at R4.10 if those costs are incurred in the 24 months after the grant of the resident visa.

Note: The sponsor is not required to be the organisation that is supporting the application.

Effective 29/11/2010
RW3.10 Evidential requirements

Applications for a residence class visa under the Residence instructions for holders of work visas granted under the Talent (Arts, Culture and Sports) work instructions must include:

a  Evidence that during the currency of their visa granted under the Talent (Arts, Culture and Sports) work instructions, the applicant has been active in their declared field of art, culture or sport throughout a period of 24 months in New Zealand; and

b  Evidence that the applicant is still prominent in that field of art, culture or sport; and

c  A completed Talent (Arts, Culture and Sports) Sponsorship Form (INZ 1091) from an organisation of national repute that includes a written undertaking from an acceptable sponsor as set out in R4.10.

Effective 29/11/2010
RW4 Residence instructions for holders of work visas granted under the long term skill shortage list work instructions

See previous instructions:
RW4 Effective 26/11/2012
RW4 Effective 29/11/2010

Holders of visas granted under the long term skill shortage list work instructions may be granted a resident visa where:

a. they have held a work visa granted under the long term skill shortage list work instructions for a period of at least 24 months; and

b. they have employment with a minimum base salary of NZ$45,000 per annum that is either:
   i. in an occupation that was on the Long Term Skill Shortage List when they were granted a work visa under the long term skill shortage list work instructions; or
   ii. in an occupation that is on the long term skill shortage list at the time their application for a resident visa is made; and

c. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed in New Zealand; and

d. they meet health and character requirements (see A4 and A5).

Notes:
~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a resident visa.

~ For the avoidance of doubt, the minimum base salary excludes employment related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of 40 hours’ work per week.

Effective 21/11/2016
RW4.1 Requirements for employment

See previous instructions:
RW4.1 Effective 17/11/2014
RW4.1 Effective 25/08/2014
RW4.1 Effective 29/11/2010

Employment must be:

a  in New Zealand; and

b  full-time, (that is it amounts to, on average, at least 30 hours per week); and

c  ongoing, that is:
   i  an offer of employment or current employment, with a single employer, that is permanent or indefinite, and of which the employer is in a position to meet the terms specified; or
   ii an offer of employment or current employment with a single employer, for a stated term of at least 12 months; and

d  genuine; and

e  compliant with all relevant employment law in force in New Zealand; and

f  with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see R5.110 and Appendix 10).

Note: Compliance with relevant New Zealand employment law includes but is not limited to:

~ a written employment agreement that contains the necessary statutory specified terms and conditions
~ meeting holiday and special leave requirements and other minimum statutory criteria
~ meeting occupational safety and health obligations.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:

~ if the applicant has current employment, he or she must be in that employment, or
~ if the applicant has an offer of employment, the offer must continue to be valid.

RW4.1.5 Requirements for employment for a stated term

a  For the purposes of RW4.1(c) (ii), INZ must be satisfied that the employer:
   i  has genuine reasons based on reasonable grounds for specifying that the employment of the employee is for a stated term; and
   ii has advised the employee of when or how their employment will end and the reasons for their employment ending; and
   iii is in a position to meet the terms specified.

b  ‘Genuine reasons’ for the purposes of RW4.1.5(a)(i) do not include reasons:
   i  that exclude or limit the rights of a person under employment law; or
   ii to determine the suitability of a person for permanent or indefinite employment.

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

Effective 01/04/2017
**RW4.5 Evidential requirements**

Applications for residence class visas under the Residence instructions for holders of work visas granted under the long term skill shortage list work instructions must include:

a. Evidence that the applicant has been employed in New Zealand for a period of at least 24 months in an occupation that was listed on the long term skill shortage list at the time their visa was granted under the long term skill shortage list work instructions; and

b. Evidence of employment that meets the requirements set out at RW4 (b) and RW4.1; and

c. Evidence that the applicant holds full or provisional registration, if full or provisional registration is required to practice in the occupation in which they have employment.

*Effective 29/11/2010*
RW5 English language requirements under the Residence from Work Category

See previous instruction
RW5 Effective 07/11/2011
RW5 Effective 29/11/2010

a To be granted a resident visa, any partner or dependent child aged 16 and older, who are included in any Residence from Work Category application, must either:
   i show that they meet a minimum standard of English to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand (see RW5.1); or
   ii pre-purchase ESOL training.

b In addition, principal applicants under Religious Worker instructions must show that they meet a minimum standard of English to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand (see RW5.1).

c Despite RW5(a), any partner or dependent child included in a South Island Contribution Resident Visa application does not have to meet English language requirements.

Effective 13/05/2019
RW5.1 Minimum standard of English

See previous instructions:
RW5.1 Effective 21/11/2016
RW5.1 Effective 07/11/2011
RW5.1 Effective 29/11/2010

a Principal applicants under Religious Worker residence instructions and partners and dependent children aged 16 and older under all Residence from Work categories meet the minimum standard of English if:

i they provide acceptable English language test results, as set out at RW5.1.1 (no more than 2 years old at the time the application is lodged); or

ii they provide evidence that they have an English-speaking background (see RW5.5) which is accepted by an immigration officer as meeting the minimum standard of English; or

iii they provide other evidence which satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, the person meets the minimum standard of English. These circumstances may include but are not limited to:

- the country in which the applicant currently resides;
- the country(ies) in which the applicant has previously resided;
- the duration of residence in each country;
- whether the applicant speaks any language other than English;
- whether members of the applicant’s family speak English;
- whether members of the applicant’s family speak any language other than English;
- the nature of the applicant’s current or previous employment (if any) and whether that is or was likely to require skill in English language;
- the nature of the applicant’s qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in English language.

b In any case under (a) (ii) or (iii), an immigration officer may require an applicant to provide an English language test result in terms of paragraph (a)(i). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.

Note:
~ Full consideration must be given to all evidence of English language ability provided before a decision to request an English language test result under RW5.1(b) is made. If an English language test result is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.
~ The tests recognised by Immigration New Zealand as set out at RW5.1.1 provide an assessment of ability in English, including performance in listening, reading, writing and speaking.

RW5.1.1 Acceptable English language test results

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 5.0 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 35 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 36 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English)</td>
<td>Overall score of 154 or more</td>
</tr>
<tr>
<td>(formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

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

Effective 21/05/2018
**RW5.5 Evidence of an English-speaking background**

Evidence of an English-speaking background is original or certified copies of documents showing:

- completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction; or
- completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction; or
- completion of a course of at least 3 years' duration leading to the award of a tertiary qualification at institutions using English as the language of instruction; or
- that the applicant holds General Certificate of Education (GCE) 'A' Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English); or
- that the applicant holds International Baccalaureate – full Diploma in English Medium; or
- that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass; or
- that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English; or
- that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature; or
- that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper.
- that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade); or
- that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt'; or
- that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form.

*Effective 29/11/2010*
RW5.10 Employment in New Zealand as English-speaking background

a  An applicant is also considered to have an English-speaking background if:
   i  they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months; and
   ii English was the language of employment

b  "Employment' in the context of English language requirements policy does not include self-employment.

Effective 29/11/2010
RW5.15 Evidence of employment in New Zealand

a Evidence of full-time employment in New Zealand for a minimum of 12 months is original or certified copies of:
   i references from employers on company letterhead, which state the occupation and dates of employment and the contact phone number and address of the employer; or
   ii an employment agreement with confirmation from the employer that the applicant is still employed.

b Evidence that English was the language of employment is a written statement from the employer that English was the primary language used in that employment.

Effective 29/11/2010
RW5.20 INZ to collect charge on behalf of TEC

a  If they do not meet the minimum standard of English, applicants who are eligible to pre-purchase ESOL tuition must pre-purchase ESOL tuition from TEC (Tertiary Education Commission) by paying the required charge to INZ (who collect this charge on behalf of TEC).

b  Before a residence class visa is granted, applicants must pay any ESOL tuition charge due.

Effective 29/11/2010
RW5.25 TEC to arrange ESOL tuition

a  The applicant is entitled to tuition to the value of the ESOL entitlement component of the ESOL tuition charge. This does not include INZ and TEC administration costs.

b  TEC advises the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one of their own choice.

c  TEC will manage the contract between the ESOL tuition provider and the applicant.

d  The applicant must advise TEC of their New Zealand address.

Effective 29/11/2010
**RW5.30 Applicant’s Agreement with TEC**

a. Each applicant who pre-purchases ESOL tuition must sign an Agreement by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.

b. The content of the Agreement is determined by INZ and TEC.

c. Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

*Effective 29/11/2010*
**RW5.35 Completion of agreement**

See previous instructions RW5.35 Effective 29/11/2010

a  When an application for a residence class visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking the English language training.

b  After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to INZ processing office with the tuition fee(s).

c  If the Agreement is not signed and returned to INZ within the time specified by INZ, the residence class visa application must be declined.

d  The INZ copy of the Agreement should be sent to the TEC.

**Effective 07/11/2011**
**RW5.40 The amount of ESOL tuition to be pre-purchased**

See previous instructions:
- RW5.40 Effective 28/08/2017
- RW5.40 Effective 08/05/2017
- RW5.40 Effective 21/11/2016
- RW5.40 Effective 26/11/2012
- RW5.40 Effective 29/11/2010

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

<table>
<thead>
<tr>
<th>Test</th>
<th>Overall score</th>
<th>Charge to be paid</th>
<th>ESOL entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>4.5 or more but less than 5.0</td>
<td>NZ$1,735</td>
<td>NZ$1,531.82</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>32 to 34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>30 to 35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>147 to 153</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Not applicable (see RW5.1.1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>4.0 or more, but less than 4.5</td>
<td>NZ$3,420</td>
<td>NZ$3,063.64</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>142 to 146</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Failed to achieve Grade C or higher in all four skills (Listening, Reading, Writing and Speaking), but achieved at least</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Test/Exam</td>
<td>Minimum Score</td>
<td>Fee NZD</td>
<td>Fee USD</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------</td>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>3.5 or more, but less than 4.0</td>
<td>NZ$5,110</td>
<td>NZ$4,600.00</td>
</tr>
<tr>
<td>IELTS - General or Academic Module</td>
<td>Less than 3.5</td>
<td>NZ$6,795</td>
<td>NZ$6,131.82</td>
</tr>
<tr>
<td>TOEFL iBT</td>
<td>Less than 31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PTE Academic</td>
<td>Less than 29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Less than 142</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OET</td>
<td>Failed to achieve at least Grade D in all four skills (Listening, Reading, Writing and Speaking)*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

Effective 21/05/2018
RW5.45 Failure to pre-purchase ESOL tuition

Any ESOL tuition charge due must be paid before a residence class visa is granted; and if it is not paid to INZ within the specified time, the residence class visa application must be declined.

Effective 29/11/2010
**RW5.50 Limited period to use ESOL tuition**

See previous instructions:
RW5.50 Effective 29/11/2010

a  If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.

b  ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the time limit specified in (a).

*Effective 17/11/2014*
RW5.55 Refunds of ESOL tuition money

a If ESOL tuition money is paid but the principal applicant and partner and dependent children included in the application do not take up residence, a refund may be granted upon request to INZ. The request must be made in writing.

b Requests for refunds must be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.

c Immigration officers considering requests for refunds must be satisfied that the principal applicant and partner and dependent children included in the application:

i have not taken up residence; and

ii do not hold current residence class visas.

d The person who paid the fee will be repaid only the ESOL entitlement. The INZ and TEC administration costs will not be refunded.

Effective 29/11/2010
RW6 Migrant Levy

See previous instruction:
RW6 Effective 29/11/2010

Note: These instructions cease to be effective from 7 December 2015.

Effective 07/12/2015
Objective

The objective of Residence instructions for holders of work visas granted under Religious Worker instructions is to:

a. provide New Zealand communities with the opportunity to practise, maintain and advance their religious beliefs; and

b. maintain the integrity of the immigration system through clear guidelines for applicants to enter New Zealand and undertake genuine religious work.

Effective 07/11/2011
**RW7.5 Residence instructions for holders of work visas granted under Religious Worker instructions**

See previous instructions:  
RW7.5 Effective 07/11/2011

Holders of visas granted under Religious Worker instructions (or Ministers of religion, missionaries, and members of religious orders instructions, or Specific purpose or event work instructions before 5 November 2011) may be granted a resident visa where they:

a  have held a work visa for a period of at least three years, and met the conditions of that visa granted under:
   i  Religious Worker instructions;
   ii  Ministers of religion, missionaries, and members of religious orders instructions (before 5 November 2011); or
   iii  Specific purpose or event work instructions before 5 November 2011); and

b  have an acceptable sponsor (see RW7.10); and

c  have a genuine offer of work from their sponsor that is:
   i  for religious work (see RW7.5.1); and
   ii  in New Zealand; and
   iii  ongoing (permanent, indefinite, or for a stated term of at least five years); and

d  are aged 55 years or under; and

e  meet the minimum English language requirements (see RW5.1); and

f  have at least five years of religious training and/or religious work experience; and

g  meet health and character requirements (see A4 and A5); and

h  have not, at any time since the grant of their work visa under the Religious Worker instructions, applied for, or been granted welfare assistance under the Social Security Act 1964. (For the purpose of these instructions, any welfare assistance applied for by, or granted to, a partner or child of the holder of a work visa granted under these instructions is welfare assistance applied for or granted to the holder.)

**Note:** Applicants under these instructions must be in New Zealand at the time they lodge their application for a resident visa.

**RW7.5.1 Definition of ‘religious work’**

a  Religious work must substantially be a primary role including one or more of the following:
   i  teaching or guidance in religious scripture or philosophy;
   ii  leading religious practice, worship or prayer;
   iii  conducting religious initiations, ordination or ritual;
   iv  ministering or pastoral care;
   v  roles of religious leadership in relation to any of the above.

b  Applicants are considered to be undertaking religious work where INZ is satisfied that the work the applicant is being sponsored to undertake directly serves the religious objectives of the sponsoring organisation.
Note: Supporting roles for the sponsoring organisation, including cooking or cleaning may be secondary roles a religious worker may undertake. Secondary roles, however, will not in themselves qualify as religious work for the purposes of a visa. Religious study is not considered religious work for the purposes of these instructions.

c  Religious work may include:
   i  employment for a position that is paid a salary or wages; or
   ii  work for a position that is paid a stipend; or
   iii  work for a position that does not receive direct financial return to the worker, or
   iv  work for a position that is paid through any alternative arrangement to RW7.5.1 (c) (i) - (iii).

d  Where a religious worker is employed by the sponsoring organisation (RW7.5.1(c) (i)), the sponsoring organisation must supply an employment agreement for the duration of the sponsorship obligations.

e  Where a religious worker is not employed by the sponsoring organisation (RW7.5.1(c) (ii) - (iv)), the sponsoring organisation must provide a description of the work that includes the primary role(s), and any secondary role(s) the religious worker will be expected to undertake.

Effective 06/07/2015
RW7.10 Sponsorship by an acceptable sponsor

See previous instructions
RW7.10 Effective 30/03/2015
RW7.10 Effective 07/11/2011

a Applicants must provide evidence of sponsorship by an acceptable sponsor by providing a completed Sponsorship Form for Religious Workers (INZ 1190) with their application for a resident visa.

b Completion of the form must include:
   i evidence that:
      o the sponsoring organisation is a charity registered with Charities Services with a primary purpose of advancing religion; and
      o work to be undertaken by the applicant meets the requirements at RW7.5(c);
   ii a statement from the sponsoring organisation establishing the reasons why that the organisation considers that work by the applicant will continue to serve their religious objectives; and
   iii a declaration of sponsorship from the organisation, to confirm they will meet the undertakings specified at R4.10 for a period of five years after the grant of the resident visa; and
   iv information to demonstrate that the sponsoring organisation has a long term need for a religious worker (this may include, but is not limited to a statement demonstrating a shortage of New Zealanders or resident visa holders suitable and available for the religious work, or information pertaining to the growth of the religious organisation or their followers).

RW7.10.1 Requirements for sponsoring organisations

a Sponsoring organisations under these instructions must have a history of compliance with the relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:
   i paying employees no less than the appropriate minimum wage rate or other contracted industry standard; and
   ii meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and
   iii only employing people who have authority to work in New Zealand.

b Evidence or confirmation of compliance with relevant New Zealand employment and immigration law may include but is not limited to:
   i an employment agreement with the applicant which demonstrates compliance (if the applicant is employed); and
   ii a recognised history with the Ministry of Business, Innovation and Employment of past compliance.

c The sponsoring organisation is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at R5.110 or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

d Immigration officers may also request other evidence or confirmation of the employer’s past and future compliance with employment and immigration law.

e Immigration officers may require employers to provide evidence that the rate of pay and/or conditions of work offered to the applicant is not less than that for New Zealand workers undertaking similar work for the sponsoring organisation.

f INZ will decline an application for a Religious Worker resident visa where it considers that granting the visa would undermine the integrity, credibility or reputation of the New Zealand immigration or employment relations systems.
Note: To determine whether an employment agreement creates an unacceptable risk to the integrity of New Zealand’s immigration and employment laws or instructions, an immigration officer may consider whether the rate of pay and/or conditions of the work are comparable to that for New Zealand workers undertaking similar work for the sponsoring organisation.

Effective 01/04/2017
RW7.15 Evidential requirements

See previous instructions:
RW7.15 Effective 30/07/2012
RW7.15 Effective 07/11/2011

Applications under these instructions must include evidence:

a. that the applicant has been undertaking religious work in New Zealand for a period of at least three years; and

b. of work that meets the requirements set out at RW7.5.1; and

c. of sponsorship by an acceptable sponsor (see RW7.10); and

d. of at least five years of religious training and/or religious work experience relevant to the religious work the applicant is being sponsored to undertake, that may include, but is not limited to:
   i. testimonials;
   ii. certificates of ordination;
   iii. curriculum vitae;
   iv. documentation demonstrating relevant work experience; or
   v. a verified copy of an awarding certificate for a relevant qualification.

Note: An applicant’s religious training and experience can be considered cumulatively to meet the requirement under (d).
RW7.20 Conditions and currency of Religious Worker visas

See also Immigration Act 2009 ss 49, 55

a  Resident visas granted under these instructions will be subject to the condition that the applicant must undertake religious work for the sponsoring organisation only. This condition will apply for five years from the visa holder’s first day as a resident in New Zealand, except where RW7.20 (d) applies.

b  A resident visa granted under the Religious Worker instructions is subject to the condition that the sponsor of the visa holder meets their obligations as set out in R4.10 for five years from the visa holder’s first day as a resident in New Zealand.

c  The multiple entry travel conditions on a resident visa granted under the Religious Work instructions must be valid for five years from the visa holder’s first day as a resident in New Zealand.

d  Despite (a) above, the holder of that visa may request that the conditions on their resident visa be varied to allow them to work for another registered charity of the same religious affiliation whose purpose is advancing religion.

Note: The sponsoring organisation can be changed, for example, where the sponsoring organisation stated on the visa is deregistered as a charitable organisation under Section 31 of the Charities Act 2005.

e  Where RW7.20 (d) applies, the applicant must provide supporting documentation to confirm that:

i  the new sponsoring organisation is an acceptable sponsor; and

ii  the visa holder will undertake religious work for the new sponsor.

Effective 07/11/2011
RW8 Residence instructions for holders of work visas granted under South Island Contribution work instructions

Holders of visas granted under the South Island Contribution work instructions may be granted a residence class visa where:

a. they have held a work visa granted under the South Island Contribution work instructions for a period of at least 24 months; and

b. during the currency of that visa they have been employed:
   i. in a full-time role (at least 30 hours per week), in the region and industry specified on their visa throughout a period of 24 months; and
   ii. by an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see R5.110 and Appendix 10); and

c. they have current employment or an offer of employment which:
   i. is full-time (at least 30 hours per week); and
   ii. is genuine; and
   iii. is ongoing and sustainable (permanent or indefinite, or for a stated term of at least 24 months); and
   iv. is in the region and industry specified by their South Island Contribution work visa; and
   v. has terms and conditions that are not less than the those of the New Zealand labour market; and
   vi. is with an employer who has no significant adverse record with Immigration New Zealand or the Labour Inspectorate, and is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see R5.110 and Appendix 10); and

d. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and

e. they meet health and character requirements (see A4 and A5).

Effective 22/05/2017
**RW8.5 Resident visa subject to conditions**

*See also Immigration Act 2009 ss 49, 50*

Resident visas may be granted to a principal applicant (and any accompanying partner and dependent children) subject to the conditions that the principal applicant:

a. remains in full-time employment in the region specified by their South Island Contribution work visa for 24 months from the date their resident visa is granted; and

b. informs INZ of any changes of residential address while they are subject to visa conditions; and

c. submits evidence to INZ that they have met the requirement of RW8.5(a) within 30 months of the date their resident visa is granted.

**RW8.5.1 Compliance with conditions**

When an applicant under this category satisfies an immigration officer that the conditions on their resident visa under section 49(1) have been complied with, the immigration officer will cancel the conditions on their resident visa and the resident visa of any accompanying family members.

*Effective 22/05/2017*
RW8.10 South Island Contribution resident visas for Filipino dairy workers who have provided false documents

See previous instruction
RW8.10 Effective 22/05/2017

a These instructions apply to people who:
   i are nationals of the Philippines; and
   ii are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and
   iii were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and
   iv are applying for a South Island Contribution resident visa and have ongoing employment, or an offer of employment, on a dairy farm.

b Despite the requirement that applicants be of good character (RW8(e)), applicants who meet the requirements of RW8.10(a) may still be granted a South Island Contribution resident visa if they:
   i have not withheld information or provided further false, misleading or forged information in the course of applying for a New Zealand visa since the grant of the visa which satisfied the requirement at RW8.10(a)(iii); and
   ii meet all other criteria for the grant of a South Island Contribution resident visa, including not falling under any of the provisions of A5.25 other than A5.25(i).

Effective 13/05/2019

Special Categories
IN THIS SECTION

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S1 Special Categories for certain nationalities
S1.1 Pitcairn Islanders

See previous instructions:
S1.1 Effective 01/04/2017
S1.1 Effective 29/11/2010

a  Pitcairn Islanders are considered for a resident visa under a special category because New Zealand recognises that there are few employment opportunities on Pitcairn Island.

b  Pitcairn Islanders must be approved for a resident visa if they:
   i  apply in the prescribed manner (see R2.35 - R2.45), and
   ii meet health and character requirements (see A4 and A5), and
   iii have an offer of employment in New Zealand that meets the requirements of SM6.30 and is made by an employer who meets the requirements set out at R5.110.

Effective 28/08/2017
S1.10 Samoan Quota Scheme

See previous instructions:
S1.10 Effective 01/06/2018
S1.10 Effective 28/08/2017
S1.10 Effective 08/05/2017
S1.10 Effective 01/04/2017
S1.10 Effective 22/08/2016
S1.10 Effective 01/04/2016
S1.10 Effective 07/12/2015
S1.10 Effective 30/03/2015
S1.10 Effective 25/08/2014
S1.10 Effective 01/04/2014
S1.10 Effective 01/07/2013
S1.10 Effective 01/04/2013
S1.10 Effective 01/07/2012
S1.10 Effective 26/03/2012
S1.10 Effective 30/04/2011
S1.10 Effective 04/04/2011
S1.10 Effective 29/11/2010

S1.10.1 Objective

The Samoan Quota Scheme allows up to 1,100 Samoan citizens to be granted a resident visa each year. The total number of Samoan citizens approved under this category includes principal applicants, their partners and dependent children.

S1.10.5 Criteria for a resident visa

a To qualify for a resident visa under the Samoan Quota Scheme, the principal applicant must:
   i be a Samoan citizen (having been born in Samoa or born overseas to a Samoan citizen who was born in Samoa); and
   ii be either in Samoa or lawfully in New Zealand at the time their application for a resident visa is made; and
   iii have their registration drawn from the Samoan Quota Scheme pool; and
   iv lodge their application for a resident visa under the Samoan Quota Scheme within eight months of written advice from INZ that their registration has been drawn from the Samoan Quota Scheme pool; and
   v have been aged between 18 and 45 (inclusive) at the registration closing date; and
   vi have an acceptable offer of employment, or have a partner included in the application who has an acceptable offer of employment (see S1.10.30 below); and
   vii (if they have dependent children) meet the minimum income requirement (see S1.10.35 below); and
   viii meet a minimum level of English language ability (see S1.10.45 below); and
   ix meet health and character requirements (see A4 and A5).

b Partners and dependent children of the principal applicant who are included in the resident visa application must also meet health and character requirements for a resident visa (see A4 and A5).

c An immigration officer may extend the eight month timeframe referred to in paragraph (a)(iv) if the officer believes the special circumstances of the applicant justify such an extension.

d An Assistant General Manager, Visa Services may extend the eight month timeframe referred to in paragraph (a)(iv) in relation to a class of applicants if the Assistant General Manager believes the special circumstances of the class of applicants justify such an extension.
S1.10.10 Registration process
a Principal registrants may register for entry into the Samoan Quota pool within a set registration period. The dates of the registration period will be announced each year prior to the registration opening.
b Principal registrants must be aged between 18 and 45 (inclusive) at the registration closing date for their registration to be accepted into the ballot.
c Registrations must be made on the appropriate registration form for the Samoan Quota Scheme.
d Registrations must be submitted during the registration period to the appropriate receiving office specified in the appropriate registration guide for the Samoan Quota Scheme.
e Registrations will be accepted for entry into the ballot only if they are fully completed, signed by the principal registrant, and accompanied by any documents or evidence specified as required by the registration form.
f Any person included in a registration must either:
   i be in New Zealand lawfully at the time the registration is made; or
   ii be offshore at the time the registration is made.
g Any person who has previously overstayed in New Zealand, but has departed voluntarily, and is not subject to a removal order or period of prohibition on entry, can register under the Samoan Quota Scheme.

S1.10.10.1 Definition of 'principal registrant'
The principal registrant is the person who is declared to be the principal registrant on the registration application form and who intends to be the principal applicant of any resulting resident visa application.

S1.10.15 Inclusion in registration of immediate family members of the principal registrant
a Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.
b If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Samoan Quota Scheme. This limitation applies despite R2.1 concerning the inclusion of family members in an application.
c Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child Categories.
d Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child Categories.
e Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with R5.15 before applying the limitation referred to in (b).
f Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided R2.1 is met.
S1.10.20 Number of registrations that may be lodged

Registrants must lodge (or be included in) only one registration within the registration period. If a registration is lodged that includes registrants who are already included in a registration accepted by INZ, the subsequent registration(s) will not be accepted.

S1.10.25 Selection process following closure of registration

a As soon as practicable following the closure of the registration period, INZ will conduct an electronic draw.

b Registrations will be randomly drawn from the pool until the appropriate number of potential applicants to fill the number of available places within the annual period has been drawn.

c Principal registrants whose registrations have been drawn from the pool will be notified by INZ in the month following the draw that their registration has been successful, and will be invited to lodge an application for a resident visa under the Samoan Quota Scheme at the appropriate receiving office of INZ not more than eight months after the date of that advice.

S1.10.30 Acceptable offers of employment

a Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for on-going and sustainable employment. On-going and sustainable employment is:

i an offer of employment or current employment with a single employer which is permanent, or indefinite, and of which the employer is in a position to meet the terms specified; or

ii an offer of employment or current employment, with a single employer for a stated term of at least 12 months.

Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:

~ if the applicant has current employment, he or she must be in that employment, or

~ if the applicant has an offer of employment, the offer must continue to be valid.

b Acceptable offers of employment must also be:

i for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week) unless S1.10.35.1(c) applies; and

ii current at the time of assessing the application and at the time of grant of the visa; and

iii genuine; and

iv for a position that is paid by salary or wages (i.e., positions of self-employment, payment by commission and/or retainer are not acceptable); and

v accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and

vi compliant with all relevant employment law in force in New Zealand.

c An acceptable offer of employment must be from an employer who complies with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law will be assessed on the basis of past and current behaviour, and includes, but is not limited to:

i paying employees no less than the applicable minimum wage rate; and
ii meeting holiday and leave entitlements and other minimum statutory requirements; and
iii meeting occupational safety and health obligations; and
iv only employing people who are entitled to work in New Zealand.

d An employer is considered to not have a history of compliance with employment law if it fails to meet
the requirements set out at R5.110 or if it is included on a list of non-compliant employers maintained
by the Labour Inspectorate (see Appendix 10).

e For the purposes of S1.10.30(a) (ii), INZ must be satisfied that the employer:
   i has genuine reasons based on reasonable grounds for specifying that the employment is for a
      stated term; and
   ii has advised the employee of when or how their employment will end and the reasons for their
      employment ending; and
   iii is in a position to meet the terms specified.

f ‘Genuine reasons’ for the purposes of SM6.30.10(c)(i) do not include reasons:
   i that exclude or limit the rights of a person under employment law; or
   ii to determine the suitability of a person for permanent or indefinite employment.

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

g If the principal applicant has dependent children, the offer of employment must also meet the
minimum income requirement set out at S1.10.35 below.

S1.10.35 Minimum income requirement
a Principal applicants with dependent children must show that they will meet the minimum income
requirement if they come to New Zealand, which is intended to ensure they can support themselves
and their dependent children.

b The gross minimum income requirement is NZ$38,577.76. This is based on the Jobseeker Support
(married and civil union rate) plus the maximum Accommodation Supplement (as set by the New
Zealand Government).

c The minimum income requirement must be derived from an acceptable offer of employment - see
S1.10.30.

S1.10.35.1 Ability to include partner’s income as part of the minimum income requirement
a If both the principal applicant and their partner included in their application have an acceptable offer
of employment in New Zealand, both of their wages or salaries may be taken into account when
determining if the minimum income requirement is met.

b In such cases the partner’s employment and income will only be taken into account if, at the time the
application is assessed, an immigration officer is satisfied the principal applicant and partner have
been living together for 12 months or more in a partnership that is genuine and stable (see
R2.1.15.1(b) and R2.1.15.5(a)(i)).

c Where the employment (and income) of both the principal applicant and their partner is used to meet
the minimum income requirement, both offers of employment must meet all the requirements in
S1.10.30 except that only one has to meet the requirement that the offer be for full-time
employment.

S1.10.40 Evidence of employment offer
a Evidence of an offer of employment is original or certified copies of the following documents:
   i a written offer of employment; and
ii a detailed job description; and
iii an employment agreement entered into by the employer and the principal applicant, stating:
iv the terms of employment; and
  o the hours of work; and
  o the period during which employment may begin.
b Additional evidence may include, but is not limited to:
i any information requested by INZ; and
ii the results of any verification undertaken by INZ; and
iii information from the employer or recruitment agency.

S1.10.45 Minimum English language requirement
The interviewing immigration officer determines whether principal applicants meet the minimum English language requirement by assessing whether they are able to:
a read English; and
b understand and respond to questions in English; and
c maintain an English language conversation about themselves, their family or their background.

S1.10.50 Determining applications
a The immigration officer must sight the original job offer and verify that it is genuine and current by checking:
i directly with the employer; or
ii through the nearest office of INZ to the employer in New Zealand; or
iii by some other appropriate arrangement.
b The immigration officer must then assess the applicant's English language ability against the criteria at S1.10.45 above.

S1.10.55 Grant of visas
a If an application for a resident visa under the Samoan Quota Scheme is approved and the applicant is in New Zealand lawfully, a resident visa will be granted.
b If an application for a resident visa under the Samoan Quota Scheme is approved and the applicant is in Samoa, the principal applicant will be granted with a resident visa with travel conditions allowing first entry within three months, while the partner and dependent children will be granted resident visas with travel conditions allowing first entry within 12 months.

Effective 13/05/2019
S1.11 Residual Quota Places Category

See previous instructions:
S1.11 Effective 29/11/2010

a If the annual quota of places available under the Samoan Quota Scheme is not filled by applicants drawn from the ballot, INZ will, for the purpose of filling remaining places, call for resident visa applications within a specified period from persons who:

i are Samoan citizens (having been born in Samoa or born overseas to a Samoan citizen who was born in Samoa); and

ii are in New Zealand at the time applications are called for under this category; and

iii are lawfully in New Zealand at the time their application for a resident visa is made; and

iv are aged between 18 and 45 inclusive; and

v have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.10.30); and

vi meet the minimum income requirement (see S1.10.35) if they have dependants; and

vii meet a minimum level of English language ability (see S1.10.45); and

viii meet health and character requirements (see A4 and A5).

b Partners and dependent children accepted under the Quota must meet health and character requirements (see A4 and A5).

c Applications that are lodged in the prescribed manner (that meet all mandatory lodgement requirements) will be processed in the order in which they are received.

d Applicants who meet the criteria specified in (a) and (b) above will be granted a resident visa.

e All applications received that have not been decided at the time that all the remaining places from the annual quota have been filled will be treated as lapsed.

Effective 07/12/2015
S1.40 Pacific Access Category

See previous instructions:
S1.40 Effective 01/06/2018
S1.40 Effective 28/08/2017
S1.40 Effective 01/04/2017
S1.40 Effective 22/08/2016
S1.40 Effective 01/04/2016
S1.40 Effective 07/12/2015
S1.40 Effective 30/03/2015
S1.40 Effective 25/08/2014
S1.40 Effective 01/04/2014
S1.40 Effective 01/07/2013
S1.40 Effective 01/04/2013
S1.40 Effective 01/07/2012
S1.40 Effective 26/03/2012
S1.40 Effective 30/04/2011
S1.40 Effective 04/04/2011
S1.40 Effective 29/11/2010

S1.40.1 Objective

The Pacific Access Category allows up to 250 citizens of Fiji, 250 citizens of Tonga, 75 citizens of Tuvalu, and 75 citizens of Kiribati to be granted residence class visas in New Zealand each year. The total number of individuals approved under each category includes principal applicants, their partners and dependent children.

S1.40.5 Criteria for a resident visa

a To qualify for a resident visa under the Pacific Access Category, the principal applicant must:
   i be a citizen of Fiji, Tonga, Tuvalu, or Kiribati; and
   ii have their Pacific Access Category registration drawn from the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category; and
   iii lodge their application for a resident visa under the Pacific Access Category within eight months of written advice from INZ that their registration has been drawn from the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category; and
   iv have been aged between 18 and 45 (inclusive) at the registration closing date; and
   v have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.40.30 below); and
   vi (if they have dependent children) meet the minimum income requirement set out at S1.40.35 below; and
   vii meet a minimum level of English language ability (see S1.40.45 below); and
   viii meet health and character requirements (see A4 and A5).

b Principal applicants who are citizens of Fiji:
   i must be either in Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
   ii must have been born in Fiji or born overseas to a Fijian citizen who was born in Fiji.

c Principal applicants who are citizens of Tonga:
   i must be either in Tonga or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and
   ii must have been born in Tonga or born overseas to a Tongan citizen who was born in Tonga.
Principal applicants who are citizens of Kiribati:

i. must be either in Kiribati or Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and

ii. must have been born in Kiribati or born overseas to a Kiribati citizen who was born in Kiribati.

Principal applicants who are citizens of Tuvalu:

i. must be either in Tuvalu or Fiji or lawfully in New Zealand at the time their application under the Pacific Access Category is made; and

ii. must have been born in Tuvalu or born overseas to a Tuvaluan citizen who was born in Tuvalu.

Partners and dependent children included in applications under the Pacific Access Category must also meet health and character requirements (see A4 and A5).

An immigration officer may extend the eight-month timeframe referred to in paragraph (a)(iii) if the officer believes the special circumstances of the applicant justify such an extension.

An Assistant General Manager, Visa Services may extend the eight-month timeframe referred to in paragraph (a)(iii) in relation to a class of applicants if the Assistant General Manager believes the special circumstances of the class of applicants justify such an extension.

**S1.40.10 Registration process**

a. Principal registrants may register for entry into the relevant Fiji, Tonga, Tuvalu, or Kiribati pool of the Pacific Access Category within a set registration period. The dates of the registration period will be announced each year prior to the registration opening.

b. Principal registrants must be aged between 18 and 45 (inclusive) at the registration closing date for their registration to be accepted into the ballot.

c. Registrations must be made on the appropriate registration form for the Pacific Access Category.

d. Registrations must be submitted during the registration period to the appropriate receiving office specified on the Pacific Access Category registration guide applicable to the country.

e. Registrations will be accepted for entry into the ballot only if they are fully completed, signed by the principal registrant, submitted together with the appropriate fee and accompanied by any documents or evidence as required by the registration form.

f. Any person included in a registration must either:

i. be in New Zealand lawfully at the time the registration is made; or

ii. be offshore at the time the registration is made.

g. Any person who has previously overstayed in New Zealand, but has departed voluntarily, and is not subject to a removal order or period of prohibition on entry, can register under the Pacific Access Category.

**S1.40.10.1 Definition of ‘principal registrant’**

The principal registrant is the person who is declared to be the principal registrant on the registration application form and who intends to be the principal applicant of any resulting residence class visa application.

**S1.40.15 Inclusion in registration of immediate family members of the principal registrant**

a. Where the principal registrant has a partner and/or dependent children all of those people must be included in the registration.

b. If a registration is successful in the pool draw, only a partner and/or dependent children included in the registration may be included in the resulting application for a resident visa under the Pacific Access Category. This limitation applies despite R2.1 concerning the inclusion of family members in an application.
c Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child Categories.

d Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child Categories.

e Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with R5.15 before applying the limitation referred to in (b).

f Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided R2.1 is met.

S1.40.20 Number of registrations that may be lodged
Registrants must lodge (or be included in) only one registration within the registration period. If a registration is lodged that includes registrants who are already included in a registration accepted by INZ, the subsequent registration(s) will not be accepted.

S1.40.25 Selection process following closure of registration
a INZ will conduct an electronic draw as soon as practicable after the closure of the registration period.

b Registrations will be randomly drawn from the pool of registrations, until the appropriate number of potential registrants to meet the various quotas of available places within the annual period has been drawn.

c Principal registrants whose registrations have been drawn from the various pools will be notified by INZ in the month following the draw that their registration has been successful and that they must lodge a full application under the Pacific Access Category to the appropriate receiving office of INZ not more than eight months after the date of that advice.

d Principal registrants who are unsuccessful in the registration process within a particular registration period are able to re-register within subsequent registration periods at a reduced fee.

S1.40.30 Acceptable offers of employment
a Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for on-going and sustainable employment. On-going and sustainable employment is:

i an offer of employment or current employment with a single employer which is permanent, or indefinite, and of which the employer is in a position to meet the terms specified; or

ii an offer of employment or current employment, with a single employer for a stated term of at least 12 months.
Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:

~ if the applicant has current employment, he or she must be in that employment, or
~ if the applicant has an offer of employment, the offer must continue to be valid.

b Acceptable offers of employment must also be:

i for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week) unless S1.40.35.1 (c) applies; and

ii current at the time of assessing the application and at the time of grant the visa; and

iii genuine; and

iv for a position that is paid by salary or wages (ie, positions of self-employment, payment by commission and/or retainer are not acceptable); and

v accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and

vi compliant with all relevant employment law in force in New Zealand.

c An acceptable offer of employment must be from an employer who complies with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law will be assessed on the basis of past and current behaviour, and includes, but is not limited to:

i paying employees no less than the applicable minimum wage rate; and

ii meeting holiday and leave entitlements and other minimum statutory requirements; and

iii meeting occupational safety and health obligations; and

iv only employing people who are entitled to work in New Zealand.

d An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at R5.110 or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

e For the purposes of S1.40.30(a)(ii), INZ must be satisfied that the employer:

i has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and

ii has advised the employee of when or how their employment will end and the reasons for their employment ending; and

iii is in a position to meet the terms specified.

f ‘Genuine reasons’ for the purposes of SM6.30.(c)(i) do not include reasons:

i that exclude or limit the rights of a person under employment law; or

ii to determine the suitability of a person for permanent or indefinite employment.

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

g If the principal applicant has dependent children, the offer of employment must also meet the minimum income requirement set out at S1.40.35 below.
S1.40.35 Minimum income requirement

a Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and their dependent children.

b The gross minimum income requirement is NZ$38,577.76. This is based on the Jobseeker Support (married and civil union rate) plus the maximum Accommodation Supplement (as set by the New Zealand Government).

c The minimum income requirement must be derived from the acceptable offer of employment - see S1.40.30.

S1.40.35.1 Ability to include the partner’s income as part of the minimum income requirement

a If both the principal applicant and their partner included in their application have an acceptable offer of employment in New Zealand, both of their wages or salaries may be taken into account when determining if the minimum income requirement is met.

b In such cases the partner’s employment and income will only be taken into account if, at the time the application is assessed, an immigration officer is satisfied the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable (see R2.1.15.1(b) and R2.1.15.5(a)(i)).

c Where the employment (and income) of both the principal applicant and their partner is used to meet the minimum income requirement, both offers of employment must meet all the requirements in S1.40.30, except that only one has to meet the requirement that the offer be for full-time employment.

S1.40.40 Evidence of employment offer

a Evidence of an offer of employment is original or certified copies of the following documents:

i a written offer of employment; and

ii a detailed job description; and

iii a letter from the employer stating whether or not any occupational registration is required by law for the principal applicant to take up the position; and

iv an employment agreement entered into by the employer and the principal applicant, stating:

   o the terms of employment; and
   o the hours of work; and
   o the period during which employment may begin.

b Additional evidence may include, but is not limited to:

i any information requested by INZ; and

ii the results of any verification undertaken by INZ; and

iii information from the employer or recruitment agency.

S1.40.45 Minimum English language requirement

Immigration officers determine whether principal applicants meet the minimum English language requirement by assessing whether they are able to:

a read English; and

b understand and respond to questions in English; and

c maintain an English language conversation about themselves, their family or their background.
S1.40.50 Determining applications

a Immigration officers must sight the original job offer and verify that it is genuine and current by checking:
   i directly with the employer; or
   ii through the nearest office of INZ to the employer in New Zealand; or
   iii by some other appropriate arrangement.

b Immigration officers must assess the applicant's English language ability against the criteria at S1.40.45 above.

S1.40.55 Grant of visas

a If an application for a resident visa under the Pacific Access Category is approved and the applicant is in New Zealand lawfully, a resident visa will be granted.

b If an application for a resident visa under the Pacific Access Category is approved and the applicant is in Fiji, Tonga, Kiribati, or Tuvalu, the principal applicant will be granted a resident visa with travel conditions allowing first entry within three months, while the partner and dependent children will be granted resident visas with travel conditions allowing first entry within 12 months.

Effective 13/05/2019
S1.41 Residual PAC Places Category

See previous instructions:
S1.41 Effective 29/11/2010

a If the annual quota of places available for each country under the Pacific Access Category is not filled by applicants drawn from the ballots, INZ will, for the purpose of filling remaining places, call for resident visa applications within a specified period from persons who:

i are citizens of the countries that have unfilled places; and

ii are in New Zealand at the time applications are called for under this category; and

iii are lawfully in New Zealand at the time their application for a resident visa is made; and

iv have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.40.30); and

v are aged between 18 and 45 inclusive; and

vi meet the minimum income requirement (see S1.40.35) if they have dependants; and

vii meet a minimum level of English language ability (see S1.40.45); and

viii meet health and character requirements (see A4 and A5).

b Principal applicants who are citizens of Tonga must have been born in Tonga or born overseas to a Tongan citizen who was born in Tonga.

c Principal applicants who are citizens of Kiribati must have been born in Kiribati or born overseas to a Kiribati citizen who was born in Kiribati.

d Principal applicants who are citizens of Tuvalu must have been born in Tuvalu or born overseas to a Tuvaluan citizen who was born in Tuvalu.

e Partners and dependent children included in applications under the Pacific Access Category must meet health and character requirements (see A4 and A5).

f Applications that are lodged in the prescribed manner (that meet all mandatory lodgement requirements) will be processed in the order in which they are received.

g Applicants who meet the criteria specified in (a) to (e) above will be granted a resident visa.

h All applications received that have not been decided at the time that all the remaining places from the annual quota have been filled will be treated as lapsed.

Effective 07/12/2015
S1.45 Special Samoan Quota Places Category

See previous instructions:
S1.45 Effective 01/04/2017
S1.45 Effective 29/11/2010

S1.45.1 Objective

This category allows for the grant of a resident visa to citizens of Samoa who made an application for a resident visa under the Residual Quota Places Category and that application had not been decided as at 7 December 2008.

S1.45.5 Criteria for a resident visa

a To qualify for a resident visa under the Special Samoan Quota Places Category, the principal applicant must:
   i be a Samoan citizen (having been born in Samoa or born overseas to a Samoan citizen who was born in Samoa); and
   ii have made an application for a resident visa under the Residual Quota Places Category before 28 November 2005 which was not decided as at 7 December 2008; and
   iii have withdrawn that undecided application after 7 December 2008; and
   iv have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.45.10 below); and
   v meet the minimum income requirement (see S1.45.15 below) if they have dependants; and
   vi meet a minimum level of English language ability (see S1.45.20 below); and
   vii meet health and character requirements (see A4 and A5).

b Partners and dependent children accepted under this category must meet health and character requirements (see A4 and A5).

c Applications will only be accepted on the Application for Special Samoan Quota Places form and should be sent to the designated receiving office in New Zealand.

d Applications that are made in the prescribed manner (that meet all mandatory lodgement requirements) will be processed in the order in which they are received.

e Applications must have been made before or on 31 March 2009.

S1.45.10 Acceptable offers of employment

a Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for ongoing and sustainable employment. Ongoing and sustainable employment is employment with a single employer:
   i in a job which is permanent, or indefinite, and for which the employer is in a position to meet the terms specified; or
   ii for a stated term of at least twelve months with an option for the employee of further terms, and for which the employer is in a position to meet the terms specified.

Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

b Acceptable offers of employment must also be:
   i for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week); and
ii current at the time of assessing the application and at the time of the grant of the visa; and
iii genuine; and
iv for a position that is paid by salary or wages (ie, positions of self-employment, payment by commission and/or retainer are not acceptable); and
v accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and
vi compliant with all relevant employment law in force in New Zealand; and
vii with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see R5.110 and Appendix 10).

Note: Compliance with relevant New Zealand employment law includes but is not limited to:

- a written employment agreement that contains the necessary statutory specified terms and conditions
- paying employees no less than the appropriate adult or youth minimum wage
- meeting holiday and special leave requirements and other minimum statutory criteria
- meeting occupational safety and health obligations.

c If the principal applicant has dependent children, the offer of employment must also meet the minimum income requirement set out at S1.45.15 below.

S1.45.15 Minimum income requirement
a Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and any dependants.

b The gross minimum income requirement for the purposes of this category is $25,585.

c The salary or wages specified in the acceptable offer of employment (see S1.45.10) must be equal to or more than the gross minimum income requirement.

d However, if the principal applicant does not have a job offer or if their income does not meet (b) above, their partner’s acceptable job offer may be taken into account when determining if the minimum income requirement is met. An immigration officer must be satisfied (at the time the application is assessed) that the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable - see R2.1.15.1(b) and R2.1.15.5(a)(i). The offers of employment must meet all the requirements in S1.45.10, except that only one has to meet the requirement that the offer be for full-time employment.

S1.45.20 Minimum English language requirement
a Immigration officers determine whether principal applicants meet the minimum English language requirement by assessing whether they are able to:
   i read English; and
   ii understand and respond to questions in English; and
   iii maintain an English language conversation about themselves, their family or their background.

Effective 08/05/2017
S1.50 Special PAC Places Category

See previous instructions:
S1.50 Effective 01/04/2017
S1.50 Effective 29/11/2010

S1.50.1 Objective
This category allows for the grant of a resident visa to citizens of Tonga, Tuvalu, Kiribati or Fiji who made an application for a resident visa under the Residual PAC Places Category and that application had not been decided as at 7 December 2008.

S1.50.5 Criteria for a resident visa
a  To qualify for a resident visa under the Special PAC Places Category, the principal applicant must:
  i  be a citizen of Tonga, Tuvalu, Kiribati or Fiji;
  ii  have made an application for a resident visa under the Residual PAC Places Instructions before 28 November 2005 which was not decided as at 7 December 2008; and
  iii  have withdrawn that undecided application after 7 December 2008; and
  iv  have an acceptable offer of employment or have a partner, included in the application, who has an acceptable offer of employment (see S1.50.10 below); and
  v  meet the minimum income requirement (see S1.50.15) if they have dependants; and
  vi  meet a minimum level of English language ability (see S1.50.20); and
  vii  meet health and character requirements (see A4 and A5).

b  Principal applicants who are citizens of Tonga must have been born in Tonga or born overseas to a Tongan citizen who was born in Tonga.

c  Principal applicants who are citizens of Kiribati must have been born in Kiribati or born overseas to a Kiribati citizen who was born in Kiribati.

d  Principal applicants who are citizens of Tuvalu must have been born in Tuvalu or born overseas to a Tuvaluan citizen who was born in Tuvalu.

e  Principal applicants who are citizens of Fiji must have been born in Fiji or born overseas to a Fijian citizen who was born in Fiji.

f  Partners and dependent children accepted under this category must meet health and character requirements (see A4 and A5).

g  Applications will only be accepted on the Application for Special PAC Places Instructions form and should be sent to the designated receiving office in New Zealand.

h  Applications that are made in the prescribed manner (that meet all mandatory lodgement requirements) will be processed in the order in which they are received.

i  Applications must be made before or on 31 March 2009.

S1.50.10 Acceptable offers of employment
a  Acceptable offers of employment may be in either a skilled or unskilled occupation but must be for ongoing and sustainable employment. Ongoing and sustainable employment is employment with a single employer:
  i  in a job which is permanent, or indefinite, and for which the employer is in a position to meet the terms specified; or
  ii  for a stated term of at least twelve months with an option for the employee of further terms, and for which the employer is in a position to meet the terms specified.
Note: When assessing whether employment is sustainable, officers may consider, but are not limited to, such factors as the residence status of the employer, the period for which the employing organisation has been established as a going concern, and the financial sustainability of the employing organisation.

b Acceptable offers of employment must also be:
   i for full-time employment (employment is full-time if it amounts to, on average, at least 30 hours per week); and
   ii current at the time of assessing the application and at the time of the grant of the visa; and
   iii genuine; and
   iv for a position that is paid by salary or wages (ie, positions of self-employment, payment by commission and/or retainer are not acceptable); and
   v accompanied by evidence of professional or technical registration if this is required by law to take up the offer; and
   vi compliant with all relevant employment law in force in New Zealand; and
   vii with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see R5.110 and Appendix 10).

   Note: Compliance with relevant New Zealand employment law includes but is not limited to:
   ~ a written employment agreement that contains the necessary statutory specified terms and conditions
   ~ paying employees no less than the appropriate adult or youth minimum wage
   ~ meeting holiday and special leave requirements and other minimum statutory criteria
   ~ meeting occupational safety and health obligations.

c If the principal applicant has dependent children, the offer of employment must also meet the minimum income requirement set out at S1.50.15 below.

S1.50.15 Minimum income requirement
a Principal applicants with dependent children must show that they will meet the minimum income requirement if they come to New Zealand, which is intended to ensure they can support themselves and any dependants.

b The gross minimum income requirement for the purposes of this category is $25,585.

c The salary or wages specified in the acceptable offer of employment (see S1.50.10) must be equal to or more than the gross minimum income requirement.

d However, if the principal applicant does not have a job offer or if their income does not meet (b) above, their partner’s acceptable job offer may be taken into account when determining if the minimum income requirement is met. An immigration officer must be satisfied (at the time the application is assessed) that the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable - see R2.1.15.1(b) and R2.1.15.5(a)(i). The offers of employment must meet all the requirements in S1.50.10, except that only one has to meet the requirement that the offer be for full-time employment.

S1.50.20 Minimum English language requirement
a Immigration officers determine whether principal applicants meet the minimum English language requirement by assessing whether they are able to:
   i read English; and
   ii understand and respond to questions in English; and
iii maintain an English language conversation about themselves, their family or their background.

Effective 08/05/2017
S2 Special directions Instructions
S2.1 Requests for special directions

See previous instructions
S2.1 Effective 29/11/2010

See also Immigration Act 2009 ss 17, 378
See also Immigration Regulation 2010 reg 34

a  In the context of special directions instructions, requests for special directions are limited to people described by sections 15 or 16 of the Immigration Act 2009 (see A5.20) who are not eligible for a residence class visa.

b  If there are sufficient grounds to consider granting a residence class visa to a person not eligible for a visa (see A5.20), the processing officer may invite the applicant to request a special direction (RA7) authorising the grant of a residence class visa.

c  An invitation may be made only in cases involving exceptional circumstances, usually of a humanitarian nature, where, but for sections 15 or 16 of the Immigration Act 2009, the person concerned is otherwise eligible for the grant of a residence class visa under residence instructions.

d  Despite paragraph (b), if INZ receives a request without having made an invitation, it may consider that request.

e  Neither the Minister of Immigration nor INZ is obliged to consider any request for a special direction.

Effective 30/03/2015
S2.5 Procedure
See previous instructions S2.5 Effective 29/11/2013

a  Applicants must make the request in writing and must include the reasons why they consider they should be granted a special direction.

  Note: The request is not in itself an application for a visa. If an application for a residence class visa has not been made and the request for a special direction is granted, a formal application must follow.

b  Applicants overseas who request a special direction should make their request to the nearest INZ office or an authorised New Zealand Visa Application Centre or accredited MFAT post in their country of residence.

c  Applicants within New Zealand should make requests to an INZ office.

d  If the request is granted, applicants should be advised that a special direction will be made (and if necessary, a temporary visa granted under section 61 to allow the residence class visa application to be made) once they pay the fee for a special direction.

e  Applications for a residence class visa may then be processed in the usual way, once the appropriate application fee for the visa has been paid.

f  If a request is refused, neither the Minister of Immigration nor INZ is obliged to give reasons for any decision other than the fact that under section 11(c) of the Immigration Act 2009 he or she is not obliged to give reasons for refusing to make a special direction; and section 23 of the Official Information Act 1982 (concerning access for reasons for decisions) and section 27 of the Immigration Act 2009 do not apply.

Effective 02/12/2013
S2.10 Requests from prohibited people

Requests for special directions in relation to people prohibited under sections 15 or 16 of the Immigration Act 2009 from being granted a residence class visa, are decided at various levels, depending on their category under sections 15 or 16.

S2.10.1 Requests from prohibited people

a. Unless the Minister of Immigration has previously declined a request for a special direction, the request should be referred to an officer with Schedule 1-2 delegations for a decision to approve or decline.

b. If the Minister previously declined a special direction request, the request should be referred to the Resolutions Branch, which will then forward it to the Minister for decision.

S2.10.5 People prohibited under section 15(1)(c)(d)(e) or (f)

a. The request should be referred to the Resolutions Branch along with supporting comment and a recommendation from the processing officer.

b. The Resolutions Branch will then forward the request to the Minister of Immigration for decision.

S2.10.10 People prohibited under section 15(1)(a) or section 16

a. An officer with Schedule 1-2 delegations may make a decision to decline the request.

b. Possible approvals should be referred to the Resolutions Branch, along with supporting comment.

c. The Resolutions Branch will then forward the request to the Minister of Immigration for decision.

S2.10.15 People prohibited under section 15(1)(b)

a. An officer with Schedule 1-2 delegations may make a decision to decline or approve the request.

b. Any approval of a request for a special direction authorising the grant of a residence class visa requires the person making the request to be otherwise eligible for the grant of residence class visa under residence instructions.

Effective 29/11/2010
S3 Refugee and Protection Category
S3.1 Objective

New Zealand's refugee and protection instructions:

a. reflects the Government's commitment to fulfilling its international humanitarian obligations; and

b. contributes to the global community's efforts to assist refugees and protected people.

Effective 29/11/2010
S3.5 Categories of refugees and protected persons

See previous instructions S3.5 Effective 29/11/2010

a  New Zealand provides assistance to two categories of refugee:
   i  Mandated refugees (people determined to be refugees by the United Nations High Commission for
       Refugees (UNHCR) before arrival in New Zealand); and
   ii Convention refugees (people given refugee status by the New Zealand Government under the
       1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of
       Refugees (see C2.5)).

b  The Government sets the number of places available for mandated refugees under the Refugee Quota
    (currently 750 persons per year).

c  New Zealand also provides assistance to people recognised as a protected person in New Zealand in
    accordance with certain obligations under the 1984 Convention Against Torture and Other Cruel,
    Inhuman or Degrading Treatment or Punishment or the 1966 International Covenant on Civil and
    Political Rights.

   Effective 26/03/2012
**S3.10 Permanent resident visas for refugees and protected persons**

See previous instructions:
S3.10 Effective 26/03/2012
S3.10 Effective 29/11/2010

a Mandated refugees who meet the requirements at S3.22 may be granted permanent resident visas.

b Immigration officers may, at their discretion, grant permanent resident visas to "Convention" refugees and protected persons (see C5.15.1), except if they are members of a mass arrival group and not unaccompanied minors at the time of arrival (see C8.20).

c All refugee claimants who are recognised as having refugee status may apply for a permanent resident visa on the basis of that recognition, except if (g) below applies.

d Protection claimants who are recognised as having protection status may apply for a permanent resident visa on the basis of that recognition, unless they are a person to whom S3.10(g) applies or, in determining any refugee or protection claim they made, one or more of the following applied:

i they were excluded from being granted refugee status by Article 1F of the Refugee Convention;

ii they have had a refugee claim or subsequent refugee claim not accepted for consideration on the basis of sections 134(3) or 140(1)(b) of the Immigration Act 2009;

iii a refugee and protection officer has determined there are serious reasons for considering a protected person has committed an act as outlined in section 137(2) of the Immigration Act 2009;

e Protected persons to whom S3.10(d)(i), (ii), and/or (iii) apply will have their immigration status determined by the Minister of Immigration.

f Applicants eligible to apply for a permanent resident visa may include dependants in the application in accordance with residence instructions (see R2).

g Despite (c) above, “Convention” refugee and protection claimants who arrived in New Zealand as members of a mass arrival group (see C8.5), and were not unaccompanied minors at the time of arrival as described at C8.5.5, may only apply for a residence class visa if they meet the requirements specified at C8.20.

*Effective 29/07/2013*
S3.15 Requirements for making an application for grant of a permanent resident visa (refugee or protection status)

See previous instructions:
S3.15 Effective 26/03/2012
S3.15 Effective 29/11/2010

a Applications for a permanent resident visa that are based on the recognition of New Zealand refugee or protection status must be made in the prescribed manner (see R2.40). The application must include a copy of the letter confirming the grant of refugee or protection status.

b Applications may be made at any New Zealand branch of INZ.

c Appropriately delegated immigration officers may waive by special direction:

i the application fee for the principal applicant and any partner and/or dependent child(ren) recorded in the refugee or protection status application; and

ii the requirement to submit an overseas police clearance certificate from the country or countries in relation to which a well-founded fear or basis for conferring New Zealand’s protection has been established (see C2.5.1); and/or

iii any other mandatory requirement for lodgement except the requirement to complete and submit a Residence Application (INZ1000) form together with two passport photographs of, and a Limited Medical Certificate (INZ 1201) and a Chest X-ray Certificate (INZ 1096) for, each person included in the application.

d If a birth certificate for any person included in the application is unavailable, a statutory declaration confirming full name, date and place of birth and full names of both parents must be submitted.

e If documents relating to the custody of any child under the age of 16 included in the application are unavailable, a statutory declaration confirming the legal custody of children must be submitted.

f The principal applicant and partner included in the application, must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A statutory declaration confirming the duration and nature of the partnership must be submitted if such evidence would be unduly difficult to obtain because:

i conditions in the relevant country are such that the country's governmental infrastructure is no longer functioning; and/or

ii there are circumstances beyond the control of the applicants which prevent them obtaining the required evidence.

g If overseas police clearances are unavailable for any person aged 17 and older included in the application, a statutory declaration must be provided stating whether the applicant has been convicted, or found guilty of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.

h INZ will apply for New Zealand Police clearance certificates for the principal applicant and any dependants aged 17 years and over included in the application who have been in New Zealand for more than 12 months at the date the application is made.

Effective 30/07/2012
S3.17 Requirements for making an application for grant of a permanent resident visa (mandated refugee)

See previous instructions S3.17 Effective 26/03/2012

a A person who has been recognised as a mandated refugee under S3.5(a)(i)) by the United Nations High Commissioner for Refugees (UNHCR) and put forward for consideration to be resettled in New Zealand under the refugee quota residence programme, may be selected to apply for a permanent resident visa.

b “Candidate” refers to each person put forward for consideration for the Refugee Quota Programme by the UNHCR. Once selected, candidates can then apply for residence.

c Applications from mandated refugees must be made in the prescribed manner (see R2.40), submitted at an interview with an immigration officer or delegated individual, and be processed and decided by the Refugee Quota Branch (RQB).

d RQB immigration officers may waive by special direction any mandatory requirement for lodgement including the application fee, except the requirements to complete and submit:

i one Residence Application for Mandated Refugees form;

ii two passport photographs of each person included in the application; and

iii separate medical certificates for each person included in the application, as specified in A4.74.1.

e If an original or certified copy of a birth certificate or identity card for any person included in the application is unavailable, a declaration confirming full name, date and place of birth and full names of both parents must be submitted.

f If documents relating to the custody of any child under the age of 16 included in the application are unavailable, a declaration confirming the legal custody of children must be submitted and/or a UNHCR Best Interest Determination (BID). Where the child is an unaccompanied minor or separated child, a UNHCR BID must be submitted.

g The principal applicant and partner included in the application must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A declaration confirming the duration and nature of the partnership must be submitted if such evidence would be unduly difficult to obtain because:

i conditions in the relevant country are such that the country's governmental infrastructure is no longer functioning; and/or

ii there are circumstances beyond the control of the applicants which prevent them obtaining the required evidence.

h Applicants who have been selected to be part of the refugee quota programme are exempt from the requirement to have an acceptable standard of health (see A4.10), except where the provisions at A4.74 apply.

i The principal applicant and any dependants, aged 17 and over, included in the application, must provide a police clearance certificate, less than 6 months old at the time the refugee determination is made for each country in which they have lived for 12 months or more during the past 10 years except where:

i the certificate is required from the applicant’s home country, where they have a well-founded fear of approaching the authorities; or

ii the authorities of any such country do not generally provide police certificates; or

iii the immigration officer deems it unsafe for the applicant to approach the authorities of that country.

j If overseas police clearances are unavailable for any person aged 17 and older, included in the application, a declaration must be provided stating whether they have been convicted, or found guilty
of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.

Effective 01/07/2013
S3.20 Requirements for grant of a permanent resident visa (refugee or protection status)

See previous instructions:
S3.20 Effective 30/07/2012
S3.20 Effective 26/03/2012
S3.20 Effective 29/11/2010

a To be granted a permanent resident visa, principal applicants must satisfy immigration officers that:
   i refugee or protection status has been recognised; and
   ii they have established their identity and that of any partner and/or dependent child(ren); and
   iii the relationship between the principal applicant and any partner and/or dependent child(ren) included meets residence criteria (see R2.1.15 and R3); and
   iv they meet the health and character requirements in A4 and A5, or are waived from these requirements by an appropriately delegated immigration officer, who has applied the instructions set out at A4.60 and A5.25.1, has waived them (see also C5.15.5); and
   v they are not able to be deported from New Zealand because of the limitation on deportation arising from section 164 of the Immigration Act 2009 (see also C5.15.5); and
   vi they were not members of a mass arrival group, unless they were unaccompanied minors when they arrived (see C8.5.5).

b Refugees or protected persons who have held limited visas at any time are not eligible to apply for a permanent resident visa. They can only be granted a permanent resident visa under section 61 of the Immigration Act 2009 upon the expiry of their limited visa.

c Refugees and protected persons (excluding unaccompanied minors described at C8.5.5) who were members of a mass arrival group must meet the requirements specified at C8.20 to be granted a permanent resident visa.

Effective 29/07/2013
S3.22 Requirements for grant of a permanent resident visa (mandated refugee)

See previous instructions S3.22 Effective 26/03/2012

To be granted a permanent resident visa, principal applicants must have met the requirements for submitting a Residence Application for Mandated Refugees (S3.17) and must satisfy an immigration officer that:

a. their identity and that of anyone included in their application has been established;

b. they are a mandated refugee, recognised as such by the United Nations High Commissioner for Refugees (UNHCR) and their refugee claim is credible;

c. all applicants included in the application have been interviewed by an immigration officer or an appropriately delegated individual;

d. the relationship between the principal applicant and any partner and/or dependent child(ren) included meets residence criteria (see R2.1.15 and R3);

e. the applicant(s) meet the character requirements at A5, or are waived from these requirements by an appropriately delegated immigration officer;

f. all applicants included in the application meet the health requirements specified at A4.74; and

g. there are no significant barriers to the ability of any of the applicants to settle into New Zealand.

S3.22.1 Status of applicants granted a permanent resident visa under the mandated refugee category

All applicants granted a permanent resident visa under this category are to be treated as principal applicants for the purpose of any future requests to sponsor family members under any applicable categories.

Effective 01/07/2013
S3.25 Temporary entry class visas

See previous instructions:
S3.25 Effective 30/03/2015
S3.25 Effective 29/11/2010

a. Applicants for residence class visas who have current temporary entry class visas should ensure that their visas remain current while the application for a residence class visa is being processed (see E8.10).

b. Immigration officers may grant further temporary entry class visas to all persons included in the residence class visa application for the time needed to complete processing of the application.

c. If the temporary entry class visa of the principal applicant or any dependant included in the application has expired, then it may be appropriate to consider granting a visa under section 61 of the Immigration Act 2009 (see A23).

Effective 06/07/2015
S3.30 Deportation orders

If any person included in the application has a removal or deportation order in force, an appropriately designated immigration officer must, if appropriate, cancel the removal or deportation order before a permanent resident visa is granted.

Effective 29/11/2010
S3.35 Entry of overseas dependants of approved refugee or protection status claimants

a  Once residence has been approved in principle for people included in the refugee or protected person’s application, permanent resident visas may be granted to them.

b  Temporary entry class visas may be granted to such dependants before the principal applicant’s resident visa application is finalised, if circumstances in the overseas country warrant it.

Effective 29/11/2010
S3.40 Liability for deportation on cancellation of refugee or protection status

See previous instructions S3.40 Effective 29/11/2010

See also Immigration Act 2009 s162

A holder of a residence class visa granted as a result of refugee or protection status may be liable for deportation if a person suffers loss of refugee or protection status under C6.

Effective 04/04/2011
S4 Special residence Categories
S4.5 Residence Category for victims of family violence

See previous instructions
S4.5 Effective 30/03/2015
S4.5 Effective 07/11/2011
S4.5 Effective 29/11/2010

S4.5.1 Objective
The objectives of the residence category for victims of family violence is to:

a. enable partners of New Zealand citizens or residence class visa holders to remain in New Zealand where they:
   i. intended to seek residence class visas on the basis of their relationship which has ended because of family violence to either the non-resident partner or their dependent child; and
   ii. cannot return home because of the impacts of stigma, or because they would have no means of independent financial support from employment or other means; and

b. recognise New Zealand's international obligations, particularly to:
   i. end discrimination against women in all matters related to marriage and family relations (Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women); and
   ii. protect children from mental and physical violence (Article 19 of the United Nations Convention on the Rights of the Child);

Note: For the purposes of schedule S(9) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, the category is also known as both the Special Category for Victims of Domestic Violence and the Special Category for Victims of Family Violence.

S4.5.2 Who is eligible for a resident visa for victims of family violence
People in New Zealand who:

a. are, or have been, in a partnership (see F2.5b) with a New Zealand citizen or residence class visa holder; and

b. had intended to seek a residence class visa in New Zealand on the basis of that relationship; and

c. that partnership has ended due to family violence by the New Zealand citizen or residence class visa holder or by someone with whom the applicant is living with in a family relationship; and

d. are unable to return to their home country because:
   i. would have no means of independent financial support from employment or other means, and have no ability to gain financial support from other sources; or
   ii. would be at risk of abuse or exclusion from their community because of stigma; and

e. meet health and character requirements (see A4 and A5);

may be granted a resident visa.

Note: For the purpose of these instructions, 'family relationship' has the meaning set out in s12 of the family Violence Act 2018.

S4.5.5 Evidence of family violence
Evidence of family violence means:

a. a final Protection Order against the New Zealand citizen or resident partner, or someone with whom the applicant is living in a family relationship, under the family Violence Act 2018; or
b a relevant New Zealand conviction of the New Zealand citizen or residence class visa holder partner, or someone with whom the applicant is living in a family relationship, of a family violence offence against the principal applicant or a dependent child of the principal applicant; or

c a complaint of family violence against the principal applicant or a dependent child investigated by the New Zealand Police where the New Zealand Police are satisfied that family violence has occurred; or

d a statutory declaration from the applicant stating that family violence has occurred and two statutory declarations completed by persons competent to make statutory declarations that family violence has occurred (see S4.5.6 below).

Note: For the purpose of these instructions, 'family violence' has the meaning set out in s.9 of the family Violence Act 2018.

S4.5.6 Persons competent to make a statutory declaration that family violence has occurred

a Statutory declarations from the following persons stating that they are satisfied that family violence has occurred are acceptable as evidence of family violence:

i social workers who are:
   o registered with the Social Workers Registration Board; or
   o full members of the Aotearoa New Zealand Association of Social Workers; or
   o employed under the State Sector Act 1988;

ii doctors registered with the New Zealand Medical Council;

iii nurses registered with the Nursing Council of New Zealand;

iv psychologists registered with the New Zealand Psychologists Board;

v counsellors who are members of the New Zealand Association of Counsellors; and

vi experienced staff members of Ministry of Children, Oranga Tamariki approved women’s refuges who have been nominated by:
   o the National Collective of Independent Women’s Refuges
   o Shakti Community Council.

b In order to meet the requirements of S4.5.5(d) above, an applicant must supply a statutory declaration from people acting in their professional capacity from two of the groups listed above. The two people must be unrelated professionally (for example, they cannot be a doctor and a nurse from the same practice).

c Immigration officers may verify that statutory declarations provided as evidence of family violence have been made by the appropriate person by contacting the professional bodies listed above.

S4.5.10 Evidence that the principal applicant has been in a partnership with a New Zealand citizen or residence class visa holder

Evidence that the principal applicant has been in a partnership with a New Zealand citizen or residence class visa holder may include, but is not limited to, original or certified copies of:

- an original or certified copy of a marriage certificate
- correspondence (including postmarked envelopes) addressed to both principal applicant* and the New Zealand citizen or residence class visa holder;
- evidence of communication between the couple;
- photographs of the couple together;
- documents indicating public recognition of the relationship;
- evidence of any specific arrangements and/or engagement ceremonies which have been carried out;
• communication between the parents of the couple and/or a person acting as a go-between or matchmaker;
• other documents indicating public recognition of the arrangement and/or engagement ceremony;
• confirmation from independent sources that such arrangements and/or engagement ceremonies are in accordance with the cultural custom of the parties concerned;
• a joint mortgage, tenancy agreement or rent book;
• birth certificates of their children;
• proof of joint assets;
• proof of shared income; and
• proof of shared bank accounts.

S4.5.12 Evidence of living in a family relationship with the perpetrator of family violence
Evidence that the principal applicant has been living in a family relationship with the perpetrator of family violence includes:

a confirmation from the New Zealand Police that they are satisfied the family violence was perpetrated by someone living at the same address;
b a statutory declaration by the applicant that the perpetrator of family violence lived at the same address as the applicant and was a member of applicant's partner's family;
c a statutory declaration by one of the professionals listed at S4.5.6 stating that the person lived at the same address as the applicant;
d any other documentary evidence that the person lived at the same address as the applicant.

Note: For the purpose of these instructions, 'family relationship' has the meaning set out in s.12 of the family Violence Act 2018.

S4.5.15 Evidence of inability to return to the home country
a Principal applicants must provide evidence, in the form of documents and/or information provided at an interview with an immigration officer, that if they returned to their home country they:
   i would have no means of independent financial support from employment or other means, and have no ability to gain financial support from other sources; or
   ii would be at risk of abuse or exclusion from their community because of stigma.
b INZ may refer to any relevant information when determining the ability to return to their home country.

S4.5.20 Making an application
a Applications must be made in the prescribed manner (see R2.40); but an appropriately delegated immigration officer may waive:
   i the application fee; and
   ii police certificates, if these are not available from a particular country.
b Where police certificates are not available, the applicant must make and provide a separate statutory declaration in both English and their own language. The statutory declaration must:
   i detail the applicant's attempts to obtain a police certificate; and
   ii state whether the applicant and any accompanying family members have been convicted; or found guilty of, or charged with offences against the law of that country, or have not been charged with any offences against the law of that country; and
be corroborated by other information confirming the applicant's character.

S4.5.25 Determination of applications

a Applications will be determined by immigration officers who have received specialist training on this category.

b Applications under this category will be given priority processing.

Effective 23/12/2019
**S4.10 Refugee Family Support Category**

See previous instructions:
S4.10 Effective 08/05/2017  
S4.10 Effective 29/07/2013  
S4.10 Effective 08/04/2013  
S4.10 Effective 30/07/2012  
S4.10 Effective 26/03/2012  
S4.10 Effective 29/11/2010

**S4.10.1 Objective**

The objective of the Refugee Family Support Category (RFSC) is to facilitate the successful resettlement of refugees and protected people resident in New Zealand by providing them with an opportunity to sponsor family members who do not qualify for residence under any other category of residence instructions.

**S4.10.5 Number of places available under RFSC**

a The number of places available for sponsored persons under RFSC (including any family members included in their registration) is set at 300 per year.

b For the purposes of these instructions, a year consists of the 12-month period from 1 July to 30 June.

**S4.10.10 How do people qualify for residence under the RFSC?**

a A principal applicant and their partner and dependent children qualify for residence under the RFSC if their sponsor’s registration is selected from the RFSC queues under tier one (see S4.10.30) or tier two (see S4.10.40); and

i they are not eligible for a residence class visa in New Zealand under any other category of Government residence instructions; and

ii they meet health and character requirements (see A4 and A5); and

iii their application is made within 12 months of Immigration New Zealand’s (INZ) advice to their sponsor that the sponsor’s registration has been selected from the RFSC tier one or tier two queue.

b In each case, their sponsor must meet 'eligible sponsor' requirements set out at S4.10.15; and

i the requirements for tier one sponsors (see S4.10.20(e)); or

ii the requirements for tier two sponsors (see S4.10.20(g)).

c Despite A4.20(a), R2.40(e)(vi) and R2.40(e)(vii), an applicant is not required to provide a Medical Certificate or Chest X-ray Certificate for the purposes of lodging an application under the RFSC.

d In order to determine whether the applicant(s) meets health requirements at A4, the applicant(s) must submit the following when requested by an immigration officer:

i a completed General Medical Certificate (INZ 1007); and

ii a completed Chest X-ray Certificate (INZ 1096) (except for pregnant women and children under the age of 11).

e Unless A4.20(d) applies, the General Medical Certificate (INZ 1007) and Chest X-Ray Certificate (INZ 1096) must have been issued less than three months before the date they are received by an immigration officer.

**S4.10.15 Eligible sponsors under RFSC**

*See also Immigration Act 2009, s 48*

a For the purpose of RFSC, an 'eligible sponsor' is a New Zealand citizen or resident who:

i was granted a residence class visa in New Zealand on the basis of:

   o their status as a refugee or protected person; or
o being an Afghan interpreter; or
o being the partner or dependent child of an Afghan interpreter who accompanied that Afghan interpreter to New Zealand; and

ii has not sponsored any other principal applicant who has obtained a resident visa in New Zealand under RFSC (or Refugee Family Quota); and

iii is in New Zealand; and

iv is aged 18 years or over; and

v meets the requirements for an acceptable sponsor as set out at R4.5, except for the requirements at R4.5(d)(ii) and (iii).

b Sponsors aged 18 to 24 must be able to satisfy an immigration officer that they are able to meet the undertakings given in the sponsorship form.

c For the purposes of these instructions, people granted residence on the basis of being an Afghan interpreter are people who have worked with the New Zealand Defence Force, the New Zealand Police or the New Zealand Special Air Service (SAS) in Afghanistan and were granted a residence class visa by the Minister of Immigration as an exception to instructions under section 72(3) of the Immigration Act 2009.

S4.10.20 Two tier registration system for sponsors

a Registrations from tier one sponsors (see (e) below) will be given first access to available places under RFSC by entry into the tier one queue.

b Registrations will be selected from the tier one queue in order of their entry to that queue until the annual number of places available under RFSC is met.

c If the places available annually under RFSC are not filled by people included in tier one registrations selected from the queue, registrations required to fill the remaining places will be selected from the tier two queue.

d If the places available annually under RFSC are not filled by people included in tier one registrations and the registrations in the tier two queue are insufficient to fill the remaining quota of places, INZ will call for tier two sponsors to submit registrations (see S4.10.20(g) and S4.10.35 below).

e A tier one sponsor is an 'eligible sponsor' who:

i is a New Zealand citizen or the holder of a current residence class visa; and

ii wants to sponsor their parent, grandparent, grandchild, uncle, aunt, nephew, niece, adult sibling or adult child, and that person's partner and/or dependent children for a resident visa under RFSC; and

iii has no other 'family member' who is eligible for residence in New Zealand under any other category of residence instructions; and either

iv has no 'immediate family' living lawfully and permanently in New Zealand; or

v is the 'sole carer' (see S4.10.55.15) of a dependent relative or dependent relatives in New Zealand and the sponsor has no other 'immediate family' living lawfully and permanently in New Zealand apart from the dependent relative who is under care.

f For the purpose of S4.10.20(e)(v), the ‘dependent relative’ who requires on-going care must have no ‘immediate family’ in New Zealand other than the sponsor.

g A tier two sponsor is an 'eligible sponsor' who:

i has 'immediate family' in New Zealand; and

ii wants to sponsor their parent, adult sibling, adult child, or grandparent (if that grandparent is the sponsor’s legal guardian, see S4.10.55.20), and that person’s partner and dependent children for residence under RFSC; and

iii has no other ‘family member’ who is eligible for residence in New Zealand under any other
category of residence instructions; and
iv is a New Zealand citizen or the holder of a current residence class visa; and
v has been a New Zealand citizen and/or the holder of a residence class visa for at least three years immediately preceding the date the Registration Form for RFSC sponsor is lodged; and
vi in each of the three 12-month portions within that three-year period, has spent a total of 184 days or more in New Zealand.

h For the purposes of S4.10.20(e), (f), and (g), to be an eligible sponsor under tier one or two of RFSC, a sponsor must meet the particular requirements that were in force at the time their registration was selected from the queue.

**Note:** For the purposes of these instructions ‘immediate family’ means a sponsor’s partner, parent, or child (excluding any dependent child in terms of R2.1.30). For the purposes of these instructions, ‘family member’ means a sponsor’s partner, parent, child, grandparent, grandchild, uncle, aunt, nephew, niece or adult sibling.

S4.10.25 Registration process for tier one sponsors

a Eligible sponsors who meet the requirements for tier one sponsors set out at S4.10.20(e) above may register with INZ to sponsor their parent, grandparent, grandchild, uncle, aunt, nephew, niece, adult sibling or adult child, and that person's partner and/or dependent children for residence under the RFSC tier one queue.

b Registrations must be made on the registration form for the appropriate RFSC tier.

c Registrations must be submitted by mail to the address specified on the applicable registration form.

d A fee is payable for registration.

e Subject to the provisions of S4.10.50, registrations from sponsors who meet the tier one sponsorship requirements set out at S4.10.20(e) above may be entered into the RFSC tier one queue if the form is fully completed, signed by the sponsor, and accompanied by any documents or evidence as required by the registration form.

S4.10.30 Selection process for tier one sponsors

a Registrations will be selected from the tier one queue in chronological order from the date that the registration was entered into the tier one queue until the appropriate number of potential applicants to meet the number of available places within the annual period has been met.

b If the number of potential applicants included in registrations in the tier one queue exceeds the number of available places within the annual period, INZ will delay the selection of further registrations until places become available in the next annual period.

c Tier one sponsors with registrations entered into the tier one queue must notify INZ of any change in their circumstances.

d Sponsors whose registrations have been selected from the tier one queue and appear to meet the relevant registration requirements will be notified by INZ that their registration has been successful. Sponsors must advise the potential applicants whom they are sponsoring to lodge a full application under RFSC to the appropriate receiving office of INZ. Such applications must be made within 12 months after the date of the INZ notification to the sponsor. Any applications received outside that time limit will not be accepted.

S4.10.35 Registration process for tier two sponsors

a Eligible sponsors who meet the requirements for tier two sponsors set out at S4.10.20(g) above may register with INZ within a set registration period to sponsor their parent, adult sibling or adult child, or grandparent (if that grandparent is the sponsor's legal guardian, see S4.10.55.20), and that person's partner and dependent children for residence under RFSC tier two queue.
b INZ will announce that tier two will open for registration prior to its opening, if and when places are available for tier two potential applicants (places will be available if the number of potential applicants included in registrations in the tier one queue is less than the number of available places within the annual period). Registrations will then open for a set period as determined by INZ.

c Registrations must be made on the appropriate registration form for the tier under which the registration is made.

d Registrations must be submitted during the registration period by mail to the address specified on the appropriate Registration Form for RFSC.

e A fee is payable for registration.

f Subject to the provisions of S4.10.50, registrations that are received by INZ before the end of the registration period from sponsors who meet the tier two sponsorship requirements set out at S4.10.20(g) above may be entered into RFSC tier two queue, if the form is fully completed, signed by the sponsor, and accompanied by any documents or evidence as required by the registration form.

S4.10.40 Selection process for tier two sponsors

a Registrations will be selected from the tier two queue in chronological order from the date the registration was entered into the queue, until the appropriate number of potential applicants to meet the number of available places in the annual period has been met.

b If the number of potential applicants included in registrations in the tier one queue exceeds the number of available places within the annual period, INZ will delay the selection of further registrations from tier two until places become available.

c Sponsors with registrations entered into the tier two queue must notify INZ of any change in their circumstances.

d Sponsors whose registrations have been selected from the tier two queue and appear to meet the relevant requirements will be notified by INZ that their registration has been successful. Sponsors must advise the potential applicants whom they are sponsoring to lodge a full application under RFSC the appropriate receiving office of INZ. Such applications must be made within 12 months after the date of the INZ notification to the sponsor. Any applications received outside that time limit will not be accepted.

S4.10.45 Inclusion in registration of immediate family members of the sponsored principal applicant

a Where the sponsored person has a partner and/or dependent children, all of those people must be included in the registration made by the sponsor.

b Despite R2.1 concerning the inclusion of family members in an application, an application under RFSC can only include the partner and/or dependent children included in the preceding sponsor registration.

c Any partner and/or dependent children who were eligible for inclusion in the registration but were not included must not subsequently be granted a residence class visa under the Partnership or Dependent Child categories.

d Despite (b) and (c) above, a partner or dependent child who was included in the registration but not in the resulting application for a resident visa may be granted a residence class visa as a principal applicant under the Partnership or Dependent Child categories.

e Notwithstanding (b) above, in the event an applicant includes any partner and/or dependent child in their application who was not included in their registration, officers should allow the principal applicant an opportunity to explain the non-declaration in accordance with R5.15 before applying the limitation referred to in (b).
f Where a person is not eligible to be included at the time of registration but is eligible at the time of the application for a resident visa (e.g. in the case of a newborn child), they may be included in the resident visa application provided R2.1 is met.

S4.10.50 Number of registrations that may be submitted

a Sponsors must have only one registration in the tier one or two queues at any time. Each registration must be in respect of one potential principal applicant and that person’s partner and/or dependent children. If a single sponsor lodges more than one registration, the second and subsequent registrations will not be accepted.

b A registration under RFSC will not be accepted if:
   i any of the potential applicants included in that registration have a current application for a residence class visa lodged with INZ under any other category of residence instructions; or
   ii any of the potential applicants included in that registration are eligible for a residence class visa in New Zealand under any other category of residence instructions (see S4.10.10(a)(i)).

c A registration under RFSC will not be accepted if, at the time the registration is lodged, any of the potential applicants included in the registration are unlawfully in New Zealand or subject to section 150 of the Immigration Act 2009 (concerning refugee or protection status claimants).

Notes:
~ Potential applicants in New Zealand must be lawfully in New Zealand and not subject to section 150 of the Immigration Act 2009 in order to lodge an application under RFSC.
~ Where a registration is not accepted for any of the reasons set out in this provision, the registration fee will be returned to the sponsor.

S4.10.55 Definitions

S4.10.55.1 Definition of ‘refugee’
For the purpose of RFSC, ‘refugee’ means a person who was granted a residence class visa in New Zealand under residence instructions by virtue of being either:

a a mandated or quota refugee (people determined to be refugees by the United Nations High Commissioner for Refugees (UNHCR)) before arrival in New Zealand; or

b a successful applicant under the Community Organisation Refugee Sponsorship category (see S4.25); or

c a Convention refugee (people recognised as refugees by the New Zealand Government under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees (see C2.5 and C5.15)).

S4.10.55.5 Definition of ‘protected person’
For the purpose of RFSC, ‘protected person’ means a person who was granted a residence class visa in New Zealand under residence instructions by virtue of being recognised as having protection status in accordance with New Zealand’s obligations under the:

a 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; or

b 1966 International Covenant on Civil and Political Rights.

S4.10.55.10 Definition of ‘adult child’
In the context of a resident visa application under RFSC, ‘adult child’ means a child of 18 or older, unless they are dependent (see R2.1.30).

S4.10.55.15 Definition of ‘sole carer’ for tier one sponsorship purposes
a For tier one sponsorship purposes, a sponsor will be considered to be the sole carer of a dependent relative or relatives in New Zealand if they have the primary responsibility for the day-to-day care of a dependent relative or relatives in New Zealand, on an ongoing basis.

**Note:** A dependent relative can be a sponsor’s partner, parent, child, grandparent, grandchild, uncle, aunt, nephew, niece or adult sibling.

b Evidence that a sponsor is the sole carer includes but is not limited to:
   i evidence of Accident Compensation Corporation (ACC) payments made to the sponsor (where the sponsor is considered by ACC to be a provider of home help to a sick or injured relative or relatives); and/or
   ii evidence from a District Health Board, General Practitioner or other Health agency which specifies the sponsor as a carer of a dependent relative or relatives; and/or
   iii evidence from Work and Income that the dependent relative or relatives are on an invalid’s benefit; and/or
   iv evidence that the dependent relative or relatives are totally or substantially reliant on the sponsor for financial support whether living with them or not (where the dependent relative(s) are 17 or younger).

**S4.10.55.20 Definition of 'grandparent' as a legal guardian for tier two sponsorship purposes**

For tier two sponsorship purposes, a sponsor’s grandparent will be considered as the sponsor’s legal guardian if:
   a both the sponsor's parents died before the sponsor attained the age of 20 years; and
   b the grandparent had custody of the sponsor and the right to control the sponsor’s upbringing, before the sponsor attained the age of 20 years

**S4.10.60 Evidence**

The items listed in S4.10.60.1 to S4.10.60.15 below are examples of relevant evidence. Other documents may also be relevant.

**S4.10.60.1 Evidence of identity of applicant(s)**

a For the purposes of the registration process, INZ may accept the statutory declaration made by the sponsor on the RFSC registration form submitted by the sponsor that the details they have provided of the person(s) being sponsored is true and correct as being sufficient evidence of identity.

b Other evidence of identity may also be sought by INZ during the registration process.

**S4.10.60.5 Evidence of immigration status of sponsors**

a When lodging a registration under RFSC, sponsors must provide evidence of their immigration status.

b Evidence that sponsors are New Zealand citizens may include but is not limited to original or certified copies of:
   i a valid New Zealand passport; or
   ii a Certificate of New Zealand Citizenship; or
   iii a recent official statement of citizenship from the Department of Internal Affairs.

c Evidence that sponsors are New Zealand residence class visa holders may include but is not limited to original or certified copies of a current New Zealand residence class visa, or evidence they are considered to hold a residence class visa in their passport or travel document.

**S4.10.60.10 Evidence of time spent in New Zealand as a citizen and/or holder of a residence class visa**

a When determining the amount of time spent in New Zealand, INZ may refer to INZ records of sponsors’ entry to and exit from New Zealand.

b Other evidence of time spent in New Zealand may also be provided by a sponsor or sought by INZ.
c When lodging a registration under RFSC tier two queue, sponsors may be required to provide current and previous passports as evidence of time spent in New Zealand as a citizen and/or holder of a residence class visa.

**Note:** Periods during which a person is in New Zealand are calculated inclusive of both arrival and departure dates.

### S4.10.60.15 Evidence of relationship to sponsor

a When lodging their application for a resident visa under RFSC, principal applicants must provide all available evidence of their relationship to their sponsor.

b Evidence of parent's, grandparent's, grandchildren's, nephews', nieces', aunts', uncles', siblings' or adult children's, relationship to their sponsor includes but is not limited to original or certified copies of:

- birth certificates establishing the relationship of the sponsor to the principal applicant; or
- household registration documents, if these establish the relationship of the sponsor to the principal applicant; or
- evidence of adoption (see R3), which establishes the relationship of the sponsor to the principal applicant; or
- documents issued by the United Nations High Commissioner for Refugees (UNHCR) and/or other internationally recognised agencies if these establish the relationship of the sponsor to the principal applicant; or
- other evidence establishing the relationship of the sponsor to the principal applicant.

c If satisfied that evidence necessary to establish an applicant's relationship to their sponsor is not available or would be unduly difficult to obtain, immigration officers may:

i specify another type of evidence to be submitted, such as a statutory declaration; and/or

ii interview the principal applicant, those included in the application, or other parties involved in the application to verify identity and/or the relationship claimed by the applicant(s); and/or

iii have the requirements waived by an appropriately delegated immigration officer if, due to the circumstances of the applicant(s), this is considered appropriate.

### S4.10.65 Verification of family details

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

### S4.10.70 Undertakings of sponsors

a A sponsor must undertake to ensure that adequate accommodation for their relatives is available upon arrival in New Zealand and continues to be available during the first 24 months of their relatives’ residence in New Zealand.

b An immigration officer must be satisfied that the sponsor will be able to fulfil their undertakings provided under (a). A sponsor may demonstrate this by providing a completed Questionnaire for Refugee Family Support Category sponsor undertakings, outlining a credible accommodation plan.

c The application may be declined if an immigration officer is not satisfied a sponsor has the ability to meet their undertaking obligations set out at S4.10.70(a) above.

*Effective 15/12/2017*
S4.15 Residence Category for victims of people trafficking

See previous instructions:
S4.15 Effective 25/07/2011

S4.15.1 Objective

The objectives of the residence category for victims of people trafficking are to:

a. enable victims of people trafficking to remain in New Zealand where they cannot return home because they will be endangered, at risk of being re-victimised or at risk of suffering significant social stigma and financial hardship as a result of being trafficked; and

b. recognise New Zealand’s international obligations, particularly to:
   i. offer protection and assistance to victims of people trafficking who are likely to be suffering the effects of trauma and abuse; and
   ii. enable trafficking offenders to be prosecuted.

S4.15.5 Who is eligible for a resident visa for victims of people trafficking

a. Applicants in New Zealand may be granted a resident visa, if they:
   i. hold a special temporary visa for victims of people trafficking (see WI16, U10.5 and V3.135); and
   ii. have certification from the New Zealand Police (the Police) that they are believed to be a victim of people trafficking; and
   iii. have certification from the Police that they have not obstructed the police investigation of their trafficking case during the validity of their special temporary visa; and
   iv. are unable to return to their home country (see S4.15.10 below); and
   v. meet health and character requirements (see A4 and A5).

b. Despite (a) above, child applicants are exempt from providing a certification from the Police that they have not obstructed the police investigation.

Note:
- A child victim of people trafficking is a person who was under the age of 18 at the time they were identified as a victim of people trafficking.
- A child victim may be in New Zealand unaccompanied, or may be a victim of people trafficking together with their parent(s).

S4.15.10 Evidence of inability to return to the home country

a. Applicants must provide evidence either in the form of documents, or information provided at an interview with an immigration officer, that if they returned to their home country they would be:
   i. endangered; or
   ii. at risk of being re-victimised; or
   iii. at risk of suffering significant social stigma and financial hardship as a consequence of being trafficked.

b. INZ may refer to any relevant information when determining an applicant’s ability to return to their home country.

S4.15.15 Making an application

a. Applications must be made in the prescribed manner (see R2.40) but an appropriately delegated immigration officer may waive:
   i. the application fee; and
   ii. the requirement to provide police certificates, if these are not available from a particular country.
b Where police certificates are not available, the applicant must make and provide a separate statutory declaration, in line with instructions at A5.10.1.

S4.15.20 Determination of applications

a Applications will be determined by immigration officers who have received specialist training on this category.

b Applications under this category will be given priority processing.

c Determination of an application by a child applicant should be based on ‘best interest of the child’ considerations. Establishing the ‘best interest of the child’ will be done on a case-by-case basis, with advice from Child Youth and Family.

Effective 21/05/2018
S4.20 Refugee Quota Family Reunification Category

See previous instructions:
S4.20 Effective 15/12/2017
S4.20 Effective 09/04/2016
S4.20 Effective 01/07/2013
S4.20 Effective 26/03/2012

S4.20.1 Objective
The objective of the Refugee Quota Family Reunification Category, which is part of the Refugee Quota residence programme, is to:

a enable New Zealand to meet its international and humanitarian obligations;
b maintain the principle of family unity; and
c facilitate the successful resettlement of mandated refugees resident in New Zealand by providing them with an opportunity to sponsor immediate family members.

Note: The places available under this category are incorporated into the quota places available for the family reunification subcategory of the United Nations High Commissioner for Refugees (UNHCR) mandated refugee residence category; however applicants do not themselves have to be mandated refugees.

S4.20.5 Who is eligible for residence under the Refugee Quota Family Reunification Category?

a An applicant may qualify for residence under the Refugee Quota Family Reunification Category if:
   i they have an acceptable sponsor (see S4.20.10);
   ii they were declared as an immediate family member (see S4.20.15) in the sponsor’s original Residence Application for Mandated Refugees form, and they can provide satisfactory evidence of the relationship;
   iii they meet the character requirements at A5;
   iv they meet the health requirements specified at A4.74; and
   v they have satisfied an immigration officer that:
      o the circumstances and reasons for the separation from, and re-establishment of contact with, their sponsor are plausible and credible; and
      o reunification will have a positive settlement effect on the sponsor; and
      o they have the potential for successful settlement.

b Applicants are exempt from the requirement to have an acceptable standard of health (see A4.10), except for the health requirements specified at A4.74.

c If the applicant is a dependent child aged 21-24, evidence must be submitted to show dependence on the sponsor (see R2.1.30).

S4.20.10 Who is an acceptable sponsor under the Refugee Quota Family Reunification Category?

a An acceptable sponsor is a New Zealand citizen or resident who:
   i was granted a residence class visa as a mandated refugee (see S3.22), excluding people granted permanent residence under the Community Organisation Refugee Sponsorship category (see S4.25); and
   ii is living in New Zealand; and
   iii is an immediate family member of the applicant (see S4.20.15); and
   iv has attended an interview with a Refugee Quota Branch immigration officer and been deemed to be an acceptable sponsor.
Note: A person granted permanent resident visa under this category is not able to be a sponsor under this category as they are not a mandated refugee.

b If the sponsor is a child aged 18 and under sponsoring a parent, the immigration officer must be satisfied that it is in the best interests of the child to grant a permanent residence visa to the parent(s).

c The immigration officer must be satisfied that the relationship between the sponsor and the applicant is credible and genuine. If the sponsor did not declare the applicant in their own residence application then R5.15 must be followed.

S4.20.10.1 Undertakings and responsibilities of sponsors

A sponsor under this category is exempt from meeting the sponsorship undertakings requirement at R4.10.

S4.20.15 Who is an immediate family member under the Refugee Quota Family Reunification Category?

For the purposes of the Refugee Quota Family Reunification Category, an immediate family member is defined as a partner, dependent child, or parent where the applicant is a dependent child.

S4.20.20 Requirements for making an application for the grant of a permanent resident visa

a Applications for a permanent resident visa under the Refugee Quota Family Reunification Category must be made in the prescribed manner (see R2.40).

b Applications can only be made to the Refugee Quota Branch, and only after the applicant’s sponsor has been deemed acceptable (see S4.20.10).

c Applicants are exempt from paying the application fee and immigration levy.

d Appropriately delegated immigration officers may waive by special direction:

i the requirement to submit an overseas police clearance certificate from any country where the sponsor has a well-founded fear of persecution; and

ii any other mandatory requirement for lodgement except the requirement to complete and submit a residence application form together with two passport photographs of, and medical and X-ray certificates for, each person included in the application.

e If a birth certificate for any person included in the application is unavailable, a statutory declaration confirming the full name, date and place of birth and full names of both parents must be submitted.

f If documents relating to the custody of any child included in the application and aged under 16 are unavailable, a statutory declaration confirming the legal custody of the child must be submitted.

g The principal applicant and partner included in the application must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A statutory declaration confirming the duration and nature of the partnership must be submitted if such evidence would be unduly difficult to obtain because:

i conditions in the relevant country are such that the country's governmental infrastructure is no longer functioning; and/or

ii there are circumstances beyond the control of the applicants which prevent them obtaining the required evidence.

h If overseas police clearances are unavailable for any person aged 17 and older included in the application, a statutory declaration must be provided stating whether the applicant has been convicted, or found guilty of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.

Effective 26/11/2018
S4.25 Community Organisation Refugee Sponsorship Category

S4.25.1 Objective

The objective of the Community Organisation Refugee Sponsorship (CORS) category is to:

a. provide an opportunity for community organisations to actively engage in supporting successful refugee settlement and to build local communities that welcome refugees; and

b. enable sponsored refugees, with the support of community organisations, to quickly become independent and self-sufficient so that they are able to enter the labour market, navigate their communities and access mainstream services without requiring additional support; and

c. provide an alternative form of admission for refugees to complement New Zealand’s refugee quota and, in doing so, demonstrate New Zealand’s response to the scale of refugee movement and commitment to international responsibility sharing.

S4.25.5 Overview


b. Approved community organisations are selected through a request for application process.

c. An approved community organisation may elect to sponsor:
   i. identified mandated refugees which the organisation has nominated; and/or
   ii. mandated refugees who have been referred to Immigration New Zealand (INZ) by the United Nations High Commissioner for Refugees (UNHCR) and allocated by INZ to the approved community organisation.

d. The CORS category is only open to mandated refugees who are physically present in a geographic region identified by INZ. The geographic region will coincide with one or more refugee quota selection missions undertaken by INZ.

e. The pilot CORS category intake will consist of 25 mandated refugees, but may be increased to up to 30 mandated refugees in order to enable qualifying family groups to be resettled together. No more than 30 CORS permanent resident visas may be granted as a result of the pilot.

f. An approved community organisation must provide settlement services to sponsored refugees for two years.

Note: A mandated refugee is someone who, before arrival in New Zealand, was determined by the UNHCR to be a refugee under the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol Relating to the Status of Refugees.

S4.25.10 Expression of interest and invitation to apply for a Community Organisation Refugee Sponsorship category permanent resident visa

See also Immigration Act 2009 ss 92-95

a. A person may express interest in applying for a CORS permanent resident visa if he or she is:
   i. a mandated refugee; and
   ii. physically present in the identified geographical region of the INZ selection mission; and
   iii. either:
      o nominated by an approved community organisation; or
      o referred by the UNHCR to INZ for allocation to an approved community organisation.

b. A person may express interest in applying by completing the CORS expression of interest (EOI) form and submitting it to an immigration officer.
An EOI made in the prescribed manner may be entered into the EOI Pool, and will be valid for a period of six months. EOIs that are still in the Pool after six months, or rejected because they do not meet the criteria to be invited to apply, will be withdrawn.

EOIs are selected in the order in which they are received.

An immigration officer may invite a person to apply if:

i. the person has been nominated by, or allocated to, an approved community organisation; and

ii. all people included in the expression of interest have been recognised by the UNHCR as mandated refugees; and

iii. the cap on approvals under the CORS category will not be exceeded as a result of an application resulting from the invitation to apply (see S4.25.5(e)); and

iv. the information provided:
   o does not indicate the presence of health or character issues that may adversely affect the ability of any person included in the expression of interest to be granted a CORS permanent resident visa; and
   o does not indicate any person included in the expression of interest is eligible to be sponsored for residence under any other family category, including the Refugee Family Support Category; and
   o indicates the information provided regarding the principal applicant’s age, English language proficiency, and work experience or qualifications, is credible.

An invitation to apply for a visa may at any time be revoked by the Minister of Immigration or an immigration officer. A revocation takes immediate effect.

An immigration officer’s decision to issue an invitation to apply does not guarantee a positive assessment of any factor in any subsequent application for a residence class visa, or that the person will be granted a permanent resident visa.

S4.25.15 Lodging an application for a Community Organisation Refugee Sponsorship category permanent resident visa

A person may only apply for a CORS permanent resident visa if he or she is invited to do so. Applications must be made within four months of the date INZ advises of that invitation.

Applications for a CORS permanent resident visa must be made in the prescribed manner (subject to any applicable special direction), and be processed and decided by immigration officers from the Refugee Quota Branch.

If an original or certified copy of a birth certificate or identity card for any person included in the application is unavailable, a signed declaration confirming their full name, date and place of birth and the full names of both parents must be submitted.

If documents relating to the custody of any child under the age of 16 included in the application are unavailable, a UNHCR Best Interest Determination must be submitted.

The principal applicant and partner included in the application must supply evidence to show the nature and duration of their partnership, and that it is a genuine and stable partnership (see F2.20). A signed declaration confirming the duration and nature of the partnership must be submitted by the applicants if an immigration officer is satisfied that such evidence would be unduly difficult to obtain because there are circumstances beyond their control which prevent them obtaining that evidence.

All applicants aged 17 and over must provide a police clearance certificate, less than 6 months old at the time the application is lodged, for each country in which they have lived for 12 months or more during the past 10 years except where:

i. the certificate is required from the applicant’s home country, where they have a well-founded fear of approaching the authorities; or

ii. the authorities of any such country do not generally provide police certificates; or
iii the immigration officer deems it unsafe for the applicant to approach the authorities of that country.

g If overseas police clearances are unavailable, a signed declaration must be provided by each applicant aged 17 years or older, stating whether they have been convicted, or found guilty of, or charged with, any offences against the law in the country or countries for which police clearance certificates are unavailable.

Notes:
- Applicants under this category are exempt by special direction from paying the prescribed application fee and the following mandatory requirements for lodgement have been waived by special direction: two passport-sized photographs, completed medical certificate and chest x-ray.
- Appropriately delegated immigration officers may waive by special direction any other mandatory requirement for lodgement.
- Any lodgement requirement waived by special direction may be required by an immigration officer at a later date.

S4.25.20 Determining a Community Organisation Refugee Sponsorship category resident visa application

Permanent resident visas under the CORS category may be granted if an immigration officer is satisfied that:

a the principal applicant has been nominated by an approved community organisation, or referred to INZ by the UNHCR and allocated to an approved community organisation; and

b the principal applicant is aged between 18 and 45 years old (inclusive); and

c the principal applicant can demonstrate English language ability that is sufficient that they can read, understand and respond to basic questions in English at an interview with an immigration officer; and

d the principal applicant has:
   i a minimum of three years’ work experience in the same occupation, or the same or related sector; or
   ii a qualification that required a minimum of two years’ tertiary study; and

e the identity of all applicants has been confirmed; and

f all applicants are mandated as refugees under the 1951 Refugee Convention and recognised by the UNHCR; and

h all applicants have been interviewed by an immigration officer; and

i all applicants meet character requirements at A5, except the requirement to provide police certificates at A5.10 (applicants must instead meet the requirements of S4.25.15(f)); and

j there are no significant barriers to the ability of any of the applicants to settle in New Zealand; and

k no applicant is eligible to be sponsored for residence under any family category, including the Refugee Family Support Category; and

l the approval of the application would result in no more than 30 permanent resident visas being granted as a result of the CORS category pilot.

S4.25.25 Evidence of work experience or qualification

a Evidence of work experience may include but is not limited to written confirmation from the employer of the duration of employment, role and responsibilities.

b Evidence of qualification may include but is not limited to a copy of the qualification gained or an academic transcript.
c If evidence of work experience or qualifications are unavailable, a declaration signed by the principal applicant confirming the details of employment or study should be provided.

**S4.25.30 Status of people granted a permanent resident visa under the Community Organisation Refugee Sponsorship category**

All applicants granted a permanent resident visa under this category are to be treated as principal applicants for the purpose of any future requests to sponsor family members under any applicable categories.

*Effective 15/12/2017*

S4.30.1 Objective
The Christchurch Response (2019) Category provides certainty to the New Zealand-based individuals directly affected by terrorist attacks at the Masjid Al Noor and Linwood mosques in Christchurch on 15 March 2019 (the attacks) and to their family living in New Zealand about their ability to remain in New Zealand permanently.

S4.30.5 Overview
a Application for a permanent resident visa under the Christchurch Response (2019) Category is a two-stage process: people wishing to apply for a permanent resident visa under the Christchurch Response (2019) Category must first submit an expression of interest (EOI).

b EOIs may result in an invitation to apply for residence if the claims made in the EOI concerning health, character, being based in New Zealand, and being either directly affected by the attacks, or the family member of a person directly affected by the attacks are assessed as credible by an immigration officer.

c A Christchurch Response (2019) Category application will be approved if the requirements for being based in New Zealand, and being either directly affected by the attacks, or the family member of a person directly affected by the attacks are met, and the requirements for health and character are either met or waived.

S4.30.10 Expression of interest and invitation to apply for a Christchurch Response (2019) permanent resident visa
See also Immigration Act 2009 ss 92, 93 and 95.
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regulations 9 and 20.

a A person may express interest in applying for a Christchurch Response (2019) Category permanent resident visa if she or he:
   i was based in New Zealand on 15 March 2019 (S4.30.25.10); and
   ii was directly affected by the attacks (S4.30.25.5) or is the eligible family member of a person directly affected by the attacks (S4.30.25.1).

b A person may express interest in applying by completing the Christchurch Response (2019) Category expression of interest form (INZ 1244), and submitting it to an immigration officer.

c An immigration officer may invite a person to apply if the information provided in an EOI indicates:
   i no health or character issues that may adversely affect the ability of any person included in the expression of interest to be granted a Christchurch Response (2019) permanent resident visa; and
   ii the principal applicant was based in New Zealand on 15 March 2019; and
   iii the principal applicant was either:
      o directly affected by the attacks; or
      o is the eligible family member of a person directly affected by the attacks.

S4.30.15 Making an application
See also Immigration Act 2009 ss 93 and 94.
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regulations 5 and 20.

a A person may only apply for a Christchurch Response (2019) Category permanent resident visa if she or he is invited to do so.

b Applications for residence under the Christchurch Response (2019) Category must be made in the prescribed manner (see R2).

c Applications made under these instructions must be lodged on or before 23 April 2021.
Note:
The prescribed fee for applications under these instructions has been waived by the Minister of Immigration by special direction.

S4.30.20 Determining a Christchurch Response (2019) Category permanent resident visa application
a Permanent resident visas may be granted if an immigration officer is satisfied that the applicant:
   i meets health and character requirements for residence (A4 and A5); and
   ii on 15 March 2019 was based in New Zealand (S4.30.25.10); and
   iii was directly affected by the attacks (S4.30.25.5).
b Permanent resident visas may also be granted if an immigration officer is satisfied that the applicant:
   i meets health and character requirements for residence (A4 and A5); and
   ii on 15 March 2019 was based in New Zealand (S4.30.25.10); and
   iii is the eligible family member of a person who was directly affected by the attacks (S4.30.25.1 and S4.30.25.5).

S4.30.25 Definitions
S4.30.25.1 Family members eligible for residence under these instructions
The following table describes which family members of people directly affected by the attacks are eligible for residence under these instructions.

<table>
<thead>
<tr>
<th>Column A: The person who was directly affected:</th>
<th>Column B: The family members eligible are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>was a dependent child</td>
<td>The directly affected person’s:</td>
</tr>
<tr>
<td></td>
<td>Parents</td>
</tr>
<tr>
<td></td>
<td>Grandparents</td>
</tr>
<tr>
<td></td>
<td>Siblings who are dependent children</td>
</tr>
<tr>
<td>was not a dependent child</td>
<td>The directly affected person’s:</td>
</tr>
<tr>
<td></td>
<td>Partner</td>
</tr>
<tr>
<td></td>
<td>Dependent children</td>
</tr>
<tr>
<td></td>
<td>Partner’s dependent children</td>
</tr>
<tr>
<td></td>
<td>Parents</td>
</tr>
<tr>
<td></td>
<td>Partner’s parents</td>
</tr>
</tbody>
</table>

S4.30.25.5 People who were directly affected by the attacks
A person will be considered to have been directly affected by the attacks if an immigration officer is satisfied they are recorded on the official New Zealand Police list of:
a people killed in the attacks; or
b people injured in the attacks; or
c people present at either mosque during the attacks.
Note: For the purposes of this policy, first responders such as police and medical staff are not considered to be people who were directly affected by the attacks.

S4.30.25.10 Based in New Zealand

a A person is considered to be ‘based in New Zealand’ where an immigration officer is satisfied that on 15 March 2019 they were living primarily in New Zealand.

b Unless there is evidence to the contrary, a person will be considered to be based in New Zealand under these instructions if on 15 March 2019 she or he held any visa except:

i a visitor visa; or

ii a working holiday visa; or

iii a limited visa; or

iv an interim visa where the holder had applied for a visitor or limited visa.

c When considering if a person is based in New Zealand, factors an immigration officer may consider include (but are not limited to):

• the length of time a person has been living in New Zealand;
• the frequency and duration of absences from New Zealand;
• whether a person is working or studying in New Zealand;
• the strength of family, social, economic or civic ties to New Zealand.

S4.30.25.15 Family relationships

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

b A person will be considered to be a dependent child of a person directly affected by the attacks if they meet the requirements for dependent children specified in R2.1.

c A person will be considered to be the parent of a person if they are the:

i biological parent of the affected person; or

ii parent through adoption of the affected person.

d A person will be considered to be the grandparent of a person directly affected by the attacks if they are the:

i biological parent of a parent of the affected person; or

ii parent through adoption of the parent of the affected person.

S4.30.30 Evidence

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

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

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

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

**S4.30.30.5 Evidence a person was directly affected by the attacks**
Immigration New Zealand will confirm directly with the New Zealand Police that a person is on the official Police lists of people who died, were injured, or were present at either mosque during the attacks.

**S4.30.30.10 Evidence of relationship**
- Evidence of an applicant’s relationship to a person who was directly affected by the attacks (see S4.30.25.5) includes, but is not limited to:
  - i. birth certificates establishing the relationship;
  - ii. marriage certificates establishing the relationship;
  - iii. household registration documents that establish the relationship;
  - iv. evidence of adoption (see R3) that establishes the relationship;
  - v. documents issued by the United Nations High Commissioner for Refugees (UNHCR) and/or other internationally recognised agencies that establish the relationship;
  - vi. evidence of partnership (see F2.20.15);
  - vii. other evidence establishing the relationship to the satisfaction of an immigration officer.
- If satisfied that evidence necessary to establish an applicant’s relationship to a person who was directly affected by the attacks on mosques in Christchurch is not available or would be unduly difficult to obtain, immigration officers may:
  - i. specify another type of evidence to be submitted, such as a statutory declaration; and/or
  - ii. interview the principal applicant, those included in the application, or other parties involved in the application to verify identity and/or the relationship claimed by the applicant(s).

**S4.30.35 Verification of family details**
Immigration officers may refer to former applications lodged by applicants, family members of applicants or sponsors, in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant’s or partner’s marital status).

**S4.30.40 Grant of a permanent resident visa**
Successful applicants under the Christchurch Response (2019) Category will be granted a permanent resident visa.

Effective 24/04/2019