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E1 Objectives

The objectives of New Zealand’s temporary entry instructions are:

a. to facilitate the entry of genuine visitors, students and temporary workers, while managing the associated risks; and

b. to contribute to building strong international links, attracting foreign exchange earnings and addressing skills shortages.

Effective 29/11/2010
E1.1 Types of temporary entry class visa

See also Immigration Act 2009 s 70

Temporary entry class visas include:

- temporary visas, consisting of:
- visitor visas (see V2, http://inzkit/publish/opsmanual/#34282.htm);
- work visas (see W2);
- student visas (see U6);
- special temporary visas for diplomatic, consular and official staff (see H2);
- military visas (see M2);
- limited visas (see L2); and
- interim visas (onshore only).

Effective 29/11/2010
E2 The need to apply for a temporary entry class visa
E2.1 People to whom a visa waiver applies

See previous instructions:
E2.1 Effective 25/08/2014
E2.1 Effective 30/06/2013
E2.1 Effective 01/07/2013
E2.1 Effective 07/11/2011
E2.1 Effective 29/11/2010

See also Immigration Act 2009, ss 4, 69
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

A visa waiver means a waiver of the requirement to hold a visa permitting travel to New Zealand in relation to any class of persons. A visa waiver applies to, but is not limited to, the following people:

a. citizens of the Commonwealth of Australia; and

b. people who hold:
   i. a current permanent residence visa issued by the Government of Australia; or
   ii. a current resident return visa issued by the Government of Australia; and

c. people granted a visa waiver by special direction; and

d. members of a visiting force (including members of the civilian component of the visiting force) but only if:
   i. each person is travelling to New Zealand in the ordinary course of the person’s duty or employment; and
   ii. each person is seeking a temporary entry class visa at an immigration control area; and
   iii. the craft transporting the visiting force is a commercial craft; and

e. members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or any person to whom section 5 of that Act applies, but only if:
   i. the person concerned is seeking a temporary entry class visa; and
   ii. the application is made at an immigration control area; and

f. British citizens, and other British passport holders who produce evidence of the right to reside permanently in the United Kingdom, but only if the person concerned is seeking a visitor visa current for not more than six months and the purposes of the visit do not include medical consultation or treatment; and

g. people travelling on a United Nations (UN) laissez-passer who are seeking a visitor visa current for not more than three months; and

h. any other class of persons specified in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010; and

i. citizens of the following countries, but only if the person concerned is seeking a visitor visa current for not more than three months and the purposes of the visit is not for medical consultation or treatment:

   Andorra          Hungary          Oman
   Argentina        Iceland          Poland
   Austria          Ireland          Portugal
   Bahrain          Israel           Qatar
   Belgium          Italy            Romania
   Brazil           Japan            San Marino
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<td>Hong Kong³</td>
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¹ Visa waiver does not apply to people travelling on alien’s (non-citizen’s) passports issued by these countries.

² Greek passport holders whose passports were issued on and after 1 January 2006. (Greek passports issued before 1 January 2006 are not acceptable for travel after 1 January 2007, see A2.10.50)

³ Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) passports.

⁴ Residents of Macau travelling on Macau Special Administrative Region passports.

⁵ Portuguese passport holders must also have the right to live permanently in Portugal.

⁶ Permanent residents of Taiwan travelling on Taiwan passports. A personal identity number printed within the visible section of the biographical page of the Taiwan passport demonstrates that the holder is a permanent resident of Taiwan (see A2.10.40).

⁷ Including nationals of the USA.

**Effective 19/06/2017**
E2.3 Australian temporary visa holders to whom a temporary visa waiver applies (to 06/04/2015)

Note: The instructions contained in this section cease to be effective from 06/04/2015.
E2.5 Who needs a temporary entry class visa to travel to and be in New Zealand

See also Immigration Act 2009 s 14

a A person who is not a New Zealand citizen may travel to New Zealand only if the person:
   i is the holder of a visa and the travel is consistent with the conditions of the visa; or
   ii is a person to whom a visa waiver applies. (see E2.1)

b A person who is not a New Zealand citizen may enter and be in New Zealand only if the person is the holder of a visa and he or she has been granted entry permission.

c The fact that an application for a visa has been made by or for any person who is onshore does not:
   i render the person’s presence in New Zealand lawful; or
   ii give the person a right to remain in New Zealand while the application is considered; or
   iii give the person a right to apply for or be granted any other visa pending determination of the application; or
   iv inhibit any deportation processes that may apply to the person.

d From 1 April 2007 holders of Greek passports issued before 1 January 2006 with a temporary entry class visa or a permit under the Immigration Act 1987 will not be able to travel to New Zealand.

Effective 29/11/2010
E2.10 Who may apply for a temporary visa

See also Immigration Act 2009 s 79

The following people may apply for a temporary visa:

a  The following people may apply for a temporary visa:
   i  a person (including a person to whom a visa waiver applies), who is outside New Zealand and who
      wishes to come to New Zealand for any purpose for which a temporary visa may be granted; or
   ii a person arriving in New Zealand and to whom a visa waiver applies; or
   iii a person who is in New Zealand, is the holder of a temporary visa, and is either:
      o a person to whom sections 150(1) and (2) of the Immigration Act 2009 do not apply; or

Effective 29/11/2010
E2.15 Who may not apply for a temporary visa to be in New Zealand

See also Immigration Act 2009 ss 11, 20, 79

a No person who is unlawfully in New Zealand may apply for a visa and, where any such person purports to apply for a visa, it is a matter for the absolute discretion of the Minister. (see E8.1)

b A limited visa holder, interim visa holder, or transit visa holder may not apply for a temporary visa; and

c A person liable for deportation may only apply:
   i for a visa of the same class and type that he or she held before becoming liable for deportation; and
   ii if he or she is not unlawfully in New Zealand.

The Minister, in his or her absolute discretion, may grant a temporary visa to a person prohibited from applying for a temporary visa under E2.15(b) or (c).

Effective 29/11/2010
E2.20 Special directions

See also Immigration Act 2009 ss 11, 378

a The Minister may give to the chief executive or any other immigration officer, either in writing or orally, a special direction, in relation to any matter for which such a direction is contemplated by any provision of the Act or of regulations made under the Act, in respect of:
   i any person, visa, or document; or
   ii any 2 or more persons, visas, or documents where by reason of any specific event, occurrence, or unusual circumstances there is a common link between those persons, visas, or documents.

b A special direction comes into force on the day on which it is made, or any later date specified in the direction.

c Where a special direction is given orally, the chief executive or immigration officer must as soon as possible make a written record of the content and date of the direction.

d A special direction may be subject to such conditions as the Minister thinks fit.

e A special direction may revoke or amend any previous special direction.

f Nothing in E2.20 limits or affects the powers of the Minister to give all such instructions to the chief executive as the Minister thinks fit in the ordinary course of the administration of the immigration portfolio and of the Act.

g The decision whether to grant a special direction is in the absolute discretion of the Minister.

Effective 29/11/2010
E2.25 Immigration officers to act in accordance with special direction

See also Immigration Act 2009 s 379

Any decision made, or discretion exercised, under the Immigration Act 2009 by an immigration officer must be made or exercised in accordance with any special direction that is:

a  relevant to the decision; and

b  in force at the time the decision is made.

Effective 29/11/2010
E2.30 Who may apply for a limited visa

See also Immigration Act 2009 s 81

The following people may apply for a limited visa:

a. a person (including a person to whom a visa waiver applies) who is outside New Zealand and who wishes to come to New Zealand for an express purpose.

b. a person arriving in New Zealand to whom a visa waiver applies who wishes to stay in New Zealand for an express purpose.

c. a person in New Zealand who is:
   i. the holder of a current limited visa, if further time is required to achieve the express purpose for which that visa was granted; or
   ii. the holder of a temporary visa (other than a claimant granted a temporary visa under the special provisions of s 150 of the Immigration Act 2009 (see E8.10.15, https://onlineservices.immigration.govt.nz/opsmanual/34364.htm)).

E2.30.1 Limitations and conditions on holders of limited visas

See also Immigration Act 2009 s 85

a. The holder of a limited visa must leave New Zealand no later than the day that the visa expires.

b. The holder of a limited visa may not before or after the expiry of their visa:
   i. apply for a visa of a different class or type while in New Zealand; or
   ii. while in New Zealand, request a special direction, or the grant of a visa in special cases (see E8.1); or
   iii. bring any appeal, other than an appeal to decline refugee and protection status (see C5.5), whether to a court, the Tribunal, or otherwise.

c. Every limited visa is to be granted subject to conditions relating to its purpose.

Effective 29/11/2010
E2.35 Who must be granted a temporary entry class visa

See also Immigration Act 2009 ss 122, 190, 210(1)(b), 216(1)(b)

The following classes of people must be granted a temporary entry class visa:

a. people who are in New Zealand and who are not immediately granted a residence class visa in reliance on section 190(2)(a) of the Immigration Act 2009 where the Tribunal has reversed a decision not to grant an application for a residence class visa, a temporary entry class visa of no less than 6 months must be granted; or

b. people in relation to whom the Tribunal has declined an appeal against liability for deportation but has ordered the grant of a temporary entry class visa under section 216(1)(b), for a period not exceeding 12 months; and

c. people in relation to whom the Tribunal has allowed an appeal against deportation from New Zealand under section 210(1) of the Immigration Act 2009 and has directed the grant of a temporary entry class visa, for a period not exceeding 12 months subject to such conditions, if any, the Tribunal sees fit; or

d. subject to sections 15 and 16 of the Immigration Act 2009, where the holder of a temporary entry class visa departs New Zealand for another country, and:

i. before arriving in any other country is forced to return, or returns to New Zealand by reason of any emergency affecting the craft, or because of any other emergency or circumstances beyond the person’s control; and

ii. the person’s visa has expired, or is due to expire, at any time between the person’s departure from New Zealand and the date 14 days after the person’s return to New Zealand

an immigration officer, must on application by the person, grant him or her a temporary entry class visa (current until a date not earlier than the 14th day following that return) and entry permission.

Effective 29/11/2010
E2.40 Who is not eligible for a temporary entry class visa

See also Immigration Act 2009 ss 15, 16, 17, 83, 210(4)

People to whom section 15(1) and (2) and section 16 of the Immigration Act 2009 apply (see A5.40) are not eligible for a temporary entry class visa or entry permission unless:

a. they have been given a special direction under section 17(1)(a) of the Immigration Act 2009 as an exception to the non-eligibility for a visa (see A5.45); or

b. they are granted a limited visa for the sole purpose of enabling the person:
   i. to be in New Zealand to give or provide evidence or assistance pursuant to a request made under section 12 of the Mutual Assistance in Criminal Matters Act 1992; or
   ii. to be transported through New Zealand pursuant to section 42 of the Mutual Assistance in Criminal Matters Act 1992 (see L6.1.15); or

c. they are granted a limited visa for the sole purpose of enabling them to return to New Zealand to face any charge in New Zealand or to serve any sentence imposed on them in New Zealand; or

d. the Tribunal has allowed their appeal against deportation from New Zealand under section 210 of the Immigration Act 2009 and has ordered the grant of a temporary visa or residence class visa; or

e. they have diplomatic or consular immunity.

A decision to grant a visa under E2.40 (a) (b) (c) or (e) is in the absolute discretion of the decision maker.

Effective 29/11/2010
E2.45 Eligibility for visa pending liability for deportation

See also Immigration Act 2009 ss 79(4), 169

a  A person liable for deportation may not apply for a visa if he or she is unlawfully in New Zealand.

b  A person liable for deportation (who is not unlawfully in New Zealand) may only apply for a visa of the same class and type that he or she held before becoming liable for deportation.

c  The Minister may in his or her absolute discretion, grant a temporary visa to a person prohibited from applying for one under E2.45 (a) and (b).

d  The Minister or an immigration officer may, in his or her absolute discretion, grant a visa of a different class or type to a person to whom E2.45 (b) applies.

Effective 29/11/2010
E2.50 Restrictions on the grant of temporary entry class visas for New Zealand Aid Programme-supported students and their dependants

See previous instructions:
E2.50 Effective 07/02/2011
E2.50 Effective 29/11/2010

New Zealand Aid Programme (NZAP)-supported students and their partners, and the dependent children of NZAP-supported students and/or their partner will not be granted a temporary entry class visa in the two year period following completion of the NZAP student’s scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or a short-term visitor visa) (see U11).

Effective 02/12/2013
E2.55 Restriction on the grant of visas, to Robert Mugabe, President of Zimbabwe, and his wife

See previous instructions:
E2.55 Effective 29/11/2010

a  Ordinarily, Robert Mugabe, President of Zimbabwe, and his wife, Grace may not be granted a visa (including a transit visa) or entry permission.

b  Student visas may not be granted to the adult children of Robert or Grace Mugabe.

c  Notwithstanding (a) and (b) above, where special circumstances exist (supported by cogent and reliable evidence) INZ may nonetheless grant a visa and entry permission to such a person.

d  The decision to grant a visa under (c) is limited to immigration officers with Schedule 1-3 delegations (see A15.5).

Effective 28/07/2014
E2.60 Restrictions on the grant of a visa to certain groups as designated by the United Nations Security Council

See previous instructions:
E2.60 Effective 16/05/2014
E2.60 Effective 17/07/2013
E2.60 Effective 30/11/2012
E2.60 Effective 30/04/2011
E2.60 Effective 29/11/2010


a In accordance with UNSC sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa and entry permission. This restriction is in place for the following people:
   i designated individuals from Liberia
   ii designated individuals from Côte d'Ivoire
   iii designated individuals from the Democratic People's Republic of Korea (DPRK), and:
   iv their immediate family members, and
   v people acting on their behalf or under their direction, and
   vi people assisting in the evasion of a determination by the United Nations Security Council that applies to the DPRK
   vii designated individuals and specified entities from Al-Qaida and Taliban
   viii designated individuals from Iran
   ix designated individuals from Lebanon
   x designated individuals from the Democratic Republic of Congo
   xi designated individuals from Sudan
   xii designated individuals from Somalia
   xiii designated individuals from Eritrea
   xiv designated individuals from Libya
   xv designated individuals from Guinea-Bissau
   xvi designated individuals from Central African Republic
   xvii designated individuals from Yemen
   xviii designated individuals from South Sudan.

b Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.

c A visa and entry permission may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

Effective 06/07/2015
E2.65 Ban on the grant of visas to leading members of the Government of the Federal Republic of Yugoslavia (FRY) including Serbia and their supporters

a  New Zealand has taken action in respect of leading citizens of the FRY and Serbia, being persons closely aligned with the regime of Slobodan Milosevic whose activities support Slobodan Milosevic or whose actions are presumed to provide support (including members of his immediate family), and who are named on the lists of such persons held by INZ and updated from time to time.

b  Ordinarily, none of the persons named on the lists held by INZ may be granted a visa (including a transit visa) or entry permission.

c  Where special circumstances exist (supported by cogent and reliable evidence) INZ may nonetheless grant a visa and entry permission, to a person named on the lists.

d  The decision to grant a visa to a person named on the lists is limited to immigration officers with Schedule 1-3 delegations (see A15.5).

Effective 29/11/2010
**E2.70 Ban on the grant of visas to individuals named on the list held at Z8 (to 03/04/2014)**

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**Note:** The instructions contained in this section cease to be effective from 3 April 2014.

*Effective 03/04/2014*
E2.75 Ban on the grant of visas to individuals associated with the December 2006 Fiji coup (to 03/04/2014)

See previous instructions:
E2.75 Effective 06/10/2013
E2.75 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 3 April 2014.

*Effective 03/04/2014*
**E2.80 Ban on the grant of work visas to Fijian citizens for the purpose of taking up work of a temporary seasonal nature (to 03/04/2014)**

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<th>Note: The instructions contained in this section cease to be effective from 3 April 2014.</th>
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See previous instructions:
E2.80 Effective 29/11/2010

*Effective 03/04/2014*
E2.85 Sporting contacts with Fiji (to 06/10/2013)

See previous instructions E2.85 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 6 October 2013.

Effective 06/10/2013
E2.90 Sporting contacts with Zimbabwe (to 25/08/2014)

See previous instructions:
E2.90 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 25 August 2014.
E2.95 Temporary entry class visas deemed to be held

See previous instructions:
E2.95 Effective 21/11/2016
E2.95 Effective 07/11/2011
E2.95 Effective 29/11/2010

See also Immigration Act 2009 ss 4, 62(4)

No electronic record is required to be created for a visa that is deemed to be granted by or under the Immigration Act 2009.

E2.95.1 Visas deemed to be held by people granted visas, permits or exemptions under the Immigration Act 1987

See also Immigration Act 2009 ss 415, 417

a A person who, immediately before the commencement of the Immigration Act 2009, held a visa or a permit granted under the Immigration Act 1987 (or was deemed to hold a permit under the Immigration Act 1987) described in the first column of Schedule 5 of the Immigration Act 2009, is deemed on and from the commencement of the Immigration Act 2009 to hold a visa of the corresponding type described in the second column of Schedule 5 of the Immigration Act 2009.

b A person who immediately before the commencement of the Immigration Act 2009:
   i held a permit under the Immigration Act 1987 (or was deemed to hold a permit under the Immigration Act 1987) is deemed on and from the commencement of the Immigration Act 2009 to have been granted entry permission. The 2009 Act applies with any necessary modifications.
   ii held a visa (other than a transit visa) and a permit under the Immigration Act 1987, is deemed on and from the commencement of the Immigration Act 2009 to hold a single visa for the duration, and subject to conditions (if any), of the visa and the permit combined (as determined under Schedule 5). The 2009 Act applies with any necessary modifications.

c A person in New Zealand who immediately before the commencement of the Immigration Act 2009, was under section 11 of the Immigration Act 1987, exempt from the requirement to hold a permit is deemed to hold a temporary visa on and from the commencement of the Immigration Act 2009:
   i that is current for the period for which the exemption would have applied under section 11 of the Immigration Act 1987 (calculated including any time that has elapsed before the commencement of the Immigration Act 2009); and
   ii subject to conditions that allow the purpose for which the exemption applied to be pursued; and
   iii with entry permission granted on the basis of the temporary visa.

d A person in New Zealand who immediately before the commencement of the Immigration Act 2009 was, under section 12(2) the Immigration Act 1987, exempt from the requirement to hold a permit by special direction is deemed to:
   i hold a temporary visa that is current for the period (calculated including any time that has elapsed before the commencement of the Immigration Act 2009) and subject to the conditions (if any) specified in the special direction;
   ii have been granted entry permission on the basis of the temporary visa.

e An Australian citizen in New Zealand who under the Immigration Act 1987 was exempt from the requirement to hold a permit is deemed on and from commencement of the Immigration Act 2009 to hold a resident visa under the Immigration Act 2009 allowing stay in New Zealand only.

f Without limiting other provisions in E2.95.1, the period of currency of a visa deemed to be held under the Immigration Act 2009 must be calculated including any time that has elapsed before the commencement of section 404 of the Immigration Act 2009.
E2.95.5 Other visas deemed to be held
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 19, 25, 31, schedule 3

a The people described below under E2.95.5(c) are deemed to hold a visa and entry permission.

b People deemed to hold temporary entry class visas must be able to provide evidence of their entitlement to a deemed visa on request.

c People listed below are deemed to hold a visa in New Zealand for the period specified. A visa must be applied for if a longer stay is required:

i crew or passengers (including cruise ship passengers) on any ship carrying passengers or cargo or both (in the ordinary course of business of the ship) between any foreign port and New Zealand, will be deemed to hold a visitor (for passengers) or work (for crew) visa from the time the ship arrives at a port of entry in New Zealand until whichever of the following occurs first:
  o the ship is given clearance to leave its last port of entry in New Zealand for that voyage; or
  o 28 days have expired, beginning with the day the ship arrived at its first port of entry in New Zealand on that voyage.

ii crew on any foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo (within the meaning of subsection (6) of that section) will be deemed to hold a work visa for a period of 28 days (the first day being the day on which the ship first arrives in New Zealand).

iii aircraft crew on an aircraft flying between any other country and New Zealand in the course of a scheduled international service will be granted entry permission and deemed to hold a work visa valid for 7 days, beginning with the day on which the aircraft arrived in New Zealand.

iv aircraft crew of a private or commercial aircraft on a flight between any other country and New Zealand that is not in the course of a scheduled international service will be granted entry permission and deemed to hold a work visa for 21 days, beginning with the day on which the aircraft arrived in New Zealand.

v members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who enter the Ross Dependency from a country other than mainland New Zealand, will be deemed to hold a visitor visa for the duration of their stay in the Ross Dependency.

vi members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies who:
  o have entered the Ross Dependency from a country other than mainland New Zealand, and
  o subsequently travel to another area of New Zealand
will be deemed to hold a visitor visa on arrival to mainland New Zealand valid for 3 months upon arrival (see V3.50.1).

vii guests of government who have been granted a visa waiver to travel by special direction will be deemed to hold a visitor visa valid for 3 months from arrival, guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs.

viii members of a visiting force (including members of the civilian component of the visiting force as defined in the Visiting Forces Act 2004, or crew members of any craft transporting such people to New Zealand who arrived in New Zealand, and are in New Zealand at the request or with the consent of the Government of New Zealand and in the ordinary course of the member’s duty or employment, will be deemed to hold a military visa valid until the earliest of:
  o the day the holder ceases to be a member of a visiting force of any country, a member of its civilian component, or a crew member of any craft transporting such people to New Zealand; or
  o the conclusion of the holder’s duties or employment in New Zealand.
a person born in New Zealand on or after 1 January 2006, who is determined by the Department of Internal Affairs not to be a New Zealand citizen will be deemed, from the time of birth, to initially have the same immigration status as the most favourable immigration status of either of the person’s parents at the time of their birth (see A17.1).

Effective 19/06/2017
E2.100 Ban on the grant of visas to leading members of the Syrian regime

a New Zealand has taken action in respect of leading members of the regime in Syria, being persons closely aligned with the regime of President Bashar Hafez al-Assad, and who are named on the list of such persons held by INZ and updated from time to time.

b Ordinarily, none of the persons named on the list held by INZ may be granted a visa (including a transit visa) or entry permission.

c Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa and entry permission to a person named on the list.

d The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

Effective 06/05/2012
E2.105 Ban on the grant of visas to individuals associated with the Ukraine crisis

a New Zealand has taken action in respect of key individuals identified as being responsible for, or associated with, actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine, and who are named on the list of such persons held by INZ and updated from time to time.

b Ordinarily, none of the persons named on the list held by INZ may be granted a visa (including a transit visa) or entry permission.

c Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa and entry permission to a person named on the list.

d The decision to grant a visa to a person named on the list is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

Effective 24/03/2014
E3 Visas
E3.1 Grant of visa generally a matter of discretion

*See also Immigration Act 2009 s 45*

a No person is entitled to a visa as of right unless the Immigration Act 2009 expressly provides otherwise (see E2.35).

b In determining a visa application, the Minister or, subject to any special direction, an immigration officer, in his or her discretion:

i may grant or refuse to grant a visa; and

ii regardless of the class and type of visa that was applied for, may grant a visa of any class and type; and

iii may impose conditions on the visa granted, or vary or waive conditions that would otherwise apply to it.

*Effective 29/11/2010*
E3.5 Grant of visitor visa to travel to and be in New Zealand may be subject to payment of bond

See also Immigration Act 2009 ss 47, 396

Before granting a visitor visa the Minister or an immigration officer may require a bond be paid in terms of section 396 of the Immigration Act 2009 (see E4.55.10).

Effective 29/11/2010
E3.10 Currency of visas

See previous instructions:
E3.10 Effective 07/12/2015
E3.10 Effective 17/11/2014
E3.10 Effective 30/07/2012
E3.10 Effective 21/11/2011
E3.10 Effective 30/07/2011
E3.10 Effective 25/07/2011
E3.10 Effective 29/11/2010

See also Immigration Act 2009 ss 6, 62, 63, 77

a Temporary entry class visas with travel conditions must not be granted unless the applicant’s passport or travel document is current for:
   i at least three months beyond the expiry date of the proposed visa; or
   ii one month, if the issuing Government has consular representation in New Zealand that is able to issue and renew passports.

b Despite (a) above, if an applicant has been approved a work visa for 24 months or longer, they may be granted the full duration of their visa, regardless of the applicant’s passport expiration date. If a visa is granted beyond the expiry of the passport, the holder must be informed in writing that their visa must be transferred into their new passport if they wish to travel in or out of New Zealand on their new passport.

c The entry for the visa must specify, as appropriate:
   i the start date (which may be the date of its grant or a future or past date);
   ii any conditions of the visa that relate to travel, including:
      o whether the visa allows travel to New Zealand on a later occasion;
      o if the visa allows travel to New Zealand, the period during which the holder may travel to New Zealand;
      o if the visa allows travel to New Zealand, whether the visa gives permission to travel to New Zealand on a single journey, multiple journeys, or a set number of journeys;
   iii in relation to the holder’s stay in New Zealand, the date or event on which the visa will expire, or the period after which it will expire;
   iv any other conditions of the visa;
   v for those persons granted entry permission, the date or dates the entry permission was granted.
   vi such other matters as may be required or approved by the Chief Executive.

d If the holder of a visa is in New Zealand, the visa expires on the earliest of:
   i the beginning of the day after the date specified in the visa as the expiry date; or
   ii the beginning of the day after the day on which an event specified in the visa as the event on the occurrence of which the visa will expire occurs; or
   iii the beginning of the day after the last day of the period for which the visa grants stay in New Zealand to the holder;
   iv the beginning of the day that is three months after the day on which an epidemic management notice expires, if the visa:
      o is a temporary entry class visa deemed to be extended as a result of an epidemic management notice; and
      o has not been cancelled earlier.

e If the holder of a visa is outside New Zealand, the visa expires on the earlier of:
   i the day and time the holder left New Zealand, if the conditions of the visa do not allow further
travel to New Zealand;

ii the beginning of the day after the date that is specified by the conditions of the visa as the last day of the period of time within which travel is allowed to New Zealand.

f Unless an appropriately delegated officer makes an exception to instructions (see E7.25) or immigration instructions state otherwise, an individual visa must not be granted for a period longer than:
   i (in the case of a visitor visa) 12 months; or
   ii (in the case of a work visa) 5 years; or
   iii (in the case of a student visa) 4 years; or
   iv (in the case of an interim visa) 6 months.

g There is no maximum length of stay for:
   i a Diplomatic, Consular or Official Visa (see section H);
   ii a Military visa (see section M).

h Since the periods listed in paragraph E3.10(f) above relate to individual visas and not the maximum length of stay, further individual visas may be granted, provided that relevant temporary entry class visa instructions are met.

E3.10.1 Pregnant Applicants

This section applies to pregnant applicants for temporary entry class visas who:

   i intend to be in New Zealand for more than six months; and
   ii are considered to have risk factors for tuberculosis (TB) (see A4.25.5); and
   iii otherwise meet immigration instructions for the grant of a temporary entry visa.

a These applicants may only be granted a visa for up to three months from the date that they are due to give birth, unless (c) below applies.

b An applicant may be granted a visa for the length of their intended stay:
   i if they have provided a Chest X-ray Certificate (INZ 1096) with an earlier application and A4.25(c) or A4.25.1(d) applies; or
   ii where a Chest X-ray Certificate (INZ 1096) has been provided in accordance with A4.25.1(f).

c Applicants who are granted a visa in line with (b) above may apply for a further visa for the remainder of their intended stay if they provide:
   i a completed application form; and
   ii a completed Chest X-ray Certificate (INZ 1096); and
   iii any associated medical or laboratory reports required for the Chest X-ray Certificate; and
   iv their current passport (or a certified copy) or certificate of identity (or a certified copy); and
   v the appropriate fee and immigration levy (if any).

d If the applicant is assessed as not having an acceptable standard of health based on the Chest X-ray Certificate they provide, a further visa may not be granted unless A4.25.1(h) or A4.65 applies.

Effective 08/07/2015
E3.11 Transfer of temporary visas on expiry of passport

See previous instructions:
E3.11 Effective 24/03/2014
E3.11 Effective 30/04/2011

See also Immigration Act 2009 s 52(2)
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 32

a Where a temporary visa is granted for a shorter currency than requested because an applicant’s passport is due to expire (E3.10a), the applicant must be informed in writing of the date the visa would have expired, had the passport remained valid.

b Where a temporary visa is granted for a shorter currency to a dependent child/ren because their parent’s passport is due to expire (see E4.5), the dependent child/ren must also be informed in writing of the date the visa would have expired had the passport remained valid.

c Where a temporary visa is granted for a shorter currency to a partner because their partner’s passport is due to expire (see WF3.1), the partner must also be informed in writing of the date the visa would have expired had the passport remained valid.

d Once a new passport has been obtained, the visa holder (and any other applicants as described at E3.11(b) or (c)) should apply to have their visa transferred to the new passport and varied so the expiry date matches the intended currency of their visa as specified when the visa was originally granted, or if E3.10(b) applies, the visa can be transferred without varying the expiry date.

e If applicable, each applicant must supply:
   i a completed Application for Transfer or Confirmation of a Visa (INZ 1023)
   ii their current passport or certificate of identity; and
   iii the expired passport or certificate of identity; and
   iv the appropriate fee (if any).
E3.15 Conditions to which holders of temporary entry class visas are subject

See also Immigration Act 2009 ss 48, 49, 52, 77

a The holder of a temporary entry class visa may:
   i visit New Zealand consistent with the conditions of the visa, for any lawful purpose; or
   **Examples:** Holidaying, sightseeing, family and social visits, amateur sport, business consultations, undergoing medical treatment.
   ii work in New Zealand, or within the exclusive economic zone of New Zealand, only if the conditions of the visa allow, and only consistently with those conditions; or
   iii study in New Zealand, only if the conditions of the visa allow, and only consistently with those conditions; or
   iv undertake the express purpose for which they were approved to travel to New Zealand, and only consistently with the express purpose conditions, if granted a limited visa.

b An interim visa holder may work, study or visit only as authorised by the terms or conditions of their interim visa.

c Subject to any special direction to the contrary, every visitor, work and interim and limited visa that is not an interim or limited visa granted for the purpose of study, is subject to the following conditions:
   i at all times during the currency of the visa to be in New Zealand, the holder has sufficient funds available for the holder’s maintenance in New Zealand, or a current approved sponsorship undertaking (see E6); and
   ii at all times during the currency of the visa to be in New Zealand, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of:
      o a fully paid travel ticket to any such country; or
      o sufficient funds held in New Zealand by or on behalf of or in trust for the holder to purchase any such ticket; or
      o a current approved sponsorship (see E6).

   **Effective 29/11/2010**
E3.20 Conditions of student visa, limited visa and interim visa for study purposes

See previous instructions
E3.20 Effective 02/12/2013
E3.20 Effective 25/07/2011
E3.20 Effective 29/11/2010

See also Immigration Act 2009 s 378

Subject to any special direction to the contrary, every student visa, limited visa and interim visa granted for the purpose of study is subject to the following conditions:

a  At all times during the currency of the visa to be in New Zealand, the holder has the means to maintain himself or herself in New Zealand, in the form of:
   i  funds held in New Zealand by or on behalf of or in trust for the holder; or
   ii an acceptable form of financial undertaking by an eligible third party; or
   iii a current approved sponsorship undertaking (see E6); or
   iv financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and

b  At all times during the currency of the visa to be in New Zealand, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of:
   i  a fully paid travel ticket to any such country; or
   ii sufficient funds held in New Zealand by or on behalf of or in trust for the holder (being funds additional to any sum required under paragraph (a)) to purchase any such ticket; or
   iii an acceptable form of financial undertaking by an eligible third party; or
   iv a current approved sponsorship (see E6); or
   v financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and

c  The holder attends the programme of study at all times as required, at the place of study endorsed on the visa, unless there are genuine reasons for absences; and

d  The holder makes satisfactory progress in the programme of study, which is primarily determined by the education provider offering the programme of study, and assessed against its academic progress policies; and

e  The holder pays all or any fees that may be fixed from time to time and that are payable by the holder in respect of the programme of study undertaken or to be undertaken; and

f  The holder has insurance (see U3.45) if required to do so (see U3.1(vii)).

Effective 22/08/2016
E3.21 Further travel conditions

See also Immigration Act 2009 s 49

a The holder of a temporary entry class visa, intending to travel out of New Zealand and return on the same visa conditions, must ensure that he or she hold valid travel conditions to enable his or her return to New Zealand.

b Applicants in New Zealand requiring further travel conditions must complete the form Application for the Variation of Conditions or a Variation of Travel Conditions (INZ 1020) and pay the appropriate fee.

c Unless stated otherwise in specific instructions, an immigration officer must assess whether travel conditions should be granted when an application for a visa with further stay conditions is approved.

Effective 29/11/2010
E3.25 Conditions of temporary entry class visas may be imposed, varied or waived

See previous instructions
E3.25 Effective 11/04/2016
E3.25 Effective 06/07/2015
E3.25 Effective 24/03/2014
E3.25 Effective 02/12/2013
E3.25 Effective 08/04/2013
E3.25 Effective 29/11/2010

See also Immigration Act 2009 ss 52, 386 A(3) and 387A

a On granting a temporary entry class visa, the Minister or an immigration officer may:
   i impose conditions in addition to those specified in temporary entry instructions in relation to a visa of that class or type;
   ii vary or waive conditions that would otherwise apply to a visa of that class or type.

b Following the grant of a temporary entry class visa, the Minister or an immigration officer may:
   i impose further conditions whether or not the conditions are specified in temporary entry instructions in relation to a visa of that class or type;
   ii vary or cancel conditions that would otherwise apply to a visa of that class or type or which were imposed when the visa was granted.

c The Minister or an immigration officer may also do one or more of the things mentioned in E3.25 (b) by agreement with the visa holder.

d The Minister or an immigration officer must notify the visa holder in writing of the conditions imposed, varied, waived or cancelled in E3.25 (b) or (c) above. Notice must be:
   i given to the visa holder personally; or
   ii sent to the contact address.

   Note: If the contact address is a physical address, notice must be sent by registered post to that address. If the contact address is an electronic address, notice must be sent by electronic means to that address.

e The conditions imposed, varied, waived or cancelled take effect:
   i from the date the visa is granted, if the condition is imposed, varied, or waived when the visa is granted; or
   ii from the date specified in the notice. The specified date must not be earlier than the date of notification.

   Note: Immigration officers should refer to E3.26 for varying the conditions of temporary entry class visas.

Effective 22/08/2016
E3.26 Varying the conditions of temporary entry class visas

See previous instructions:
E3.26 Effective 08/05/2017
E3.26 Effective 01/04/2017
E3.26 Effective 22/08/2016

See also Immigration Act 2009 s 52

a Holders of temporary entry class visas should apply for a variation of the conditions of their visa if:
   i they wish to work and do not have a visa that allows work in New Zealand; or
   ii they hold a work or visitor visa and wish to undertake a programme of study in New Zealand for
      longer than 3 months (unless U2.5 applies); or
   iii they hold a work visa limited by conditions and wish to change employers, and/or occupation
      and/or the place of employment

b Immigration officers may grant a variation of conditions in such cases provided that the applicant
   completes an Application for Variation of Conditions and produces:
   i the appropriate fee;
   ii a valid passport (or a certified copy) or travel document (or a certified copy);
   iii documents which support the requested variation, such as:
      o an offer of employment (see W2.10.10); or
      o an offer of place at a suitable education provider (see U3.5), and evidence of tuition fee
         payment or exemption (see U3.10); and
   iv any other documents or information requested by the immigration officer.

c A variation of conditions will only be granted where the varied conditions still meet the objectives of
   the instructions which the visa was granted under.

d A variation of conditions to work for a specific employer will only be granted where the employer
   meets requirements at W2.10.5, W2.10.6 and W2.10.15.

E3.26.1 Varying the conditions of work visas

E3.26.1.1 Varying Essential Skills work visa conditions

a Essential Skills work visa holders seeking to change occupation or place of employment will not be
   granted a variation of conditions and must instead apply for a new work visa, unless:
   i their new occupation is listed on an Essential Skills in Demand list; and
   ii they meet the requirements of the list.

b Essential Skills work visa holders seeking to change employment to a skill-band lower than that of
   their current employment (WK3.5.1), will not be granted a variation of conditions, and must instead
   apply for a new work visa.

E3.26.1.5 Varying Specific Purpose or Event visa conditions

a Holders of a work visa granted under WS2 as players or professional sports coaches may apply for a
   variation of conditions of their work visa to undertake additional employment. A variation of
   conditions may be granted if:
   i the terms of the existing employment have been met, and will continue to be met; and either
   ii the secondary employment is offered by the sports club or a company involved in the sport and
      the position is offered solely to this particular player or coach; or
   iii the secondary employment is offered by an employer other than the sports club or a company
      involved in the sport and an immigration officer is satisfied that there are no New Zealand citizens
      or residence class visa holders available to be employed in the position (see WK3.10).
E3.26.1.10 Varying Talent (Accredited Employers) work visa conditions

a  Holders of a work visa granted under WR1 (Talent Accredited Employers) Work Instructions) may apply for a variation of conditions of their work visa to change employers. A variation of conditions may be granted:

i  to undertake employment for another accredited employer; or

ii  to undertake employment for another employer who is not an accredited employer if their employment is no longer available due to reasons beyond the visa holder’s control. When assessing such applications for a variation of conditions, immigration officers will consider all the circumstances of the applicant and the reasons for which the former accredited employer did not continue employment or the former employer’s accreditation was not renewed or rescinded.

b  In order to be granted a variation of conditions under (a) above:

i  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

ii  the offer of employment must meet the requirements of WR1.10; and

iii  employers must meet the requirements under W2.10.5, W2.10.6, W2.10.10 and W2.10.15.

Notes:
~ Where a person fails to continue employment in the circumstances described in (a) and (b) above, they will not be eligible for residence under the Residence Instructions for holders of work visas granted under the Talent (Accredited Employers) Work Instructions.
~ For the avoidance of doubt, the base salary in (d) above excludes employment-related allowances (for example overtime, tool or uniform allowances). The base salary is calculated on the basis of 40 hours work per week.
E3.26.5 Varying the conditions of visitor visas

a  Holders of visitor visas granted under V3.100 Guardians accompanying students to New Zealand may only be granted a variation of conditions for part time work or part time study between the hours 9:30am and 2:30pm Monday to Friday (inclusive) (see V3.100.35).

b  Holders of visitor visas may be granted a variation of conditions for a duration of six weeks to undertake seasonal work (planting, maintaining, harvesting and packing crops) in any region where the Ministry of Social Development has identified a shortage of seasonal labour and for any employer in the horticulture or viticulture industries, provided the applicant has not been granted a variation of conditions for this purpose since their most recent entry to New Zealand.

E3.26.10 Varying the conditions of student visas

Holders of student visas may be granted a variation of conditions to allow them to work in line with the requirements at U13.

Effective 28/08/2017
E3.30 Changing a temporary visa

See also Immigration Act 2009 ss 45(2)(b), 57(1), 79(1)(c)

a A temporary visa holder in New Zealand may apply for a visa of another type at any time before the current visa expires.

b In determining a visa application the Minister or, subject to any special direction, an immigration officer, in his or her discretion:
   i may grant or refuse to grant a visa; and
   ii regardless of the class and type of visa that was applied for, may grant a visa of any class and type; and
   iii may impose conditions on the visa granted, or vary or waive conditions that would otherwise apply to it.

c E3.30 (b) applies unless a provision in the Immigration Act 2009 expressly provides otherwise.

d An application for a visa must be made in the manner prescribed for the class or type of visa sought (see E4.50.1).

Effective 29/11/2010
E3.35 Further temporary visas

See previous instructions:
E3.35 Effective 10/06/2013
E3.35 Effective 29/11/2010

See also Immigration Act 2009 s 57(1), s351

a A temporary visa holder in New Zealand may apply for a further visa at any time before the current visa expires.
b An application for a visa must be made in the manner prescribed for the class or type of visa sought (see E4.50.1).
c Where an applicant has made a claim of workplace exploitation against him or herself, as defined in section 351 of the Immigration Act 2009 (see D7.45), or has had such a claim accepted as genuine by Immigration New Zealand, then in determining whether he or she is eligible for a further visa, immigration officers may disregard:
   i any previous periods when the applicant had been working in breach of the conditions of his or her current or previous visa/s, and/or
   ii any previous periods of unlawfulness in the applicant’s immigration history during which he or she was employed and he or she has provided evidence of workplace exploitation in respect of that employer.

Effective 11/04/2016
E3.40 Cancellation of visas on triggering event

See previous instructions E3.40 effective 29/11/2010

See also Immigration Act 2009 s 64

a A visa is cancelled in the following circumstances:
   i on the deportation of its holder from New Zealand; or
   ii on the day after the first date on which a deportation order may be served on the person under section 175A of the Immigration Act 2009; or
   iii on the refusal of entry permission to its holder; or
   iv on entry permission granted to its holder being revoked; or
   v if the holder arrived at an immigration control area:
      o on the holder leaving the immigration control area without presenting himself or herself to an immigration officer; or
      o on the holder failing to comply with the instruction of an immigration officer to remain in the area; or
   vi if the holder arrived at a place other than an immigration control area, on failing to present himself or herself in the prescribed manner and within the prescribed time as required under section 103(1)(b) of the Immigration Act 2009; or
   vii on the start date of a further visa granted to its holder; or
   viii on the grant of New Zealand citizenship to its holder; or
   ix on the registration of New Zealand citizenship by descent under section 7(2) of the Citizenship Act 1977 by its holder;
   x on the issue of an evidentiary certificate under section 21 of the Citizenship Act 1977 that confirms the holder is a New Zealand citizen.

b Despite (vii) above, the grant of a temporary entry class visa to the holder of a residence class visa does not cancel the residence class visa unless the grant of the temporary entry class visa was made under section 68 of the Immigration Act 2009 (see E3.50);

c To avoid doubt, if a person’s visa is cancelled under (a)ii, the grant of a new visa to the person does not cancel the person’s liability for deportation.

Effective 28/08/2017
E3.45 Cancellation of visa for administrative error

See also Immigration Act 2009 ss 8, 67

An immigration officer may cancel a visa that the officer believes on reasonable grounds was granted as a result of an administrative error if:

a  The visa was granted to a person in a designated place where entry permission may be granted under section 383 of the Immigration Act 2009; and
i  the person is still in the designated place; or
ii  the person has not left the arrival hall of the airport or port at which he or she arrived in New Zealand; or

b  The visa was granted to a person in an immigration control area, or an office of the Department, in New Zealand and the person is still in the control area or office; or

c  Advice of the grant of the visa has not been sent or given to the person concerned, in any other case.

d  A visa is granted as a result of an administrative error if:
   i  it is granted to a New Zealand citizen (unless the person is a New Zealand citizen entering New Zealand in the circumstances described in section 13(4)(b) of the Immigration Act 2009); or
   ii  it is granted to an excluded person (unless section 17 of the Immigration Act 2009 making an exception to the non-eligibility for a visa criteria applies) (see A5.40); or
   iii  the person granting it intended to grant a visa of a type other than the one that was actually granted; or
   iv  it is granted for a period exceeding the period specified in immigration instructions for visas of that type (see E3.10) (unless the Minister or an immigration officer deliberately and properly granted it as an exception to the immigration instructions); or
   v  it is granted on the basis of the person holding a visa that was granted as a result of an administrative error; or
   vi  it is granted in contravention of:
      o  a special direction; or
      o  immigration instructions (unless the Minister or an immigration officer deliberately and properly granted it as an exception to immigration instructions); or
      o  an instruction of a kind referred to in section 378(7) of the Immigration Act 2009 which limits or affects the powers of the Minister to give all such instructions to the chief executive as the Minister thinks fit in the ordinary course of the administration of the immigration portfolio and of the Immigration Act 2009.

e  Entry permission is granted as a result of an administrative error if:
   i  it is granted to a New Zealand citizen (unless the person is a New Zealand citizen entering New Zealand in the circumstances described in section 13(4)(b) of the Immigration Act 2009); or
   ii  it is granted to an excluded person (unless section 17 of the Immigration Act 2009 making an exception to the non-eligibility for a visa criteria applies) (see A5.35); or
   iii  it is granted in contravention of:
      o  a special direction; or
      o  immigration instructions (unless the Minister or an immigration officer deliberately and properly granted it as an exception to immigration instructions); or
   iv  it is granted on the basis of, or in conjunction with:
      o  a visa that was itself granted on the basis of an administrative error; or
      o  a visa that was granted for a period exceeding the period specified in immigration instructions for a visa of that type (unless the Minister or an immigration officer deliberately and properly granted the visa as an exception to the immigration instructions); or

o a visa of a class or type other than that intended to be granted.

Effective 29/11/2010
E3.50 Grant of further visa where visa granted in error

See also Immigration Act 2009 ss 11, 68, 155

a If the Minister or an immigration officer determines that a visa was granted as a result of an administrative error but the visa was not cancelled in accordance with the Immigration Act 2009, the Minister or an immigration officer may, in his or her absolute discretion:

i offer the holder a visa of such class and type, and subject to such conditions, as the Minister or immigration officer considers appropriate; and

ii if the holder agrees, grant such a visa.

b If the holder does not agree, he or she remains liable for deportation (see D2.15.1).

Effective 29/11/2010
E3.55 Cancellation of temporary entry class or transit visas

See previous instructions
E3.55 Effective 30/03/2015
E3.55 Effective 29/11/2010

See also Immigration Act 2009 s 66

a If the Minister or an immigration officer determines there is sufficient reason, they may:
   i cancel a temporary entry class visa at any time when its holder is outside New Zealand;
   ii cancel a temporary entry class visa at any time, that has been extended based on the
      commencement of an epidemic management notice (section 78 of the Immigration Act 2009);
   iii cancel a transit visa at any time.

b The Minister or an immigration officer must notify a person, in writing, if they cancel a visa under this
   section and the visa holder is outside of New Zealand.

Effective 06/07/2015
E3.60 Deportation liability of temporary entry class visa holder for cause

See also Immigration Act 2009 s 157

a A temporary entry class visa holder is liable for deportation if the Minister determines that there is sufficient reason to deport the temporary entry class visa holder (see (e) below).

b The person has 14 days from the date of service of the deportation liability notice to give good reason why deportation should not proceed.

c E3.60 (b) above does not apply if:
   i the person is the holder of a limited visa; or
   ii the Minister determines that the person is an excluded person.

d A temporary visa holder or interim visa holder who is liable for deportation under E3.60 may, no later than 28 days after the date of service of the deportation liability notice, appeal to the Tribunal on humanitarian grounds against his or her liability for deportation.

e For the purposes of E3.60 (a) above, sufficient reason includes, but is not limited to:
   i breach of conditions of the person’s visa;
   ii criminal offending;
   iii other matters relating to character;
   iv concealment of relevant information in relation to the person’s application for a visa;
   v a situation where the person’s circumstances no longer meet the rules or criteria under which the visa was granted.

(See section D2) for deportation procedures.)

**Examples:** the holder of a student visa who fails to attend their place of study without reasonable excuse, or the holder of a visitor visa who undertakes employment without authority.

**Effective 29/11/2010**
E3.65 Deportation liability if person unlawfully in New Zealand

See also Immigration Act 2009 s 154

A person unlawfully in New Zealand is liable for deportation. For further information see D2.10.15.

Effective 29/11/2010
E4 Lodging an application for a temporary entry class visa
E4.1 Who may be included in an application

See previous instructions:
E4.1 Effective 19/08/2013
E4.1 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 20

a Each principal applicant must lodge a separate application.

b The partner of a principal applicant, and dependent children less than 20 years old, may be included in an application for a:
   i visitor visa if intending to travel to and be in New Zealand together; or
   ii limited visa in certain circumstances (see L4.5.1); or
   iii transit visa if intending to transit through New Zealand together.

c For the purpose of inclusion in an application, a partner is a person who meets the definition of partner in E4.1.20 below. Those who do not meet this definition must apply for a temporary entry class visa in their own right.

d Partners and dependent children of student, work, diplomatic or military visa applicants must lodge a separate application for a temporary entry class visa appropriate to their needs (see E4.5).

Example: A dependent child of an applicant for a work visa intending to attend school in New Zealand must apply for a student visa.

e For the purpose of lodging an application, 'children of the principal applicant' means biological or adopted children of the principal applicant and/or the principal applicant's partner (if the partner is included in the application).

f Evidence of the relationship of each applicant to the principal applicant must be given with the application.

g The requirements in relation to the application (including any that an immigration officer may require an applicant to meet before determining an application) must be met in relation to the principal applicant and each applicant, except that any applicant less than 18 years old is not required to sign the application.

E4.1.1 Who may not be included in an application

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 20

Unless otherwise specified, the following people may not be included in a temporary entry class visa application:

a any child aged 20 and over (whether dependent or not), and

b any child aged 19 and under who is not a dependent child.

E4.1.5 Definition of ‘principal applicant’

a For visitor visa and transit visa applications the principal applicant is the person who is declared to be the principal applicant on that application.

b For a work, student, diplomatic or military visa application, the principal applicant is the person applying for the work, student, diplomatic or military visa.

c For a limited visa the principal applicant is identified as follows:
   i the principal applicant is the person who is declared to be the principal applicant on that application; or
   ii for applications for a limited visa to be granted for the purpose of study, the principal applicant is the person whose express purpose is study; or
iii if the express purpose of one or more persons in an application is to accompany another person also in the application, the principal applicant must be that other person; or

iv if two or more persons in an application share the same express purpose and that express purpose does not depend on the express purpose of any other person also in the application, the principal applicant may be any one of those two or more persons.

Example: A husband and wife, both doctors, wish to attend a medical conference in New Zealand. Their dependent child is to accompany them. Either the husband or the wife may be the principal applicant.

d When an application is assessed, all persons included in the application will be assessed against relevant instructions.

E4.1.10 Definition of ‘dependent child’

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 20

a For the purpose of lodging an application, and despite the definition in section 4 of the Immigration Act 2009, a child is dependent if:

i they are under 18 years of age; and
  o they are single; and
  o (if included in an application for a visitor visa, limited visa or transit visa) they are totally or substantially reliant on the principal applicant and/or the principal applicant’s partner for financial support, whether living with them or not; or
  o (if applying for a temporary entry class visa under E4.5) they are totally or substantially reliant on that student, work or military visa holder for financial support.

ii they are aged 18 or 19 years; and
  o they are single with no child(ren) of their own; and
  o (if included in an application for a visitor visa, limited visa or transit visa), they are totally or substantially reliant on the principal applicant and/or the principal applicant’s partner for financial support, whether living with them or not; or
  o (if applying for a temporary entry class visa under E4.5) they are totally or substantially reliant on that student, work or military visa holder for financial support.

b An unmarried child under 18 years of age is presumed to be dependent unless there is evidence to the contrary.

c For children aged 18 or 19 years of age, evidence of actual dependence may be required.

E4.1.15 Custody of children under the age of 16 years

a If an applicant is applying for a visa to enter New Zealand for the purpose of marriage to a New Zealand citizen or residence class visa holder (see V3.35), or for any temporary entry class visa with the intention of remaining in New Zealand for a period of 12 months or more and:

i a child under the age of 16 years is included in their application; or

ii a child under the age of 16 years is applying for a different type of visa in order to accompany that parent as provided by E4.5; and

iii that child’s other parent is not included in the application or accompanying the child to New Zealand,

immigration officers must be satisfied that the applicant parent has the right to remove the child from its country of residence or from the country in which rights of custody or visitation have been granted, or that the other parent consents to such removal.

b Evidence of the right to remove the child from its country of residence, or from the country in which rights of custody or visitation have been granted includes, but is not limited to, legal documents showing that the applicant or accompanying parent has sole custody of the child and the other parent
has no visitation rights, and/or a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to remain in New Zealand for their period of intended stay if their entry is approved.

**E4.1.20 Definition of 'partner'**

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 4, reg 20*

a For the purpose of inclusion in an application, or where a person otherwise relies on such a relationship for the purpose of obtaining a temporary entry class visa, 'partner' means:

i a person who is legally married to; or

ii a person who is in a civil union relationship with; or

iii a person who is in a de facto relationship with
   
   o a principal applicant in an application for a temporary entry class visa; or
   
   o a person who is a New Zealand citizen or residence class visa holder; or
   
   o a person who is an applicant for, or the holder of a student, work, or military visa; and

iv they are in a genuine and stable partnership (see E4.5.25).

b Despite the definition of partner contained in regulation 4 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, references to 'partner' in temporary entry instructions mean 'partner' as defined in (a) above.

**E4.1.25 Eligibility of partners in polygamous relationships**

In the case of polygamous partnerships (as an exception to the exclusivity requirement which forms part of the definition of a genuine and stable partnership (see E4.5.25)) only one partner will be eligible for a temporary entry class visa on the basis of their partnership with a person described in E4.1.20(a)(i-iii).

*Effective 17/11/2014*
**E4.5 Temporary entry class visa for partners and dependent children**

See previous instructions:
- E4.5 Effective 22/05/2017
- E4.5 Effective 07/12/2015
- E4.5 Effective 30/03/2015
- E4.5 Effective 08/12/2014
- E4.5 Effective 17/11/2014
- E4.5 Effective 01/07/2013
- E4.5 Effective 07/11/2011
- E4.5 Effective 07/02/2011
- E4.5 Effective 29/11/2010

**E4.5.1 Eligibility of dependent children for temporary entry class visas**

a A dependent child (see E4.1.10) may be eligible for a temporary entry class visa if their parent is:
   i a principal applicant in an application for a temporary entry class visa; or
   ii a non-principal applicant partner included in an application (i.e. they are not a dependent child of the principal applicant); or
   iii a New Zealand citizen or residence class visa holder.

b A dependent child may be granted a temporary entry class visa of a type appropriate to their needs as specified in:
   i Student instructions for dependants (see U8); or
   ii Visitor instructions for dependants (see V3.10, V3.20 and V3.125).

c Where the parent is an applicant for a temporary entry class visa, a dependent child may only be granted a temporary entry class visa if their parent’s application is approved.

d A dependent child will not normally be granted a temporary visa on the basis of their relationship with a parent who is liable for deportation, or currently has their deportation liability suspended.

e Despite (d) above, a further temporary visa can be granted to a dependent child on the basis of their relationship with a parent who currently has their deportation liability suspended, if that child already held a temporary visa on the basis of that relationship at the time the parent became liable for deportation.

**E4.5.5 Eligibility of partners for temporary entry class visas**

a A person may be eligible for a temporary entry class visa on the basis of being the partner (see E4.1.20) of:
   i a principal applicant in an application for a temporary entry class visa; or
   ii a person who is a New Zealand citizen or residence class visa holder; or
   iii a person who is an applicant for, or the holder of a student, work or military visa.

b A person applying as a partner may be granted a temporary entry class visa of a type appropriate to their needs as specified in:
   i Family Stream Work instructions (see WF); or
   ii Student instructions for dependants (see U8); or
   iii Visitor instructions for dependants (see V3.10, V3.15 and V3.125); or
   iv Special work visas for partners of holders of military visas (see WI8).

c A partner may only be granted a temporary entry class visa, if an immigration officer is satisfied that:
   i they are living together with their partner in a genuine and stable partnership (see E4.5.25 and E4.5.30); and
ii they comply with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and

iii their partner supports the application; and

iv their partner meets the character requirements for partners supporting 'partnership-based temporary entry applications' set out at E7.45; and

v if their partner is a New Zealand citizen or residence class visa holder, their partner will be eligible to support a partnership-based residence class visa application within 12 months of the grant of the visa (see F2.10.10).

d In each case the onus of proving that a partnership is genuine and stable lies with the couple involved.

e A person will not normally be granted a temporary visa on the basis of their relationship with a partner who is liable for deportation, or currently has their deportation liability suspended.

f Despite (c) and (e) above, a further temporary can be granted to a person on the basis of their relationship with a partner who currently has their deportation liability suspended, if that person already held a temporary visa on the basis of that relationship at the time their partner became liable for deportation.

E4.5.10 Evidential requirements for dependent children

If dependent children are included in an application, or are applying in their own right as the dependent child of a temporary entry class visa holder, New Zealand citizen, or residence class visa holder, evidence of their relationship to the parent must be provided in the following form:

a the original birth certificate showing the names of the parent(s); or

b original adoption papers showing that the child has been legally adopted (see R3.5.1) by the principal applicant or partner, or temporary entry class visa holder, New Zealand citizen, or residence class visa holder; or

c in the case of a child adopted by custom, a declaration by the adoptive parent(s) separate from, and in addition to, any similar declaration made on an application form. (The declaration must state that the child has been adopted by the adoptive parent(s), as well as the date of the adoption, and the country in which the adoption took place.)

E4.5.15 Minimum requirements for recognition of partnerships

For the purposes of these instructions, a partnership meets the minimum requirements for recognition of partnerships if an immigration officer is satisfied that:

a the couple were both aged 18 years or older at the time the application for a temporary entry class visa was made, or if aged 16 or 17 years old have their parent’(s) or guardian’(s) support for the application being lodged; and

b the couple have met prior to the application being made; and

c they are not close relatives (see F2.15(d)).

E4.5.20 Evidential requirements for partners

a If a partner is included in an application, or is applying in their own right as the partner of a temporary entry class visa holder, a New Zealand citizen, or residence class visa holder, the following must be provided:

i evidence of their relationship, and

ii evidence that demonstrates they are living together with that partner in a genuine and stable relationship (E4.5.35 sets out the types of evidence that are required).
b Where a person is applying for a temporary entry class visa on the basis of partnership, their partner must provide a completed Form for Partners Supporting Partnership-based Temporary Entry Applications (INZ 1146).

c Despite (a) above for the purposes of visitor visa instructions, where an application includes a partner as a secondary applicant, a declaration from both parties may be accepted as evidence that they are living together in a genuine and stable partnership (see E4.5.35(b)).

**E4.5.25 Definition of ‘genuine and stable’ partnership**

A partnership is genuine and stable if an immigration officer is satisfied that it:

a is genuine, because it has been entered into with the intention of being maintained on a long-term and exclusive basis; and

b is stable, because it is likely to endure.

**E4.5.30 Definition of ‘living together’**

For the purposes of these instructions:

a the principal applicant and their partner are considered to be living together if they are sharing the same home as partners (as defined in E4.1.20).

b Living together does not include:

   i time spent in each other’s homes while still maintaining individual residences; or
   ii shared accommodation during holidays together; or
   iii flatmate arrangements; or
   iv any other living arrangements that are not reflective of the factors set out at E4.5.35(a).

**E4.5.35 Determining if the couple are living together in a partnership that is genuine and stable**

a Factors that have a bearing on whether two people are living together in a partnership that is genuine and stable may include, but are not limited to:

   i the duration of the parties’ relationship;
   ii the existence, nature, and extent of the parties' common residence;
   iii the degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
   iv the common ownership, use, and acquisition of property by the parties;
   v the degree of commitment of the parties to a shared life;
   vi children of the partnership, including the common care and support of such children by the parties;
   vii the performance of common household duties by the partners; and
   viii the reputation and public aspects of the relationship.

b Evidence that the couple are living together may include, but is not limited to, original or certified copies of documents showing a shared home, such as:

   i joint ownership of residential property
   ii joint tenancy agreement or rent book or rental receipts
   iii correspondence (including postmarked envelopes) addressed to both principal applicant and partner at the same address.

c Evidence about whether the partnership is genuine and stable may include, but is not limited to, original or certified copies of documents and any other information, such as:

   i a marriage certificate for the parties;
   ii a civil union certificate for the parties;
iii birth certificates of any children of the parties;
iv evidence of communication between the parties;
v photographs of the parties together;
vi documents indicating public recognition of the partnership;
vii evidence of the parties being committed to each other both emotionally and exclusively, such as evidence of:
   o joint decision making and plans together
   o sharing of parental obligations
   o sharing of household activities
   o sharing of companionship/spare time
   o sharing of leisure and social activities
   o presentation by the parties to outsiders as a couple.
viii evidence of being financially interdependent, such as evidence of:
   o shared income
   o joint bank accounts operated reasonably frequently over a reasonable time
   o joint assets
   o joint liabilities, such as loans or credit to purchase real estate, cars, major home appliances
   o joint utilities accounts (electricity, gas, water, telephone)
   o mutually agreed financial arrangements.

d Satisfactory and sufficient proof (from documents, other corroborating evidence, or interviews) of all four of the following elements being met:
i 'Credibility': the principal applicant and the partner both separately and together, must be credible in any statements made and evidence presented by them.
ii 'Living together': the principal applicant and partner must be living together unless there are genuine and compelling reasons for any period(s) of separation (see E4.5.35(f) and E4.5.35(g) below).
iii 'Genuine partnership': the principal applicant and partner must both be found to be genuine as to their:
iv reasons for marrying, entering a civil union or entering into a de facto relationship; and
v intentions to maintain a long term partnership exclusive of others.
vi 'Stable partnership': the principal applicant and partner must demonstrate that their partnership is likely to endure.

e A temporary entry class visa must not be granted unless the immigration officer is satisfied, having considered each of the four elements in E4.5.35(d) above (both independently and together) that the couple is living together in a partnership that is genuine and stable.

f If a principal applicant and their partner have lived apart for periods during their partnership, the application should not automatically be declined. Instead, immigration officers should determine whether there are genuine and compelling reasons for any period(s) of separation:
i either partner's family, education or employment commitments;
ii the duration of the partnership and the length of time the couple has spent apart;
iii the extent to which the couple has made efforts to be together during the time apart.

g Despite E4.5.35(f) above, immigration officers will only consider whether there are genuine and compelling reasons for any period(s) of separation if the couple is able to satisfactorily demonstrate that they have lived together prior to the period(s) of separation.

h The presence or absence of any of the documents, information or evidence listed at E4.5.35(b) and (c) above is not determinative. Each case will be decided on the basis of all the evidence provided.
Evidence about these matters may also be obtained at interview and can be considered up until the date of final decision.

Effective 29/05/2017
E4.10 Definition of ‘ordinarily resident’ in New Zealand

a  For the purpose of sponsorship (see E6), a person is considered to be ‘ordinarily resident’ in New Zealand where an immigration officer is satisfied that New Zealand is their primary place of established residence at the time specified in immigration instructions.

b  Evidence that New Zealand is a person’s primary place of established residence may include but is not limited to original or certified copies of:
   • 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.

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.

Effective 29/11/2010
E4.15 Where to lodge an application

See previous instructions E4.15 Effective 29/11/2010

a Applications should be lodged at the INZ office, Visa Application Centre, Ministry of Foreign Affairs and Trade (MFAT) post or certain specified British posts responsible for receiving applications of that type from the geographical area or country in which the applicant currently lives. Receiving Offices can be found on the INZ website.

b If an application is not lodged at the appropriate office, the application may be referred to the appropriate office.

Effective 02/12/2013
E4.20 Where an application will be processed

a. Applications for temporary entry class visas are processed by INZ offices and certain MFAT and British posts.

b. INZ may determine at which office an application is processed. This means that an application may be processed at an office other than the office where it is lodged.

Effective 29/11/2010
**E4.25 Date an application is lodged**

See previous instructions:
E4.25 Effective 02/12/2013
E4.25 Effective 29/11/2010

a. A paper application is lodged on the date that INZ, or an office authorised to receive visa applications on INZ’s behalf, receives it. Visa Application Centres are authorised for this purpose.

b. An application that is made on an electronic form is lodged on the date (New Zealand time) that it is successfully submitted.

**Note:** If an application is processed using AMS, the date the application is lodged is referred to in AMS as the date 'tendered'.

*Effective 18/04/2014*
E4.30 Date an application is made

See previous instructions E4.30 Effective 29/11/2010

See also Immigration Act 2009 s 57(1)

a  An application is made on the date that it is lodged only if, on that date, it is lodged in the prescribed manner (see E4.50).

b  Immigration officers at an INZ office determine whether applications are lodged in the prescribed manner by assessing whether all mandatory requirements for lodgement have been met.

c  If an immigration officer determines that an application is not lodged in the prescribed manner and requests further documents (see E4.45), the application is made on the date that INZ receives the last of any outstanding documents necessary to meet the prescribed manner for lodgement.

Note: if applications are processed using AMS, the date an application is made is referred to in AMS as the date ‘accepted’.

Effective 02/12/2013
E4.35 Receipt of applications

See previous instructions:
E4.35 Effective 15/12/2010
E4.35 Effective 29/11/2010

a  All application forms must be stamped with the date of the day on which they are lodged (see E4.25) with INZ, or with an office authorised to receive visa applications on INZ’s behalf. Visa Application Centres are authorised for this purpose.

b  INZ staff must record the date any information or evidence submitted in support of an application is received in line with the guidelines set out in the Staff Toolkit.

Effective 02/12/2013
E4.40 How an application must be lodged

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10, 11, 12, 13, 14

a. Applications must be lodged in the prescribed manner.

b. The prescribed manner is the manner that meets the mandatory requirements laid down for applications of the relevant type in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

c. Applications that are not lodged in the prescribed manner must not be accepted for processing (see E4.45).

Effective 29/11/2010
An application must be returned if it is submitted by an unlicensed immigration adviser (see E4.50.25).

Except in the case of E4.45 (a), INZ may, at its discretion, hold applications that are not lodged in the prescribed manner for a specified period of time until any outstanding mandatory requirements have been met; but INZ does not consider such applications to have been lodged.

INZ is under no obligation to hold an application that is not lodged in the prescribed manner.

If an application is lodged in an incomplete but minor and easily corrected manner, immigration officers may:

i. receipt the application fee and immigration levy; and

ii. hold the papers; and

iii. advise the applicant or agent that the application has not been made in the prescribed manner but is being held for a limited time to enable the applicant or agent to meet the mandatory requirements for lodgement; and

iv. advise the applicant or agent of the documents required for the application to meet the mandatory requirements for lodgement.

Applicants will be given a specified time to complete the outstanding requirements, and if they do not do so, the application may be returned to the applicant or agent, and the fee returned or refunded.

If an application is not lodged in the prescribed manner and E4.45 (d) do not apply, the application must be returned to the applicant or agent.
E4.50 Requirements for lodging an application for a temporary entry class visa

See previous instructions
E4.50 Effective 07/12/2015
E4.50 Effective 06/07/2015
E4.50 Effective 18/04/2014
E4.50 Effective 26/11/2012
E4.50 Effective 04/04/2011
E4.50 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 10, 11, 13, 14, 23A

a These requirements apply to the lodgement of the following types of temporary entry class visa applications:
   i Applications lodged on an approved paper form (E4.50.1, E4.50.15).
   ii Applications lodged under a Working Holiday Scheme (WI2) and under Silver Fern instructions (WL) which must be made online using the electronic form provided on the Immigration website (https://onlineservices.immigration.govt.nz/?whs) (E4.50.2, E4.50.15).
   iii Applications not covered by (a)(ii), made on an electronic form (E4.50.2, E4.50.15).
   iv Applications lodged otherwise than on an approved form (E4.50.5, E4.50.10, E4.50.15).
   v Applications for a temporary entry class visa or entry permission in an immigration control area (E4.50.35, E4.50.40).

b The requirements for applications for Diplomatic, consular, and official staff, and their dependants are at H4.

c The requirements for the reconsideration of decision to decline further temporary entry class visa are at E7.35.1.

E4.50.1 Mandatory requirements for applications lodged on an approved paper form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10

For the purposes of temporary entry instructions, mandatory requirements for applications lodged on an approved paper form means that applications must be made on the application form relevant to the type of visa required which must be completed in English, in full and submitted to an immigration officer, together with:

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

b two passport-sized photographs of the applicant’s head and shoulders; and

c the appropriate fee and immigration levy (if any); and

d (all temporary entry class applications apart from military visa applications (see M2.1)) evidence of funds for maintenance in New Zealand or evidence of sponsorship (see E6); and

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

f any other information, evidence and submissions the applicant considers show that he or she is eligible to be granted a temporary entry class visa in terms of the relevant immigration instructions.

Applications must be 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).
**E4.50.2 Mandatory requirements for applications made on an electronic form**

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 23A*

a. Applications for a second Working Holiday Scheme work visa (where a scheme allows for this) must be lodged according to E4.50.1.

b. An application made on an electronic form must be completed in English, and requires the applicant to:
   - i. state his or her full name; and
   - ii. state his or her date and place of birth; and
   - iii. state the details of his or her passport or other certificate of identity; and
   - iv. if prompted by the online system, upload a photograph of the applicant’s head and shoulders, that complies with the standards specified for the purpose; and
   - v. produce the information and evidence required by immigration instructions to demonstrate he or she fits the category under which the application is being made; and
   - vi. acknowledge that the details supplied in support of their application are true and correct to the best of their knowledge; and
   - vii. agree that if their circumstances change before a visa is granted or before the application is determined, they will notify an immigration officer of the change; and
   - viii. pay the prescribed fee for the type of visa applied for or arrange for its payment in a manner acceptable to the immigration officer processing the application; and
   - ix. pay the immigration levy that is payable (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application.

**Note:** The specified standards for the photograph can be obtained from the INZ website.

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**E4.50.5 Mandatory requirements for applications lodged otherwise than on an approved form**

*See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 21, 22*

a. Despite E4.50.1, a person or their advisor may request an immigration officer to consider an application for a visa made without using the relevant approved form and an immigration officer may agree to the request.

b. Where an immigration officer agrees to that request, the applicant must supply the following information in English and in any way appropriate to the circumstances:
   - i. his or her full name; and
   - ii. his or her date and place of birth; and
   - iii. details of his or her passport or certificate of identity, including country of citizenship; and
   - iv. details of any current or previous visa (or permit as the case may be) held by him or her; and
   - v. details of the type of visa he or she is applying for; and
   - vi. any other information that he or she considers shows that the temporary entry class visa application should be granted; and
   - vii. such information and evidence that the immigration officer thinks necessary for him or her to determine the application.

c. The application must be completed by the applicant:
   - i. acknowledging that the details supplied in support of the application are true and correct to the best of his or her knowledge; and
   - ii. agreeing that if his or her circumstances change before a visa is granted, he or she will notify an immigration officer of the change in circumstances; and
   - iii. paying the prescribed fee (if any) for the type of visa applied for, or arranging for the payment of that fee in a manner satisfactory to the immigration officer; and
iv paying the immigration levy that is payable by the applicant (if any), or arranging for its payment in a manner acceptable to the immigration officer processing the application; and
v signing the application (except if the application is made in an electronic format).

d If the applicant is less than 18 years old, (c)(iv) does not apply. Instead, the application must be signed by his or her parent or guardian, except if the application is made in an electronic format or at an immigration control area (in which case the form must be signed by the parent or guardian only if the applicant is accompanied by that person).

E4.50.10 Processing of applications made otherwise than on an approved form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 22

a Where an immigration officer has agreed to a request to consider an application for a visa made otherwise than on an approved form, the immigration officer may at any time before a visa is granted as a result of the application:
   i refuse to consider the application, or continue to consider the application; and
   ii inform the applicant that if he or she wishes to pursue the application, he or she must do so using the relevant approved form.

b If an immigration officer refuses to consider an application for a visa made otherwise than on an approved form then:
   i the application will be treated as not having been made; and
   ii the applicant must apply for the visa in the normal way; and
   iii in the event the person pursues an application for a visa in the normal way, the mandatory requirements as set out at E4.50.1 and E4.50.5 will apply; and
   iv any application fee or immigration levy will either be refunded or applied towards any visa application made by the same person.

c In the event an application for a visa is made otherwise than on an approved form and has been accepted for processing but cannot be finalised without further information or documentation being obtained, an immigration officer may transfer the application to another INZ office for finalisation. In such cases the application may, at the discretion of the immigration officer considering it, continue to be finalised without the applicant needing:
   i to complete the approved form; or
   ii pay any additional fee and immigration levy.

E4.50.15 Additional requirements

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 10, 21, 23A

Before determining an application made on an approved paper form or on an electronic form or otherwise than on an approved form, the immigration officer processing the application may do one or more of the following:

a require the applicant to be interviewed by an immigration officer;
b require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
c require the applicant to undergo a medical examination or another medical examination, as the case may be;
d require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application;
e require the applicant to produce evidence of the applicant’s funds for maintenance while in New
Zealand or evidence of the applicant’s sponsorship that the officer thinks necessary for him or her to
determine the application;

f if not already provided, require the applicant to produce his or her passport or other certificate of
identity.

E4.50.20 Children under the age of 16 travelling alone or with one parent

If a child under the age of 16 years is travelling to New Zealand alone or with one parent only, officers may
request evidence that both the child’s parents have consented to the child being removed from the child's
country of residence.

E4.50.25 No acceptance of immigration applications or requests from unlicensed immigration advisers

See also Immigration Advisers Licensing Act 2007 s 9

a No immigration application or request put forward on behalf of another person by an unlicensed
immigration adviser may be accepted, unless the immigration adviser is exempt from the requirement
to be licensed under the Immigration Advisers Licensing Act 2007.

b Where an immigration application or request on behalf of another person is not accepted because it
contravenes E4.50.25 (a) the relevant person or body must notify that person in writing of that fact,
and advise the person as to how the application or request may be re-lodged or advanced in an
acceptable manner.

E4.50.30 Persons exempt from licensing

See also Immigration Advisers Licensing Act 2007 ss 11, 12

The following persons are exempt from the requirement to be licensed under the Immigration Advisers
Licensing Act 2007:

a a person who provides immigration advice in an informal or family context only, where the advice is
not provided systematically or for a fee;

b a Member of Parliament, or their staff, who provides immigration advice within the scope of their
employment agreement;

c a foreign diplomat or consular staff accorded protection as such under the Diplomatic Privileges and
Immunities Act 1968 or the Consular Privileges and Immunities Act 1971;

d an employee of the New Zealand public service who provides immigration advice within the scope of
their employment agreement;

e a lawyer who holds a current practising certificate as a barrister or as a barrister and solicitor of the
High Court of New Zealand;

f a person employed by or working as a volunteer for a New Zealand community law centre, as defined
in section 6 of the Lawyers and Conveyancers Act 2006, where at least one lawyer is on the employing
body of the community law centre or is employed by or working as a volunteer for the community law
centre in a supervisory capacity;

g a person employed by or working as a volunteer for a New Zealand citizens advice bureau; or

h a person who provides immigration advice only in respect of applications for temporary entry class
visas with conditions authorising study in New Zealand, but subject to any regulations made under
section 12(1)(b) of the Immigration Advisers Licensing Act 2007; or

i a person exempted by regulations made under section 12 of the Immigration Advisers Licensing Act
2007.
E4.50.35 Requirements for lodging an application for a temporary entry class visa or entry permission in an immigration control area

See also Immigration Act 2009 ss 103, 382
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 11, 25, 28C

a An application for a temporary entry class visa or entry permission made at an immigration control area must:
   i be made on the approved form; and
   ii be completed in English; and
   iii relate to only one person; and
   iv be signed by the applicant.

b E4.50.35 (a)(iv) applies unless the applicant is less than 18 years old, in which case:
   i the arrival card must be signed by a parent or guardian of the applicant, if the applicant is accompanied by that person; or
   ii the arrival card is not required to be signed, if the applicant is not accompanied by a parent or guardian.

c The application must be given to an immigration officer at an immigration control area, together with the applicant’s passport or certificate of identity and, if appropriate, evidence of any temporary entry class visa that the applicant holds (except in the case of an application for a military visa in which case M2.1 will apply).

d A person who is eligible to use the automated electronic system may meet the requirements at (c) above by giving their passport to the automated electronic system.

E4.50.40 Additional requirements

Before determining the application, the immigration officer processing the application may do one or more of the following:

a require the applicant to be interviewed by an immigration officer; or

b require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application; or

c require the applicant to undergo a medical examination or another medical examination, as the case may be; or

d require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; or

e require the applicant to produce evidence of the applicant’s funds for maintenance while in New Zealand or evidence of the applicant’s sponsorship that the officer thinks necessary for him or her to determine the application.

E4.50.45 Applicant to specify address for communication

See also Immigration Act 2009 ss 57(2), (3) and (4), 110, 387

a Everyone who applies for a visa or entry permission must specify in their application for a visa a physical address in New Zealand to which any communication relating to the application, or to which advice of any visa that may be granted pursuant to that application may be sent, or at which any notice may be served under the Immigration Act 2009.

b An applicant for or holder of a visa or entry permission may at any time, by written notice to an immigration officer, substitute a different address for that specified under E4.50.45 (a).
c An applicant for a visa or entry permission may also specify in an application an electronic address to which any communication relating to the application, or to which advice of any visa that may be granted pursuant to the application, may be sent.

Effective 08/05/2017
E4.55 Bonds

E4.55.1 Objective of bond
For the purposes of temporary entry instructions, the objective of a bond (see E4.55.5 below) is to facilitate the entry of visitors:

a who seek to enter New Zealand for a temporary stay; and

b who would not otherwise be accepted for temporary entry because of a risk that they might remain in New Zealand after their temporary visa expires.

E4.55.5 Definition of bond
For the purposes of temporary entry instructions, a bond means a monetary bond intended to manage the risk of a person remaining in New Zealand after their visa expires.

E4.55.10 Bond may be imposed
See also Immigration Act 2009 ss 47, 396, 397

a Before granting a visitor visa, the Minister or immigration officer may require payment of a bond from a person who applies from outside New Zealand for a visitor visa.

b Because a bond legally is not a fee, a bond may be imposed upon a citizen of a country with which New Zealand has a bilateral fee waiver agreement.

c The amount of any bond (see E4.55.30 below) is to be imposed at a level determined or authorised by immigration instructions.

E4.55.15 When bond may be imposed
See also Immigration Act 2009 ss 47, 396, 397

a A bond may be imposed only in respect of visitor visa applications.

b Normal verification processes must be carried out before a bond can be considered.

c A bond may be imposed only to manage an identified risk that the applicant may remain in New Zealand after their visa expires. Other risks (e.g. health or character risks) may also be present in the application, but a bond may not be imposed to manage such risks.

d Bonds should be imposed sparingly.

e If a person who is outside New Zealand applies in the prescribed manner for a visitor visa, an immigration officer may impose a bond if and only if the officer:

i identifies a risk in the particular case that the applicant may remain in New Zealand after their visa expires; and

ii considers that to manage that risk in the particular case, imposing the bond is:

o necessary (i.e. without the bond a visa could not be issued); and

o sufficient (i.e. a bond can manage the identified risk).

f The Minister may by special direction provide for an exemption from or refund of any bond, in whole or in part.

E4.55.20 When bond may not be imposed
See also Immigration Act 2009 s 397(9)

a No bond of any kind may be imposed on a refugee or protection status claimant for any matter relating to refugee status. Any bond imposed on a person before they became a claimant must be refunded if the person is subsequently recognised as a refugee or protected person.

b A bond may not be imposed upon a person who is to be granted a limited visa or transit visa.

c No bond may be imposed upon a person who is a citizen of Samoa.
d No bond may be imposed in respect of a dependent child (see E4.1.10) of an adult applicant for a visitor visa who is included in that adult applicant's application.

e No bond may be imposed in respect of a visitor visa application made outside New Zealand if:
   i the application can be approved under normal visitor visa instructions; or
   ii imposing a bond cannot manage the risk that the applicant may remain in New Zealand after their visa expires.

E4.55.25 Conditions of bond
See also Immigration Act 2009 s 396
a The conditions under which a bond is imposed must be based on or relate to requirements of the relevant immigration instructions, if appropriate, or on other requirements and obligations imposed by or under the Immigration Act 2009, including conditions attached to the relevant visa.

b A bond must specify:
   i the conditions under which it is imposed; and
   ii the situations in which it may be refunded or forfeited, whether in whole or in part.

c The conditions which temporary entry instructions currently recognise as available for a bond are those set out in the approved form letter to be given to, and signed by, the applicant.

E4.55.30 Amount of bond
See also Immigration Act 2009 ss 396, 397
a Different levels of bond or different methods of determining levels of bonds may be set in respect of different categories of people. Without limiting the manner in which persons may be categorised, categories of people may be determined by having regard to the different regions of the world where their countries of origin or nationality are situated and the costs of travel or repatriation to those regions or countries.

b If a bond is imposed in relation to an application, a bond will be imposed upon each individual applicant, except dependent children (see E4.55.20(d)).

c The maximum bond per individual applicant is NZ $5,000.

d The maximum bond per application is NZ $10,000.

<table>
<thead>
<tr>
<th>Bonds</th>
<th>Region within which country of citizenship of visa applicant is located</th>
<th>Bond $</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pacific*</td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>Asia (excluding India and Pakistan, but including Japan, Indonesia, the Philippines, and Papua New Guinea)</td>
<td>$3,000</td>
</tr>
<tr>
<td></td>
<td>The Americas, the Caribbean, and Iceland</td>
<td>$4,000</td>
</tr>
<tr>
<td></td>
<td>Western Europe, Eastern Europe, Middle East, India, Pakistan, Africa</td>
<td>$5,000</td>
</tr>
</tbody>
</table>
The Pacific area includes American Samoa, Australia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Federated States of Micronesia, Palau, Saipan, Solomon Islands, and Tonga, but does not include Hawaii, Indonesia, Japan, Papua New Guinea, or the Philippines.

**E4.55.35 Acceptance of conditions of bond**  
See also Immigration Act 2009 ss 47, 396, 397

a If the Minister or an immigration officer intends to impose a bond in respect of an application for a visitor visa made outside New Zealand, the officer must advise the applicant of that intention and the conditions in respect of which the bond is paid by the approved letter (see E4.55.25).

b If more than one applicant is to be offered a visitor visa subject to payment of a bond, the offer must be made to each such applicant individually.

c The applicant and (if different) the person who pays the bond must signify their acceptance of the bond conditions by completing and signing the approved form setting out those conditions.

d If the conditions are not accepted or the bond is not paid, the immigration officer will make a decision on the visa application based on the available information.

**E4.55.40 Payment of bond**  
See also Immigration Act 2009 ss 396, 397

a A bond imposed in respect of an application for a visitor visa made outside New Zealand:
   i must be paid before a visa is granted; and
   ii is payable in addition to any other amount payable in respect of the application or of the grant of a visa.

b A bond is to be paid in New Zealand dollars and will be held in a trust account administered by INZ until refunded or forfeited.

c No interest is payable on a bond to the person who paid it.

d INZ may apply any interest earned on the money paid towards the cost of administering the bond system, and any surplus interest must be paid into a Crown Bank Account.

**E4.55.45 Refund of bond**  
See also Immigration Act 2009 s 397

a A bond may be refunded in full or in part, depending on the actions of the bonded person, or not at all, depending on the actions of the bonded person and/or the person paying the bond (if different).

b A bond may be refunded in full only if the bonded person:
   i remains in New Zealand lawfully at all times; and
   o leaves New Zealand while still holding a valid visa; or
   o is granted a residence class visa; or
   ii gains recognition as a refugee or protected person in New Zealand.

c A bond may be refunded in part (subject to special circumstances justifying the full refund of the bond) if the bonded person, having remained in New Zealand after their visa expires, remains unlawfully in New Zealand for less than 6 consecutive months before they:
   i leave New Zealand voluntarily; or
   ii are granted a residence class visa otherwise than following recognition as a refugee or protected person in New Zealand.

d A bond may not be refunded at all (i.e. forfeited in whole) in the circumstances set out in E4.55.55(b) and (c).
A person who is eligible for the refund of a bond must apply for the refund within 12 months of one of the following time frames:

i  if the bonded person remains in New Zealand lawfully at all times, as soon as the bonded person either:
   o leaves New Zealand; or
   o is granted a residence class visa.

ii if the bonded person remains in New Zealand after their visa expires, when they first become unlawful in New Zealand.

Note: the person who is eligible for the refund of a bond does not need to apply for the refund if the bonded person gains recognition as a refugee or protected person in New Zealand because the bond will be automatically refunded in such a case.

An application for the refund of a bond:

i  must be made in writing; and

ii  must be tendered to an immigration officer; and

iii  must include the name and passport number of the bonded person; and

iv  must be signed by the person who paid the bond; and

v  may direct that the refund of the bond or any part of it be paid to a third person.

A refund of a bond will be paid either:

i  to the person who paid it; or

ii  to a person authorised in writing by that person to receive it.

To receive a refund, the person who paid the bond, at the time of completing the approved form, must stipulate how they wish to receive the refund, by either:

i  a bank draft to an address which they give at the time they complete the approved form; or

ii  a telegraphic transfer to a bank account of which they give the details at the time they complete the approved form.

The bond will be repaid in New Zealand dollars.

The person who paid the bond must bear the risk of any monetary losses resulting from currency exchange rate movements during the period that the bond is held.

No refund may be made until the bonded person:

i  is no longer in New Zealand; or

ii  (in the case of a temporary entry class visa holder) is granted a residence class visa; or

iii  is recognised as a refugee or protected person in New Zealand.

Any bond imposed upon a person before they became a refugee or protection status claimant must be refunded if they are later recognised as a refugee (see E4.55.60). No application is required for such a refund.

The Minister of Immigration may by special direction provide for an exception from or refund of any bond, in whole or in part.

**E4.55.50 Forfeiture of bond**
See also Immigration Act 2009 s 397

a  The Minister or an immigration officer may cause a bond imposed under the Immigration Act 2009 to be forfeited.

b  Except where a person entitled to a refund of a bond fails to apply for the refund within the appropriate time limits (see E4.55.45(e)), in which case the bond is forfeited in whole by law, forfeiture of a bond is at the discretion of the Minister or an immigration officer, who must exercise the discretion by taking into account:
i the reason why the bond was imposed; and
ii the extent to which the conditions of the bond have been met or breached; and
iii any explanation given about the breach of the bond conditions; and
iv the estimated cost to the Crown of the breach.

c If all or any part of a bond is forfeited, the amount forfeited must be paid into the Crown Bank Account.

d The forfeiture of a bond in whole or in part does not affect any other action taken, or that may be taken, in relation to breaching a condition of a temporary entry class visa, including being made liable for deportation.

E4.55.55 When bond may be forfeited

See also Immigration Act 2009 ss 154, 157, 397

a Unless the bonded person shows good cause why their bond should not be forfeited, NZ$1,000 of a bond may be forfeited if the bonded person remains in New Zealand after their visa expires.

b Unless the bonded person shows good cause why their bond should not be forfeited, a bond may be forfeited in whole if:
   i the bonded person, while in New Zealand, is made liable for deportation for cause under section 157 of the Immigration Act 2009; or
   ii the bonded person, being unlawfully in New Zealand, is served with a deportation order and is deported from New Zealand at any time; or
   iii the bonded person remains unlawfully in New Zealand for more than 6 consecutive months.

c A bond will be forfeited in whole if the person who is eligible to have it refunded fails to apply for the refund within 12 months of the time frames in E4.55.45(e), even if the bonded person fulfils all the conditions of the bond.

d E4.55.55(a) to (c) do not apply if the bonded person gains recognition as a refugee or protected person in New Zealand.

E4.55.60 Bonds and refugee or protection status claimants

See also Immigration Act 2009 s 397

a No bond of any kind may be imposed on a claimant for any matter relating to refugee or protection status.

b Any bond imposed upon a person before that person became a claimant must be refunded if that person is later recognised as a refugee or protected person. No application is required for such a refund.

c If that person is not subsequently later recognised as a refugee or protected person, the bond is to be refunded or forfeited (see E4.55.45, E4.55.50 or E4.55.55 above).

Effective 07/11/2011
## E4.60 Payment of the fee and immigration levy

See previous instructions:
- E4.60 Effective 02/12/2013
- E4.60 Effective 29/11/2010

### a
Applicants must pay the fee specified for that type of application at the time the application is lodged, unless:

1. the fee is waived by special direction under section 395 of the Immigration Act 2009 or by regulation; or
2. the applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see A6.5); or
3. the applicant holds a diplomatic or official passport and meets the criteria set out at A6.1.

### b
Applicants must pay the immigration levy specified for that type of visa application at the time the application is lodged, unless:

1. the immigration levy is waived by an officer with schedule 1-3 delegations, who has the authority to grant a special direction under section 399 (3A) of the Immigration Act 2009; or
2. the principal applicant is exempt from paying the immigration levy (see A6.11.20).

### c
The fee payable for an application is determined by the principal applicant’s country of citizenship.

### d
A receiving office is an INZ office or authorised New Zealand Visa Application Centre (VAC) or Ministry of Foreign Affairs and Trade (MFAT) post designated for receiving applications from particular countries. Receiving Offices can be found on the INZ website.

### e
If a principal applicant is resident in a country other than their country of citizenship, they may lodge their application at the office designated for receiving applications from the country in which they are residing, but the fee payable will be determined by their country of citizenship.

### f
If the principal applicant is in New Zealand and lodges an application in New Zealand, the fee payable for the application is the fee payable for applications lodged in New Zealand, regardless of the principal applicant’s citizenship.

### g
Fees and the immigration levy may be paid by bank or personal cheque, as well as by money order (from registered banks), credit card or EFTPOS (Electronic Funds Transfer Point of Sale), if these forms of payment are acceptable to the INZ office or VAC or MFAT office at which an application is lodged.

### h
Cash is not an acceptable form of payment, with the exception of the following INZ offices: Beijing, Dubai, Jakarta, Moscow, and Shanghai.

### i
Cheques for applications lodged at INZ offices in New Zealand should be made out to "Immigration New Zealand".

### j
Fees and the immigration levy for applications that may be lodged otherwise than on an approved form through the INZ Online Service may only be paid by means of either a MasterCard or Visa credit card.

### k
Detailed information on fee amounts and immigration levy rates in New Zealand dollars can be found at [www.immigration.govt.nz/fees](http://www.immigration.govt.nz/fees).

### l
Fees and the immigration levy may not be imposed on claimants for any matter relating to refugee or protection status.

**Effective 07/12/2015**
E4.65 How supporting documents must be submitted

See previous instructions
E4.65 Effective 06/07/2015
E4.65 Effective 18/04/2014
E4.65 Effective 04/04/2011
E4.65 Effective 29/11/2010

a  Any passport, certificate of identity, birth certificate or other document provided as evidence of an applicant’s identity must be either the original, or a certified copy, unless provided in support of an application made:
   i  on an electronic form; or
   ii by a diplomatic or consular official for a temporary entry class visa; or
   iii for reconsideration of a decision to decline a temporary entry class visa.

b  All other documents submitted in support of an application for a temporary entry class visa may consist of legible copies, unless original documents are specifically requested on the relevant INZ form or guide, or by an immigration officer (see A13.1).

c  Immigration officers should verify supporting documents in a manner consistent with the identified risk and verification level, and their general obligation to verify documents and information (see E7.5).

d  Where uncertified copies of original documents have been provided, an immigration officer may request to see the original documents before making a decision on the application.

e  Uncertified copies must be legible and an accurate reflection of the original document.

E4.65.1 Translations

a  A certified translation is required for all police certificates and medical certificates not written in English which are provided in support of an application for a temporary entry class visa.

b  If requested by an immigration officer, a certified translation is required for any other documents not written in English and provided in support of an application for a temporary entry class visa.

c  Translations must:
   i  not be prepared by the applicant, any member of their family or an immigration adviser assisting with the application; and
   ii be accompanied by legible copies of the original documents, unless original documents are specifically requested on the relevant INZ form or guide, or by an immigration officer; and
   iii be certified as a correct translation made by a person familiar with both languages and competent in translation work; and
   iv bear the stamp or signature of the translator or translation business; and
   v if applicable, be on the official letterhead of the translation business.

d  Officers may request a translation:
   i  of the complete document where the translation is of a selected part(s) of the document, and
   ii by a different (specified) translation service where they are not satisfied by the initial translation.

Note: If a translation by a different (specified) translation service is requested the reason(s) behind the request must be clearly documented and conveyed to the applicant by INZ.

Effective 01/11/2015
E4.70 Status of applicant on lodging an application

See also Immigration Act 2009 s 14(2)

Lodging an application for a visa for a person who is in New Zealand does not:

a render the person’s presence in New Zealand lawful; or

b give the person a right to remain in New Zealand while the application is considered; or

c give the person a right to apply for or be granted any other visa pending determination of the application; or

d inhibit any deportation procedures under the Immigration Act 2009 that may apply to that person.

Effective 29/11/2010
E4.75 Obligation to inform of all relevant facts, including changed circumstances

See also Immigration Act 2009 ss 58, 157

a It is the responsibility of an applicant for a visa to ensure that all information, evidence, and submissions that the applicant wishes to have considered in support of the application are provided when the application is made.

b The Minister or immigration officer considering the application:
   i is not obliged to seek any further information, evidence, or submissions; and
   ii may determine the application on the basis of the information, evidence, and submissions provided; and
   iii in accordance with the principles of fairness and natural justice, (see A1), will give the applicant the opportunity to comment before a decision is made on the basis of any potentially prejudicial information that they are not necessarily aware of.

c It is also the responsibility of an applicant for a visa to inform the Minister or an immigration officer of any relevant fact, including any material change in the circumstances that occurs after the application is made, if that fact or change in circumstances:
   i may affect the decision on the application; or
   ii may affect a decision to grant entry permission in reliance on the visa for which the application is made.

d Without limiting scope of the expression ‘material change’ in circumstances in E4.75 (c), such a change may relate to the applicant or another person included in the application, and may relate to any matter relevant to the Immigration Act 2009 or immigration instructions.

e Failure to comply with the obligation set out in E4.75 (c) amounts to concealment of relevant information for the purposes of section 157 of the Immigration Act 2009.

f It is sufficient ground for the Minister or an immigration officer to decline to grant a visa to a person if the Minister or officer is satisfied that the person:
   i whether personally or through an agent, in applying for the visa submitted false or misleading information or withheld relevant information that was potentially prejudicial to the grant of the visa; or
   ii did not ensure that an immigration officer was informed of any material change in circumstances to which E4.75 (c) applies between the time of making the application and the time of a decision on the application.

Effective 29/11/2010
E4.80 DNA testing for verifying claimed relationships

a. DNA testing provides the most reliable evidence of whether or not a claimed biological relationship exists. In certain cases, DNA test evidence will be the only evidence available to satisfy an immigration officer of a claimed relationship because documentary and other evidence of the relationship does not exist or is unreliable.

b. In situations where documentation does not exist or is unreliable, an immigration officer may raise the possibility of undertaking DNA testing with the applicant.

c. DNA testing is voluntary for applicants and sponsors. If an applicant or sponsor, having been advised of the possibility of DNA testing, decides not to undertake such testing, no adverse inference may be drawn from this decision, and such a decision of itself will not be a reason to decline an application.

d. DNA test results must be considered in the context of all other information and evidence relevant to the claimed relationship.

e. An immigration officer may accept results of a DNA test as part of an application at any time.

f. Only DNA tests carried out by an INZ approved laboratory in accordance with standard procedures will be accepted as evidence of claimed relationships under these instructions (E4.80).

g. Usually an applicant/sponsor will be expected to pay the costs of the DNA testing used to support the claims in their residence application. On a case by case basis, INZ may consider paying for the DNA test costs.

h. Where the applicant/sponsor has accepted an INZ invitation to undertake DNA testing to prove a relationship between an applicant and a sponsor who has obtained residence in New Zealand under the Refugee Quota, the costs of that test will be met by the INZ.

i. All DNA testing carried out under E4.80 is done so in accordance with the Information Privacy Principles of the Privacy Act 1993.
E5 Requirement to be a 'bona fide applicant' intending a temporary stay in New Zealand
E5.1 Definition of 'bona fide applicant'

A bona fide applicant for temporary entry is a person who:

a. genuinely intends a temporary stay in New Zealand for a lawful purpose; and

b. in the opinion of an immigration officer is not likely:
   i. to remain in New Zealand unlawfully; or
   ii. to breach the conditions of any visa granted; or
   iii. to be unable to leave or be deported from New Zealand (see E5.10).

Effective 29/11/2010
E5.5 Responsibility of applicant to show genuine intent and lawful purpose

See also Immigration Act 2009 ss 45, 46
See also Immigration (Visa, Entry Permission, and Related Matter) Regulations 2010 reg 10

a  The fact that all the mandatory requirements for lodging an application for temporary entry or entry permission are met is not, in itself, a reason for an immigration officer to approve the application. Except as provided in E2.35, granting a temporary entry class visa or entry permission is discretionary (see E3.1).

b  Applicants lodging an application for temporary entry and entry permission must show that they genuinely intend a temporary stay in New Zealand for a lawful purpose.

E5.5.1 Evidence of genuine intent and lawful purpose

Evidence of genuine intent and lawful purpose submitted by the applicant may include but is not limited to the following:

a  any information or submissions showing that the applicant has a legitimate need to spend time in New Zealand for a specific period; and

b  any documents or submissions showing that the applicant meets the requirements of the immigration instructions relevant to the type of temporary entry class visa or entry permission applied for.

Effective 29/11/2010
E5.10 Determining whether an applicant is a ‘bona fide applicant’

See previous instructions

E5.10 Effective 29/11/2010

a When determining whether or not an applicant for temporary entry or entry permission is a bona fide applicant (see E5.1), immigration officers must take into account:
   i any evidence of genuine intent and lawful purpose submitted by the applicant (see E5.5.1); and
   ii the ability of the applicant to leave or be deported from New Zealand to their country of citizenship, including but not limited to:
      o any restrictions on the deportation of the applicant to their country of citizenship, including any restrictions the New Zealand Government has self-imposed;
      o the documentation required by the applicant to return to their country of citizenship; and
   iii any relevant information held about previous applications, including but not limited to:
      o whether the applicant has previously overstayed;
      o whether the applicant has previously breached visa conditions;
      o whether the applicant has dependants who are unlawfully in New Zealand; and
   iv the personal circumstances of the applicant, including but not limited to:
      o the strength of any family ties in the home country and New Zealand;
      o the nature of any personal, financial, employment or other commitments in the home country and New Zealand;
      o any circumstances that may discourage the applicant from returning to their home country when any visa expires.

b Having taken into account all matters in paragraph (a) above that are relevant to the particular case, the type of temporary entry class visa applied for, and any other relevant information, immigration officers must then determine whether or not an applicant is a bona fide applicant (see also E7.10).

c Where (a)(ii) applies, immigration officers should consider whether there are compelling personal reasons for the applicant to be granted a visa or entry permission to New Zealand.

Effective 30/03/2015
E6 Sponsorship for temporary entry
E6.1 Objective

Sponsorship for a temporary entry visa application ensures that applicants have means of support in New Zealand, and

a. protects the Crown and third parties from the potential cost of the visa holder seeking support or government assistance they are not entitled to; and

b. protects the Crown from incurring costs arising from the repatriation or deportation of applicants.

Effective 29/11/2010
**E6.5 Acceptable sponsors**

See previous instructions:
E6.5 Effective 07/11/2011
E6.5 Effective 29/11/2010

See also Immigration Act 2009, ss 4, 48, 49, 55

a Whether sponsorship is required for any type of temporary entry class application will be determined in immigration instructions for that type of application (see V2.20 and V2.25 for visitors, U3.20 and U3.25 for students, W2.15, W2.20, WM3 and WR2.15 for workers).

b A sponsor for a temporary entry class application must be deemed acceptable by the Minister of Immigration or an immigration officer.

c An acceptable sponsor must either be a natural person, an organisation, or a government agency (including Crown entities and State Owned Enterprises), defined as follows:

i a natural person must be a New Zealand citizen or the holder of a current residence class visa that is not subject to conditions under section 49(1)(a) or section 50 of the Immigration Act 2009; or

ii an organisation must be registered in New Zealand as a company, incorporated society or charitable trust; or

iii a government agency must be a government department named in Schedule 1 of the State Sector Act 1988, or a Crown entity as defined in section 7(1) of the Crown Entities Act 2004.

d Whether natural persons, organisations or government agencies can sponsor a specific type of application will be determined in immigration instructions for that type of application.

e A sponsor who is not a natural person must nominate an individual as the authorised contact for the purpose of sponsorship.

f All acceptable sponsors must:

i provide written undertakings for the maintenance, the accommodation, and the cost of deportation or repatriation of the applicant (see E6.15); and

ii meet any other sponsorship requirements specified in the relevant immigration instructions (if any).

g It is a matter for the absolute discretion of the Minister of immigration or the immigration officer whether a person (or organisation or government agency) is acceptable as a sponsor, and no appeal lies against their decision, whether to any court, the Tribunal, the Minister of Immigration, or otherwise.

**Note:** for the purpose of sponsorship requirements, Crown entities as defined in section 7(1) of the Crown Entities Act 2004 include Crown agents, autonomous Crown entities and independent Crown entities, Crown entity companies, Crown entity subsidiaries, school boards of trustees, and tertiary institutions.

**E6.5.1 Additional criteria for natural persons**

a In addition to the requirement of E6.5(c)(i), to be an acceptable sponsor for a temporary entry class visa application a natural person must:

i be ordinarily resident in New Zealand during the term of sponsorship, unless stated otherwise in specific instructions; and

ii not sponsor for the purpose of receiving a financial reward or fee; and

iii not have been convicted at any time of an offence under immigration law; and

iv not have an outstanding debt to the Crown or other third parties as a result of another sponsorship arrangement; and

v not sponsor a person if they have previously breached sponsorship obligations; and
vi not have entered insolvency procedures or be adjudicated bankrupt; and
vii not be liable for deportation; and
viii not be a person whose liability for deportation is currently suspended; and
ix not be serving a custodial sentence or be awaiting sentencing after being convicted of a crime which carries a custodial sentence.

E6.5.5 Additional criteria for organisations

a In addition to the requirement of E6.5(c)(ii), to be an acceptable sponsor for a temporary entry class visa application an organisation must:
i identify a clear link between the organisation’s activities and the purpose for which the applicant is coming to New Zealand; and
ii not sponsor for the purpose of receiving a financial reward or fee; and
iii not have been convicted of an offence under immigration law; and
iv not have any listed directors, trustees or management who have been convicted of an offence under immigration law; and
v not have an outstanding debt to the Crown or other third parties as a result of another sponsorship arrangement; and
vi not have previously breached sponsorship obligations; and
vii not be in receivership or liquidation.

Note: financial reward does not preclude an employer from sponsoring an employee where the financial reward is the expected profit the employer will make from the employee’s work.

Effective 29/05/2017
E6.10 Evidence of sponsorship

a A sponsor must provide the following evidence with the application of the person being sponsored:
   i a completed Sponsorship Form for Temporary Entry (INZ 1025); and
   ii that all sponsorship undertakings can be met; and
   iii that they are an acceptable sponsor (see E6.5), including:
      o if they are a natural person, evidence they are a New Zealand citizen, or the holder of a New Zealand residence class visa that is not subject to conditions under section 49(1)(a) or section 50 of the Immigration Act 2009; or
      o if they are an organisation, evidence they are registered in New Zealand as a company, incorporated society or charitable trust; and
   iv any other evidence requested by an immigration officer to support the application.

b Evidence that a sponsor is a New Zealand citizen 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; or
   iv a New Zealand birth certificate; or
   v an endorsement in a foreign passport indicating the fact of New Zealand citizenship.

c Evidence that a sponsor is a residence class visa holder may include but is not limited to original or certified copies of:
   i a current New Zealand residence class visa in their passport or on a certificate of identity; or
   ii evidence the sponsor is deemed to hold a residence class visa.

Effective 29/11/2010
E6.15 Sponsorship undertaking

a  Sponsorship creates a responsibility for the sponsor to ensure the sponsored person’s needs for accommodation and maintenance while in New Zealand, and repatriation or deportation are met.

b  A sponsored person may have the means to fund any part, or all of their own maintenance, accommodation, and repatriation or deportation, but if they do not, or refuse to, the sponsor is required to provide these directly or pay for the cost of providing them.

c  The undertaking for which a sponsor is responsible, and in relation to which a debt is recoverable from the sponsor, are:

i  accommodation, meaning suitable accommodation for the sponsored person in New Zealand, where the sponsored person does not have the means for their own accommodation; and

ii  maintenance, meaning the reasonable costs of essential provisions needed for the sponsored person’s health and welfare in New Zealand, where they do not have the means for these. This may include but is not limited to food, clothing and medical treatment where required; and

iii  repatriation, meaning any costs associated with the sponsored person leaving New Zealand at the end of the sponsorship period if the person:

   o  does not have the means for their own departure (or refuses to pay for it); or

   o  is liable for deportation; and

iv  deportation, meaning any costs that are incurred during the sponsorship period in relation to the sponsored person’s deportation, which could include the costs of locating, detaining and maintaining the person, and their travel costs in being deported.

d  Sponsorship undertakings are in effect from the date the sponsored person arrives in New Zealand, or if they are already onshore, from the date the sponsored visa is granted, until the earliest of:

i  the date the sponsored person is granted a new visa with a new sponsor or no sponsorship requirement; or

ii  the date the sponsored person leaves New Zealand without further travel conditions allowing them to return to New Zealand on the sponsored visa; or

iii  the date the sponsored person is deported from New Zealand.

Effective 29/11/2010
E6.20 Sponsorship as a condition of a visa

See also Immigration Act 2009, ss 48, 55

a Where sponsorship is required by immigration instructions or imposed by an immigration officer in relation to a temporary entry class visa application, it is an ongoing condition of the visa granted to the sponsored person.

b If the sponsor fails to comply with the sponsorship undertakings, the sponsored person will be deemed to have breached the conditions of their visa and will become liable for deportation (see E3.60).

Effective 29/11/2010
E6.25 Breach of sponsorship

See also Immigration Act 2009, s 55

a If costs are incurred by the Crown or a third party because any part of the maintenance, accommodation, or repatriation or deportation needs of a sponsored person were not met, the sponsor is considered to have breached their sponsorship undertakings.

b Any costs incurred by the Crown or a third party as a result of a sponsor breaching their sponsorship undertakings, are considered to be a debt owed by the sponsor and are recoverable from that sponsor in a court of law.

c A sponsor’s liability for any debt incurred to the Crown or a third party as a result of a breach of their sponsorship undertakings remains:

i after the end of the sponsorship period, until the debt is recovered; and

ii regardless of the subsequent status of the sponsored person in New Zealand or the departure of the sponsored person from New Zealand.

Effective 29/11/2010
E7 Determining an application for temporary entry
E7.1 Processing an application

*See also Immigration (Visa, Entry Permission, and Related Matter) Regulations 2010 regs 10, 11, 12, 13*

a. Immigration officers must be satisfied that applicants for temporary entry and entry permission have met the health and character requirements for temporary entry (see A4 and A5 http://inzkit/publish/opsmanual/35052.htm); and the requirements for the particular category of visa; and that they are bona fide applicants (see E5).

b. Applicants may be required to present further documents, a medical examination or attend an interview.

E7.1.1 Checking for information from previous applications

Immigration officers should check previous applications for relevant information, and if necessary contact the branches or offices that processed the previous applications, especially if applicants are applying outside their home country.

E7.1.5 Referral to appropriate receiving office

When assessing applications lodged at an office other than the designated receiving office for the applicant’s country of nationality, immigration officers should refer to Z5 and where necessary refer the application to the appropriate receiving office before making a decision on the application.

*Effective 29/11/2010*
E7.5 Verification

See previous instructions:
E7.5 Verification (29/11/2010)

a. It is the responsibility of an applicant for a visa to ensure that the information, evidence, and submissions provided demonstrates the applicant meets applicable immigration instructions to the satisfaction of an immigration officer (see E7.30).

b. Immigration officers have a general obligation to take such steps as are necessary or appropriate to verify any documentation or information relevant to any decision under immigration instructions, whether or not a particular provision enables or obliges them to do so.

c. When assessing an application, immigration officers must be satisfied that any documentation or information provided with that application is genuine.

d. If an immigration officer cannot establish documentation or information submitted in applying for a visa is genuine, that application may be declined if an immigration officer is not satisfied that sufficient evidence has been provided to demonstrate that the relevant immigration instructions have been met.

e. If an immigration officer is satisfied that any information or documentation submitted in applying for a visa is false or misleading, that application may be declined (see E4.75 f).

E7.5.1 Verification of identity

If there is reason to doubt the claimed identity of an applicant or the authenticity of identity document(s), immigration officers must seek further information to verify the identity of the applicant and authenticity of the documents provided.

Effective 22/08/2016
E7.10 Considering an application

See previous instructions E7.10 Effective 29/11/2010

See also Immigration Act 2009 ss 26(4), 76(1)

a  Immigration officers must first determine applications for temporary entry in accordance with:
   i    the requirements of the Immigration Act 2009; and
   ii   the temporary entry instructions in force at the time the application is made or any general
        instructions given by the chief executive; and
   iii  any relevant special directions.

b  If an application fails to meet the requirements of temporary entry instructions, officers must then
    consider all the circumstances of the application to see if an exception to temporary entry instructions
    is justified, taking into account the objectives of temporary entry instructions and the situation and
    purpose of the applicant. See also section E7.32 which refers to the grant of a limited visa or the
    imposition of bonds.

c  Officers must be satisfied that applicants for temporary entry are bona fide applicants (see E5.1 and
   E5.10).

d  If applicants do not respond within the specified time to a request from an immigration officer for
   further information, evidence or documents, or an interview, the application will be assessed on the
   relevant information available to INZ at the time.

   Effective 02/12/2013
E7.15 Potentially prejudicial information

In accordance with the principles of fairness and natural justice set out in the Administration chapter (see A1), applicants will be given the opportunity to comment before a decision is made on the basis of any potentially prejudicial information (PPI).

E7.15.1 Applicants outside New Zealand

For the purpose of assessing an application for a temporary entry class visa from an applicant who is outside New Zealand, PPI is factual information or material that:

a. was not obtained from the applicant or the applicant’s authorised representative or agent; and

b. is not publicly available, or that the applicant is not necessarily aware of; and

c. will or may adversely affect the outcome of an application; and

d. the applicant has not previously had an opportunity to comment on.

Note: The submission of false or misleading information by an applicant or their agent is not potentially prejudicial information as that information has been obtained from the applicant or their agent.

E7.15.5 Applicants in New Zealand

For the purpose of assessing an application for a temporary entry class visa from an applicant who is in New Zealand, PPI is factual information or material that will or may adversely affect the outcome of an application.

Effective 21/11/2016
E7.16 Documenting decisions

See also Immigration Act 2009 s 27

a Except as otherwise provided in the Immigration Act 2009, all immigration officers must observe the following procedures to ensure that decisions on applications for temporary entry are properly documented:

i make all file records (particularly file notes and instructions) accurate, clear, complete and factual; and

ii give all decisions on applications in writing to applicants (or their representatives) (see E7.35(b)); and

iii state the full reasons for the decisions (without prejudicing any risk profiles); and

iv if an applicant does not meet the requirements of the relevant immigration instructions on several grounds, the letter declining their application must state why the applicant fails on each count.

Effective 29/11/2010
E7.20 Reclaiming airfares and expenses

If a person included in a temporary entry application has previously been removed or deported or repatriated from New Zealand, normally a visa will not be granted to anyone included in the application until all expenses incurred by INZ in removing or deporting or repatriating them from New Zealand are repaid (but E7.10(b) applies).

Effective 29/11/2010
E7.25 Procedure for granting a temporary entry class visa for a period longer than provided for in immigration instructions

See previous instructions E7.25 Effective 29/11/2010

See also Immigration Act 2009 ss 22(1)(d), 77(1)(c)

a  A temporary entry class visa may be granted for a period longer than stipulated in immigration instructions (see E3.10) provided that an exception to instructions is made by an immigration officer with Schedule 1-3 delegations.

b  Posts without such officers should request approval from an appropriately delegated officer at another office.

Effective 25/07/2011
E7.30 Approving an application

Applications for temporary entry class visas or entry permission may be approved if the immigration officer is satisfied that:

a the applicant has provided the evidence required by immigration instructions, and any additional evidence requested by the immigration officer; and

b the applicant meets the requirements of the relevant temporary entry immigration instructions as well as the requirements for being a bona fide applicant and health and character.

Effective 29/11/2010
E7.32 Applications for temporary visas which cannot be approved because of risk that applicant may overstay

*See also Immigration Act 2009 ss 45, 47, 82, 396*

a If, after undertaking verification, an immigration officer considers that an application for a student visa or visitor visa cannot be approved under normal temporary entry instructions because of an identified risk that the applicant may remain in New Zealand after their visa expires, the officer may consider (if the identified risk is marginal only):

i granting a limited visa instead of the student visa or visitor visa applied for, if the immigration officer considers that granting of a limited visa manages that risk (see L4); or

ii imposing a bond in relation to a visitor visa (see E4.55.15).

b The identified risk is marginal if it is minimal, insubstantial or remote.

c If the identified risk is more than marginal, the application must be declined (see E7.35).

d In considering whether to grant a limited visa under E7.32, L4.5 must be complied with.

*Effective 29/11/2010*
E7.35 Declining an application for temporary entry

See previous instructions
E7.35 Effective 26/03/2012
E7.35 Effective 29/11/2010

See also Immigration Act 2009 s 27

a If an immigration officer is not satisfied that an applicant has met all of the requirements of the relevant immigration instructions for temporary entry, and that an exception to instructions is not justified, the officer must decline the application.

b The immigration officer must give written reasons for declining the application to the applicant or their agent/adviser/representative.

c Immigration officers must record the date that any letter advising that the application has been declined is sent.

E7.35.1 Right of reconsideration if onshore application for temporary visa declined

See also Immigration Act 2009 ss 14, 185
See also Immigration (Visa, Entry Permission, and Related Matters Regulations 2010 reg 14

a An applicant in New Zealand may apply in the prescribed manner for a reconsideration of the decision to decline a further temporary visa if, and only if:

i the Minister did not make the decision to decline the application; and

ii the application for reconsideration is made not later than 14 days after the date on which the applicant received notice of the decision to decline the further visa; and

iii the applicant is lawfully in New Zealand at the time of the application for reconsideration.

b The decision to decline the visa application must be reconsidered by another immigration officer of equal grade or senior to the one who made the decision, or by the Minister.

c Applications for reconsideration should be considered against the temporary entry instructions applying to the original application, as well as against an 'exception to instructions' consideration (see E7.10(b)).

d The application fee for reconsideration and the applicant's passport or certificate of identity must accompany the written request.

e The written request must be completed in English, contain a full explanation of the matters that the applicant wishes to be taken into consideration.

f The immigration officer (or the Minister) responsible for reconsidering the declined application to which this application relates may, before determining the application, require the applicant to produce further information or evidence (including photographs) that the officer (or the Minister) thinks necessary for him or her to determine the application.

g The fact that an application for reconsideration has been made under this section does not entitle the applicant to remain in New Zealand after the expiry of their current temporary visa, but, until the application for reconsideration has been determined or withdrawn, the person may not be deported.

h The result of any reconsideration under this section of a decision to decline an application for a further temporary visa is final and conclusive, and no further application for reconsideration of that decision may be made.

i If the decision to decline the visa application is confirmed and no visa is granted following the reconsideration, an immigration officer must inform the applicant, in writing of;

ii in the case of an applicant who still holds a visa, the date on which the person is obliged to leave New Zealand; and
iii in the case of an applicant who no longer holds a visa;
   o the fact that the person is already obliged to leave New Zealand; and
   o the fact that the person may appeal on humanitarian grounds against his or her liability for
deportation not later than 42 days after the date on which the person received confirmation of
the decision to decline the visa application.

j While not legally obliged to reconsider offshore declined applications for a temporary visa,
immigration officers may do so if new and compelling information is promptly provided.

Effective 06/07/2015
E7.40 Effect of provisions of the Prostitution Reform Act 2003

No temporary entry visa or entry permission may be granted in contravention of the Prostitution Act 2003. That Act provides that:

a  No visa may be granted to a person on the basis that the person;
    i  has provided, or intends to provide, commercial sexual services; or
    ii has acted, or intends to act as an operator of a business of prostitution; or
    iii has invested, or intends to invest, in a business of prostitution.

b  It is a condition of every temporary entry class visa granted under the Immigration Act 2009 that the holder of the visa may not, while in New Zealand:
    i  provide commercial sexual services; or
    ii act as an operator of a New Zealand business of prostitution; or
    iii invest in a New Zealand business of prostitution.

c  A temporary entry class visa holder may become liable for deportation if the holder does any of the things listed in (b) above.

E7.40 applies to all visas and permits held and all requirements and conditions imposed under the Immigration Act 1987 or the Immigration Act 2009, whether granted or imposed before or after the commencement of the 2009 Act.

Effective 29/11/2010
E7.45 Character requirements for partners supporting ‘partnership-based temporary entry applications’

See previous instructions:
E7.45 Effective 08/05/2017
E7.45 Effective 01/07/2013
E7.45 Effective 04/04/2011
E7.45 Effective 29/11/2010

a The following people will not meet the character requirement for supporting partners, unless granted a character waiver (see E7.45.10 below), if they have been convicted of any offence involving domestic violence or of a sexual nature whether in New Zealand or overseas:
   i New Zealand citizen or resident class visa holder at any time since turning 17; or
   ii work (WF3) or student (WF4) visa holders in the seven years prior to the date the partnership application is made

b If the supporting partner does not meet the character requirement for supporting ‘partnership-based temporary entry applications’, the application may be declined.

Note: For the purpose of these instructions, 'domestic violence' has the meaning set out in s.3 of the Domestic Violence Act 1995.

Any New Zealand conviction maybe covered under the Criminal Records (Clean Slate) Act 2004. See A5.5.1.

E7.45.1 ‘Partnership-based temporary entry applications’

a For the purpose of these instructions 'partnership-based temporary entry applications' are applications made under the following immigration instructions (except where the principal applicant is a dependent child):
   i Entry to New Zealand for the purpose of a culturally arranged marriage (see V3.35);
   ii Partners of New Zealand citizens or residence class visa holders (see V3.15 and WF2);
   iii Partners and dependent children of student or work visa holders (see E4.5);
   iv Work instructions for dependants (see WF2, WF4);
   v Student instructions for partners and dependent children of diplomatic consular or official staff (U8.10);
   vi Visitor instructions for dependants (see V3.10, V3.15).

b Despite E7.45.1 (a) above, partners of military visa holders do not need to meet the character requirement.

E7.45.5 Evidence that partners supporting ‘partnership-based temporary entry applications’ meet the character requirement

a Character checks may be carried out if there is an indication that a partner (aged 17 and over) who is supporting a ‘partnership-based temporary entry application' may not meet character requirements.

b Where a character check is required in terms of (a) above, an immigration officer may obtain a New Zealand police certificate on behalf of the supporting partner and/or request the partner provide an overseas police certificate to meet the character requirements of E7.45(a).

c If a police certificate is not available from a particular country, the supporting partner must provide a separate statutory declaration in both English and the partner's first language, which must:
   i detail the supporting partner’s attempts to obtain a police certificate; and
   ii state whether they have been convicted or found guilty of or charged with any offences against the law of that country; and
   iii be corroborated by other information confirming their character.
Notes:
~ For full information on police certificates see A5.10.
~ Instructions in respect of how to obtain police certificates from specific countries can be obtained from the INZ website at www.immigration.govt.nz/policecertificate.

E7.45.10 Action

a Immigration officers must not automatically decline 'partnership-based temporary entry applications' on the basis that the supporting partner does not meet the supporting partner character requirement.

b Officers must consider the surrounding circumstances of the application to decide whether or not they are compelling enough to justify waiving the supporting partner character requirement. The circumstances include but are not limited to the following factors as appropriate:
   i if applicable, the seriousness of the offence (generally indicated by the term of imprisonment or size of the fine); and/or
   ii whether there is more than one offence; and/or
   iii how long ago the offending occurred.

c Officers must make a decision only after they have considered all relevant factors, including (if applicable):
   i any advice from the National Office of INZ; and
   ii any submissions and information provided by the applicant or supporting partner in respect of whether a waiver should be granted.

d Officers must record:
   i their consideration of the surrounding circumstances, (see paragraph (b) above), noting all factors taken into account; and
   ii the reasons for their decision to waive or decline to waive the partner character requirement.

e Any decision to waive the character requirement for supporting partners must be made by either:
   i a seconded immigration officer; or
   ii an officer with Schedule 1–3 delegations

Effective 28/08/2017
E7.50 Health requirement for partners or dependent children not included in or withdrawn from a residence class visa application

See previous instructions E7.50 Effective 30/07/2012

a Applicants who are applying for a temporary entry class visa as the partner or dependent child of a New Zealand citizen or residence class visa holder; and who are required to provide a medical certificate, must provide a General Medical Certificate (INZ 1007) rather than a Limited Medical Certificate (INZ 1201) if they were:

i eligible for inclusion in the earlier residence class visa application made by their partner or parent, but were not included; or

ii withdrawn from the earlier residence class visa application made by their partner or parent.

b If an immigration officer determines that the applicant does not have an acceptable standard of health they will not be granted a medical waiver (see A4.65(b)) despite being the partner or dependent child of a New Zealand citizen or residence class visa holder (see A4.65 (a)(iv)).

Effective 26/11/2012
E8 Special cases
E8.1 Granting a visa under section 61 (to 30/09/2013)

Note: The instructions contained in this section cease to be effective from 30 September 2013.

Effective 30/09/2013
E8.5 Application for temporary entry by unmarried person under 18 years of age

See also Immigration Act 2009 s 59

Where an application for a visa is made by or for a person under 18 years of age who is not married or in a civil union, the Minister or an immigration officer may decline the application if the Minister or immigration officer is not satisfied that any parent or guardian of the person consents to the making of the application.

Effective 29/11/2010
The requirements for lodging temporary visa applications are different if the applicant is a person who is also claiming refugee or protection status in New Zealand. A claimant who meets the requirements in E8.10.1 may be granted a temporary visa.

### E8.10.1 General requirements

*See also Immigration Act 2009 s 393*

- A refugee or protection status claimant awaiting a decision on their claim, who holds a current temporary visa may submit an application for a further temporary visa at any INZ office in New Zealand.

- Applications must be made on the approved application form and submitted together with the applicant's travel document (or identity document in which the current visa is held), and a passport-sized photograph of the applicant's head and shoulders.

- Such applicants do not have to pay a fee provided they apply while their claim (or appeal) is being determined and are exempt from paying the immigration levy.

- The applicant must ensure that they submit each application before any existing visa expires (see E2.10).

- Normally, claimants for refugee or protection status will be granted visitor visas (see V3.90). For information on when claimants may be granted other visas see E8.10.15 below, WI6 (work), U3.35 (student) and L6.1 (limited).

### E8.10.5 Conditions of temporary visas granted to refugee or protection status claimants

*See also Immigration Act 2009 ss 142, 239*

- A visa granted to a refugee or protection status claimant before their claim or appeal is determined will not normally include travel conditions because New Zealand's obligations to refugee or protection status claimants cease when they leave New Zealand.

- Despite E8.10.5(a) above, applications will be considered on a case by case basis to see whether the particular circumstances justify granting a visa with travel conditions to return to New Zealand.

- Claimants wishing to travel overseas should be advised that their claim or any subsequent claim or appeal will be treated as withdrawn if they leave New Zealand.

- Each time a temporary visa is granted to a refugee or protection status claimant, they must be advised in writing that their visa is subject to the following conditions:
  - at all times they keep INZ informed of any change of their New Zealand residential address; and
  - that they may become liable for deportation, if:
    - their claim is declined, and they fail to appeal, or have appealed unsuccessfully, to the Tribunal; or
    - they withdraw their claim.

### E8.10.10 Granting temporary visas to refugee or protection status claimants on arrival in New Zealand

*See also Immigration Act 2009 ss 14, 15, 16, 103, 378*

- If a person indicates an intention to claim refugee or protection status on arrival in New Zealand and they complete a claim form for refugee or protection status, a visitor visa current for 6 months from the date of arrival may be granted, unless there are reasons not to grant a visa, such as:
i the individual is a person to whom section 15 or 16 of the Immigration Act 2009 applies (see A5.40); or
ii the person’s identity cannot be established to the satisfaction of INZ.

b Appropriately delegated officers may give special directions to waive the following requirements that usually apply to persons travelling to New Zealand:
   i the requirement to travel to New Zealand as the holder of a visa granted under the Immigration Act 2009; and
   ii the relevant requirements arising under section 103(1) of the Immigration Act 2009.

c The fact that a claimant entered New Zealand on a false passport does not mean that they should not be granted a temporary visa.

d If the claimant entered New Zealand on their own genuine passport, the visitor visa should be endorsed in that passport.

e If the claimant entered New Zealand on a false passport, the visitor visa should be endorsed in an INZ certificate of identity form (see A2.20.5), and INZ should retain the false passport.

f If the claimant entered New Zealand without a travel document, the visitor visa should be endorsed in an INZ certificate of identity form (see A2.20.5) unless these are reasons not to grant a visa.

g If the claim form for refugee or protection status has not been completed at the border, a visitor visa current for one month from the date of arrival may be granted unless there are reasons not to grant a visa and the refugee or protection status claimant should be told that:
   i an application for a further temporary visa will only be considered after they have confirmed their claim in the prescribed manner (see C3.25); and
   ii they should submit any application for a further temporary visa at an INZ office in New Zealand before the existing visa expires.

Note: Guidance concerning the continuing treatment of persons claiming refugee or protection status on arrival at the border, including in a mass arrival context, is contained in Operational Instructions A16.2.

E8.10.15 Refugee or protection status claimants granted temporary entry class visas
See also Immigration Act 2009 ss 61, 150, 187

a Any claimant to whom a temporary entry class visa has been granted, (whether before or after the person became a claimant) or any temporary entry class visa holder who ceases to be a refugee or protection status claimant by virtue of his or her claim or appeal being declined may not, either before or after the expiry of the temporary entry class visa:
   i apply for a further visa of any class or type while in New Zealand; or
   ii while in New Zealand, request a special direction or make a request for the grant of a visa under A23; or
   iii bring any appeal under section 187 of the Immigration Act 2009 to the Tribunal.

b Despite (a)(i) above, a refugee or protection claimant may apply for a further temporary entry class visa for such period as may be required for the claimant to be lawfully in New Zealand while his or her claim is determined.

c Nothing in E8.10.15 prevents a person from bringing an appeal to the Tribunal, arising from a decision made under part 5 and 6 of the Immigration Act 2009.

d This section ceases to apply to a person if and when:
   i the person is recognised as a refugee or a protected person; or
   ii the person leaves New Zealand; or
   iii the person is granted a visa (other than a temporary entry class visa granted in (b) above).
E8.10.20 Applications for further temporary visas by refugee or protection status claimants
See also Immigration Act 2009 s 378
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 34

a To be eligible for the grant of a further temporary visa, claimants or refugee or protected persons must:
   i be in New Zealand; and
   ii submit their application before their existing visa expires.

b Claimants or refugee or protected persons must apply for temporary visas in the prescribed manner (see E4.50.1), but when the applications are submitted, appropriately delegated immigration officers may waive, by special direction, any requirements specified for each type of visa.

c Temporary visas valid for 12 months may be granted to successful applicants.

d Immigration officers may grant visas valid for less than 12 months, where they expect the refugee or protection status claim to be determined in significantly less than 12 months.

e Further visas will not normally be granted to those who make subsequent claims, but in each case applications will be considered to see whether the particular circumstances justify granting a visa.

E8.10.25 Situation of claimants in New Zealand unlawfully
See also Immigration Act 2009 s 61

a A refugee or protection status claimant unlawfully in New Zealand may be eligible to be considered for a temporary visa under section 61 of the Immigration Act 2009 (see A23).

Note: such persons who have been granted a temporary entry visa under the Immigration Act 2009 or temporary permit under the Immigration Act 1987 on or after 1 October 1999 are covered by section 150 of the Immigration Act 2009 (see E8.10.15).

b Before seeking approval to grant a visa under section 61, an immigration officer must first:
   i establish the reasons why the claimant's original visa (if any) expired; and
   ii obtain supporting evidence confirming the claimant's circumstances; eg, a medical certificate or financial circumstances.

If the claimant is in New Zealand unlawfully, no deportation action will be taken until the claim for refugee or protection status and any appeal to the Tribunal have been finally determined or the claimant withdraws the claim or appeal.

E8.10.30 Renewal of temporary visas for Immigration and Protection Tribunal appellants
If a claimant has appealed to the Tribunal, based on a decision made under part 5 and part 6 of the Immigration Act 2009, they are eligible to apply for further temporary visas until the final outcome of the appeal.

Immigration officers may grant a temporary visa in such cases to cover the period it is likely to take to determine the appeal.

Effective 19/02/2018
E8.15 Temporary visas for people affected by the Christchurch earthquake

a Temporary visa holders affected by the Christchurch earthquake of 22 February 2011 may apply for a further temporary visa in accordance with the special direction issued by the Minister of Immigration on 1 March 2011.

b To be granted a temporary visa under these instructions, applicants must hold a temporary visa that is due to expire on or before 31 March 2011.

c Temporary visas granted under these instructions will be valid for three months from the date of grant and have conditions allowing:

i multiple entry travel for the duration of the visa, and

ii work or study as appropriate to the applicant’s needs.

d Notwithstanding (c) above, applicants who currently hold visitor visas will be granted a three month visitor visa.

Note: These instructions do not prevent people described in (a) from applying in the normal manner and, if they meet immigration instructions, being granted visas for the period of time and with the conditions they are entitled to under those instructions.

Effective 01/03/2011
E9 Trade commitments

See previous instructions:
E9 Effective 20/12/2015
E9 Effective 06/07/2015
E9 Effective 27/11/2014
E9 Effective 26/11/2012
E9 Effective 30/07/2012
E9 Effective 29/11/2010

a One of the objectives of New Zealand's temporary entry instructions is to contribute to building strong international links. Part of this includes supporting New Zealand's position in a global trade environment, and ensuring that New Zealand's trade commitments with respect to immigration are being met.

b Immigration plays an important role in ensuring New Zealand's trade commitments are met through immigration instructions providing for the mobility (temporary entry) of bona fide business people into New Zealand.

c New Zealand has committed itself to a range of undertakings through different agreements. To date the following agreements have been signed:

- General Agreement on Trade in Services (GATS)
- New Zealand and Singapore Closer Economic Partnership Agreement (CEPA)
- New Zealand and Thailand Closer Economic Partnership
- Trans-Pacific Strategic Economic Partnership
- Asia-Pacific Economic Cooperation (APEC)
- New Zealand and China Free Trade Agreement
- ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA)
- Agreement Between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation (ANZTEC)
- Korea-New Zealand Free Trade Agreement (KNZFTA)

d Details of some of these trade agreements are available on the Ministry of Foreign Affairs website at the following address: Ministry of Foreign Affairs and Trade - Trade Relationships and Agreements

e Specific provisions throughout immigration instructions enable New Zealand to meet the commitments that have been made in these trade agreements. These provisions are:

- A4.65.1 Seconded business people
- N4 Group Transit Visa for Chinese nationals
- V3.5 Business visitors
- V3.105 APEC Business Travel Cardholders
- WS2.1.1 (a), (b), (c), (g) and (j) Specific purposes or event
- WI11 Thai chefs
- WI12 China Special Work Instructions
- WI13 China Skilled Workers Instructions
- WI14 Philippines Special Work Instructions
- WI15 Vietnam Special Work Instructions
- WI17 Indonesia Special Work Instructions
- WI18 Primary sector trainees
- WI19 Korea Special Work Instructions

Effective 08/05/2017
E10 International obligations

See previous instructions:
E10 Effective 29/11/2010


a One of the objectives of New Zealand’s temporary entry instructions is to contribute to building strong international links. Part of this includes reflecting New Zealand’s obligations under the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (with effect 5 January 2008).

b Under this convention, New Zealand has an obligation to “facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners as well as cultural goods and services from developing countries”.

c New Zealand signed the convention on the basis that the above obligation was not intended to affect rules about eligibility for visas or entry permission or the exercise of discretion under legislation, but would reflect the way in which the entry of those eligible for visas may be facilitated.

d To give effect to this facilitation, when considering applications for temporary entry to New Zealand from artists and other cultural professionals and practitioners, immigration officers should have regard to New Zealand’s obligation under the convention and should:

i consider expediting applications on a case-by-case basis; and/or

ii take into consideration, as part of the standard decision-making process, any supporting information submitted by the Ministry for Culture and Heritage on the applicant’s behalf (for example, if the applicant is part of a formal exchange programme organised by the New Zealand Government).

e These measures will not influence INZ’s ability to determine the intentions of an applicant, or override any applicable character, health, or any other requirements in immigration instructions. Any priority given to the processing of an application will occur at the discretion of the responsible immigration officer.

Note: Several provisions throughout immigration instructions enable artists and other cultural professionals and practitioners to be considered for entry to New Zealand. These provisions include but are not limited to:

~ V3.5 Business visitors
~ V3.65 Conference Delegates
~ WS2 Specific Purpose or Event

Effective 06/07/2015
E11 Exchange Scheme
E11.1 Objectives
The objectives of New Zealand’s exchange scheme instructions are:

a. to foster international goodwill and cultural understanding; and

b. to provide opportunities for New Zealanders to gain experience from different cultural, educational and vocational perspectives through reciprocal agreements.

Effective 29/11/2010
E11.5 Classes of exchange scheme

There are two classes of exchange schemes:

a  Approved exchange schemes: INZ formally approves the terms and conditions of these schemes (E11.10 and E11.45).

b  Government-to-government exchange agreements: formal agreements signed by New Zealand and other countries.

Effective 29/11/2010
E11.10 Approved work exchange schemes

a  Approved work exchange schemes allow participants to undertake employment for gain or reward during all or part of their stay.

b  There are up to 1000 places annually for participants in approved work exchange schemes.

c  Approved work exchange schemes must operate under the auspices of responsible organisations that have satisfied INZ that appropriate arrangements have been made for the accommodation, maintenance and welfare of the exchange participants and any accompanying dependants.

Effective 29/11/2010
E11.15 Requirements for approved work exchange schemes

See previous instructions E11.15 Effective 29/11/2010

E11.15.1 Reciprocity

a Exchanges must be reciprocal in terms of both:
   i the number of foreign and New Zealand exchange participants each year; and
   ii the granting of permission for New Zealand participants to visit other countries for equivalent
      periods, under similar terms and conditions.

b Normally, the total number of incoming exchange participants in any 24-month period is
   approximately equal to the number of outgoing New Zealand participants.

Note: INZ may approve a longer period than 24 months if particular organisers make a satisfactory case.

E11.15.5 Guarantors

a A person or organisation in New Zealand must agree to be the New Zealand guarantor for the
   exchange.

b If the scheme is organised from New Zealand, the people who propose the scheme are usually the
   New Zealand guarantors.

c If the scheme is organised from outside New Zealand, the organisers must nominate a guarantor who
   will act on their behalf in New Zealand.

E11.15.10 Obligations of guarantors

New Zealand guarantors of an exchange scheme must accept all of the following obligations, either as
organisers or on behalf of the organisers:

a they must assist in selecting New Zealand participants, and agree to provide INZ with details of the
   number of inbound foreign and outbound New Zealand participants who have participated in the
   scheme in the preceding 24 months; and

b they must agree to be the contact point for any communication between the organisers, the
   participants and INZ; and

c they must sign an undertaking that suitable accommodation will be arranged before each inbound
   participant and any accompanying dependents arrive; and

d they must be responsible for ensuring that inbound participants (and any accompanying dependants)
   will be adequately maintained during the period of the exchange; and

e they must sign an undertaking that suitable jobs will be arranged before each inbound participant
   arrives.

E11.15.15 Length of exchange

The maximum length of stay permitted for participants is 12 months. INZ must give special approval for any
exchanges which last longer than 12 months.

E11.15.20 Terms and conditions of employment under the exchange

a The organisers of a work exchange scheme must ensure that the proposed conditions of work for
   inbound participants comply with the minimum employment requirements as provided for under New
   Zealand employment law. INZ approval of a work exchange scheme does not exempt the organisers
   from this obligation.

b All job offers must comply with New Zealand employment law and be made by employers who have a
   history of compliance with employment law, including employment standards (see W2.10.15).
**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, e.g. health and safety obligations;
~ paying employees no less than the appropriate adult or youth minimum wage.

*Effective 01/04/2017*
E11.20 Making a proposal to establish an approved work exchange scheme

See previous instructions:
E11.20 Effective 25/07/2011
E11.20 Effective 29/11/2010

Any formal proposal to INZ to establish an approved work exchange scheme must include details of the proposed scheme under each of the headings in the Work Exchange Scheme Profile (see E11.25).

Effective 08/05/2017
E11.25 Work Exchange Scheme Profile

Proposals made to INZ to establish an approved work exchange scheme must provide information under the following headings:

E11.25.1 Organisations and scheme guarantors

a. State who is organising the exchange, and give brief details of:
   i. the New Zealand guarantor; and
   ii. the overseas guarantor(s).

b. State whether the New Zealand guarantor is prepared to accept the obligations described in E11.15.10., and if so, attach written evidence of this acceptance.

E11.25.5 Participating countries

List the countries from which applications for entry to New Zealand under the scheme are likely to be received, and advise whether the immigration authorities in these countries are prepared to grant reciprocal permission for New Zealanders to participate in the scheme.

E11.25.10 Eligible participants

a. Describe the type of person who will be eligible to participate in the exchange and state any prerequisites that the person must meet.

   Example: Will all the participants be people who work in a specified occupational field or be people who are in a particular age group?

b. Indicate whether or not participants may be accompanied by dependants.

E11.25.15 Accommodation

Give details of the accommodation arrangements intended for inbound participants and any accompanying dependents during their stay in New Zealand.

E11.25.20 Maintenance and employment

Give details of the arrangements intended for the remuneration of participants, and state whether they will be expected to make additional provision for their own maintenance (and, if applicable, the maintenance of dependants).

E11.25.25 Medical insurance

Give details of the medical insurance inbound participants will obtain (and details of medical insurance of any accompanying dependants).

E11.25.30 Length of the exchange

State the intended length of the exchange; and, if exchanges will be for varying periods, indicate the minimum and maximum terms likely to be offered to individual participants.

E11.25.35 Expected annual numbers

a. Indicate the number of inbound foreign and outbound New Zealand participants likely to be accepted under the exchange each year.

b. If a quota will apply, state how often it is to be reviewed.

E11.25.40 Travel arrangements

a. Describe the travel arrangements to and from New Zealand to be made by or for inbound participants.
b If participants and accompanying dependants will not have fully paid travel tickets at the time of applying for visas, attach a guarantee of repatriation from the New Zealand guarantor as described in E11.55.

E11.25.45 Selection of participants
Describe how participants will be selected, and if an application form has been devised, attach a copy of the form to the proposal.

E11.25.50 Other information
Include any additional comments on the exchange scheme under this heading.

Effective 29/11/2010
E11.30 Requirements for participants in approved work exchange schemes

a Participants in approved work exchange schemes may be granted work visas for the length of their exchange.

b All applicants for work exchange scheme visas must:
   i meet the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry visa as set out at E4; and
   ii be bona fide applicants as set out at E5; and
   iii meet health and character requirements as set out at A4 and A5 http://inzkit/publish/opsmanual/35052.htm; and
   iv provide evidence of acceptance to an approved work exchange scheme from the scheme organiser; and
   v provide evidence of medical and dental insurance cover for the length of the exchange; and
   vi provide evidence that they meet outward travel requirements.

Note: Evidence of travel arrangements to leave New Zealand at the end of the intended stay is:

- actual travel tickets (confirmed or open-dated) out of New Zealand to a destination to which the applicant has right of entry; or
- a written guarantee from the New Zealand guarantor that they will ensure that participants (and any dependants) will have outward bookings at the end of their stay in New Zealand, regardless of whether they complete the full term of the exchange.

c If participants arrive in New Zealand without a work visa, immigration officers may grant a work visa for the maximum period of stay for their scheme, provided that:
   i there are special reasons why they have not obtained a visa; and
   ii they meet the requirements set out at E11.30(b).

Effective 29/11/2010
**E11.35 Partners and dependent children of work exchange scheme participants**

a Partners and dependent children of work exchange scheme participants may be granted visas that are current for the same period as the participants' visas, provided they meet the requirements for the particular category of visa they are applying for.

b Immigration officers must be satisfied that the exchange scheme allows participants to be accompanied to New Zealand by their partner and dependent children.

c Participants’ partners may apply for work visas after their arrival, but they are subject to work visa criteria.

*Effective 29/11/2010*
E11.40 Extending the stay for tourist reasons

Participants who wish to remain in New Zealand for a further period as tourists may be granted visitor visas for a maximum of 3 months, provided that they meet the requirements and conditions for a visitor visa.

*Effective 29/11/2010*
E11.45 Approved student exchange schemes

a Approved student exchange schemes allow participants to attend a school or other educational or training institution in New Zealand.

b Approved student exchange schemes must operate under the auspices of responsible organisations that have satisfied INZ and the Ministry of Education (MoE) that appropriate arrangements have been made for the accommodation, maintenance and welfare of the exchange participants and any accompanying dependants.

Effective 29/11/2010
E11.50 Making a proposal to establish an approved student exchange scheme

a The Ministry of Education (MoE) determines whether a student exchange scheme should be established.

b Any person or organisation wishing to make a formal proposal to establish an approved student exchange scheme must apply to the MoE.

   Tertiary Level Exchange Approval
   International Division
   Ministry of Education
   PO Box 1666
   Wellington

   Primary and Secondary School Level Exchange Approval
   National Operations
   Ministry of Education
   PO Box 1666
   Wellington

c The MoE will assess whether the application meets its criteria. Before approving such a scheme MoE must obtain the approval of INZ.

d MoE will set the conditions under which the scheme must operate.

Effective 29/11/2010
E11.55 Requirements for participants in approved student exchange schemes

See previous instructions:
E11.55 Effective 22/08/2016
E11.55 Effective 26/11/2012
E11.55 Effective 29/11/2010

Participants in approved student exchange schemes may be granted student visas for the length of their exchange provided they:

a. meet the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry visa as set out at E4; and
b. apply from outside of New Zealand; and
c. are bona fide applicants as set out at E5; and
d. meet health and character requirements as set out at A4 and A5 http://inzkit/publish/opsmanual/35052.htm.

E11.55.1 Evidence

Participants must provide evidence to show that:

a. they have been accepted into an approved student exchange scheme by the scheme organiser; and
b. they meet outward travel requirements.

Note: Evidence of the travel arrangements to leave New Zealand at the end of the intended stay is:
- actual travel tickets (confirmed or open-dated) out of New Zealand to a destination to which the applicant has right of entry; or
- a written guarantee from the New Zealand guarantor that they will ensure that participants (and any dependants) will have outward bookings at the end of their stay in New Zealand, regardless of whether they complete the full term of the exchange.

E11.55.5 Participants who arrive in New Zealand without a student visa

If participants arrive in New Zealand without a student visa, immigration officers may grant a student visa for the maximum period of stay for their scheme, provided that:

a. there are special reasons why they have not obtained a visa; and
b. they meet the requirements set out at E11.55.

E11.55.10 Partners and dependent children of student exchange scheme participants

a. Partners and dependent children of student exchange scheme participants may be granted visas that are current for the same period as the participants’ visas, provided they meet the requirements for the particular category of visa they are applying for.

b. Immigration officers must be satisfied that the exchange scheme allows participants to be accompanied to New Zealand by their partner and dependent children.

c. Participants’ partners may apply for work visas after their arrival, but they are subject to work visa criteria.

E11.55.15 Extending the stay for tourist reasons

Participants who wish to remain in New Zealand for a further period as tourists may be granted visitor visas for a maximum of 3 months, provided that they meet the requirements and conditions for a visitor visa.
E11.55.20 Pastoral Care of International Students

a  Attendance at a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 is required where the student is studying under a school-to-school exchange scheme (U4.15(b)(i)).

b  Attendance at a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 is not required for:
   i  school students studying under a reciprocal exchange scheme managed by an Exchange Programme Organisation (EPO) approved by the Ministry of Education (see U4.15(b)(ii); and
   ii  tertiary students on approved exchanges.

Effective 28/08/2017
Visitor visas
IN THIS SECTION

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V1 Objective

a The objective of visitor visa instructions is to facilitate the movement of visitors to New Zealand while minimising the risks to New Zealand, and in particular;

b To foster tourism, trade and commerce, international understanding and cross-cultural links, educational and scientific activities, while:
   i maintaining the health, safety and good order of New Zealand society; and
   ii protecting New Zealand from international crime, terrorism and illegal immigration.

Effective 29/11/2010
V2 General requirements for visitors
To be granted a visitor visa applicants must:

a. meet the requirements under Generic Temporary Entry instructions for:
   i. lodging an application for a temporary entry class visa as set out at E4; and
   ii. bona fide applicants as set out at E5; and
   iii. health and character as set out at A4 and A5 http://inzkit/publish/opsmanual/35052.htm; and
b. meet the funds or sponsorship requirements (see V2.20); and

c. meet the onward travel requirements, if relevant (see V2.25); and

d. be coming to New Zealand for a lawful purpose.

V2.1.1 Definition of 'lawful purpose' for visitors

For the purposes of applying the 'lawful purpose' test in the provision relating to bona fide applicants (see E5.1), visitors are considered to be coming to New Zealand for a lawful purpose if:

a. they are coming for such purposes as:
   • holidaying;
   • sightseeing;
   • family and social visits;
   • amateur sport;
   • business consultation (see V3.5);
   • medical treatment (see V3.40); or
   • guest of government visits (guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs).

b. they are not intending to undertake employment (see W2.2.1) or a programme of study or training, with the exception of short-term study (see V2.35 and U2.5(b)).

Note:

~ Entry for the purpose of marriage is also regarded as a 'lawful purpose'.
~ If the programme is offered by a private training establishment, the applicant must ensure that the primary requirements for satisfying sections 232 and 233 of the Education Act 1989, in respect of programmes of study, are met (see U5.15).
~ All education providers offering places to foreign students must be signatories to the Education (Pastoral Care of International Students) Code of Practice 2016 (see U5.1(b)).
V2.5 Length of permitted stay

See previous instructions V2.5 Effective 29/11/2010

V2.5.1 General visitors

a Visitors to New Zealand are limited to a maximum stay on a visitor visa of nine months unless they:
   i are genuine tourists (see V2.5.10) who require no more than an additional three months to complete their itinerary; or
   ii are applying for a visitor visa under a special category of visitor visa instructions which allows a longer stay in New Zealand; or
   iii cannot leave New Zealand because of circumstances beyond their control; or
   iv have lodged a first-time application for residence that has been accepted for consideration, and a decision is unlikely during the currency of their existing visa.

Note: Such applicants may apply for and be granted a further three-month visa, allowing a maximum stay of 12 months. If a decision has not been made on the residence application while the further visa is current, the applicant must leave New Zealand when it expires, regardless of the status of the application or any appeals.

b A visitor visa should allow the applicant to stay in New Zealand for a total of no more than nine months in the 18-month period before the proposed expiry date of the visa.

c Despite (b) above, an applicant who has been in New Zealand for 12 months on the basis of one of the exemptions at V2.5.1(a) above, must remain outside New Zealand for 12 months before a further application for a visitor visa may be approved.

d Despite (b) above, a visitor visa granted at the border to a person who does not need a visa for travel to New Zealand should allow the applicant to stay in New Zealand for a total of no more than six months in the 12-month period before the proposed expiry date of the visa (see E2.1).

V2.5.5 Special categories of visitors

a The length of stay permitted under special categories of visitors is set out in V3.

b Where a length of stay is not specified in V3, the provision at V2.5.1 applies.

V2.5.10 Definition of 'genuine tourist'

For the purposes of the provision on length of permitted stay at V2.5.1(a)(i) above, a genuine tourist is a visitor to New Zealand who:

a is not working and has not worked in New Zealand; and

b has not had a New Zealand student visa; and

c is not sponsored; and

d has sufficient funds for maintenance and accommodation. (see V2.20).

Effective 25/07/2011
V2.10 Single journey visas
Visitors may be granted a single journey visa for travel for up to 6 months from the date it is granted.

Effective 29/11/2010
V2.15 Multiple journey visas

See previous instructions:
V2.15 Effective 25/07/2011
V2.15 Effective 25/07/2011
V2.15 Effective 29/11/2010

a The objective of the multiple journey visa instructions is to facilitate opportunities for individuals who have bona fide reasons to regularly travel to New Zealand for visits of up to six months.

b To be granted a multiple journey visa under these instructions applicants:
   i must lodge an application for a visitor visa, as set out in E4, from outside New Zealand; and
   ii must meet visitor visa requirements (see V2.1); and
   iii must not have been in New Zealand for more than nine months in the preceding 18-month period (see V2.5) at the time the application is lodged.

c On arrival, an applicant may be granted entry permission, provided that they will not spend more than six months in New Zealand in the 12-month period before the end of their current stay.

d Multiple journey visas may be current for travel for up to 3 years from the date they are granted so long as the passport remains valid, except in the case of:
   i nationals of the United States of America, in which case the visa may be current for travel for up to 4 years from the date it is granted; or
   ii nationals of the People’s Republic of China, in which case the visa may be current for travel for up to 5 years from the date it is granted.

e Where an applicant is applying under another visitor category that allows multiple journey visas, those instructions prevail.

V2.15.1 Grant of further multiple journey visas

A further multiple journey visa will not normally be approved where an applicant has used their maximum entitlement and seeks to cancel their current visa in order to apply for a further one.

Effective 08/05/2017
V2.20 Funds or sponsorship requirements

See previous instructions:
V2.20 Effective 21/11/2011
V2.20 Effective 29/11/2010

See also Immigration Act 2009 s 48

Applicants for a visitor visa must have either:

a funds that will be genuinely available to the applicant for the duration of their visa to New Zealand of at least NZ$1000 per month for maintenance and accommodation, or NZ$400 per month if the accommodation has been prepaid; or

b sponsorship by a person, an organisation or a Government agency which meets generic sponsorship requirements set out at E6.5.

V2.20.1 Evidence of funds or sponsorship

a Evidence of sufficient funds includes, but is not limited to the following:
   i cash
   ii travellers’ cheques
   iii bank drafts
   iv recognised credit or debit cards with sufficient credit available
   v (for group visas) certification from a reputable travel agency
   vi a bank statement showing funds in an account the applicant will have access to in New Zealand
   vii a letter of financial support from the applicant’s employer or home government, if the applicant is travelling on business

b Sponsored applicants must provide a Sponsorship Form for Temporary Entry (INZ 1025) completed by their sponsor.

c Evidence of funds or sponsorship is not required if the applicant is applying on the basis being the partner or dependent child of:
   i a work visa holder whose income is sufficient (V2.20(a)) to provide maintenance and accommodation to the applicant; or
   ii a student visa holder where the student holds a scholarship that guarantees maintenance and accommodation to the family of the student.

V2.20.5 Sufficient funds for maternity related services

In addition to V2.20 pregnant applicants for a visitor visa who are due to give birth while in New Zealand must provide evidence that they:

a have funds of at least NZ$9,000 available to pay for maternity related services; or

b have sponsorship by a person, an organisation or a Government agency which meets generic sponsorship requirements set out at E6.5, to cover maternity related services; or

c are eligible for publicly-funded maternity related services.

Effective 25/08/2014
V2.25 Onward travel requirements

See previous instructions V2.25 Effective 29/11/2010

See also Immigration (Visa, Entry, Permission, and Related Matters) Regulations 2010, reg 10, 11

Applicants for a visitor visa are required to have the means to leave New Zealand.

V2.25.1 Evidence of means to leave New Zealand

a Evidence of onward travel arrangements includes but is not limited to:
   i actual travel tickets (confirmed or open-dated) out of New Zealand to a country which the person
      has right of entry to;
   ii (only for applicants on arrival in New Zealand) a visitor visa endorsed to show that the onward
      travel requirement has been met or waived;
   iii written confirmation from an airline or travel agency that onward travel has been booked and paid
      for;
   iv a letter guaranteeing that onward travel will be arranged from the applicant’s employer or home
      government, if they are travelling on business;
   v travel arrangements to be confirmed subject to payment, provided the applicant has sufficient
      funds to confirm the arrangements.

b Sponsored applicants must provide a Sponsorship Form for Temporary Entry (INZ 1025) completed by
   their sponsor.

c Evidence of onward travel is not required if the applicant is applying on the basis being the partner or
   dependent child of:
   i a work visa holder whose income is sufficient to purchase outward travel to a country which the
      person has right of entry to; or
   ii a student visa holder where the student holds a scholarship that guarantees onward travel for the
      family of the student.

Effective 25/08/2014
V2.30 Waiver of funds and/or sponsorship requirements and/or tickets for visitor visa applications (to 25/08/2014)

See previous instructions V2.30 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 25/08/2014.
V2.35 Short-term study in schools

See previous instructions:
V2.35 Effective 22/08/2016
V2.35 Effective 30/07/2012
V2.35 Effective 29/11/2010

a  Visitor visa holders can study without the need to obtain a student visa or a variation of conditions if they attend primary, intermediate, secondary, or composite school for a single period of study of up to three months per calendar year. The single period of study:
  i  must start and finish within a calendar year; and
  ii must not be in term 1 if a visitor visa was held and a single period of study was undertaken in term 4 of the previous year.

b  Visitor visa holders undertaking a single period of study in (a) above must attend a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016, if at least one of the following applies:
  i  they attend for more than two weeks; or
  ii  they are fee-paying foreign students.

c  Despite (b)(i) above, attendance at a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 is not required where the visitor visa holder is studying under a reciprocal exchange scheme managed by an Exchange Programme Organisation (EPO) approved by the Ministry of Education (see U4.15).

Effective 28/08/2017
V3 Special categories of visitors
V3.1 Group visas

See previous instructions:
V3.1 Effective 29/11/2010

(a) Group visas may be granted to groups of people who will be arriving in, and visiting New Zealand together, for the same purpose.

(b) Group visas should name each member of the group and be current for travel within one month of the applicants' intended date of arrival in New Zealand, unless the immigration officer considers the applicants' circumstances warrant a longer or shorter period.

(c) A leader must take charge of the group visa, and:
   (i) present it on arrival with the passports or travel documents of the people named in it; and
   (ii) ensure that the group stays together as a single unit on arrival and completes all necessary arrival formalities.

(d) A leader may also be considered an international tour escort under V3.150.

Effective 22/05/2017
V3.1 Group visas (29/11/2010)

a. Group visas may be granted to groups of people who will be arriving in, and visiting New Zealand together, for the same purpose.

b. Group visas should name each member of the group and be current for travel within one month of the applicants’ intended date of arrival in New Zealand, unless the immigration officer considers the applicants’ circumstances warrant a longer or shorter period.

c. A leader must take charge of the group visa, and:
   i. present it on arrival with the passports or travel documents of the people named in it; and
   ii. ensure that the group stays together as a single unit on arrival and completes all necessary arrival formalities.

Effective 29/11/2010
V3.5 Business visitors

a Business visitors who are not considered to be undertaking employment (see W2.2.1) may be granted a visitor visa, provided that they intend a stay in New Zealand for no longer than 3 months in any one year.

b Business visitors who are not considered to be undertaking employment include the following:
   i representatives on official trade missions recognised by the New Zealand Government;
   ii sales representatives of overseas companies in New Zealand for a period or periods no longer than a total of 3 months in any calendar year;
   iii overseas buyers of New Zealand goods or services for a period or periods no longer than a total of 3 months in any calendar year;
   iv people undertaking business consultations or negotiations in New Zealand on establishing, expanding, or winding up any business enterprise in New Zealand, or carrying on any business in New Zealand, involving the authorised representatives of any overseas company, body or person for a period or periods no longer than a total of 3 months in any calendar year.

c Business visitors who need to be in New Zealand for longer than 3 months in any one year, and all other business visitors, must apply for a work visa (see WS2).

Note: Business visitor instructions reflect New Zealand’s international trade commitments (see E9).

Effective 29/11/2010
V3.10 Partners and dependent children of student or work visa holders

Subject to the provisions of E4.5:

a Partners (see E4.1.20) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the partner's visa.

b Dependent children (see E4.1.10) of student or work visa holders may be granted visitor visas if that type of visa is appropriate to their needs for the currency of the parent's visa.

c Despite (a) and (b) above, partners and dependent children of the following persons are not eligible for the grant of a visa under these instructions:

i people granted an Essential Skills work visa where the employment has been assessed as lower-skilled (WK3.5.1), unless V3.10.1 below applies; or

ii people granted a work visa under the instructions for Foreign Crew of Fishing Vessels (see WJ); or

iii people granted a work visa under the instructions for Recognised Seasonal Employer (RSE) (see WH1); or

iv people granted a work visa under the instructions for Supplementary Seasonal Employment (SSE) (see WH3); or

v people granted a work visa under the Silver Fern Job Search Instructions (WL2); or

vi people granted a work visa under the Skilled Migrant Category Job Search Instructions (see WR5); or

vii people granted a work visa under a Working Holiday Scheme (see WI2); or

viii people granted a work visa as a domestic staff member of diplomatic, consular or official staff (see WI4).

d Partners and dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at A4 and A5.15 to A5.25.

V3.10.1 Holders of Essential Skills work visas for lower-skilled employment who are able to support visitor visas for their family members

a Partners and dependent children of an Essential Skills work visa holder whose employment has been assessed as lower-skilled may be granted a visitor visa under these instructions if:

i the applicant held a visa on the basis of their relationship to the Essential Skills work visa holder on 28 August 2017; and

ii the Essential Skills work visa holder has not been subject to a stand-down period (see WK3.20.5).

b The applicant (who is the partner of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a visitor visa under these instructions if the Essential Skills work visa holder:

i previously held a student visa that made them eligible to support a partner for a work visa (WF4.1); and
c The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a visitor visa under these instructions if the Essential Skills work visa holder parent:
   i previously held a student visa that made them eligible to support a child for a student visa (U8.25); and
   ii subsequently held a post-study work visa (WD) based on that student visa; and
   iii supported the applicant for a visa based on their relationship while holding a post-study work visa.

V3.10.5 Dependent children of Essential Skills work visa holders

a A dependent child of a holder of a work visa granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a visitor visa if the minimum income threshold is met.

b Despite (a) above, dependent children born in New Zealand after 30 November 2009 will not be tested against the threshold until their parent(s) next applies for an Essential Skills work visa.

c Despite (a) and (b) above, the minimum income threshold does not apply if the dependent child’s parent(s):
   i have held any temporary work visa before 30 November 2009; and
   ii have remained on a valid visa from 30 November 2009 until the date of the dependent child’s application under V3.10.

V3.10.10 Minimum income threshold

a The minimum income threshold is NZ$37,090.68 gross per annum.

b The minimum income threshold must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.

c Evidence must be provided of the Essential Skills work visa holder’s current salary or wages.

d Despite (a) above, if the dependent child is included in a Samoan Quota or Pacific Access Category application, the minimum income threshold is the amount specified in Samoan Quota or Pacific Access Category instructions.

e If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.

f If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child’s visa, both the child and the parent(s) may become liable for deportation.

Note: Where both parents hold Essential Skills work visas, their income may be combined to meet the minimum income threshold.

V3.10.15 Dependent children of work visa holders under Religious Worker instructions

See also Immigration Act 2009 ss 56, 157

a Dependent children of a holder of a work visa under Religious Worker instructions (WM) will only be granted a visitor visa if:
   i the minimum income threshold of NZ$37,090.68 gross per annum is met by the Religious Worker visa holder and their partner; or
   ii the religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.

b Under (a)(i) above:
i the minimum income threshold must be met and maintained by the salary, wages or a stipend received by the Religious Worker visa holder and their partner; and

ii evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and

iii if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and

iv if the parents do not maintain the minimum income threshold for the duration of their visa or their dependent child's visa, both the child and the parents may become liable for deportation.

**Note:** The income of both parents may be combined to meet the minimum income threshold.

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Effective 28/08/2017
V3.15 Partners of New Zealand citizens or residence class visa holders

See previous instructions:
V3.15 Effective 17/11/2014
V3.15 Effective 26/03/2012
V3.15 Effective 04/04/2011
V3.15 Effective 29/11/2010

Partners (see E4.1.20) of New Zealand citizens or residence class visa holders may be granted a visitor visa provided that:

a) they are living together in a genuine and stable relationship (see E4.5.25, E4.5.30 and E4.5.5); and

b) the New Zealand partner intends to be in New Zealand during the same period of time applied for by the applicant; and

c) the New Zealand partner supports the application; and

i. complies with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and

ii. meets the character requirement for partners supporting 'partnership-based temporary entry applications' set out at E7.45.

V3.15.1 Instructions on duration of visas for partners of New Zealand citizens or residence class visa holders

a) The duration of any visa granted under these instructions is dependent on the time spent living together in a partnership, but must not exceed 24 months from:

i. the date the first partnership visa was granted if it was granted onshore; or

ii. the first date of arrival if the partnership visa was granted offshore.

b) If the couple has lived together in a partnership for 12 months or more at the time the application is assessed, a visitor visa may be granted for the length of the couple’s intended stay, up to a maximum of 24 months.

c) If the couple has lived together in a partnership for less than 12 months at the time the application is assessed, then the first visa granted under these instructions must not exceed 12 months’ duration. Further visas may be granted upon application for up to a maximum of 24 months from the date the first partnership visa was granted if the visa was granted onshore or the first date of arrival if the partnership visa was granted offshore if:

i. during the validity of the first visa an application for a residence class visa under Partnership Category is made and the principal applicant wishes to remain in New Zealand pending a decision on their application; or

ii. the couple wish to spend more time in New Zealand and an immigration officer is satisfied they are still living together in a genuine and stable partnership.

V3.15.5 New Zealand citizen or residence class visa holder partner must be eligible to support under Partnership instructions

a) When determining the eligibility of the New Zealand partner to support a partnership-based visitor visa application, immigration officers must consider whether the New Zealand resident partner will be eligible to support a partnership-based residence class visa application (see F2.10.10) within 12 months of the grant of the visa.

b) If the New Zealand partner would not be eligible to support a partnership-based residence class visa application within 12 months of the grant of the visa, the application for the visitor visa may be declined (see F2.10.10).
V3.15.10 Evidential requirements for partners of New Zealand citizens or residence class visa holders

a  Immigration officers must sight evidence of the following:
   i  the supporting partner’s New Zealand citizenship or New Zealand residence status; and
   ii the applicant’s relationship with their New Zealand partner; and
   iii that the applicant and their New Zealand partner are living together in a genuine and stable partnership at the time the application is made (see E4.5.35 for the type of evidence required); and
   iv the Form for Partners Supporting Partnership-Based Temporary Entry Applications (INZ 1146) completed by the New Zealand partner; and
   v that the applicant and their New Zealand partner are intending to live in New Zealand for the same period of time.

b  If requested by an immigration officer, applicants must also provide a written declaration from their New Zealand partner confirming
   i  they are eligible to support; or
   ii they comply with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15).

Effective 08/05/2017
V3.20 Dependent children of New Zealand citizens or residence class visa holders

a Dependent children of New Zealand citizens or residence class visa holders may be granted a visitor visa authorising a maximum stay of 9 months from their date of arrival, provided that:

i the parent intends to stay in New Zealand during the same period of time applied for by the dependent child; and

ii the parent supports the application.

b If dependent children apply to stay longer than 9 months, immigration officers may consider granting further visas allowing a total stay of up to 2 years as long as the requirements of paragraph (a) above continue to be met.

V3.20.1 Evidence for dependent children of New Zealand citizens or residence class visa holders

Immigration officers must sight evidence of the following:

a the New Zealand citizenship or New Zealand residence status of the applicant's parent; and

b documents that confirm the applicant's relationship with the parent; and

c that the applicant and parent are intending to stay in New Zealand during the same period of time; and

d that the New Zealand parent supports the application.

Effective 29/11/2010
V3.25 Children entering New Zealand for adoption

a Children entering New Zealand to be adopted by New Zealand citizens or residence class visa holders under the New Zealand Adoption Act 1955 may be granted a temporary visa authorising an initial stay of a maximum of 6 months.

b An application for children entering New Zealand for adoption must include:
   i evidence of the support of the Ministry of Social Development’s Child, Youth and Family Services; and
   ii the child’s birth certificate; and
   iii evidence of the immigration status or New Zealand citizenship of the adoptive parents.

c Immigration officers may also waive, by special direction, the funds and onward travel and health requirements for the children.

V3.25.1 Further visas for children entering New Zealand for adoption

Temporary visas may be granted (for a maximum of 12 months at a time) for a total stay long enough to submit a full adoption order if:

a an interim order issued under the Adoption Act 1955 is still valid; and

b Child, Youth and Family advises INZ of progress on the adoption.

Effective 29/11/2010
V3.30 Children adopted overseas before their New Zealand citizenship is confirmed

See previous instructions:
V3.30 Children adopted overseas before their New Zealand Citizenship is confirmed (29/11/2010)

Children entering New Zealand with their adoptive parents may be granted a visa authorising a maximum stay of 6 months, provided that:

a an Immigration Officer is satisfied that:
   i the child has made an application for New Zealand citizenship; and
   ii the child’s overseas adoption order has the same effect as a New Zealand adoption order under section 17 of the Adoption Act 1955 (see F5.10.25; and

b a birth certificate for the child and evidence of the adoptive parents' citizenship are submitted.

V3.30.1 Further visas for children adopted overseas

a Temporary visas may be granted (for a maximum of 12 months at a time) for a total stay long enough for the Department of Internal Affairs to assess the adopted child's citizenship application.

b Immigration officers must sight confirmation that the Department of Internal Affairs is processing the application.

Effective 22/08/2016
V3.35 Entry to New Zealand for the purpose of culturally arranged marriage

See previous instructions:
V3.35 Effective 19/08/2013
V3.35 Effective 29/11/2010

a People intending to marry New Zealand citizens or residence class visa holders in New Zealand may be granted a visitor visa authorising a maximum stay of 3 months from their date of arrival, provided that:

i the couple genuinely intend to marry within 3 months of the applicant's arrival in New Zealand; and

ii the marriage follows an identified cultural tradition where the arrangements for the marriage, including the initial selection of the persons to be married, are made by persons who are not parties to the marriage; and

iii it is intended that the marriage will be maintained on a long term and exclusive basis; and

iv the New Zealand residence class visa holder or citizen they intend to marry:
   o supports the application; and
   o is an eligible partner under Partnership residence instructions (see F2.10.10); and
   o meets the character requirement for partners supporting 'partnership-based temporary entry applications' set out at E7.45; and

v there is no legal impediment to the intended marriage.

Note: For there to be no legal impediment to the intended marriage the principal applicant and intended New Zealand citizen or residence class visa holder partner must:
~ both be free to marry in that neither are already married to another person, and
~ not be close relatives i.e. those relationships specified as "prohibited degrees of marriage" under Schedule 2 of the Marriage Act 1955 (see F2.15(d)).

b If applicants are already in New Zealand when applying, the visa will be current for a maximum of 3 months from their date of arrival in New Zealand.

c Holders of a visitor visa granted under these instructions may be eligible for an initial 12 month work visa as the partner of a New Zealand citizen or residence class visa holder after the marriage has taken place (see WF2).

Note: The applicant does not require an outward ticket if the New Zealand citizen or residence class visa holder they intend to marry or another New Zealand citizen or residence class visa holder formally sponsors the applicant using the relevant INZ sponsorship form. In such cases the sponsor must satisfy an immigration officer they will meet their sponsorship undertakings (see E6).

V3.35.1 Evidence for people intending to enter New Zealand for the purpose of a culturally arranged marriage with a New Zealand citizen or residence class visa holder

a Immigration officers must establish (through interview and/or documentary evidence), and be satisfied that:

i there is a genuine intent to marry and that it is intended the marriage be maintained on a long term and exclusive basis; and

ii the person the applicant intends to marry in New Zealand is a New Zealand citizen or residence class visa holder; and

iii the marriage follows an identified cultural tradition where the arrangements for the marriage, including the initial selection of the persons to be married, have been made by persons who are not parties to the marriage; and

iv the couple intend to marry within 3 months of the applicant's arrival in New Zealand; and
v in the event the marriage does not take place the applicant will leave New Zealand.

b The applicant must provide the *Form for Partners Supporting Partnership-Based Temporary Entry Applications (INZ 1146)* completed by their intended New Zealand partner confirming that:

i their intended partner supports the application; and

ii their intended partner is an eligible partner under Partnership instructions (see F2.10.10); and

iii that their intended partner complies with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and

iv their intended partner meets the character requirements for partners supporting 'partnership-based temporary entry applications' set out at E7.45.

c Substantive evidence must be provided to demonstrate that the marriage follows an identified cultural tradition where the arrangements for the marriage, including the initial selection of the persons to be married, have been made by persons who are not parties to the marriage. Such evidence may include but is not limited to:

i communication between the parents of the couple, or a person acting as a go-between or matchmaker, or both;

ii other documents indicating public recognition of the arrangement, or ceremony, or both;

iii confirmation from independent sources that such arrangements or ceremonies, or both, are in accordance with the cultural custom of the parties concerned.

*Effective 17/11/2014*
V3.40 Entry to New Zealand for the purpose of medical treatment or consultation

See previous instructions:
V3.40 Effective 21/11/2011
V3.40 Effective 07/02/2011
V3.40 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Schedule 2

a Visitors who can show they have been accepted for and are able to pay for medical treatment or consultation in New Zealand may be granted a visitor visa authorising a maximum stay of six months.
b Visitors coming to New Zealand for medical treatment or consultation must apply for a visitor visa before travelling to New Zealand, whether or not they are from a visa-waiver country.
c Citizens of South Pacific countries may be funded for specialised medical treatment in New Zealand if such treatment is not available in their home country and is funded by either:
   i their home Government; or
   ii New Zealand’s Official Development Assistance (ODA) Programme under the Medical Treatment Scheme, administered by the Ministry of Foreign Affairs and Trade.
d An applicant from any country seeking renal dialysis in New Zealand will not be granted a visa unless sponsored as under paragraph (c).

V3.40.1 Evidence for visitors coming to New Zealand for medical treatment or consultation

Immigration officers must be satisfied that an applicant coming to New Zealand for medical treatment or consultation has provided:

a a completed "Details of Intended Medical Treatment (INZ 1009)" form; and
b written evidence of acceptance for treatment (such as a letter from the appropriate medical authorities to the health authority in the applicant’s home country); and
c details of the expected costs of medical treatment; and
d evidence that the applicant will be able to pay for all medical costs, unless the treatment is to be funded under special arrangements described at V3.40(c) above.
e evidence, where necessary, that the applicant requires an escort because of the nature of the condition (see V3.40.15 (b) (iii)).

V3.40.5 Visitors requiring visas to stay for further medical treatment

Visitors who require medical treatment for a period beyond the currency of their initial visa may be granted a visitor visa for their intended further treatment if:

a they were granted visas to come to New Zealand for medical treatment and need further time here to continue treatment; or
b they have become ill or have had an accident during their visit and still require treatment (ie, cannot travel), and will be able to and will actually pay for all ongoing medical costs, unless the treatment is to be funded under special arrangements described at V3.40(c) above or is covered by a Reciprocal Health Agreement.

Note: Such applicants are not subject to the normal maximum stay requirement (see V2.5 (a) (ii)).

V3.40.10 Evidence for visitors requiring visas to stay for further medical treatment

a Immigration officers must be satisfied that an applicant for a visa to stay in New Zealand for further medical treatment has:
   i completed a "Details of Intended Medical Treatment (INZ 1009)" form, and
   ii provided a medical certificate from a registered medical practitioner stating:
b Applications may be forwarded to an INZ medical assessor for assessment unless the applicant is requesting a further visa for a period not exceeding one month and the immigration officer intends to approve the application.

c If the assessment is unfavourable, the applicant must be given the opportunity to comment on prejudicial information before a final decision is made.

d If the initial visa is due to expire while the applicant is awaiting the INZ medical assessor’s assessment, a further visitor visa may be granted.

V3.40.15 Escorts of patients coming to New Zealand for medical treatment or consultation

a Escorts of patients visiting New Zealand for medical treatment or consultation may be granted a visitor visa authorising a stay for the same length as the patient’s stay.

b Escorts must be:
   i a medical professional; or
   ii a family member or friend; and
   iii required due to of the nature of the condition.

V3.40.20 Escorts of patients requiring visas to stay for further medical treatment

Escorts of patients who require further medical treatment may be granted a visitor visa to stay in New Zealand during the patient’s further treatment, if they:

a meet the requirements for a visitor visa (see V2.1); and

b have been granted a visa as escort of the patient; and

c the patient they are escorting needs more time for treatment and has been granted a further visa.

V3.40.25 Emergency medical treatment

a In emergency situations:
   i patients may be granted a visa as an exception to normal instructions to obtain medical treatment in New Zealand; and
   ii escorts of patients may be granted a visa as an exception to normal instructions to escort patients obtaining medical treatment in New Zealand.

b In emergency situations, an officer with Schedule 1 delegation may waive the mandatory requirements and conditions for a visitor visa to be granted to a patient and escort.

c An emergency includes, but is not limited to, a situation where:
   i local health authorities judge that it is vital to the patient’s survival to transfer them immediately to New Zealand; or
   ii a passenger or crew member on a ship or aircraft has an accident or sudden illness.

Effective: 26/03/2012
V3.45 Applicants wanting to obtain occupational registration in New Zealand

See previous instructions:
V3.45 Effective 06/07/2015
V3.45 Effective 29/11/2010

a Applicants who seek entry to obtain New Zealand occupational registration may be granted a visitor visa or, in the case of a Philippines nurse, a work visa (see WS2.1.1(j)) provided that the relevant practical or educational training lasts less than 3 months.
b Applicants who have applied for residence while in New Zealand on a temporary visa and who need to exceed the maximum stay in New Zealand to meet registration requirements, may be granted a further visitor visa, provided that the practical or educational training lasts less than 3 months.
c If the training will take longer than 3 months, applicants must apply for a student visa and must provide satisfactory evidence of the time required to complete registration requirements.
d Applicants may be granted a visa to stay in New Zealand for longer than 3 months if they provide satisfactory evidence that doing so is necessary to complete registration requirements.

V3.45.1 Confirmation from registration body

Immigration officers must sight written confirmation from the appropriate registration body that the applicant:
a is eligible to undertake the registration process in New Zealand; and
b has completed any enrolment requirements, including meeting applicable English language requirements.

Effective 08/05/2017
V3.50 Persons associated with a Contracting Party to the Antarctic Treaty and other Antarctic travellers

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Schedule 3

People travelling between mainland New Zealand and the Ross Dependency are regarded as domestic travellers for immigration purposes.

V3.50.1 Persons associated with a Contracting Party to the Antarctic Treaty travelling to the Ross Dependency from New Zealand

a Members of, or a person associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960, or a person to whom section 5 of that Act applies, who travels to New Zealand with orders for the Antarctic, may be granted a visitor visa valid for 12 months from first arrival in New Zealand.

b Applicants must provide a letter from the Contracting Party to the Antarctic Treaty confirming that the applicant is a person specified at V3.50.1(a) above.

c Persons specified at V3.50.1(a) above must meet the bona fide applicant requirement as set out at E5, but are exempt from:

   i   providing an application fee; and
   ii  meeting funds or sponsorship requirements; and
   iii meeting onward travel requirements.

d Such persons must also meet temporary entry class health and character requirements (see V3.50.5 below).

V3.50.5 Health and character requirements for persons associated with a Contracting Party to the Antarctic Treaty travelling to the Ross Dependency from New Zealand

Despite V2.1(a)(iii) a letter from the Contracting Party to the Antarctic Treaty confirming that the applicant is a person specified at V3.50.1(a) above is sufficient evidence that the applicant meets temporary entry class health and character requirements (see A4.5 and A5.5).

Effective 29/11/2010
V3.55 Visiting Media Programme (VMP)

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

a Participants in the New Zealand Trade and Enterprise or New Zealand Tourism Board's Visiting Media Programme (VMP), who are from countries whose nationals are people to whom a visa waiver applies (see E2.1.5):
   i may be granted a visitor visa and entry permission on arrival in New Zealand; and
   ii are permitted to undertake employment directly associated with their invitation under the VMP for one month from their date of arrival.

b Participants from countries whose nationals are required to hold a visitor visa for travel to New Zealand must apply for a visitor visa and provide with their application a letter of introduction from New Zealand Trade and Enterprise or the New Zealand Tourism Board.

c Participants in the VMP are exempt from having to hold a work visa for one month from their date of arrival.

d Participants who wish to stay in New Zealand for longer than one month must apply for a work visa.

Effective 29/11/2010
V3.60 Pitcairn Islanders

a Pitcairn Islanders may be granted a visitor visa permitting a maximum stay of 6 months.

Note: Pitcairn Islanders are British citizens and travel on British passports.

b Pitcairn Islanders may be granted a visitor visa and entry permission to receive medical treatment, for which sponsorship by Pitcairn authorities (e.g., the Pitcairn Island administration officer), undertaking costs of repatriation and payment of expenses, is acceptable.

c Immigration officers must be satisfied that Pitcairn Islanders have sufficient funds for their return passage.

V3.60.1 Pitcairn Islanders arriving without a passport

a Pitcairn Islanders who arrive in New Zealand without a passport may be:

i given a certificate of identity; and

ii granted an initial 6-week visitor visa; and

iii also advised to obtain a British passport.

b A further visitor visa may be granted once a British passport is produced and the certificate of identity returned.

Effective 29/11/2010
V3.65 Conference delegates

a Organisers of conferences in New Zealand should contact the nearest New Zealand branch of INZ to ascertain the best means of facilitating the entry of overseas delegates to New Zealand.

b Immigration officers should consult with the Border Security Group when considering applications for conference delegates to enter New Zealand and adopt a flexible approach when facilitating entry. If necessary, officers should consider giving or obtaining a special direction under section 378 of the Immigration Act 2009, approving a visa waiver for travel for such applicants.

Effective 29/11/2010
V3.70 Crew members joining vessels or aircraft

See previous instructions V3.70 Effective 29/11/2010

a Crew members from countries that do not have a visa waiver agreement with New Zealand, who enter New Zealand to join a vessel or aircraft that will then depart for another country, must obtain a visitor visa before travelling to New Zealand.

b A visitor visa allowing a maximum stay of 28 days will be granted to such applicants if they provide fully documented evidence of their engagement as a crew member in New Zealand.

c Visas granted to crew members joining vessels or aircraft must state the condition: 'To join the crew of [name of vessel/flight number of aircraft] at [port]'.

Effective 26/03/2012
V3.75 Department of Conservation volunteers (to 25/08/2014)
See previous instructions V3.75 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 25/08/2014.

Effective 25/08/2014
V3.80 Visitors arriving by yacht or private aircraft

See also Immigration Act 2009 s 103

a In addition to meeting the instructions and mandatory requirements for a visitor to New Zealand, all persons who arrive on a private craft must provide:
   i evidence of funds of $400 per month, if living on board a yacht; and
   ii an outward ticket (or evidence of sufficient funds to buy an outward ticket) if departing by commercial transport.

b All persons who arrive on a private craft and are not departing by commercial transport must provide:
   i (in the case of owners and their dependants), evidence of ownership of the craft and adequate insurance against major damage; or
   ii (for crew and passengers), a letter from the craft’s owner or captain confirming that they will be departing on that craft.

c A visitor visa to stay in New Zealand beyond the maximum permitted period may be granted if:
   i a yacht or aircraft needs to undergo refitting or major repairs; or
   ii yacht crews wish to wait out the South Pacific hurricane season (October to April).

Effective 29/11/2010
V3.81 Owners and crew of super yachts

a The owners and crew of super yachts are not considered to be undertaking employment and may be granted a visitor visa allowing multiple entry and an initial stay of up to six months. If required, further visitor visas may be granted on application allowing a total stay of up to 12 months.

b For the purposes of these instructions a super yacht is considered to be any privately owned yacht over 20 metres in length powered by motor and/or sail.

Effective 29/11/2010
V3.85 Sports people, support staff, match and tournament officials and media and broadcasting personnel associated with sports events, tours or tournaments

See previous instructions V3.85 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

a Sports people, support staff, match and tournament officials and media and broadcasting personnel undertaking short-term engagements (such as sports events, tours or tournaments) of no longer than 3 months, who are from countries whose nationals are people to whom a visa waiver applies (see E2.1), may be granted a visitor visa and entry permission on arrival in New Zealand.

b Sports people, support staff, match and tournament officials and media and broadcasting personnel from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for a visitor visa before travelling to New Zealand.

c Sports people, support staff, match and tournament officials and media and broadcasting personnel associated with sports events, tours or tournaments of more than three months’ duration must apply for a work visa prior to travelling to New Zealand.

V3.85.1 Support staff and media and broadcasting personnel associated with sports events, tours or tournaments

a Support staff and match and tournament officials must satisfy an immigration officer that they are essential to the success of the sports event, tour or tournament.

b Support staff and match and tournament officials may include, but are not limited to, positions such as:
   • team management, including coaches, administrative and logistics staff
   • medical personnel, including doctors and physiotherapists
   • match officials, including referees and umpires
   • tournament officials, including judicial and anti-doping officials.

c Media and broadcasting personnel must satisfy an immigration officer that they are accredited by the international governing body of the event or the New Zealand organising committee of the event to cover the event.

Effective 30/07/2012
V3.90 Visitor visas for refugee or protection status claimants

See previous instructions:
V3.90 Effective 29/11/2010

See also Immigration Act 2009 s 378
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 34

a  Refugee or protection status claimants may be granted visitor visas while they await a decision on their refugee or protection status claim.

b  Applications must be made in the prescribed manner (see E4); but an appropriately delegated immigration officer may waive, by special direction:
   i  the application fee; and
   ii the requirement to produce evidence of funds or sponsorship; and
   iii the requirement to produce evidence of travel tickets or onward travel arrangements.

c  Immigration officers should refer to E8.10,

Effective 30/03/2015
V3.95 German law students and graduates

a Law students and law graduates from Germany, who come to New Zealand as unpaid observers with New Zealand law firms, are not considered to be undertaking employment and may be granted a standard visitor visa permitting a stay of up to 6 months.

b Immigration officers must sight a written offer of a temporary position as an unpaid observer with a New Zealand law firm for a specified period (up to 6 months).

Effective 29/11/2010
V3.100 Guardians accompanying students to New Zealand

See previous instructions:
V3.100 Effective 22/08/2016
V3.100 Effective 02/12/2013
V3.100 Effective 29/11/2010

a A person may be granted a visitor visa under these instructions for the purpose of living with and caring for, a foreign fee paying student in New Zealand, if they are the legal guardian of a person who:
   i is the holder of a current student visa and is 17 years old or younger; or
   ii is the holder of a current student visa and is enrolled in school years 1-13.

b Only one legal guardian of the holder of a student visa will be granted a visa under these instructions at any one time.

c To be granted a visa under these instructions applicants must meet the requirements for bona fide applicants as set out at E5.

d If a student visa is granted to more than one person in a particular family, only one legal guardian of those holders of student visas will be granted a visa under these instructions at any one time during the validity of those student visas.

V3.100.1 Deportation liability
See also Immigration Act 2009 s 157

a The holder of a visa granted under these instructions will become liable for deportation if the student whom the applicant accompanied to New Zealand becomes liable for deportation.

b All visas granted under these instructions are subject to the condition that the holder lives in New Zealand with the student they are accompanying, unless the student’s visa has been varied as set out at U7.25. If this condition is breached, the visa holder may become liable for deportation.

Note: If the presence of a student’s legal guardian in New Zealand (and that legal guardian’s support for the student) is material to the decision of a New Zealand education provider to enrol that student, any failure of the legal guardian (see V3.100.5) to live with and care for that student (either through withdrawal of their support or absence from New Zealand) may result in the holder of the student visa being made liable for deportation (see U7.10).

V3.100.5 Definition of ‘legal guardian’

For the purposes of these instructions, a ‘legal guardian’ is:

a the person with the legal right and responsibility to provide for the care (including education and health) of an international student. This includes the student’s biological or adoptive parents, testamentary guardian, or court-appointed guardian; and

b the person who provides for the care of the student in the student’s home country.

V3.100.10 Length of permitted stay

Successful applicants under these instructions will be granted a multiple entry visitor visa valid for the same period as the student visa held by the student they are accompanying.
Note: If the student visa holder is not enrolled in school years 1-13 and turns 18 years of age during the validity of their student visa, the legal guardian may only be granted a visitor visa valid until the day before the student turns 18.

V3.100.15 Grant of further visitor visas

a. Further visitor visas may be granted to the applicant, if they are accompanying the student and continuing to meet the requirements of V3.100, upon application and payment of the fee.

b. In determining whether further visas may be granted, immigration officers must take into consideration whether, during the currency of a previous visa granted under these instructions, the legal guardian lived with and cared for the student on the basis of whose stay in New Zealand they were granted a visa.

c. The length of permitted stay for further visitor visas should be granted in line with V3.100.10 above.

V3.100.20 Funds for maintenance in New Zealand

Applicants for a visitor visa under these instructions must have funds of at least NZ$1,000 per month for maintenance and accommodation, or NZ$400 per month if their accommodation has been prepaid.

V3.100.25 Evidence of onward travel arrangements

Applicants must provide evidence of travel tickets, onward travel arrangements or sufficient funds for the purchase of onward travel tickets (see V2.25).

V3.100.30 Health and character requirements

Applicants must meet health and character requirements for temporary entry as set out in A4 and A5.

V3.100.35 Guardians who wish to work or study once in New Zealand

a. Guardian visa holders are not eligible for:

i. the grant of a work visa under Essential Skills work instructions or Specific Purpose or Event instructions; or

ii. the grant of a student visa under Student instructions.

b. Guardian visa holders who wish to work or study may apply for a variation of conditions to their visitor visa to allow for part-time work between the hours of 9:30am and 2:30pm Monday to Friday (inclusive), or part time study.

c. Applications for variations of conditions by guardians must meet general work requirements (with the exception of the labour market test requirement) or student requirements.

d. Variations of conditions will not be granted if the proposed employer does not have a history of compliance with employment standards or is currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

Effective 01/04/2017
V3.105 APEC Business Travel Cardholders

See previous instructions:
V3.105 Effective 29/11/2010

a Business visitors from Asia-Pacific Economic Cooperation (APEC) economies who hold an APEC Travel Card with New Zealand clearance and who are not considered to be undertaking employment (see W2.2.1) may enter New Zealand as visitors. People in this category include sales representatives from overseas companies, buyers and people attending business consultations or negotiations.

b Details of APEC cardholders who have received clearance from their home economy will be sent to Immigration New Zealand for pre-clearance approval. APEC cardholders who receive pre-clearance approval will be granted a visitor visa on arrival allowing a stay of three months.

c APEC cardholders from all APEC economies (except Australia) who intend a stay of more than three months must apply for a work visa under normal work instructions.

Note:
- Business visitors who hold an interim APEC Travel Card without New Zealand clearance are required to meet normal visa requirements before they travel to New Zealand.
- APEC Business Travel Cardholders instructions reflect New Zealand's international trade commitments (see E9).

Effective 21/11/2016
V3.110 Parent and grandparent multiple entry visitor visa instructions

a The objective of the parent and grandparent multiple entry visitor visa instructions is to facilitate opportunities for parents or grandparents (and their partners) to visit their New Zealand citizen or residence class visa holder children or grandchildren, through the grant of multiple entry visitor visas.

b To be granted a visa under these instructions applicants must:
   i lodge an application for a visitor visa, as set out in E4, from outside New Zealand; and
   ii meet the requirements under Generic Temporary Entry Instructions; and
   iii provide a full medical certificate as if their intention were to remain in New Zealand for more than 12 months (see A4).

c Children of the principal applicant or of their partner may not be granted a visa under these instructions to accompany their parent but must obtain a visitor visa in their own right.

d Applicant(s) must be sponsored by the principal applicant’s child or grandchild aged 18 years or older who meets the sponsorship requirements set out at E6.

e In cases where a child or grandchild is under 18 years of age and therefore cannot sponsor the applicant(s), a parent of the child or grandchild of the principal applicant may nevertheless sponsor the applicant(s) if they meet the sponsorship requirements set out at E6, regardless of whether that parent is a child of the principal applicant.

f Where (e) occurs, evidence must be provided of the family relationship of the child or grandchild to the sponsoring parent.

g The sponsor may sponsor only one person or one family unit (principal applicant and their partner) at one time.

V3.110.1 Supporting documents

a Despite V2.20, people applying under these instructions must provide a Sponsorship Form for Temporary Entry (INZ 1025) completed by their New Zealand citizen or residence class visa holder child or grandchild (or by the parent of their child or grandchild). (see E6)

b Immigration officers must sight the following:
   i evidence of the New Zealand immigration or citizenship status of the sponsor; and
   ii documents that confirm the principal applicant’s relationship to the child or grandchild.

V3.110.5 Length of permitted stay

a Despite V2.5 and V2.15, applicants who are approved under these instructions may be granted a 3-year multiple entry visitor visa, allowing visits of 6 months from each date of arrival provided that:
   i the sponsor intends to be in New Zealand during the period of any visit to New Zealand permitted by that visa; and
   ii the sponsor supports the application.

b Despite V3.110.5 (a) applicants are limited to a maximum stay in New Zealand of 18 months in total during the currency of the visa.

V3.110.10 Issue of further multiple entry visitor visas under these instructions

a A further visitor visa under these instructions will not normally be approved within 3 years of the date that the most recent visa was granted under these instructions.

b The following people will not normally be eligible for a subsequent multiple-entry visitor visa under these instructions:
   i people who were granted a visa under these instructions and whose sponsor was not in New Zealand during the period(s) of their visit(s) to New Zealand;
ii any person granted a visa under these instructions, who remains in New Zealand for a period in excess of the maximum allowable stay (18 months).

Effective 29/11/2010
V3.115 Work visa holders dismissed during a trial period

a  Holders of current work visas who:
   i  hold a visa subject to the condition that they may only take up employment with a specific employer; and
   ii  had provision for a trial period of up to 90 days under section 67A of the Employment Relations Act 2000 included in their employment agreement; and
   iii  have been notified within the duration of the trial period that they are to be dismissed; and
   iv  have not previously been the principal applicant in a successful application under these instructions;

   may be granted a visitor visa for up to three months.

b  Applicants for a visitor visa under these instructions must:
   i  meet funds or sponsorship requirements for visitors (see V2.20);
   ii  provide evidence of travel tickets, onward travel arrangements or sufficient funds for the purchase of onward travel tickets (see V2.25);
   iii  meet health and character requirements for temporary entry (see A4 and A5 http://inzkit/publish/opsmanual/35052.htm).

c  Partners and dependent children may also be included in the principal applicant's visitor visa application.

   Effective 29/11/2010
V3.120 Temporary Retirement Category

See previous instructions:
V3.120 Effective 30/07/2012
V3.120 Effective 07/11/2011
V3.120 Effective 25/07/2011
V3.120 Effective 29/11/2010

a For an application to be approved under the Temporary Retirement Category the principal applicant must:
   i be aged 66 years or over; and
   ii nominate funds and/or assets equivalent in value to at least NZ$750,000 and undertake to invest them in New Zealand for a period of two years; and
   iii demonstrate ownership of these funds and/or assets and that they have been legally earned or acquired; and
   iv transfer and place the funds and/or assets in an acceptable investment in accordance with the instructions in V3.120.25; and
   v nominate NZ$500,000 of maintenance funds and demonstrate ownership of these funds and/or assets; and
   vi demonstrate an annual income of at least NZ$60,000.
b The principal applicant and any partner included in the application must:
   i meet health and character instructions requirements (see A4 and A5 http://inzkit/publish/opsmanual/35052.htm); and
   ii demonstrate that they hold acceptable travel and/or health insurance.
c Applicants must not be accompanied by dependent children.

V3.120.1 Age requirements
Principal applicants under the Temporary Retirement Category must be aged 66 years or over at the time of application.

V3.120.1.1 Evidence of age
Evidence of age may include, but is not limited to, original or certified copies of:
   a a birth certificate; or
   b a passport or other travel document; or
   c an identity document (from countries which require these and where birth details are confirmed before the document is issued).

V3.120.5 Investment funds
a The principal applicant must invest a minimum of NZ$750,000 in New Zealand for a period of two years.
b The principal applicant must:
   i nominate funds and/or assets equivalent in value to NZ$750,000; and
   ii demonstrate ownership of these funds and/or assets.
c All invested funds must meet the conditions of an acceptable investment as set out under V3.120.5.25.

V3.120.5.1 Ownership of nominated funds and/or assets
a Nominated funds and/or assets may be owned either:
i solely by the principal applicant; or
ii jointly by the principal applicant and partner who is included in the application, provided a business immigration specialist is satisfied the principal applicant and partner have been living in a partnership that is genuine and stable (see E4.5.25 and E4.5.30). If so, the principal applicant may claim the full value of such jointly owned funds or assets for assessment purposes.

b If nominated funds and/or assets are held jointly by the principal applicant and a person other than their partner who is included in the application, the principal applicant may only claim the value of that portion of funds and/or assets for which they provide evidence of ownership.

c The principal applicant may only nominate funds and/or assets that they earned or acquired legally, including funds and/or assets which have been gifted to them unconditionally (with the exception of New Zealand-based funds or assets) and in accordance with local law. Where nominated funds and/or assets have been gifted to the principal applicant a business immigration specialist must be satisfied that the funds and/or assets being gifted were earned lawfully by the person/s gifting the funds and/or assets.

d The nominated funds and/or assets must be unencumbered.

e The nominated funds and/or assets must not be borrowed.

Note: New Zealand-based funds or assets cannot be gifted under these instructions.

V3.120.5.5 Definition of ‘funds earned or acquired legally’

a Funds and/or assets earned or acquired legally are funds and/or assets earned or acquired in accordance with the laws of the country in which they were earned or acquired.

b Business immigration specialists have discretion to decline an application if they are satisfied that, had the funds and/or assets been earned or acquired in the same manner in New Zealand, they would have been earned or acquired contrary to the criminal law of New Zealand.

V3.120.5.10 Definition of ‘unencumbered funds’

Unencumbered funds are funds that are not subject to any mortgage, lien, charge and/or encumbrance (whether equitable or otherwise) or any other creditor claims.

V3.120.5.15 Funds already held in New Zealand

a Funds held in New Zealand at the time the application is made may be included in investment funds. However, periods of investment in New Zealand before Approval in Principle cannot be taken into account when calculating the two-year investment period.

b Funds held in New Zealand must originally have been transferred to New Zealand through the banking system from the country or countries in which they were earned or acquired legally, or have been earned or acquired legally in New Zealand.

V3.120.5.20 Evidence of the principal applicant’s nominated funds and assets

a Principal applicants must provide evidence of net funds and/or assets to the value of the required investment funds.

b All documents provided as valuations of assets must be:
   i no more than three months old at the date the application is made; and
   ii produced by a reliable independent agency.

c A business immigration specialist may seek further evidence if they:
   i consider that the nominated funds and/or assets may have been gifted or borrowed without being declared; or
   ii are not satisfied with the valuation provided; or
   iii consider that the nominated funds and/or assets fail in some other way to meet the rules for investment funds.
V3.120.5.25 Definition of ‘acceptable investment’

(a) An acceptable investment means an investment that:
   i. is capable of a commercial return under normal circumstances; and
   ii. is not for the personal use of the applicant(s) (see V3.120.5.30 below); and
   iii. is invested in New Zealand in New Zealand currency; and
   iv. is invested in lawful enterprises or managed funds that comply with all relevant laws in force in New Zealand (see V3.120.5.35); and
   v. has the potential to contribute to New Zealand’s economy; and
   vi. is invested in either one or more of the following:
      o. bonds issued by the New Zealand government or local authorities, or
      o. bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
      o. bonds issued by New Zealand firms with at least a BBB- or equivalent rating from internationally recognised credit rating agencies (for example, Standard and Poor’s); or
      o. equity in New Zealand firms (public or private including managed funds) (see V3.120.5.35); and
      or
      o. bonds issued by New Zealand registered banks; or
      o. equities in New Zealand registered banks; or
      o. residential property development(s) (see V3.120.5.40); or
      o. bonds in finance companies (see (c) below).

Note: For the purposes of these instructions convertible notes are considered to be an equity investment.

New Zealand registered banks are defined by the New Zealand Reserve Bank Act 1989.

(b) Notwithstanding (a) above, where an investment fails to meet one of the acceptable investment requirements, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant and if satisfied that this was the case, may consider the investment acceptable.

(c) A Business Immigration Specialist may consider bonds in finance companies as an acceptable investment where the finance company:
   i. is a wholly-owned subsidiary of,
   ii. raises capital solely for, and
   iii. has all its debt securities unconditionally guaranteed by
   iv. a New Zealand Stock Exchange listed company or a local authority.

Note: The value of an investment is based on the net purchase price (for example, less any accrued interest, commission, brokerage and/or trade levy), not on the face value of the investment.

V3.120.5.30 Personal use of investment funds

Personal use includes investment in assets such as a personal residence, car, boat or similar.

V3.120.5.35 Managed funds

(a) For the purposes of these instructions, managed funds are defined as either:
   i. a managed fund investment product offered by a financial institution; or
   ii. funds invested in equities that are managed on an investor’s behalf by a fund manager or broker.

(b) In order to be acceptable as a form of investment managed funds must be invested only in New Zealand companies. Managed fund investments in New Zealand with international exposure are acceptable only for the proportion of the investment that is invested in New Zealand companies.
Example: Only 50% of a managed fund that equally invests in New Zealand and international equities would be deemed to be an acceptable investment as set out in V3.120.30.

V3.120.5.40 Residential property development
For the purposes of these instructions, residential property development(s) is defined as property(ies) in which people reside and is subject to the following conditions:

a. the residential property must be in the form of new developments on either new or existing sites; and

b. the residential property(ies) cannot include renovation or extension to existing dwellings; and

c. the new developments must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities); and

d. the purpose of the residential property investments must be to make a commercial return on the open market; and

e. neither the family, relatives, nor anyone associated with the principal investor, may reside in the development; and

f. the costs associated with obtaining any regulatory approval (including any resource or building consents) are not part of the principal applicant’s acceptable investments.

V3.120.10 Maintenance funds and annual income

V3.120.10.1 Aim and intent
Principal applicants under the Temporary Retirement Category must demonstrate that they have the ability to support themselves and their partner, if included in the application, during the two-year duration of the visa.

V3.120.10.5 Requirement for maintenance funds and annual income
In addition to their nominated investment funds, principal applicants must demonstrate:

a. ownership of a minimum of NZ$500,000; and

b. an annual income of at least NZ$60,000 at the time of application.

V3.120.10.10 Ownership of maintenance funds

a. Funds may be owned either:
   i. solely by the principal applicant; or
   ii. jointly by the principal applicant and partner who is included in the application.

b. The principal applicant may claim the full value of jointly owned funds or assets for assessment purposes provided a business immigration specialist is satisfied the principal applicant and partner have been living together in a genuine and stable partnership (see E4.5.25 and E4.5.30).

c. If funds or assets are held jointly by the principal applicant and a person other than their partner who is included in the application, the principal applicant may only claim the value of that portion of the funds or assets for which they provide evidence of ownership.

V3.120.10.15 Evidence of maintenance funds
Evidence of maintenance funds may include, but is not limited to:

a. funds held in a New Zealand bank account(s); and/or

b. funds held in an offshore bank account(s), together with evidence that the funds can be accessed from New Zealand; and/or

c. acceptable evidence of net assets (either in New Zealand or offshore).

V3.120.10.20 Annual income
Annual income can either be earned solely by the principal applicant or be a combined income of the principal applicant and their partner who is included in the application.

**V3.120.10.25 Evidence of annual income**

Evidence of annual income may include, but is not limited to:

- pensions;
- earnings from rental properties;
- dividends from share portfolios;
- interest from investments;
- profits from company ownership;
- share market trading.

**V3.120.15 Minimum requirements for acceptable travel and/or health insurance under the Temporary Retirement Category**

Under the Temporary Retirement Category the principal applicant and their partner included in the application must hold travel and/or health insurance which:

a is provided by a company with:
   i experience in the health and/or travel insurance business; and
   ii a credit rating of no lower than A (strong) or equivalent from an internationally recognised credit rating agency (for example, Standard and Poor’s).

b has a minimum policy limit of NZ$500,000 per annum and guarantees to cover the costs of:
   i all medical expenses including diagnosis and treatment, ambulance, hospital care; and
   ii prescribed medicines, post hospital discharge care, home nursing care up to a limit of NZ$3,000; and
   iii emergency dental care, including provision of antibiotics and treatment for the relief of sudden and acute pain up to a limit of NZ$3,000; and
   iv evacuation or return home in the event of serious illness or disability.

c is maintained for the duration of the visa.

**V3.120.15.1 Allowable exclusions for acceptable travel and/or health insurance under the Temporary Retirement Category**

Despite V3.120.15 (b) above, acceptable travel and/or health insurance under the Temporary Retirement Category may exclude costs related to:

a suicide, attempted suicide; or

b any situation or action when under the influence of alcohol or non-prescribed drugs; or

c Human Immunodeficiency Virus (HIV) and/or HIV-related illness including Acquired Immune Deficiency Syndrome (AIDS); or

d pre-existing conditions; or

e elective cosmetic treatment; or

f pharmaceuticals available over the counter; or

g pharmaceuticals required to be taken on a regular basis; or

h assisted reproductive services.

**V3.120.15.5 Evidence of acceptable travel and/or health insurance under the Temporary Retirement Category**

Applicants must provide evidence of:
a holding acceptable travel and/or health insurance before a visa is granted under these instructions; and

b the initial insurance policy being able to be renewed to cover a 24-month period (e.g. a further 12 months after the initial 12-month period).

**Note:** Applicants are responsible to ensure that their insurance is current for the duration of their stay.

**V3.120.20 Currency and conditions of a Temporary Retirement Category visa**

a Despite V2.5 and V2.15, a visitor visa granted under these instructions will be valid for a maximum of two years and will allow multiple journeys.

b Visas granted under these instructions will be subject to the condition that the applicant maintains acceptable travel and/or health insurance (V3.120.15) for the duration of their stay in New Zealand.

**V3.120.25 Approval in principle and transfer of funds**

**V3.120.25.1 Aim and intent**

The instructions regarding the nominated investment funds and/or assets and the method of transfer of those funds to New Zealand is designed to ensure:

a the legitimacy and lawful ownership of the nominated funds and/or assets; and

b the direct transfer of the investment funds through a structured and prescribed process to guarantee ongoing legitimacy and lawful ownership of the funds invested in New Zealand.

**V3.120.25.5 Approval in principle**

Principal applicants who are assessed as meeting the requirements under the Temporary Retirement Category will be advised that:

a their application has been approved in principle; and

b visitor visas may be granted once they:

- provide acceptable evidence of having transferred and invested the nominated funds in accordance with the relevant instructions requirements; and

- provide a New Zealand address at which they can be contacted by mail, after they arrive in New Zealand.

**V3.120.25.10 Transfer of the nominated investment funds**

a When their application is approved in principle, the principal applicant will be required to transfer the nominated investment funds to New Zealand. These funds must:

i be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the application; or

ii be funds, as agreed to by a business immigration specialist, secured against the nominated assets in the application and as approved in accordance with (b) below; and

iii be transferred through the banking system directly from the principal applicant’s bank account(s) to a New Zealand bank account; or

iv be transferred by a foreign exchange company to New Zealand through the banking system. Business immigration specialists may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:

- the nominated investment funds have been transferred to the foreign exchange company directly from the principal applicant’s bank account(s); and

- the nominated investment funds have not been transferred through the foreign exchange company contrary to the laws of New Zealand; and

- nominated investment funds transferred are traceable; and

- cash transactions were not made; and
o the foreign exchange company is not suspected of, or proven to have committed fraudulent activity or financial impropriety in any country it operates from or in.

b A business immigration specialist may consider, on a case by case basis, borrowed funds as acceptable investment funds where the principal applicant is able to demonstrate that:
   • they own net assets equal or greater in value to the required investment amount; and
   • the borrowed investment funds will be from a bank or commercial lending institution acceptable to a business immigration specialist and will be secured against the assets identified under (i); and
   • it is not economically viable or practical to liquidate the nominated assets, e.g. sell a business.

c The investment funds that are transferred to New Zealand and subsequently into an acceptable investment must be from the same source of funds as nominated in the Temporary Retirement Category application.

Note: Nominated funds held in a country other than the country in which they were earned or acquired legally must have been originally transferred through the banking system, or a foreign exchange company that uses the banking system from that country.

V3.120.25.15 Evidence of the transfer of the nominated funds to New Zealand

a Acceptable evidence of the transfer of the nominated funds must be provided by way of the telegraphic transfer documentation together with a current bank statement showing the transfer(s).

b A business immigration specialist may request any other information to satisfy them that the above requirements have been met.

V3.120.25.20 Time-frame for investing funds in New Zealand

a Principal applicants must meet the requirements for transferring and investing the nominated funds within three months of the date of the letter advising of approval in principle.

b Applications must be declined if principal applicants do not present acceptable evidence of having transferred and invested the nominated funds within three months from the date of approval in principle.

V3.120.25.25 Evidence of the principal applicant's investment

a Principal applicants must submit the following information and documentation as evidence of having invested funds:

b the full name of the investor; and
   i the amount invested in New Zealand dollars; and
   ii the date the investment was made; and
   iii the type of investment (in the case of shares or bonds in companies, the names of the companies invested in and the number of shares or bonds purchased must be listed); and
   iv documentary evidence of the investment; and
   v a letter from a reliable independent professional (for example, a solicitor or chartered accountant), confirming that the funds have been invested.

c A business immigration specialist, at their discretion, may require any other form of evidence.

V3.120.25.30 Temporary visa to arrange transfer and/or investment of funds

a After approval in principle, and upon application, a visitor visa may be granted to allow the principal applicant to arrange the transfer to, and investment of funds in, New Zealand.

b The visitor visa will be valid for three months from Approval in Principle and will be valid for multiple journeys.

c A visitor visa may be granted for the same period (on application) to the principal applicant's partner.
d A student visa may be granted for the same period on application to the principal applicant's partner if they wish to study, in accordance with current student instructions (see U2).

**V3.120.25.35 Investment transfers during the investment period**

Investment funds may be transferred from one investment to another during the investment period, provided:

a the funds remain invested in New Zealand in New Zealand currency at all times during the investment period; and

b the investment of the funds continues, during the investment period, to meet all other requirements for investments.

**V3.120.30 Subsequent applications for a Temporary Retirement Category visa**

When an application is made for a subsequent visa under the Temporary Retirement Category, in addition to the requirements listed under V3.120 above, the principal applicant and partner (if applicable) must also demonstrate that for the duration of the previous Temporary Retirement Category visa they have maintained:

a the investment amount of NZ$750,000 in an acceptable investment as set out at V3.120.5.25; and

b acceptable travel and/or health insurance.

*Effective 17/11/2014*
V3.125 Partners and dependent children of military visa holders

See previous instructions:
V3.125 Effective 30/04/2011
V3.125 Effective 29/11/2010

a Partners (see E4.1.20) and dependent children (see E4.1.10) of military visa holders, may be granted visitor visas if that type of visa is appropriate to their needs for the same period as the military visa held, or deemed to be held, by the applicant's partner or parent.

b Applicants must meet temporary entry class requirements for lodging an application as set out at E4, bona fide applicants as set out at E5, and health and character requirements as set out at A4.5 and A5.5, but are exempt from:
   i providing evidence of enrolment; and
   ii providing guarantees of accommodation and maintenance; and
   iii meeting onward travel requirements.

c Before granting a visitor visa, immigration officers must be satisfied that the applicant's partner or parent:
   i holds a military visa; or
   ii is eligible to be granted a military visa; or
   iii is deemed to be granted a military visa.

V3.125.1 Partners of military visa holders

a Partners of military visa holders must prove to the satisfaction of an immigration officer that:
   i they are living together with their partner in a genuine and stable partnership at the time their application is made; and
   ii they comply with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and
   iii their partner supports the application.

b Evidence of the applicant’s relationship to the military visa holder must be provided in the following forms:
   i evidence of their relationship with their partner; and
   ii evidence that demonstrates they are living together with that partner in a genuine and stable partnership at the time their application is made. (E4.5.35 sets out the types of evidence that are required).

Effective 17/11/2014
V3.130 Visiting academics

See previous instructions:
V3.130 Effective 25/07/2011
V3.130 Effective 04/04/2011

See also Immigration Act 2009, s 4
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

a Visiting academics from countries whose nationals are people to whom a visa waiver applies (see E2.1), may be granted a three-month visitor visa and entry permission on arrival in New Zealand.

b Visiting academics from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for a visitor visa before travelling to New Zealand.

c Visiting academics must apply for a work visa prior to travelling to New Zealand if they wish to:
   i stay in New Zealand for longer than three months; or
   ii make multiple visits with a total duration of more than three months in any calendar year; or
   iii undertake any activity that would fall within the definition of work and is not listed at (f) below.

d Applicants must provide a letter of invitation from the Tertiary Education Institute or Institutes where they plan to undertake academic work, confirming:
   i the name of the applicant; and
   ii that the applicant is a person specified at (e) below; and
   iii the activity or activities the applicant will undertake while in New Zealand; and
   iv the dates or duration of the activity or activities to be undertaken.

Note: Tertiary Education Institutes include New Zealand universities, institutes of technology, polytechnics and the three wananga (Te Wananga o Raukawa, Te Whare Wananga o Awanuiarangi, and Te Wananga o Aotearoa).

e Visiting academics must be:
   i well-qualified in their field; and
   ii either employed by an overseas academic or research institution, or have wide experience in such employment; and
   iii undertaking activities of a pedagogical, educational, professional management or research nature.

f Pedagogical, educational, professional management or research activities are excluded from the definition of work. These include:
   i collaborating on research projects with academics working at New Zealand tertiary education institutes, including publishing work with New Zealand academics; and
   ii presenting at one-off seminars or conferences organised by the institution; and
   iii providing teaching or tutoring for short courses in specialised areas that New Zealand academics do not have the subject knowledge in; and
   iv sourcing research material only available in New Zealand (including literature) or conducting research only able to be undertaken in New Zealand; and
   v planning and management (including designing, developing, implementing and reviewing/auditing academic and research courses, programmes and resources; professional development, including teaching methods and curriculum development; and sourcing resource materials for academic and research programmes); and
   vi meeting with a post-graduate student who they co-supervise if the student is enrolled at a New Zealand institution from which they will be receiving their qualification, if successful; and
   vii undertaking performance classes (e.g. in theatre, dance or music) or studio master classes (i.e.
recording and mastering music); and
viii participating on assessment panels for oral or practical examinations, including for theses; and
ix study tours.

Effective 08/04/2013
V3.135 Visitor visas for child victims of people trafficking

a Child victims of people trafficking may be granted visitor visas valid for 12 months.

b The applicant must have certification from the New Zealand Police that they are believed to be a victim of people trafficking.

c Applications must be made in the prescribed manner (see E4.50) but an appropriately delegated immigration officer may waive:
   i the application fee; and
   ii the requirement to produce evidence of funds or sponsorship.

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).
V3.140 Approved arts or music festival

See previous instructions:
V3.140 Effective 30/04/2012

See also Immigration Act 2009, s 4
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

a Performers and/or immediate support crews may be granted a visitor visa to participate in an ‘approved’ arts or music festival.

b Visiting performers and/or immediate support crew from countries whose nationals are people to whom a visa waiver applies (see E2.1), may be granted a three-month visitor visa and entry permission on arrival in New Zealand.

c Visiting performers and/or immediate support crew from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for an approved arts or music festival visitor visa before travelling to New Zealand.

d Applicants must meet temporary entry class requirements for:
   i lodging an application as set out at E4; and
   ii bona fide applicants as set out at E5; and
   iii funds and onward travel requirements as set out at V2.20 and V2.25; and
   iv health and character requirements as set out at A4.5 and A5.5.

e Applicants must provide a letter of invitation from the organisers of the ‘approved’ arts or music festival confirming their participation in the festival. This should include:
   i the name of the applicant; and
   ii the activity or activities the applicant will undertake while in New Zealand; and
   iii the dates or duration of the activity or activities to be undertaken.

V3.140.5 Definition of an ‘approved’ arts or music festival

For the purpose of these instructions, an ‘approved’ arts or music festival is a festival hosted in New Zealand which has had a formal proposal accepted by Immigration New Zealand.

V3.140.10 Approved arts and music festival requirements

a To become an approved arts or music festival, festival organisers must submit a proposal to Immigration New Zealand demonstrating that they meet the following requirements.
   i The festival has been established in New Zealand for at least three years; and
   ii The festival intends engaging at least 10 international participants (performers and/or direct support crew).

b Immigration New Zealand may consult with relevant organisations including the Ministry for Culture and Heritage, Creative New Zealand, and the Music Commission.

c Approval will be valid for four years. It may be renewed, upon application, where Immigration New Zealand is satisfied that the festival organiser still meets the requirements for approval set out in (a) above.

d INZ will rescind a festival’s approval where it considers that festival organisers’ conduct has created an unacceptable risk to the integrity of New Zealand’s immigration or employment laws or policies.

Effective 08/05/2017
V3.145 Short-term live entertainment acts

See previous instructions:
V3.145 High-end music acts Effective 17/11/2014

See also Immigration Act 2009, s 4
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2

a Performers, and their immediate support crew, being promoted in New Zealand by a promoter on Immigration New Zealand’s Approved Promoter List are considered to be ‘short-term live entertainment acts’ and may be granted a visitor visa to perform in New Zealand.

b Members of short-term live entertainment acts from countries whose nationals are people to whom a visa waiver applies (see E2.1) may be granted a visitor visa and entry permission on arrival in New Zealand.

c Members of short-term live entertainment acts from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for a visitor visa on the basis of being part of a short-term live entertainment act before travelling to New Zealand.

d Applicants must meet temporary entry class requirements for:
   i lodging an application as set out at E4; and
   ii bona fide applicants as set out at E5; and
   iii funds and onward travel requirements as set out at V2.20 and V2.25; and
   iv health and character requirements as set out at A4.5 and A5.5.

e Applicants must provide written confirmation from the Approved Promoter (as defined in V3.145.5, below) confirming their involvement in live entertainment performances in New Zealand. This must include:
   i the name of the applicant; and
   ii the performance(s) the applicant will undertake while in New Zealand; and
   iii the dates or duration of the performance(s) to be undertaken.

Note: For the purpose of these instructions, performances undertaken by short-term live entertainment acts are excluded from the definition of work as set out in section 4 of the Immigration Act 2009

V3.145.5 Approved Promoter List requirements

a To be added to the Approved Promoter List, promoters must submit a proposal to Immigration New Zealand demonstrating that they meet the following requirements:
   i the promoter must have been established for at least three years; and
   ii the promoter must have a credible record of promoting international performers in New Zealand in the past three years; and
   iii the promoter must have a history of compliance with immigration requirements

b Support from either the New Zealand Music Commission, the Ministry for Culture and Heritage, or Creative New Zealand is required for a promoter to be added to the Approved Promoter List. INZ will consult with these organisations to confirm support.

c Approval will be valid for four years. It may be renewed, upon application, where Immigration New Zealand is satisfied that the promoter still meets the requirements for approval set out in (a) and (b) above.

d Immigration New Zealand will rescind a promoter’s approval where it considers that the promoter’s conduct has created an unacceptable risk to the integrity of New Zealand’s immigration or employment laws or policies

Effective 21/11/2016
V3.150 International Tour Escorts

a Tour escorts accompanying tour groups may undertake their duties in New Zealand while holding a visitor visa.

b A tour escort is a person who:
   i arrives, leaves and travels within New Zealand with a tour group; and
   ii resides offshore; and
   iii is employed by an employer outside New Zealand (e.g. an overseas travel agent); and
   iv has the primary role of providing pastoral care, facilitating arrival and departure formalities, translation, logistical support and organisation for the tour group rather than leading activities or providing in-depth local knowledge.

c Tour escorts from countries whose nationals are people to whom a visa waiver applies (E2.1), may be granted a three-month visitor visa and entry permission on arrival in New Zealand.

d Tour escorts from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for a visitor visa before travelling to New Zealand.

e Applicants must hold a letter from their employer containing the information set out at (f) below. This must be provided either:
   i with a visitor visa application, where the applicant makes an application before travelling to New Zealand, or
   ii upon request by an immigration officer, if the applicant is applying for a visitor visa at an immigration control area having travelled to New Zealand as a person to whom a visa waiver applies.

f The letter from the tour escort’s employer must be no more than 12 months old from the date of arrival of the tour escort and must:

   g include the name of the applicant; and

   h include the passport number, nationality and expiry date of the passport the applicant will be travelling on; and

   i include the activities, duties and responsibilities the applicant will undertake while in New Zealand; and

   j include a copy of the tour itinerary for the current tour they will be escorting

   k be on the employers letterhead; and

   l include the contact details of the employer, such as contacts names, contact phone numbers, email and address; and

   m be signed by the employer; and

   n be written or translated in English.

Note: Persons intending to travel to New Zealand as a tour guide are required to obtain a work visa. For the purposes of these instructions, ‘tour guides’ are distinct from ‘tour escorts’ as follows: Tour guides generally lead tours in New Zealand providing in-depth local knowledge of New Zealand culture, history, society, geography etc and are generally employed by New Zealand employers. Tour guides may also be licensed or accredited. If a tour escort also performs some or all of the role or duties of a tour guide they will be required to obtain a work visa.

Effective 22/05/2017