Immigration New Zealand Operational Manual

Temporary Part 1

Issue Date: 27 August 2018
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Generic temporary entry
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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);
  - 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
   - Argentina
   - Austria
   - Bahrain
   - Belgium
   - Brazil
   - Hungary
   - Iceland
   - Ireland
   - Israel
   - Italy
   - Japan
   - Oman
   - Poland
   - Portugal
   - Qatar
   - Romania
   - San Marino


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¹: 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)

²: Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) passports.

³: Residents of Macau travelling on Macau Special Administrative Region passports.

⁴: 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

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
      o a claimant to whom section 150(3) of the Immigration Act 2009 applies (see E8.10.15).

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)).

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 06/07/2015
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 the Democratic People’s Republic of Korea (DPRK), and:
   o their immediate family members, and
   o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual, and
   o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People’s Republic of Korea) Regulations 2017.

ii designated individuals and specified entities from Al-Qaida and Taliban

iii designated individuals from Iran

iv designated individuals from Lebanon

v designated individuals from the Democratic Republic of Congo

vi designated individuals from Sudan

vii designated individuals from Somalia

viii designated individuals from Eritrea

ix designated individuals from Libya

x designated individuals from Mali

xi designated individuals from Guinea-Bissau

xii designated individuals from Central African Republic

xiii designated individuals from Yemen

xiv 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 28/06/2018
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
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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)

See previous instructions:
E2.80 Effective 29/11/2010

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

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.

Effective 25/08/2014
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.
ix  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
E2.110 Ban on the grant of visas with work rights to DPRK nationals

United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 Reg 46A

a  A person who is a national of DPRK is not eligible to obtain a visa, or any other authorisation, that would entitle the person to work in New Zealand.

b  E2.110(a) does not apply with regard to a visa or other authorisation approved in advance by the Committee (as defined in the UN Sanctions (DPRK) Regulations 2017).

c  If the visa or other authorisation as to the eligibility of the person is approved in advance by the Committee, the decision to grant a visa to a person under this instruction is limited to immigration officers with Schedule 1-2 delegations (see A15.5).

Effective 28/06/2018
E2.115 Ban on the grant of visas to Russian individuals expelled from certain countries for activities incompatible with their diplomatic status

a. New Zealand has taken action in respect of Russian individuals expelled from certain countries for activities incompatible with their diplomatic status.

b. Ordinarily, a person described in (a) above may not be granted a visa to enter New Zealand (including a transit visa).

c. Where special circumstances exist (supported by cogent and reliable evidence and in consultation with MFAT) INZ may nonetheless grant a visa to such a person.

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 06/08/2018
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 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:
   1. at least three months beyond the expiry date of the proposed visa; or
   2. 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:
   1. the start date (which may be the date of its grant or a future or past date);
   2. any conditions of the visa that relate to travel, including:
      1. whether the visa allows travel to New Zealand on a later occasion;
      2. if the visa allows travel to New Zealand, the period during which the holder may travel to New Zealand;
      3. 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;
   3. 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;
   4. any other conditions of the visa;
   5. for those persons granted entry permission, the date or dates the entry permission was granted.
   6. 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:
   1. the beginning of the day after the date specified in the visa as the expiry date; or
   2. 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
   3. the beginning of the day after the last day of the period for which the visa grants stay in New Zealand to the holder;
   4. the beginning of the day that is three months after the day on which an epidemic management notice expires, if the visa:
      1. is a temporary entry class visa deemed to be extended as a result of an epidemic management notice; and
      2. has not been cancelled earlier.

e  If the holder of a visa is outside New Zealand, the visa expires on the earlier of:
   1. 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

a 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.

b 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.

c 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).

d 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).

e 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 07/12/2015
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).

Effective 17/11/2014
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
they comply with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and

their partner supports the application; and

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

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.

b 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;
vi photographs of the parties together;
vii documents indicating public recognition of the partnership;
viii 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.
ix 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.

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.

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.

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.

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.

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
**E4.45 Applications not lodged in the prescribed manner**

See previous instructions  
E4.65 Effective 29/11/2010

a  An application must be returned if it is submitted by an unlicensed immigration adviser (see E4.50.25).

b  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.

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

d  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.

e  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.

f  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.

*Effective 07/12/2015*
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.

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).

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 contravene 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>Pacific*</td>
<td>$2,000</td>
<td></td>
</tr>
<tr>
<td>Asia (excluding India and Pakistan, but including Japan, Indonesia, the Philippines, and Papua New Guinea)</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>The Americas, the Caribbean, and Iceland</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>Western Europe, Eastern Europe, Middle East, India, Pakistan, Africa</td>
<td>$5,000</td>
<td></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).
e 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.

f 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.

g 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.

h 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.

i The bond will be repaid in New Zealand dollars.

j 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.

k 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.

l 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.

m 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:
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:
   i  the fee is waived by special direction under section 395 of the Immigration Act 2009 or by regulation; or
   ii the applicant is a citizen of a country with which New Zealand has a fee waiver agreement covering visas (see A6.5); or
   iii 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:
   i  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
   ii 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.

Effective 29/11/2010
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 (see "E3.1 Grant of visa generally a matter of discretion" on page 37, http://inzkit/publish/opsmanual/i34319.htm)).

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); 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 02/12/2013
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.

E7.10.1 Requesting a passport for applications made online

See also Immigration Act 2009 s 28 and the Immigration (Visa, Entry Permission, and Related Matters) Regulations
2010, Reg 23A.

a Where an application is made on an electronic form in accordance with Regulation 23A of the
   Immigration (Visa, Entry Permission and Related Matters) Regulations 2010, the applicant must supply
   their original passport or travel document to an immigration officer if the applicant is:
      i outside of New Zealand at the time they make the application; and
      ii not subject to a visa waiver to travel to New Zealand (E2.1); and
      iii not a person intending to travel on a People’s Republic of China passport.

b An automated system may request an original passport or travel document from a person to whom
   E7.10.1(a) above applies.

c Regardless of E7.10.1(a), an immigration officer determining the application may request any
   applicant to supply their passport or travel document.

Effective 07/05/2018
E7.15 Potentially prejudicial information

See previous instructions:
E7.15 Effective 01/07/2013
E7.15 Effective 21/11/2011
E7.15 Effective 29/11/2010

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;
   i the decision; and
   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 partners 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
E8.10 Temporary visas for refugee or protection status claimants

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, W16 (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; 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.

**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
V2.1 Visitor visa requirements

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; 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.

Effective 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

See previous instructions:
V3.10 Effective 21/05/2018
V3.10 Effective 28/08/2017
V3.10 Effective 01/04/2017
V3.10 Effective 01/04/2016
V3.10 Effective 30/03/2015
V3.10 Effective 01/04/2014
V3.10 Effective 01/04/2013
V3.10 Effective 17/12/2012
V3.10 Effective 30/07/2012
V3.10 Effective 07/11/2011
V3.10 Effective 25/07/2011
V3.10 Effective 29/11/2010

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
ii held a post-study work visa (WD) based on that student visa; and
iii supported the applicant for a visa based on the relationship while holding a post-study work visa.

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$42,944.20 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$42,944.20 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.

*Effective 1/07/2018*
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.
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

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)).

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.

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

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:
o the nature of the applicant's illness or disability; and
o details of their treatment; and
o their expected recovery time; and

iii provided evidence of how the costs of the treatment will be met.

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]'.
### 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.
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 for further guidance.

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).

c. Partners and dependent children may also be included in the principal applicant’s visitor visa application.

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); 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’
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:
   - bonds issued by the New Zealand government or local authorities, or
   - bonds issued by New Zealand firms traded on the New Zealand Debt Securities Market (NZDX); or
   - 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
   - equity in New Zealand firms (public or private including managed funds) (see V3.120.5.35); and
   - bonds issued by New Zealand registered banks; or
   - equities in New Zealand registered banks; or
   - residential property development(s) (see V3.120.5.40); or
   - 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:

- the full name of the investor; and
  - the amount invested in New Zealand dollars; and
  - the date the investment was made; and
  - 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
  - documentary evidence of the investment; and
  - 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.)
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).

*Effective 25/07/2011*
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
Work visas
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**W1 Objective**

a  The objective of work visa instructions is to contribute to developing New Zealand’s human capability base.

b  Work visa instructions seek to achieve this by:

i  facilitating the access of New Zealand employers and New Zealand industry to global skills and knowledge; while

ii  complementing the Government's education, training, employment and economic development policies; and

iii  ensuring that the employment in New Zealand of non-New Zealand citizens and residence class visa holders does not undermine the wages and conditions of New Zealand workers.

*Effective 29/11/2010*
W2 Applying for and obtaining a work visa
W2.1 Who does not need to apply for a work visa

People listed below do not need to apply for a work visa if they wish to work in New Zealand:

a New Zealand citizens; or
b holders of residence class visas; or
c holders of any other type of temporary entry visa whose conditions authorise the holder to undertake employment in New Zealand or within the exclusive economic zone of New Zealand.

Effective 29/11/2010
W2.2 Definitions

See previous instructions:
W2.2 Effective 25/08/2014
W2.2 Effective 08/04/2013
W2.2 Effective 30/04/2012
W2.2 Effective 07/11/2011
W2.2 Effective 04/04/2011
W2.2 Effective 29/11/2010

See also Immigration Act 2009, s 4

W2.2.1 Definition of ‘work’

a  Work means any activity undertaken for gain or reward, but does not include:
   i  visits by persons undertaking business activities detailed in V3.5(b);
   ii official business in the service of any government, or of any inter-governmental or international organisation that is entitled to any privileges and immunities under the Diplomatic Privileges and Immunities Act 1968 (see H2);
   iii study or training under a scholarship or other award recognised by the Minister;
   iv visits by guests of government (guest of government status is granted by the Visits and Ceremonial Office, Department of Internal Affairs);
   v visits by persons who meet the special requirements under V3.55, V3.85, V3.130, V3.140 or V3.150;
   vi volunteer work for the Department of Conservation.

b  ‘Gain or reward’ includes any payment or benefit that can be valued in terms of money, such as board and lodging, goods (e.g. food or clothing) and services (e.g. transport).

Note: This definition does not require work as an ‘employee’. It also covers self-employment.

W2.2.5 Definition of ‘New Zealand’ for work purposes

a  A person is considered to be undertaking work in New Zealand if at any time they are working:
   i  on or in relation to any craft, artificial island, installation, or structure anywhere within the territorial sea of New Zealand; or
   ii on or in relation to any artificial island, installation, or structure anywhere within the exclusive economic zone of New Zealand or on or above the continental shelf of New Zealand; or
   iii on board any craft that is registered in New Zealand and is engaged in activities anywhere:
      o within the New Zealand exclusive economic zone; or
      o on or above the New Zealand continental shelf.

b  A person is considered to be undertaking work in New Zealand whether or not a New Zealand or overseas resident is providing the payment or benefit for the activity.

W2.2.10 Definition of ‘full-time employment’

Unless otherwise specified, full-time employment is considered to be at least 30 hours of work per week for the purpose of all work instructions.

W2.2.15 Definition of ‘New Zealand market rate’

a  For the purposes of work instructions (with the exception of WH1 Recognised Seasonal Employer instructions), the New Zealand market rate is the rate of pay which would be required to recruit a New Zealand citizen or residence class visa holder to do equivalent work.
b When assessing the New Zealand market rate, factors immigration officers may consider, include, but are not limited to:

i the typical rate of pay a New Zealand citizen or residence class visa holder receives for equivalent work;

ii rates of pay provided by collective agreements for the relevant industry;

iii the region of employment;

iv the period of employment;

v the other terms and conditions of employment (such as the hours of work);

vi the level of training and experience required for the position.

Effective 22/05/2017
There are four streams within work visa instructions:

a. The skilled stream;

b. The family stream;

c. The international/humanitarian stream; and

d. The special work stream.

### W2.5.1 Skilled stream

a. The Skilled stream consists of four broad sets of instructions under which New Zealand facilitates the entry of skilled people:
   i. Work to residence (see WR);
   ii. Essential skills (see WK); and
   iii. Specific purpose or event (see WS); and
   iv. Students/trainees (see WE)

b. ‘Work to Residence’ facilitates the entry of people whose skills are in demand and provides them with a pathway to residence.

c. ‘Essential skills’ facilitates the entry of people required on a temporary basis to fill shortages where New Zealand citizens or residence class visa holders are not available for the work offered.

d. ‘Specific purpose or event' facilitates the entry of people who have demonstrated skills, expertise or attributes that are likely to benefit New Zealand, where there is no risk of negative impact on opportunities for New Zealand citizens or residence class visa holders.

e. ‘Students and trainees' facilitates the entry of students and trainees to gain practical work experience or to train as part of their studies.

### W2.5.5 Family stream

The Family stream (see WF) enables the following people to undertake temporary employment in New Zealand:

a. the partners of New Zealand citizens or residence class visa holders, and partners of Long Term Business Visa holders, whose ultimate intention is likely to be to apply for residence; and

b. the partners of holders of work visas.

### W2.5.10 International/Humanitarian stream

The International and Humanitarian stream consists of:

a. working holiday schemes to allow people from other countries to be granted permission to work on a reciprocal basis; and

b. provisions to enable New Zealand to meet its humanitarian and international obligations.

### W2.5.15 Special work policies stream

a. The special work stream consists of:
   i. horticulture and viticulture seasonal work instructions;
   ii. foreign crew of fishing vessels instructions;
b The horticulture and viticulture seasonal work instructions facilitate the entry of seasonal workers to support the horticulture and viticulture industries (see WH).

c The foreign crew of fishing vessels instructions provide for the grant of work visas to foreign crew employed on fishing vessels in New Zealand’s fisheries waters (see WJ).

d The religious worker instructions enable the entry of workers to undertake genuine religious work in New Zealand, providing New Zealand communities with the opportunity to practice, maintain and advance their religious beliefs.

Effective 17/12/2012
W2.10 Generic work visa instructions

See previous instructions:
W2.10 Effective 28/08/2017
W2.10 Effective 01/04/2017
W2.10 Effective 30/03/2015
W2.10 Effective 27/11/2014
W2.10 Effective 02/12/2013
W2.10 Effective 29/11/2010

Unless specifically stated otherwise elsewhere in work visa instructions the requirements set out below apply to all applicants for work visas and all employers wishing to employ them.

W2.10.1 Requirements for applicants

Unless specifically stated otherwise all applicants for work visas must:

a  meet the requirements under Generic Temporary Entry instructions for:
   i  lodging an application for temporary entry 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; and

b  produce evidence to show that:
   i  they are suitably qualified by training and experience to do the job they have been offered; and
   ii  they can meet any of the necessary requirements to obtain full or provisional New Zealand registration (see SM10 for the list of occupations requiring registration); or
   iii  they have an offer of employment and evidence from the New Zealand Medical or Dental Council that they are eligible for registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

Notes:

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

~ Applicants who have been granted a visa in order to obtain registration as a nurse may only work in an occupation which is ANZSCO Skill Level 1 or 2.

c  not have held a work visa as a Primary Sector Trainee (WI18) in the two years prior to their current work visa application.

W2.10.5 General requirements for employers

See also Immigration Act 2009 ss 350, 351

a  All employers wishing to employ non-New Zealand citizen or residence class visa holders to work in New Zealand must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:
   i  paying employees no less than the appropriate statutory minimum wage or other contracted industry standard; and
   ii  meeting holiday and special leave requirements or other minimum statutory criteria, e.g. health and safety obligations; and
   iii  only employing people who have authority to work in New Zealand (see W2.10.6 below); and
   iv  meeting the requirements of W2.10.15.

b  Evidence or confirmation of past and future compliance with employment and immigration law may include but is not limited to:
i  employment agreements with workers which demonstrate compliance, including, but not limited to, that all mandatory terms and conditions are included in the employment agreement, that any deductions are reasonable, and that any minimum standards included comply with employment legislation; and

ii  a recognised history with the Ministry of Business, Innovation and Employment of past compliance.

c  Immigration officers may also request other evidence or confirmation of the employer’s past and future compliance with employment and immigration law.

d  To ensure that the objective of work visa instructions at W1(b)(iii) is met, immigration officers may require employers to provide evidence that the rate of pay offered to non-New Zealand citizen or residence class visa holder workers is not less than the market rate for New Zealand workers in that occupation.

e  INZ will decline an application for a work visa or employer status (such as accreditation, recognised seasonal employer, agreement to recruit or approval in principle) where the employer does not have a history of compliance with employment law or where the employer is included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

Notes:
~W2.10.5(d) applies regardless of whether a labour market test (including where an occupation is listed on the Essential Skills in Demand Lists (see WK3.10)) has been met.
~INZ will decline an application for a work visa or entry permission where it considers that granting the work visa or entry permission would undermine the integrity, credibility or reputation of the New Zealand immigration or employment relations systems.

W2.10.6 Duty of employers to only employ people who have authority to work in New Zealand

See also Immigration Act 2009 ss 350, 351

a  All employers wishing to employ non-New Zealand citizen or residence class visa holders have a duty to only employ people who are entitled to work in New Zealand. This duty includes employing people only in accordance with the employment-related conditions of their visas, if such conditions are imposed (such as a specific employer, a specific position, or remuneration above the threshold required for the holder’s Essential Skills skill-band).

b  Employers are liable for prosecution under section 350 of the Immigration Act 2009 if they:
   i  allow or continue to allow any person to work in that employer’s service, knowing that the person is not entitled under the Immigration Act 2009 to do that work (see also D7.40); or
   ii  allow a person who is not entitled under the Immigration Act 2009 to work in the employer’s service to do that work.

c  It is not a defence to b(ii) above that the employer did not know that the person was not entitled to do that work, except where the employer has taken reasonable precautions and exercised due diligence to ascertain a person’s entitlement to do the work.

d  An employer is treated as knowing that an employee is not entitled under the Immigration Act 2009 to do any particular work if, at any time in the preceding 12 months (whether before or after the commencement of section 350 of the Immigration Act 2009), the employer has been informed of that fact in writing by an immigration officer.

e  Employers may ascertain an employee or potential employee’s entitlement to work for them by:
   i  sighting suitable documentation proving that person’s entitlement to work in New Zealand; or
   ii  utilising the online VisaView system (www.immigration.govt.nz/VisaView); or
   iii  contacting the INZ Contact Centre; or
   iv  any combination of the above.
f  Suitable documentation for (e)(i) above includes, but is not limited to:
   i  for non-New Zealand citizens:
      o a passport with a valid work visa;
      o a passport with a valid temporary-entry class visa (other than a work visa) with a variation of condi-
         tions to work;
      o a passport with a valid residence class visa;
      o an Australian passport;
      o an eVisa allowing work (and evidence of the visa-holder’s identity);
   ii for New Zealand citizens:
      o a New Zealand passport;
      o a New Zealand birth certificate confirming New Zealand citizenship, and photo identification;
      o a New Zealand citizenship certificate and photo identification.
      o a non-New Zealand passport with an INZ endorsement confirming New Zealand citizenship

g  Where an employer takes reasonable precautions and exercises due diligence to ascertain an employee’s entitlement to do that work, they should keep a record of the steps they took and evidence of the employee’s entitlement to work for them.

h  If an employee’s entitlement to work is for a limited period, an employer is liable under (b) if the employment continues after the employee is no longer entitled to work.

Notes:
~ Suitable documentation may also include evidence of a permit allowing work, issued under the Immigration Act 1987.
~ The defence available under s 39(1B) of the Immigration Act 1987 of holding a tax code declaration (IRD form IR330) signed by a person before or when employment began, stating that this person is entitled to undertake employment in the employer’s service, is no longer valid.

W2.10.10 Offers of Employment

All offers of employment must be genuine and sustainable. Unless specifically stated otherwise all offers of employment should contain the following information:

a  name, address, telephone and/or fax number of the employer; and

b  name and address of the person to whom the job is offered; and

c  a full job description including:

   i  the job title or designation; and
   ii the address of the place of employment if different from that in paragraph (a) above; and
   iii the type of work, duties and responsibilities involved; and
   iv details of pay and conditions of employment; and
   v  the hours of work; and
   vi any qualifications, experience or training required; and
   vii the duration of the job; and
   viii how long the job offer is open.

d  To determine whether an offer of employment is genuine and sustainable, and to ensure that the objective of work visa instructions at W1(b)(iii) is met, immigration officers may consider whether the salary or wages offered meet the New Zealand market rate.

e  INZ will decline an application for a work visa where it considers that the employment was offered as a result of payment made or promised by the applicant (or their agent) to the employer (or their agent) in exchange for securing that offer of employment.
W2.10.15 Compliance with employment law

a An employer who supports a visa application, provides an offer of employment in support of a visa application, or applies for employer status must have a history of compliance with employment law.

b A history of compliance with employment law includes, but is not limited to, meeting the requirements of the following legislation:
- Accident Compensation Act 2001; and
- Employment Relations Act 2000; and
- Equal Pay Act 1972; and
- Health and Safety at Work Act 2015; and
- Holidays Act 2003; and
- Minimum Wage Act 1983; and
- Parental Leave and Employment Protection Act 1987; and
- Wages Protection Act 1983.

c Employers are considered to not have a history of compliance with employment law if they are included on a list of non-compliant employers maintained by the Labour Inspectorate. The rules for inclusion on the list are set out in Appendix 10.

d Where an employer has an investigation or case pending with the Labour Inspectorate, the Employment Relations Authority, or the New Zealand courts, an immigration officer should request further information to determine whether an employer is complying with the requirements of employment law.

e New employers may be considered to have a history of compliance if:
   i they do not appear on the list of non-compliant employers maintained by the Labour Inspectorate; and
   ii they can demonstrate they have sound human resources policies and practices; and
   iii there is no other information that indicates non-compliance, for example when a person who is on the stand-down list is able to influence employment agreements, practices and policies.

f Unless otherwise specified, a visa application or employer request will be declined if:
   i it is supported by, or includes a job offer based on employment with, an employer who is included on a list of non-compliant employers; or
   ii an immigration officer is otherwise not satisfied the employer meets the requirements of W2.10.15 (a-e) above.

Note: Breaches of employment standards which lead to inclusion on a list of non-compliant employers may still be considered when determining if an employer has a history of compliance with employment law, as required elsewhere in immigration instructions, even if the employer is no longer on the list.
W2.15 Funds requirements

See previous instructions
W2.15 Effective 07/11/2011
W2.15 Effective 29/11/2010

See also Immigration Act 2009 ss 48, 55
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 10, 11, 12, schedule 1

a Unless specifically stated otherwise, applicants for work visas are required to provide:
   i a proposed salary that an immigration officer considers sufficient to cover maintenance and accommodation; or
   ii a guarantee of maintenance and accommodation by their employer for the currency of the visa; or
   iii sufficient funds for maintenance and accommodation for the currency of the visa; or
   iv sponsorship by a relative or friend in New Zealand (see E6).

b Officers with schedule 2 delegations and above are authorised to waive the requirement for evidence of funds or sponsorship.

W2.15.1 Evidence of sufficient funds

Evidence of sufficient funds includes but is not limited to:

- cash;
- New Zealand bank accounts showing the current balance;
- travellers’ cheques;
- bank drafts;
- recognised credit cards with sufficient credit available;
- for group visas, certification from a reputable travel agency.

W2.15.5 Sufficient funds for maternity health services

In addition to W2.15(a) pregnant applicants for a work 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 health services; or

b have sponsorship by a person, which meets generic sponsorship requirements set out at E6.5, to cover maternity health services; or

c are eligible for publicly-funded maternity health services.

Effective 21/11/2011
W2.20 Onward travel requirements

See also Immigration Act 2009 ss 48, 55
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 10, 11, 12, schedule 1

a Applicants for work visas may be required to show evidence of the travel arrangements made to leave New Zealand at the end of their stay, such as:

i actual travel tickets (confirmed or open-dated) out of New Zealand to a destination to which the applicant has right of entry; or

ii written confirmation from an airline or travel agency that onward travel has been booked and paid for; or

iii sponsorship; or

iv a written guarantee of repatriation from the New Zealand employer.

Effective 29/11/2010
W2.25 Conditions of work visas

See previous instructions:
W2.25 Effective 01/07/2015
W2.25 Effective 14/05/2013
W2.25 Effective 29/11/2010

See also Immigration Act 2009 ss 49, 52, 77

A work visa may be granted with any or all of the following conditions as specified in immigration instructions or imposed by special direction by the Minister or an immigration officer with the delegated authority:

i. the holder may work only in a specified industry, trade, occupation or profession;

ii. the holder may work only for a specified employer;

iii. the holder may work only in a specified area or location;

iv. the holder must be paid at or above the remuneration level required for the skill-band of their employment;

v. the holder must provide evidence of remuneration payment, if requested by an immigration officer;

vi. any other condition the immigration officer or Minister considers is appropriate to reflect the reason for which the visa is being granted.

Effective 28/08/2017
W2.30 Travel conditions on work visas

See previous instructions:
W2.30 Effective 24/03/2014
W2.30 Effective 29/11/2010

Immigration officers should refer to the subsections below when deciding what travel conditions to grant on work visas.

W2.30.1 Single journey work visas

a. Single journey work visas and entry permission may be granted to working visitors who intend one visit to New Zealand.

b. A single journey visa is normally current for travel within one month of the applicant's intended date of arrival, unless the immigration officer considers the applicant's circumstances warrant a longer or shorter period.

W2.30.5 Multiple journey work visas

a. Multiple journey work visas and entry permission may be granted to frequent travellers if immigration officers are satisfied that:
   i. the applicant's passport is valid for a sufficient period; and
   ii. the applicant has not breached the conditions of their visa (or permit granted under the Immigration Act 1987) on any previous visit.

b. Multiple journey visas may be current for travel for a maximum of 5 years, depending on how long the employment offer or contract lasts.

Effective 17/11/2014
WD Study to work instructions

See previous instructions WD Effective 29/11/2010

Objective

The Study to Work instructions contribute to the overall work instructions objective (see W1) by facilitating and retaining access of New Zealand employers and industry to global skills and knowledge. This is achieved by providing a pathway to skilled employment and residence in New Zealand for highly skilled graduates and matching these workers to the needs of the economy.

Effective 25/07/2011
WD1 Post-study work visa – employer assisted

See previous instructions:
WD1 Effective 07/12/2015
WD1 Effective 24/03/2014
WD1 Effective 02/12/2013
WD1 Effective 26/11/2012
WD1 Effective 02/04/2012
WD1 Effective 07/11/2011
WD1 Effective 25/07/2011
WD1 Effective 07/02/2011
WD1 Effective 29/11/2010

a To be eligible for a work visa under these instructions, applicants must:
   i have successfully completed a qualification(s) that meet the qualification requirements as set out in WD1.10; and
   ii hold an offer of full-time employment relevant to that qualification (see WD1.5); and
   iii if they were a New Zealand Aid Programme-supported student, meet requirements set out at U11.1(d).

b A work visa may be granted for a maximum of 2 years to obtain practical work experience relevant to the applicant’s programme of study or qualification, unless (c) below applies.

c A work visa may be granted for a maximum period of 3 years if:
   i the applicant is working towards membership or registration with a New Zealand professional association which requires more than two years of practical work experience; and
   ii such membership or registration is a requirement for the person to fully perform their professional duties; and
   iii the applicant provides evidence the employment is considered relevant practical experience by the professional association, including but not limited to documentation from the professional association, or from the employer, stating how the employment meets the requirements set by the professional association; and
   iv the applicant has completed a New Zealand qualification which meets the requirements for registration or membership of the professional association.

d To be granted a work visa under these instructions, applicants must:
   i apply no later than 3 months after the end date of their student visa for that programme of study or qualification or, if the qualification was a Doctoral Degree, no later than 6 months after the end date of their student visa; or
   ii hold a ‘graduate job search work visa’ or a ‘post-study work visa – open’ (see WD2).

Note: A person must have successfully completed the programme of study or qualification stated as a condition on their student visa in order to meet the requirements of WD1(d)i.

e Applicants must provide:
   i a completed work application form, fee and immigration levy; and
   ii evidence of an offer of full-time employment relevant to their programme of study or qualification (see WD1.5); and
   iii evidence that they meet the requirements in WD1(a); and
   iv an Employer Supplementary Form (INZ 1113) completed by their employer.

f Applicants must also provide:
   i evidence that the work visa application is being made no later than 3 months after the end date of their student visa for that programme of study or qualification; or
ii evidence that they hold a 'graduate job search work visa' (see WD2).

g A work visa will only be granted where an immigration officer is satisfied that the offer of full-time employment is one which will provide practical experience relevant to the applicant's programme of study or qualification.

h Any work visas granted under these instructions may be subject to any or all of the conditions as listed at W2.25.

i All job offers must be consistent with employment law and made by employers who have a history of compliance with employment law, including employment standards (see W2.10.15).

**Effective 01/04/2017**
WD1.5 Relevance of qualification(s) to employment

Qualifications are relevant to employment if:

a  the major subject area and level of the principal applicant's recognised qualification is directly applicable to the employment; and

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

Effective 25/07/2011
**WD1.10 Qualification requirements**

See previous instructions:
- WD1.10 Effective 30/03/2015
- WD1.10 Effective 02/12/2013
- WD1.10 Effective 30/07/2012
- WD1.10 Effective 02/04/2012

a. Applicants must have successfully completed a New Zealand qualification(s) that would qualify for points under the Skilled Migrant Category (see SM8) and meet one of the requirements set out in (b) below.

b. Applicants must have completed:
   i. a programme of study that results in a qualification at level seven or above on the New Zealand Qualifications Framework (NZQF) that they have studied for at least 30 weeks in New Zealand; or
   ii. a programme of study that results in at least one qualification at levels four to six on the NZQF that they have studied for at least 60 weeks in New Zealand; or
   iii. two programmes of study that result in at least two qualifications (at least one for each programme) at levels four to six on the NZQF provided each programme of study has involved at least 30 weeks study in New Zealand (60 weeks in total) and the final qualification is at a higher level.

**Note:** Study weeks includes exam preparation time and excludes holiday periods.

*Effective 07/12/2015*
WD2 Post-study work visa – open

See previous instructions
WD2 Effective 07/12/2015
WD2 Effective 06/07/2015
WD2 Effective 02/12/2013
WD2 Effective 26/11/2012
WD2 Effective 02/04/2012
WD2 Effective 07/11/2011
WD2 Effective 25/07/2011
WD2 Effective 07/02/2011
WD2 Effective 29/11/2010

a People may be granted a work visa for a maximum of 12 months who:
   i meet the qualification requirements as set out at WD1.10; and
   ii apply no later than 3 months after the end date of their student visa for that programme of study
      or qualification or, if the qualification was a Doctoral Degree, no later than 6 months after the end
      date of their student visa; and
   iii have met requirements set out in U11.1(d) if their studies have been supported under the New
      Zealand Aid Programme.

Note: A person must have successfully completed the qualification stated as a condition on their
student visa in order to meet the requirements of WD2(a)ii.

b To be eligible for a work visa, applicants must not previously have been granted a visa under these
instructions unless they have undertaken and completed a second higher qualification that is either a
New Zealand bachelor degree or post-graduate qualification and have studied that qualification in
New Zealand for at least 30 weeks.

c Despite (b) an applicant may be eligible for a subsequent work visa if they have undertaken and
completed a second higher qualification that is a New Zealand level seven qualification and they:
   i have studied that qualification in New Zealand for at least one academic year; and
   ii had commenced a programme of study towards that New Zealand qualification on or before 26
      November 2012.

d Evidence of an offer of employment is not required.

e Applicants must provide:
   i a completed work visa application form, fee and immigration levy; and
   ii evidence that they have completed a qualification in New Zealand that meets the requirements as
      set out at WD1.10; and
   iii evidence that they have a minimum of $4,200 in funds available to maintain themselves during
      their 12 month stay in New Zealand (travellers' cheques or bank documents in the applicant's
      name are acceptable); and
   iv evidence that the work visa application is being made no later than 3 months after the end date of
      their student visa for that programme of study or qualification.

f Any work visas granted under these instructions may be subject to conditions that allow work for any
employer.

Effective 28/08/2017
WE Student and trainee work instructions
**WE1 Who is eligible for a student and trainee work visa**

See previous instructions

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The following people may be granted a work visa under student and trainee work instructions:

a. Medical / dental trainees who wish to fulfil a compulsory training requirement by undertaking practical training in New Zealand, if an immigration officer is satisfied that they:
   i. are appropriately qualified and experienced; and
   ii. have a letter of acceptance from a New Zealand hospital; and
   iii. are not holders of a student or visitor visa; and
   iv. meet funds requirements (see W2.15).

   **Note:** Registration in New Zealand is not required.

b. Students studying in their home country or any other country (excluding New Zealand see U13.5) who wish to fulfil a programme of study requirement by undertaking practical work experience in New Zealand that is directly related to the programme of study, if an immigration officer is satisfied that they have:
   i. the support of their educational institution; and
   ii. an offer of work from a New Zealand educational institution or employer; and
   iii. meet funds requirements (see W2.15).

c. Jockeys aged 16 or over who wish to undertake an apprenticeship in New Zealand, if an immigration officer is satisfied that they have:
   i. a job offer from a New Zealand trainer; and
   ii. a guarantee of maintenance and accommodation from the New Zealand Thoroughbred Racing Incorporated; and
   iii. a guarantee of repatriation from the individual trainer, should the applicant not continue the apprenticeship.

d. Religious trainees who wish to undertake a formal religious training programme in New Zealand, if an immigration officer is satisfied that they:
   i. have a written confirmation of a place and are sponsored by a religious organisation that meets the requirements set out at WE1.1
   ii. meet temporary entry health and character requirements (A4 and A5); and
   iii. are not an ‘officer’ or ‘nominated person’ of the religious training institution that is sponsoring them.

   **Note:** Where an offer of place is held to undertake a programme of study at a tertiary institution (U5.15 or U5.20) that is longer than three calendar months duration, an application for a student visa must be made (U3).

Effective 06/07/2015
WE1.1 Requirements for the provision of religious training

To provide formal religious training in New Zealand to religious trainees, a religious organisation must:

a. be registered as a charity with Charities Services;

b. demonstrate that their primary purpose is advancing religion;

c. demonstrate they have at least a five year track record providing religious training. Evidence should include the current number of trainees under instruction (both New Zealanders and non-New Zealanders);

d. submit a completed Sponsorship Form for Religious Workers (INZ 1190) guaranteeing accommodation, maintenance and repatriation; and

e. meet the generic sponsorship requirements set out at E6.5 and E6.15.

Effective 06/07/2015
**WE2 Currency of student and trainee visas**

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The currency of a student and trainee work visa must relate to the time required for the study or training.

a. Medical/dental trainees and overseas students undertaking practical training may be granted a work visa for periods up to a maximum of six months. Immigration officers may consider requests for extensions of time on a case by case basis.

b. Apprentice jockeys may be granted a work visa for up to a maximum of four years.

c. Religious trainees may be granted a work visa for up to one year. Subsequent visas can be granted annually up to a maximum of four years.

**Effective 06/07/2015**
WE3 Conditions of student and trainee work visas

See previous instructions
WE3 Effective 29/11/2010

a  Work visas granted to applicants approved under these instructions will be subject to conditions appropriate to undertaking the practical training.

b  Apprentice jockeys who wish to change trainers should apply for and obtain a variation of conditions to their student and trainee work visa.

c  Religious trainees may not undertake secondary employment outside the organisation providing religious training (see WE1.1).

Effective 06/07/2015
WF Family stream work instructions
WF1 General rules
As well as meeting the specific requirements for the relevant family stream work instructions, applicants must also meet the lodgement, bona fide applicant and health and character requirements as set out at W2.10.1.

Effective 29/11/2010
WF2 Partners of New Zealand citizens or residence class visa holders

See previous instructions:
WF2 Effective 04/04/2011
WF2 Effective 29/11/2010

Partners (see E4.1.20) of New Zealand citizens or residence class visa holders may be granted a work 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 for the same period of time applied for by the applicant; and
   i. complies with the minimum requirements for recognition of partnerships (see E4.5.15 and F2.15); and
   ii. meets the character requirements for partners supporting 'partnership-based temporary entry applications' set out at E7.45; and
   iii. is an eligible partner under residence family category instructions (see F2.10.10).

Effective 17/11/2014
WF2.1 Instructions on duration of visa for partners of New Zealand citizens or residence class visa holders

See previous instructions:
WF2.1 Effective 26/11/2012
WF2.1 Effective 29/11/2010

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 work 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 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.

Effective 08/05/2017
WF2.5 New Zealand citizen or residence class visa holder partner must also be ‘an eligible partner’ under residence instructions

See previous instructions WF2.5 Effective 29/11/2010

a When determining the eligibility of the New Zealand partner to support a work visa application, immigration officers must consider whether the 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 residence class visa application under Partnership Category within 12 months of the grant of the visa, the application for the work visa may be declined.

Effective 26/11/2010
WF2.10 Evidential requirements for partners of New Zealand citizens or residence class visa holders

Immigration officers must sight evidence of the following:

a. the supporting partner’s New Zealand citizenship or New Zealand residence status; and

b. the applicant’s relationship with their New Zealand partner; and

c. 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 F2.20); and

d. the Form for Partners Supporting Partnership-Based Temporary Entry Applications (INZ 1146) completed by the New Zealand partner; and

e. that the applicant and their New Zealand partner are intending to live in New Zealand for the same period of time.

Effective 29/11/2010
WF2.15 Principal applicants of residence applications under Partnership Category whose application has been deferred (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

Principal applicants of residence applications under Partnership Category, whose applications have been deferred (see F2.35) and who wish to be in New Zealand with their partner during the deferral period may be granted a work visa (once an application has been made) for a period sufficient to enable the qualifying period for residence to be met and any further assessment of their residence application to be completed.

Effective 29/11/2010
WF2.20 Non-principal applicant partners included in residence applications under Government Residence instructions whose grant of residence has been deferred

a  If an immigration officer has deferred a final decision, on a non-principal applicant partner included in a residence application, because the partnership with the principal applicant is genuine and stable but less than the 12 months required (see R2.1.15.5(b)), then:
   i  provided the principal applicant is granted a residence class visa, and
   ii  an application for a work visa is made by the non-principal applicant partner for the purpose of continuing to live together with the principal applicant partner,

   a work visa may be granted to the non-principal applicant for a period sufficient to enable the qualifying period to be met and any further assessment of their residence application to be completed.

   Effective 29/11/2010
WF3 Special work visas for partners of holders of work visas...

WF3 Special work visas for partners of holders of work visas (including work visas granted under the Entrepreneur Work Visa Category and Work to Residence (Skilled Migrant Category) instructions)
WF3.1 Who is eligible for a special work visa

See previous instructions:
WF3.1 Effective 24/03/2014
WF3.1 Effective 26/11/2012
WF3.1 Effective 30/07/2012
WF3.1 Effective 25/07/2011
WF3.1 Effective 04/04/2011
WF3.1 Effective 29/11/2010

a Partners (see E4.1.20) of people granted work visas (including visas granted under Entrepreneur Work Visa Category instructions) allowing a stay in New Zealand of more than six months may apply for and be granted a multiple entry work visa under these instructions, unless their partner has been granted a work visa under any one of the following instructions:

i Essential Skills where the employment has been assessed as lower-skilled (see WK3.5.1), unless WF3.1.1 below applies; or

ii Foreign crew of fishing vessels (see WJ); or

iii a Working Holiday Scheme (see WI2); or

iv Recognised Seasonal Employer (RSE) Work Instructions (see WH1); or

v Supplementary Seasonal Employer (SSE) Instructions (see WH3); or

vi Silver Fern Job Search Instructions (see WL2); or

vii Skilled Migrant Category Job Search Instructions (see WR5); or

viii domestic staff of diplomatic, consular, or official staff (see WI4).

b Work visas will be granted for the same period as the work visa held by the applicant’s partner subject to the generic requirements at E4.5 being met.

c Partners 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.

d Applicants under these instructions are not required to produce a job offer.

e Any work visas granted under these instructions may be endorsed with conditions that allow work for any employer.

WF3.1.1 Holders of Essential Skills work visas for lower-skilled employment who are able to support work visas for their partner

a The applicant (who is the partner of the holder of an Essential Skills work visa whose employment has been assessed as lower-skilled) may be granted a work 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 that Essential Skills work visa holder has not been required to spend 1 year outside New Zealand (subject to a stand-down period) (see WK3.20.5).

b The applicant (who is the partner of the holder of an Essential Skills work visa whose employment has been assessed as lower-skilled) may be granted a work visa under these instructions if the Essential Skills work visa holder:

i previously held a student visa; and

ii was eligible to support a partner for a work visa (WF4.1) at the time they held the student visa; and

iii held a post-study work visa (WD) based on that student visa; and

iv supported the applicant for a visa based on the relationship while holding a post-study work visa.

Effective 28/08/2017
WF3.5 Making an application

See previous instructions:
WF3.5 Effective 04/04/2011
WF3.5 Effective 29/11/2010

a Applications must be made in the prescribed manner (see E4.40); but an appropriately delegated immigration officer may waive:
   i the application fee and immigration levy; 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.

Effective 07/12/2015
WF4 Special work visas for partners of holders of student visas
WF4.1 Who is eligible for a special work visa

See previous instructions:
WF4.1 Effective 26/11/2012
WF4.1 Effective 26/03/2012
WF4.1 Effective 25/07/2011
WF4.1 Effective 29/11/2010

a  Unless WF4.5 applies, partners of:
   i  people granted student visas to study for a level 7 or higher qualifications in an area of absolute
      skill shortage as specified in the Long Term Skill Shortage List (see Appendix 4); or
   ii  people granted student visas to study towards postgraduate qualifications;
      may apply for and be granted a multiple entry work visa under these instructions.

Note: In order to be eligible for a work visa under (a)(i) the qualification undertaken by the student
      visa holder must be specified on the Long Term Skill Shortage List at the time the work visa application
      is submitted.

b  Work visas will be granted for the same period as the student visa held by the applicant's partner
   subject to the generic requirements at E4.5 being met.

c  Any work visas granted under these instructions, may be endorsed with conditions that allow work for
   any employer.

d  Applicants must have NZ$4,200 available for their maintenance during the period of stay in New
   Zealand.

e  Despite (a)(i), a partner of a student will be eligible for a work visa if the student has commenced any
   qualification on or before 24 July 2011 that is in an area of absolute skill shortage as specified in the
   Long Term Skill Shortage List.

Effective 01/07/2013
### WF4.5 Partners of holders of student visas who are supported by the New Zealand Aid Programme

See previous instructions:
- WF4.5 Effective 07/12/2015
- WF4.5 Effective 17/11/2014
- WF4.5 Effective 26/03/2012
- WF4.5 Effective 07/11/2011
- WF4.5 Effective 07/02/2011
- WF4.5 Effective 29/11/2010

<table>
<thead>
<tr>
<th>a</th>
<th>Partners of New Zealand Aid Programme (NZAP)-supported students (see U11), may be granted a work visa valid for the duration of their partner’s NZAP scholarship unless the NZAP-supported student has been granted a student visa under any one of the following scholarship programmes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i</td>
<td>Short-Term Training Scholarships; or</td>
</tr>
<tr>
<td>ii</td>
<td>New Zealand Regional Development Scholarships; or</td>
</tr>
<tr>
<td>iii</td>
<td>English Language Training for Officials.</td>
</tr>
<tr>
<td>b</td>
<td>Applicants must provide a completed work visa application form, fee, immigration levy and meet the generic requirements at E4.5.5.</td>
</tr>
<tr>
<td>c</td>
<td>Applicants under these instructions are not required to produce a job offer.</td>
</tr>
<tr>
<td>d</td>
<td>Any work visas granted under these instructions may be endorsed with conditions that allow work for any employer.</td>
</tr>
<tr>
<td>e</td>
<td>Applicants must have NZ$4,200 available for their maintenance during the period of stay in New Zealand.</td>
</tr>
<tr>
<td>f</td>
<td>Partners of NZAP-supported students (see U11), are not eligible for a temporary entry class visa in the 2 year period following completion of the NZAP-supported student’s scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a short-term visitor visa).</td>
</tr>
<tr>
<td>g</td>
<td>Despite (f) above, partners of NZAP-supported students who have completed Short-Term Training Scholarships or English Language Training for Officials of less than six months in duration (see U11), are not eligible for a temporary entry class visa for one year following completion of the NZAP-supported student’s scholarship, unless they have written approval from the Ministry of Foreign Affairs and Trade (with the exception of a short-term visitor visa).</td>
</tr>
</tbody>
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Effective 28/08/2017
WH Horticulture and viticulture seasonal work
WH1 Recognised Seasonal Employer (RSE) Instructions


Effective 29/11/2010
WH1.1 Objectives and overview – RSE Instructions

WH1.1.1 Objectives

The objectives of the RSE Instructions are to:

a. allow horticulture and viticulture businesses to supplement their New Zealand workforce with non-New Zealand citizen or residence class visa holder workers when labour demand exceeds the available New Zealand workforce and employers have made reasonable attempts to train and recruit New Zealand citizens and residence class visa holders; and

b. promote best practice in the horticulture and viticulture industries to support economic growth and productivity of the industry as a whole, while ensuring that the employment conditions of both New Zealand and non-New Zealand citizen or residence class visa holder workers are protected and supported; and

c. encourage economic development, regional integration and good governance within the Pacific, by allowing preferential access under RSE Instructions to workers who are citizens of eligible Pacific countries; and

d. ensure workers recruited under these instructions are adequately paid and financially benefit from their time in New Zealand; and

e. ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems.

WH1.1.5 Meeting the objectives of RSE Instructions

To ensure these objectives are met:

a. RSE limited visas will only be granted under the RSE Instructions where:

   i. there are available places for employment in the horticulture and viticulture industries as determined by INZ in consultation with Ministry of Social Development (MSD); and

   ii. INZ is satisfied the RSE will:

      iii. continue to have direct responsibility for those workers and their work output (except where WH1.5.5(d) applies); and

      iv. comply strictly with the requirements for RSE status and Agreements to Recruit (ATRs) under the RSE instructions; and

b. a high standard of proof is required to satisfy INZ that requirements set out in instructions will be and are being met; and

c. INZ may consider the compliance history and particular employment or other arrangements (including recruitment practices) of the RSE and other organisations or individuals associated with the RSE; and

d. permission to use non-New Zealand citizen or resident workers will be withdrawn and further permission refused where there is any breach of requirements other than of a minor nature; and

e. RSE status will not be granted to employers whose core area of business activity is the facilitation of entry to New Zealand of non-New Zealand citizens and residence class visa holders or who are not engaged directly in the industries to which these instructions apply.
WH1.1.10 Overview

a An employer who wishes to recruit non-New Zealand citizen or residence class visa holder workers to plant, maintain, harvest and pack crops in the horticulture and viticulture industries under these instructions must apply to become an RSE (see WH1.5).

b An employer with RSE status may then apply for an ATR. An ATR allows the recruitment of a set number of non-New Zealand citizen or residence class visa holder workers for each period where demand requires it (see WH1.10). ATRs will be restricted to recruitment from specified Pacific countries, unless RSEs can satisfy INZ that they:
   i have pre-established relationships with workers of other nationalities (see WH1.10.20); or
   ii have made reasonable attempts to recruit from the specified Pacific countries, but were unsuccessful (see WH1.10.15); or
   iii have reasonable grounds for why it is not feasible to recruit from the specified Pacific countries.

c An employer with a current ATR may offer seasonal employment to non-New Zealand citizen or residence class visa holder workers.

d Workers who hold such an offer of employment may then apply for an RSE limited visa (see WH1.15) consistent with the terms and conditions of the RSE's ATR.

e All visas granted to plant, maintain, harvest and pack crops in the horticulture or viticulture industry for an RSE under the RSE instructions will be granted under the RSE Limited Visa instructions (see WH1.15).

WH1.1.15 Annual limit to number of visas available under RSE instructions

a The number of visas that can be granted under these instructions is limited to 11,100 for each year ending 30 June.

b Applications for ATRs or RSE limited visas submitted after this limit has been reached will not be approved for places within that year and the application fee and immigration levy will be refunded.

c INZ will take into consideration the following matters when determining whether the annual limit has been reached:
   i the number of visas granted in the year ending 30 June; and
   ii the number of workers requested in ATRs approved for each year ending 30 June.

Effective 19/02/2018
WH1.5 Recognised Seasonal Employer (RSE)

See previous instructions:
WH1.5 Effective 01/04/2017
WH1.5 Effective 07/12/2015
WH1.5 Effective 25/08/2014
WH1.5 Effective 01/07/2013
WH1.5 Effective 29/11/2010

For the purpose of these instructions, a Recognised Seasonal Employer (RSE) is a New Zealand employer whose core area of business is horticulture or viticulture and who has had an application for RSE status approved by INZ. An RSE is able to apply for an Agreement to Recruit (ATR) that will allow them to recruit workers who are not New Zealand citizens or residence class visa holders under the RSE Instructions.

WH1.5.1 Definition of a New Zealand employer under RSE Instructions

A New Zealand employer for the purposes of RSE Instructions is an employer who:

a has the power to enter into employment agreements; and
b is a natural person who is ordinarily resident in New Zealand; or
c is a company that is incorporated in New Zealand and carries on business in New Zealand; or
d is an overseas company that is registered under the Companies Act 1993 and carries on business in New Zealand; or
e is an incorporated society that is incorporated in New Zealand.

WH1.5.5 Requirements for RSE status

a RSE status may be granted where INZ is satisfied that an employer:

i is a New Zealand employer as set out at WH1.5.1; and
ii is in a sound financial position; and
iii has human resource policies and practices which are of a high standard, promote the welfare of workers, and include dispute resolution processes; and
iv has a demonstrable commitment to recruiting New Zealanders; and
v has a demonstrable commitment to training New Zealanders; and
vi has good workplace practices and a history of compliance with New Zealand immigration and employment law (see W2.10.5), including meeting the requirements of the following legislation:

- Accident Compensation Act 2001; and
- Employment Relations Act 2000; and
- Equal Pay Act 1972; and
- Health and Safety at Work Act 2015; and
- Holidays Act 2003; and
- Immigration Act 2009; and
- Minimum Wage Act 1983; and
- Parental Leave and Employment Protection Act 1987; and
- Wages Protection Act 1983; and

b will meet the requirements set out at (c) below.

c To ensure that INZ can verify an employer’s ability to meet the requirements in (a) above, applicants must consent to INZ seeking information from other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies. Where such consent is not given an application for RSE status may be declined.
d RSEs must:
   i take all reasonable steps to recruit and train New Zealanders for available positions before seeking
to recruit non-New Zealand citizen or residence class visa holder workers; and
   ii not use a recruitment agent who seeks a commission from workers in exchange for securing an
employment agreement, to recruit non-New Zealand citizen or residence class visa holder
workers; and
   iii pay for half the return airfare between New Zealand and the worker’s country of residence for
each worker recruited under the RSE instructions, unless the worker is a citizen of Tuvalu or
Kiribati who is normally resident in Tuvalu or Kiribati (in which case the employer must pay for half
the return airfare between Nadi (Fiji) and New Zealand), or WH1.15.5(a) applies; and
   iv comply with the requirements for employment agreements including the minimum remuneration
and pay deduction requirements as set out at WH1.20; and
   v make available appropriate pastoral care (including food and clothing and access to health services
and suitable accommodation) to their non-New Zealand citizen or residence class visa holder
workers at a reasonable cost during the period of the workers’ RSE limited visas; and
   vi promptly notify INZ if any of their non-New Zealand citizen or residence class visa holder workers
breach the conditions of their visas; and
   vii promptly notify INZ of any dispute with the holder of an RSE limited visa that has resulted in the
suspension or dismissal of the worker; and
   viii not engage the services of a contractor, who does not have good workplace practices as outlined
at WH1.5.5(a)(vi) and who employs non New Zealand citizen or residence class visa holder
workers; and
   ix have direct responsibility for the daily work output and supervision of non-New Zealand citizen or
residence class visa holder workers recruited under RSE instructions, except where (d) below
applies; and
   x pay to the Ministry of Business, Innovation and Employment any costs reasonably incurred by the
Ministry, to a maximum of NZ$3000 per worker, in relation to the repatriation (including any
maintenance and accommodation) of any non–New Zealand citizen or resident worker who
requires repatriation as a result of a breach of the terms and conditions of their RSE limited visa; and
   xi on request disclose to representatives of the Ministry of Business, Innovation and Employment all
payments received from RSE workers (including payments for airfares, accommodation and other
pastoral care).

e An RSE is not required to have direct responsibility for the daily work output and supervision of non-
New Zealand citizens and residence class visa holder workers recruited under RSE instructions when
the workers are temporarily working on the worksite or worksites of another RSE (the recipient RSE),
and the recipient RSE has agreed to take on these responsibilities. The RSE who employed the workers
under RSE instructions (the first RSE) remains accountable for all other responsibilities under RSE
instructions. This arrangement may only occur where:
   i the total period of work on the recipient RSE’s worksite or worksites is of one month or less;
   ii the worksite or worksites of the recipient RSE is within the same region as that specified in the ATR
held by the first RSE; and
   iii the first RSE has notified INZ in advance of the workers starting work at the recipient RSE’s
worksite or worksites.

f Employers are considered to not have a history of compliance with employment law if they fail to
meet the requirements set out at W2.10.15 or if they are included on a list of non-compliant
employers maintained by the Labour Inspectorate (see Appendix 10).
Note: For the purposes of instructions, the return airfare is defined as the total cost of travel from the worker’s country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

WH1.5.10 Determining applications for RSE status

a In determining whether employers may be granted RSE status, INZ will assess applications and associated documents taking into account such factors as:

i the period for which the employing organisation has been established as a going concern; and

ii whether the employer has engaged with the Ministry of Social Development - Work and Income; and

iii whether the employer has engaged with the relevant Industry Training Organisation; and

iv whether the employer is a member of any relevant industry bodies (eg Horticulture New Zealand, New Zealand Kiwifruit Growers Inc., Pipfruit New Zealand, Hawkes Bay Fruitgrowers Association, New Zealand Wine, Rural and Associated Contractors Federation or a regional contractors association); and

v whether the employer is certified by any quality standard organisation (eg New Zealand GAP); and

vi whether the criteria in WH1.5.5(a) and (b) have been met by the employer; and

vii whether INZ is satisfied that the requirements in WH1.5.5(c) will be met by the employer; and

viii where there has been any previous breach of the requirements of immigration instructions (regardless of whether or not that resulted in RSE status being rescinded), whether any evidence has been provided to satisfy INZ that the cause and consequence of that breach has been remedied.

b INZ must be satisfied that the information and documents included in an application for RSE status are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain.

c Representatives of the Ministry of Business, Innovation and Employment may, where it is deemed necessary, conduct a site visit to the employer’s premises.

d INZ may consult with other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, WorkSafe New Zealand, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies when determining whether an employer has been compliant with relevant statutory law and policies, and has a demonstrable commitment to recruiting and training New Zealanders.

e Where any information is identified by the employer as commercially sensitive and:

i that information is provided in confidence to INZ; and

ii INZ considers that disclosure of that information is necessary for the determination of an application,

INZ will seek the consent of the employer for the disclosure of that information. Where such consent is not given, an application for RSE status may be declined.

f Where INZ, in consulting with other agencies, receives information that may be prejudicial to the positive outcome of an employer’s application for RSE status, that adverse information will be put to the employer for comment before a decision is made on their application.

g INZ will decline an application for RSE status where it considers granting RSE status to the employer would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.
WH1.5.15 Evidential requirements

a Set out below are examples of evidence that may be provided in support of an application for recognition. The provision or non-provision of any of these examples of evidence will not be determinative.

b Evidence that an employer is in a sound financial position includes but is not limited to:

   i a signed statement of creditworthiness from the applicant stating that the business seeking RSE status is financially viable and the applicant knows of no adverse credit matters affecting the business;
   ii a statement from a chartered accountant confirming the business is financially sound and is able to meet all outstanding obligations;
   iii an authenticated set of accounts showing a sound financial position.

c Evidence of an employer's human resource policies and practices includes but is not limited to:

   i a copy of the business's human resource manual or guidelines;
   ii a written statement describing the employer's human resource policies and practices such as information on:
      o how the business recruits workers;
      o what checks are carried out on prospective New Zealand and non-New Zealand citizen or residence class visa holder workers, including any checks done by a recruitment agent on behalf of an employer;
      o what remuneration structure is in place;
      o any internal disputes resolution policies, including any performance management processes;
      o health and safety practices, including any provision of health and safety equipment for workers.

d Evidence of an employer's commitment to training New Zealand citizens and residence class visa holders includes but is not limited to:

   i records of in-house training and development programmes;
   ii involvement with any New Zealand Industry Training Organisation;
   iii records of funding provided to workers to allow attendance at training courses by external training providers.

e Evidence of an employer's commitment to recruiting New Zealand citizens and residence class visa holders includes but is not limited to:

   i a written description of the steps taken in the previous 12 months to recruit workers;
   ii evidence of previous advertising;
   iii a letter of support from an industry body confirming the employer's commitment to recruiting New Zealanders;
   iv records of any previous communication with Work and Income regarding the recruitment of workers.

f Where any previous breach of the requirements of immigration instructions has occurred (regardless of whether or not that breach resulted in RSE status being rescinded) the employer must provide evidence to satisfy INZ that the cause and consequence of that breach has been remedied.

WH1.5.20 Rescinding RSE status

a INZ may rescind an employer's RSE status where:

   i there is any breach of RSE or ATR requirements other than of a minor nature; or
   ii the conduct of that employer has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies.
b Where an employer's RSE status has been rescinded, INZ will not approve any further applications for RSE status from the employer that are made within one year of the date their RSE status was rescinded.

c Any decision to rescind RSE status must be approved by an INZ Area Manager in consultation with their Assistant General Manager.

WH1.5.25 Reconsideration process for applications for RSE status which are declined

a There is no statutory right of appeal against the decision to decline an application for RSE status.

b INZ may reconsider a declined application for RSE status where the reconsideration request is made in writing and any new information (not amounting to a completely new application) is promptly provided.

WH1.5.30 Currency of RSE status and subsequent applications

a If an initial application for RSE status is successful, RSE status may be granted for a period of two years.

b If a subsequent application for RSE status is successful and the employer has previously held RSE status, and that status was not rescinded, the subsequent RSE status may be granted for a period of three years.

c Where an employer holds RSE status at the time a subsequent RSE application is accepted for consideration by INZ, their current RSE status will continue until the date their subsequent application is decided, unless their RSE status is rescinded during that interim period.

WH1.5.35 Applying to become an RSE

An application for RSE status must be:

a made in New Zealand; and

b made on the Application for Recognised Seasonal Employer Status (INZ 1140) form; and

c accompanied by the prescribed fee; and

d supported by evidence that demonstrates the employer meets the requirements set out at WH1.5.5.

Effective 19/02/2018
WH1.10 Agreement to Recruit (ATR)

See previous instructions:
WH1.10 Effective 07/12/2015
WH1.10 Effective 08/12/2014
WH1.10 Effective 25/08/2014
WH1.10 Effective 03/04/2014
WH1.10 Effective 29/11/2010

a An Agreement to Recruit (ATR) is an approval for a Recognised Seasonal Employer (RSE) to offer employment (in planting, maintaining, harvesting, and packing crops) to non-New Zealand citizen or residence class visa holder workers. This approval will only be given at times where demand for such workers in the horticulture and viticulture industries cannot be met from the available New Zealand workforce.

b The availability of suitable New Zealand citizen or residence class visa holder workers will be assessed in consultation with the Ministry of Social Development.

WH1.10.1 Requirements for an ATR

a An application for an ATR will only be approved where the employer holds RSE status (WH1.5).

b INZ must be satisfied that the employer has taken all reasonable steps to recruit and train New Zealand citizens or residence class visa holders for available positions before seeking an ATR to recruit workers who are not New Zealand citizens or residence class visa holders. Evidence to support the employer's case for requiring an ATR must be provided with each application for an ATR.

c Each application must include the following information:

i the region(s) of seasonal demand; and

ii the number of workers required; and

iii the nature of each position (planting, maintaining, harvesting, or packing crops); and

iv the period for which each position is available (start and end date of employment); and

v the location where the non-New Zealand citizen or residence class visa holder workers will be working; and

vi the country or countries from which the employer intends to recruit their workers; and

vii a copy of the employment agreement that will be offered to the workers, and that meets the requirements set out in WH1.20.

Note: The employment agreement provided to workers must be the same as that which is provided to INZ at the ATR stage, unless the terms and conditions are more beneficial to the worker.

d Where the RSE applying for an ATR intends to recruit workers to undertake work at the worksite of a third party, such as a grower or pack house operator, they must provide written evidence of that arrangement with the third party. Such arrangements between RSEs and third parties do not remove any of the RSEs’ obligations under these instructions (except where WH1.5.5(d) applies).

e Where two or more RSEs have an arrangement to provide consecutive periods of employment to the same workers, they must submit their separate ATRs (covering each consecutive period) to INZ together. Where INZ approves those jointly submitted ATRs, INZ may grant a visa allowing work for each RSE (if requirements at WH1.10.1 (h) and (i) are met).
f INZ must be satisfied that the employer will make available appropriate pastoral care to workers. Employers must provide full details of how they plan to address the following pastoral care, and health and safety requirements:

i transportation to and from the port of arrival and departure; and

ii an induction programme; and

iii suitable accommodation; and

iv transportation to and from the worksite(s); and

v access to personal banking; and

vi access to lawful and reputable remittance services; and

vii access to acceptable medical insurance (see WH1.25); and

viii provision of personal protective equipment; and

ix provision of onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water); and

x necessary language translation, e.g. for health and safety purposes; and

xi opportunity for recreation and religious observance.

g An RSE who holds an ATR must:

i comply with the conditions of the ATR; and

ii provide all prospective non–New Zealand citizen or residence class visa holder workers to be employed under RSE instructions with a written employment agreement that meets the requirements set out in WH1.20; and

iii comply with the terms and conditions of the employment agreements; and

iv comply with the minimum requirements set out in WH1.20 in relation to:

v paying half the return airfare between New Zealand and the worker’s country of residence for each worker recruited under the RSE instructions, unless the worker is a citizen of Tuvalu or Kiribati who is normally resident in Tuvalu or Kiribati (in which case the employer must pay for half the return airfare between Nadi (Fiji) and New Zealand), or WH1.15.5(a) applies; and

vi minimum remuneration; and

vii pay deduction requirements; and

viii comply with any request from the Ministry of Business, Innovation and Employment (the Ministry) to audit the RSE against RSE instructions and the conditions of the RSEs ATR and employment agreements; and

ix pay to the Ministry any costs reasonably incurred by the Ministry, to a maximum of NZ$3000 per worker, in relation to the repatriation (including any maintenance and accommodation) of any non–New Zealand citizen or resident worker who requires repatriation as a result of a breach of the terms and conditions of their RSE limited visa; and

x inform the Ministry of the expected departure date of non–New Zealand citizen or residence class visa holder workers employed under RSE instructions once bookings for outward flights have been made; and

xi arrange, but not necessarily pay for, acceptable medical insurance (see WH1.25 for workers recruited under RSE instructions for the duration of their stay in New Zealand.

h In cases where two or more employers apply for ATRs to provide consecutive periods of employment to the same workers, each employer must provide:

i full details of how the pastoral care and health and safety requirements set out at (f) above will be arranged by the employers (including accommodation arrangements for both or all periods of
If the requirements at (h) above are met and INZ is satisfied that appropriate pastoral care will available to workers for the duration of their visa, immigration officers may grant an RSE limited visa valid for any or all periods of employment within the term of the visa.

**Note:** For the purposes of these instructions, the return airfare is defined as the total cost of travel from the worker’s country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

**WH1.10.5 Determining an application for an ATR**

a An ATR will be approved only where:
   i the appropriate regional Work and Income office(s) has been advised of the RSEs vacancies; and
   ii INZ, in consultation with MSD, is satisfied that there are no suitable New Zealand citizen or residence class visa holder workers available to undertake the work; and
   iii there are sufficient places remaining within the annual limit (see WH1.1.15), for the grant of visas under these instructions; and
   iv INZ is satisfied that the requirements set out in WH1.10.1 and WH1.10.10 are met.

b Where INZ is not satisfied that the number of workers requested in the ATR is appropriate for the work required, or this number of people exceeds the forecast labour shortage for the region and period requested, INZ may approve the recruitment of a lesser number of workers, or for a lesser period of work than requested.

c INZ will take into consideration the needs of the horticulture industry and viticulture industry as a whole when determining an ATR application and the number of workers that may be approved, to ensure that no particular region, crop or season is disadvantaged.

d Any supporting documentation to verify a regional labour shortage will be considered.

e INZ will decline an application where the employer or any relevant third party (see WH1.10.1(d) and (e)) has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

**WH1.10.10 Pacific countries eligible for the recruitment of workers**

a ATRs will only be granted for recruitment of citizens from the following eligible Pacific countries who are also normally resident in one of those countries, unless (b) below applies:
   • Federated States of Micronesia
   • Fiji
   • Kiribati
   • Nauru
   • Palau
   • Papua New Guinea
   • Republic of Marshall Islands
   • Samoa
   • Solomon Islands
   • Tonga
   • Tuvalu
   • Vanuatu.
b ATRs will only be granted for recruitment of citizens other than those listed above where INZ is satisfied that:
   i reasonable attempts to recruit from the eligible Pacific countries have not been successful (see WH1.10.15); or
   ii the RSE has pre-established relationships with workers from countries other than the eligible Pacific countries (see WH1.10.20); or
   iii the RSE has reasonable grounds for why it is not feasible to recruit from the eligible Pacific countries.

c Any request to recruit from outside the eligible Pacific countries must state the country or countries the RSE wishes to recruit from, and must be accompanied by evidence that supports this request.

WH1.10.15 Reasonable attempts to recruit from eligible Pacific countries
INZ may consider an RSE to have made reasonable attempts to recruit from eligible Pacific countries if:

a the RSE has failed, having made genuine and reasonable attempts, to recruit suitable potential workers from the eligible Pacific countries within six weeks of commencing recruitment; and

b evidence can be provided of genuine and reasonable attempts to recruit workers in the eligible Pacific countries, such as a written communication from a National RSE Officer stating that they have been consulted and agree that employing people from these nations is not feasible in the circumstances.

Note: If any employment offers provided to workers from the eligible Pacific countries do not meet the criteria set out in WH1.20, the employer will not be considered to have made a reasonable attempt to recruit from eligible Pacific countries.

WH1.10.20 Pre-established employment relationships with workers of other nationalities

When determining whether an employer has a pre-established employment relationship with workers who are not citizens of eligible Pacific countries, INZ will take into account factors such as (but not limited to):

a the number of workers employed from each country, relative to the total number of workers employed by the employer; and

b the number of previous occasions on which workers have been recruited from these countries; and

iv whether the employer has made a substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within these countries.

When determining whether an employer has a pre-established employment relationship with workers who are not citizens of eligible Pacific countries, INZ will not take into account employment relationships with workers holding visas granted:

i under the Seasonal Work Permit instructions; or

ii under a Working Holiday Scheme; or

iii under the Transitioning to Recognised Seasonal Employer instructions; or

iv under the Supplementary Seasonal Employment instructions; or

v on the basis of a Variation of Conditions to a visitor visa.

Where INZ is satisfied that an employer has a pre-established relationship with workers from a country not listed in WH1.10.10(a) and the employer has applied to recruit a greater number of workers from that country than the number of workers from that country previously employed by the employer, INZ will then determine whether the number of workers requested is appropriate in the circumstances.

When making a determination under (c) above, INZ may take into account such factors as:

i the nature of the pre-established relationship, such as whether the employer has made a
substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within that country; and

ii whether the employer has made any attempts to develop relationships with countries listed in WH1.10.10(a) above.

WH1.10.25 Reconsideration process for applications for ATRs which are declined
There is no statutory right of appeal against the decision to decline an application for an ATR. However, INZ may reconsider a declined application for an ATR where new information is promptly provided.

WH1.10.30 Applying for an ATR
An application for an ATR must be:

a made in New Zealand; and

b made on the Application for an Agreement to Recruit (INZ 1141) form; and

c accompanied by the prescribed fee; and

d supported by evidence that demonstrates the employer meets the requirements set out at WH1.10.1 and WH1.10.10.

Effective 01/04/2017
WH1.15 Recognised Seasonal Employer (RSE) Limited Visa Instructions

See previous instructions:
WH1.15 Effective 25/08/2014
WH1.15 Effective 27/08/2012
WH1.15 Effective 29/11/2010

Applications for RSE limited visas must be considered under WH1.15 RSE Limited Visa Instructions in addition to the Limited Visa Instructions.

a  All visas granted under the RSE instructions for the purpose of working for an RSE must be granted as a limited visa.

b  An RSE limited visa has travel conditions allowing a single journey to New Zealand (see L2).

c  An RSE limited visa has further conditions allowing a person to be in New Zealand for the express purposes of undertaking seasonal employment in the horticulture and viticulture industries for a specified RSE (see L3).

d  For the purposes of these instructions ‘seasonal work in the horticulture and viticulture industries’ means planting, maintaining, harvesting, and packing crops in the horticulture and viticulture industries.

WH1.15.1 Who is eligible for an RSE limited visa?

a  Applicants for visas under the RSE Limited Visa Instructions must:
   i  be aged 18 or older; and
   ii  have an employment agreement (which meets the requirements set out at WH1.20) with an employer who has RSE status and holds a current ATR; and
   iii  meet the health and character requirements as set out at A4 and A5 with any necessary modifications and WH1.15.10; and
   iv  meet the requirements for bona fide applicants as set out at E5; and
   v  hold, or be approved for, acceptable medical insurance (WH1.25); and
   vi  have an employer that is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Note: The employment agreement provided to workers must be the same as that which is provided to INZ at the ATR stage, unless the terms and conditions are more beneficial to the worker.

b  To be granted a limited visa under RSE Limited Visa Instructions applicants must be offshore at the time of application.

c  Holders of RSE limited visas granted entry permission may apply for a further RSE limited visa, provided they meet the requirements set out at WH1.15.1 or WH1.15.6. A subsequent RSE limited visa granted under these instructions may not allow further travel.

WH1.15.5 Who is eligible to transfer employment from one RSE to another RSE?

a  An RSE limited visa holder may transfer from one RSE to another, provided that the worker has a current employment agreement with the second or subsequent RSE who holds a current ATR and INZ is satisfied that the transfer is consistent with the objectives of RSE instructions. Situations when transfers may be appropriate include, but are not limited to, where:
   i  the status of the first employer as an RSE has been rescinded (see WH1.15.35); or
   ii  the RSE limited visa holder is no longer able to work for the first RSE and INZ is satisfied that this situation is due to circumstances beyond the control of that RSE; or
   iii  the RSE limited visa holder is currently employed by an RSE who has jointly submitted ATRs with second or subsequent RSEs as set out in WH1.10.1(e); or
iv. the RSE limited visa holder has been granted a visa to work for more than one employer, under WH1.10.1(e);

b. In all transfer cases the period of work for the second or subsequent RSE:
   i. must fall within the second or subsequent RSE's approved ATR period; and
   ii. will not take the worker beyond the maximum period of stay allowed in New Zealand (see WH1.15.20(c)).

c. In cases where INZ has determined a worker is eligible to transfer to another RSE the worker may apply:
   i. for a variation of conditions (VOC) if the new employment agreement is for a period of work that will end on the same date as the expiry date of their current RSE limited visa; or
   ii. for a new RSE limited visa if the new employment agreement is for a period of work that does not end on the same date as the expiry date of the current RSE limited visa.

d. Any applications for a VOC or further limited visa for the purposes of transferring from one RSE to another will only be approved where both RSEs have provided written consent to the transfer.

e. Despite (c) above, in cases where the transfer is occurring because:
   i. the status of the previous employer as an RSE has been rescinded; or
   ii. the worker is not currently employed by an RSE;
   a VOC or further visa may be granted without the consent of the previous employer.

f. VOC and further RSE limited visa will only be granted where the terms and conditions of employment meet all RSE requirements.

WH1.15.6 Who is eligible to apply for an RSE limited visa to extend the period to be worked for an RSE?

a. In cases where an RSE requires a worker to remain in New Zealand for a further period to achieve the express purpose of undertaking seasonal work for that RSE, the worker may apply for a further limited visa if:
   i. INZ is satisfied that the RSE has exceptional circumstances or there are circumstances beyond the control of that RSE that require them to extend the period of work for an RSE worker (e.g. due to bad weather); or
   ii. the RSE has indicated the potential need to extend the period of work for a limited number of RSE workers at the ATR stage, and INZ is satisfied that this is necessary and will not undermine the integrity of RSE instructions.

b. In all cases:
   i. the extended period of work must fall within an approved ATR period; and
   ii. INZ must be satisfied that the employer has a genuine need to employ the worker(s) in question, for longer than the original duration of the employment agreement; and
   iii. the extended period of work will not take the worker beyond the maximum period of stay allowed in New Zealand (see WH1.15.20(c)).

WH1.15.10 Specific health requirements for RSE limited visa applicants

a. Applicants for visas under these instructions must:
   i. undergo screening for pulmonary tuberculosis if they have risk factors as set out in A4.25.1 and A4.25.5, regardless of their intended length of stay in New Zealand; and
   ii. undergo screening for HIV/AIDS if they are from a country with risk factors for HIV/AIDS (see WH1.15.15).

b. Despite A4.15, applicants for an RSE limited visa who are HIV positive will not be eligible for a limited visa under RSE Limited Visa Instructions.
WH1.15.15 Applicants from countries with high risk factors for HIV/AIDS

a All RSE limited visa applicants who are citizens of, or are normally resident in, a country listed below must provide the results of an HIV test with their RSE limited visa application.

b The following is a list of countries with an estimated adult HIV/AIDS prevalence of 1% or more:

- Angola
- Bahamas
- Barbados
- Belize
- Benin
- Botswana
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Central African Republic
- Chad
- Congo
- Côte d'Ivoire
- Democratic Republic of Congo
- Djibouti
- Dominican Republic
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Gabon
- Gambia
- Ghana
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Honduras
- Jamaica
- Kenya
- Lesotho
- Liberia
- Malawi
- Mali
- Mozambique
- Myanmar
- Namibia
- Niger
- Nigeria
- Papua New Guinea
- Republic of Moldova
- Russian Federation
- Rwanda
- Sierra Leone
- South Africa
- Sudan
- Suriname
- Swaziland
- Thailand
- Togo
- Trinidad and Tobago
- Uganda
- Ukraine
- Tanzania
- Zambia
- Zimbabwe

WH1.15.20 Currency and conditions of an RSE limited visa

a Visas will be granted to allow arrival in New Zealand no earlier than 14 days before, and no later than 14 days after, the expected commencement of work as stated in the employment agreement.

b No limited visa will be granted beyond the term of the relevant ATR.

c Limited visas will only be granted for a maximum stay in New Zealand of up to seven months in any 11-month period, with the exception of limited visas for citizens of Tuvalu or Kiribati who are normally resident in Tuvalu or Kiribati, which may be granted for a maximum stay of up to nine months in any 11 month period. The maximum period of stay includes any time required for internal travel and induction arrangements.

d Limited visas granted under RSE Limited Visa Instructions will be subject to the condition that RSE limited visa holders may undertake employment only for the RSE who holds the relevant ATR and with whom they have entered into an employment agreement.

e Where the non-New Zealand citizen or residence class visa holder worker ceases to be employed by an RSE, they may become liable for deportation.

f Limited visas granted under RSE Limited Visa Instructions will be subject to the condition that RSE limited visa holders obtain and hold acceptable health insurance (WH1.25) for the duration of their stay in New Zealand.

g Limited visas granted under RSE Limited Visa Instructions will be subject to the condition that RSE limited visa holders may undertake training with an industry training organisation with whom they have entered into a valid training agreement, if authorised by their employer as part of their employment.
Limited visas granted to allow work for more than one employer under WH1.10.1(e), must specify the start and end dates of employment with each employer within the validity of the limited visa.

Where a limited visa allows employment for more than one employer and specifies start and end dates of employment with each employer, it is a condition of the visa that:

i. the worker starts and ends employment for each employer on the dates specified on the visa; or

ii. the worker starts and ends employment for each employer no earlier than 14 days before the start date specified and no later than 14 days after the end date specified for employment with each employer, as specified in the employment agreement, where all employers have agreed to the amended dates.

**WH1.15.25 Ineligibility for other visas**

Applications from the holder of an RSE limited visa for any other type of temporary entry class visa, or a residence class visa will be declined.

**WH1.15.30 Applying for a limited visa under RSE Limited Visa Instructions**

Applications for an RSE for limited visa must:

a. be made on the Application to Work for a Recognised Seasonal Employer (INZ 1142) form; and meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at E4; and

b. meet all the requirements for eligibility under WH1.15.1; and

c. include an employment agreement from an employer with RSE status (or an employment agreement from each employer if the visa is to cover work for more than one employer, under WH1.10.1(e) that meets the requirements for employment agreements set out in WH1.20; and

d. include the results of an HIV test if the applicant is from a country listed as having high risk factors for HIV/AIDS (see WH1.15.15(b)) on the RSE Instructions Supplementary Medical Certificate (INZ 1143); and

e. include the results of pulmonary tuberculosis screening on the X-ray Certificate for Temporary Entry (INZ 1096) if the applicant has risk factors as set out in A4.25.1 and A4.25.5.

**WH1.15.35 Workers whose employers lose RSE status**

a. If during the currency of an RSE limited visa the employer has their RSE status rescinded, or not renewed, the holder of that visa may seek employment with another employer with RSE status (see WH1.15.5).

b. Where no further offer of employment under the RSE Limited Visa Instructions is obtained, the worker may become liable for deportation (see D2.15.15 and E3.5.50) and must leave New Zealand (see also L2.25(b)).

Effective 19/06/2017
WH1.20 Requirements for employment agreements under RSE Instructions

WH1.20.1 Minimum requirements for employment agreements under RSE Instructions

Employment agreements between RSEs who hold ATRs and non-New Zealand citizen or residence class visa holder workers employed under RSE instructions must:

a  be in writing and current at the time the RSE limited visa application is assessed by INZ, and at the time the limited visa is granted; and

b  be consistent with the terms of any current ATR held by the employer; and

c  be for employment in New Zealand planting, maintaining, harvesting, or packing crops in the horticulture or viticulture industries; and

d  be for a period of no more than seven months, unless the workers are citizens of Tuvalu or Kiribati, who are normally resident in Tuvalu or Kiribati, in which case the period may be up to nine months (this period is inclusive of the time for internal travel and induction arrangements within New Zealand); and

e  be genuine; and

f  specify a "per hour" rate for the work to be performed by the worker, that is consistent with the typical rate a New Zealand citizen or residence class visa holder worker is paid for the equivalent work, in the same period and region; and

g  where piece rates apply to the work to be performed by the worker, also specify the piece rate(s), which must be consistent with the typical rate a New Zealand citizen or residence class visa holder worker is paid for the equivalent work, in the same period and region; and

h  comply with the minimum remuneration requirements set out below in WH1.20.5 and pay deduction requirements set out below in WH1.20.10; and

i  comply with all relevant employment law in force in New Zealand, such as the requirements of the Employment Relations Act 2000, holiday and leave requirements, statutory health and safety obligations, and other minimum statutory requirements; and

j  state that the employer will pay for half of the return airfare between New Zealand and the worker's country of residence, unless:

i  the employment agreement is for a worker who is transferring from one RSE to another (see WH1.15.5); or

ii  the employment agreement is for a worker who is a citizen of Tuvalu or Kiribati and is normally resident in Tuvalu or Kiribati (in which case the employment agreement must state that the employer will pay for half of the return airfare between Nadi (Fiji) and New Zealand).

Note: For the purposes of these instructions, the return airfare is defined as the total cost of travel from the worker's country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

WH1.20.5 Minimum remuneration under RSE Instructions

a  The employment agreement must provide that:

i  the worker will be paid no less than the market rate for actual hours worked; and

ii  the worker will be paid at no less than the "per hour" rate specified in the employment agreement (see WH1.20.1 (f) above) for hours not worked but for which remuneration is required in terms of (b) and (c) below; and

iii  the total payment to the worker will be no less than the relevant minimum remuneration set out in (b) and (c) and subject to (d) below.
For employment agreements that are for a period of six weeks or longer, the minimum remuneration is the greater of the following amounts:

i. payment at no less than 240 hours at the "per hour" rate, regardless of the actual availability of work; or

ii. payment for an average of 30 hours per week at the "per hour" rate for the period worked.

For employment agreements that are for a period of less than six weeks, the minimum remuneration is payment for 40 hours per week, at the "per hour" rate, over the period of work offered in the employment agreement, regardless of the actual availability of work.

Despite (b) and (c) above, where a worker has transferred from one RSE to another (see WH1.15.5), the minimum remuneration will be payment for an average of 30 hours per week at the "per hour" rate for the period worked.

**Note:** In cases where a worker has transferred from one RSE to another (see WH1.15.5), the first RSE remains liable for complying with the minimum remuneration requirements stated in (a) above in relation to the period for which the worker was employed by that RSE.

### WH1.20.10 Pay Deductions

Pay deductions will only be permissible where:

a. the employer has submitted the proposed pay deduction arrangements to INZ for approval with the application for the ATR; and

b. the employer has submitted any subsequent proposed changes to the pay deduction arrangements to INZ for approval in advance of the changes taking effect; and

c. the requirements of relevant New Zealand employment legislation, in particular the requirements of the Wages Protection Act 1983, have been complied with; and

d. the employer has obtained the written consent, freely given, of the worker before any deductions are made; and

e. the employer has informed the worker that the worker can withdraw his or her consent to the deductions at any time; and

f. the deductions are for a specified purpose and are for actual, reasonable, verifiable expenses in relation to that purpose; and

g. the amount deducted is no greater than that deducted, in comparable circumstances, from the pay of workers who are New Zealand citizens or residence class visa holders.

### WH1.20.15 Market Rate

For the purpose of RSE Instructions, 'market rate' is the typical rate a New Zealand citizen or residence class visa holder is paid for doing the equivalent work, in the same period, in the same region. The 'market rate' may be expressed in terms of a 'per hour' rate or a piece rate.

*Effective 29/11/2010*
WH1.25 Requirements for acceptable medical insurance under RSE Instructions

See previous instructions:
WH1.25 Effective 29/11/2010

WH1.25.1 Minimum requirements for acceptable medical insurance under RSE Instructions

Workers employed under RSE Instructions must hold health insurance which:

a is provided by a company with
   i representation in New Zealand; and
   ii experience in health and/or travel insurance business; and
   iii a credit rating of no lower than A from Standard and Poors or B+ from AM Best.

b guarantees to cover the full costs of:
   i all medical expenses including diagnosis and treatment, prescribed medicines, ambulance, hospital and post hospital discharge care, home nursing care; and
   ii emergency dental care, including provision of antibiotics and treatment for the relief of sudden and acute pain; and
   iii evacuation/return home in the event of serious illness or disability; and
   iv return of remains to the country of origin in the event of death.

c is provided by a company which will inform the Ministry of Business, Innovation and Employment if the insurance is cancelled or lapsed, excluding cancellation or lapse because the worker has left New Zealand.

WH1.25.5 Allowable exclusions for acceptable medical insurance under RSE Instructions

Despite WH1.25.1(b) above, acceptable medical insurance under RSE Instructions may exclude costs related to:

a suicide, attempted suicide; or

b sexually transmitted disease; or

c any situation or action when under the influence of alcohol or non prescribed drugs; or

d Human Immunodeficiency Virus (HIV) and/or HIV– related illness including Acquired Immune Deficiency Syndrome (AIDS); or

e childbirth or pregnancy unless they arise from medical complications that occur before the end of the 24th week of pregnancy; or

f pre-existing conditions.

WH1.25.10 Evidence of acceptable medical insurance under RSE Instructions

Applicants must provide evidence of holding, or approval for, acceptable medical insurance.

Effective 08/05/2017
**WH2 Working Holidaymaker Extension**

See previous instruction WH2 Effective 29/11/2010

a The Working Holidaymaker Extension (WHE) allows for the grant of a further three month work visa to people who have been employed to undertake seasonal work in the horticulture or viticulture industry for a period of at least three months while holding a work visa granted under a Working Holiday Scheme.

b For the purposes of these instructions ‘seasonal work in the horticulture or viticulture industry’ means planting, maintaining, harvesting, and packing crops in the horticulture or viticulture industry.

c The WHE applies to onshore applicants only.

Effective 30/07/2011
WH2.1 Working holidaymaker extension requirements and conditions

See previous instructions:
WH2.1 Effective 30/07/2011
WH2.1 Effective 29/11/2010

a To be eligible for a three month visa under the Working Holidaymaker Extension instructions applicants must:
   i be in New Zealand; and
   ii hold a current work visa granted under a Working Holiday Scheme; and
   iii have a return ticket to their home country or sufficient funds to purchase such a ticket; and
   iv submit an application in the prescribed manner; and
   v pay the appropriate fee and immigration levy; and
   vi not previously have been granted a visa (or permit under the Immigration Act 1987) under the Working Holidaymaker Extension instructions; and
   vii provide evidence to satisfy INZ that they have been employed for a minimum of three months to undertake seasonal work in the horticulture or viticulture industry during the currency of their current work visa (evidence may include, but is not limited to, letters from employers, wage slips, and/or IRD tax records).

b Applicants are not required to provide evidence of a job offer.

c Successful applicants will be granted a work visa under the Working Holidaymaker Extension instructions:
   i for three months from the expiry date of the work visa held under a Working Holiday Scheme; and
   ii with the same conditions as the original work visa granted under a Working Holiday Scheme.

Note: For the purposes of these instructions, the three months may include periods where the worker was employed but was unable to undertake work due to inclement weather or other factors. Employment does not need to be for consecutive periods, or for the same employer.

Effective 07/12/2015
WH3 Supplementary Seasonal Employment (SSE)
WH3.1 Objectives

The objectives of the Supplementary Seasonal Employment (SSE) instructions are to:

a. allow employers in the horticulture and viticulture industries to supplement their New Zealand workforce with onshore non-New Zealand citizen or residence class visa holder workers when peak labour demand exceeds the available and suitable New Zealand workforce and employers have made reasonable attempts to train and recruit New Zealand citizens and residence class visa holders; and

b. ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems.

WH3.1.1 Overview

a. Employers who wish to recruit non-New Zealand citizen or residence class visa holder workers in New Zealand to plant, maintain, harvest or pack crops in the horticulture or viticulture industry under these instructions must first obtain SSE approval in principle.

b. SSE approval in principle will only be given for periods when demand for seasonal workers in the horticulture or viticulture industry cannot be met from the available and suitable New Zealand workforce. INZ will assess the availability of suitable New Zealand citizen or residence class visa holder workers in consultation with the Ministry of Social Development (MSD).

c. SSE work visa applications will only be granted where there are available positions of employment, as determined by INZ in consultation with the MSD.

d. An employer with SSE approval in principle may offer employment (to plant, maintain, harvest or pack crops) to non-New Zealand citizen or residence class visa holder workers who hold a SSE work visa (see WH3.10) provided that the employer does not exceed the maximum number of SSE workers stated on their SSE approval in principle at any one time.

e. Workers will be granted SSE work visas for a duration of six months, and will only be eligible for a SSE work visa once.

f. Work visas under SSE instructions may only be granted to onshore applicants and will not include travel conditions.

Effective 29/11/2010
WH3.5 Supplementary Seasonal Employment (SSE) - Approval in Principle

See previous instructions:
WH3.5 Effective 01/04/2017
WH3.5 Effective 27/12/2015
WH3.5 Effective 29/11/2010

SSE approval in principle is an approval for employers in the horticulture and viticulture industries to offer employment (to plant, maintain, harvest or pack crops) to workers who hold SSE work visas (see WH3.10).

WH3.5.1 Requirements for SSE approval in principle

Employers applying for SSE approval in principle must:

a. provide the details of the available employment including:
   i. the number of workers required; and
   ii. the nature of each position (planting, maintaining, harvesting, or packing crops); and
   iii. the period for which each position is available; and
   iv. the location(s) in which the work is to be undertaken; and

b. ensure that workers recruited under SSE instructions will have access to suitable accommodation for the duration of their employment; and

c. have taken steps to obtain suitable and available New Zealand citizen or residence class visa holder workers for the vacant position(s) through Work and Income; and

d. provide a copy of the employment agreement that will be offered to the workers recruited under SSE instructions that meets the requirements set out in WH3.5.15; and

e. comply with the employer requirements under Generic work visa provisions (see W2.10.5); and

f. satisfy INZ that they will:
   i. make ongoing genuine efforts to recruit New Zealand citizen or residence class visa holder workers throughout the period for which the SSE approval in principle applies, including regular contact with Work and Income; and
   ii. comply with any request from the Ministry of Business, Innovation and Employment to audit the employer against SSE instructions and the conditions set out in the employment agreements; and
   iii. have direct responsibility for the daily work output and supervision of non-New Zealand citizen or residence class visa holder workers recruited by them under SSE instructions; and
   iv. promptly notify INZ if they become aware that a worker is breaching or has breached the conditions of his or her SSE work visa; and
   v. employ no more than the number of SSE workers stated on their approval in principle at any given time.

Note: The employment agreement provided to workers must be the same as that which is provided to INZ with the employer’s application for SSE approval in principle, unless the terms and conditions of the employment agreement provided to the worker are more beneficial to the worker.

WH3.5.5 Determining an application for SSE approval in principle

a. SSE approval in principle will only be granted where:
   i. INZ is satisfied that an employer is a New Zealand employer as set out at WH1.5.1; and
   ii. INZ is satisfied that an employer meets the requirements set out at WH3.5.5 above; and
   iii. INZ is satisfied that the employer has established a relationship with the appropriate regional Work and Income office(s) concerning their seasonal labour requirements; and
   iv. INZ, in consultation with MSD and relevant industry bodies, is satisfied that there are no suitable
New Zealand citizen or residence class visa holder workers available to undertake the work; and
v INZ is satisfied the employer has complied with the conditions of any previous SSE approval in principle that has been granted to the employer.

b Where INZ is not satisfied that the number of positions requested in the SSE approval in principle is appropriate for the work required, or considers that the number of non-New Zealand citizen or residence class visa holder workers the employer proposes to recruit exceeds the forecast labour shortage for the region and period requested, INZ may approve the recruitment of a lesser number of positions, or the recruitment of workers for a lesser period of work than requested.

c INZ may consult with other groups of the Ministry of Business, Innovation and Employment, WorkSafe New Zealand, the Inland Revenue Department, the Accident Compensation Corporation, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies when determining whether an employer meets the requirements set out at WH3.5.5.

d INZ will decline an application for SSE approval in principle where it considers such approval would create unacceptable risks to the integrity of New Zealand’s immigration or employment laws or policies.

e INZ will decline an application for SSE approval where the employer has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Note: To ensure that accurate information is available on the availability of suitable New Zealand citizen and residence class visa holder workers in the region, a decision will not be made on an SSE approval in principle significantly in advance of the period requested.

WH3.5.10 Minimum requirements for employment agreements under SSE instructions
Employment agreements between employers with SSE approval in principle and non-New Zealand citizen or residence class visa holder workers must:

a be genuine; and
b be for planting, maintaining, harvesting or packing crops in the horticulture or viticulture industry; and
c be for a period of work of no more than six months; and
d specify a 'per hour' rate (the per hour rate for any training period must be specified separately in the employment agreement); and
e where piece rates apply to the work to be performed by the worker, also specify the piece rate(s); and
f provide that the worker will be paid no less than the market rate (see WH3.5.20); and
g comply with all relevant employment law in force in New Zealand, such as the requirements of the Accident Compensation Act 2001; the Wages Protection Act; the Minimum Wage Act; the Health and Safety at Work Act 2015; the Employment Relations Act; the Equal Pay Act 1972 and the Holidays Act.

WH3.5.15 Market Rates for SSE
For the purpose of SSE instructions, 'market rate' is the typical rate a New Zealand citizen or residence class visa holder is paid for doing the equivalent work or training, in the same period, in the same region. The 'market rate' may be expressed in terms of a 'per hour' rate or a piece rate.

WH3.5.20 Reconsideration process for applications for SSE approval in principle which are declined
There is no statutory right of appeal against the decision to decline a request for SSE approval in principle, however, INZ may reconsider a declined application where new information is promptly provided.
**WH3.5.25 INZ may impose further restrictions after grant of SSE approval in principle**

Where INZ, in consultation with MSD, considers that the number of positions or period of work approved in the SSE approval in principle is no longer appropriate to the labour market conditions in the region (for example, if suitable New Zealand citizen or residence class visa holder workers become available due to a redundancy situation), further restrictions may be imposed on the number of positions or period of work that had been approved in the SSE approval in principle.

INZ will notify an employer in writing of any further restrictions imposed on the number of positions or period of work that had been approved in the employer’s SSE approval in principle.

**Note:** Any further restrictions on the number of positions or period of work will only apply from the date of the written notification from INZ. The employment of non-New Zealand citizen or residence class visa holder workers who commenced employment under SSE instructions with the employer before that date will not be affected by the further restrictions.

**WH3.5.30 Applying for SSE approval in principle**

Application for SSE approval in principle must be:

a. made in New Zealand; and

b. made on the Application for Supplementary Seasonal Employment (SSE) Approval in Principle form; and

c. accompanied by the prescribed approval in principle fee; and

d. supported by evidence that demonstrates the employer meets the requirements set out at WH3.5.5.

*Effective 08/05/2017*
WH3.10 Supplementary Seasonal Employment (SSE) work visa instructions

See previous instructions WH3.10 Effective 29/11/2010

People holding work visas granted under the Supplementary Seasonal Employment (SSE) instructions may undertake seasonal work in the horticulture and viticulture industries (which is planting, maintaining, harvesting or packing crops) for any employer who has a current SSE approval in principle.

WH3.10.1 Who is eligible for a SSE work visa?

a Applicants for SSE work visa must:
   i be aged 18 or older; and
   ii meet health and character requirements as set out at A4 and A5; and
   iii meet the requirements for bona fide applicants as set out at E5; and
   iv hold a return ticket to their home country, or provide evidence of sufficient funds to purchase a return ticket.

b To be granted a visa under SSE instructions an applicant must:
   i be the holder of a current temporary entry class visa in New Zealand; and
   ii not have previously held a TRSE or SSE work visa; and
   iii not have held any type of work visa since their most recent entry to New Zealand; and
   iv satisfy an immigration officer that they have a genuine intention to work for an SSE-approved employer in the horticulture and viticulture industries.

c SSE work visas will only be granted where there are available positions of employment, as determined by INZ in consultation with the Ministry of Social Development.

d Evidence that the applicant meets the requirement in (b)(iv) above may include but is not limited to:
   i a job offer from an SSE employer;
   ii arrangements for travel to or accommodation in regions where SSE employers are located;
   iii evidence of the horticulture and viticulture work the applicant intends to complete, such as information on SSE employers, crops and regions or a harvest trail plan;
   iv correspondence with the relevant region’s seasonal coordinator(s) to obtain information on SSE employers; or
   v evidence of contact with SSE employer(s) whose details are available on the Immigration New Zealand website.

WH3.10.5 Currency and conditions of SSE work visas

a SSE work visas will be granted for a period of six months.

b Work visas granted under SSE instructions will be subject to the condition that the holder may undertake work planting, maintaining, harvesting or packing crops in the horticulture or viticulture industry only, for an employer who holds a SSE approval in principle or an approval in principle granted under the former TRSE instructions.

c SSE Work visas will not include travel conditions.

Note: After the SSE work visa has been granted, it is recommended that workers who want information about the availability of work with employers who hold SSE or TRSE approvals in principle, or assistance with obtaining such work, contact a Seasonal Labour Co-ordinator in the region/s where they want to work. Contact details of Seasonal Labour Co-ordinators are available from INZ.

WH3.10.10 Applying for a work visa under SSE instructions

Applications for a SSE work visa must:
a  be made on the form *SSE Work Application (INZ 1153)*; and

b  meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at E4; and

c  meet all the requirements for eligibility under WH3.10.1.

*Effective 18/04/2011*
WI International/Humanitarian work instructions
**WI1 General rules**

a Applicants under International/Humanitarian work instructions must:
   
i meet the specific requirements for the International/Humanitarian work instructions relevant to their application; and
   
ii meet the requirements under Generic Temporary Entry Instructions unless the International/Humanitarian work instructions relevant to their application exempts them from this requirement.

*Effective 29/11/2010*
WI2 Working holiday schemes
WI2.1 Requirements for all working holiday scheme applicants

<table>
<thead>
<tr>
<th>WI2.1 Effective 07/12/2015</th>
</tr>
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<tbody>
<tr>
<td>WI2.1 Effective 30/03/2015</td>
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<tr>
<td>WI2.1 Effective 17/11/2014</td>
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<tr>
<td>WI2.1 Effective 18/04/2014</td>
</tr>
<tr>
<td>WI2.1 Effective 29/11/2010</td>
</tr>
</tbody>
</table>

As well as meeting the specific requirements for the relevant working holiday scheme, applicants must also meet the requirements under Generic Temporary Entry Instructions, and the conditions below.

WI2.1.1 General conditions

a The objective of working holiday schemes is to allow young citizens of approved countries, whose primary intention is to holiday in New Zealand, to undertake employment and study during their stay in accordance with their scheme.

b To be eligible for a work visa under these schemes, applicants, in addition to meeting the requirements of the particular scheme they are applying under, must:

i hold a valid passport from the country whose scheme they are applying under; and

ii be aged no less than 18 years of age and no more than 30 years of age, unless their scheme allows a different age limit; and

iii not be accompanied by children; and

iv meet onward travel requirements (see W2.20); and

v submit an application in the prescribed manner (see E4.50); and

vi pay the appropriate fee and immigration levy (if any); and

vii meet health and character requirements as set out at A4 and A5; and

viii be the holder of a valid temporary visa if applying from within New Zealand; and

ix not previously have been approved a visa under a working holiday scheme, except where their scheme allows a second application (see WI2.20(e) and WI2.160(f)).

c Applicants are not required to provide evidence of a job offer.

d Where a scheme has an ‘ordinarily resident’ requirement the applicant’s usual place of permanent residence must be that country. This requirement is considered to be met if the applicant has not been absent from that country for more than two years immediately preceding the application.

e Successful applicants must not undertake permanent employment unless they apply for and obtain a work visa that enables this.

f Successful applicants may enrol in one or more courses of training or study of up to 6 months’ duration in total during their visit to New Zealand.

WI2.1.5 Applying using the online system

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Regs 23AA

Applications for a working holiday scheme work visa must be made online using the electronic form provided through the Immigration website’s Online Services (www.immigration.govt.nz (http://www.immigration.govt.nz)).
**WI2.5 Argentina Working Holiday Scheme**

See previous instructions:
WI2.5 Effective 18/04/2014
WI2.5 Effective 25/07/2011
WI2.5 Effective 29/11/2010

a. This scheme is available to 1000 young citizens from the Argentine Republic, aged 18 to 35 inclusive, annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of the Argentine Republic; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 17/11/2014*
**W12.7 Austria Working Holiday Scheme**

See previous instructions:
W1.7 Effective 18/04/2014
W1.7 Effective 18/04/2012

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**a** This scheme is available to 100 young citizens of Austria annually.

**b** To be eligible for a work visa under this scheme, applicants must:

i. be citizens of Austria; and

ii. have a minimum of NZ$2,250 available funds for their maintenance during the period of stay in New Zealand; and

iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and

iv. meet the requirements at W12.1.1(b).

**c** Successful applicants will be granted a work visa with the following conditions:

i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for six months from first arrival; or

ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for six months.

**d** Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 17/11/2014*
W12.10 Belgium Working Holiday Scheme

See previous instructions:
W12.10 Effective 29/11/2010

a  This scheme is available to young citizens of Belgium.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of Belgium; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.15 Brazil Working Holiday Scheme**

See previous instructions:
WI2.15 Effective 29/11/2010

a  This scheme is available to 300 young citizens of the Federative Republic of Brazil annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of the Federative Republic of Brazil; and
   ii  have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii  agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.20 Canada Working Holiday Scheme**

See previous immigration instructions:
WI2.20 Effective 30/03/2015
WI2.20 Effective 17/11/2014
WI2.20 Effective 18/04/2014
WI2.20 Effective 04/04/2011
WI2.20 Effective 29/11/2010

a  This scheme is available to young citizens of Canada aged 18 to 35 inclusive.
b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of Canada; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay; and
   iv  meet the requirements at WI2.1.1(b).
c  Successful applicants will be granted a visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for a maximum of 23 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for a maximum of 23 months.
d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).
e  Applicants under this scheme may apply for a 12-month visa in the first instance and for a further visa up to their maximum entitlement of 23 months from the date of first arrival (or date the first working holiday visa was granted if they applied from within New Zealand), subject to meeting criteria under WI2.20.1 below.

**WI2.20.1 Further visa requirements**

a  To be eligible for a further work visa under this scheme in terms of WI2.20(e) above, applicants must:
   i  be in New Zealand on a valid work visa granted under the Canada Working Holiday Scheme at the time of application for a further visa; and
   ii apply in the prescribed manner using a paper form (E4.50.1); and
   iii meet all the requirements of WI2.1.1, except (b)(ii) and (ix); and
   iv provide evidence of medical and comprehensive hospitalisation insurance that will remain current throughout the remainder of the period of stay.
b  Applicants for a further work visa under this scheme are not required to provide evidence of funds for their maintenance unless requested by an immigration officer.

*Effective 28/08/2017*
W12.25 Chile Working Holiday Scheme

See previous immigration instructions:
W12.25 Effective 27/11/2014
W12.25 Effective 17/11/2014
W12.25 Effective 18/04/2014
W12.25 Effective 25/07/2011
W12.25 Effective 29/11/2010

a  This scheme is available to 940 young citizens of the Republic of Chile, aged 18 to 35 inclusive, annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i   be citizens of Chile; and
   ii  have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a visa with the following conditions:
   i   if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding six months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 30/03/2015
**W12.30 China Working Holiday Scheme**

See previous instruction:
- W12.30 Effective 21/05/2018
- W12.30 Effective 21/11/2016
- W12.30 Effective 08/12/2014
- W12.30 Effective 18/04/2014
- W12.30 Effective 08/04/2013
- W12.30 Effective 26/03/2012
- W12.30 Effective 29/11/2010

a. This scheme is available to 1000 young citizens of the People’s Republic of China annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of China, ordinarily resident in the People’s Republic of China and actually resident there at the time of applying; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. have a senior high school qualification (gao zhong xue li) granted in respect of a minimum of three years' full-time study; and
   v. show that they have a level of proficiency in English that is deemed to be at least functional, by providing acceptable English language test results, as set out at W12.30.1 (no more than 2 years old at the time the application is lodged); and
   vi. meet the requirements at WI2.1.1(b) and (d).

**Note:** For the purposes of these instructions, the evidence required at W12.30 (b)(iv) must be verified by the China Higher Education Student Information and Career Centre and such verification provided with the qualification.

c. Successful applicants will be granted a work visa which will allow first entry to New Zealand to be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival.

d. Participants in this scheme must not work for the same employer for a period exceeding six months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

f. Further documentation must be lodged by the applicant no later than 60 days from the date of advice from INZ. If documentation is not received by the deadline, the application may be determined on the basis of the information available.

**W12.30.1 Acceptable English language test results**

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score 5.5 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 46 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 42 or more</td>
</tr>
<tr>
<td>Test Description</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 162 or more</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

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

Effective 28/06/2018
WI2.33 Croatia Working Holiday Scheme

See previous instructions:
WI2.33 Effective 11/08/2014

a. This scheme is available to 100 young citizens of the Republic of Croatia annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be a citizen of the Republic of Croatia; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b); and

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 17/11/2014
W12.35 Czech Working Holiday Scheme

See previous instructions:
W12.35 Effective 18/04/2014
W12.35 Effective 07/11/2011
W12.35 Effective 29/11/2010

a This scheme is available to 1200 young citizens of the Czech Republic, aged 18 to 35 inclusive, annually.

b To be eligible for a work visa under this scheme, applicants must:
   i be a citizen of the Czech Republic; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

   Effective 17/11/2014
**W12.40 Denmark Working Holiday Scheme**

See previous instruction:
W12.40 Effective 29/11/2010

a. This scheme is available to young citizens of Denmark.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of Denmark; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.45 Estonia Working Holiday Scheme**

See previous instruction:

WI2.45 Effective 29/11/2010

a. This scheme is available to 100 young citizens of Estonia annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of Estonia; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
WI2.50 Finland Working Holiday Scheme

See previous instruction:
WI2.50 Effective 18/04/2014
WI2.50 Effective 29/11/2010

a  This scheme is available to young citizens of Finland aged 18 to 35 inclusive.
b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of Finland; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in
      New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current
      throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b).
c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months
      of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12
      months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for
      12 months.
d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 30/03/2015
W12.55 France Working Holiday Scheme
See previous instruction:
W12.55 Effective 29/11/2010

a. This scheme is available to young citizens of France.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of France; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
WI2.60 Germany Working Holiday Scheme

See previous instruction:
WI2.60 Effective 18/04/2014
WI2.60 Effective 29/11/2010

a This scheme is available to young citizens of the Federal Republic of Germany.

b To be eligible for a work visa under this scheme, applicants must:
   i be citizens of the Federal Republic of Germany; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 17/11/2014
WI2.65 Hong Kong Special Administrative Region Working Holiday Scheme

See previous instruction:
WI2.65 Effective 29/11/2010

a This scheme is available to 400 young residents of the Hong Kong Special Administrative Region (HKSAR) annually.

b To be eligible for a work visa under this scheme, applicants must:
   i have a valid British National Overseas or HKSAR passport; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted; the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding three months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.66 Hungary Working Holiday Scheme**

See previous instruction:  
**WI2.66 Effective 09/04/2013**

a  This scheme is available to 100 young citizens of Hungary, aged 18 to 35 inclusive, annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of Hungary; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**Effective 18/04/2014**
**WI2.70 Ireland Working Holiday Scheme**

See previous instruction:  
WI2.70 Effective 29/11/2010

a  This scheme is available to young citizens of the Republic of Ireland.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be Irish citizens; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

   Effective 18/04/2014
WI2.72 Israel Working Holiday Scheme

See previous instruction:
WI2.72 Effective 07/11/2011

a This scheme is available to 200 young citizens of the State of Israel annually.

b To be eligible for a work visa under this scheme, applicants must:
   i be citizens of Israel; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding three months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.75 Italy Working Holiday Scheme**

See previous instruction:  
WI2.75 Effective 29/11/2010

a  This scheme is available to young citizens of the Italian Republic.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of the Italian Republic; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.80 Japan Working Holiday Scheme**

See previous instruction:
WI2.80 Effective 18/04/2014
WI2.80 Effective 29/11/2010

a  This scheme is available to young citizens of Japan.

b  To be eligible for a work visa under this scheme, an applicant must:
   i  be a citizen of Japan; and
   ii have a minimum of NZ$4,200 available funds for maintenance during their first 6 months in New Zealand; and
   iii meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 17/11/2014*
W12.85 Korea Working Holiday Scheme

See previous instruction:
W12.85 Effective 18/04/2014
W12.85 Effective 29/11/2010

a. This scheme is available to 3000 young citizens of the Republic of Korea annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of the Republic of Korea; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 20/12/2015
**WI2.90 Latvia Working Holiday Scheme**

See previous instruction:
WI2.90 Effective 29/11/2010

a  This scheme is available to 100 young citizens of the Republic of Latvia annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of the Republic of Latvia; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
WI2.93 Lithuania Working Holiday Scheme

a This scheme is available to 100 young citizens of the Republic of Lithuania annually.

b To be eligible for a work visa under this scheme, applicants must:
   i be citizens of the Republic of Lithuania; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding six months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 21/11/2016
**WI2.94 Luxembourg Working Holiday Scheme**

a. This scheme is available to 50 young citizens of Luxembourg annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of Luxembourg; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 08/05/2017*
WI2.95 Malaysia Working Holiday Scheme

See previous instruction:
WI2.95 Effective 29/11/2010

a  This scheme is available to 1150 young citizens of Malaysia annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of Malaysia; and
   ii have a minimum of NZ$2,250 available funds for their maintenance during the period of stay in
      New Zealand; and
   iii meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months
      of the visa being granted, and the visa will allow work and multiple entries to New Zealand for six
      months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for
      six months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

   Effective 18/04/2014
**WI2.100 Malta Working Holiday Scheme**

See previous instruction:
WI2.100 Effective 29/11/2010

a This scheme is available to 50 young citizens of Malta annually.

b To be eligible for a work visa under this scheme, applicants must:
   i be a citizen of Malta; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding three months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**Effective 18/04/2014**
**WI2.105 Mexico Working Holiday Scheme**

See previous instruction:
WI2.105 Effective 29/11/2010

a. This scheme is available to 200 young citizens of the United Mexican States annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of Mexico; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.110 Netherlands Working Holiday Scheme**

See previous instructions:
WI2.110 Effective 18/04/2014
WI2.110 Effective 30/07/2012
WI2.110 Effective 29/11/2010

a. This scheme is available to young citizens of the Netherlands.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of the Netherlands; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 17/11/2014
**WI2.115 Norway Working Holiday Scheme**

See previous instruction:  
WI2.115 Effective 29/11/2010

a  This scheme is available to young citizens of Norway.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of Norway; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.120 Peru Working Holiday Scheme**

See previous instructions:
WI2.120 Effective 21/11/2016
WI2.120 Effective 07/12/2015
WI2.120 Effective 18/04/2014
WI2.120 Effective 01/07/2013
WI2.120 Effective 08/04/2013
WI2.120 Effective 29/11/2010
WI2.120 Effective 25/07/2010

a This scheme is available to 100 young citizens of the Republic of Peru annually.

b To be eligible for a work visa under this scheme, applicants must:

i be a citizen of the Republic of Peru; and

ii meet the available funds for maintenance requirement set out in WI2.120.1 below; and

iii agree to hold medical and comprehensive hospitalisation insurance to remain in force throughout their stay in New Zealand; and

iv provide evidence of having completed a minimum of three years' full time study towards a tertiary qualification; and

v meet the requirements at WI2.1.1(b).

*Note:* For the purposes of these instructions the evidence required at WI2.120 (b)(iv) must be verified by the Peru Ministry of Foreign Affairs.

Successful applicants will be granted a work visa with the following conditions:

i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or

ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding three months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**WI2.120.1 Available funds for maintenance while in New Zealand**

Applicants must have available funds for maintenance during the period of their stay in New Zealand of either:

a a minimum of NZ$4,200 if they produce English language test results as follows:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>5.0 or more in Speaking and one other skill area (Listening, Reading, Writing)</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>14 or more in Speaking, and one of the following scores:</td>
</tr>
<tr>
<td></td>
<td>Listening: 4 or more</td>
</tr>
<tr>
<td></td>
<td>Reading: 4 or more</td>
</tr>
<tr>
<td></td>
<td>Writing: 14 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>36 or more in Speaking and one other skill area (Listening, Reading, Writing)</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>154 or more in Speaking and one other skill area (Listening, Reading, Writing)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in Speaking and one other skill area (Listening, Reading, Writing)</td>
</tr>
</tbody>
</table>

b. a minimum of NZ$7,000 if they do not meet the English language requirement above.

**Note:** The English language test results must be no more than two years old at the time the application is lodged.

*Effective 21/05/2018*
**WI2.122 Philippines Working Holiday Scheme**

See previous instruction:
WI2.122 Effective 21/11/2016
WI2.122 Effective 05/02/2014

a  This scheme is available to 100 young citizens of the Republic of the Philippines annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of the Republic of the Philippines; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance to remain in force throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b); and
   v  have a tertiary qualification granted in respect of a minimum of three years' full-time university study; and
   vi  have a level of proficiency in English that is assessed as at least functional (see WI2.122.1).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**WI2.122.1 Proficiency in English**

For the purpose of these instructions an applicant's proficiency in English is deemed to be at least functional if:

a  they provide evidence that their tertiary qualification was gained from an institution where all tuition was in English; or

b  they provide acceptable English language test results, as set out at WI2.122.5 (no more than 2 years old at the time the application is lodged).

**WI2.122.5 Acceptable English language test results**

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall band score of 4.5 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 32 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 30 or more</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE))</td>
<td>Overall score 147 or more</td>
</tr>
<tr>
<td>or</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
</tr>
<tr>
<td>B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td></td>
</tr>
</tbody>
</table>

| Occupational English Test (OET) | Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)* |

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

Effective 21/05/2018
**WI2.125 Poland Working Holiday Scheme**

See previous instructions:
WI2.125 Effective 07/11/2011
WI2.125 Effective 29/11/2010

a  This scheme is available to 100 young citizens of the Republic of Poland annually:

b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of the Republic of Poland; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
\textbf{WI2.127 Portugal Working Holiday Scheme}

\begin{itemize}
\item[a] This scheme is available to 50 young citizens of Portugal annually.
\item[b] To be eligible for a work visa under this scheme, applicants must:
  \begin{itemize}
  \item[i] be citizens of Portugal; and
  \item[ii] have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
  \item[iii] agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
  \item[iv] meet the requirements at WI2.1.1(b).
  \end{itemize}
\item[c] Successful applicants will be granted a work visa with the following conditions:
  \begin{itemize}
  \item[i] if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
  \item[ii] if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.
  \end{itemize}
\item[d] Participants in this scheme must not work for the same employer for a period exceeding three months.
\item[e] Applicants under this scheme must lodge their application in the prescribed manner (E4.50).
\end{itemize}

\textit{Effective 20/03/2018}
**W12.130 Singapore Work Exchange Programme**

See previous instructions:
W12.130 Effective 29/11/2010

a  This programme is available to 200 young citizens of Singapore annually who meet the requirements of W12.130 (b) or (c) below.

b  To be eligible for a work visa under this programme, undergraduate students who wish to gain work experience in New Zealand before completing their course of study in Singapore must:
   i  be registered with a Singapore university or polytechnic; and
   ii  be participants on an agreed exchange between their university or polytechnic in Singapore and a New Zealand university or polytechnic; or
   iii  arrange their own employment by applying directly to a New Zealand employer, in which case it is not necessary to have an offer of employment prior to going to New Zealand.

c  Graduates of Singapore universities or polytechnics are eligible for a work visa under this programme provided they apply within a period of 3 years from the date of their graduation and meet the same conditions for undergraduate students as set out in W12.130 (b) above.

d  All applicants under this programme must:
   i  be a citizen of Singapore; and
   ii  have a minimum of NZ$2,250 available funds for their maintenance during the period of stay in New Zealand; and
   iii  agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at W1.1.1(b).

e  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for six months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for six months.

f  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.133 Slovakia Working Holiday Scheme**

See previous instructions:
WI2.133 Effective 18/04/2014
WI2.133 Effective 17/04/2012

a  This scheme is available to 100 young citizens of the Slovak Republic, aged 18 to 35 inclusive, annually.

b  To be eligible for a work visa under this scheme, applicants must:
- be citizens of Slovakia; and
- have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
- agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
- meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a visa with the following conditions:
- if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
- if the applicant is in New Zealand, the visa will allow work and multiple entries to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding six months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 17/11/2014*
**WI2.135 Slovenia Working Holiday Scheme**

See previous instructions:
**WI2.135 Effective 29/11/2010**

**a** This scheme is available to 100 young citizens of the Republic of Slovenia annually.

**b** To be eligible for a work visa under this scheme, applicants must:

- i. be a citizen of the Republic of Slovenia; and
- ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
- iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
- iv. meet the requirements at WI2.1.1(b).

**c** Successful applicants will be granted a work visa with the following conditions:

- i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
- ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

**d** Participants in this scheme must not work for the same employer for a period exceeding three months.

**e** Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
WI2.140 Spain Working Holiday Scheme

See previous instructions:
WI2.140 Effective 29/11/2010

a) This scheme is available to 200 young citizens of the Kingdom of Spain annually:

b) To be eligible for a work visa under this scheme, applicants must:
   i) be citizens of Spain; and
   ii) have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii) agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv) meet the requirements at WI2.1.1(b).

c) Successful applicants will be granted a work visa with the following conditions:
   i) if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii) if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d) Participants in this scheme must not work for a period exceeding six months. This may be in one consecutive period or interspersed throughout the total stay.

e) Participants in this scheme must not work for the same employer for a period exceeding three months.

f) Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

Effective 18/04/2014
**WI2.145 Sweden Working Holiday Scheme**

See previous instructions:
WI2.145 Effective 29/11/2010

a. This scheme is available to young citizens of the Kingdom of Sweden.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be citizens of Sweden; and
   ii. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.150 Taiwan Working Holiday Scheme**

See previous instructions:
WI2.150 Effective 18/04/2014  
WI2.150 Effective 29/11/2010

a  This scheme is available to 600 young people from Taiwan annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  hold a Taiwan passport and have household registration under the laws of Taiwan; and
   ii  have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii  agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).  

**Effective 17/11/2014**
W12.155 Thailand Working Holiday Scheme

See previous instructions:
W12.155 Effective 21/11/2016
W12.155 Effective 06/07/2015
W12.155 Effective 18/04/2014
W12.155 Effective 08/04/2013
W12.155 Effective 29/11/2010

a This scheme is available to 100 young citizens of the Kingdom of Thailand annually.

b To be eligible for a work visa under this scheme, applicants must:

   i be a citizen of the Kingdom of Thailand; and
   ii have a minimum of NZ$7,000 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance to remain in force throughout their stay in New Zealand; and
   iv meet the requirements at WI2.1.1(b); and
   v provide a letter of support from the Department of Children and Youth; and
   vi have a tertiary qualification granted in respect of a minimum of three years' full time study; and
   vii have a level of proficiency in English that is assessed as at least functional (see WI2.155.1).

c Successful applicants will be granted a work visa with the following conditions:

   i if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d Participants in this scheme must not work for the same employer for a period exceeding three months.

e Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

W12.155.1 Proficiency in English

For the purpose of these instructions an applicant's proficiency in English is deemed to be at least functional if they:

a provide acceptable English language test results, as set out at WI2.155.5 (no more than 2 years old at the time the application is lodged); or

b produce evidence of having completed all primary and at least three years' secondary education where all instruction was in English; or

c produce evidence of having completed at least five years' secondary education where all instruction was in English; or

d produce evidence of having gained a post-secondary qualification that required at least two years' full-time study or training where all tuition was in English; or

e are assessed by way of an interview with an INZ immigration officer who speaks fluent English.

W12.155.5 Acceptable English language test results

The following English language test results are acceptable:
<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
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</tr>
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* A score of Grade C or higher in all four skills is required for the OET as there is no overall grade for this test.

Effective 21/05/2018
**WI2.157 Turkey Working Holiday Scheme**

See previous instructions:
WI2.157 Effective 21/11/2016
WI2.157 Effective 18/04/2014
WI2.157 Effective 08/04/2013
WI2.157 Effective 25/07/2011

a. This scheme is available to 100 young citizens of the Republic of Turkey annually.

b. To be eligible for a work visa under this scheme, applicants must:
   i. be a citizen of the Republic of Turkey; and
   ii. have a minimum of NZ$7,000 available funds for their maintenance during the period of stay in New Zealand; and
   iii. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv. meet the requirements at WI2.1.1(b); and
   v. have a tertiary qualification granted in respect of a minimum of four years’ full time study; and
   vi. have a level of proficiency in English that is assessed as at least functional (see WI2.157.1).

c. Successful applicants will be granted a work visa with the following conditions:
   i. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Participants in this scheme must not work for the same employer for a period exceeding three months.

e. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**WI2.157.1 Proficiency in English**

a. For the purpose of these instructions an applicant’s proficiency in English is deemed to be at least functional if:
   i. their tertiary qualification was gained from an institution where all tuition was in English; or
   ii. they provide acceptable English language test results, as set out at WI2.157.5 (no more than two years old at the time the application is lodged).

b. If the tertiary qualification was gained in Turkey, it must have been from one of the universities listed below. Evidence that the language of instruction for the qualification was English must be provided in order for English proficiency to be assessed as functional.

c. Turkish universities offering instruction in the English language include:
   i. Bilkent University, Ankara
   ii. Cankaya University, Ankara
   iii. Middle East Technical University (METU or ODTU), Ankara
   iv. Bahcesehir University, Istanbul
   v. Bogazici University, Istanbul
   vi. Istanbul Sehir University
   vii. Istanbul Bilgi University
   viii. Istanbul Arel University
   ix. Koc University, Istanbul
WI2.157.5 Acceptable English language test results

The following English language test results are acceptable:

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

Effective 21/05/2018
**WI2.160 United Kingdom Working Holiday Scheme**

See previous instructions:
WI2.160 Effective 28/08/2017
WI2.160 Effective 22/08/2016
WI2.160 Effective 17/11/2014
WI2.160 Effective 18/04/2014
WI2.160 Effective 29/11/2010

a  This scheme is available to young citizens of the United Kingdom.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be British citizens, ordinarily resident in the United Kingdom or the Crown Dependencies of Jersey, Guernsey or the Isle of Man; and
   ii have a minimum of NZ$350 per month available funds for their maintenance during the period of stay in New Zealand; and
   iii meet the requirements at WI2.1.1(b) and (d).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted. The visa will allow work for 12 months and multiple entries to New Zealand for a maximum of 23 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work for 12 months and multiple entries to New Zealand for a maximum of 23 months.

d  Participants in this scheme must not work for a period exceeding 12 months. This may be in one consecutive period or interspersed throughout the total stay.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

f  Applicants under this working holiday scheme may apply for a 12-month visa in the first instance and for a further visa up to their maximum entitlement of 23 months from the date of first arrival (or date the first working holiday visa was granted if they applied from within New Zealand), subject to meeting criteria under WI2.160.1 below.

**WI2.160.1 Further visa requirements**

To be eligible for a further work visa under this scheme in terms of WI2.160(f) above, applicants must:

a  be in New Zealand on a valid work visa granted under the United Kingdom Working Holiday Scheme at the time of application for a further visa; and

b  apply in the prescribed manner using a paper form (E4.50.1); and

c  meet all the requirements of WI2.1.1, except (b)(ii) and (ix); and

**Effective 19/02/2018**
**WI2.165 United States of America Working Holiday Scheme**

See previous instructions:
WI2.165 Effective 29/11/2010

a  This scheme is available to young citizens of the United States of America (USA).

b  To be eligible for a work visa under this scheme, applicants must:
   i  be citizens of the USA, ordinarily resident in the USA at the time of applying (see WI2.1.1(d)); and
   ii  have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii  agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b) and (d).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 18/04/2014*
**WI2.170 Uruguay Working Holiday Scheme**

See previous instructions:
- WI2.170 Effective 17/11/2014
- WI2.170 Effective 18/04/2014
- WI2.170 Effective 25/07/2011
- WI2.170 Effective 29/11/2010

a. This scheme is available to 200 young citizens of the Oriental Republic of Uruguay, aged 18 to 35 inclusive, annually.

b. To be eligible for a work visa under this scheme, applicants must:
   1. be a citizen of Uruguay; and
   2. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   3. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand; and
   4. meet the requirements at WI2.1.1(b).

c. Successful applicants will be granted a work visa with the following conditions:
   1. if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   2. if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d. Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

*Effective 30/03/2015*
**WI2.175 Vietnam Working Holiday Scheme**

See previous instructions:
WI2.175 Effective 08/05/2017
WI2.175 Effective 21/11/2016
WI2.175 Effective 18/04/2014
WI2.175 Effective 30/07/2012

a  This scheme is available to 100 young citizens of the Socialist Republic of Vietnam annually.

b  To be eligible for a work visa under this scheme, applicants must:
   i  be a citizen of the Socialist Republic of Vietnam; and
   ii have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
   iii agree to hold medical and comprehensive hospitalisation insurance to remain in force throughout their stay in New Zealand; and
   iv  meet the requirements at WI2.1.1(b); and
   v  have a tertiary qualification granted in respect of a minimum of three years' full-time university study; and
   vi show that they have a level of proficiency in English that is deemed to be at least functional, by providing acceptable English language test results, as set out at WI2.175.1 (no more than 2 years old at the time the application is lodged).

c  Successful applicants will be granted a work visa with the following conditions:
   i  if the applicant is outside New Zealand, first entry to New Zealand must be made within 12 months of the visa being granted, and the visa will allow work and multiple entries to New Zealand for 12 months from first arrival; or
   ii  if the applicant is in New Zealand, the visa will allow work and multiple entry to New Zealand for 12 months.

d  Participants in this scheme must not work for the same employer for a period exceeding three months.

e  Applicants under this scheme must lodge their application in the prescribed manner (E4.50).

**WI2.175.1 Acceptable English language test results**

The following English language test results are acceptable:

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*Effective 21/05/2018*
**WI3 Personnel working in New Zealand as part of a programme of a Contracting Party to the Antarctic Treaty**

See previous instructions  
**WI3 Effective 29/11/2010**

a. A member 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 who will be working on the mainland of New Zealand may be granted work visas and entry permission, valid for the period of their assignment. Applicants must provide a letter from the responsible authority of the Contracting Party to the Antarctic Treaty confirming that they are a person specified under WI3.

b. Applicants must meet health and character requirements (see WI3.1).

c. Persons specified at WI3(a) above must meet temporary entry requirements for lodging an application as set out at E4 and the bona fide applicant requirement as set out at E5 but are exempt from:
   
i. meeting funds or sponsorship requirements; and
   
ii. meeting onward travel requirements; and
   
iii. the labour market test.

**Effective 06/07/2015**
**WI3.1 Health and character requirements for personnel working in New Zealand as part of a programme of a Contracting Party to the Antarctic Treaty**

See previous instructions  
**WI3.1 Effective 29/11/2010**

A letter from the responsible authority of the Contracting Party to the Antarctic Treaty confirming that the applicant is a person specified at WI3(a) is sufficient evidence that the applicant meets temporary entry class health and character requirements (see A4.5 and A5.5).

**Effective 06/07/2015**
**WI4 Domestic staff of diplomatic, consular and official staff**

See previous instructions WI4 Effective 29/11/2010

a  Diplomatic, consular and official staff (see H2) posted to New Zealand may bring with them domestic staff such as cooks, nannies, drivers and gardeners.

  **Note:** ‘Domestic staff’ does not include people filling administrative and technical roles at posts in New Zealand.

b  The following rules govern whether or not domestic staff employed by diplomatic, consular or official staff are eligible for work visas:

i  the Protocol Division of the Ministry of Foreign Affairs and Trade (MFAT) must confirm that the employer is eligible to have domestic staff and that they have no objections to a work visa being granted; and

ii  the applicant must be over 18; and

iii  the applicant must not be a person who entered New Zealand by means of a working holiday scheme; and

iv  the applicant must leave New Zealand on termination of their employment or when the employer’s tour of duty is complete; and

v  the applicant must not undertake any other type of work or enrol in any formal study; and

vi  3 years must pass before a person formerly employed in New Zealand under these provisions is eligible for a further period of domestic employment with another diplomatic, consular or official staff; and

vii  partners and dependent children are not eligible for a visa as a dependant of a person granted a visa under these instructions.

c  Applicants must meet the lodgement, bona fide applicant and health and character requirements as set out at W2.10.1.

d  A work visa (with multiple journey travel conditions) current for the same duration as their employer’s diplomatic, consular or official visa may be granted to domestic staff of diplomatic, consular and official staff.

e  Any work visa granted must specify the name of the diplomatic, consular or official staff for whom the domestic staff member will be working.

f  Employers must ensure that prospective applicants are advised in writing and in their own language of the conditions relating to their employment in New Zealand.

g  A further visa, in line with the employer’s diplomatic, consular or official visa duration, may be granted if the employer is granted a further diplomatic, consular or official visa (for example, if their tour of duty is extended) and there are no objections to a further visa being granted from the Protocol Division of MFAT.

  **Note:** Partners and dependent children of holders of work visas granted to domestic staff of diplomatic, consular and official staff are not eligible for work, student or visitor visas as a dependants of the work visa holder (see V3.10, U8.20 and WF3.1).

Effective 30/07/2012
**WI4.1 Evidential requirements for domestic staff of diplomatic, consular and official staff**

See previous instructions WI4.1 Effective 29/11/2010

a Immigration officers should sight:
   i a signed 'Statement of Undertaking' from the employer guaranteeing employment, accommodation, maintenance and repatriation; and
   ii a signed 'Declaration of Acceptance' from the applicant that they have been informed of, and accept, the conditions of their employment in New Zealand.

b Immigration officers should satisfy themselves at an interview that the applicant:
   i understands the conditions of the work visa; and
   ii is suitably trained or experienced for the proposed employment.

c If requests for further visas are made, immigration officers should be satisfied that the applicant has provided:
   i a note from Protocol Division of the Ministry of Foreign Affairs and Trade (MFAT) that the employer is eligible to have domestic staff and do not have objections to a further work visa being granted; and
   ii confirmation of continued guarantees from the employer and the applicant.

**STATEMENT OF UNDERTAKING**

in respect of domestic staff to be employed by diplomatic, consular or official staff stationed in New Zealand

I, __________________________________________________

(Name of Diplomatic, Consular or Official employer)

of __________________________________________________

(Address)

will be taking up/have taken up a position as

(Designation or rank)

at the ______________________________________________

(Name and Location of Mission/Post)

and wish to support for temporary employment in New Zealand the domestic staff member(s) whose details are set out on page 2. In doing so I undertake to:

a employ the person(s) named solely in domestic work in my household while in New Zealand and not allow them to engage in any form of alternative employment, or to undertake formal study;

b be responsible for accommodating and maintaining the domestic staff member(s) named: maintenance to include not only suitable salary or wages but also any costs which may be incurred by the staff member in obtaining medical treatment or social services to which they may not be entitled under New Zealand legislation;

c be responsible for applying to INZ (through MFAT) for work visas required by the staff member(s) while employed by me;

d be responsible for the repatriation of the staff member(s) to their home country, or to their next country of residence, when employment is terminated for any reason;

e advise MFAT if the staff member ceases to be employed by me for any reason.
I understand and accept that my domestic staff member’s partner and dependent children will not be able to be granted visas to New Zealand on the basis of their relationship to my domestic staff member.

I have arranged to have explained in writing to the person(s) named below the conditions of their employment in New Zealand, if the application for a work visa is approved. I understand that the conditions of their employment must comply with New Zealand employment law.

| a | Name of domestic staff member: _____________________ |
|   | Position in which to be employed: ____________________ |
|   | Nationality: _____________________ |
|   | Date and place of birth: ____________________________ |
|   | Date of desired travel to New Zealand: __________________ |

| b | Name of domestic staff member: _____________________ |
|   | Position in which to be employed: ____________________ |
|   | Nationality: _____________________ |
|   | Date and place of birth: ____________________________ |
|   | Date of desired travel to New Zealand: __________________ |

| c | Name of domestic staff member: _____________________ |
|   | Position in which to be employed: ____________________ |
|   | Nationality: _____________________ |
|   | Date and place of birth: ____________________________ |
|   | Date of desired travel to New Zealand: __________________ |

(Signature of employer)

Place: ____________________________ Date: ____________

**DECLARATION OF ACCEPTANCE OF CONDITIONS**

by domestic staff member employed by diplomatic, consular or official staff stationed in New Zealand

I, __________________________________________________

(Full name of domestic employee)

of ________________________________________________

who was born on _______ at __________________ (date) (place)

hereby state, in relation to my proposed employment in New Zealand in the household of

(Name of diplomatic, consular or official employer)

(Employer’s position or designation)

1. that I will be employed as a ________________________; (description of employee’s position)

2. that I have been made aware in writing of the conditions of my employment in the household of the abovenamed employer and I fully understand and accept these conditions;

3. that I accept that I may not take any other employment, or enrol in formal study in New Zealand while employed by the abovenamed employer;

4. that I accept I will not be eligible for residence in New Zealand on the basis of my employment as a domestic staff member of any household;

5. that I will leave New Zealand in accordance with the travel arrangements made for me by or on behalf of my diplomatic, consular or official employer when I finish working in his or her household;

6. that my partner and dependent children will not be eligible for visas to New Zealand on the basis of their relationship to me.

(Signature of domestic employee)
Place: ___________________________ Date: ______________

Effective 30/07/2012
**WI5 Domestic staff of seconded senior executives**

a Senior executives of companies or international organisations on secondment to New Zealand may bring with them their domestic staff, provided that they can show that these staff members have been an integral part of their lifestyle before coming to New Zealand.

b Domestic staff employed by seconded senior executives must:

i be single and over 18; or

ii if married, have no children or dependants, and both partners must be offered employment with the same employer; and

iii leave New Zealand on termination of their employment or when the employer's period of secondment is complete (whichever comes first), unless applicants qualify to remain under other immigration instructions; and

iv accept that family members are not eligible for visas to join relatives who are domestic staff.

c Applicants must meet the lodgement, bona fide applicant and health and character requirements as set out at W2.10.1.

*Effective 29/11/2010*
**WI5.1 Evidential requirements for domestic staff of seconded senior executives**

Immigration officers should sight the following:

a a job guarantee, including written confirmation from the employer that the applicant will be employed and paid in accordance with New Zealand employment law; and

b a guarantee of accommodation and repatriation from the employer; and

c written acknowledgment from the employer confirming that:
   i the domestic employee’s entry to New Zealand is approved only to accompany the family while they are temporarily resident here; and
   ii if the employer applies for residence in New Zealand, both parties accept and understand that any approval of the application would not include their domestic staff.

*Effective 29/11/2010*
WI6 Special work visas for refugee or protection status claimants
**WI6.1 Who is eligible for a special work visa**

See previous instructions:
WI6.1 Effective 26/03/2012
WI6.1 Effective 29/11/2010

a  Refugees or protection status claimants who show a need to work in order to support themselves, may be granted a special work visa while they await a decision on their refugee or protection status claim.

b  Claimants must show evidence of the need to work, which may take the form of a bank statement confirming that the claimant has insufficient funds to survive.

c  Claimants must hold a current temporary entry class visa at the time they apply for a special work visa.

d  Immigration officers should refer to E8.10 for further guidance.

**Effective 30/03/2015**
**WI6.5 Who is not normally eligible for a special work visa**

See previous instructions  
WI6.5 Effective 30/03/2015  
WI6.5 Effective 26/03/2012  
WI6.5 Effective 29/11/2010

| a  | Claimants who are sponsored for a particular period or who arrived in New Zealand with sufficient funds for a particular period, are unlikely to be granted a special work visa for that period. |
| b  | Persons not eligible for a work visa under this provision may apply under the provision for work visas in WK, but must meet all the requirements, including payment of the appropriate fee. |
| c  | Claimants are exempt from paying the immigration levy (see A6.11.20). |

*Effective 07/12/2015*
**WI6.10 Making an application**

See previous instructions:

**WI6.10 Effective 29/11/2010**

a  Applications must be made in the prescribed manner (see E4); but an appropriately delegated immigration officer may waive:

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; and

iv  the requirement to produce a job offer.

b  Any work visas granted under this provision may be endorsed with conditions that allow work for any employer.

**Effective 30/03/2015**
W17 Special work visas for victims of domestic violence
WI7.1 Who is eligible for a special work visa

People in New Zealand:

a who are, or have been in a partnership (see F2.5b) with a New Zealand citizen or residence class visa holder; and

b had intended to seek residence in New Zealand on the basis of that partnership; and

c that partnership has ended due to domestic violence by the New Zealand citizen or residence class visa holder or someone with whom the applicant is living in a domestic relationship; and

d who show a need to work in order to support themselves;

may be granted work visas valid for 6 months. This may be extended to nine months if the applicant applies for residence.

Note: For the purpose of these instructions, 'domestic relationship' has the meaning set out in section 4 of the Domestic Violence Act 1995.

Effective 29/11/2010
W17.5 Evidence of domestic violence

Evidence of domestic violence means:

a a final Protection Order against the New Zealand citizen or residence class visa holder partner or someone with whom the applicant is living in a domestic relationship under the Domestic Violence Act 1995; or

b a relevant New Zealand conviction of the New Zealand citizen or residence class visa holder partner, or someone with whom the applicant is living in a domestic relationship of a domestic violence offence against the principal applicant or a dependent child of the principal applicant; or

c a complaint of domestic violence against the New Zealand citizen or residence class visa holder partner, or someone with whom the applicant is living in a domestic relationship investigated by the New Zealand Police where the New Zealand Police are satisfied that such domestic violence has occurred; or

d a statutory declaration from the applicant stating that domestic violence has occurred and two statutory declarations completed by persons competent to make statutory declarations that domestic violence has occurred (see WI7.10).

Note: For the purpose of these instructions, 'domestic violence' has the meaning set out in section 3 of the Domestic Violence Act 1995.
**WI7.10 Persons competent to make a statutory declaration that domestic violence has occurred**

a Statutory declarations from the following persons stating that they are satisfied that domestic violence has occurred are acceptable as evidence of domestic violence:

i social workers who are:
   o registered with the Social Workers Registration Board; or
   o full members of the Aotearoa New Zealand Association of Social Workers; or
   o employed in the public service under the State Sector Act 1988;

ii doctors registered with the New Zealand Medical Council;

iii nurses registered with the Nursing Council of New Zealand;

iv psychologists registered with the New Zealand Psychologists Board;

v counsellors who are members of the New Zealand Association of Counsellors; and

vi experienced staff members of Child Youth and Family approved women's refuges. Such staff members must be nominated by:
   o the National Collective of Independent Women’s Refuges
   o Shakti Community Council.

b In order to meet the requirements of WI7.5(d), an applicant must supply a statutory declaration from people acting in their professional capacity from two of the groups listed above. The two people must be unrelated professionally (for example, they cannot be a doctor and a nurse from the same practice).

c Immigration officers may verify that statutory declarations provided as evidence of domestic violence have been made by the appropriate person by contacting the professional bodies listed above.

*Effective 29/11/2010*
WI7.15 Evidence that the principal applicant has been in a partnership with a New Zealand citizen or residence class visa holder

See previous instructions

WI7.15 Effective 29/11/2010

Evidence that the principal applicant has been living in a partnership with a New Zealand citizen or residence class visa holder may include, but is not limited to:

- a marriage certificate;
- evidence as to the duration of the relationship;
- correspondence (including postmarked envelopes) addressed to both principal applicant and the New Zealand citizen or residence class visa holder;
- evidence of communication between the couple;
- photographs of the couple together;
- documents indicating public recognition of the relationship;
- evidence of any specific arrangements and/or engagement ceremonies which have been carried out;
- communication between the parents of the couple and/or a person acting as a go-between or matchmaker;
- other documents indicating public recognition of the arrangement and/or engagement ceremony;
- confirmation from independent sources that such arrangements and/or engagement ceremonies are in accordance with the cultural custom of the parties concerned;
- a joint mortgage, tenancy agreement or rent book;
- birth certificates of their children;
- proof of joint assets;
- proof of shared income; and
- proof of shared bank accounts.

Effective 06/07/2015
**W17.20 Evidence of living in a domestic relationship with the perpetrator of domestic violence**

See previous instructions:
W17.20 Effective 29/11/2010

Evidence that the principal applicant has been living in a domestic relationship with the perpetrator of domestic violence includes:

a. confirmation from the New Zealand Police that they are satisfied the domestic violence was perpetrated by someone living at the same address;

b. a statutory declaration by the applicant that the perpetrator of domestic violence lived at the same address as the applicant;

c. a statutory declaration by one of the professionals listed at W17.10 stating that the perpetrator of domestic violence lived at the same address as the applicant;

d. any other documentary evidence that the perpetrator of domestic violence lived at the same address as the applicant.

Effective 30/03/2015
W17.25 Making an application

a  Applications must be made in the prescribed manner (see E4.45); but an appropriately delegated immigration officer may waive:
   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; and
   iv the requirement to produce a job offer.

b  Any work visas granted under this provision may be endorsed with conditions that allow work for any employer.

   Effective 29/11/2010
**W17.30 Determination of applications**

a  Applications will be determined by immigration officers who have received specialist training on these instructions.

b  Applications under these instructions will be given priority processing.

*Effective 29/11/2010*
**WI8 Special work visas for partners of holders of military visas**

See previous instructions:
WI8 Effective 04/04/2011
WI8 Effective 29/11/2010

Partners (see E4.1.20) of people granted, or deemed to be granted, a military visas (see M1) may be granted work visas and entry permission for the same period as the military visa held, or deemed to be held, by the applicant’s partner.

a  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 an application fee; and
   ii  meeting funds or sponsorship requirements; and
   iii  meeting onward travel requirements; and
   iv  providing a job offer.

b  Applicants 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 the 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.

c  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 the application is made (E4.5.35 sets out the types of evidence that are required).

d  Before granting a work visa an immigration officer must be satisfied that the applicant’s partner:
   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.

e  Any work visas granted under these instructions will:
   i  be endorsed with conditions that allow work for any employer; and
   ii  allow travel to New Zealand on multiple journeys.

Effective 17/11/2014
WI9 Pitcairn Islanders

a  Pitcairn Islanders who have applied for residence may be granted a work visa and entry permission for a maximum of 9 months from the date of their arrival, provided that they submit a current job offer from a New Zealand employer.

b  Applicants must meet the lodgement, bona fide applicant and health and character requirements as set out at W2.10.1.

Effective 29/11/2010
WI10 Interpreters from Japan

See previous instructions WI10 Effective 29/11/2010

a New Zealand employers who are unable to obtain suitably qualified New Zealand residents may recruit interpreters from Japan to work in tourism-related industries in New Zealand for a maximum of 3 years.

  Note: 'tourism-related industries' include hotels, retail outlets, restaurants and travel agencies.

b Preference is given to young people with a background in tourism-related industries who intend to return to Japan to pursue careers in which their experience in New Zealand will be of benefit to either or both countries.

c Applicants may be granted a work visa authorising employment for the length of the contract, up to a maximum of 3 years, provided immigration officers are satisfied that the applicant:

  i is suitably qualified to interpret and translate Japanese and English; and

  ii provides a guarantee of maintenance that covers wages or salary and medical insurance for medical treatment not covered under the Accident Insurance Act 1998; and

  iii provides a guarantee of accommodation for the applicant's entire stay in New Zealand; and

  iv provides a guarantee of repatriation or deportation costs at the end of the period of employment, regardless of the reason for terminating it; and

  v meets health and character requirements (see A4 and A5).

d Interpreters who spend 3 years working in New Zealand under these instructions are not eligible for a further work visa under these instructions until they have spent a minimum of 3 years back in Japan.

e Immigration officers must sight a full-time job offer from a New Zealand employer that meets the requirements specified in these instructions.

Effective 26/03/2012
**WI11 Thai chefs**

See previous instructions WI11 Effective 29/11/2010

a  Work visas and entry permission may be granted to citizens of Thailand who hold offers of full-time employment as specialist Thai chefs without the need for a labour market check, if they provide evidence of having completed the following qualifications and relevant work experience:

i  Thailand National Skills Standard Thai Cooking Certificate 1 and five years of practical experience; or

ii  Thailand National Skills Standard Thai Cooking Certificate 2 and four years of practical experience; or

iii  Thailand National Skills Standard Thai Cooking Certificate 3 and three years of practical experience.

b  Work visas granted under these instructions will allow for a stay in New Zealand of up to three years extendable by up to one year, to a maximum total period of four years.

c  Chefs who spend four years in New Zealand working under these instructions are not eligible for a further work visa under these instructions until they have spent a minimum of three years outside New Zealand.

**Note:** These instructions (WI11) reflect New Zealand’s international trade commitments (see E9).  

**Effective:** 26/03/2012
**WI12 China Special Work Instructions**

See previous instructions:
WI12 Effective 21/11/2016
WI12 Effective 07/12/2015
WI12 Effective 08/04/2013
WI12 Effective 30/07/2012
WI12 Effective 26/03/2012
WI12 Effective 29/11/2010

a These instructions allow limited numbers of citizens of the People's Republic of China who are qualified in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa and entry permission.

b To be considered under these instructions the applicant must be one of the following:

i a Chinese chef who has a Chinese Occupational Skills Testing Authority Certificate Level 3 in traditional cuisine; or

ii a Traditional Chinese Medicine (TCM) practitioner (including a TCM nurse) who has a higher education degree requiring at least three years' successful study in TCM from an institution recognised by the Chinese government; or

iii a Mandarin teachers' aide who has a higher education degree requiring at least three years' successful study; or

iv a Wushu Martial Arts coach with Wushu Grade 3-5 Certificate and a post-compulsory education qualification in either physical education or teaching requiring at least two years' successful study from an institution recognised by the Chinese government; or

v a Wushu Martial Arts coach with Wushu Grade 6-9 Certificate and five years' teaching experience; or

vi a Chinese tour guide who, at the time of application, holds a valid Tour Guide Licence in China, and can demonstrate knowledge of New Zealand and can provide acceptable English language test results, as set out at WI12.1 (no more than two years old at the time the application is lodged).

c At any one time, the number of Chinese nationals holding a visa granted for any occupation under these instructions must not exceed the following:

i 200 Chinese chefs;

ii 200 TCM practitioners (including TCM nurses);

iii 150 Mandarin teachers' aides;

iv 150 Chinese Wushu Martial Arts coaches; and

v 100 Chinese tour guides.

d To be granted a work visa under these instructions, applicants must:

i provide a completed work visa application form, fee and immigration levy; and

ii have a full-time New Zealand job offer in one of the occupations listed above, which meets the requirements set out in W2.10; and

iii meet the specific qualifications and/or experience requirement for their occupation, as detailed in WI12(b) above; and

iv meet health and character requirements set out in A4 and A5; and

v meet the requirements for bona fide applicants set out in E5.

**Note:** For the purpose of these instructions the job offer for a Mandarin teacher's aide may meet the requirements at W2.10.5 and W2.10.10 if the applicant presents a letter showing they have been nominated by the Ministries of Education in New Zealand and China.

e A labour market check is not required.
Applications for a work visa under these instructions must be lodged in China unless WI12(h) or (j) applies.

Successful applicants will be granted a work visa and entry permission with the following conditions:

1. First entry to New Zealand must be made within six months; and
2. The work visa will be valid for multiple entries to New Zealand for a maximum of three years, depending on the length of their job offer.

An application for an initial work visa under these instructions may be lodged by a person who is lawfully in New Zealand on a work or student visa, and who is a:

1. TCM practitioner;
2. Mandarin teachers’ aide;
3. Wushu Martial Arts coach; or
4. Tour guide.

Successful applicants who apply in New Zealand will be granted a work visa with multiple-entry travel conditions for a maximum of three years, depending on the length of their job offer.

If the initial visa is valid for less than three years, a further visa may be granted onshore for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.

Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

Note: These instructions reflect New Zealand’s international trade commitments (see E9).

**WI12.1 Acceptable English language test results**

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>5.0 or more in Listening and Speaking</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>4 or more in Listening and 14 or more in Speaking</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>36 or more in Listening and Speaking</td>
</tr>
<tr>
<td>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>154 or more in Listening and Speaking</td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in Listening and Speaking</td>
</tr>
</tbody>
</table>

Effective 21/05/2018
WI13 China Skilled Workers Instructions

See previous instructions:
WI13 Effective 01/11/2015
WI13 Effective 30/07/2012
WI13 Effective 26/03/2011
WI13 Effective 29/11/2010

To be considered for a work visa under these instructions, the applicant must be a citizen of the People’s Republic of China who has a full-time New Zealand job offer in one of the occupations listed in the table below, and the relevant qualifications and experience required for that occupation.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor</td>
<td>Degree level (Level 7) qualification majoring in accountancy and membership with New Zealand Institute of Chartered Accountants (NZICA)</td>
</tr>
<tr>
<td>Automotive electrician</td>
<td>National Certificate in Motor Industry (Automotive Engineering) (NZQF Level 4) or National Certificate in Motor Industry (Automotive Electrical Engineering) (NZQF Level 4) or National Certificate in Motor Industry (Automotive Electrical and Mechanical Engineering) (NZQF Level 4) (relevant strand is Electrical and Electronics)</td>
</tr>
<tr>
<td>Boatbuilder</td>
<td>National Certificate in Boatbuilding (Level 4)</td>
</tr>
<tr>
<td>Computer Applications Engineer</td>
<td>Degree level (Level 7) qualification majoring in computer science, information science or information technology and three years of relevant work experience</td>
</tr>
<tr>
<td>Design Engineer – Electronics / Product Engineer</td>
<td>Degree level (Level 7) qualification majoring in electronics, computer science or telecommunications and three years of relevant work experience with at least 12 months' relevant work experience in the past 18 months</td>
</tr>
<tr>
<td>Diesel Mechanic</td>
<td>National Certificate in Motor Industry (Automotive Heavy Engineering) (Level 4)</td>
</tr>
<tr>
<td>Early Childhood Teacher</td>
<td>A qualification in Early Childhood Education (ages 0-5) at a minimum of Level 7 which is approved by the Education Council of Aotearoa New Zealand, and New Zealand registration</td>
</tr>
<tr>
<td>Electronics Technician</td>
<td>National Diploma in Engineering (Level 6) (Electronics), or relevant degree-level qualification (Level 7) (for example, BTech in Electronics, BSc or BE) and three years' work experience and at least 12 months' relevant work experience in the past 18 months</td>
</tr>
<tr>
<td>Electrician</td>
<td>NZ registration as an electrician with a Full or Limited Certificate from the Electrical Workers Registration Board</td>
</tr>
<tr>
<td>Film Animator</td>
<td>Degree level qualification (Level 7) in one of the following: Fine Arts, Graphic Design, Computer Science, Software Engineering or Film, specialising in multimedia, computer graphics, digital design, computer programming or software</td>
</tr>
<tr>
<td>Occuption</td>
<td>Qualification</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Fitter and Turner</td>
<td>National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering, Machining and Toolmaking (Level 5)</td>
</tr>
<tr>
<td>Fitter / Welder</td>
<td>National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering - Fabrication with strands in Welding or Heavy Fabrication (Level 5)</td>
</tr>
<tr>
<td>Medical Diagnostic Radiographer / Medical Radiation Therapist</td>
<td>Bachelor in Health Science specialising in Medical Radiation Therapy or specialising in Medical Imaging and New Zealand registration</td>
</tr>
<tr>
<td>Motor Mechanic</td>
<td>National Certificate in Motor Industry (Automotive Engineering) (Level 4)</td>
</tr>
<tr>
<td>Plumber</td>
<td>New Zealand Plumbing Registration</td>
</tr>
<tr>
<td>Registered Nurse</td>
<td>Bachelor of Nursing or Diploma in Comprehensive Nursing, diploma or hospital based certificate and NZ registration</td>
</tr>
<tr>
<td>Senior Test Analyst</td>
<td>Degree level (Level 7) tertiary qualification (e.g. BTech in Electronics, BSc or BE) and three years' work experience with at least 12 months relevant work experience in the past 18 months</td>
</tr>
<tr>
<td>Structural Engineer</td>
<td>Degree level (Level 7) qualification and registered on the International Professional Engineers Register or Asia Pacific Economic Co-Operation (APEC) Engineers Register or a Washington Accord accredited engineering degree</td>
</tr>
<tr>
<td>University and Higher Education Lecturer and/or Tutor</td>
<td>Masters Degree or PhD</td>
</tr>
<tr>
<td>Veterinarian</td>
<td>NZ Registration with the Veterinary Council of New Zealand</td>
</tr>
</tbody>
</table>

b At any one time, the number of Chinese nationals holding a visa granted under these instructions:
  i must not exceed 100 in respect of any of the occupations listed above; and
  ii must not exceed 1000 in total.

c To be granted a work visa under these instructions, applicants must:
  i provide a completed work visa application form, fee and immigration levy; and
  ii have a full-time job offer from a New Zealand employer, which meets the requirements set out in W2.10; and
  iii meet the specific qualifications and/or experience requirement for their occupation, as detailed in WI13(a) above; and
  iv meet health and character requirements set out in A4 and A5; and
  v meet the requirements for bona fide applicants set out in E5.

d A labour market check is not required.

e Applications for a work visa under these instructions must be lodged in China unless WI13(g) or (i) applies.

f Successful applicants will be granted a work visa and entry permission with the following conditions:
i. first entry to New Zealand must be made within six months; and
ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years from first arrival, depending on the length of their job offer.

g. Applications for a work visa under these instructions may be lodged by people who are lawfully in New Zealand:
i. on a temporary visa for the purpose of obtaining New Zealand registration, and who have successfully obtained registration; or
ii. on a work or student visa.

h. Successful applicants who apply in New Zealand will be granted a work visa with multiple-entry travel conditions for a maximum of three years, depending on the length of their job offer.

i. If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.

j. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

k. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

**Note:**
~ If one of these occupations is listed on the Long Term Skill Shortage List (LTSSL) and the qualifications requirement for that occupation is lowered on the LTSSL, the qualification requirement for these instructions will be correspondingly lowered.
~ These instructions reflect New Zealand’s international trade commitments (see E9).

Effective 07/12/2015
WI14 Philippines Special Work Instructions
WI14.1 Objective

See previous instructions WI14.1 Effective 29/11/2010

These instructions allow limited numbers of citizens of the Philippines who are qualified and/or experienced in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa and entry permission.

Effective 26/03/2012
**WI14.5 Philippines Nurses**

See previous instructions
WI14.5 Effective 06/07/2015
WI14.5 Effective 02/12/2013
WI14.5 Effective 29/11/2010
WI14.5 Effective 26/03/2012

a These instructions allow up to 100 Philippines nurses at any one time to work in New Zealand for a period of up to three years provided that they:
  i have a full-time job offer as a registered nurse from a New Zealand employer; and
  ii hold a qualification which has been assessed as equivalent to a New Zealand Bachelor of Nursing or Diploma in Comprehensive Nursing (diploma or hospital based certificate); and
  iii hold New Zealand registration; and
  iv meet the requirements set out in WI14.20.

b An applicant who is a nurse and who is applying for a work visa under these instructions is not required to be resident in the Philippines at the time of application, and may lodge their application at their nearest receiving office (see E4.15).

c An applicant who is a nurse and is in New Zealand under the instructions at WS2.1.1(j) may lodge an application under WI14 once they have obtained their registration.

Effective 08/05/2017
**WI14.10 Philippines Farm Managers**

See previous instructions:
WI14.10 Effective 26/03/2012
WI14.10 Effective 29/11/2010

a  These instructions allow up to 20 Philippines farm managers at any one time to work in New Zealand for a period of up to three years provided that they:
   i  have a full-time job offer from a New Zealand employer as a farm manager, which has been assessed as equivalent to ANZSCO Skill Level 1; and
   ii  hold a relevant qualification and/or have relevant work experience; and
   iii  meet the requirements set out in WI14.20.

b  Under these instructions, an applicant who is a farm manager must be ordinarily and actually resident in the Philippines at the time of application, unless WI14.20(d) applies. They must lodge their application with the appropriate receiving office in the Philippines (see E4.15).

*Effective 02/12/2013*
**WI14.15 Philippines Engineering Professionals**

See previous instructions  
WI14.15 Effective 26/03/2012  
WI14.15 Effective 25/07/2011  
WI14.15 Effective 29/11/2010

<table>
<thead>
<tr>
<th>a</th>
<th>These instructions allow up to 20 Philippines engineering professionals at any one time to work in New Zealand for a period of up to three years provided that they:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i</td>
<td>have a full-time job offer from a New Zealand employer as an engineering professional, which has been assessed as equivalent to ANZSCO Skill Level 1; and</td>
</tr>
<tr>
<td>ii</td>
<td>hold a bachelor degree (level 7 or above) qualification and are registered on the International Professional Engineers Register or Asia Pacific Economic Co-operation (APEC) Engineers Register, OR hold a Washington Accord accredited engineering degree; and</td>
</tr>
<tr>
<td>iii</td>
<td>hold New Zealand registration, where required; and</td>
</tr>
<tr>
<td>iv</td>
<td>meet the requirements set out in WI14.20.</td>
</tr>
</tbody>
</table>

| b | Under these instructions, an applicant who is an engineering professional must be ordinarily and actually resident in the Philippines at the time of application, unless WI14.20(d) applies. They must lodge their application appropriate receiving office in the Philippines (see E4.15). |

Effective 02/12/2013
**WI14.20 Generic Requirements**

See previous instructions:
WI14.20 Effective 26/03/2012
WI14.20 Effective 29/11/2010

**a** To be granted a work visa under these instructions, applicants must:
   i. provide a completed work visa application form, fee and immigration levy; and
   ii. have a full-time New Zealand job offer in one of the occupations listed in WI14.5, WI14.10 or WI14.15, which meets the requirements set out in W2.10; and
   iii. meet the specific requirements relating to registration, qualifications and/or experience for their occupation, as detailed above; and
   iv. meet health and character requirements set out in A4 and A5; and
   v. meet the requirements for bona fide applicants set out in E5.

**b** A labour market check is not required.

**c** Successful applicants will be granted a work visa and entry permission with the following conditions:
   i. first entry to New Zealand must be made within six months; and
   ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years, depending on the length of their job offer.

**d** If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.

**e** Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

**f** On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

**Note:** These instructions reflect New Zealand's international trade commitments (see E9).

*Effective 07/12/2015*
WI15 Vietnam Special Work Instructions
**WI15.1 Objective**

*See previous instructions WI15.1 Effective 29/11/2010*

These instructions allow limited numbers of citizens of Vietnam who are qualified and/or experienced in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa.

*Effective: 26/03/2012*
**WI15.5 Vietnamese Chefs**

See previous instructions WI15.5 Effective 29/11/2010

These instructions allow up to 100 Vietnamese chefs at any one time to work in New Zealand for a period of up to three years provided that they:

a. have a full-time job offer from a New Zealand employer as a Vietnamese chef, which has been assessed as equivalent to at least ANZSCO Skill Level 3; and

b. hold a relevant qualification and/or have relevant work experience; and

c. meet the requirements set out in WI15.15.

Effective: 26/03/2012
**WI15.10 Vietnamese Engineering Professionals**

See previous instructions:
WI15.10 Effective 25/07/2011
WI15.10 Effective 29/11/2010

These instructions allow up to 100 Vietnamese engineering professionals at any one time to work in New Zealand for a period of up to three years provided that they:

a. have a full-time job offer from a New Zealand employer as an engineering professional, which has been assessed as equivalent to ANZSCO Skill Level 1; and

b. hold a bachelor degree (level 7 or above) qualification and are registered on the International Professional Engineers Register or Asia Pacific Economic Cooperation (APEC) Engineers Register, or a Washington Accord accredited engineering degree; and

c. hold New Zealand registration, where required; and

d. meet the requirements set out in WI15.15.

Effective: 26/03/2012
WI15.15 Generic Requirements

See previous instructions:
WI15.15 Effective 26/03/2012
WI15.15 Effective 29/11/2010

a To be granted a work visa under these instructions, applicants must:
   i provide a completed work visa application form, fee and immigration levy; and
   ii have a full-time New Zealand job offer in one of the occupations listed in WI15.5 or WI15.10, which
       meets the requirements set out in W2.10; and
   iii meet the specific requirements relating to registration, qualifications and/or experience for their
       occupation, as detailed above; and
   iv meet health and character requirements set out in A4 and A5; and
   v meet the requirements for bona fide applicants set out in E5; and
   vi be ordinarily and actually resident in Vietnam at the time of application unless WI15.15(d) applies.

b A labour market check is not required.

c Successful applicants will be granted a work visa and entry permission with the following conditions:
   i first entry to New Zealand must be made within six months; and
   ii the work visa will be valid for multiple entries to New Zealand for a maximum of three years,
       depending on the length of their job offer.

d If the initial visa is valid for less than three years, a further visa may be granted for the balance of the
   three-year period, as long as the applicant still meets all the requirements of these instructions.

e Work visas granted under these instructions must be endorsed with conditions that allow work only
   for a specified employer in a specified occupation.

f On completion of the three-year period, applicants must remain outside New Zealand for three years
   before applying for a further visa under these instructions.

Note: These instructions reflect New Zealand’s international trade commitments (see E9).

Effective 07/12/2015
WI16 Special work visa for victims of people trafficking
**WI16.1 Who is eligible for a special work visa**

See previous instructions:
WI14.5 Effective 25/07/2011

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a  Applicants in New Zealand may be granted one work visa valid for 12 months if they have been certified by the New Zealand Police as being suspected victims of people trafficking.

b  A further work visa may only be granted if:
   i  the New Zealand Police or Immigration New Zealand determines the applicant’s continued presence in New Zealand is required; and
   ii  the applicant has not obstructed a New Zealand Police or Immigration New Zealand investigation; and
   iii  an immigration officer determines that the applicant has personal circumstances that warrant the grant of a further work visa.

c  Before making a decision on an application under (a) or (b) above, immigration officers should consult with Immigration New Zealand’s Serious Offences Unit.

**Note:** Circumstances that may require the applicant’s continued presence in New Zealand under WI16.1(b)(iii) may include, but are not limited to, where there is an ongoing police investigation and/or prosecution beyond the initial 12-month visa duration, and Immigration New Zealand or the New Zealand Police desire the applicant remain in New Zealand to continue their involvement in the case.

Effective 28/08/2017
WI16.5 Making an application

a 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; and
   iii the requirement to provide police certificates, if these are not available from a particular country.

b Where police certificates are not available, the applicant must make and provide a separate statutory declaration, in line with instructions at A5.10.1.

c Work visas granted under this category may be endorsed with conditions that allow work for any employer.

Effective 25/07/2011
**WI16.10 Determination of applications**

a. Applications will be determined by immigration officers who have received specialist training on these instructions.

b. Applications under these instructions will be given priority processing.

*Effective 25/07/2011*
WI17 Indonesia Special Work Instructions
**WI17.1 Objective**

These instructions allow limited numbers of citizens of Indonesia who are qualified and/or experienced in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa and entry permission.

*Effective 26/11/2012*
**WI17.5 Generic Requirements**

See previous instructions:

WI17.5 Effective 26/11/2012

a To be granted a work visa under these instructions, applicants must:
   i provide a completed work visa application form, fee and immigration levy; and
   ii have a full-time New Zealand job offer in one of the occupations listed in WI17.10 or WI17.15 or WI7.20, which meets the requirements set out in W2.10; and
   iii meet the specific requirements relating to registration, qualifications and/or experience for their occupation; and
   iv meet health and character requirements set out in A4 and A5; and
   v meet the requirements for bona fide applicants set out in E5; and
   vi be ordinarily and actually resident in Indonesia at the time of application unless WI17.5(d) applies.

b A labour market check is not required.

c Successful applicants will be granted a work visa and entry permission with the following conditions:
   i first entry to New Zealand must be made within six months; and
   ii the work visa will be valid for multiple entries to New Zealand for a maximum of three years, depending on the length of their job offer.

d If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.

e Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

f On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

**Note:** These instructions reflect New Zealand’s international trade commitments (see E9).  

Effective 07/12/2015
**WI17.10 Indonesian Chefs**

These instructions allow up to 100 Indonesian chefs at any one time to work in New Zealand for a period of up to three years provided that they:

a. have a full-time job offer from a New Zealand employer as an Indonesian chef, which has been assessed as equivalent to at least ANZSCO Skill Level 3; and

b. hold a relevant qualification and/or have relevant work experience, as set out for this occupation in ANZSCO; and

c. meet the requirements set out in WI17.5.

*Effective 26/11/2012*
**WI17.15 Indonesian Halal Slaughterers**

These instructions allow up to 20 Indonesian Halal slaughterers at any one time to work in New Zealand for a period of up to three years provided that they:

a. have a full-time job offer from a New Zealand employer as a Halal slaughterer, which has been assessed as equivalent to at least ANZSCO Skill Level 4; and

b. hold a relevant qualification and/or have relevant work experience, as set out for this occupation in ANZSCO; and

c. meet the requirements set out in WI17.5.

*Effective 26/11/2012*
**WI17.20 Indonesian Bahasa Teachers’ Aides**

These instructions allow up to 20 Indonesian Bahasa Teachers’ Aides at any one time to work in New Zealand for a period of up to three years provided that they:

a. have a full-time job offer from a New Zealand employer as a Bahasa Teachers’ Aide, which has been assessed as equivalent to at least ANZSCO Skill Level 4; and

b. hold a relevant qualification and/or have relevant work experience, as set out for this occupation in ANZSCO; and

c. meet the requirements set out in WI17.5.

*Effective 26/11/2012*
WI18.1 Objective
The Primary Sector Trainee instructions provide an opportunity for primary sector trainees from countries with whom New Zealand has an agreement to study and gain work experience in chosen fields. Primary sector trainees are expected to return to their home country for at least two years after the completion of their study and work experience placement to apply these new skills and knowledge.

Effective 27/11/2014
WI18.5 Requirements

See previous instructions:
WI18.5 Effective 20/12/2015
WI18.5 Effective 08/12/2014
WI18.5 Effective 27/11/2014

a A work visa may be granted to a primary sector trainee to undertake vocational programmes of study and subsequent work placements, provided that:
   i the applicant is funded or supported by the government of a qualifying country (WI18.15);
   ii there is a place available under that country’s quota for primary sector trainees;
   iii the study requirements are met;
   iv the work placement requirements are met;
   v the applicant agrees to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand;
   vi the applicant meets health and character requirements set out in A4 and A5; and
   vii the applicant meets the requirements for bona fide applicants set out in E5.

b Trainees will not be granted a further work visa in New Zealand for two years following the expiry of their work visa under these instructions.

WI18.5.1 Requirements for study

a Trainees must study in New Zealand for a minimum of 12 weeks before they can undertake a work placement.

b The study must be undertaken at a high quality education provider (universities or education providers assessed as Category One by the New Zealand Qualifications Authority under the External Evaluation Review quality assurance system).

WI18.5.5 Requirements for work placements

a Trainees may undertake work placements related to their study up to a maximum of nine months’ duration.

b The education provider with whom study was undertaken is responsible for:
   i arranging, monitoring and maintaining records of all work placements, and
   ii arranging suitable alternative work placements should they be required, and
   iii notifying Immigration New Zealand should any breach of visa conditions or the employment agreement occur.

c Trainees must have employment agreements that comply with all relevant New Zealand employment law and be paid at least the New Zealand minimum statutory hourly wage.

d No work placements can be undertaken in the forestry sector.

e If an immigration officer is not satisfied an education provider is able to meet its work placement responsibilities, work visa applications may be declined under these instructions.

f INZ will decline an application where the employer has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Effective 01/04/2017
**WI18.10 Evidential requirements**

See previous instructions:
- WI18.10 Effective 22/08/2016
- WI18.10 Effective 07/12/2015
- WI18.10 Effective 08/12/2014
- WI18.10 Effective 27/11/2014

To be granted a work visa with study conditions under these instructions, primary sector trainees must:

a. provide a completed work visa application form, fee and immigration levy; and

b. provide a letter of support/funding arrangements from their home government; and

c. provide an offer of place from a high quality education provider (see WI18.5.1 (b)) that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016; and

d. agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand.

*Effective 28/08/2017*
**WI18.15 Qualifying countries**

See previous instructions:
WI18.15 Effective 27/11/2014

<table>
<thead>
<tr>
<th>Qualifying countries</th>
<th>Number of available places</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chile</td>
<td>60</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>50</td>
</tr>
</tbody>
</table>

Effective 20/12/2015
### WI18.20 Conditions of work visa

See previous instructions:
WI18.20 Effective 27/11/2014

Successful applicants will be granted a work visa and entry permission with the following conditions:

- **a** the work visa will be valid for multiple entries to New Zealand for a maximum of 12 months; and
- **b** the work visa will allow study at a specified education provider; and
- **c** the work visa will only allow a maximum of nine months’ work for a land-based primary sector employer.

**Note:** These instructions reflect New Zealand’s international trade commitments (see E9).

Effective 08/12/2014
WI19 Republic of Korea Special Work Instructions
**WI19.1 Objective**

These instructions allow a limited number of citizens of the Republic of Korea who are qualified and/or experienced in certain occupations, and who hold a full-time New Zealand job offer in that occupation, to be granted a work visa and entry permission.

*Effective 20/12/2015*
**WI19.5 Generic Requirements**

a. To be granted a work visa under these instructions, applicants must:
   i. provide a completed work visa application form, fee and immigration levy; and
   ii. have a full-time New Zealand job offer in one of the occupations listed in WI19.10, which meets the requirements set out in W2.10; and
   iii. meet the specific requirements relating to registration, qualifications and/or experience for their occupation as set out in WI19.10; and
   iv. meet health and character requirements set out in A4 and A5; and
   v. meet the requirements for bona fide applicants set out in E5; and
   vi. be ordinarily and actually resident in the Republic of Korea at the time of application unless WI19.5(d) below applies.

b. A labour market check is not required.

c. Successful applicants will be granted a work visa and entry permission with the following conditions:
   i. first entry to New Zealand must be made within six months; and
   ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years, depending on the length of their job offer.

d. If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.

e. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

f. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

**Note:** These instructions reflect New Zealand’s international trade commitments (see E9).

Effective 20/12/2015
**WI19.10 Occupations list**

a To be granted a work visa under these instructions, citizens of the Republic of Korea must have a full-time New Zealand job offer in one of the occupations listed below and meet the requirements for the relevant occupation.

b At any one time, the number of citizens from the Republic of Korea granted a work visa under these instructions must not:
   i exceed 50 in respect of any of the occupations listed below; and
   ii exceed 200 in total.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biomedical Engineer</td>
<td>One of the following qualifications:</td>
</tr>
<tr>
<td></td>
<td>- Relevant Washington Accord accredited undergraduate engineering degree</td>
</tr>
<tr>
<td></td>
<td>- Bachelor of Engineering or equivalent</td>
</tr>
<tr>
<td>Food Technologist</td>
<td>Bachelor of Food Science or equivalent and a minimum of three years’ relevant post-qualification work experience in the industry</td>
</tr>
<tr>
<td>Forest Scientist</td>
<td>Bachelor of Forestry Science or equivalent</td>
</tr>
<tr>
<td>Korean Language Instructor</td>
<td>Certificate of Korean Language Teaching issued by the Minister of Culture, Sports and Tourism</td>
</tr>
<tr>
<td>Korean Tour Guide</td>
<td>Valid Tour Guide Licence issued by and registered with either the Korea Tourism Organization or the Korea Tourism Association (entrusted by the Minister of Culture, Sports and Tourism)</td>
</tr>
<tr>
<td>Multimedia Designer (Film Animator)</td>
<td>Minimum three years’ specialist work experience in film animation</td>
</tr>
<tr>
<td>Taekwondo Instructor</td>
<td>Taekwondo Grade 4 and above certificate recognised by Kukkiwon (World Taekwondo Headquarters)</td>
</tr>
<tr>
<td>Traditional Korean Medicine Doctor</td>
<td>Korean Medicine Doctor license issued by the Minister of Health and Welfare</td>
</tr>
<tr>
<td>Software Engineer</td>
<td>Bachelor of Engineering or equivalent</td>
</tr>
<tr>
<td>Veterinarian</td>
<td>Bachelor of Veterinary Science or equivalent and registration with the New Zealand Veterinary Council</td>
</tr>
</tbody>
</table>

*Effective 20/12/2015*
WJ Foreign crew of fishing vessels
## WJ1 Overview

See previous instructions  
WJ1 Effective 17/12/2012

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a</strong></td>
<td>These instructions provide for the grant of work visas and entry permission to foreign crew on fishing vessels within New Zealand fisheries waters.</td>
</tr>
<tr>
<td><strong>b</strong></td>
<td>To recruit seven or more overseas crew members for a single New Zealand vessel for a specified period up to a maximum of 12 months, the New Zealand employer must request an Approval in Principle (AIP) from Immigration New Zealand (INZ).</td>
</tr>
<tr>
<td><strong>c</strong></td>
<td>Where less than seven overseas crew members are required on a vessel during a 12-month period, an AIP is not required and foreign crew can apply directly for visas under WJ6.</td>
</tr>
</tbody>
</table>

*Effective 08/05/2017*
**WJ1.5 Objective**

See previous instructions

**WJ1.5 Effective 17/12/2012**

a The objectives of the Foreign Crew of Fishing Vessels instructions are to:

i allow the New Zealand fishing industry to supplement the New Zealand workforce with non-New Zealand citizen or residence class visa holder workers;

ii promote best practice in the fishing industry to support economic growth and productivity of the industry as a whole, while ensuring that the employment conditions of both New Zealand and non-New Zealand citizen or residence class visa holder workers are protected and supported;

iii ensure workers recruited under these instructions are adequately paid;

iv ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems; and

v protect New Zealand’s international reputation.

b To ensure these objectives are met:

i work visas for foreign fishing crew will be granted only where immigration officers are satisfied the New Zealand employer will comply with the requirements specified for such activity;

ii a high standard of proof is required to satisfy officers that such requirements and the requirements of immigration instructions will be and are being met;

iii immigration officers must consider the compliance history and particular arrangements (including crew recruitment practices) of individuals associated with the New Zealand employer; and

iv permission to use foreign labour will be withdrawn and further permission refused where there is any breach of requirements other than of a minor nature, that has not been remedied to the satisfaction of Immigration New Zealand.

**Effective 08/05/2017**
WJ1.10 AIP Process

See previous instructions
WJ1.10 Effective 17/12/2012

a  AIP requests are assessed and decided by INZ.

b  Where an AIP is granted, INZ will specify:
   i  how many work visas can be granted under the AIP;
   ii the conditions as set down in WJ3 that apply to the AIP; and
   iii any additional conditions the AIP is subject to.

c  AIPs granted under these instructions are limited to a specific vessel (nominated on the AIP form) and a maximum duration of 12 months.

d  After an AIP is granted, individual crew members can apply for work visas under WJ6, in line with any conditions placed on the AIP.

e  Visas granted under these instructions are limited to a specific vessel (nominated on the application form) and a maximum duration of 12 months.

Effective 06/07/2015
WJ1.15 Exemptions from the requirement to be a New Zealand ship

See also Fisheries Act 1996, s103A

a Section 103A of the Fisheries Act 1996 details situations in which the chief executive can exempt a vessel from the requirement to be a New Zealand ship. In situations where an exemption to this requirement has been granted and the employer has made an AIP application or is supporting a work visa application for foreign crew, the application should be considered as an exception to instructions.

b Where WJ1.15(a) applies, immigration officers should give consideration to whether the employer meets the requirements that a New Zealand employer would need to meet under WJ instructions.

Effective 08/05/2017
### WJ2 Requests for Approval in Principle

See Previous instructions

WJ2 Effective 08/05/2017

WJ2 Effective 01/04/2017

WJ2 Effective 06/07/2015

WJ2 Effective 17/12/2012

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**a** Approval in Principle (AIP) requests to recruit foreign crew on fishing vessels are subject to the general objective of work visa instructions (W1).

**b** For an AIP to be granted, the New Zealand employer must satisfy Immigration New Zealand (INZ) that:

1. there are no (or insufficient) suitably qualified and experienced New Zealand citizens or residence class visa holders available to crew a single vessel for the specified period up to a maximum of 12 months;
2. the terms and conditions of employment offered meet the requirements of WJ5.45.10 Employment Agreements;
3. it is financially sound (WJ2.5);
4. the directors and senior management of the New Zealand employer are ‘fit and proper’ people (WJ2.10);
5. it is an acceptable sponsor (see E6.5 and WJ5.10);
6. it will comply with all the requirements and obligations set out at WJ5; and
7. it agrees to the conditions as specified at WJ3.

**c** INZ will determine whether the New Zealand employer has made genuine attempts to find suitably qualified and experienced New Zealand citizens or residence class visa holders in accordance with the requirements set out in WK3.10.

**d** To ensure the above requirements have been met, INZ will consult with relevant government agencies including, but not limited to, the Ministry for Primary Industries, Maritime New Zealand, and the Ministry of Social Development.

**e** Employers must have a history of compliance with immigration and employment law. An employer is considered to not have a history of compliance if it fails to meet the requirements set out at W2.10.15 or it is currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

*Effective 28/08/2017*
**WJ2.1 Genuine attempts to fill crew positions**

See previous instructions  
WJ2.1 Effective 17/12/2012

Evidence that an employer has made genuine attempts to find suitably qualified and experienced New Zealand citizens or residence class visa holders to fill the vacant crew positions includes, but is not limited to:

a. listing the vacancies with Work and Income;

b. evidence of advertising;

c. using a recruitment agency;

d. consulting with the New Zealand Fishing Industry Guild, the New Zealand Industry Training Organisation, and the Council for Trade Unions.

*Effective 08/05/2017*
WJ2.5 Sound financial position evidential requirements

See previous instructions
WJ2.5 Effective 17/12/2012

Evidence that an employer is in a sound financial position includes, but is not limited to:

a. a statement from a chartered accountant confirming the business is financially sound and is able to meet all outstanding obligations;

b. an authenticated set of accounts showing a sound financial position;

c. annual reports;

d. business plan.

Effective 08/05/2017
**WJ2.10 Fit and proper person test**

See previous instructions  
WJ1.10 Effective 08/05/2017  
WJ1.10 Effective 17/12/2012

For the purpose of determining whether or not a director or senior manager of the New Zealand employer is a fit and proper person, INZ will take into account:

a whether the person:
   i at any time, has been declared bankrupt or been a director of a company that has been put into receivership or liquidation;
   ii at any time, has been a director or senior manager of a company that has failed to meet its obligations under relevant New Zealand employment and immigration law, and immigration instructions;
   iii has been convicted of an offence involving dishonesty in New Zealand or a foreign country;
   iv has been involved in business fraud or financial impropriety; or
   v has ever been convicted of any offence arising in the course of, or resulting from, business dealings; and

b any relevant feedback received from the Ministry for Primary Industries or Maritime New Zealand, (see WJ2(d)); and

c whether, bearing in mind all available evidence, there is reason to believe that the person will not meet their obligations under the foreign crew of fishing vessels instructions.

**WJ2.10.1 Applications usually deferred**

a Applications for an Approval in Principle to recruit foreign crew of fishing vessels will usually be deferred for up to six months if, at the time the application is assessed, a director or senior manager of the New Zealand employer:
   i has been charged with any offence which, on conviction, would make WJ2.10(a)(iii) apply to that person; or
   ii is under investigation for such an offence.

b At the time an application for is assessed, immigration officer must:
   i defer the decision on the application for up to six months; and
   ii inform the applicant of the decision to grant a deferral and the period of the deferral, in writing; and
   iii await the outcome of the charge or investigation; and
   iv if removal of the character impediment is confirmed, continue processing the application; and
   v if the character impediment is not removed, refer to the Area or Operations Manager for their decision on whether to grant a second or subsequent deferral.

**WJ2.10.5 Second and subsequent deferral periods**

a In cases where the deferral period is coming to an end and the director or senior manager is still awaiting the outcome of the charge or investigation, a second or subsequent deferral period may be imposed.

b A decision on a second or subsequent deferral will only be made after appropriate consultation with Operations Support, Visa Services and the Legal Services of the Ministry of Business, Innovation and Employment about:
   i whether a second or subsequent deferral is justified in the circumstances; and
   ii whether the deferral period is reasonable, given the likely timeframe of any outcome being
reached and the efforts the applicant is making to reach an outcome.

c A decision to grant a second deferral must be made by an Area or Operations Manager or above.

d If the character impediment is not removed by the end of the second deferral period, the Area or Operations Manager may impose a subsequent deferral under the provisions at WJ2.10.5.

e The length of the subsequent deferral period will be decided according to the length of time it is expected for a decision on the charge or investigation to be made.

f The applicant must be informed in writing of any decision to impose a second or subsequent deferral and the period of the deferral.

Effective 28/08/2017
**WJ3 Granting of an Approval in Principle**

See previous instructions

WJ3 Effective 17/12/2012

Before an Approval in Principle (AIP) is granted, the New Zealand employer must agree to meet the following conditions for the duration of the AIP. They must agree to:

a. comply with inspections as required by Maritime New Zealand and the Ministry of Business, Innovation and Employment (the Ministry) to ensure adherence to the Immigration Instructions for Foreign Crew of Fishing Vessels;

b. ensure that they use only acceptable manning agents for the recruitment and placement of foreign crew (WJ5.5);

c. ensure that a representative meets each arriving foreign crew member in New Zealand and transports them to the vessel, their onward domestic flight or their accommodation (WJ5.15);

d. educate and inform foreign crew of their rights and obligations in respect of employment and immigration matters (WJ5.20);

e. implement measures to assist in managing the risk of desertion while the vessel is in port (WJ5.25);

f. advise Immigration New Zealand (INZ) as soon as practicable of any information:
   i. that may assist to prevent any desertion or to apprehend foreign crew who have deserted; and
   ii. of those people who encourage or assist foreign crew to desert in breach of their work visa conditions (WJ5.25.5);

g. undertake a full investigation of any complaints or concerns raised by foreign crew and co-operate fully with any investigation of complaints by the Ministry (WJ5.30);

h. keep and make available accurate employment records (WJ5.35);

i. make employment records available to the Ministry, or any auditors engaged by the Ministry, at the commencement of any regularly scheduled audit (WJ5.40);

j. adhere to all the conditions for the employment of crew as set out in WJ5.45 including the ability to pay crew wages into New Zealand bank accounts;

k. have out-going foreign crew transported to their airport of departure and give sufficient notice of at least 24 hours of crew departure to allow crew members the opportunity to contact and meet with their authorised representative before departing New Zealand (WJ5.50).

Effective 08/05/2017
WJ3.1 Significant non-compliance of Approval in Principle conditions

See previous instructions

WJ3.1 Effective 17/12/2012

a Where an audit identifies significant non-compliance with the conditions listed under WJ3 by the New Zealand employer or individuals associated with them (such as manning agents), the following process will occur:

i INZ will suspend the processing of any existing requests for AIP and any work visa applications related to an existing AIP immediately.

ii The non-compliant company will be advised in writing of the suspension and sent a report detailing the non-compliance, and will be given 30 days to remedy the non-compliance.

Note: the suspension does not apply to onshore based employees of the non-compliant company.

iii Resolution (or satisfactory progress towards resolution) of the non-compliance to the satisfaction of INZ within the 30 day period will see the suspension lifted and processing of requests for AIPs and related work visa applications will resume.

iv A follow up audit will be conducted three to six months later to assess the effectiveness of the remediation undertaken. If the remediation is deemed inadequate or ineffective, the suspension can be re-imposed.

v If INZ is not satisfied that the significant non-compliance has been addressed or satisfactory progress has been made towards resolution within the 30 day period, the suspension of AIP and related work visa processing will continue (until resolution occurs).

vi Failure to address or make satisfactory progress towards resolving the non-compliance may result in current AIPs being rescinded, current work visa holders becoming liable for deportation, and any future AIP requests being declined.

Effective 08/05/2017
WJ4 Definitions
WJ4.1 Authorised agent (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

An “authorised agent” refers to the person nominated by the vessel owner and/or New Zealand Company as authorised to act as agent for the foreign owner of the vessel, as defined in section 103 of the Fisheries Act 1996.

Effective 17/11/2012
WJ4.5 Employer (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

a. For the purpose of Immigration Instructions on Foreign Crew of Fishing Vessels, “Employer” is defined as the person or company with the direct employment relationship with foreign crew.

b. Where the employer is not a New Zealand company, the New Zealand Charter Party (NZCP) with which the employer has a Charter Agreement is responsible for monitoring the employer’s compliance with the relevant Immigration Instructions.

Effective 17/12/2012
WJ4.10 Fisheries Act 1996 (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

See also Fisheries Act 1996, s103(5)

a For the purposes of the Minimum Wage Act 1983 and the Wages Protection Act 1983, and any other enactment as are necessary to give full effect those Acts:
   i the holder of a Foreign Charter Vessel (FCV) work visa employed or engaged to work on a FCV is deemed to be an employee; and
   ii the employer of such an employee to deemed to be the-
       o operator of the vessel (if the operator is the employer or contractor of those persons); or
       o the person from whom the operator has, by virtue of a lease, a sublease, a charter, a subcharter or otherwise, obtained possession and control of the vessel.

b For the purposes of determining whether the payment to any employee to work on a FCV meets the requirements of the Minimum Wage Act 1983 and the Wages Protection Act 1983, the hours of work and the payment received (and the entitlements to payment) shall be assessed in relation to the whole of the period of such engagement or employment in New Zealand fisheries waters.

c Labour Inspectors may exercise their powers under the Employment Relations Act 2000 and the Minimum Wage Act 1983 and the Wages Protection Act 1983 within New Zealand fisheries waters in respect of any person deemed to be an employee or employer.

d If the operator of any vessel is not the employer, the authorised agent shall be responsible under the Minimum Wage Act 1983 and the Wages Protection Act 1983 for providing any information and records to any Labour Inspector.

e The authorised agent may be served with any documents requiring service under the Minimum Wage Act 1983 and the Wages Protection Act 1983, and such service shall be deemed to be service on the employer.

f The Employment Relations Authority and the Employment Court may exercise jurisdiction in respect of any relations that arises through being deemed an employee and employer as if there was a lawful employment relationship subject to New Zealand law.

Effective 17/12/2012
WJ4.15 Foreign crew

“Foreign crew” refers to any foreign crew member (including staff who do not fish, such as processors) working on fishing vessels in New Zealand fisheries waters as defined in section 2(1) of the Fisheries Act 1996.

Effective 17/12/2012
**WJ4.20 Manning agent**

“Manning Agent” refers to an overseas manning agent engaged by either the employer or a foreign crew, to assist in either placing or recruiting suitably experienced foreign crew.

**WJ4.20.1 Acceptable manning agents**

Acceptable agents for the recruitment and placement of foreign crew are defined as those that:

a. are a public service, or a publicly licensed private service, where such a service exists;

b. are remunerated (if at all) solely by the employer (or employer’s agent) and require no fees whatsoever from foreign crew members for the recruitment or placement of foreign crew;

**Note:** the reasonable costs of the national statutory medical examination, certificates, a personal travel document and the national seafarer's book shall not be deemed to be "fees".

c. do not hold collateral from foreign crew (such as work or identification documents, passports, money or other property) for any reason, especially when it has the effect of preventing foreign crew from leaving their contract;

d. do not use coercion, duress or undue influence of any kind to recruit workers; and

e. are not known to have any history of engaging in debt bondage, human trafficking or other exploitative practices.

*Effective 17/12/2012*
WJ4.25 New Zealand Charter Partner (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

A ‘New Zealand Charter Partner’ is a New Zealand company that enters into a formal fishing charter arrangement with a Foreign Charter Partner to conduct fishing operations in New Zealand territorial waters.

Effective 17/12/2012
WJ4.30 Foreign Charter Partner (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

A ‘Foreign Charter Partner’ is a foreign company that owns and operates a foreign chartered vessel (FCV) as part of a formal fishing charter arrangement with a New Zealand Charter Partner, and generally employs the crew on the FCV.

Effective 17/12/2012
**WJ5 Employer responsibilities and obligations**

<table>
<thead>
<tr>
<th>See previous instructions</th>
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</thead>
<tbody>
<tr>
<td>WJ5 Effective 17/12/2012</td>
</tr>
</tbody>
</table>

*Effective 08/05/2017*
WJ5.1 Recruitment of crew

The employer must:

a. only recommend and employ experienced foreign crew; and

b. undertake careful referee checks to ensure that a foreign crew member is a suitable candidate and not a desertion risk.

Effective 17/12/2012
**WJ5.5 Manning agents**

Where manning agents are used, the employer must:

a. ensure that they use only acceptable agents for the recruitment and placement of foreign crew (see WJ4.15.1);

b. carefully monitor the performance of manning agents they deal with; and

c. share information on manning agents with the Ministry if requested.

*Effective 17/12/2012*
**WJ5.10 Sponsorship**

See previous instructions

WJ5.10 Effective 17/12/2012

The New Zealand employer must sponsor every foreign crew member employed on their vessel.

**WJ5.10.1 Breach of sponsorship obligations**

A breach of sponsorship obligations by the New Zealand employer will exclude them from being an acceptable sponsor and as a result, would prevent them from being granted any future AIP for foreign crew of fishing vessels (see E6.5).

*Effective 08/05/2017*
**WJ5.15 Arrival of crew in New Zealand**

See previous instructions  
WJ5.15 Effective 17/12/2012

The New Zealand employer must ensure that a representative meets each arriving foreign crew member after they have cleared Customs and Immigration, and transports them to the vessel, their onward domestic flight or their accommodation.

**Note:** Where Foreign Crew arrive with the vessel, as opposed to via a foreign flight, compliance with this section is not required.

*Effective 08/05/2017*
WJ5.20 Foreign crew education

See previous instructions
WJ5.20 Effective 17/12/2012

The New Zealand employer must:

a. educate and inform foreign crew of their rights and obligations in respect of employment and immigration matters; and

b. ensure all new foreign crew are briefed on their rights and responsibilities before their first voyage, and that they are provided with the minimum educational literature, translated into their own language (the minimum educational literature is the *Important Information for Foreign Fishing Crews working in New Zealand Waters Guide (INZ 1214)*, available on the INZ website in 11 languages).

Effective 08/05/2017
WJ5.25 Desertion

See previous instructions:
WJ5.25 Effective 08/04/2013
WJ5.25 Effective 17/12/2012

WJ5.25.1 Prevention of Ship desertion risk

The employer must implement measures to assist in managing the risk of desertion while the vessel is in port. This may include, as appropriate:

a ensuring foreign crew have, at minimum, the identification required by port company security;
b using port company security systems to monitor activity to and from the vessel;
c briefing vessel watchmen to record the number plates of unidentified vehicles seen around the vessel; and
d implementing a foreign crew shore leave policy and other similar measures to maintain contact with foreign crew while ashore.

Note: In implementing a shore leave policy and otherwise managing foreign crew desertion risks it is acknowledged that foreign crew are entitled to shore leave and it is not the intent of this section to prevent foreign crew from being able to take appropriate shore leave.

WJ5.25.5 Notification of desertion & related information

a The employer must advise Immigration New Zealand (INZ) as soon as practicable of any information that may assist to prevent any desertion or to apprehend foreign crew who have deserted and those people who encourage or assist foreign crew to desert in breach of their work visa conditions.
b This information should be forwarded to the Compliance Operations branch of INZ in Christchurch.
c Where crew desert ship, the employer must abide by a two stage notification process:

i Stage one: When it is determined by an employer that a foreign crew member has deserted, the employer must notify INZ as soon as practicable within 48 hours, using the form Formal Notification of Crew Deserter (INZ 1212).

ii The employer must at this time surrender the foreign crew member’s passport and Seaman’s Book to INZ (if in the Employer’s possession). At this point the foreign crew member will be considered in breach of the conditions of their work visa, and INZ may commence with compliance action against the individual crew member and the employer if appropriate. The personal details of the ship deserter will be added to ship deserter statistics.

iii Stage two: In the case of a foreign crew member missing at vessel departure, notification must be made as soon as practicable within 48 hours of the time the vessel leaves port, or within 24 hours of the time the foreign crew member is noted as missing during transit to/from a vessel.

WJ5.25.10 Records of desertion & associated companies

An employer who has been recorded as associated with a deserter under the process above, may apply in writing for that record to be removed from the record of ship deserters in the following circumstances:

a the foreign crew member subsequently returns to their vessel, leaves New Zealand, surrenders to Immigration New Zealand or contacts the employer before any deportation liability notice against them becomes effective; and

b the employer can otherwise show good cause why the foreign crew member should not be considered a deserter.
Note: INZ will advise the employer in writing of the acceptance or rejection (including reasons for such rejection) of the request for desertion record removal.

Effective 08/05/2017
WJ5.30 Complaints by crew

See previous instructions:
WJ5.30 Effective 17/12/2012

WJ5.30.1 Investigation of complaints

a. The employer must undertake a full investigation of any complaints or concerns raised by foreign crew and co-operate fully with any Ministry of Business, Innovation and Employment (the Ministry) investigation of complaints.

b. The employer must ensure that foreign crew involved in any such complaint are made aware that they have the option of advice or representation from New Zealand Fishing Industry Guild (NZFIG) or any other employee representative party that they have nominated (that is not their manning agent).

WJ5.30.5 Notification of complaints

The employer must inform the Ministry and the NZFIG of any serious complaints, allegations or investigations concerning employment conditions and/or non-compliance with Immigration Instructions for Foreign Crew of Fishing Vessels.

Note: The Ministry and the NZFIG or other employee representative will inform the employer of any complaints, allegations or investigations as they become aware of them, such that the employer has the right and ability to conduct its own investigation.

Effective 08/05/2017
WJ5.35 Responsibility to keep and make available accurate employment records

a  The employer must keep accurate, up-to-date records of:
   i  hours worked by each foreign crew member;
   ii deductions made from each foreign crew member’s earnings;
   iii what payment is actually received by each foreign crew member and where and when payment is received; and
   iv the exchange rate used where payment is in foreign currency.

b  The employer must provide those records, as they relate to individual crew members, to that crew member or their authorised representative:
   i  when making any wage payments in cash, for the period to which the payment corresponds, and
   ii at any other time if requested by the crew member.

Effective 17/12/2012
**WJ5.40 Audits**

See previous instructions: WJ5.40 Effective 17/12/2012

**WJ5.40.1 Provision of information**

a. The employer must make the records detailed at WJ5.35 (a) above available to the Ministry of Business, Innovation and Employment (the Ministry), or any auditors engaged by the Ministry, at the commencement of any regularly scheduled audit, duly translated into English by an independent translator. The Ministry will endeavour to give reasonable notice of four weeks for any upcoming audit.

b. Where an urgent audit or investigation is necessary, the employer must make the requested documents available within the timeframes set by the Ministry or its auditors.

c. The employer must comply with any request for further information or records by the Ministry or its auditors within the timeframes specified at the time of the request.

**WJ5.40.5 Failure to provide information**

Failure to provide records or information requested by the Ministry or its auditors within the specified timeframes may result in a failed audit and affect the status of any current and future AIP.

*Effective 08/05/2017*
WJ5.45 Conditions of employment for crew

See previous instructions:
WJ5.45 Effective 07/12/2015
WJ5.45 Effective 17/11/2014
WJ5.45 Effective 17/12/2012

WJ5.45.1 Vessel Working and Living Conditions
The employer must ensure that facilities and provisions for the working and living conditions of foreign crew on board vessels at least meet:

a New Zealand safety standards, including the legislative and regulatory standards in the Health and Safety at Work Act 2015, and

b any applicable safety, marine protection, crew living and hygiene standards required by the Director of Maritime New Zealand, including (but not limited to) that:
   i all crew have access to sufficient fresh water for their needs, including hot water;
   ii adequate food (quantity and type) is provided;
   iii crew accommodation is clean and dry;
   iv all crew have their own bed and suitable bedding;
   v washing facilities and toilets are sufficient for the number of crew on board;
   vi the vessel carries adequate medical stores;
   vii at least one crew member holds suitable "ship’s medic" qualifications;
   viii crew are provided with suitable protective clothing and equipment to perform their duties; and
   ix vessel safety and emergency drills are carried out on a regular basis.

WJ5.45.5 Foreign Crew Welfare

a The New Zealand employer must ensure that foreign crew have access to the following services:
   i the manning agent (where applicable);
   ii medical and dental treatment;
   iii assistance with banking services, if requested;
   iv translation services, if requested;
   v mail service; and
   vi NZ government agencies (i.e. the Ministry of Business, Innovation, and Employment, Police, Customs, Primary Industry) if requested.

b The employer must ensure that their representative is present at the vessel for port calls, and that the representative is accessible to foreign crew at that time.

WJ5.45.10 Employment Agreements
The employer must ensure that the foreign crew members’ employment agreements are made in accordance with the Employment Relations Act 2000.

WJ5.45.15 Minimum remuneration

a Foreign crew must be paid at least the New Zealand minimum statutory hourly wage plus $2 per hour:
   i for all hours worked; and
   ii never for less than 42 hours per week averaged over the course of their engagement.
Note: These provisions do not supersede the need for applications to meet the requirements of W1 and W2.10
The current New Zealand minimum statutory hourly wage under the Minimum Wage Act 1983 can be found at [www.employment.govt.nz/hours-and-wages/pay/minimum-wage/](https://www.employment.govt.nz/hours-and-wages)

b The only allowable deductions that can be taken from foreign crew remuneration are:
i food (calculated at a maximum of 10% of hours worked multiplied by the minimum wage);
ii airfares to and from New Zealand; and
iii Immigration New Zealand work visa application fees.

Note: Deductions must be based on actual, reasonable, verified expenses. Genuine and verified personal expenses such as cigarettes, phone cards and non-protective clothing (effectively personal wage advances and not connected with the work) are allowed and will not be treated as deductions.

c Allowable deductions cannot bring the hourly wage below the New Zealand minimum statutory wage for all hours worked.

**WJ5.45.20 Frequency of remuneration payments**

a Crew must receive at least the minimum remuneration guaranteed under WJ5.45.15(a)(ii), less deductions provided for in WJ5.45.15(b), in regular periodic payments, either monthly or at every port call as specified in each crew’s employment agreement.

b Where crew have only received the minimum remuneration at (a), they must be paid all outstanding wages for any hours worked above the 42 hours per week, in line with WJ5.45.15(a)(i), at least 24 hours before departing New Zealand.

**WJ5.45.25 Payment of crew wages**

a The employer must make a personal, individual New Zealand bank account available to each foreign crew member.

b The default wage payment method in foreign crew’s employment agreements must be direct credit into the New Zealand bank account detailed above.

c Foreign crew members who elect to receive wage payments in cash instead of using the New Zealand bank account provided, must notify the employer of their decision in writing in their own language.

Note: It is solely at the foreign crew member’s discretion to refuse to use this New Zealand bank account.

d The employer, manning agents, crew representatives, and any person associated with them, may not have access to, or Power of Attorney over, any foreign crew member’s New Zealand bank account.

e Where a foreign crew member refuses to use the available New Zealand bank account, payment of wages must be made directly to them in cash, in New Zealand.

f Where payment is made in cash in a foreign currency, the exchange rate used must be recorded, and notified to the foreign crew member at the time the payment is made.

g Foreign crew members must receive a final payslip at least 24 hours before their departure from New Zealand so that they have the opportunity to contact and meet with their authorised representative before departing New Zealand (see WJ5.50).

Effective 08/05/2017
**WJ5.50 Departure procedure**

See previous instructions:
WJ5.50 Effective 08/04/2013
WJ5.50 Effective 17/12/2012

a Wherever possible, the New Zealand employer must endeavour to have out-going foreign crew transported to their airport of departure.

b The employer must give sufficient notice of at least 24 hours of crew departure to allow crew members the opportunity to contact and meet with their authorised representative before departing New Zealand.

**Note:** Where foreign crew depart with the vessel, as opposed to via a foreign flight, compliance with (a) above is not required.

*Effective 08/05/2017*
WJ6 Applications for work visas for foreign crew of fishing vessels

See previous instructions:
WJ6 Effective 01/04/2017
WJ6 Effective 08/04/2013
WJ6 Effective 17/12/2012

a An immigration officer may grant a work visa and entry permission to an individual crew member with an offer of employment from a New Zealand employer where either:
   i has a current Approval in Principle (AIP); or
   ii is seeking to fill a maximum of six crew positions on one vessel in one calendar year (non-AIP).

b Work visas can be granted for up to a maximum of 12 months.

c Applications for individual work visas must be made before overseas crew members arrive in New Zealand.

d An application for a work visa will be declined where the employer has a history of non-compliance with immigration or employment law, fails to meet the requirements set out at W2.10.15 or is currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

Note: If employers request approval in principle, or submit an application for an individual work visa, after the crew members arrive in New Zealand, then both must be declined.

Effective 08/05/2017
WJ6.1 Application requirements

See previous instructions:
WJ6.1 Effective 17/12/2012

The applicant must:

a. provide a copy of the Approval in Principle (AIP) letter (if applicable);

b. meet the standard requirements for a temporary visa (see W2.10);

c. have at least 12 months’ work experience in a similar position;

d. have any other required qualifications and experience for the position as specified in the employer’s AIP (or job description for non-AIP applications);

e. provide an employment agreement, in English and their own language, that meets WJ5.45.10; and

f. provide the form Sponsorship for Temporary Entry (INZ 1025) completed by the New Zealand employer.

Note: The NZ employer must meet the acceptable sponsor requirements set out at E6.5 and E6.5.1.

Effective 08/05/2017
WJ6.5 Additional requirements for non-Approval in Principle applicants

See previous instructions:
WJ6.5 Effective 08/05/2017
WJ6.5 Effective 17/12/2012

a Where WJ6(a)(ii) applies, before any work visa is granted for foreign crew, the New Zealand employer must:
   i provide the completed form *Supplementary Form for Foreign Crew of a Fishing Vessel (INZ 1213)*; and
   ii meet the AIP requirements as set out at WJ2(b); and
   iii agree to comply with all the requirements and obligations set out at WJ5.

b INZ will determine whether the New Zealand employer has made genuine attempts to find suitably qualified and experienced New Zealand citizens or residence class visa holders in accordance with the requirements set out in WK3.10.

c To ensure the above requirements have been met, INZ will consult with relevant government agencies including, but not limited to, the Ministry for Primary Industries, Maritime New Zealand, and the Ministry of Social Development.

Effective 28/08/2017
WJ6.10 Work experience

Evidence of relevant work experience can include, but is not limited to:

a  Seamen’s log book
b  References from former employers

Effective 17/12/2012
**WJ6.15 Conditions of the work visa**

See previous instructions:
WJ6.15 Effective 17/12/2012

Any work visa granted under the Foreign Crew of Fishing Vessels instructions will be limited to work on the named New Zealand-flagged vessel in New Zealand waters, up to a maximum of 12 months.

*Effective 08/05/2017*
WK Essential Skills work instructions
WK1 Essential Skills Objective and Overview
WK1.1 Objective

Essential Skills work instructions contribute to the overall work instructions objective (see W1) by:

a incentivising the development of a highly skilled workforce, high quality jobs and workplaces, and high value industries; and

b helping New Zealand firms maintain capacity and supporting the provision of services meeting important social needs; while

c not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and

d managing fiscal risks, settlement risks and public perceptions of migration; and

e ensuring the integrity of the immigration system and promoting the international reputation of New Zealand.

Effective 28/08/2017
WK1.5 Overview

a  Essential Skills work instructions provide for the grant of work visas to overseas workers with an offer of employment to work in New Zealand.

b  Essential Skills work visas may only be granted if:
   i  the employment is acceptable (WK3.5); and
   ii  there are no New Zealand citizens or residents available for the work (WK3.10); and
   iii  the employer meets requirements (WK3.15); and
   iv  the applicant meets requirements (WK3.20).

c  The skill band of the employment (WK3.5.1) generally determines the currency of an Essential Skills work visa granted and the ability of an Essential Skills work visa holder to support temporary visas for family members.

WK1.5.1 Applications with approval in principle

a  Employers wishing to recruit foreign workers for a specific role or roles may request approval in principle (AIP).

b  When considering a request for approval in principle, Immigration New Zealand will assess the availability of New Zealanders to do the work, and the requirements related to the employment and the employer, in advance of the applicant making a work visa application.

c  Where an Essential Skills work visa application is made based on AIP, generally only the requirements related to the applicant (WK3.20) will be assessed.

WK1.5.5 Applications without approval in principle

a  Overseas workers who have been offered employment in New Zealand do not require approval in principle and may apply directly to Immigration New Zealand for an Essential Skills work visa.

b  In the case of a direct application for an Essential Skills work visa, requirements related to the employment, employer, applicant and the availability of New Zealanders will be assessed together.

Effective 28/08/2017
WK2 Lodging an application under Essential Skills instructions
WK2.1 Lodging an Essential Skills work visa application

See previous instruction:
WK2.1 Effective 28/08/2017

a Applicants for Essential Skills work visas must be lodged in the prescribed manner (see E4.50) and include an Employer Supplementary Form (INZ 1113) completed by the employer.

b Applicants who hold a work visa with remuneration as a condition of that visa (see WK4.5(d), must include evidence of their remuneration payment, such as Inland Revenue income summaries and bank statements.

c Applicants must provide:
   i a copy of the proposed employment agreement; and
   ii a copy of the signed offer of employment (see W2.10.10).

d Applications made on the basis of an offer of employment in an ANZSCO skill level 4 or 5 occupation must include a valid Skills Match Report prepared by Work and Income, unless:
   i the employer holds valid approval in principle for the role identified; or
   ii the role is on an Essential Skills in Demand list and the applicant meets the qualification and/or experience requirements; or
   iii the role is in the Canterbury region (WK3.10.20) and evidence of the outcome of engagement with the Canterbury Skills and Employment Hub has been included with the visa application; or
   iv Work and Income have advised Immigration New Zealand of a regional absolute labour shortage (WK3.10.1 (e)(i)); or
   v the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process, and meets any additional requirements of that list (e.g. region of employment).

Note: A Skills Match Report may be used to support more than one work visa application, as long as it remains valid. A copy of the Skills Match Report should be included with each visa application.

Effective 21/05/2018
WK2.5 Lodging a request for approval in principle to recruit overseas workers

a Applications for approvals in principle must be made on the form ‘Request for Approval in Principle’ (INZ 1112).

b A request for approval in principle must be accompanied by evidence that:
   i the employment is acceptable (WK3.5); and
   ii there are no New Zealand citizens or residents available for the work (WK3.10); and
   iii the employer meets requirements (WK3.15).

c To determine the skill-band of the proposed employment, evidence must be provided of:
   i the proposed remuneration; and
   ii the hours of work, or of the arrangements relating to the number of hours to be worked.

Effective 28/08/2017
WK3 Determining an Essential Skills work visa application
WK3.1 Assessing an Essential Skills application or a request for approval in principle to recruit overseas workers

a To approve an Essential Skills work visa, an immigration officer must be satisfied that:
   i the employment is acceptable as specified at WK3.5; and
   ii there are no New Zealand citizens or residents available for the work as specified at WK3.10; and
   iii the employer meets requirements as specified at WK3.15; and
   iv the applicant meets requirements as specified at WK3.20.

b To approve an Essential Skills work visa made on the basis that the employer has approval in principle (AIP), an immigration officer:
   i must be satisfied the applicant meets requirements for Essential Skills work visa applicants (WK3.20) and any requirements specified in the approval in principle; and
   ii may rely on the AIP to satisfy the requirements of WK3.1(a)(i–iii).

c Despite WK3.1(b), where an immigration officer has reasonable grounds for determining that the labour market, or circumstances of the employment or of the employer have materially altered since the grant of approval in principle, they may undertake further checks to ensure the provisions of WK3.1(a)(i–iii) are still satisfied.

d In cases where the employer supporting a work visa application currently holds or has previously held AIP which has lapsed for that position, the conditions specified in the AIP will continue to apply, unless the employer can satisfy the immigration officer that the circumstances of employment have changed.

e INZ may, on an exceptional basis, require an employer to apply for AIP to recruit overseas workers for the purposes of assessing any further work visa applications supported by the employer. This requirement will be imposed only where an employer’s recruitment of non-New Zealand citizen or residence class visa holder workers is such that it is appropriate to undertake a labour market test for future applications collectively with an AIP, rather than on an individual basis. In these circumstances any further application for a work visa supported by that employer which is not associated with a valid AIP may be declined.

WK3.1.5 Assessing a request for approval in principle to recruit overseas workers

a To grant approval in principle to recruit overseas workers, an immigration officer must be satisfied that:
   i the employment is acceptable as specified at WK3.5; and
   ii there are no New Zealand citizens or residents available for the work as specified at WK3.10; and
   iii the employer meets requirements as specified at WK3.15.

b Where approval in principle to recruit foreign workers is granted, the approval must specify:
   i the duration the approval is valid for; and
   ii the duration of the work visa(s) to be granted to the eligible applicants who apply on the basis of the approval in principle; and
   iii the number of positions the employer has been approved to recruit for; and
   iv the skill-band of the employment that the employer has been approved to recruit for; and
   v the occupation(s) that the employer has been approved to recruit for; and
   vi the location(s) that the employer has been approved to recruit for; and
   vii the training and/or work experience necessary for applicants to be considered qualified for the position(s); and
   viii any undertakings the employer has agreed to as part of the job offer (such as provision of accommodation) and any other conditions deemed necessary by the immigration officer.
c No approval in principle application for the recruitment of workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries will be approved under these instructions. All requests to recruit non-New Zealand citizen or residence class visa holder workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under Recognised Seasonal Employer (RSE) instructions (see WH1) or the Supplementary Seasonal Employment (SSE) instructions (see WH3).

Effective 28/08/2017
WK3.5 Acceptable employment

See previous instructions:
WH3.5 Effective 28/08/2017

a To grant an Essential Skills work visa, an immigration officer must be satisfied that:
   i the offer of employment meets the requirements set out at W2.10.10; and
   ii the employment offered is genuine, sustainable and full-time for the duration of the employment period specified in the employment agreement; and
   iii payment is by wages, or salary; and
   iv the rate of pay is not less than the market rate for New Zealand workers in that occupation (regardless of whether the occupation is on one of the Essential Skills in Demand Lists).

b An immigration officer will assess the employment offered to determine the skill-band of that employment (WK3.5.1) based on the remuneration and the skill level of the occupation as set out in the Australian and New Zealand Standard Classification of Occupations (ANZSCO).

c Applications for visas under Essential Skills instructions for self-employment must be declined.

d Applications for visas under Essential Skills instructions related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be declined.

Note: Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions (see WH1) or the Supplementary Seasonal Employment Instructions (see WH3).

WK3.5.1 Determining the skill-band of employment

a Employment will be assessed as higher-skilled where the remuneration offered is $36.44 per hour or above, regardless of the ANZSCO occupation.

b Employment will be assessed as mid-skilled where:
   i the remuneration offered is between $20.65 per hour and $36.43 per hour (inclusive); and
   ii the employment substantially matches the description for a skill level 1, 2 or 3 occupation as set out in the ANZSCO.

c Employment will be assessed as lower-skilled where:
   i the remuneration offered is less than $20.65 per hour, regardless of the ANZSCO occupation; or
   ii the remuneration offered is less than $36.44 per hour and the employment substantially matches the description for a skill level 4 or 5 occupation as set out in the ANZSCO.

WK3.5.5 Calculating remuneration

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

b Remuneration will be calculated according to the hours of work stated in the employment agreement.

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

d If the employment agreement specifies payment other than by hour (including payment by salary), and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked in order to calculate the remuneration and determine the skill-band of the employment.

e Hours of work per week will be considered variable where the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
f Where evidence of the range of hours is provided in terms of (e) above or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.

g Each hour of work must be paid at or above the remuneration threshold for a particular skill-band, for employment to be assessed as within that skill-band.

h For the purposes of WK3.5.5, remuneration includes:
   i the agreed value of any reasonable deduction from the applicant’s salary or wages for goods or services; and
   ii in the case of accommodation provided in connection to the employment:
      o the agreed value of any reasonable deduction from the applicant’s salary or wages for that accommodation; or
      o if accommodation is provided by the employer, and there is no deduction from the applicant’s salary or wages for that accommodation, the market rental value of the accommodation provided; or
      o if an accommodation allowance is provided, the amount of that allowance.

   Note: In relation to WK3.5.5(h)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of ‘remuneration’, reflects the definition of accommodation and the value of accommodation that forms part of a person’s income under section CE 1 of the Income Tax Act 2007.

i For the purposes of WK3.5.5, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.

j The remuneration requirements set out in WK3.5.1 will be updated in November each year based on New Zealand income data.

WK3.5.10 Assessment that employment substantially matches an ANZSCO occupation

a When assessing whether an offer of employment substantially matches a particular occupation in the ANZSCO, an immigration officer must be satisfied that the applicant’s duties and responsibilities match the description of that occupation as set out in the ANZSCO.

b Where related occupations are described by the same task list in the ANZSCO, an immigration officer may disregard tasks not relevant to the occupation that most closely matches that of the applicant.

Effective date 15/01/2018
WK3.10 Determining the availability of New Zealand citizens or residents

See previous instruction:
WK3.10 Effective 28/08/2017

a New Zealand citizens or residence class visa holder workers are considered to be 'available' if, as a result of a labour market test (see WK3.10.1), an immigration officer establishes that there are:
   i suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer (see WK3.10.10); or
   ii suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer (see WK3.10.15).

b Immigration officers will accept that no suitably qualified New Zealand citizens or residence class visa holders are available where an occupation is included on the current Long Term Skill Shortage List, Immediate Skill Shortage List or (for employment in the Canterbury region only) Canterbury Skill Shortage List and the applicant’s qualification and/or work experience meets the requirements on the list.

c It is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

Notes:
- The Essential Skills in Demand Lists are published on the immigration website at http://skillshortages.immigration.govt.nz/.
- Employment is in the Canterbury region if the entire or principal place of work is within the territorial authorities of Christchurch City Council, Selwyn District Council or Waimakariri District Council.

WK3.10.1 Labour market tests

a When conducting a labour market test an immigration officer must be satisfied that:
   i the employer has made a genuine attempt to attract and recruit suitable New Zealand citizens or residence class visa holder workers (see WK3.10.5); and
   ii New Zealand citizens or residence class visa holder workers are not available (WK3.10).

b Matters an immigration officer may take into account when determining whether or not a labour market test is satisfied include but are not limited to:
   i the employer’s case in support of an individual worker’s application; and
   ii evidence of a genuine attempt (see WK3.10.5) on the part of the employer to recruit New Zealand workers by way of advertising and/or use of other appropriate avenues of recruitment likely to attract New Zealand workers; and
   iii advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered; and
   iv advice from relevant stakeholders within the particular industry, including unions.

c In any particular case an immigration officer may decide to:
   i determine the labour market test is satisfied by one or more of the above; or
   ii determine that the labour market test is not satisfied by one or more of the above; or
   iii make other inquiries.

d Despite (c) above, but subject to (e) below, when determining whether there are New Zealand citizen or residence class visa holder workers available to undertake work in an ANZSCO Skill Level 4 or 5 occupation, immigration officers must consider advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered.
The requirement in (d) above does not apply:

i for any period of time where Work and Income has advised INZ of a regional absolute labour shortage for a specified occupation or industry, and the work offered is both for that occupation or industry, and in the region specified; or

ii where the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process, and meets any additional requirements of that list (e.g. region of employment).

**WK3.10.5 Definition of ‘genuine attempts’**

a For the purpose of these instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holder workers if:

i any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and

ii the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and

iii the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:

- listing the vacancy with Work and Income;
- advertising the vacancy in a national newspaper and/or website;
- contracting a recruitment company appropriate to the industry.

b For the purposes of these instructions an employer is not considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:

i the employer has advertised the work in such a way that no New Zealand citizen or residence class visa holder will or is likely to apply (e.g. making foreign language skills a requirement when it is not necessary for the performance of the work); or

ii an employer has advertised the work at terms and conditions that are less than terms and conditions New Zealand citizens or residence class visa holders typically receive for equivalent work; or

iii a Skills Match Report is required by WK2.1(d) and an immigration officer is satisfied the employer has not considered available New Zealand citizens or residence class visa holders referred by Work and Income.

**WK3.10.10 Definition of ‘suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer’**

For the purpose of these instructions a ‘suitable New Zealand citizen or residence class visa holder worker who can take up the work on offer’ is a New Zealand citizen or residence class visa holder worker who:

a has the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or has the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and

b has qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by an immigration officer to be reasonable; and

c has other competencies identified by the employer as necessary for the performance of the work that are determined by an immigration officer to be reasonable including (but not limited to):

i having a driver licence or ability to get one, or

ii being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
being able to pass health, drug and criminal checks if required; and
d is located in the local region, or is willing and able to move to that region; and
e can practically make it to the workplace by having a suitable mode of transport; and
f is available for work at the hours required by the employer, noting that the position must be for full-time employment (see W2.2.10).

Notes:
- Local region is defined based on the regions used by Work and Income.
- At ANZSCO skill level 5, work experience and qualifications are not relevant.
- Where other prerequisites are needed to perform the role an employer must explain why and demonstrate that the remuneration offered reflects those requirements.

WK3.10.15 Definition of ‘suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer’

For the purpose of these instructions a ‘suitable New Zealand citizen or residence class visa holder worker who can readily be trained to do the work on offer’ is a New Zealand citizen or residence class visa holder worker who:

a with on the job training could do the work on offer, despite not having:
   i the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
   ii the qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and
b has other competencies identified by the employer as necessary for the performance of the work that are determined by an immigration officer to be reasonable including (but not limited to):
   i having a driver licence or ability to get one, or
   ii being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
   iii being able to pass health, drug and criminal checks if required; and
c is located in the local region, or is willing and able to move to that region; and
d can practically make it to the workplace by having a suitable mode of transport; and
e is available for work at the hours required by the employer, noting that the position must be for full-time employment (see W2.2.10).

Notes:
- Local region is defined based on the regions used by Work and Income.
- All positions at ANZSCO skill level 5 are positions which New Zealand citizens and residence class visa holder workers are considered able to ‘readily be trained to do the work on offer’

WK3.10.20 Special instructions for labour market tests where the employment is in Canterbury

a In addition to the normal requirements of WK3.10.5, an employer requesting approval in principle based on an offer of employment in any occupation in the Canterbury region, or supporting an individual work visa application based on an offer of employment in an ANZSCO Skill Level 3, 4 or 5 occupation in the Canterbury region must provide evidence of the outcome of any engagement with the Canterbury Skills and Employment Hub if:
   i the visa application or request for approval in principle was lodged on or before 1 June 2018; or
ii the Canterbury Skills and Employment Hub listed the vacancy prior to 30 June 2018.

b Immigration officers may take this engagement and any related evidence into account when determining whether or not a labour market test is satisfied.

c Engagement with the Canterbury Skills and Employment Hub is not required if the occupation is included on the current Long Term Skill Shortage List, or Immediate Skill Shortage List or Canterbury Skill Shortage List and the applicant’s qualification and/or work experience meets the requirements on the list.

Notes:
- For the purposes of WK3.10.1(b)(iii), advice from the Canterbury Skills and Employment Hub is considered to be advice from Work and Income.
- Employment is in the Canterbury region if the entire or principal place of work is within the territorial authorities of Christchurch City Council, Selwyn District Council or Waimakariri District Council.

Effective 21/05/2018
WK3.15 Requirements for employers

See previous instruction:
WK3.15 Effective 28/08/2017

a To grant an Essential Skills work visa, an immigration officer must be satisfied that:
   i the employer is the direct employer, responsible for such things as:
      o payment of salaries;
      o PAYE tax instalments;
      o conditions of employment;
      o day-to-day supervision of the workplace and the employee; and
   ii the employer has previously complied and will comply in future with all relevant New Zealand
      employment and immigration law and immigration instructions; and
   iii the employer has previously paid any employees who were holders of an Essential Skills work visa
      the remuneration required by those employees’ work visa conditions (see WK4.5(d)); and
   iv the employer meets the requirements set out at W2.10.15 and is not included on a list of non-
      compliant employers maintained by the Labour Inspectorate (see Appendix 10).

b Where the job offer is in the construction sector in the Canterbury region and the employer is a labour
hire company, the application must be declined unless the labour hire company holds accreditation
(see WK5).

Note: Employment is in the Canterbury region if the entire or principal place of work is within the territorial
authorities of Christchurch City Council, Selwyn District Council or Waimakariri District Council

WK3.15.1 Evidence required from employers

a Employers requesting approval in principle to employ a non-New Zealand citizen or residence class
visa holder worker or supporting an individual work visa application must provide:
   i job offer(s) containing all the information specified in the generic work visa provisions at W2.10.10;
   and
   ii confirmation of whether or not the worker requires occupational registration in New Zealand; and
   iii if more than one, the number of temporary workers sought; and
   iv the names of suitable applicants (if known); and
   v evidence of genuine attempts to recruit suitable New Zealand citizens or residence class visa
      holders (see WK3.10.5), including the reasons why:
   vi any particular job specifications were considered necessary for the performance of the work; and
   vii any New Zealand applicants who applied were either not suitable, or refused to perform the work;
      and
   viii if requested by an immigration officer, evidence and/or confirmation of past compliance with
      employment and immigration law (see W2.10.5); and
   ix if the job offer(s) is in the construction sector in Canterbury region and the employer is a labour
      hire company, confirmation of the labour hire company's accreditation.

Note: Employment is in the Canterbury region if the entire or principal place of work is within the territorial
authorities of Christchurch City Council, Selwyn District Council or Waimakariri District Council.

b Evidence and/or confirmation of past and future compliance with employment and immigration law
may include but is not limited to:
   i employment agreements with workers which demonstrate compliance;
   ii tax records that show compliance with employment agreements and visa conditions;
iii a history with the Ministry of Business, Innovation and Employment and WorkSafe New Zealand of past compliance.

c Employers who are included on a list of non-compliant employers maintained by the Labour Inspectorate are considered to not have a history of compliance with employment law (see W2.10.15 and Appendix 10).

d Employers who have previously failed to pay any employee the remuneration required by the employee’s visa conditions are considered to not have a history of compliance with immigration law.

Effective 21/05/2018
**WK3.20 Requirements for applicants**

See previous instruction:
WK3.20 Effective 28/08/2017

To grant an Essential Skills work visa, an immigration officer must be satisfied that the applicant:

a  is suitably qualified by training and experience to do the work offered; and

b  if the Essential Skills work visa is for lower-skilled employment (WK3.5.1), is not required to spend time outside New Zealand (referred to as an applicant who is subject to a ‘stand-down period’ – see WK3.20.5).

**WK3.20.1 Determining that an applicant is suitably qualified**

a  When assessing whether an applicant is suitably qualified by training and experience to do the work offered, immigration officers will consider whether the qualifications and work experience required by the occupation described in the ANZSCO substantially matches the applicant’s proposed employment.

b  Immigration officers must consider whether:

   i  the applicant holds a relevant qualification that is comparable to the qualification described for that occupation in the ANZSCO; or

   ii  the applicant has the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or

   iii  the employment is in an occupation included on the Essential Skills in Demand Lists and the applicant meets the relevant requirements specified for that occupation.

c  Immigration officers must be satisfied that the qualifications and/or work experience provided by the applicant are relevant to their proposed employment in New Zealand.

**WK3.20.5 Applicants who are required to spend time outside New Zealand (subject to a ‘stand-down period’)**

a  An Essential Skills work visa holder may hold visas allowing work in lower-skilled employment (as defined in WK3.5.1) for a maximum period of 3 years before they are required to spend time outside New Zealand (subject to a stand-down period).

b  Applicants subject to a stand-down period are not eligible for a further Essential Skills work visa for lower-skilled employment until they spend 12 consecutive months outside New Zealand.

c  A person who has spent 12 consecutive months outside New Zealand is no longer subject to a stand-down period and may be granted further Essential Skills work visas for the duration allowed by WK4.1(a)(iii).

d  Essential Skills work visas applied for before 28 August 2017 did not include an assessment of skill-band under WK3.5.1 and are therefore not considered when calculating the 3 year maximum period.

**WK3.20.10 Determining an Essential Skills work visa application where an applicant is awaiting a Skilled Migrant Category decision**

a  Despite WK3.1 (a)(ii), an applicant may be granted an Essential Skills work visa, valid for 1 year without an immigration officer being satisfied that there are no New Zealand citizens or residence class visa holders available to do the work offered if:

   i  they currently hold a temporary work visa; and

   ii  they have applied for an Essential Skills work visa to continue working in the role they currently hold; and

   iii  they meet all other requirements of Essential Skills work visa instructions; and

   iv  they have been issued an Invitation to Apply under the Skilled Migrant Category and retain the ability to apply (see SM3.1), or have made an application for residence under the Skilled Migrant
Category and that application has not yet been completed; and

v their Expression of Interest was selected in part on the basis of points claimed for skilled employment in the role they currently hold.

b One further Essential Skills work visa, valid for six months, may be granted in exceptional circumstances to an applicant who continues to meet the requirements of (a) above.

WK3.20.15 Determining an Essential skills work visa application for Filipino dairy workers who have provided false documents

a The intent of this section of Essential Skills instructions is:

i to recognise that the dairy industry is of particular importance to the New Zealand economy, particularly in regional and rural New Zealand;

ii to acknowledge significant levels of false and misleading information have been identified in previous work visa applications to work in the dairy industry; and

iii to acknowledge that declining a large number of work visa applications for failing to meet the requirement to be of good character would have a detrimental effect on the dairy industry.

b These instructions apply to people who:

i are nationals of the Philippines;

ii are in New Zealand holding an Essential Skills work visa (or an interim visa based on holding an Essential Skills work visa at the time they made an application);

iii are subject to A5.45(b) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission that was false, misleading or forged;

iv were granted an Essential Skills work visa to work on a dairy farm before 1 September 2015; and

v are applying for a further Essential Skills work visa to work on a dairy farm.

c Despite the character requirement set out at A5.45(b) a person to whom (b) above applies may be granted an Essential Skills work visa if they:

i have not subsequently withheld information or provided further false information to INZ, in particular with regard to the application in which they originally supplied false information; and

ii meet all other criteria for the grant of an Essential Skills visa.

WK3.20.20 Minimum income requirement for dependent children of Essential Skills work visa holders

See also Immigration Act 2009 s 49(1)(b)

a Essential Skills visa holders in lower skilled employment who are eligible to support their dependent child’s visitor or student visa application (see V3.10.1 or U8.20.1), must meet a minimum income threshold if they wish to support their dependent child’s visa application. The visa holder’s dependent child will be assessed against criteria set out in V3.10.5 or U8.20.5.

b Parents holding Essential Skills work visas may be liable for deportation if the dependent child’s visa application is declined under these instructions and the dependent child becomes unlawful.

c It will be a condition of the dependent child’s visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child’s visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

Note: Where both parents hold Essential Skills work visas, their incomes may be combined to meet the minimum income threshold.

The minimum income threshold excludes employment-related allowances (for example tool or uniform allowances) and must be calculated on the basis of no more than 40 hours’ work per week

Effective 21/05/2018
WK4 Currency and Conditions of Essential Skills work visas
WK4.1 Currency of Essential Skills work visas

a An Essential Skills work visa may be granted for the period for which the employment is offered, up to a maximum of:
   i 5 years for employment assessed as higher-skilled; or
   ii 3 years for employment assessed as mid-skilled; or
   iii 1 year for employment assessed as lower-skilled, unless a 1 year visa would result in the holder exceeding the 3 year maximum period holding Essential Skills visas for lower-skilled employment (WK3.20.5); or
   iv 3 years for employment for an accredited labour hire company; or
   v 1 year or 6 months if the applicant meets the requirements at WK3.20.10 for people also applying under the Skilled Migrant Category for a resident visa.

b Where the grant of a 1 year visa, for employment assessed as lower-skilled, would result in the holder exceeding the 3 year maximum period holding Essential Skills visas for lower-skilled work, the visa may be granted for the remainder of the 3 year period.

c Despite (a) above, if an application for a work visa is approved on the basis of approval in principle issued prior to 28 August 2017, the duration of that work visa may be consistent with the duration stated in that approval in principle.

Note: The maximum 3 year period is based on the total period that the applicant held Essential Skills work visas to work in lower-skilled employment, regardless of whether the holder was inside or outside New Zealand while holding the visa.

Effective 28/08/2017
WK4.5 Conditions of Essential Skills Work Visas

See previous instruction:
WK3.20 Effective 28/08/2017

Essential Skills work visas will be subject to conditions that the holder:

a. may work only in a specified industry, trade, occupation or profession; and
b. may work only for a specified employer; and
c. may work only in a specified area or location; and
d. must be paid at or above the level required by the skill-band of their employment; and
e. must provide evidence of the payment of remuneration if requested by an immigration officer.

Effective date 21/05/2018
WK5 Labour hire employer accreditation
WK5.1 Labour hire employer accreditation

a For the purposes of these instructions, labour hire employers are defined as employers who employ and outsource workers for short or long-term positions to third parties with whom the employer has a contractual relationship to supply labour.

b Accreditation will be granted where an immigration officer is satisfied that the labour hire employer:
   i is in a sound financial position; and
   ii has human resource policies and processes which are of a high standard; and
   iii has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders; and
   iv has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987, the Equal Pay Act 1972 and the Holidays Act 2003; and
   v will comply with all the requirements and obligations set out at WK5.5.

c Approved employers will be granted accreditation for a period of 12 months.

d Accreditation may be renewed on an annual basis, upon application, where INZ is satisfied that the employer still meets the requirements for accreditation set out above.

e Subsidiary companies cannot be covered by the accreditation of a parent company. To be accredited, they must apply in their own right.

Effective 28/08/2017
WK5.5 Labour hire employer requirements and obligations

Before accreditation is granted the labour hire company must agree to meet the following conditions and obligations for the duration of the accreditation. They must agree to:

a  offer employment agreements that:
   i  meet the employment requirements set out in WK3.5;
   ii exclude a trial period provision;
   iii specify a rate of pay not less than the market rate for New Zealand workers in the specified occupation (see WK3.5);
   iv contain employment terms and conditions equivalent to those of workers directly employed by the company with whom the worker is placed; and

b  ensure that any third party to whom they hire out a migrant worker has good workplace practices that align with the requirements set out under WK5.1(b)(i-iv).

Effective 28/08/2017
WK5.10 Applying for accreditation

a Applications for accreditation must be made on the Labour Hire Employer Accreditation Application (INZ 1227) form and accompanied by documents which demonstrate that the employer meets the requirements for accreditation set out at WK5.1(b).

b A fee is payable for an application for accreditation. A lower fee is payable for annual renewal of accreditation.

*Effective 28/08/2017*
WK5.15 Determining applications for labour hire employer accreditation

a In determining whether an employer is in a sound financial position, an immigration officer may take into account such factors as:
   i the period for which the employing organisation has been established as a going concern; and
   ii financial indicators such as revenue, profit and equity levels; and
   iii reserve capital; and
   iv ability to sustain current and proposed employment; and
   v accounts receivable.

b In determining whether an employer has human resource policies and practices which are of a high standard, an immigration officer may take into account such factors as:
   i WorkSafe NZ or Labour Inspectorate findings; and
   ii sample employment agreements; and
   iii evidence of HR and health and safety policies and procedures; and
   iv whether the employer is International Organisation for Standardisation (IOS) certified; and
   v feedback from relevant unions and other employee representatives.

c In determining whether an employer has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders, an immigration officer may take into account such factors as:
   i evidence of training provided to staff who are New Zealand citizens or residents; and
   ii whether the employer makes ‘genuine attempts’ (see WK3.10.5) to recruit New Zealand citizens or residents to fill any vacancies including that advertised vacancies accurately reflect the position and salary or wages; and
   iii the proportion of the employer’s workforce who are New Zealand citizens or residents; and
   iv feedback from relevant unions and other employee representatives.

d In determining whether an employer has good workplace practices, an immigration officer may take into account such factors as:
   i whether the employer has diversity policies and practices in place as outlined by Diversity Works NZ; and
   ii the extent of any non-compliance with legislation listed in WK5.1(b)(iv); and
   iii where there have minor breaches of legislation listed in WK5.1 (b)(iv), the degree to which the employer has put in place remedies to prevent similar breaches in the future; and
   iv policies and processes the employer has put in place to ensure they remain compliant with the legislation listed in WK5.1 (b)(iv); and
   v feedback from relevant unions and other employee representatives.

e Applicants must consent to INZ seeking information from the Ministry of Business, Innovation and Employment, WorkSafe New Zealand and the Accident Compensation Corporation concerning the applicant's compliance with New Zealand employment laws. Where such consent is not given an application for accreditation will be declined.

f An application for accreditation will be declined where the employer has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

g Breaches of employment standards which lead to inclusion on a list of non-compliant employers may still be considered when determining if an employer has a history of compliance with employment law, even if the employer is no longer on the list.
h  An application for accreditation will be declined where an immigration officer considers accreditation would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

i  An immigration officer must be satisfied that the information and documents included in an application for accreditation are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain, including interviews. An immigration officer will decline an application for accreditation if they are satisfied that an employer provided false or misleading information in support of an application, or withheld relevant information that was prejudicial to the grant of accreditation.

j  INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises.

k  INZ will consult with relevant unions and other employee representatives when determining whether an employer has human resource policies and processes which are of a high standard, a commitment to training and employing New Zealand citizens and residence class visa holders and good workplace practices.

l  An application for accreditation will be declined where an employer does not give consent to disclose relevant information. Before disclosing information, INZ will seek the consent of the employer for the disclosure of information that is:

   i  identified by the employer as commercially sensitive; and
   ii  that information is provided in confidence to INZ; and
   iii  INZ considers that disclosure of that information is necessary for the determination of an application.

m  Where INZ, in consulting with other agencies, receives information which may be prejudicial to the positive outcome of an employer's application for accreditation, that adverse information will be put to the employer for comment before a decision is made on their application.

Effective 28/08/2017
WK5.20 Reconsideration process for declined labour hire accreditation applications

a There is no statutory right of appeal against the decision to decline an application for labour hire accreditation. However, INZ will reconsider a declined application for labour hire accreditation where new information is provided within 14 days of the employer being notified of the decline.

b The fee for reconsideration of an application for accreditation must accompany the written request for reconsideration.

Effective 28/08/2017
WK5.25 Non-compliance with labour hire employer accreditation requirements and obligations

Where non-compliance, other than of a minor nature, with the conditions listed under WK5.5 has been identified, the following process will occur:

a  INZ will suspend the processing of any work visa applications related to an existing labour hire accreditation immediately.

b  The non-compliant employer will be advised in writing of the suspension and will be sent a report detailing the non-compliance, and will be given 30 days to remedy the non-compliance.

c  Resolution (or satisfactory progress towards resolution) of the non-compliance to the satisfaction of INZ within the 30 day period will see the suspension lifted and processing of related work visa applications will resume.

d  The Ministry of Business, Innovation and Employment may conduct an audit three to six months later to assess the effectiveness of the remediation undertaken. If the remediation is deemed inadequate or ineffective, the suspension can be re-imposed.

e  If INZ is not satisfied that the non-compliance has been addressed or satisfactory progress has been made towards resolution within the 30 day period, the suspension of related work visa processing will continue (until resolution occurs).

f  Failure to address or make satisfactory progress towards resolving the non-compliance may result in the current accreditation being revoked, current work visa holders becoming liable for deportation, and any future accreditation applications being declined.

g  INZ may also revoke an employer’s accreditation where:
   i  non-compliance, other than of a minor nature, with the conditions and obligations listed under WK5.5 is identified; or
   ii  it considers an accredited employer’s conduct has created an unacceptable risk to the integrity of New Zealand’s immigration or employment laws or policies.

Note: INZ may rely on the advice of the Ministry of Business, Innovation and Employment - Labour Inspectorate in determining whether resolution has been reached or satisfactory progress has been made towards resolution.

Effective 28/08/2017
WK Essential Skills work instructions (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017
WK1 Essential Skills work instructions (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.
WK1.1 Objective (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.

Essential Skills work instructions contribute to the overall work instructions objective (see W1) by:

a. incentivising the development of a highly skilled workforce, high quality jobs and workplaces, and high value industries;

b. helping New Zealand firms maintain capacity and supporting the provision of services meeting important social needs; while

c. not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and

d. managing fiscal risks, settlement risks and public perceptions of migration; and

e. ensuring the integrity of the immigration system and promoting the international reputation of New Zealand.

Note: Self-employment does not meet the objectives of Essential Skills work instructions.

Effective 29/11/2010
**WK1.5 Assessment of skill level (to 27/08/2017)**

See previous instructions WK1.5 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

a Assessment of the skill level of an occupation for the purposes of Essential Skills work instructions is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO), which classifies occupations according to the skill level required to perform the tasks of each occupation.

b To assess the skill level of an occupation using the ANZSCO, immigration officers must be satisfied that the offer of employment substantially matches the description for that occupation (including core tasks) as set out in the ANZSCO.

c When assessing whether an applicant is suitably qualified by training and experience for a particular occupation, immigration officers must consider whether:

i the applicant holds a relevant qualification which is comparable to the qualification described for that occupation in the ANZSCO; or

ii the applicant has the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or

iii the employment is in an occupation included on the Essential Skills in Demand Lists and the applicant meets the relevant requirements specified for that occupation.

d Immigration officers must be satisfied that the qualifications and/or work experience provided by the applicant are relevant to their proposed job in New Zealand.

**Note:** The ANZSCO is available at [www.immigration.govt.nz/ANZSCO](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/1220.0Search02013,%20Version%201.2?open&ndocument&tabname=Summary&prodno=1220.0&issue=2013,%20Version%201.2&num=&view)

*Effective 25/07/2011*
WK1.10 Verification of documents (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

a. Immigration officers must be satisfied that all documents provided as evidence of qualifications and work experience are genuine and accurate, and may take any steps they determine necessary to verify such documents and the information they contain.

b. All documentation provided must be independently verifiable to an immigration officer’s satisfaction.

*Effective 29/11/2010*
WK1.11 Essential skills visas for Filipino dairy workers who have provided false documents (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

a The intent of this section of Essential Skills instructions is:
   i to recognise that the dairy industry is of particular importance to the New Zealand economy, particularly in regional and rural New Zealand;
   ii to acknowledge significant levels of false and misleading information have been identified in previous work visa applications to work in the dairy industry; and
   iii to acknowledge that declining a large number of work visa applications for failing to meet the requirement to be of good character would have a detrimental effect on the dairy industry.

b These instructions apply to people who:
   i are nationals of the Philippines;
   ii are in New Zealand holding an Essential Skills work visa (or an interim visa based on holding an Essential Skills work visa at the time they made an application);
   iii are subject to A5.45(b) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission that was false, misleading or forged;
   iv were granted an Essential Skills work visa to work on a dairy farm before 1 September 2015; and
   v are applying for a further Essential Skills work visa to work on a dairy farm.

c Despite the character requirement set out at A5.45(b) a person to whom (b) above applies may be granted an Essential Skills work visa if they:
   i have not subsequently withheld information or provided further false information to INZ, in particular with regard to the application in which they originally supplied false information; and
   ii meet all other criteria for the grant of an Essential Skills visa.

**Effective 03/11/2015**
WK1.15 Minimum income requirement for dependent children of Essential Skills work visa holders (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

*See also Immigration Act 2009 s 49(1)(b)*

a. Essential Skills visa holders must meet a minimum income threshold if they wish to support their dependent child’s (see E4.1.5) visitor or student visa application (see V3.10 or U8.20). The visa holder’s dependent child will be assessed against criteria set out in V3.10.1 or U8.20.1.

b. Parents holding Essential Skills work visas may be liable for deportation if the dependent child’s visa application is declined under these instructions and the dependent child becomes unlawful.

c. It will be a condition of the dependent child’s visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child’s visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

**Note:** Where both parents hold Essential Skills work visas, their incomes may be combined to meet the minimum income threshold.

The minimum income threshold excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of no more than 40 hours’ work per week.

*Effective 29/11/2010*
WK2 Applications under Essential Skills work instructions (to 27/08/2017)

See Previous instructions
WK2 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 28/08/2017.

a Applications under Essential Skills work instructions will not be approved unless they include an offer of employment in New Zealand which:
   i meets the requirements set out in W2.10.10 and W2.10.15; and
   ii is for full-time employment (W2.2.10); and
   iii specifies payment for the work is by wages or salary.

b To apply for an approval in principle or to support a work visa application under Essential Skills work instructions, an employer must be the proposed direct employer. A direct employer is usually responsible for such things as:
   • payment of salaries;
   • PAYE tax instalments;
   • conditions of employment;
   • day-to-day supervision of the workplace and the employee.

Effective 01/04/2017
WK2.1 Approval in principle to recruit overseas workers (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions
WK2.1 Effective 01/04/2017
WK2.1 Effective 11/04/2016
WK2.1 Effective 06/07/2015
WK2.1 Effective 30/04/2012
WK2.1 Effective 29/11/2010

a Applications for approvals in principle must be made on the form Request for Approval in Principle (INZ 1112) and be lodged at the INZ office nearest the place of proposed employment.

b Immigration officers must not grant an approval in principle, unless they are satisfied that:
   i there are no New Zealand citizens or residence class visa holders available to do the work offered (see WK2.10); and
   ii the job offer is for genuine, sustainable and full time employment for the duration of the period for which employment is offered, as specified in the proposed employment agreement; and
   iii the employer has previously complied and will comply in future with all relevant New Zealand employment and immigration law and immigration instructions.

**Note:**
- For applications for approvals in principle for the entertainment industry sector (see WS2.1.1(i)), the job offer does not have to be full-time for the duration of the period of employment and may be a contract for services (an employee may be engaged as an independent contractor).
- A Skills Match Report is not required.

c Where approval in principle to recruit foreign workers is granted, the approval must specify:
   i the duration the approval is valid for; and
   ii the duration of the work visa(s) to be granted to the eligible applicants who apply on the basis of the approval in principle; and
   iii the number of positions the employer has been approved to recruit for; and
   iv the training and/or work experience necessary for applicants to be considered qualified for the position(s); and
   v any undertakings the employer has agreed to as part of the job offer (such as provision of accommodation) and any other conditions deemed necessary by the immigration officer.

d No approval in principle application for the recruitment of workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries will be approved under these instructions. All requests to recruit non-New Zealand citizen or residence class visa holder workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under Recognised Seasonal Employer (RSE) instructions (see WH1) or the Supplementary Seasonal Employment (SSE) instructions (see WH3).

e An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at W2.10.15 or it is currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

*Effective 08/05/2017*
WK2.5 Applications for work visas under Essential Skills work instructions (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions:
- WK2.5 Effective 11/04/2016
- WK2.5 Effective 01/01/2016
- WK2.5 Effective 01/02/2015
- WK2.5 Effective 17/11/2014
- WK2.5 Effective 26/11/2012
- WK2.5 Effective 29/11/2010

**WK2.5.1 Lodging an Essential Skills work visa application**

a. Applications for work visas must be lodged in the prescribed manner (see E4.50) and include an Employer Supplementary Form (INZ 1113) completed by the employer.

b. Applications made on the basis of an offer of employment in an ANZSCO skill level 4 or 5 occupation must include a valid Skills Match Report prepared by Work and Income, unless:
   i. the employer holds a valid approval in principle for the role identified; or
   ii. the role is on an Essential Skills in Demand list and the applicant meets the qualification and/or experience requirements; or
   iii. the role is in the Canterbury region (WK2.11); or
   iv. Work and Income have advised Immigration New Zealand of a regional absolute labour shortage (WK2.10.1(e)); or
   v. the role is included in a list of occupations published by Work and Income that are exempt from the Skills Match Report process.

**Note:** A Skills Match Report may be used to support more than one work visa application, as long as it remains valid. A copy of the Skills Match Report should be included with each visa application.

**WK2.5.5 Determining an Essential Skills work visa application**

a. Immigration officers must not grant a work visa to a non-New Zealand citizen or residence class visa holder worker applying on the basis of an offer of employment, unless they are satisfied that:
   i. the applicant is suitably qualified by training and experience to do the work offered; and
   ii. there are no New Zealand citizens or residence class visa holders available to do the work offered (see WK2.10); and
   iii. the job offer is for genuine, sustainable and full-time employment for the duration of the period for which employment is offered, as specified in the proposed employment agreement; and
   iv. the employer has previously complied and will comply in future with all relevant New Zealand employment and immigration law and immigration instructions; and
   v. the employer meets the requirements set out at W2.10.15 and is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

b. Applications for visas under Essential Skills Instructions related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be declined.

**Note:** Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions (see WH1) or the Supplementary Seasonal Employment Instructions (see WH3).

c. INZ may, on an exceptional basis, require an employer to apply for an approval in principle to recruit overseas workers (AIP) for the purposes of assessing any further work visa applications supported by the employer. This requirement will be imposed only where an employer’s recruitment of non-New...
Zealand citizen or residence class visa holder workers is such that it is appropriate to undertake a labour market test for future applications collectively with an AIP, rather than on an individual basis. In these circumstances any further application for a work visa supported by that employer which is not associated with a valid AIP may be declined.

d Where the job offer is in the construction sector in the Canterbury region and the employer is a labour hire company, the application must be declined unless the labour hire company holds accreditation (see WK2.25).

Note: Employment is in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

WK2.5.10 Determining an Essential Skills work visa application where an employer holds approval in principle

a If the applicant is applying on the basis that their employer has been granted an approval in principle, immigration officers should refer to the approval in principle application to satisfy WK2.5.5(a)(ii – iv) above. A Skills Match Report does not need to be provided.

b Despite WK2.5.10(a), where an immigration officer has reasonable grounds for determining that the labour market or circumstances of the employment have materially altered since the grant of the approval in principle, they may undertake further checks to ensure the provisions of WK2.5.5(a)(ii – iv) are still satisfied.

c In cases where the employer supporting a work visa application currently holds or has previously held an AIP which has lapsed for that position, the conditions specified in the AIP will continue to apply, unless the employer can satisfy the immigration officer that the circumstances of employment have changed.

WK2.5.15 Determining an Essential Skills work visa application where an applicant is awaiting a Skilled Migrant Category decision

a Despite WK2.5.5(a)(ii), an applicant may be granted an Essential Skills work visa, valid for 12 months, without an immigration officer being satisfied that there are no New Zealand citizens or residence class visa holders available to do the work offered if:

i they currently hold a temporary work visa; and

ii they have applied for an Essential Skills work visa to continue working in the role they currently hold; and

iii they meet all other requirements of Essential Skills work visa instructions; and

iv they have been issued an Invitation to Apply under the Skilled Migrant Category and retain the ability to apply (see SM4.1), or have made an application for residence under the Skilled Migrant Category and that application has not yet been completed; and

v their Expression of Interest was selected in part on the basis of points claimed for skilled employment in the role they currently hold.

b One further Essential Skills work visa, valid for six months, may be granted in exceptional circumstances to an applicant who continues to meet the requirements of (a) above.

Effective 01/04/2017
WK2.10 Determining the availability of New Zealand citizens or residents (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions:
WK2.10 Effective 01/11/2015
WK2.10 Effective 30/03/2015
WK2.10 Effective 19/02/2015
WK2.10 Effective 28/01/2013
WK2.10 Effective 26/11/2012
WK2.10 Effective 29/11/2010

a New Zealand citizens or residence class visa holder workers are considered to be 'available' if, as a result of a labour market test (see WK2.10.1), an immigration officer establishes that there are:
   i suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer (see WK2.10.10); or
   ii suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer (see WK2.10.15).

b Immigration officers will accept that no suitably qualified New Zealand citizens or residence class visa holders are available where an occupation is included on the current Long Term Skill Shortage List, Immediate Skill Shortage List or (for employment in the Canterbury region only) Canterbury Skill Shortage List and the applicant’s qualification and/or work experience meets the requirements on the list.

c It is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

Notes:
- The Essential Skills in Demand Lists are published on the immigration website at http://skillshortages.immigration.govt.nz/.
- Employment is in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

WK2.10.1 Labour market tests

a When conducting a labour market test an immigration officer must be satisfied that:
   i the employer has made a genuine attempt to attract and recruit suitable New Zealand citizens or residence class visa holder workers (see WK2.10.5); and
   ii New Zealand citizens or residence class visa holder workers are not available (WK2.10).

b Matters an immigration officer may take into account when determining whether or not a labour market test is satisfied include but are not limited to:
   i the employer's case:
      o for an approval in principle; or
      o in support of an individual worker's application
   ii evidence of a genuine attempt (see WK2.10.5) on the part of the employer to recruit New Zealand workers by way of advertising and/or use of other appropriate avenues of recruitment likely to attract New Zealand workers;
   iii advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered;
   iv advice from relevant stakeholders within the particular industry, including unions.
c In any particular case an immigration officer may decide to:
   i determine the labour market test is satisfied by one or more of the above; or
   ii determine that the labour market test is not satisfied by one or more of the above; or
   iii make other inquiries.

d Despite (c) above, but subject to (e) below, when determining whether there are New Zealand citizen or residence class visa holder workers available to undertake work in an ANZSCO Skill Level 4 or 5 occupation, immigration officers must consider advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered.

e The requirement in (d) above does not apply for any period of time where Work and Income has advised INZ of a regional absolute labour shortage for a specified occupation or industry, and the work offered is both for that occupation or industry, and in the region specified.

WK2.10.5 Definition of ‘genuine attempts’

a For the purpose of these instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders workers if:
   i any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
   ii the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
   iii the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:
      o listing the vacancy with Work and Income;
      o advertising the vacancy in a national newspaper and/or website;
      o contracting a recruitment company appropriate to the industry.

b For the purposes of these instructions an employer is not considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:
   i the employer has advertised the work in such a way that no New Zealand citizen or residence class visa holder will or is likely to apply e.g. making foreign language skills a requirement when it is not necessary for the performance of the work; or
   ii an employer has advertised the work at terms and conditions that are less than terms and conditions New Zealand citizens or residence class visa holders typically receive for equivalent work; or
   iii a Skills Match Report is required by WK2.5.1(b) and an immigration officer is satisfied the employer has not engaged with Work and Income regarding available New Zealand citizens or residence class visa holders.

WK2.10.10 Definition of ‘suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer’

For the purpose of these instructions a ‘suitable New Zealand citizen or residence class visa holder worker who can take up the work on offer’ is a New Zealand citizen or residence class visa holder worker who:

a has the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or has the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and

b has qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and
c. has other competencies identified by the employer as necessary for the performance of the work that are determined by Immigration New Zealand to be reasonable including (but not limited to):
   i. having a driver’s license or ability to get one, or
   ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
   iii. being able to pass health, drug and criminal checks if required; and

d. is located in the local region, or is willing and able to move to that region; and

e. can practically make it to the workplace by having a suitable mode of transport; and

f. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see W2.2).

**Notes:**
- Local region is defined based on the regions used by Work and Income.
- At ANZSCO skill level 5, work experience and qualifications will not be relevant.
- Where other prerequisites are needed to perform the role an employer must explain why and demonstrate that the remuneration offered reflects those requirements.

**WK2.10.15 Definition of ‘suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer’**

For the purpose of these instructions a ‘suitable New Zealand citizen or residence class visa holder worker who can readily be trained to do the work on offer’ is a New Zealand citizen or residence class visa holder worker who:

a. with on the job training could do the work on offer, despite not having:
   i. the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
   ii. the qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and

b. has other competencies identified by the employer as necessary for the performance of the work that are determined by Immigration New Zealand to be reasonable including (but not limited to):
   i. having a driver’s license or ability to get one, or
   ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
   iii. being able to pass health, drug and criminal checks if required; and

c. is located in the local region, or is willing and able to move to that region; and

d. can practically make it to the workplace by having a suitable mode of transport; and

e. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see W2.2).

**Notes:**
- Local region is defined based on the regions used by Work and Income.
- All positions at ANZSCO skill level 5 are positions which New Zealand citizens and residence class visa holder workers are considered able to ‘readily be trained to do the work on offer’

*Effective 11/04/2016*
WK2.11 Special instructions for labour market tests where the employment is in Canterbury (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions WK2.11 Effective 28/01/2013

a In addition to the normal requirements of WK2.10.5, an employer requesting approval in principle based on an offer of employment in any occupation in the Canterbury region, or supporting an individual work visa application based on an offer of employment in an ANZSCO Skill Level 3, 4 or 5 occupation, in the Canterbury region must:

i engage with the Canterbury Skills and Employment Hub when attempting to recruit suitable New Zealand citizens or residence class visa holders; and

ii provide evidence from the Canterbury Skills and Employment Hub of the outcome of this engagement, with the approval in principle or work visa application.

b Immigration officers may take this engagement and any related evidence into account when determining whether or not a labour market test is satisfied.

c Engagement with the Canterbury Skills and Employment Hub is not required if the occupation is included on the current Long Term Skill Shortage List, or Immediate Skill Shortage List or Canterbury Skill Shortage List and the applicant’s qualification and/or work experience meets the requirements on the list.

Note: For the purposes of WK2.10.1(b)(iii), advice from the Canterbury Skills and Employment Hub is considered to be advice from Work and Income.

Employment is in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

Effective 01/07/2013
WK2.15 Evidence required from employers under Essential Skills work instructions (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions
WK2.15 Effective 01/01/2016
WK2.15 Effective 01/07/2015
WK2.15 Effective 28/01/2013
WK2.15 Effective 29/11/2010

a  Employers requesting approval in principle to employ a non-New Zealand citizen or residence class visa holder worker or supporting an individual work visa application must provide:
   i  job offer(s) containing all the information specified in the generic work visa provisions at W2.10.10; and
   ii confirmation of whether or not the worker requires occupational registration in New Zealand; and
   iii if more than one, the number of temporary workers sought; and
   iv the names of suitable applicants (if known); and
   v evidence of genuine attempts to recruit suitable New Zealand citizens or residence class visa holders (see W2.10.5), including the reasons why:
      o any particular job specifications were considered necessary for the performance of the work; and
      o any New Zealand applicants who applied were either not suitable, or refused to perform the work; and
   vi if requested by an immigration officer, evidence and/or confirmation of past compliance with employment and immigration law (see W2.10.5); and
   vii if the job offer(s) is in the construction sector in Canterbury region and the employer is a labour hire company, confirmation of the labour hire company's accreditation.

**Note:** Employment is in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

b  Evidence and/or confirmation of past and future compliance with employment and immigration law may include but is not limited to:
   i employment agreements with workers which demonstrate compliance;
   ii a history with the Ministry of Business, Innovation and Employment and WorkSafe New Zealand of past compliance.

c  Employers who are included on a list of non-compliant employers maintained by the Labour Inspectorate are considered to not have a history of compliance with employment law (see W2.10.15 and Appendix 10).

d  Immigration officers must be satisfied that there are no New Zealand citizens or residence class visa holders available to do the work (WK2.10).

e  To ensure that the objectives of Essential Skills work visa instructions at WK1.1 are met, job offers must specify a rate of pay not less than the market rate for New Zealand workers in that occupation (regardless of whether the occupation is on one of the Essential Skills in Demand Lists).

**Effective 01/04/2017**
WK2.20 Instructions on duration of Essential Skills work visas (to 27/08/2017)

**Note:** The instructions contained in this section cease to be effective from 28/08/2017.

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<td>WK2.20 Effective 11/04/2016</td>
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Work visas may be granted for the period for which the employment is offered, up to a maximum of:

a five years, if an applicant has not previously been granted a five-year visa under this provision and the work visa is based on an offer of employment that:
   i is for an ANZSCO Skill level 1 occupation; and
   ii offers a minimum base salary equal to at least the highest threshold stated in Residence from Work (Accredited Employer) instructions (currently $55,000 per annum, see RW2), or

b one year, if the work visa is based on an offer of employment for an ANZSCO Skill level 4 or 5 occupation, unless (c) or (d) apply; or

c three years, if the work visa is based on an offer of employment in the Canterbury region (unless the offer is made by a labour hire employer which is not accredited) and the application is made on or before 31 December 2016; or

d three years, if the offer of employment is from an accredited labour hire company; or

e 12 months or six months , if the applicant has a current invitation to apply or a current application under the Skilled Migrant Category and meets the criteria at WK2.5.15; or

f three years in all other circumstances not covered by (a) to (e) above.

**Notes:**
- Employment is in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

*Effective 11/04/2016*
WK2.25 Labour hire employers accreditation (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions
WK2.25 Effective 01/01/2016
WK2.25 Effective 21/07/2015
WK2.25 Effective 01/07/2015

a For the purposes of these instructions, labour hire employers are defined as employers who employ and outsource workers for short or long-term positions to third parties with whom the employer has a contractual relationship to supply labour.

b Accreditation will be granted where INZ is satisfied that the labour hire employer:

i is in a sound financial position; and

ii has human resource policies and processes which are of a high standard; and

iii has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders; and

iv has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987, the Equal Pay Act 1972 and the Holidays Act 2003; and

v will comply with all the requirements and obligations set out at WK2.25.1.

c INZ will rescind an employer’s accreditation where:

i non-compliance, other than of a minor nature, with the conditions and obligations listed under WK2.25.1 are identified, or

ii it considers an accredited employer’s conduct has created an unacceptable risk to the integrity of New Zealand’s immigration or employment laws or policies.

d Approved employers will be granted accreditation for a period of 12 months.

e Accreditation may be renewed on an annual basis, upon application, where INZ is satisfied that the employer still meets the requirements for accreditation set out above.

f An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at W2.10.15 or is currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

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

WK2.25.1 Labour hire employer requirements and obligations

Before accreditation is granted the labour hire company must agree to meet the following conditions and obligations for the duration of the accreditation. They must agree to:

a offer employment agreements that:

i meet the employment requirements set out in WK2;

ii exclude a trial period provision;

iii specify a rate of pay not less than the market rate for New Zealand workers in the specified occupation (see WK2.15);

iv contain employment terms and conditions equivalent to those of workers directly employed by the company with whom the worker is placed; and
b. ensure that any third party to whom they hire out a migrant worker has good workplace practices that align with the requirements set out under WK2.25 (b) (i-iv).

**WK2.25.5 Applying for accreditation**

a. Application for accreditation must be made on the INZ form Labour hire Employer Accreditation Application (INZ 1227) and accompanied by documents which demonstrate that the employer meets the requirements for accreditation set out at WK2.25 (b).

b. A fee is payable for an application for accreditation. A lower fee is payable for annual renewal of accreditation.

**WK2.25.10 Determining applications for accreditation**

a. In determining whether employers may be accredited, INZ will assess applications taking into account such factors as:

   i. the period for which the employing organisation has been established as a going concern; and
   ii. whether the employer has an intention to maintain accreditation throughout the period of currency of any visas granted to their employees under the Essential Skills Work Instructions; and
   iii. the number of New Zealand and migrant workers employed by the company.

b. INZ must be satisfied that the information and documents included in an application for accreditation are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain, including interviews.

c. INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer’s premises.

d. INZ will consult with relevant unions and other employee representatives when determining whether an employer has human resource policies and processes which are of a high standard, a commitment to training and employing New Zealand citizens and residence class visa holders and good workplace practices.

e. Employers must consent to INZ seeking information from the Ministry of Business, Innovation and Employment, Worksafe New Zealand and the Accident Compensation Corporation concerning the applicant’s compliance with New Zealand employment laws. Where such consent is not given an application for accreditation will be declined.

f. INZ will seek the consent of the employer for the disclosure of any information where any information is:

   i. identified by the employer as commercially sensitive; and
   ii. that information is provided in confidence to INZ; and
   iii. INZ considers that disclosure of that information is necessary for the determination of an application;

g. If consent under (f) is not given, an application for accreditation will be declined.

h. Where INZ, in consulting with other agencies, receives information which may be prejudicial to the positive outcome of an employer’s application for accreditation, that adverse information will be put to the employer for comment before a decision is made on their application.

**WK2.25.15 Non-compliance of labour hire employer accreditation requirements and obligations**

Where non-compliance, other than of a minor nature, with the conditions listed under WK2.25.1 has been identified, the following process will occur:

a. INZ will suspend the processing of any work visa applications related to an existing labour hire accreditation immediately.
b The non-compliant employer will be advised in writing of the suspension and will be sent a report
detailing the non-compliance, and will be given 30 days to remedy the non-compliance.

c Resolution (or satisfactory progress towards resolution) of the non-compliance to the satisfaction of
INZ within the 30 day period will see the suspension lifted and processing of related work visa
applications will resume.

d The Ministry of Business, Innovation and Employment may conduct an audit three to six months later
to assess the effectiveness of the remediation undertaken. If the remediation is deemed inadequate
or ineffective, the suspension can be re-imposed.

e If INZ is not satisfied that the non-compliance has been addressed or satisfactory progress has been
made towards resolution within the 30 day period, the suspension of related work visa processing will
continue (until resolution occurs).

f Failure to address or make satisfactory progress towards resolving the non-compliance may result in
the current accreditation being rescinded, current work visa holders becoming liable for deportation,
and any future accreditation applications being declined.

**Note:** INZ may rely on the advice of the Ministry of Business, Innovation and Employment - Labour
Inspectorate in determining whether resolution has been reached or satisfactory progress has been made
towards resolution.
WK3 Applicants with specialist skills identified as contributing to New Zealand’s economic development (to 27/08/2017)

Note: The instructions contained in this section cease to be effective from 28/08/2017.

See previous instructions:
WK3 Effective 05/04/2011
WK3 Effective 29/11/2010

a The New Zealand Government recognises the need for highly skilled people with specialised skills, which could contribute to New Zealand’s economic development to be able to qualify for work visas. From 1 July 2001, national representative organisations of occupations or industries in New Zealand experiencing significant difficulty recruiting highly skilled specialist employees from overseas under normal Work Visa instructions are able to make submissions to INZ requesting special provisions allowing the employment of such specialists.

b INZ will assess all such submissions, and will consult with any government agencies, or other organisations as necessary, before referring them to the Minister of Immigration and the Minister for Economic Development for decision.

c Any special provisions agreed by the Minister of Immigration relating to work visa applicants with specialised skills or occupations will be published in this section of immigration instructions. INZ will undertake periodic reviews of occupations included in this section to ensure that the justification for any special provisions still exists.

Note: Organisations wishing to make submissions requesting special provisions for the temporary entry of highly skilled specialist employees must address them to:

Area Manager Operations Support
Immigration New Zealand
Ministry of Business, Innovation and Employment
PO Box 1473
Wellington 6140
NEW ZEALAND

and must

(i) demonstrate that there is a national shortage of employees in the particular occupation, and
(ii) provide evidence that the occupation is highly skilled, and could contribute to New Zealand’s economic development, particularly of a knowledge society, and
(iii) give clear reasons why a special provision is requested for that occupation.

Effective 11/04/2016
WL Silver Fern Work instructions
WL1 Objectives

The Silver Fern work instructions contribute to the overall work instructions objective (see W1) by;

a  attracting highly skilled young people to New Zealand; and

b  matching these workers to the needs of the economy by providing a pathway for these workers to remain in New Zealand upon gaining skilled employment.

Effective 29/11/2010
WL2 Silver Fern Job Search
WL2.1 Annual limit

See previous instructions WL2.1 Effective 29/11/2012

A maximum of 300 Silver Fern Job Search visas may be granted annually (year beginning 29 April).

Effective 08/04/2013
WL2.5 Lodging an application

See previous instructions:
WL2.5 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 12, sch 1

a Applications for a Silver Fern Job Search visa must be made online using the electronic form provided on the Online Services of the Immigration website (www.immigration.govt.nz).
b An Immigration officer may consider an application where the applicant has supplied the following information in electronic form:
   i his or her name; and
   ii his or her date of birth; and
   iii the details of their passport or other certificate of identity; and
   iv such information as is required by the electronic form to be tendered in order to determine whether the relevant visa should be granted.
c The applicant must also complete their application by:
   i acknowledging that the details supplied in support of their application are correct; and
   ii agreeing that if their circumstances change before a visa is granted they will notify an immigration officer of that change in circumstances; and
   iii paying the prescribed fee and immigration levy for a Silver Fern Job Search visa.
d The electronic form provided on the INZ website will only allow an application to be lodged where there are places available under the annual limit (see WL2.1).

WL2.5.1 Additional requirements for lodging applications for a Silver Fern Job Search visa
See also Immigration (Visa, Entry Permission, or Related Matters) Regulations 2010 reg 12

a Before determining an application the immigration officer processing the application may require the applicant to do one or more of the following:
   i to be interviewed by an immigration officer; or
   ii to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application; or
   iii if applicable, 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
   iv if applicable, 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; or
   v if not already provided, require the applicant to produce his or her passport or other certificate of identity.
b If an applicant does not provide the additional requirements within the timeframe set by the immigration officer, the application will be assessed on the available information.

Effective 07/12/2015
WL2.10 Determining an application for a Silver Fern Job Search visa

See previous instructions
WL2.10 Effective 29/11/2010

In order to be granted a Silver Fern Job Search visa, applicants must:

a. have been aged between 20 and 35 years inclusive at the time the application was lodged; and
b. be outside of New Zealand; and
c. hold a qualification that meets the Silver Fern Job Search qualification requirements at WL2.15 and the requirements for recognition under Skilled Migrant Instructions set out at SM8.5; and
d. meet the English language requirements set out at SM4.5; and
e. have a minimum of NZ$4,200 available funds for their maintenance during the period of stay in New Zealand; and
f. be genuine in their intention to gain skilled employment; and
g. meet temporary entry health and character requirements (A4 and A5); and
h. have not previously been issued a Silver Fern Job Search visa.

Effective 28/08/2017
WL2.15 Silver Fern Job Search qualification requirements

See previous instructions:
WL2.15 Effective 28/08/2017
WL2.15 Effective 07/11/2011
WL2.15 Effective 29/11/2010

a Applicants must hold a:
   i qualification that is equivalent to a New Zealand Bachelor’s degree (Level 7) or higher; or
   ii trade qualification that is equivalent to a National Certificate (Level 4) or a New Zealand Certificate (Level 4) and have two years of relevant work experience.

b Applicants whose recognised qualification is required for employment in one of the occupations where registration is required by law in New Zealand (SM10.5) must show that they:
   i hold full or provisional registration in that occupation in New Zealand; or
   ii can meet the necessary New Zealand registration requirements.

WL2.15.1 Trade qualifications

a To be considered a trade qualification, a qualification must be relevant to an ANZSCO (Major Group 3) Technicians and Trades Workers occupation at skill level 3.

b Applicants holding a trade qualification must also show they have a minimum of two years of work experience which:
   i is relevant to their qualification; and
   ii has been gained in a comparable labour market (SM7.15.1); and
   iii meets the additional requirements for recognition of work experience (SM7.20); and
   iv has been gained after their qualification (including any work experience required as part of the qualification) was completed.

Note: Immigration officers must ensure that the qualification is a National Certificate or a New Zealand Certificate (Level 4) or comparable to a National Certificate or a New Zealand Certificate (Level 4) and may refer to the following for confirmation:
~ the www.kiwiquals.govt.nz website,
~ written confirmation provided by the New Zealand Qualifications Authority (NZQA) to the Tertiary Education Provider confirming the qualification is a National Certificate,
~ a NZQA International Qualification Assessment (IQA), or
~ a NZQA Qualifications Assessment Report (QAR).

Effective 19/02/2018
WL2.20 Evidence

See previous instructions
WL2.20 Effective 30/07/2012
WL2.20 Effective 29/11/2010

a Immigration officers must be satisfied that all documents provided as evidence of qualifications and work experience are genuine and accurate, and may take any steps they determine necessary to verify such documents and the information they contain.

b All documentation provided must be independently verifiable to an immigration officer’s satisfaction.

WL2.20.1 Evidence of age

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

a a birth certificate;

b a passport or other travel document;

c an identity card (from countries which require an identity card and where birth details must be confirmed before one is issued).

WL2.20.5 Evidence of meeting the qualification requirements

a Applicants must submit their qualifications and provide a New Zealand Qualifications Authority International Qualification Assessment (IQA) or Qualifications Assessment Report (QAR) unless:
   i their qualification(s) is included in the List of Qualifications Exempt from Assessment (Appendix 3); or
   ii they have been awarded full or provisional registration by a New Zealand organisation authorised by law to give occupational registration, and registration involves an assessment that their overseas qualification(s) is comparable with a New Zealand qualification that is included in the List of Qualifications Exempt from Assessment (Appendix 3).

c Evidence of work experience for holders of trade qualifications (WL2.15.1) must satisfy an immigration officer that the work experience was genuine and meets the requirements set out in WL2.15.1(b).

d A letter or document issued by the relevant registration body is required to show that an applicant holds, or meets the requirements to obtain, registration in New Zealand.

WL2.20.10 Evidence of English language

Evidence of English language must meet the requirements set out for principal applicants under the Skilled Migrant Category at SM4.5.

WL2.20.15 Evidence of maintenance funds

Evidence of sufficient funds includes but is not limited to:

- cash;
- bank accounts in the applicant’s name showing current balance;
- travellers’ cheques;
- bank drafts;
- recognised credit cards with sufficient credit available.
WL2.20.20 Evidence of meeting health and character requirements

Because applicants under these instructions must intend to find long-term skilled employment in New Zealand, their health and character should be assessed under the instructions applicable to people who intend to stay in New Zealand for a total of more than 24 months. Applicants must therefore supply:

a  evidence of an acceptable standard of health by providing a completed General Medical Certificate (INZ 1007) and Chest X-ray Certificate (INZ 1096) (A4); and

b  evidence of good character by providing police certificates from their country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years (A5).

Effective 28/08/2017
WL2.25 Currency and conditions of Silver Fern Job Search visas

a A work visa and entry permission granted under the Silver Fern Job Search instructions will have the following conditions:
   i first entry to New Zealand must be made within 6 months of the visa being granted; and
   ii the visa will allow work and multiple entries to New Zealand for 9 months from first arrival.

b Silver Fern Job Search visas will allow the applicant to work for any employer in any occupation in New Zealand.

   Effective 29/11/2010
WL3 Silver Fern Practical Experience
WL3.1 Determining an application for a Silver Fern Practical Experience visa

See previous instructions:
WL3.1 Effective 27/11/2014
WL3.1 Effective 02/12/2013
WL3.1 Effective 29/11/2010

In order to be granted a Silver Fern Practical Experience visa applicants must:

a  hold a Silver Fern Job Search visa or a Silver Fern Practical Experience visa; and
b  hold an offer of skilled employment, and that employment is for a term of at least 12 months; and
c  provide a completed Employer Supplementary Form (INZ 1113); and
d  meet temporary entry health and character requirements (see A4 and A5); and
e  not have held previous Silver Fern Practical Experience visas totalling more than two years.

WL3.1.1 Requirements for skilled employment

a  For the purpose of these instructions, skilled employment is employment which would be assessed as skilled under the Skilled Migrant Category (SM6.10).

b  Skilled employment must:
   i  be full time (W2.2.10); and
   ii  be genuine; and
   iii  be for a position that is paid by salary or wages or in terms of a contract for service (payment by commission and/or retainer are not acceptable); and
   iv  be accompanied by evidence of full or provisional registration if full or provisional registration is required by law to undertake the employment (see SM10.10.1); and
   v  meet the generic work visa provisions at W2.10; and
   vi  be for an employer who has a history of compliance with employment law, and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

Effective 28/08/2017
WL3.5 Currency and conditions of a Silver Fern Practical Experience visa

See previous instructions WL3.5 Effective 29/11/2010

a Silver Fern Practical Experience visas must be granted with the following conditions imposed by special direction:
   i the holder may work in the occupation specified on their job offer;
   ii the holder may work for the employer specified on their job offer;
   iii the holder may work at the location specified on their job offer.

b A Silver Fern Practical Experience visa may be granted for the period for which employment is offered, up to a maximum of 2 years.

c Despite (b) above, the duration of any second or subsequent Silver Fern Practical Experience visa cannot be greater than 2 years from the date the original visa was granted (i.e. the total time spent on Silver Fern Practical Experience visas cannot exceed 2 years).

Effective 08/04/2013
WM Religious Worker instructions
### WM1 Objective

See previous instructions:
- WM1 Effective 25/07/2011
- WM1 Effective 04/04/2011
- WM1 Effective 29/11/2010

The objective of Religious Worker instructions is to:

1. provide New Zealand communities with the opportunity to practise, maintain and advance their religious beliefs; and
2. maintain the integrity of the immigration system through clear guidelines for applicants to enter New Zealand and undertake genuine religious work.

*Effective 07/11/2011*
**WM2 Definition of ‘religious work’**

See previous instructions

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a Religious work must substantially be a primary role including one or more of the following:

i teaching or guidance in religious scripture or philosophy;

ii leading religious practice, worship or prayer;

iii conducting religious initiations, ordination or ritual;

iv ministering or pastoral care;

v roles of religious leadership in relation to any of the above.

b Applicants are considered to be undertaking religious work where INZ is satisfied that the work the applicant is being sponsored to undertake directly serves the religious objectives of the sponsoring organisation.

**Note:** Supporting roles for the sponsoring organisation, including cooking or cleaning may be secondary roles a religious worker may undertake. Secondary roles, however, will not in themselves qualify as religious work for the purposes of a visa. Religious study is not considered religious work for the purposes of these instructions.

c Religious work, as defined above, may include:

i employment for a position that is paid a salary or wages; or

ii work for a position that is paid a stipend; or

iii work for a position that does not receive direct financial return to the worker, or

iv work for a position that is paid through any alternative arrangement to WM2(c) (i) - (iii).

d Where a religious worker is employed by the sponsoring organisation (WM2(c) (i)), the sponsoring organisation must provide an employment agreement for the duration of the sponsorship obligations.

e Where a religious worker is not employed by the sponsoring organisation (WM2(c) (ii) - (iv)), the sponsoring organisation must provide a description of the work that includes the primary role(s), and any secondary role(s) the religious worker will be expected to undertake for the duration of their work visa.

f All sponsoring organisations must be compliant with relevant instructions at W2.10 and E6.5, and INZ must be satisfied that evidence provided by the sponsoring organisation in support of the visa application under Religious Worker instructions are compliant with relevant employment and immigration laws in force in New Zealand.

g INZ will decline an application for a work visa under Religious Worker instructions where it considers that granting the visa would undermine the integrity, credibility or reputation of the New Zealand immigration or employment relations systems.
Note: To determine whether an employment agreement creates an unacceptable risk to the integrity of New Zealand's immigration and employment laws or instructions, an immigration officer may consider whether the rate of pay and/or conditions of the work are comparable to that for New Zealand workers undertaking similar work for the sponsoring organisation.

Employers must have a history of compliance with immigration and employment law. An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at W2.10.15 or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

Effective 01/04/2017
**WM3 Who is eligible for a work visa under Religious Worker instructions?**

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To be granted a work visa under Religious Worker instructions, applicants must:

- a. be sponsored by a religious organisation registered as a charity with Charities Services:
  - i. whose primary purpose is advancing religion; and
  - ii. who meets the generic sponsorship requirements set out at E6.5; and
  - iii. who can demonstrate a genuine need for the applicant to work for the sponsoring religious organisation as a religious worker; and

- b. have at least two years of training and/or experience relevant to the religious work they are being sponsored to undertake; and

- c. meet temporary entry health and character requirements (A4 and A5); and

- d. not previously have held a work visa under Religious Worker instructions or Ministers of religion, missionaries, and members of religious orders instructions, or Specific purpose or event work instructions before 5 November 2011) for four years or more; and

- e. not be an ‘officer’ or ‘nominated person’ of the religious organisation that is sponsoring them.

*Effective 06/07/2015*
WM4 Making an application under Religious Worker instructions

See previous instructions
WM4 Effective 06/07/2015
WM4 Effective 07/11/2011

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

To be granted a work visa under the Religious worker instructions, applicants must provide:

a a completed work application form, fee and immigration levy; and

b evidence of at least two years training and/or experience relevant to the religious work the applicant is being sponsored to undertake including, but not limited to:
   i testimonials;
   ii certificates of ordination;
   iii curriculum vitae;
   iv documentation demonstrating relevant work experience; or
   v a verified copy of an awarding certificate for a relevant qualification; and

   **Note:** An applicant’s religious training and experience can be considered cumulatively to meet the requirement under (b).

c a Sponsorship Form for Religious Workers (INZ 1190) completed by a religious organisation registered as a charity whose purpose is advancing religion;

d evidence from the sponsoring organisation that they have the financial ability to meet all sponsorship undertakings (see E6.10);

e a statement from the sponsoring organisation explaining why there is a genuine need for the applicant to work as a religious worker, including information on the size of the organisation’s membership; and

f evidence of the employment arrangements as set out in WM2 (d) or (e); and

g evidence that they meet the health and character requirements as set out at A4 and A5, if required.

h Any work visas granted under these instructions may be subject to any or all of the conditions as listed at W2.25.

*Effective 07/12/2015*
**WM4.1 Further work visa under Religious Worker instructions**

See previous instructions
WM4.1 Effective 06/07/2015
WM4.1 Effective 07/11/2011

a A further work visa under Religious Worker instructions can be granted to the holder of a work visa for the purpose of religious work:

i for a period of up to two years, provided the total time spent on a work visa for religious work will not exceed four years; or

ii where the applicant has lodged an application for a resident visa under Religious Worker residence instructions (see RW7), to allow the resident visa application to be completed.

**Note:** A work visa for the purpose of religious work includes visas granted under Ministers of religion, missionaries, and members of religious orders instructions, or Specific purpose or event work instructions before 5 November 2011.

b To be eligible for a further work visa under Religious Worker instructions applicants must:

i hold a current work visa granted under Religious Worker instructions (or Ministers of religion, missionaries, and members of religious orders instructions, or Specific purpose or event work instructions before 5 November 2011); and

ii be in New Zealand; and

iii submit an application in the prescribed manner (see WM4); and

iv pay the appropriate fee and immigration levy; and

v provide evidence to satisfy INZ that they have been working to advance the religious objectives of the sponsoring organisation for a period of up to two years (evidence may include, but is not limited to, letters from the sponsoring organisation, wage slips, and/or IRD tax records).

c The sponsoring organisation must provide a statement establishing the reasons why it considers that there is an ongoing genuine need for the applicant to continue working for it as a religious worker.

d Successful applicants will be granted a further work visa under the Religious Worker instructions:

i for up to two years from the expiry date of the work visa held under Religious Worker instructions; and

ii with the same conditions as the original work visa granted under Religious Worker instructions (see WMS).

e To be eligible for a further work visa the religious work undertaken by the applicant must be for:

i consecutive periods; and

ii the same sponsoring organisation.

Effective 07/12/2015
WM5 Conditions and currency of Religious Worker visas

*See also Immigration Act 2009 ss 49, 55*

a  Work visas can be granted under these instructions for up to two years.

b  Work visas granted under these instructions will be subject to the condition that the applicant must undertake religious work for the sponsoring organisation only.

c  Work visas granted under these instructions will be subject to the condition that the sponsor of the visa holder meets their obligations as set out in E6.15 for the duration of the visa.

d  People whose applications are approved under the Religious Worker instructions will be granted a work visa allowing multiple entry travel and a stay in New Zealand for up to two years.

e  Holders of work visas under the Religious Worker instructions may apply for a further work visa under these instructions, which may be granted for up to a further two years (a total of no more than four years, except where WM4.1(a) (ii) applies).

*Effective 07/11/2011*
WM5.1 Minimum income requirement for dependent children of Religious Worker work visa holders

See also Immigration Act 2009 s 49(1)(b)

a  Under Religious Worker instructions dependent children’s (see E4.1.10) student or visitor visa applications (see V3.10 or U8.20) can be supported if:
   i  a minimum income threshold 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.

   Visa holder’s dependent children will be assessed against criteria set out in V3.10.15 or U8.20.5.

b  Parents holding work visas under Religious Worker instructions may be liable for deportation if the dependent children’s visa application is declined under these instructions and the dependent child becomes unlawful.

c  It will be a condition of the dependent child’s visa and the parents visa(s) that the parents must maintain the minimum income threshold for the duration of their dependent children’s visa, except where WM5.1(a) (ii) applies. If the threshold is not maintained the parents and child may be liable for deportation.

Note: The income of both parents may be combined to meet the minimum income threshold. The minimum income threshold excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of no more than 40 hours’ work per week.

Effective 07/11/2011
WR Work to Residence Instructions
WR1 Talent (Accredited Employers) Work Instructions
WR1.1 Objective

The objective of the Talent (Accredited Employers) Work Instructions is to allow accredited employers to supplement their own New Zealand workforce in their core area of business activity through:

a  the recruitment of workers who are not New Zealand citizens or residence class visa holders whose talents are required by the employer; and

b  the accredited employer having direct responsibility for those employees and their work output.

Effective 29/11/2010
WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

See previous instructions:
WR1.5 Effective 30/07/2011
WR1.5 Effective 29/11/2010

a  To be granted a visa under the Talent (Accredited Employers) Work Instructions applicants must:
i  hold an offer of employment in New Zealand from an accredited employer; and
ii  be aged 55 years or under; and
iii  meet the health and character requirements for Residence set out at A4 and A5.15 to A5.25; and
iv  meet the requirements for bona fide applicants as set out at E5; and
v  meet the requirements for lodging an application as set out in WR1.30.

b  Work visas granted to applicants under these instructions will be subject to the condition that the applicant may undertake employment for an accredited employer only.

c  During the currency of the work visa granted the applicant may seek a variation of conditions to change employers in line with E3.26.1(c) and (d).

Note:
~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).
~ The minimum base salary is calculated on the basis of 40 hours work per week.

WR1.5.1 Currency and travel conditions of work visas under the Talent (Accredited Employers) Work Instructions

a  Applicants who are in New Zealand may be granted a Talent (Accredited Employers) work visa allowing stay and multiple entry travel for 30 months.

b  Applicants who are not in New Zealand may be granted a Talent (Accredited Employers) work visa with the following travel conditions:
i  first entry to New Zealand must be made within three months of the visa being granted; and
ii  the visa will allow stay and multiple entry travel for 30 months from first arrival.

Effective 22/08/2016
WR1.10 Requirements for offers of employment

See previous instructions:
WR1.10 Effective 29/11/2010

Offers of employment from accredited employers must be:

a. for employment in New Zealand in the accredited employer’s core area of business activity and where the accredited employer will have direct responsibility for their work output; and

b. for a period of at least 24 months; and

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

d. current at the time of assessing the application and at the time of grant of the visa; and

e. genuine; and

f. for a position with a minimum base salary of NZ$55,000 per annum; and

g. accompanied by evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer; and

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

i. with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

Note:

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

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

~ The minimum base salary requirement of NZ$55,000 (see WR1.10 (f)) may be waived for applicants who have exceptional talent in a declared field of art, culture or sport and who hold an offer of employment in that field from an accredited employer.

Effective 01/04/2017
WR1.15 Definition of 'exceptional talent in a declared field of art, culture or sport' (to 21/08/2016)

Applicants are considered to have an exceptional talent in a declared field of art, culture or sport where the INZ is satisfied that:

a. the applicant has an international reputation and record of excellence in that declared field; and

b. the applicant is still prominent in that declared field; and

c. the applicant’s presence in New Zealand will enhance the quality of New Zealand’s accomplishments and participation in the declared field of art, culture or sport.

Note: The instructions contained in this section cease to be effective from 22 August 2016.

Effective 29/11/2010
**WR1.20 Definition of an 'accredited employer'**

For the purpose of these instructions, an accredited employer is a New Zealand employer who has had an application for accreditation to employ persons under the Talent (Accredited Employers) Work Instructions approved by INZ.

*Effective 29/11/2010*
### WR1.25 Requirements for accreditation

See previous instructions:
- WR1.25 Effective 28/08/2017
- WR1.25 Effective 08/05/2017
- WR1.25 Effective 01/04/2017
- WR1.25 Effective 07/12/2015
- WR1.25 Effective 07/11/2011
- WR1.25 Effective 29/11/2010

a. The objective of accreditation is to allow accredited employers to supplement their own New Zealand workforce in their core area of business activity through:
   - i. the recruitment of workers who are not New Zealand citizens or residence class visa holders and whose talents are required by the employer; and
   - ii. the accredited employer having direct responsibility for those employees and their work output.

b. Under Talent (Accredited Employer) Work Instructions, accredited employers may offer employment to workers who are not New Zealand citizens or residence class visa holders without the need to establish that there are no New Zealand citizens or residence class visa holders suitably qualified by training and experience available, or readily able to be trained, to do the work.

c. Accreditation will be granted where an immigration officer is satisfied that an employer:
   - i. is in a sound financial position; and
   - ii. has human resource policies and processes which are of a high standard; and
   - iii. has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders; and

d. Subsidiary companies cannot be covered by the accreditation of a parent company. To be accredited they must apply in their own right.

### WR1.25.1 Applying for accreditation

a. An application for accreditation must be made online using the electronic form provided on the INZ website. Applications must be accompanied by documents which demonstrate that the employer meets the requirements for accreditation set out at WR1.25.

b. A fee is payable for an application for accreditation. A lower fee is payable for renewal of accreditation.

### WR1.25.5 Determining applications for accreditation

a. In determining whether an employer is in a sound financial position, an immigration officer may take into account such factors as:
   - i. the period for which the employing organisation has been established as a going concern;
   - ii. financial indicators such as revenue, profit and equity levels;
   - iii. reserve capital;
   - iv. ability to sustain current and proposed employment;
   - v. accounts receivable;
   - vi. whether the employer is a state sector agency whose financial situation and performance is included in the Crown accounts as part of the Government reporting entity under the Public
Finance Act 1989;
vii whether the employer is a local authority named in Schedule 2 of the Local Government Act 2002.

b In determining whether an employer has human resource policies and practices which are of a high standard, an immigration officer may take into account such factors as:
   i WorkSafe NZ or Labour Inspectorate findings;
   ii sample employment agreements;
   iii evidence of HR and health and safety policies and procedures;
   iv whether the employer is International Organisation for Standardisation (IOS) certified;
   v feedback from relevant unions and other employee representatives.

c In determining whether an employer has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders, an immigration officer may take into account such factors as:
   i whether the employer has engaged with the relevant Industry Training Organisation (ITO);
   ii evidence of training provided to staff who are New Zealand citizens or residents;
   iii whether the employer makes 'genuine attempts' (see WK2.10.5) to recruit New Zealand citizens or residents to fill any vacancies, including that advertised vacancies accurately reflect the position and salary or wages;
   iv the proportion of the employer’s workforce who are New Zealand citizens or residents;
   v feedback from relevant unions and other employee representatives.

d In determining whether employers have good workplace practices, an immigration officer may take into account such factors as:
   i whether the employer has diversity policies and practices in place as outlined by Diversity Works NZ;
   ii the extent of any non-compliance with immigration or employment legislation;
   iii where there have minor breaches of legislation listed in WK5.1 (b)(iv), the degree to which the employer has put in place remedies to prevent similar breaches in the future; and
   iv policies and processes the employer has put in place to ensure they remain compliant with immigration and employment legislation;
   v feedback from relevant unions and other employee representatives.

e In determining whether employers may be accredited an immigration officer will also give consideration to whether the employer has an intention to maintain accreditation throughout the period of currency of any visas granted to their employees under the Talent (Accredited Employers) Work Instructions.

f An immigration officer must be satisfied that the information and documents included in an application for accreditation are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain, including interviews. An immigration officer will decline an application for accreditation if they are satisfied that an employer provided false or misleading information in support of an application, or withheld relevant information that was prejudicial to the grant of accreditation.

g INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer’s premises.

h Applicants must consent to INZ seeking information from the Ministry of Business, Innovation and Employment, WorkSafe New Zealand and the Accident Compensation Corporation concerning the applicant’s compliance with New Zealand employment laws. Where such consent is not given an application for accreditation will be declined.
i An application for accreditation will be declined where the employer has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 or are currently included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).

j An application for accreditation will be declined where an immigration officer considers accreditation would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

k The accreditation of employers whose main business is the facilitation of entry to New Zealand of non-New Zealand citizens and residence class visa holders potentially creates an unacceptable risk to the integrity of New Zealand's immigration laws and policies, therefore applications for accreditation by such employers will not be approved.

l INZ will consult with relevant unions and other employee representatives when determining whether an employer has human resource policies and processes which are of a high standard, a commitment to training and employing New Zealand citizens and residence class visa holders and good workplace practices.

m An application for accreditation will be declined where an employer does not give consent to disclose relevant information. Before disclosing information, INZ will seek the consent of the employer for the disclosure of information that is:
   i identified by the employer as commercially sensitive; and
   ii that information is provided in confidence to INZ; and
   iii INZ considers that disclosure of that information is necessary for the determination of an application;

n Where INZ, in consulting with other agencies, receives information which may be prejudicial to the positive outcome of an employer's application for accreditation, that adverse information will be put to the employer for comment before a decision is made on their application.

WR1.25.10 Reconsideration process for applications for accreditation which are declined

a There is no statutory right of appeal against the decision to decline an application for accreditation, however INZ will reconsider a declined application for accreditation where new information is promptly provided within 14 days of the employer being notified of the decline.

b The fee for reconsideration of an application for accreditation must accompany the written request for reconsideration.

WR1.25.15 Auditing accredited employers

a INZ may audit an employer to ensure that they continue to meet the requirements of accreditation at any time during the period of accreditation.

b INZ may, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises or request documentation or evidence from the employer as part of an audit.

c An audit will entail INZ making an assessment about whether the accredited employer continues to meet the criteria at WR1.25. Information taken into account during an audit may include but is not limited to:
   i information supplied by the employer to INZ as part of the audit process;
   ii information about the employer held by INZ from their previous accreditation application or from other interactions the employer has had with INZ (e.g. visa applications they have supported);
   iii information supplied by third parties, such as the Labour Inspectorate;
   iv findings of a site visit conducted by INZ;
   v publicly available information about the employer.
d If an immigration officer is not satisfied the employer has continued to meet the requirements of WR1.25, the accreditation may be revoked (see WR1.25.20 below). The employer’s accreditation and the processing of any associated work to residence applications may be suspended until an immigration officer is satisfied that the requirements of WR1.25(c) have been met or the accreditation is revoked.

**WR1.25.20 Revoking accreditation**

a INZ may revoke an employer’s accreditation where:

i as a result of an audit, an immigration officer is not satisfied that the requirements of WR1.25 continue to be met; or

ii the employer fails to comply with a request for further information or records by INZ within a reasonable specified timeframe; or

iii the conduct of that employer has created an unacceptable risk to the integrity of New Zealand’s immigration or employment laws or policies; or

iv an employer supplies false or misleading information to INZ.

b If an immigration officer has concerns that the employer meets one of the criteria at (a) above, the employer will be notified in writing and provided an opportunity to provide comment before a final decision to revoke accreditation is made.

c Any decision to revoke accredited status must be approved by an INZ Area Manager.

d Employers that have their accreditation revoked will be notified of this and informed of the reasons in writing.

**WR 1.25.25 Duration of accreditation**

a Employers approved accreditation will be granted accreditation for two years where they have not held accreditation continuously for the two years prior to the date the application was made.

b Employers approved renewal of their accreditation will receive accreditation for a period of two years, unless an immigration officer is satisfied an employer will continue to meet all requirements of WR1.25 for five years, in which case accreditation may be granted for five years.

c When considering whether an employer will continue to meet all requirements of WR1.25 for a five year period, an immigration officer will take into account:

i whether the employer has provided evidence to demonstrate they have continuously met or exceeded all requirements of WR1.25 for the previous two years,

ii the likelihood that the employer will remain in a sound financial position for a five year period, including consideration of:

o their projected revenues;

o their equity and capital reserves;

o whether they are a state sector agency whose financial situation and performance is included in the Crown accounts as part of the Government reporting entity under the Public Finance Act 1989;

o whether they are a local authority named in Schedule 2 of the Local Government Act 2002.

iii the likelihood that the employer will continue to meet or exceed the other requirements of accreditation, including consideration of whether they have sufficient resources and systems in place to actively manage:

o human resources policies and processes;

o training and recruitment of staff, in particular New Zealand citizens and residents;

o compliance with immigration and employment laws.

**Effective 19/02/2018**
WR1.30 Making an application under the Talent (Accredited Employers) Work Instructions

See previous instructions:
WR1.30 Effective 08/04/2013
WR1.30 Effective 30/07/2012
WR1.30 Effective 29/11/2010

Applications under the Talent (Accredited Employers) Work Instructions must be made on the INZ form Work Visa Application (INZ 1015), and

a. meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at E4, except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship. This requirement is met through the provision of an offer of employment (see WR1.10); and

b. include an offer of employment from an accredited employer that meets the requirements for offers of employment set out at WR1.10; and

c. include, where necessary:
   i. evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer of employment (see SM19.5 for the list of occupations requiring registration); or
   ii. evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

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

d. include, (if the offer of employment has a minimum base salary of less than NZ$55,000 per annum), evidence that the applicant has exceptional talent in a declared field of art, sport or culture (see the Note to WR1.10); and

e. include a completed General Medical Certificate (INZ 1007) and a Chest X-ray Certificate (INZ 1096) (except in the case of a pregnant woman) and any associated medical or laboratory reports required for the medical or chest X-ray certificates; and

**Notes:**
~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless A4.25(c) applies.
~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

f. include police certificates from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years.

**Notes:**
~ Police certificates must be no more than 6 months old when the application is lodged, unless A5.10(d) applies.
~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

*Effective 17/11/2014*
WR2 Talent (Arts, Culture and Sports) work instructions
WR2.1 Who is eligible for a work visa under the Talent (Arts, Culture and Sports) Work Instructions?

See previous instructions WR2.1 Effective 29/11/2010

a  To be granted a visa under the Talent (Arts, Culture and Sports) Work Instructions applicants must:
   i  have exceptional talent in a declared field of art, culture or sport; and
   ii  be supported by a New Zealand organisation of national repute in their declared field (see WR2.10); and
   iii  have an acceptable sponsor (see E6.5); and
   iv  be aged 55 years or under; and
   v  meet the health and character requirements for Residence set out at A4 and A5.15 to A5.25; and
   vi  meet the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at E4; and
   vii  meet the requirements for bona fide applicants as set out at E5; and
   viii meet the requirements for lodging an application as set out in WR2.25.

b  Work visas granted to applicants approved under these instructions will be endorsed with conditions that allow work for any employer.

WR2.1.1 Currency and travel conditions of work visas under the Talent (Arts Culture and Sports) Work Instructions

a  Applicants who are in New Zealand may be granted a Talent (Arts Culture and Sports) work visa allowing stay and multiple entry travel for 30 months.

b  Applicants who are not in New Zealand may be granted a Talent (Arts Culture and Sports) work visa with the following travel conditions:
   i  first entry to New Zealand must be made within three months of the visa being granted; and
   ii  the visa will allow stay and multiple entry travel for 30 months from first arrival.

Effective: 30/07/2011
WR2.5 Definition of ‘exceptional talent in a declared field of art, culture or sport’

Applicants are considered to have an exceptional talent in a declared field of art, culture or sport where the INZ is satisfied that:

a. the applicant has an international reputation and record of excellence in that declared field; and
b. the applicant is still prominent in that declared field; and

c. the applicant’s presence in New Zealand will enhance the quality of New Zealand’s accomplishments and participation in the declared field of art, culture or sport.

Effective 22/08/2016
WR2.10 Definition of 'New Zealand organisation of national repute'

A 'New Zealand organisation of national repute' is:

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

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

Effective 29/11/2010
WR2.15 Support by New Zealand organisation of national repute and sponsorship by an acceptable sponsor

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

b  Completion of the form includes:
   i  a statement of support for the application for a work visa under the Talent (Arts, Culture or Sports) Work; and
   ii  the reasons why the organisation considers that the applicant's presence in New Zealand will enhance the quality of New Zealand's accomplishments and participation in the declared field of art, culture or sport; and
   iii  a written undertaking of sponsorship from a natural person, organisation, or government agency which is an acceptable sponsor confirming they will meet the obligations specified at E6.15.

c  The form should be accompanied by information, evidence and submissions which demonstrate that the supporting organisation is an organisation of national repute.

d  The form should be accompanied by evidence that the sponsor meets the requirements specified at E6.10.

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

Effective 29/11/2010
WR2.20 Determining applications for work visas under the Talent (Arts, Culture and Sports) Work Instructions

INZ may, where it considers necessary, make enquiries with persons and organisations (including Creative New Zealand and the New Zealand Academy of Sport) associated with the applicant's declared field of art, culture or sport to determine whether the applicant has exceptional talent in that field (see WR2.5) and whether the supporting organisation is a New Zealand organisation of national repute.

Effective 29/11/2010
WR2.25 Making an application for a work visa under the Talent (Arts, Culture and Sports) Work Instructions

See previous instructions:
WR2.25 Effective 30/07/2012
WR2.25 Effective 29/11/2010

a  Applications for work visas under the Talent (Arts, Culture and Sports) Work Instructions must be made on the INZ form Work Visa Application (INZ 1015) and accompanied by documents which demonstrate that:
   i  the applicant has an international reputation and record of excellence in their declared field; and
   ii the applicant is still prominent in the declared field; and
   iii the applicant's presence in New Zealand will enhance the quality of New Zealand's accomplishments and participation in the declared field of art, culture or sport.

b  Applications must also include:
   i  a completed Talent (Arts, Culture and Sports) Sponsorship Form (INZ 1091) (see WR2.15); and
   ii a completed General Medical Certificate (INZ 1007) and Chest X-ray Certificate (INZ 1096) and any associated medical or laboratory reports required for the medical or chest X-ray certificates (see A4); and

Notes:
~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless A4.25(c) applies.
~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

iii police certificates from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years (see A5).

Note: Police certificates must be no more than 6 months old when the application is lodged, unless A5.10(d) applies.

Effective 17/11/2014
WR3 Long Term Skill Shortage List work instructions
WR3.1 Who is eligible for a work visa under the Long Term Skill Shortage List Work Instructions?

See previous instructions:
WR3.1 Effective 30/07/2011
WR3.1 Effective 29/11/2010

To be granted a visa under the Long Term Skill Shortage List Work Instructions applicants must:

a. hold an offer of employment in an occupation that is included on the Long Term Skill Shortage List (LTSSL) at the time that their application is made and that meets the specifications for that occupation; and

b. be suitably qualified by training and/or experience to undertake the offer of employment (including any specific requirements set out on the LTSSL); and

c. be aged 55 years or under; and

d. meet the health and character requirements for Residence set out at A4 and A5.15 to A5.25; and

e. meet the requirements for bona fide applicants as set out at E5; and

f. meet the requirements for lodging an application as set out in WR3.15.

WR3.1.1 Currency and travel conditions of work visas under the Long Term Skill Shortage List Work Instructions

a. Applicants who are in New Zealand may be granted a LTSSL work visa allowing stay and multiple entry travel for 30 months.

b. Applicants who are not in New Zealand may be granted a LTSSL work visa with the following travel conditions:
   
   i. first entry to New Zealand must be made within three months of the visa being granted; and
   
   ii. the visa will allow stay and multiple entry travel for 30 months from first arrival.

   Effective 24/11/2016
WR3.5 Requirements for offers of employment

See previous instructions:
WR3.5 Effective 29/11/2010

Offers of employment must be:

a for employment in New Zealand; and
b for a period of at least 24 months; and
c for full-time employment, (that is, it amounts to, on average, at least 30 hours per week); and
d current at the time of assessing the application and at the time of grant of the visa; and
e genuine; and
f accompanied by evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer; and
g compliant with all relevant employment law in force in New Zealand; and
h made by an employer who has a history of compliance with employment and immigration law and who is not on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

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

Effective 01/04/2017
WR3.10 Inclusion of occupations on the Long Term Skill Shortage List (LTSSL)

See previous instructions:
WR3.10 Effective 29/11/2010

a The Long Term Skill Shortage List (LTSSL) is a list of occupations in which INZ, in consultation with Industry New Zealand, relevant industry groups and unions, has identified an absolute (sustained and ongoing) shortage of skilled workers.

b The Long Term Skill Shortage List is reviewed annually.

WR3.10.1 The Long Term Skill Shortage List

The Long Term Skill Shortage List is held at Appendix 4 of the INZ Operational Manual.

Effective 24/03/2014
WR3.15 Making an application for a work visa under the Long Term Skill Shortage List Work Instructions

See previous instructions:
WR3.15 Effective 08/04/2013
WR3.15 Effective 26/11/2012
WR3.15 Effective 30/07/2012
WR3.15 Effective 29/11/2010

Applications for visas under the Long Term Skill Shortage List Work Instructions must be made on the INZ form Work Visa Application (INZ 1015), and

a. meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at E4, except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship. This requirement is met through the provision of an offer of employment (see WR3.5); and

b. include an offer of employment in an occupation on the Long Term Skill Shortage List that meets the requirements for offers of employment set out at WR3.5; and

c. provide a completed Employer Supplementary Form (INZ 1113); and

d. include a detailed job description and ideal person specification for that offer of employment; and

e. include evidence that the applicant is suitably qualified by training and/or experience to undertake the offer of employment; and

f. include, where necessary

   i. evidence of full or provisional registration, if full or provisional registration is required by law to take up the offer of employment (see SM10.5 for the list of occupations requiring registration); or

   ii. evidence from the New Zealand Medical or Dental Council that applicants are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

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

   g. include a completed General Medical Certificate (INZ 1007) and Chest X-ray Certificate (INZ 1096) and any associated medical or laboratory reports required for the medical or chest X-ray certificates; and

   Notes:

   ~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless A4.25(c) applies.

   ~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

h. include police certificates from the applicant’s country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years.

   Note: Police certificates must be no more than 6 months old when the application is lodged, unless A5.10(d) applies.

Effective 28/08/2017
**WR5 Skilled Migrant Category Job Search Instructions**

See previous instructions:
WR5 Effective 25/07/2011
WR5 Effective 04/04/2011
WR5 Effective 29/11/2010

a  Subject to WR5 (b) to (f) below, principal applicants under the Skilled Migrant Category (SMC) who:
   i  do not qualify for points for an offer of skilled employment or current skilled employment in New Zealand; and
   ii  have not undertaken full time study for at least two years in New Zealand that has resulted in the award of a Doctorate or Master’s degree; and
   iii  whose SMC application otherwise meets all requirements for approval
    may be granted a work visa and entry permission for the purpose of obtaining an offer of ongoing skilled employment in New Zealand.

b  If the principal applicant is in New Zealand and currently holds, or in the last 24 months has held, a work visa granted under the WD Study to Work instructions then they are not eligible for a work visa under these instructions.

c  An application for a work visa must be made within three months of the date of advice from INZ that the principal applicant may apply for the grant of a work visa under these provisions.

d  Applicants must provide evidence that they have sufficient funds to maintain themselves for a period of at least three months in New Zealand, such funds being:
   i  (if they have pre-paid accommodation) a sum of NZ$400, per month; and
   ii  (if they do not have pre-paid accommodation) a sum of NZ$1,000 per month.

e  Applicants must also provide evidence that they have sufficient funds to purchase an outward ticket from New Zealand for themselves.

f  Applicants under these Instructions must be assessed as bona fide applicants for a temporary visa.

g  Work visas granted under these instructions will allow work for any employer in New Zealand.

**Note:** Applicants who made an application under the SMC before 21 December 2005, may be granted a work visa in accordance with the SMC instructions that were in effect at the time their SMC application was made.

**Note:** Applicants who made an application under the SMC on or after 21 December 2005 and before 10 April 2007, may be granted a work visa in accordance with the SMC instructions that were in effect at the time their SMC application was made.

Effective 28/08/2017
WR5.5 Currency of Work to Residence visas

See previous instructions:
WR5.5 Effective date 29/11/2010

a. Applicants who are in New Zealand and who made their Skilled Migrant Category (SMC) application on or after 10 April 2007 and before 28 August 2017 may be granted a visa and entry permission allowing a stay of nine months in New Zealand.

b. Applicants who are not in New Zealand and who made their SMC application on or after 10 April 2007 and before 28 August 2017 may be granted a Work to Residence visa and entry permission with the following conditions:
   i. first entry to New Zealand must be made within three months of the visa being granted; and
   ii. the visa will allow work and multiple entries to New Zealand for nine months from first arrival.

c. Applicants who are outside New Zealand and whose SMC application is assessed under SMC instructions effective on or after 28 August 2017 may be granted a Work to Residence visa allowing work and multiple entries to New Zealand for 12 months from the date the Work to Residence Visa is granted.

Effective 28/08/2017
WR6 Work Visa instructions for onshore Skilled Migrant Category (SMC) applicants whose applications were made on or after 21 December 2005 and before 10 April 2007 (to 21/11/2016)

Note: These instructions ceased to be effective from 21 November 2016.
WR6.1 Requirements for the grant of a work visa

a  To be eligible for a work visa under these instructions, applicants must:
   i  be in New Zealand; and
   ii hold a valid Work to Residence visa granted under WR6 Work to Residence (Skilled Migrant Category) instructions granted following the deferral of a SMC application made on or after 21 December 2005 and before 10 April 2007.

b  To be granted a work visa under these instructions applicants must:
   i  provide a completed work application form, the fee and their valid passport; and
   ii provide evidence that they have sufficient funds to maintain themselves and any accompanying family members for three months in New Zealand, that is:
      o (if they have pre-paid accommodation), a sum of NZ$400 per person, per month; and
      o (if they do not have pre-paid accommodation) a sum of NZ$1,000 per person per month; and
   iii provide evidence that they have sufficient funds to purchase an outward ticket from New Zealand for themselves and any accompanying family members.

c  Evidence of an offer of employment is not required.

Effective 29/11/2010
WR6.5 Conditions and duration of the work visa

See previous instructions:
WR6.5 Effective 29/11/2010

a  Work visas granted under these instructions will allow work for any employer in New Zealand.

b  Applicants under WR6.1 may be granted a further visa for a maximum period of three months from the date of expiry of their current SMC Work to Residence visa.

Note: Applicants who obtain an offer of skilled employment after their original SMC deferral period has ended, will not be approved residence based on their original SMC application (refer SM21.15b). To pursue residence under the SMC, after the original deferral period has ended, a new Expression of Interest must be submitted.

Effective 25/08/2014
WR7 South Island Contribution work instructions
WR7.1 Objective

The objectives of the South Island Contribution work instructions are to:

a. recognise well-settled temporary migrants who have made a commitment to New Zealand and their South Island communities; and

b. meet genuine regional labour market needs and contribute to individual firm productivity, by enabling employers to maintain an experienced workforce; and

c. minimise the risk of displacing New Zealanders from employment opportunities or hindering improvements to wages, working conditions or industry-wide productivity growth.

Effective 22/05/2017
WR7.5 Applying for a South Island Contribution work visa

An application under the South Island Contribution work instructions must be made on the INZ form Work Visa Application (INZ 1015), and:

a. meet all requirements under Generic Temporary Entry instructions for lodging a temporary entry class visa as set out at E4, except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship; and

b. include evidence the applicant has been employed in a full-time role in the South Island for five years or more while holding an Essential Skills work visa (see WR7.10(c)); and

c. include an offer of employment or evidence of ongoing full-time employment that meets the requirements for employment set out at WR7.10.5; and

d. include evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer of employment; and

e. include all required evidence that the applicant meets health (A4) and character (A5) requirements for applicants for residence.

Effective 22/05/2017
WR7.10 Requirements to be granted a South Island Contribution work visa

To be granted a visa under the South Island Contribution work instructions, an applicant must:

a. hold an Essential Skills work visa at the time their application is made, which specifies as a condition employment to be undertaken at a location within the South Island; and

b. be in full-time (see W2.2.10), lawful employment in the South Island; and

c. have undertaken full-time, lawful employment in the South Island as the holder of an Essential Skills work visa, or an interim visa, for five years between 22 May 2012 and 22 May 2017 (see WR7.10.1); and

d. have acceptable ongoing employment, or an offer of acceptable employment, in the South Island (see WR7.10.5); and

e. meet the health and character requirements for residence set out at A4 and A5; and

f. meet the requirements for bona fide applicants set out at E5; and

g. be 55 years of age or younger on the date their application is accepted for processing; and

h. apply before 23 May 2018 (except where WR7.25 applies).

WR7.10.1 Time working outside the South Island

Time spent working in New Zealand outside of the South Island as an Essential Skills work visa holder may count towards the five years required by WR7.10(c) if:

a. employment outside of the South Island was full-time and lawful; and

b. employment outside of the South Island was the result of the nature of the applicant’s employment and the industry they work in; and

c. the applicant has spent no more than three months in a calendar year, and no more than 12 months in total, working outside the South Island.

WR7.10.5 Acceptable employment in the South Island

Employment is acceptable if:

a. it is full-time (see W2.2.10); and

b. it is genuine; and

c. it is ongoing and sustainable (permanent or indefinite, or for a stated term of at least 24 months); and

d. payment for work is by salary or wages; and

e. the workplace is in the South Island; and

f. the work is legal and consistent with existing visa conditions (if applicable); and

g. the terms and conditions specified are not less than those of the New Zealand market; and

h. the employer has no significant adverse record with Immigration New Zealand or the Labour Inspectorate, and is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see W2.10.15 and Appendix 10).

WR7.10.10 Applicants who do not meet the requirements for the grant of a visa

a. An immigration officer must consider granting a visa as an exception to instructions if an application does not meet the requirements for the grant of a South Island Contribution visa (see E7.10).
b  In particular, an immigration officer should consider the objective of this visa category and the applicant’s circumstances if they fall marginally short of the five year requirement set out at WR7.10(c).

Effective 22/05/2017
**WR7.15 Duration and conditions of work visas granted under South Island Contribution work instructions**

a Work visas granted under South Island Contribution work instructions will be valid for a period of 30 months.

b Work visas granted under South Island Contribution work instructions will allow multiple-entry travel and be subject to the condition that the applicant must undertake employment that is:

i in the industry associated with the occupation specified on their most recent Essential Skills work visa; and

ii in the region in which their current employment is situated.

**Notes:**

- For the purposes of these instructions, region means one of the seven South Island regions – Canterbury, Marlborough, Nelson, Otago, Southland, Tasman, and West Coast.
- For the purposes of these instructions, industry is defined by level 2 of the Australia and New Zealand Standard Industrial Classification 2006 (see www.stats.govt.nz/~/media/Statistics/surveys-and-methods/methods/class-stnd/industrial-classification/classification-anzsic06-level2-v1-0.xls)

Effective 22/05/2017
WR7.20 Visas for partners and dependent children

a  Eligible partners of South Island Contribution work visa holders may be granted an open work visa, valid for the same length of time as the principal applicant (see WF3.1).

b  Dependent children may be granted student, visitor or work visas, according to the needs of that applicant, valid for the same length of time as the principal applicant, if they:
   i  meet the definition of a dependent child set out at E4.1.10; and
   ii meet residence health and character requirements; and
   iii meet the requirements of:
      o U8.20 (if applying for a student visa); or
      o V3.10 (if applying for a visitor visa); or
      o WR7.20.1 (if applying for a work visa).

WR7.20.1 Work visas for dependent children

Dependent children of South Island Contribution work visa holders may be granted work visas allowing work in the South Island for any employer if they meet WR7.20(b)(i) and (ii), and:

a  are aged under 20 years old; and

b  have completed compulsory schooling; and

c  are currently dependent (see E4.1.10).

Note:
- Compulsory schooling means schooling up to age 16.
- Children assessed as dependent and granted a work visa under these instructions will continue to be considered dependent if a subsequent application is made under the South Island Contribution residence from work instructions.

Effective 22/05/2017
WR7.25 Applications for a subsequent South Island Contribution work visa

a  Despite WR7.10(h), an application for a South Island Contribution work visa may still be made, and a visa granted, if the principal applicant applies after 23 May 2018 and:
   i  holds a South Island Contribution work visa; and
   ii  has made an application for residence under the South Island Contribution residence instructions and a decision on that residence application has yet to be finalised; and
   iii  provides evidence to show they meet the requirements of WR7.10(b) – WR7.10(f).

b  Visas may be granted under these instructions for the length of time required to decide the application made under the South Island Contribution residence instructions.

c  An application for a South Island Contribution work visa will be declined if it is made after 23 May 2018 and the principal applicant does not have a residence application made under the South Island Contribution resident visa instructions under consideration.

Effective 22/05/2017
**WR7.30 South Island Contribution work visas for Filipino dairy workers who have provided false documents**

a  These instructions apply to people who:

i  are nationals of the Philippines; and

ii  are subject to A5.25(i) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission regarding their work experience that was false, misleading or forged; and

iii  were granted an Essential Skills work visa to work on a dairy farm prior to 1 September 2015; and

iv  are applying for a South Island Contribution work visa and have ongoing employment, or an offer of employment, on a dairy farm.

b  Despite the requirement that applicants be of good character (WR7.10(e)), applicants who meet the requirements of WR7.30(a) may still be granted a South Island Contribution work visa if they:

i  have not withheld information or provided further false information to Immigration New Zealand since 3 November 2015; and

ii  meet all other criteria for the grant of a South Island Contribution work visa, including character requirements other than A5.25(i).

*Effective 22/05/2017*
WS Specific Purpose or Event Instructions
**WS1 Objective**

See previous instructions  
WS2 Effective 29/11/2010

The objective of the Specific Purpose or Event Instructions is to facilitate entry to New Zealand for a specific purpose or event for which the applicant has demonstrated skills, expertise or attributes that are likely to benefit individuals and/or New Zealand and where there is no risk of a negative impact on opportunities for New Zealand citizens or residents.

**Effective 08/05/2017**
### WS2 Requirements for the grant of a Specific Purpose or Event visa

See previous instructions
WS2 Effective 22/08/2016
WS2 Effective 11/04/2016
WS2 Effective 06/07/2015
WS2 Effective 24/03/2014
WS2 Effective 30/07/2012
WS2 Effective 30/04/2012
WS2 Effective 07/11/2011
WS2 Effective 29/11/2010

Effective 08/05/2017
WS2.1 Who is eligible for a Specific Purpose or Event work visa

See previous instruction:
WS2.1 Effective 08/05/2017

a Applicants may be granted a work visa and entry permission under specific purpose or event instructions, if an immigration officer is satisfied:

i the applicant will be in New Zealand to complete a specific purpose or event described in Column A of the table at WS2.1.1; and

ii the applicant has demonstrated they meet the work visa requirements set out in Column B of the table at WS2.1 by providing the evidence specified; and

iii the work is time-bound (not open-ended or permanent); and

iv the applicant is suitably qualified to undertake the work; and

v the applicant meets health and character requirements as specified at A4 and A5.

b The currency of a specific purpose or event visa must be consistent with the time required for the holder to complete the specific purpose or event, up to the maximum duration indicated in Column C and total stay (if any) indicated in Column D.

Note: Where Column D refers to ‘total stay’ this includes the duration of the initial Specific Purpose or Event work visa.

c Applications for a further Specific Purpose or Event work visa by a person holding a Specific Purpose or Event work visa must be declined, unless:

i a further Specific Purpose or Event visa is allowed for by Column D of WS2.1.1; and

ii the immigration officer is satisfied that the grant of a further visa is necessary in order to complete the original specific purpose or event.

d Applications for work visas made under this category from applicants who currently hold a visitor visa granted under V3.100 (Guardians accompanying students to New Zealand) must not be approved (see V3.100.35).

WS2.1.1 Acceptable specific purposes and events, evidence and maximum visa durations

<table>
<thead>
<tr>
<th>Column A: People who are considered to be undertaking a specific purpose or event</th>
<th>Column B: Evidence required</th>
<th>Column C: Initial visa duration that may be granted</th>
<th>Column D: Further visa duration that may be granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Senior or specialist business people on short-term secondments who have a job offer either in a substantial New Zealand company or a New Zealand subsidiary of an overseas company.</td>
<td>Evidence of a job offer that meets the requirements of W2.10.10 and W2.10.15 from the New Zealand company or subsidiary; and A completed Employer Supplementary Form (INZ 1113); and Evidence the applicant is senior manager or specialist personnel (see WS2.5); and</td>
<td>Up to 12 months</td>
<td>Further Specific Purpose or Event visas allowing a total stay of up to 24 months (inclusive of the duration of the initial visa granted under column C).</td>
</tr>
<tr>
<td></td>
<td>Terms of the secondment, including duration; and Evidence of funds as required by W2.15</td>
<td></td>
<td>Further Specific Purpose or Event visas allowing a total stay of up to 72 months (inclusive of the duration of the initial visa granted under column C).</td>
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<tr>
<td>b.</td>
<td>A business person seconded to New Zealand as an intra-corporate transferee to take up a position in a multinational company as: an executive; or a senior manager; or specialist personnel</td>
<td>Evidence the applicant is a senior manager, executive or specialist personnel (see WS2.5); and Terms of the secondment, including duration; and Evidence of funds as required by W2.15</td>
<td>Up to 36 months</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>No further Specific Purpose or Event visa if applicant currently holds a Specific Purpose or Event visa</td>
</tr>
<tr>
<td>c.</td>
<td>Business people wishing to undertake business activities in New Zealand who can satisfy an immigration officer that they have genuine reasons to be in New Zealand for a period or periods exceeding 3 months in any one year.</td>
<td>Evidence of the amount of time the applicant needs to be in New Zealand; and Evidence of the applicant’s business activities in New Zealand. Business activities are described in V3.5 Business Visitors.</td>
<td>Up to 12 months</td>
</tr>
<tr>
<td>d.</td>
<td>Principal applicants under the Migrant investment instructions or the Parent Retirement Category who have been approved in principle and are investigating investment opportunities and making direct investments in New Zealand (see BJ7.40 and F3.25)</td>
<td>No additional evidence required</td>
<td>12 months</td>
</tr>
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<td></td>
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<td></td>
<td>For Investor 1 applicants; or Further Specific Purpose or Event visas allowing a total stay of up to 18 months (inclusive of the duration of the initial visa granted under column C) for Investor 2 applicants</td>
</tr>
<tr>
<td>e.</td>
<td>Referees or judges of sports events, shows, displays or exhibitions</td>
<td>Invitation, or schedule of events setting out the duration the applicant is required to be in New Zealand; and For the period of their engagement, not normally more than 6 months</td>
<td>No further Specific Purpose or Event visa if applicant currently holds a Specific Purpose or Event visa</td>
</tr>
<tr>
<td></td>
<td>Evidence of funds as required by W2.15</td>
<td>Invitations, or schedule of events setting out the duration the applicant is required to be in New Zealand; and Evidence of funds as required by W2.15</td>
<td>For the period of their engagement, not normally more than 6 months.</td>
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<tr>
<td>f.</td>
<td>Dance and music examiners of recognised international teaching institutions</td>
<td>Invitation, or schedule of events setting out the duration the applicant is required to be in New Zealand; and Evidence of funds as required by W2.15</td>
<td>For the period of their engagement, not normally more than 6 months.</td>
</tr>
<tr>
<td>g.</td>
<td>Installers or servicers of specialised machinery or equipment supplied by an overseas company where installing or servicing the equipment in New Zealand is a condition of purchase.</td>
<td>Evidence that installing or servicing the equipment in New Zealand is a condition of the purchase of the machinery or equipment; and Evidence of funds as required by W2.15</td>
<td>Up to 3 months in any 12 month period</td>
</tr>
<tr>
<td>h.</td>
<td>Sports players and professional sports coaches taking up a paid position in a New Zealand sports club</td>
<td>Evidence of a job offer that meets the requirements of W2.10.10 and W2.10.15 from the New Zealand club, if the applicant is professional player or coach; and A completed Employer Supplementary Form (INZ 1113); and Evidence of the terms of the engagement with the club, if the applicant is not a professional player; and Evidence of funds as required by W2.15</td>
<td>For the period of their job offer or engagement, up to: 12 months for players; or 36 months in the case of coaches employed at national or regional level</td>
</tr>
<tr>
<td>i.</td>
<td>Entertainment industry sector workers (entertainers, performing artists, film and video production crew, and associated support personnel), who intend to engage in any form of private or public performance in New Zealand or work on any film or video production in New Zealand.</td>
<td>Evidence required by WS3.</td>
<td>For the period of their engagement</td>
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<tr>
<td>j. Philippines nurses seeking entry to obtain New Zealand occupational registration who have a job offer from a District Health Board and have been accepted for the Nursing Council's Competence Assessment Programme</td>
<td>Evidence of a job offer that meets the requirements of W2.10.10 and W2.10.15 from a District Health Board; and A completed Employer Supplementary Form (INZ 1113); and Evidence of acceptance for the Nursing Council's Competence Assessment Programme; and Evidence of funds as required by W2.15</td>
<td>3 months</td>
<td>No further Specific Purpose or Event visa if applicant currently holds a Specific Purpose or Event visa</td>
</tr>
<tr>
<td>k. Principal applicants for residence under the Entrepreneur Residence Visa Category instructions who currently hold a valid visa granted under the Entrepreneur Work Visa Category or Long Term Business Visa Category instructions (see BH8).</td>
<td>No additional evidence required</td>
<td>9 months</td>
<td>No further Specific Purpose or Event visa if applicant currently holds a Specific Purpose or Event visa</td>
</tr>
<tr>
<td>l. People who need to come to New Zealand for any other specific purpose or event where they meet the objective of these instructions (WS1) and the circumstances justify the grant of a work visa.</td>
<td>Evidence of the specific purpose or event that the person will be undertaking in New Zealand; and Evidence that satisfies an immigration officer that the nature of the work or the circumstances surrounding the work are such that it is not possible and/or appropriate for a New Zealand citizen or resident to take up the work (see note 1 below); and Evidence of funds as required by W2.15; and If the person will be employed in New Zealand: Evidence of a job offer that meets the</td>
<td>For the period of their engagement</td>
<td>Further Specific Purpose or Event visas can be granted for the period required if the engagement is extended.</td>
</tr>
</tbody>
</table>
Note:

1. The factors an immigration officer may take into account in determining whether it would be possible and/or appropriate for New Zealand citizens or residents to take up the work include, but are not limited to, whether the work:
   - requires a person to be primarily based in New Zealand on a long-term or permanent basis,
   - will be for a New Zealand employer and be covered by a New Zealand employment agreement,
   - requires attributes that automatically exclude New Zealand citizens or residents (for example, the requirement for foreign security clearance, or a special programme only offered to nationals of certain countries).

It is not relevant whether the employer has been unable to recruit New Zealanders to take up the work. If it is appropriate for a New Zealand citizen or resident to take up the work but the employer has not been able to find a suitable New Zealander, an application may be made under the Essential Skills (WK).

2. Provisions WS2.1.1 (a),(b),(c),(g), and (j) reflect New Zealand’s trade commitments with respect to immigration (see E9).

Effective 21/05/2018
**WS2.5 Definitions**

a  For the purpose of WS instructions ‘senior manager’ or ‘executive’ means a person who:
   i  is a senior employee of an organisation; and
   ii has been employed by that organisation for at least 12 months before their proposed transfer to New Zealand; and
   iii is responsible for the entire organisation’s operations in New Zealand, or a substantial part of it, while receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business.

b  For the purpose of these instructions ‘specialist personnel’ means a person:
   i who is being transferred to undertake a specific or specialist task at a senior level within the company; and
   ii possesses knowledge of the organisation’s service, research equipment, techniques or management.

*Effective 08/05/2017*
WS2.10 Currency and conditions of specific purpose or event visa

A Specific Purpose or Event work visa must be granted with the following currency and conditions:

a. a first entry date sufficient to allow the applicant time to travel to New Zealand, if the applicant is outside New Zealand (generally up to six months); and

b. a stay in New Zealand for sufficient time to complete their purpose, up to the maximum stated in Column C or D of WS2.1.1, starting from either:
   i. the applicant’s first arrival in New Zealand if the applicant is outside New Zealand; or
   ii. from the date the visa is granted if the applicant is in New Zealand; and

c. multiple entries for the duration of the visa; and

d. the conditions appropriate to the holder’s work in New Zealand (i.e. *The holder may only work as [occupation] for [employer or New Zealand entity] in [New Zealand location of the work]*).

Effective 08/05/2017
## WS3 Performing Artists, Entertainers and Entertainment Industry workers

See previous instructions:
WS3 Effective 01/04/2017
WS3 Effective 11/04/2016
WS3 Effective 08/04/2013
WS3 Effective 26/11/2012
WS3 Effective 29/11/2010

*Effective 08/05/2017*
WS3.1 Requirements

a Employers, promoters, agents or producers must complete the Performing Artists, Entertainers and Entertainment Industry Work Visa Application Supplementary Form (INZ 1187) and provide evidence that:

i the applicant is of international distinction, or particular ethnic significance, or is manifestly essential to the presentation or production; or

ii the applicant’s engagement does not put at risk the engagement of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant’s employment outweigh the loss of job opportunities for New Zealanders; or

iii they have given appropriate consideration to engaging available New Zealand entertainers or professionals.

b Employers, promoters, agents or producers must also provide:

i the full names, nationalities, dates and places of birth of each applicant; and

ii production information; and

iii a guarantee of accommodation and repatriation for each applicant.

c If applicable, evidence must be provided of an applicant’s engagement:

i on an official co-production; or

ii with an accredited company (WS3.15); or

iii with a company that has been granted approval in principle to recruit entertainment industry workers (WK3.1.5).

Note: Employment, as defined under section 4 of the Immigration Act 2009, includes engagement of an independent contractor under a contract for services.

Effective 28/08/2017
WS3.5 Referral to the relevant New Zealand performers’ union or professional association
The employer must obtain agreement of the relevant New Zealand performers’ union or professional association as set out at WS3.10 unless an applicant’s engagement in New Zealand:

a. is 14 days or less; or

b. will be undertaken on an official co-production; or

c. is with a company that holds entertainment industry accreditation (see WS3.15).

Effective 08/05/2017
WS3.10 Obtaining the agreement of the relevant New Zealand performers’ union or professional association

a  Immigration officers must sight evidence that the information required in WS3.1(a) has been supplied to the relevant performers’ union(s) or professional association(s) depending on the specific occupations of all those involved in the performance or production.

**Note:** Details of the relevant unions/professional associations are published on the Immigration New Zealand website.

b  If the relevant union or professional association does not object to the application, an immigration officer may grant a work visa.

c  If the relevant union or professional association objects to the application, the union must notify Immigration New Zealand (INZ) within three working days of receiving the information required by WS3.1(a) from the promoter, agent or producer.

d  INZ will then consult with the parties to resolve the disagreement as quickly as possible.

e  If the parties cannot reach an agreement, INZ will refer the application to the Minister of Immigration for a decision.

**Note:** In the case of film production, INZ may also seek advice from the New Zealand Film Commission or any other appropriate industry or government organisation.

*Effective 08/05/2017*
**WS3.15 Entertainment industry accreditation**

Accredited entertainment industry companies may offer employment to workers who are not New Zealand citizens or residence class visa holders without the need to seek agreement of the relevant New Zealand entertainment union, guild or professional association.

**Note:** Employment, as defined under section 4 of the Immigration Act 2009, includes engagement of an independent contractor under a contract for services.

**Note:** Companies who hold employer accreditation under the Talent (Accredited Employer) Work Instructions will be considered to hold accreditation under these instructions.

**WS3.15.1 Requirements for accreditation**

a Accreditation will be granted where Immigration New Zealand (INZ) is satisfied that an employer or contractor:

i is in a sound financial position; and

ii has a sound industry track record; and

iii has demonstrable knowledge of the New Zealand industry sector in which they operate; and

iv has a demonstrable commitment to training and engaging New Zealand citizens or residence class visa holders; and

v has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 1992, the Minimum Wage Act 1982, the Health and Safety at Work Act 2015, the Employment Relations Act 2000, the Equal Pay Act 1972 and the Holidays Act 2000.

b In determining whether employers may be accredited, INZ will assess applications taking into account such factors as:

i the period for which the employing organisation has been established as a going concern; and

ii whether the employer has engaged with the relevant industry union, guild, or professional organisation.

**Note:** In the case of ‘Single Purpose Vehicle’ production companies applying for accreditation, the length of the involvement of the parent company in New Zealand will be taken into consideration.

c Applicants must consent to INZ seeking information from other parts of MBIE, WorkSafe and the Accident Compensation Corporation concerning the applicant's compliance with New Zealand employment laws. Where such consent is not given an application for accreditation will be declined.

d INZ will decline an application for accreditation where it considers accreditation would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

e INZ will rescind an employer's accreditation where it considers that an accredited employer's conduct has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies. Decisions to rescind accreditation will not be made by INZ without the consent of the Minister of Immigration.

**WS3.15.5 Applying for accreditation**

a Applications for accreditation and renewals must be made on the INZ form *Entertainment Industry Accreditation Application (INZ 1197)* and accompanied by documents which demonstrate that the employer meets the requirements for accreditation set out at WS3.15.1(a).

b A fee is payable for an application for accreditation. A lower fee is payable for a renewal of accreditation.
WS3.15.10 Determining applications for accreditation

a INZ must be satisfied that the information and documents included in an application for accreditation are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain, including interviews.

b INZ will consult with relevant unions or professional associations and other industry organisations when determining whether an employer has:
   i a sound industry track record; and
   ii knowledge of the New Zealand industry sector in which they operate; and
   iii a commitment to training and engaging New Zealand citizens and residence class visa holders; and
   iv good workplace practices.

WS3.15.20 Length of accreditation

a Approved employers will be granted accreditation for an initial period of 12 months.

b Accreditation may be renewed for additional two-yearly periods upon application, where INZ is satisfied that the employer still meets the requirements for accreditation set out above.

WS3.15.15 Reconsideration process for applications for accreditation which are declined

There is no statutory right of appeal against the decision to decline an application for accreditation. However, INZ will reconsider a declined application for accreditation where new information is promptly provided.

Effective 08/05/2017
**WS4 Currency of specific purpose or event visa (to 08/05/2017)**

**Note:** These instructions cease to be effective from 8 May 2017.

<table>
<thead>
<tr>
<th>See previous instructions:</th>
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<tbody>
<tr>
<td>WS4 Effective 11/04/2016</td>
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<tr>
<td>WS4 Effective 26/03/2012</td>
</tr>
<tr>
<td>WS4 Effective 29/11/2010</td>
</tr>
</tbody>
</table>

a. The currency of a specific purpose or event visa must be consistent with the time required for the holder to complete the specific purpose or event.

b. Applicants approved entry for a specific purpose or event may be granted a multiple entry visa if appropriate. The maximum stay, including a short grace period within which the visa holder can leave New Zealand after they have completed their specific purpose or event, is:

i. Senior or specialist business people on short term secondments – 12 months, with the ability to be granted a further visa for 12 months to complete the specific purpose;

ii. Business people seconded to New Zealand as an intra-corporate transferee of a multi-national company – three years, with the ability to be granted a further visa for three years to complete the specific purpose;

iii. Business visitors wishing to undertake business activities in New Zealand for more than 3 months in any one year – 12 months;

iv. Principal applicants under Migrant Investment Instructions - for 12 months from the date approval in principle was given. A further visa may be granted upon application for up to a further 12 months for Investor 1 applicants, or a further 6 months for Investor 2 applicants (see BJ7.20.1);

v. Show judges and sports referees – for the period of their engagement and not usually more than six months;

vi. Dance and music examiners – for the period of their examinations and not usually more than six months;

vii. Installers and servicers of machinery – no more than 90 days in any 12 month period;

viii. Entertainers, performing artists, film and video production crew, and associated support personnel – for the period requested;

ix. Sports players and professional sports coaches – for the period of their job offer, up to a maximum of 12 months for players, or three years in the case of coaches employed at national or regional level;

x. Philippines nurses – up to three months to enable them to work while meeting their registration requirements.

**Note:** Philippines nurses who have been granted a work visa in order to obtain registration as a nurse will not be granted a further work visa other than for an occupation which is ANZSCO Skill Level 1 or 2.

xi. Principal applicants for residence under the Entrepreneur Residence Visa Category instructions who currently hold a valid visa granted under the Entrepreneur Work Visa Category or Long Term Business Visa Category instructions – up to nine months.

**Effective 22/08/2016**
WS5 Conditions of specific purpose or event work visas (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

a Work visas granted to applicants approved under these instructions will be endorsed with conditions appropriate to the needs of the applicant in undertaking their specific purpose or event.

Example: A work visa for an applicant applying as an entertainer should be endorsed as follows:

i As Musician (Violinist)
ii For New Zealand Symphony Orchestra
iii At New Zealand

Effective 29/11/2010
WS6 Performing Artists, Entertainers and Entertainment Industry workers (to 08/05/2017)

Note: These instructions cease to be effective from 8 May 2017.

See also Immigration Act 2009, s 4

Effective 30/04/2012