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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 http://inzkit/publish/opsmanual/#34290.htm, 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.
When assessing the New Zealand market rate, factors immigration officers may consider, include, but are not limited to:

1. the typical rate of pay a New Zealand citizen or residence class visa holder receives for equivalent work;
2. rates of pay provided by collective agreements for the relevant industry;
3. the region of employment;
4. the period of employment;
5. the other terms and conditions of employment (such as the hours of work);
6. the level of training and experience required for the position.

Effective 22/05/2017
W2.5 Work visa streams

See previous instructions  
W2.5 Effective 07/11/2011  
W2.5 Effective 29/11/2010

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;
iii religious worker 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 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 http://inzkit/publish/opsmanual/35052.htm; 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 New Zealand registration requirements (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’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 conditions 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

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.

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.

Effective 28/08/2017
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 SM14) 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

<table>
<thead>
<tr>
<th>a</th>
<th>People may be granted a work visa for a maximum of 12 months who:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i</td>
<td>meet the qualification requirements as set out at WD1.10; and</td>
</tr>
<tr>
<td>ii</td>
<td>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</td>
</tr>
<tr>
<td>iii</td>
<td>have met requirements set out in U11.1(d) if their studies have been supported under the New Zealand Aid Programme.</td>
</tr>
</tbody>
</table>

**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
WE1 Effective 02/12/2013
WE1 Effective 30/07/2013
WE1 Effective 07/11/2011
WE1 Effective 29/11/2010

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

a. Medical / dental trainees who wish to fulfill 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 fulfill 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 http://inzkit/publish/opsmanual/35052.htm); 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

See previous instructions
WE2 Effective 29/11/2010

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

a 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:
   i Short-Term Training Scholarships; or
   ii New Zealand Regional Development Scholarships; or
   iii English Language Training for Officials.

b Applicants must provide a completed work visa application form, fee, immigration levy and meet the generic requirements at E4.5.5.

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

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

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

f 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).

g 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).

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

See previous instructions:
WH1.1 Effective 24/01/2017
WH1.1 Effective 04/02/2016
WH1.1 Effective 07/12/2015
WH1.1 Effective 25/08/2014
WH1.1 Effective 29/11/2010

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:
      o  Accident Compensation Act 2001; and
      o  Employment Relations Act 2000; and
      o  Equal Pay Act 1972; and
      o  Health and Safety at Work Act 2015; and
      o  Holidays Act 2003; and
      o  Immigration Act 2009; and
      o  Minimum Wage Act 1983; and
      o  Parental Leave and Employment Protection Act 1987; and
      o  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).
**Note:** In any case the maximum stay in New Zealand of seven months in any 11 month period (or nine months in any 11 month period for citizens of Tuvalu or Kiribati who are normally resident in Tuvalu or Kiribati) must be adhered to.

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.

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.

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
employment); and
ii the start and end dates in which RSE workers will work for each employer during their visa.

i 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.

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**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**

a 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):
   i the number of workers employed from each country, relative to the total number of workers employed by the employer; and
   ii the number of previous occasions on which workers have been recruited from these countries; and
   iii the length of time for which these workers were employed; 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.

b 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.

c 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.

d 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 http://inzkit/publish/opsmanual/35052.htm 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

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.
h 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.

i 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.
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

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 http://inzkit/publish/opsmanual/35052.htm; 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

See previous instructions:
WI2.1 Effective 07/12/2015
WI2.1 Effective 30/03/2015
WI2.1 Effective 17/11/2014
WI2.1 Effective 18/04/2014
WI2.1 Effective 29/11/2010

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
       http://inzkit/publish/opsmanual/35052.htm; 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)).

Effective 08/05/2017
### 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

<table>
<thead>
<tr>
<th>a</th>
<th>This scheme is available to 1000 young citizens from the Argentine Republic, aged 18 to 35 inclusive, annually.</th>
</tr>
</thead>
</table>
| 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:
W12.7 Effective 18/04/2014
W12.7 Effective 18/04/2012

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 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 17/11/2014
**WI2.10 Belgium Working Holiday Scheme**

See previous instructions:
WI2.10 Effective 29/11/2010

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**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

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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*
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.
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 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

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 12, sch 1

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 WI2.30.1 (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 WI2.30 (b)(iv) must be verified by the China Academic Degrees and Graduate Education Development Centre (CDGDC) 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 30 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 Type</td>
<td>Requirement</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cambridge English: First (FCE) or</td>
<td>Overall score of 162 or more</td>
</tr>
<tr>
<td>Cambridge English: First (FCE) for Schools</td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*</td>
</tr>
</tbody>
</table>

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

Effective 21/11/2016
**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*
WI2.35 Czech Working Holiday Scheme

See previous instructions:
WI2.35 Effective 18/04/2014
WI2.35 Effective 07/11/2011
WI2.35 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
**WI2.40 Denmark Working Holiday Scheme**

See previous instruction:
WI2.40 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*
W12.65 Hong Kong Special Administrative Region Working Holiday Scheme

See previous instruction:
W12.65 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 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; 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 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 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*
W12.115 Norway Working Holiday Scheme

See previous instruction:
W12.115 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 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 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 07/12/2015
- WI2.120 Effective 18/04/2014
- WI2.120 Effective 01/07/2013
- WI2.120 Effective 08/04/2013
- WI2.120 Effective 25/07/2010
- WI2.120 Effective 29/11/2010

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.

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).

**WI2.120.1 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></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>
</tbody>
</table>
Cambridge English: First (FCE) or Cambridge English: First (FCE) for Schools | 154 or more in Speaking and one other skill area (Listening, Reading, Writing)

Occupational English Test (OET) | Grade C or higher in Speaking and one other skill area (Listening, Reading, Writing)

or

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 21/11/2016*
**WI2.122 Philippines Working Holiday Scheme**

See previous instruction:
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>Cambridge English: First (FCE) or</td>
<td>Overall score 147 or more</td>
</tr>
<tr>
<td>Test</td>
<td>Required Score</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Cambridge English: First (FCE) for Schools</td>
<td></td>
</tr>
<tr>
<td>Occupational English Test (OET)</td>
<td>Grade C or higher in all four skills</td>
</tr>
<tr>
<td></td>
<td>(Listening, Reading, Writing and</td>
</tr>
<tr>
<td></td>
<td>Speaking)*</td>
</tr>
</tbody>
</table>

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

Effective 21/11/2016
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
WI2.127 Portugal Working Holiday Scheme

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

b To be eligible for a work visa under this scheme, applicants must:
   i be citizens of Portugal; 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 20/03/2018
**WI2.130 Singapore Work Exchange Programme**

**See previous instructions:**
**WI2.130 Effective 29/11/2010**

a. This programme is available to 200 young citizens of Singapore annually who meet the requirements of WI2.130 (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 WI2.130 (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 WI2.1.1(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:
   i  be citizens of Slovakia; 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 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 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 W12.1.1(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 W12.155.1).

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.

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 W12.155.5 (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>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic</td>
<td>Overall score of 4.5 or more</td>
</tr>
<tr>
<td>Module</td>
<td>Requirement</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>--------------------------------------------</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>Cambridge English: First (FCE) or Cambridge English: First (FCE) for Schools</td>
<td>Overall score of 147 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.
WI2.157 Turkey Working Holiday Scheme

See previous instructions:
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
The following English language test results are acceptable:

<table>
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<tr>
<th>Test</th>
<th>Minimum score required</th>
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<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
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</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>
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<td>Cambridge English: First (FCE) or Cambridge English: First (FCE) for Schools</td>
<td>Overall score of 147 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 21/11/2016
**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
- d provide evidence of having a minimum of NZ$350 per month available funds for their maintenance for the remainder of the period of stay.

*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:
  i  be a citizen of Uruguay; 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 (§4.50).

*Effective 30/03/2015*
**W12.175 Vietnam Working Holiday Scheme**

See previous instructions:
W12.175 Effective 21/11/2016
W12.175 Effective 18/04/2014
W12.175 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 W12.1.1(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 W12.175.1 (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).

**W12.175.1 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 08/05/2017
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)
**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  Refugee 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 https://onlineservices.immigration.govt.nz/opsmanual/34364.htm for further guidance.

*Effective 30/03/2015*
**WI6.5 Who is not normally eligible for a special work visa**

See previous instructions

<table>
<thead>
<tr>
<th>WI6.5 Effective 30/03/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>WI6.5 Effective 26/03/2012</td>
</tr>
<tr>
<td>WI6.5 Effective 29/11/2010</td>
</tr>
</tbody>
</table>

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 WK2., 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.
**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 W17.10).

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

*Effective 29/11/2010*
**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**
**WI7.20 Evidence of living in a domestic relationship with the perpetrator of domestic violence**

See previous instructions:
**WI7.20 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 WI7.10 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
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.
**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 http://inzkit/publish/opsmanual/35052.htm).

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**
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 http://inzkit/publish/opsmanual/35052.htm; 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.

f. Applications for a work visa under these instructions must be lodged in China unless WI12(h) or (j) applies.

g. 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.

h. 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:
   i. TCM practitioner;
   ii. Mandarin teachers’ aide;
   iii. Wushu Martial Arts coach; or
   iv. tour guide.

i. 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.

j. 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.

k. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.

l. 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>Cambridge English: First (FCE) or 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>
**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><strong>Auditor</strong></td>
<td>Degree level (Level 7) qualification majoring in accountancy and membership with New Zealand Institute of Chartered Accountants (NZICA)</td>
</tr>
<tr>
<td><strong>Automotive electrician</strong></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><strong>Boatbuilder</strong></td>
<td>National Certificate in Boatbuilding (Level 4)</td>
</tr>
<tr>
<td><strong>Computer Applications Engineer</strong></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><strong>Design Engineer – Electronics / Product Engineer</strong></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><strong>Diesel Mechanic</strong></td>
<td>National Certificate in Motor Industry (Automotive Heavy Engineering) (Level 4)</td>
</tr>
<tr>
<td><strong>Early Childhood Teacher</strong></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><strong>Electronics Technician</strong></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><strong>Electrician</strong></td>
<td>NZ registration as an electrician with a Full or Limited Certificate from the Electrical Workers Registration Board</td>
</tr>
<tr>
<td><strong>Film Animator</strong></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>Occupation</td>
<td>Qualification</td>
</tr>
<tr>
<td>------------</td>
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</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 http://inzkit/publish/opsmanual/35052.htm; 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

a 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:

i 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

ii 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

iii hold New Zealand registration, where required; and

iv meet the requirements set out in WI14.20.

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 http://inzkit/publish/opsmanual/35052.htm; 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 http://inzkit/publish/opsmanual/35052.htm; 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

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**

The 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 http://inzkit/publish/opsmanual/35052.htm; 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 Primary Sector Trainees
**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;  
vi the applicant agrees to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand;  
vii the applicant meets health and character requirements set out in A4 and A5 http://inzkit/publish/opsmanual/35052.htm; and  
viii 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**

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).
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 http://inzkit/publish/opsmanual/35052.htm; 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:

- exceed 50 in respect of any of the occupations listed below; and
- 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

a  These instructions provide for the grant of work visas and entry permission to foreign crew on fishing vessels within New Zealand fisheries waters.

b  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).

c  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.

*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

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:

i 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;

ii the terms and conditions of employment offered meet the requirements of WJ5.45.10 Employment Agreements;

iii it is financially sound (WJ2.5);

iv the directors and senior management of the New Zealand employer are ‘fit and proper’ people (WJ2.10);

v it is an acceptable sponsor (see E6.5 and WJ5.10);

vi it will comply with all the requirements and obligations set out at WJ5; and

vii 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
WJ2 Requests for Approval in Principle (08/05/2017)

See Previous instructions
WJ2 Effective 01/04/2017
WJ2 Effective 06/07/2015
WJ2 Effective 17/12/2012

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:
   i  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;
   ii  the terms and conditions of employment offered meet the requirements of WJ5.45.10 Employment Agreements;
   iii  it is financially sound (WJ2.5);
   iv  the directors and senior management of the New Zealand employer are ‘fit and proper’ people (WJ2.10);
   v  it is an acceptable sponsor (see E6.5 and WJ5.10);
   vi  it will comply with all the requirements and obligations set out at WJ5; and
   vii  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 WK2.10.

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 08/05/2017
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-
   - operator of the vessel (if the operator is the employer or contractor of those persons); or
   - 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

See previous instructions
WJ5 Effective 17/12/2012

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/)

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.

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

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(a)(iv), http://inzkit/publish/opsmanual/#66941.htm, 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); 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 28/08/2017
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

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:
- 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.

e 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:
  
  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 WK2.1 (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

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 W2.2.10).

**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, 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:
   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.

Notes:
- For the purposes of WK3.10.1(b)(iv), 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 28/08/2017
WK3.15 Requirements for employers

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 (a) (iv)); 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:
   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 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 28/08/2017
WK3.20 Requirements for applicants

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), http://inzkit/publish/opsmanual/#66940.htm.

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 is 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.
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

a. Essential Skills work visas will be subject to conditions that the holder:
   i. may work only in a specified industry, trade, occupation or profession; and
   ii. may work only for a specified employer; and
   iii. may work only in a specified area or location; and
   iv. must be paid at or above the level required by the skill-band of their employment; and
   v. must provide evidence of the payment of remuneration if requested by an immigration officer.

b. Despite (a)(ii) above, until 31 December 2017 the following provisions apply:
   i. for work visas granted under the Essential Skills instructions for work in the Canterbury region, the employer does not need to be specified as a condition on the visa label;
   ii. holders of current work visas granted under the Essential Skills instructions for work in the Canterbury region may apply for a variation of conditions to remove the condition that the holder may work only for a specified employer (see E3.25)

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.

Effective date 28/08/2017
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.

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 citizens or residence class visa holders is considered to significantly affect the ability of other New Zealand citizens or residence class visa holders to find suitable employment in the relevant occupation.

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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.

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/04/2016</td>
<td>Work visas may be granted for the period for which the employment is offered, up to a maximum of:</td>
</tr>
<tr>
<td>01/07/2015</td>
<td>a 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</td>
</tr>
<tr>
<td>17/11/2014</td>
<td>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</td>
</tr>
<tr>
<td>29/11/2010</td>
<td>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</td>
</tr>
</tbody>
</table>

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.

*Effective 01/04/2017*
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 http://inzkit/publish/opsmanual/35052.htm); 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 http://inzkit/publish/opsmanual/35052.htm).

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 http://inzkit/publish/opsmanual/35052.htm); 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:

a. provide New Zealand communities with the opportunity to practise, maintain and advance their religious beliefs; and

b. maintain the integrity of the immigration system through clear guidelines for applicants to enter New Zealand and undertake genuine religious work.

Effective 07/11/2011
**WM2 Definition of ‘religious work’**

See previous instructions

WM2 Effective 06/07/2015

WM2 Effective 08/04/2013

WM2 Effective 07/11/2011

WM2 Effective 29/11/2010

**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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<td>WM3 Effective 30/03/2015</td>
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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 http://inzkit/publish/opsmanual/35052.htm); 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

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 http://inzkit/publish/opsmanual/35052.htm, 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, http://inzkit/publish/opsmanual/#46523.htm.

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.
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 are 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.
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).

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.

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.

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.

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;

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.

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 within 14 days of the employer being notified of the decline.

The fee for reconsideration of an application for accreditation must accompany the written request for reconsideration.

Auditing accredited employers

INZ may audit an employer to ensure that they continue to meet the requirements of accreditation at any time during the period of accreditation.

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.

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.
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.
WR1.30 Making an application under the Talent (Accredited Employers) Work Instructions

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 http://inzkit/publish/opsmanual/35052.htm).

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

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.

Effective 21/11/2016
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 http://inzkit/publish/opsmanual/35052.htm; 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](http://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**

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 WS2.1.1 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 durations indicated in Columns C and D.

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 WS2.5.5); and Terms of the secondment, including duration; and Evidence of funds as required by W2.15</td>
<td>Up to 12 months</td>
<td>One further visa of up to 12 months</td>
</tr>
<tr>
<td>b. A business person seconded to</td>
<td>Evidence the applicant is a senior manager, executive or</td>
<td>Up to 36 months</td>
<td>One further visa of up to 36 months</td>
</tr>
<tr>
<td>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>specialist personnel (see WS2.5.5); and Terms of the secondment, including duration; and Evidence of funds as required by W2.15</td>
<td></td>
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</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>c. 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>
<td>No further visa if applicant currently holds a Specific Purpose or Event visa</td>
</tr>
<tr>
<td>d. 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>
<td>One further visa of 12 months for Investor 1 applicants; or One further visa of 6 months for investor 2 applicants</td>
</tr>
</tbody>
</table>
### e. Referees or judges of sports events, shows, displays or exhibitions
- 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
- For the period of their engagement, not normally more than 6 months
- No further visa if applicant currently holds a Specific Purpose or Event visa

### f. Dance and music examiners of recognised international teaching institutions
- 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
- For the period of their engagement, not normally more than 6 months.
- No further visa if applicant currently holds a Specific Purpose or Event visa

### g. 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.
- 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
- Up to 3 months in any 12 month period
- No subsequent visa within a 12 month period

### h. Sports players and professional sports coaches taking up a paid position in a New Zealand sports club
- 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 a 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 or coach.
- 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
- No further visa if applicant currently holds a Specific Purpose or Event visa
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>professional player; and Evidence of funds as required by W2.15</th>
</tr>
</thead>
<tbody>
<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. For the period of their engagement</td>
</tr>
<tr>
<td></td>
<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>
</tr>
<tr>
<td>k.</td>
<td>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>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>l.</td>
<td>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 requirements of W2.10.10 and W2.10.15; and A completed Employer Supplementary Form (INZ 1113)</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 08/05/2017
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, http://inzkit/publish/opsmanual/#64777.htm, 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>
</tr>
</thead>
<tbody>
<tr>
<td>WS4 Effective 11/04/2016</td>
</tr>
<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
Interim Visas
IN THIS SECTION

1 Objective .................................................................................................................................................. 366
**I1 Objective**  
*Immigration Act 2009 s 28; 80*

The purpose of the interim visa instructions is to maintain an applicant's lawful status in New Zealand while their further temporary visa application is being considered.

*Effective 07/02/2011*
**I1.1 Grant of an interim visa**

<table>
<thead>
<tr>
<th>See previous instructions I1.1 Effective 07/02/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>a An interim visa may be granted to a person who:</td>
</tr>
<tr>
<td>i holds a temporary visa; and</td>
</tr>
<tr>
<td>ii has applied for a further temporary visa; and</td>
</tr>
<tr>
<td>iii is in New Zealand.</td>
</tr>
<tr>
<td>b An interim visa cannot be applied for.</td>
</tr>
<tr>
<td>c Interim visas may be granted by electronic means.</td>
</tr>
</tbody>
</table>

**Note:** Temporary visas include visitor, student, work, military, and diplomatic, consular and official visas. Interim and limited visas are not categorised as temporary visas and do not meet the requirements of I1.1(a).

**Effective:** 26/03/2012
11.5 Currency of an interim visa

a The interim visa will be valid from the day after the current temporary visa expires.

b The interim visa will be valid until the earlier of:
   i the date the further temporary visa is granted, declined, or withdrawn; or
   ii six calendar months from the date the interim visa is granted.

Effective 07/02/2011
### I1.10 Interim visa conditions

See previous instructions  
I1.10 Effective 26/03/2012  
I1.10 Effective 07/02/2011

The conditions on each interim visa will depend on the type of temporary visa held by the applicant, and the type of visa applied for.

The following table describes the type of interim visa and the conditions of the interim visa that may be granted, according to the visa held and the visa applied for.

<table>
<thead>
<tr>
<th>Visa currently held</th>
<th>Visa applied for</th>
<th>Interim visa conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitor</td>
<td>Visitor</td>
<td>Visitor</td>
</tr>
<tr>
<td>Visitor</td>
<td>Work</td>
<td>Visitor</td>
</tr>
<tr>
<td>Visitor</td>
<td>Student</td>
<td>Student (open)</td>
</tr>
<tr>
<td>Student</td>
<td>Visitor</td>
<td>Visitor</td>
</tr>
<tr>
<td>Student</td>
<td>Work</td>
<td>Visitor</td>
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<tr>
<td>Student</td>
<td>Student</td>
<td>Student (open)</td>
</tr>
<tr>
<td>Work</td>
<td>Visitor</td>
<td>Visitor</td>
</tr>
<tr>
<td>Work</td>
<td>Student</td>
<td>Student (open)</td>
</tr>
<tr>
<td>Work (employer specific)</td>
<td>Work (employer specific - same employer, position and location)</td>
<td>Same work conditions as currently held</td>
</tr>
<tr>
<td>Work (employer specific)</td>
<td>Work (employer specific - different employer and/or position and/or location)</td>
<td>Visitor</td>
</tr>
<tr>
<td>Work (employer specific)</td>
<td>Work (open)</td>
<td>Visitor</td>
</tr>
<tr>
<td>Work (open)</td>
<td>Work (open where same type of open visa)</td>
<td>Work (open)</td>
</tr>
<tr>
<td>Work (open)</td>
<td>Work (open where different type of open visa)</td>
<td>Visitor</td>
</tr>
<tr>
<td>Work (open)</td>
<td>Work (employer specific)</td>
<td>Visitor</td>
</tr>
<tr>
<td>Military, Diplomatic, Consular, Official</td>
<td>Same type of diplomatic, official, consular, or military visa as currently held</td>
<td>Same conditions as currently held</td>
</tr>
<tr>
<td>Military, Diplomatic, Consular, Official</td>
<td>Another type of temporary entry class visa</td>
<td>Visitor</td>
</tr>
</tbody>
</table>

**Notes:** Open work conditions are conditions that allow work in any occupation, for any employer, in any location in New Zealand.

Open work visas include several types of applications: asylum seeker, working holiday maker, post-study work visa – open, partnership, partner of a worker, partner of a student, victim of domestic violence, mass arrival and victim of people trafficking.

Open student conditions are conditions that allow study in any programme of study, at any educational institute, in any location in New Zealand.
e  Travel conditions will not be applied to the interim visa.

f  Any variation of conditions on the current temporary visa will be applied to the interim visa if the temporary visa applied for is of the same type as the temporary visa held, except where I1.10 (e) below applies.

g  A variation of conditions held on a current temporary visa may not be applied to an interim visa granted with visitor conditions, except where a person holds a current visitor visa that was granted on the basis of guardianship of a student (see V3.100).

Effective 02/12/2013
I1.11 Automated and manual processing of interim visas

See previous instructions I1.11 Effective 07/02/2011

a An automated system may grant an interim visa to a person who meets the criteria set out at I1.1a, unless I1.11(b) applies.

b An interim visa will not be granted by an automated system if a person:
   i has particular alerts or warnings related to character;
   ii has an active appeal;
   iii is liable for deportation;
   iv has an open case with the Deputy Chief Executive or the Minister;
   v is a student funded through the Ministry of Foreign Affairs and Trade or the New Zealand Aid Programme; or
   vi has compliance action underway.

c In cases where (b) applies, a manual assessment may be carried out by an immigration officer to determine whether an interim visa will be granted.

d An automated system may grant an interim visa under section 61 of the Immigration Act 2009 using the criteria outlined in (a), (b) and (c) above, in cases where:
   i the associated temporary visa application is received at an Immigration New Zealand branch while the person holds a current temporary visa; and
   ii the current temporary visa subsequently expires; and
   iii the application is then accepted for processing.

Effective 23/03/2011
11.15 Grant of an interim visa a matter of absolute discretion

a. No person is entitled to an interim visa as a matter of right.

b. Whether or not to grant an interim visa to any person is a matter for the absolute discretion of the Minister of Immigration or the relevant immigration officer.

c. There is no right of appeal against a decision not to grant an interim visa.

Effective 07/02/2011
11.20 After the interim visa is granted
The holder can not apply for a visa of any other class or type while the interim visa is current.

Effective 07/02/2011
Student Visas
IN THIS SECTION

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The purpose of New Zealand’s student instructions is to contribute to New Zealand’s sustainable economic development by:

a. facilitating the entry of genuine students, with a focus on attracting and developing students who have the skills and talent New Zealand needs;
b. increasing global connectedness;
c. supporting the sustainable growth of export education capability;
d. earning foreign exchange; and
e. strengthening New Zealand education, while managing risk to New Zealand and maintaining social cohesion.

Effective 29/11/2010
U2 The need to apply for a student visa
U2.1 Persons requiring a student visa

See previous instructions U2.1 Effective 29/11/2010

See also Immigration Act 2009 ss 21, 22, 73, 74, 77

A person must obtain a student visa in order to undertake study or training in New Zealand, unless they are:

a  a New Zealand citizen; or

b  the holder of a residence class visa; or

c  the holder of a student visa; or

d  the holder of a limited visa granted for the express purpose of attending a programme of study or training; or

e  the holder of any other type of temporary entry class visa whose conditions have been varied to authorise the holder to undertake a programme of study in New Zealand; or

f  covered by the provisions of U2.5.

Effective 02/12/2013
**U2.5 When a student visa is not required**

See previous instructions:
U2.5 Effective 30/07/2012
U2.5 Effective 25/07/2011
U2.5 Effective 29/11/2010

*See also Immigration Act 2009 s 4*

A student visa or variation of conditions is not required:

a  for work visa holders to undertake any programme of study, or other training, authorised by their employer as part of their employment; or

b  for temporary visa holders to undertake one or more programmes of study of not more than three calendar months’ duration in total per 12-month period; or

c  where V2.35 or W12.11(f) applies.

*Effective 08/04/2013*
U3 Student visa requirements
U3.1 Summary

See previous instructions:
- U3.1 Effective 02/12/2013
- U3.1 Effective 30/07/2012
- U3.1 Effective 07/11/2011
- U3.1 Effective 25/07/2011
- U3.1 Effective 29/11/2010

See also Immigration Act 2009 s4

a  Unless otherwise specified, to be granted a student visa to attend a programme of study of more than three months, applicants must:
   i  have an offer of a place or, if returning to continue a programme of study, a confirmation of enrolment in an approved programme of study with an education provider in New Zealand that meets student visa requirements (see U3.5, U3.10, and U5.1); and
   ii  be exempted from or have paid tuition fees; and
   iii  if aged under 18, meet accommodation requirements (see U3.15); and
   iv  have fulfilled the purpose and met the conditions for any previous or current temporary visas held as set out in E3.15 and E3.20; and
   v  meet the conditions set out in E3.20; and
   vi  not be the holder of a current visitor visa granted under Guardians accompanying students to New Zealand instructions (see V3.100); and
   vii  hold insurance (see U3.45), unless they are a Doctor of Philosophy (PhD) student or a New Zealand Aid Programme-supported student.

b  All applicants must meet the requirements under Generic Temporary Entry Class instructions for:
   i  lodging an application for a temporary entry class visa as set out at E4; and
   ii  bona fide applicants as set out at E5; and
   iii  health and character as set out at A4 and A5 http://inzkit/publish/opsmanual/35052.htm.

c  Applicants who have not completed, or will not be completing the programme of study endorsed on their student visa and who wish to change their programme of study and/or education provider must:
   i  meet requirements (a) and (b) above; and
   ii  meet the requirements set out at U3.40.

Note: Applicants who are progressing to further study, for example a student in Year 13 who is progressing to tertiary studies, will not need to meet U3.40.

Effective 22/08/2016
U3.5 Offer of a place

Applicants must have an offer of a place with a New Zealand education provider, which shows:

a the name of the programme of study or training scheme and the minimum time required for completing it; and

b evidence that the programme of study or training scheme and education provider meet foreign student requirements (see U5); and

c confirmation that the education provider has assessed and is satisfied that the programme is appropriate for the student’s expectations, and that the prospective student has the English language proficiency and academic capability to succeed in the programme offered; and

d the amount of the tuition fee, or, if the programme of study is longer than one year, the annual fee; and

e whether or not the student has to pay programme of study or training scheme fees and whether the fees are domestic or foreign fees; and

f whether the student is full-time (see U6.1.1) or part-time (see U7.20); and

g the dates and duration of all scheduled vacations if the programme of study or training scheme is one academic year or more.

Note:

~For the information specified at U3.5(g), this can be provided in a separate document accompanying the Offer of Place or Confirmation of Enrolment.

~ An academic year means a programme of study of a minimum of 120 credits during a period of at least eight months (minimum of two semesters).

~From January 2014, students seeking to enrol in a programme of study or training scheme offered at an education provider that holds a Category Four status under the NZQA’s External Evaluation Review (EER) quality assurance system will not be granted a student visa.

Effective 21/11/2016
U3.7 Confirmation of enrolment

See previous instructions U3.7 Effective 07/11/2011

Applicants who are returning to the same New Zealand education provider to continue a programme of study or training scheme may, instead of an offer of a place, provide a confirmation of enrolment from the education provider which shows:

a. the name of the programme of study; and

b. the annual fee for the programme of study; and

c. whether the student is full-time (see U6.1.1) or part-time (see U7.20); and

d. the dates and duration of all scheduled vacations if the programme of study or training scheme is one academic year or more.

Note: For the information specified at U3.7(d), this can be provided in a separate document accompanying the Offer of Place or Confirmation of Enrolment.

Effective 02/12/2013
U3.10 Tuition fees

See previous instructions:
U3.10 Effective 02/12/2013
U3.10 Effective 26/11/2012
U3.10 Effective 30/07/2012
U3.10 Effective 29/11/2010

a Applicants must provide evidence of payment of tuition fees.

b For applicants living outside New Zealand, evidence of payment is not required until after the application has been approved in principle.

c Despite (a), the following students are not required to provide evidence of tuition fee payment if they can meet the required exemption and provide evidence as below:

<table>
<thead>
<tr>
<th>Exemption</th>
<th>Evidence required</th>
</tr>
</thead>
<tbody>
<tr>
<td>i Exempt from tuition fees</td>
<td>Confirmation that the programme of study is exempt from fees or that the student is exempt from paying any fees</td>
</tr>
<tr>
<td>ii Students participating in a Study Abroad or Non-award scheme under a study abroad partner agreement with a New Zealand Tertiary education institution</td>
<td>Confirmation from the New Zealand tertiary institution that tuition fees are being paid directly to them from a foreign tertiary institution or authorised third party provider on behalf of the foreign tertiary institution.</td>
</tr>
<tr>
<td>iii New Zealand Aid Programme scholarship</td>
<td>Notice of the award of a full New Zealand Aid Programme scholarship.</td>
</tr>
<tr>
<td>iv Home country government loan approval at a tertiary institution</td>
<td>Evidence that the loan has been applied for and confirmation from the tertiary institution that the fees will be paid directly to them.</td>
</tr>
<tr>
<td>v Home country government loan approval at a private training establishment (PTE) for study at Bachelor’s Degree and above</td>
<td>Evidence that the loan has been applied for and confirmation from the PTE that the fees will be paid directly to them.</td>
</tr>
<tr>
<td>vi Foreign government-supported student</td>
<td>Meet the all requirements as applicable under U12.</td>
</tr>
</tbody>
</table>

Effective 28/08/2017
**U3.15 Accommodation requirements for fee-paying foreign students**

See previous instructions:
- U3.15 Effective 25/07/2011
- U3.15 Effective 07/02/2011
- U3.15 Effective 29/11/2010

Fee-paying foreign students who are under the age of 18 must provide, with their student visa application, a statement from their education provider confirming that the student’s accommodation is compliant with the Education (Pastoral Care of International Students) Code of Practice 2016.

*Effective 22/08/2016*
INZ Operational Manual

U3.20 Sufficient funds for maintenance while in New Zealand

See previous instructions:
U3.20 Effective 02/12/2013
U3.20 Effective 26/03/2012
U3.20 Effective 21/11/2011
U3.20 Effective 25/07/2011
U3.20 Effective 29/11/2010

See also Immigration Act 2009 ss 48, 55

a Applicants must provide evidence to satisfy an immigration officer that they have sufficient funds available to maintain themselves throughout the period of their stay in New Zealand.

b Evidence may include but is not limited to:
   i a notice of the award of a full scholarship; or
   ii a completed Sponsorship for Temporary Entry (INZ 1025) form (see U3.20.5); or
   iii a completed Financial Undertaking for a Student (INZ 1014) form, which covers a stay in New Zealand for the length of the visa (see U3.20.10); or
   iv funds held by or on behalf of the student (see U3.20.20).

U3.20.5 Sponsorship

a A sponsor for a student visa application must be an acceptable sponsor (see E6.5) and be either:
   i a natural person who is a relative or a friend of the applicant; or
   ii an organisation or government agency (an individual must be nominated as the authorised contact).

b A sponsor for a fee-paying foreign tertiary student who is applying from within New Zealand must have sponsored that student’s initial student visa.

c Sponsors must satisfy an immigration officer that they:
   i are bona fide (i.e. are genuinely intending to meet sponsorship obligations); and
   ii genuinely hold sufficient funds for each student they are sponsoring.

U3.20.10 Financial Undertaking

a Before the student’s arrival in New Zealand, a financial undertaking may be provided by a third party.

b If the third party is a person, they must be a relative or a friend of the applicant.

c If the third party is not a person, they must nominate an individual as an authorised contact.

d The third party providing the financial undertaking must satisfy an immigration officer they:
   i are bona fide (i.e. are genuinely intending to meet their financial obligations as set out on the Financial Undertaking for a Student (INZ 1014) form); and
   ii genuinely hold sufficient funds for each student they are supporting.

e Where a third party wishes to continue providing a financial undertaking for the student’s subsequent onshore student visa applications, they may do so if they continue to meet (d).

U3.20.15 Determining whether a sponsor or third party providing a financial undertaking is bona fide

To determine whether a sponsor or third party providing a financial undertaking is bona fide, immigration officers may consider:

a the relationship between the applicant and the sponsor or third party;

b any previous breaches of financial obligations set out in undertakings;

c the number of student visa applications they are currently supporting;
d. the period of time for which funds have been held by the sponsor or third party; and

e. the student’s ability to access funds from the sponsor or third party while in New Zealand.

**U3.20.20 Funds held by or on behalf of the student**

a. Where funds are held by or on behalf of the student, immigration officers must be satisfied that the funds are from a genuine source and are genuinely available for the purposes of the applicant’s maintenance requirements.

b. When determining whether a student has sufficient funds to maintain themselves throughout their stay in New Zealand, immigration officers may consider the period of time for which funds have been held by the student and the student’s ability to access funds while in New Zealand.

**U3.20.25 Funds required for students taking programmes of study lasting less than 36 weeks**

Students taking programmes of study lasting less than 36 weeks must provide evidence they have funds of at least NZ$1,250 per month of study available to maintain themselves during their stay in New Zealand (less prepaid living expenses).

**Note:** This evidence may be sighted after the application has been approved in principle.

**U3.20.30 Funds required for students taking programmes of study lasting 36 weeks or longer**

Students taking programmes of study lasting 36 weeks or longer must provide evidence to satisfy an immigration officer that:

a. they have NZ$15,000.00 per year available to maintain themselves during their stay in New Zealand (less prepaid living expenses); or

b. if they are citizens of Samoa and Tonga a written guarantee of maintenance from a relative in New Zealand who is either a New Zealand citizen or residence class visa holder.

**U3.20.35 Sufficient funds for maternity health services**

Pregnant applicants for a student 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, an organisation or a Government agency which meets generic sponsorship requirements set out at E6.5, to cover maternity health services; or

c. have a guarantee of financial undertaking by a third party which covers maternity health services (see U3.20.10); or

d. are eligible for publicly-funded maternity health services.

*Effective 22/08/2016*
U3.25 Outward travel

Applicants for student visas are required to provide evidence that they have the means while their visa is current to travel to a country to which they have right of entry, in the form of:

a. a fully paid travel ticket to any such country; or

b. sufficient funds held in New Zealand i.e. funds additional to any sum required under U3.20, to purchase any such ticket; or

c. an acceptable form of undertaking by a third party supplied to an immigration officer before arrival in New Zealand; or

d. the form Sponsorship for Temporary Entry (INZ 1025) completed by a person who is an acceptable sponsor (see E6.5 and E6.5.1); or

e. financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a government department or statutory body.

Effective 29/11/2010
U3.30 Students aged under 10

See previous instructions:
U3.30 Effective 08/04/2013
U3.30 Effective 29/11/2010

See also Immigration Act 2009 ss 49, 56

a Student visas will only be granted to students aged under 10 who are enrolled in any provider if they will be living in New Zealand with their legal guardian (see U3.30.1) unless:
   i they are domestic students (see U3.35); or
   ii they are enrolled in a school hostel (see U3.30.10 below) approved by the Code Administrator.

b All visas granted under these instructions are subject to the condition that the holder live with their legal guardian (see U3.30.1) in New Zealand, unless the student visa holder has been granted a variation of conditions under U7.25 or one of the exceptions listed in U3.30(a) i-ii applies.

Note: The Code Administrator is the New Zealand Qualifications Authority.

U3.30.1 Definition of 'legal guardian'

For the purposes of these instructions a 'legal guardian' is the person with the legal right and responsibility to provide for the care (including education and health) of an international student, and provides for the care of the student in the student's home country. This definition includes the student's biological or adoptive parents, testamentary guardian, or court-appointed guardian.

U3.30.10 Definition of 'school hostel'

For the purposes of these instructions 'school hostel' means a hostel as defined in section 2 of the Education Act 1989, and:

a licensed under regulations made under section 144C of the Education Act 1989 (if any); or

b approved and monitored by the Code Administrator, for international students enrolled in Years 1 to 6 of a school, or aged 10 and under and enrolled in any other provider.

Effective 22/08/2016
**U3.35 Definition of 'domestic student'**

For the purposes of student instructions a 'domestic student' means a domestic student as defined in section 2 of the Education Act 1989. The Ministry of Education holds a complete list of who is considered to be a domestic student for the purpose of fee payment and enrolment.

**U3.35.1 Primary and secondary schooling domestic students who do not require a student visa, interim visa with study conditions, or limited visa**

The following people are considered to be domestic students for the purpose of attending primary and secondary schools and do not require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand:

a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue;

b. New Zealand residents;

c. New Zealand permanent residents;

d. People who have a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade confirming that they are entitled to any immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 for the current school year, until the end of the year in which their diplomatic or consular status expires.

e. Members of the armed forces of any country, members of its civilian component, or crew members of any craft transporting such people to New Zealand, while in New Zealand:
   i. at the request or with consent of the Government of New Zealand; and
   ii. in the ordinary course of the member's duty or employment.

**U3.35.5 Primary and secondary domestic students who require a student visa, interim visa with study conditions, or limited visa**

The following people require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending primary and secondary schools and are exempt from paying foreign tuition fees:

a. Dependent children of any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government.

b. Children whose application for a residence class visa is under consideration and who are the dependent children of any person who is a New Zealand citizen or the holder of a residence class visa.

c. Children whose application for New Zealand citizenship is under consideration and who are the dependent children of a New Zealand citizen.

d. Dependent children of any person who is onshore and the holder of a valid work visa other than those excluded under U8.20.

e. Students who have, or dependent children of any person who has, made a claim to be recognised as a refugee or protected person in accordance with Part 5 of the Immigration Act 2009.

f. Dependent children of a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university.
Dependent children of any person who, during the current calendar year, last ceased to hold a special temporary visa (see H2).

Students who have entered New Zealand for the purposes of adoption and:

i. whose adoption application before the New Zealand Family Court (where the Final Order will entitle that student to education as a domestic student) is supported by the Department of Child, Youth and Family Services and who has a letter from the Department of Child, Youth and Family Services confirming this support; or

ii. who are the subject of an Interim Order of Adoption granted by the New Zealand Family Court under section 5 of the Adoption Act 1955 (where the Final Order will entitle that student to education as a domestic student).

People who are in the custody of the Chief Executive of the Ministry of Social Development pursuant to any of the following orders:

i. an order, pursuant to sections 78, 101 or 238(1)(d) of the Children, Young Persons and their Families Act 1989, in favour of the Chief Executive of the Ministry of Social Development; or

ii. an order, pursuant to section 110 of the Children, Young Persons and their Families Act 1989, appointing the Chief Executive of the Ministry of Social Development as sole guardian; or

iii. an order, pursuant to section 33 of the Care of Children Act 2004, whereby a child or young person is placed under the Guardianship of the Family Court or the High Court and the Chief Executive of the Ministry of Social Development is appointed as agent of the court with power and discretion to place the child.

Dependent children of any person who is the holder of a New Zealand Aid Programme Scholarship.

Dependent children of any person who is the holder of a visitor visa granted under V3.115.

Dependent children of military visa holders, while the military visa holder is in New Zealand.

Children granted a student visa under U10.5.

Students who are in New Zealand to study under an exchange scheme approved by the Ministry of Education (see E11.45).

The following people are considered to be domestic students for the purpose of attending an education provider in the tertiary sector (see U5.20) and do not require a student visa, interim visa with study conditions or limited visa in order to undertake a programme of study in New Zealand:

a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue.

b. New Zealand residents.

c. New Zealand permanent residents.

d. People who have a letter from the Protocol Division of the New Zealand Ministry of Foreign Affairs and Trade confirming that they are entitled to any immunity from jurisdiction under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 for the current academic year, until the end of the year in which their diplomatic or consular status expires.

e. Despite (d) above, dependent children aged 21 and over of Diplomatic, Consular or Official staff, who wish to undertake tertiary study in New Zealand, may not be eligible for domestic student status and may be required to pay foreign student fees (see H2.1(b)).

f. A person who has made a claim to be recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009, and who is the holder of a valid temporary entry class visa.

g. A person who has been recognised as a refugee or a protected person in accordance with Part 5 of the Immigration Act 2009, and whose application for residence is being processed.
h A person who is enrolled at a tertiary education provider for the purpose of participating in industry training funded under the Industry Training Act 1992.

U3.35.15 Tertiary sector domestic students who require a student visa, interim visa with study conditions, or limited visa

The following people require a student visa, interim visa with study conditions, or limited visa in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending an education provider in the tertiary sector and are exempt from paying foreign tuition fees for foreign students:

a Students enrolled in any Doctor of Philosophy (PhD) programme, in any New Zealand university (see U5.20).

b A person who is in New Zealand to study under a New Zealand Government approved exchange programme at a tertiary education provider.

Effective 28/08/2017
U3.40 Students who wish to change their study conditions

See previous instructions:
U3.40 Effective 02/12/2013
U3.40 Effective 02/02/2011
U3.40 Effective 29/11/2010

See also Immigration Act 2009 ss 49, 52, 56

a  A further student visa or variation of conditions, for the purpose of changing programme of study, education provider and/or study location, will only be granted if an immigration officer is satisfied that:
   i  the applicant meets the student requirements set out at U3.1; and
   ii the applicant has not breached their visa conditions as set out at E3.20; and
   iii the original student visa would have been granted for the proposed programme of study, education provider, and/or study location; and
   iv the applicant remains a bona fide applicant (see E5.1).

b  Factors that an immigration officer may take into consideration when determining (a)(iii) and (a)(iv) above include, but are not limited to:
   i  the time elapsed since the original visa was granted;
   ii whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
   iii any relevant information held about the previous application(s) including advice from the original issuing branch (see E7.1.1).

c  Applicants who have received New Zealand Aid Programme funding within the two years prior to their application to change programme of study and/or education provider being made, must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study or education provider and that any scholarship continues.

d  Applicants who wish to change their programme of study and/or education provider may provide evidence of payment of tuition fees after the application has been approved in principle.

Effective 28/08/2017
U3.45 Insurance requirements for fee-paying foreign students

See previous instructions:
U3.45 Effective 22/08/2016
U3.45 Effective 30/07/2012

a  Fee-paying foreign students must hold insurance as a condition of their visa (see E3.20 (f)) unless (d) below applies.

b  A fee-paying foreign student must declare that they will arrange and hold insurance, which complies with the insurance requirements of the Education (Pastoral Care of International Students) Code of Practice 2016 and is acceptable to the student’s education provider, from the period of their enrolment until the expiry of their student visa.

c  A student may be required to provide evidence that they held insurance from the time of their enrolment until the expiry of their student visa with any further visa application made.

d  The requirement to hold insurance does not apply to Doctor of Philosophy (PhD) students or New Zealand Aid Programme-supported students.

Effective 21/11/2016
U4 Categories of foreign student
**U4.1 Fully supported students**

See previous instructions:
U4.1 Effective 07/02/2011
U4.1 Effective 29/11/2010

a  New Zealand Aid Programme-supported students, for which the Ministry of Foreign Affairs and Trade is responsible (see U11).

b  Foreign government-supported students, for which the foreign government undertakes to support for the duration of their studies in New Zealand (see U12).

Effective 26/11/2012
U4.5 Dependant fee scholarship students

*These instructions have been rescinded.*

NZAID only pays for students' course tuition fees.

Rescinded 07/01/2011
U4.10 Fee-paying foreign students

See previous instructions U4.10 Effective 29/11/2010

a Students must meet the full costs of their programme of study, whether by themselves or with the help of family members, friends, home governments, or others (such as the United Nations).

b This category includes students studying at private training establishments, such as those offering English language courses.

Effective 02/12/2013
U4.15 Exchange students

See previous instructions:
U4.15 Effective 22/08/2016
U4.15 Effective 02/12/2013
U4.15 Effective 26/11/2012
U4.15 Effective 07/11/2011
U4.15 Effective 29/11/2010

a  Students studying under reciprocal exchange schemes approved by the Minister of Education are considered to be domestic students for the purposes of attending primary and secondary schools and are exempt from paying foreign tuition fees (see U3.35.5).

b  There are two types of New Zealand student exchange schemes under which international students may be enrolled in New Zealand schools without paying international fees:
   i  school-to-school student exchange schemes run by a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 (see E11.55.20); and
   ii student exchange schemes run by approved exchange programme organisations (see E11.55.20).

Note: The general requirements for participants in approved student exchange schemes are set out at E11.55.

Effective 28/08/2017
U4.20 Vocational trainees

See previous instructions:
U4.20 Effective 08/05/2017
U4.20 Effective 17/11/2014
U4.20 Effective 07/02/2011
U4.20 Effective 29/11/2010

a Only the following applicants may be granted a student visa as a vocational trainee:
   i Air New Zealand trainees that meet the requirements set out at U6.35.5;
   ii Nautical students that meet the requirements set out at U9.5;
   iii Religious trainees that meet the requirements set out at U9.10; and
   iv New Zealand Aid Programme Short-Term Training Scholarship (STTS) trainees that meet the
      requirements set out at U9.15.

b Applicants who intend to undertake industry training or a modern apprenticeship, not listed at
   U4.20(a) above, or U9, must apply for a work visa (see WK).

Effective 28/08/2017
U5 Programmes of study available to foreign students
U5.1 Status of education providers and programmes

See previous instructions:
U5.1 Effective 08/05/2017
U5.1 Effective 22/08/2016
U5.1 Effective 13/01/2014
U5.1 Effective 30/07/2012
U5.1 Effective 25/07/2011
U5.1 Effective 29/11/2010

a All education providers must certify in their offers of places to foreign students (see U3.5) that the programme of study or training scheme offered complies with foreign student requirements for different kinds of education providers (see U5.5-U5.20).

b All education providers offering places to foreign students must be signatories to the Education (Pastoral Care of International Students) Code of Practice 2016.

c Any queries on the status of programmes or training schemes offered by private training establishments should be referred to the Service Delivery Unit, Quality Assurance Division, New Zealand Qualifications Authority (NZQA), PO Box 160, Wellington.

d Students will not be granted a student visa to undertake a programme of study or training scheme offered at an education provider that holds a Category Four status under the NZQA’s External Evaluation Review (EER) quality assurance system.

e Immigration New Zealand (INZ) may suspend the processing of applications for student visas for study at an education provider where at least one of the following applies:
   i the offered programme of study or training scheme does not comply with foreign student requirements as set out in U5.5 to U5.20;
   ii the education provider is not complying with its obligations under the Immigration Act, immigration regulations, or immigration instructions;
   iii INZ has been informed by education agencies that the education provider is not complying with its obligations under the Education Act and education regulations.

f Before a decision is made to suspend the processing of student visas, the following will be taken into account:
   i evidence of the non-compliance; and
   ii reasons for the non-compliance; and
   iii the duration, frequency, and severity of the non-compliance.

g INZ may resume the processing of student visas if it is satisfied that the education provider is complying with its obligations.

Effective 28/08/2017
### U5.5 Primary and secondary schools (state and integrated)

See previous instructions:
- U5.5 Effective 30/07/2012
- U5.5 Effective 07/02/2011
- U5.5 Effective 29/11/2010

| a | Primary and secondary schools are accredited by the Ministry of Education for admitting fee-paying foreign students and may offer them places, within any limits imposed by that Ministry on levels and subjects, after all New Zealand domestic and New Zealand Aid Programme scholarship students have been placed. |
| --- |
| b | Where foreign students are enrolled in a programme of study intended exclusively or mainly for foreign students that class or programme of study must be approved by the New Zealand Qualifications Authority (see section 4E of the Education Act 1989). |

**Effective 02/12/2013**
U5.10 Primary and secondary schools (private)

See previous instructions U5.10 Effective 29/11/2010

a Private schools registered under section 35A of the Education Act 1989 may offer places to foreign students on a fee-paying basis and are not obliged to place other students first.

b Where foreign students are enrolled in a programme of study intended exclusively or mainly for foreign students that class or programme of study must be approved by the New Zealand Qualifications Authority (see section 35B Education Act 1989).

Effective 02/12/2013
Private training establishments may offer programme of study places to foreign students provided the programme of study or training scheme meets the criteria for one in which a foreign student may be enrolled in accordance with the provisions of the Education Act 1989 (see section 232).

The definition of a foreign student is contained in section 159 of the Education Act 1989.

The primary requirements for satisfying section 232 and 233 of the Education Act 1989, in respect of programme of study or training schemes are that:

i. the private training establishment providing the programme of study or training scheme has been registered by the New Zealand Qualifications Authority, and

ii. the programme of study or training scheme is an approved programme of study or training scheme, and

iii. the private training establishment has been accredited to provide the programme of study.

Note: These requirements apply to all programmes of study and training schemes with the exception of those programmes of study or training scheme that are exempt as provided for in section 232(2) of the Education Act 1989.
U5.20 Tertiary institutions (Universities, Polytechnics, Colleges of Education, Wananga)

See previous instructions:
U5.20 Effective 07/02/2011
U5.20 Effective 29/11/2010

a Tertiary institutions may offer programmes of study or training scheme places to foreign students provided the programme of study or training scheme meets the criteria for one in which a foreign student may be enrolled in accordance with the provisions of the Education Act 1989 (see section 224(7)–(12)).

b The definition of a foreign student is contained in section 159 of the Education Act 1989.

c The primary requirements for section 224(7)–(12) of the Education Act 1989 in respect of programmes of study or training schemes that are or are likely to be longer than 3 months are that:

i the programme or training scheme is an approved programme or training scheme, and

ii the institution is accredited to provide the programme or training scheme, and

iii the effect of the enrolment is not to deprive a domestic or exempt student of a place at the institution or on the programme of study or training scheme unless:

o the student is an New Zealand Aid Programme scholarship student; or

o the place has been established by the Council of the institution for a foreign student and its continued availability is dependent on the fees payable by the foreign student enrolled in it.

Note:
~ Polytechnics also include institutes of technology, technical institutes or community colleges established before 1 January 1991.
~ These requirements apply to all programmes of study and training schemes with the exception of those programmes of study or training schemes that are exempt as provided for in section 232(2) of the Education Act 1989.

Effective 30/07/2012
U6 Obtaining student visas
**U6.1 Programmes of study lasting longer than 3 months**

See previous instructions:
U6.1 Effective 07/11/2011
U6.1 Effective 29/11/2010

a People who require a visa to visit New Zealand and who wish to come to New Zealand to study full-time for a period longer than three months, must hold a student visa.

b Potential students who are nationals of countries to whom a visitor visa waiver applies (see E2.1) may enter New Zealand as visitors and apply for a student visa after their arrival.

**U6.1.1 Definition of ‘full-time study’**

a For private training establishments full-time study is generally considered to be enrolment in:
   i a programme of study that requires attendance for a minimum of 20 hours per week; or
   ii at least three papers, or equivalent, per semester if the offered programme of study is at Level 7 or above on the New Zealand Qualification Framework.

b For other tertiary institutions enrolment in at least three papers, or equivalent, per semester is indicative of full-time study.

c Any programme of study that does not meet (a) or (b) above is usually considered to be part-time (see U7.20).

d The final decision on whether or not a student may be considered to be undertaking full-time study rests with immigration officers.

*Effective 02/12/2013*
U6.5 Distance education (correspondence) students

See previous instructions U6.5 Effective 29/11/2010

a Distance education students may attend the New Zealand education provider at which they are enrolled so that they can undertake practical study or sit examinations, or for any other educational reason that requires their presence at the provider.

b Students who apply to come to New Zealand for more than 3 months for this purpose may be granted a student visa for the necessary period.

c Students who wish to come to New Zealand for this purpose for less than 3 months may do so on a visitor visa.

d Immigration officers should sight evidence that distance students who apply for student or visitor visas:
   i are distance education students; and
   ii have an offer of a place at an education provider (if they are in New Zealand for more than 3 months); and
   iii have paid the tuition fees or are exempt from having to pay them.

Effective 02/12/2013
**U6.10 Membership of professional associations**

a  Students may apply for a further student visa to undertake study towards membership of professional associations (eg, legal professional studies).

b  Immigration officers should be satisfied that further study will contribute towards the applicant becoming a member of a professional association.

_Effective 29/11/2010_
U6.15 Graduation

a  Students who have completed their studies and wish to remain after their current visa expires, to attend graduation ceremonies, must apply for either a visitor or a work visa.

b  Immigration officers must be satisfied that applicants have completed their qualification.

Effective 29/11/2010
U6.20 Variations to work visas and visitor visas to allow study (to 06 July 2015)

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**Note:** These instructions cease to be effective from 06 July 2015.
U6.25 Further temporary visas

See previous instructions U6.25 Effective 29/11/2010

Temporary entry class visa holders may be granted further temporary entry class visas in the following situations:

a If an applicant for a student visa was not required to provide evidence of health and character before arriving in New Zealand, and must now do so (see A4 and A5 http://inzkit/publish/opsmanual/35052.htm), but is unable to while their existing visa is current, officers with Schedule 3 delegations and above have discretion to grant a temporary visa for an interim period of a maximum of 3 months, provided that the applicant is:
   i in New Zealand; and
   ii holds another type of temporary entry class visa.

b When the student visa requirements in paragraph (a) above have been met, a further visa may be granted for the full period requested without the applicant having to make a further application.

c If a student visa holder has applied for a residence class visa while lawfully in New Zealand, immigration officers may grant a further student visa for 3 months provided that:
   i a final decision on the residence class visa application is unlikely before the current student visa expires; and
   ii the mandatory requirements for a further visa are met.

Rescinded 30/04/2011
U6.30 Currency of student visas

See previous instructions U6.30 Effective 29/11/2010

a  Student visas may be granted for the following periods:

b  for holders of full scholarships and fees scholarships who do not meet the requirements under U6.35, the period of the student's award (up to a maximum of 4 years); and

i  for fee-paying foreign students who do not meet the requirements under U6.35, the period for which the student has paid the tuition fees (up to a maximum of 4 years); and

ii for fee-paying foreign students and full scholarship students, who meet the requirements under U6.35, for the length of their programme of study, regardless of the period for which they have paid tuition fees (up to a maximum of 4 years).

c  If the programme of study is based on the New Zealand academic year, the visa may be granted for the academic year for which the student has paid, to expire on 31 March of the following year.

d  If the programme of study lasts for less than one year, or can begin at any time during the year, the visa may be granted to expire no more than one month after the period for which the student has paid.

Effective 02/12/2013
**U6.35 Visas for the length of a programme of study**

See previous instructions:
U6.35 Effective 22/08/2016
U6.35 Effective 25/08/2014
U6.35 Effective 02/12/2013
U6.35 Effective 30/07/2012
U6.35 Effective 29/11/2010

Students may be granted a student visa for the length of their programme of study, regardless of the period for which they have paid their tuition fees, as specified in:

a  Students Online Initiative (see U6.35.1); or

b  Aviation students instructions (U6.35.5).

**U6.35.1 Students Online Initiative**

a  Students may be granted a student visa for the length of their programme of study if the:

i  student has an offer of a place with an education provider with which INZ has a Memorandum of Understanding for the Students Online Initiative which allows for the grant of visas for the length of programme of study; and

ii  education provider supports the grant of a length of programme of study visa.

b  Evidence of the education provider support to grant a length of a programme of study visa must be provided.

**U6.35.5 Aviation students**

a  Aviation students may be granted a student visa for the length of their programme of study if:

i  the student has an offer of place from an aviation training provider that is:

   o  certified by the Civil Aviation Authority of New Zealand; and

   o  signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 (see U3.5 and U5.1); and

ii  the aviation training provider supports the grant of a length of programme of study visa; and

iii  the full first term of tuition fees have been paid.

b  Evidence of the aviation training provider’s support to grant a length of a programme of study visa must be provided.

c  Despite (a)(iii), evidence of tuition fee payment is not required where the aviation student is an Air New Zealand trainee and provides a guarantee from Air New Zealand.

Effective 28/08/2017
U6.40 Conditions of student visas

a All visas for school students must state: 'primary or secondary school studies'.

b If the student has provided acceptable guarantees of funds and onward travel, the visa must state: ‘Evidence of financial support not required’ and ‘return/onward ticket not required’.

c All student visas must allow multiple journeys.

d Two currency dates must be specified on student visas:
   i the date on which the visa expires; and
   ii the date on which the permission to travel expires.

e A student visa may be granted with conditions allowing the student to work (see U13).

Note: See also E3.20 for further student visa conditions.

Effective 02/12/2013
U7 After the student visa is granted
U7.1 Students transferring from scholarship to fee-paying foreign student status

See previous instructions:
U7.1 Effective 07/02/2011
U7.1 Effective 29/11/2010

a New Zealand Aid Programme scholarship students may transfer to fee-paying foreign student status after their awards are terminated only if they provide evidence that:
   i they have met the mandatory requirements for a temporary entry class visa and the requirements for a student visa (see U3.1); and
   ii the Ministry of Foreign Affairs and Trade has no objection to the change of status.

Effective 30/07/2012
U7.5 Second and subsequent programmes of study

See previous instructions U7.5 Effective 29/11/2010

There is no limit on the number of programmes of study foreign students may undertake in New Zealand.

Effective 02/12/2013
**U7.10 Student visa holders liable for deportation**

See previous instructions:
- U7.10 Effective 02/12/2013
- U7.10 Effective 30/07/2012
- U7.10 Effective 29/11/2010

See also *Immigration Act 2009 ss 49, 52, 56, 157*

**a** A student visa holder who breaches any of the conditions of their visa (in particular those relating to attendance, employment, holding insurance and living with their legal guardian) may become liable for deportation (see E3.60 and U13.1c).

**b** Where the student is required to live with a legal guardian (see U3.30) and that legal guardian becomes liable for deportation, the student will also become liable for deportation (see E3.60).

*Effective 22/08/2016*
### U7.15 Students undertaking employment (to 02/12/2013)

See previous instructions:
- U7.15 Effective 27/08/2012
- U7.15 Effective 07/11/2011
- U7.15 Effective 07/02/2011
- U7.15 Effective 29/11/2010

**Note:** The instructions contained in this section cease to be effective from 2 December 2013.

**Effective 02/12/2013**
**U7.20 Part-time study**

See previous instructions U7.20 Effective 29/11/2010

People who are not considered to be full-time students (see U6.1.1) may apply for a visitor visa with a variation of conditions to allow study on a part-time basis.

**U7.20.1 Programmes of study lasting up to 9 months**

a. People outside New Zealand may apply for and be granted a variation of conditions to allow study on a part-time basis for a maximum of 9 months from the date of their arrival in New Zealand, provided that they are enrolled in a part-time programme of study certified as one that complies with foreign student requirements (see U3.1) and lasts no more than 9 months, and comply with visitor requirements (see V2.1).

b. People already in New Zealand may apply for and be granted a visitor visa with a variation of conditions to allow study on a part-time basis for the balance of their stay up to a maximum of 9 months from the date of their arrival.

c. If study is the main reason for the applicant being in New Zealand, immigration officers must decline any application to undertake part-time programmes of study lasting longer than 9 months, unless the officers are satisfied that:
   i. the application has special merit that warrants the application being approved, and
   ii. the applicant will comply with the conditions of their visa.

d. Immigration officers must be satisfied that applicants who wish to undertake part-time programmes of study lasting up to 9 months after their date of arrival:
   i. are enrolled in and have paid the fees for such a programme of study; and
   ii. are able to satisfy the standard visitor requirements (see V2.1).

**U7.20.5 Students completing their programme of study**

a. Despite U7.20 above and U6.1.1, a person who is:
   i. in their final semester of a programme of study in New Zealand, that is of at least 2 academic years’ duration; or
   ii. in their final semester of a programme of study in New Zealand, culminating in a New Zealand qualification that would qualify for points under the Skilled Migrant Category (see SM14) may be considered to be a full-time student and may be granted a student visa for the remaining duration of their programme of study if they can meet student requirements (see U3.1).

b. To be eligible for a student visa under these instructions, applicants must not previously have been granted a visa under these instructions.

*Effective 02/12/2013*
U7.25 Temporary exemption from the requirement to live with a legal guardian in New Zealand

See previous instructions U7.25 (29/11/2010)

a Students enrolled in school years 1 to 8, and students aged 13 and under who are enrolled in any other provider (see U3.30.5), may apply for a variation of conditions to their student visa to temporarily exempt them from the requirement to live with their legal guardian in New Zealand as set out at U3.30(b).

b A variation of conditions will only be granted where an immigration officer is satisfied that an emergency exists that requires the legal guardian to temporarily return to their home country.

c The applicant must provide evidence that:
   i an emergency exists that requires the legal guardian to temporarily return to their home country; and
   ii the education provider has approved the alternative caregiving arrangements, consistent with its obligations under the Education (Pastoral Care of International Students) Code of Practice 2016; and
   iii the legal guardian has purchased a return travel ticket.

d The variation of conditions may be granted for the period of time required, up to a maximum of four weeks.

e Any failure of the legal guardian to return to New Zealand within the approved period may result in the student visa holder becoming liable for deportation (see U7.10).

Effective 22/08/2016
U8 Dependents
U8.1 Partners of New Zealand citizens or residents (to 26/11/2012)

Note: The instructions contained in this section cease to be effective from 26 November 2012.

Effective 26/11/2012
U8.5 People entering New Zealand for the purpose of marriage wishing to study

See previous instructions U8.5 Effective 29/11/2010

People entering New Zealand for the purpose of marriage who wish to study in New Zealand may be granted student visas for the length of their programme of study.

Effective 02/12/2013
U8.10 Partners and dependent children of diplomatic, consular or official staff

See previous instructions:
U8.10 Effective 30/07/2012
U8.10 Effective 29/11/2010

a Partners (see E4.1.20) and dependent children (see E4.1.10) of diplomatic, consular or official staff who wish to study in New Zealand must obtain approval from the Ministry of Foreign Affairs and Trade Protocol Division (see H2).

b If a diplomatic or consular tour of duty terminates during the academic year, and the partner or dependent child ceases to hold a special temporary visa (see H2.1), they must obtain a student visa to continue studying.

c Partners and dependent children of diplomatic or consular personnel will be regarded as domestic students until the end of the calendar year in which the diplomat’s or consular official’s tour of duty terminates, and they are not required to provide evidence of having paid tuition fees in order to complete the school or academic year (see U3.35).

Effective 02/12/2013
U8.15 Dependent children of military visa holders

See previous instructions:
U8.15 Effective 01/07/2013
U8.15 Effective 29/11/2010

a Dependent children (see E4.1.10) of military visa holders may be granted student visas for the same period as the military visa held, or deemed to be held, by the applicant's parent.

b Applicants 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 Dependent children of military visa holders are regarded as domestic students (see U3.35) in the following respects:
   i for the purpose of all tuition fees for the period of secondment; and
   ii until the end of the calendar year in which their parent completes their posting in New Zealand.

d The student visas granted must be current for the period of enrolment or until the parent holding a military visa departs, whichever occurs first.

e If the student wishes to continue studying in New Zealand after their parent departs, they must meet the requirements under the immigration instructions for a temporary visa and obtain one accordingly.

f Before granting a student visa an immigration officer must be satisfied that the applicant's 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.

Effective 02/12/2013
U8.20 Dependent children of holders of work visas

See previous instructions:
U8.20 Effective 08/05/2017
U8.20 Effective 01/04/2017
U8.20 Effective 01/04/2016
U8.20 Effective 30/03/2015
U8.20 Effective 18/04/2014
U8.20 Effective 01/04/2014
U8.20 Effective 02/12/2013
U8.20 Effective 01/07/2013
U8.20 Effective 01/04/2013
U8.20 Effective 26/11/2012
U8.20 Effective 30/07/2012
U8.20 Effective 07/11/2011
U8.20 Effective 25/07/2011
U8.20 Effective 29/11/2010

a Dependent children (see E4.1) of work visa holders who wish to study in New Zealand may be granted student visas unless the work visa holder has been granted a work visa under any one of the following categories:
   i Essential Skills work visa where the employment has been assessed as lower-skilled (WK3.5.1), unless U8.20.1 below applies; or
   ii Foreign crew of fishing vessels (see WJ); or
   iii Recognised Seasonal Employer (RSE) Work instructions (see WH1); or
   iv Supplementary Seasonal Employment (SSE) instructions (see WH3); or
   v Silver Fern Job Search Instructions (see WL2); or
   vi Skilled Migrant Category Job Search Instructions (see WR5); or
   vii Working Holiday Scheme instructions (see WI2); or.
   viii domestic staff of diplomatic, consular or official staff (see WI4).

b Dependent children of work visa holders as defined in (a) above are regarded as domestic students (see U3.35) for the purpose of all tuition fees at primary and secondary schools for the period of the parent's work visa.

c Dependent children (see E4.1) of work visa holders may be granted student visas without the need to produce evidence of enrolment.

d Guarantees of accommodation and/or maintenance for dependent children may be waived provided this is covered by the income of the work visa holder parent or by evidence of funds or guarantees submitted with the work visa application of the parent (see W2.15).

e 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.

U8.20.1 Holders of Essential Skills work visas for lower-skilled employment who are able to support student visas for their dependent children

a 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 student visa under these instructions if:
   i the applicant held a visa on the basis of being a dependent child of 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 dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a student visa under these instructions if:

i the Essential Skills work visa holder parent 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.

U8.20.5 Dependent children of Essential Skill work visa holders

See also Immigration Act 2009 ss 56, 157

a Dependent children (see E4.1.10) of holders of work visas granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a student visa if their parent(s) meet a minimum income threshold.

b The minimum income threshold is NZ$37,090.68 gross per annum and 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 to satisfy an immigration officer that the applicant's parent(s) meet the minimum income threshold.

d Despite (b) above, dependent children of Essential Skills work visa holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those instructions (see S1.10.35 or S1.40.35) to be eligible for a student visa under these instructions.

e Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their 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 U8.20.

f If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.

g If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa both the parent(s) and child 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.

U8.20.10 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 student visa if the:

i minimum income threshold is met by the Religious Worker visa holder and their partner; or

ii religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.

b Under (a)(i) above:

i the minimum income threshold is NZ$37,090.68 gross per annum; and

ii 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

iii evidence must be provided of the current salary, wages or stipend of the Religious Worker visa holder and their partner; and

iv if a visa application is declined under these instructions and the dependent child becomes unlawful the parents may become liable for deportation; and
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 28/08/2017*
U8.25 Dependent children of holders of student visas

See previous instructions U8.25 Effective 07/11/2011

a Dependent children (see E4.1) who wish to study in New Zealand may be granted student visas if their parent is a student visa holder who is:
   i any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government; or
   ii a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university; or
   iii any person who is the holder of a New Zealand Aid Programme Scholarship.

b Dependent children of student visa holders as defined in (a) above are regarded as domestic students (for the purpose of all tuition fees at primary and secondary schools for the period of the parent’s student visa (see U3.35).

c Dependent children of student visa holders may be granted student visas without the need to produce evidence of enrolment (see E4.1).

d Guarantees of accommodation and evidence of maintenance funds are required (see U3.20).

Effective 02/12/2013
U9 Vocational trainees
U9.1 Air New Zealand trainees (to 25/08/2014)

See previous instructions:
U9.1 Effective 02/12/2013
U9.1 Effective 29/11/2010

Note: The instructions contained in this section cease to be effective from 25/08/2014.

Effective 25/08/2014
U9.5 Nautical students

See previous instructions U9.5 Effective 29/11/2010

a. Foreign students may be granted a student visa to attend nautical programmes of study for the requested period at Manukau Polytechnic.

b. Applicants must provide:
   i. a letter from the shipping company that employs them, guaranteeing maintenance and repatriation for the length of the programme of study (this guarantee may be accepted instead of a financial undertaking or other evidence of funds for maintenance and onward travel), and
   ii. evidence that they have a place at Manukau Polytechnic, and
   iii. evidence that they have paid the tuition fees or are exempt from having to pay them.

Effective 02/12/2013
U9.10 Religious trainees (to 06/07/2015)

See previous instructions
U9.10 Effective 02/12/2013
U9.10 Effective 29/11/2010

**Note:** These instructions cease to be effective from 06 July 2015.
U9.15 New Zealand Aid Programme Short-Term Training Scholarship (STTS) trainees

See previous instructions:
U9.15 Effective 07/02/2011
U9.15 Effective 29/11/2010

a The STTS scheme is part of the New Zealand Aid Programme and provides partner governments with the opportunities to develop new competencies in identified areas of need as well as to upskill their work force. Training may involve placement with a New Zealand government department, a private training establishment, or at a tertiary institution. Trainees are provided with entitlements for accommodation and maintenance whilst on this scheme.

b Applicants providing evidence of an award under the STTS scheme may be granted a student visa for the period of their award up to a maximum period of 12 months.

Effective 28/08/2017
U10 Special Categories
U10.1 Student visas and permission to study for refugee or protection status claimants (to 27/08/2017)

Note: The instructions contained in this section ceased to be effective from 28/08/2017.

See previous instructions
U10.1 Effective 30/03/2015
U10.1 Effective 02/12/2013
U10.1 Effective 29/11/2010

See also Immigration Act 2009 s 378

a The only programme of study refugee or protection status claimants or their partner or dependent children may undertake without the need for a student visa is an English for Speakers of Other Languages (ESOL) programme of study at a New Zealand technical institute.

b Permission to attend an ESOL programme of study may be given by special direction varying the conditions of the claimant’s temporary entry class visa, and an immigration officer must inform the claimant of the special direction by letter.

c Claimants not eligible for a student visa under these provisions may apply under the provisions for student visas at U3, but must meet all the requirements, including payment of the appropriate fee.

d Claimants are exempt from paying the immigration levy (see A6.11.20).

e For information on the eligibility of refugee or protection status claimants for other temporary visas (see E8.10).

U10.1.1 Claimants’ school-aged children

a Claimants’ school-aged children wishing to study at primary or secondary school may be granted student visas.

b 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 produce evidence of travel tickets or onward travel arrangements.

c Claimants’ school-aged children are exempt from paying the immigration levy.  

Effective 07/12/2015
U10.5 Student visas and permission to study for child victims of people trafficking

*See also Immigration Act 2009 s 378*

a Child victims of people trafficking wishing to study at primary or secondary school may be granted student 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.

d Student visas granted under this category may be endorsed with conditions that allow study as a domestic student at any primary or secondary school.

**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*
**U11 New Zealand Aid Programme-supported students**

See previous instructions:
U11 Effective 26/11/2012
U11 Effective 07/11/2011
U11 Effective 07/02/2011
U11 Effective 29/11/2010

a A New Zealand Aid Programme-supported student receives funding from the New Zealand Government under the following schemes:
   
i New Zealand Development Scholarships;
   
ii Short-Term Training Scholarships;
   
iii Commonwealth Scholarships;
   
iv New Zealand Regional Development Scholarships;
   
v English Language Training for Officials;
   
vi New Zealand Pacific Scholarships;
   
vii New Zealand Association of South East Asian Nations (ASEAN) Scholars Award.

b The objective of the scholarships is for candidates to gain knowledge and skills in specific subject areas that will assist in the development of their home country.

c Recipients are required to return to their home country for at least two years after the completion of their scholarship to apply these new skills and knowledge in government, civil society or private business organisations.

d Despite (c) above, NZAP-supported students who have completed Short-Term Training Scholarships or English Language Training for Officials of less than six months in duration are required to return to their home country for at least one year after the completion of their scholarship.

*Effective 28/08/2017*
U11.1 New Zealand Aid Programme (NZAP)-supported students undertaking employment

See previous instructions:
- Effective 02/12/2013
- Effective 07/11/2011
- Effective 04/04/2011
- Effective 07/02/2011
- Effective 29/11/2010

See also Immigration Act 2009 ss 52, 56

a New Zealand Aid Programme (NZAP)-supported students may be granted conditions on their student visa to allow them to work during the academic year for up to 20 hours per week, during any holidays within the academic year for up to 20 hours per week, and full-time during the Christmas-New Year holiday period unless they are studying under the following schemes:

i Short-Term Training Scholarships; or

ii New Zealand Regional Development Scholarships; or

iii English Language Training for Officials.

Note: NZAP-supported students may also be eligible for full-time work rights during scheduled vacation periods. See U13.15.10

b With the exception of the schemes listed under (a), NZAP scholars may be granted work visas at the completion of their programmes of study for qualification-related work experience for the minimum time needed to complete practical work requirements.

Note: NZAP-supported senior medical and pharmacy students may be granted a work visa for their internship/registration year.

c NZAP-supported students are not permitted to:

i work in self-employment; or

ii provide commercial sexual services; or

iii act as an operator of a New Zealand business of prostitution; or

iv invest in a business of prostitution (see E7.40).

d Any NZAP-supported student, or their partner or dependent children, may only be granted a visa for New Zealand in the two-year period following completion of the NZAP-supported student's scholarship, with written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).

e Despite (d) above, where a NZAP-supported student has completed a Short-Term Training Scholarships or English Language Training for Officials of less than six months in duration, the NZAP-supported student, their partner or dependent children may only be granted a visa for New Zealand in the one year period following completion of their scholarship or training, with the written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).

Note: See WF4.5 for work instructions for partners of holders of student visas who are NZAP-supported.

Effective 28/08/2017
U12 Foreign government-supported students

See previous instructions U12 Effective 26/11/2012

a  A foreign government-supported student receives funding from their home country government to support their study in New Zealand.

b  A foreign government-supported student must meet the general student requirements under U3.1, and is exempt from having to provide evidence of paying their tuition fees.

c  In addition to the requirements at U3.1, a foreign government-supported student must provide a letter from the foreign government:

  i  that sets out the terms of the student’s sponsorship and undertakes to pay the tuition fees directly to the education provider and pay the student’s living expenses; and

  ii states that the student is of good character.

Effective 02/12/2013
U12.1 Country providing support must have an education agreement with New Zealand

In order for an applicant to be recognised as a foreign government-supported student, an immigration officer must be satisfied that the country providing the undertaking and support to the student has an education agreement with New Zealand.

Effective 26/11/2012
U13 Students undertaking employment
U13.1 Work conditions for all students

a A student visa may be granted with conditions allowing the student to work if the:
   i student is aged 16 or over, and
   ii requirements at U13.5 or U13.10 or U13.15 are met.

b An offer of employment is not required for a student visa to be granted with conditions allowing the student to work.

c The holder of a student visa with work conditions is not permitted to:
   i work in self-employment; or
   ii provide commercial sexual services; or
   iii act as an operator of a New Zealand business of prostitution; or
   iv invest in a business of prostitution
      as indicated in E7.40.

Note: See also E3.20 for further student visa conditions.

Effective 02/12/2013
U13.5 Work conditions for practical experience requirements

a  A student visa may be granted with conditions to allow the student to work in order to fulfil a requirement of practical experience for their programme of study in New Zealand if an immigration officer is satisfied that practical experience is a course requirement.

b  If it is determined that an applicant’s main activity will be work, that applicant may be directed to apply for a work visa.

c  Students studying in any other country that want to undertake practical work experience in New Zealand should apply for a student and trainee work visa (see WE1).

Effective 02/12/2013
U13.10 Work conditions for secondary school students

See previous instructions
U13.10 Effective 02/12/2013

a For secondary school students, a student visa may be granted with conditions to allow the holder to work, for up to 20 hours in any given week and full-time during the Christmas-New Year vacation period where the student:
   i is a full-time student in Years 12 or 13; and
   ii has provided written permission from their school; and
   iii has written parental consent.

b Where a secondary school student is undertaking a student exchange with an Exchange Provider Organisation (EPO), written permission from the EPO is also required (see E11.55.20).

c Despite (a)(ii), (iii) and (b) above, secondary school students aged 18 years of age or older do not require parental consent or written permission to be granted conditions allowing full-time work during the Christmas-New Year vacation period.

Effective 30/03/2015
U13.15 Work conditions for students enrolled at a tertiary institution or private training establishment

See previous instructions:
U13.15 Effective 21/11/2016
U13.15 Effective 22/08/2016
U13.15 Effective 07/12/2015
U13.15 Effective 25/08/2014
U13.15 Effective 21/01/2014
U13.15 Effective 02/12/2013

For students enrolled at a tertiary institution or private training establishment, a student visa may be granted with conditions to allow the holder to work during the academic year, and during any scheduled vacations, including within the academic year.

Students aged 16 or 17 years of age enrolled at a tertiary institution or private training establishment must have written permission from their education provider and written parental consent to be granted conditions allowing work.

U13.15.1 Work conditions for up to twenty hours in any given week

A student visa holder may be granted with conditions to work for up to 20 hours in any given week during the validity of the visa if the student is:

a. undertaking a full-time programme of study (see U6.1.1) of at least two academic years’ duration; or

b. undertaking a full-time programme of study, culminating in a New Zealand qualification that would qualify for points under the Skilled Migrant Category (see SM8); or

c. undertaking a full-time programme of study of at least one academic year's duration as part of an approved tertiary student exchange scheme (see E11.45); or

d. engaged in a full-time programme of study of at least six months’ duration; and
   i. an immigration officer is satisfied that the primary purpose of the programme of study is to develop English language skills; and
   ii. the student can provide acceptable English language test results, as set out at U13.15.20 (no more than 2 years old at the time the application is lodged); or

e. undertaking full-time English language study of at least 14 consecutive weeks’ duration at an education provider that:
   i. is a university; or
   ii. holds Category One status under the NZQA EER quality assurance system; or

   **Note:** When assessing eligibility for work rights under (e) for an applicant who holds a current student visa, all consecutive previous English language study undertaken on this and any previous student visa can be counted towards the 14 consecutive week period provided the programme of study the applicant is applying for:

   - follows directly from their current study and
   - is with the same provider as that on their current and any previous student visa.

f. undertaking a full-time foundation programme that commenced on or before 28 February 2014 and that programme of study is of at least one academic year’s duration at level four or higher on the New Zealand Qualification Framework at an education provider in Canterbury that:
   i. is a university; or
   ii. holds Category One status under the New Zealand Qualifications Authority’s (NZQA) External Evaluation Review (EER) quality assurance system.
### U13.15.5 Full time work rights during Christmas-New Year vacation period

A student visa may be granted with conditions to allow the holder to work full-time during the Christmas-New Year vacation (summer vacation) period provided that the student is:

- studying full-time (see U6.1.1); and
- enrolled in a programme of study that has a minimum duration of at least two semesters during a period of at least eight months.

### U13.15.10 Full time work rights during scheduled vacations

- A student visa may be granted with conditions to allow the holder to work full-time during all scheduled vacations, if the student is undertaking a full-time programme of study (see U6.1.1); and of at least one academic year’s duration.
- Despite (a) where scheduled vacations are more than one third of the programme of study duration for programmes of study offered by tertiary providers other than universities, full-time work rights may not be granted.

**Note:** An academic year means a programme of study of a minimum of 120 credits during a period of at least eight months (minimum of two semesters)

### U13.15.15 Work conditions for masters by research or doctoral students

A student visa may be granted with conditions to allow the holder unlimited work rights if:

- the student is undertaking a Masters by Research or Doctoral degree, and
- the qualification is awarded by a New Zealand tertiary institution.

### U13.15.20 Acceptable English language test results

The following English language test results are acceptable:

<table>
<thead>
<tr>
<th>Test</th>
<th>Minimum score required</th>
</tr>
</thead>
<tbody>
<tr>
<td>International English Language Testing System (IELTS) - General or Academic Module</td>
<td>Overall score of 5.0 or more</td>
</tr>
<tr>
<td>Test of English as a Foreign Language Internet-based Test (TOEFL iBT)</td>
<td>Overall score of 35 or more</td>
</tr>
<tr>
<td>Pearson Test of English Academic (PTE Academic)</td>
<td>Overall score of 36 or more</td>
</tr>
<tr>
<td>Cambridge English: First (FCE) or Cambridge English: First (FCE) for Schools</td>
<td>Overall score of 154 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 28/08/2017**
U14 Pathway student visas pilot

See previous instructions:
U14 Effective 14/02/2017
U14 Effective 07/04/2015

a For the purposes of these instructions, a pathway is defined as a progression of up to three consecutive programmes of study, offered by qualifying education providers, either within their institution or in conjunction with other qualifying education providers.

b Pathway study can be undertaken on a single student visa.

c Any application for a pathway student visa made after 7 June 2018 must be declined.

Effective 08/05/2017
U14.5 Requirements to be granted a pathway student visa

See previous instructions:
U14.5 Effective 07/12/2015
U14.5 Effective 04/02/2016

To be granted a pathway student visa, an applicant must:

a. be offered an eligible study pathway from a qualifying provider (U14.20);
b. meet the general requirements to be granted a student visa as set out at U3.1;
c. meet the additional evidential requirements for pathway student visa set out at U14.5.1;
d. make an application for a student visa before 7 June 2018.

U14.5.1 Evidence of meeting requirements

a. In addition to meeting the general requirements to be granted a student visa as set out at U3.1, when applying for a pathway student visa an applicant must provide:
   i. Where there is more than one education provider, a joint covering letter from pathway education providers setting out the pathway programmes of study and start and end dates of each programme of study;
   ii. An offer of place (or joint offer) for each programme of study that meets the requirements set out at U3.5;
   iii. Evidence that tuition fee requirements, as set out at U3.10, for either the first programme of study or first year of study (whichever is shorter) have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway; and
   iv. Evidence that the maintenance funds requirements set out in U3.20 for the first year of study on the intended pathway have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway.

b. Despite (a)(ii), second and subsequent offers of place for a pathway can be conditional on meeting pre-requisite programme of study entry criteria.

c. First time pathway student visa applicants from a country with a student visa decline rate of more than 20 per cent who intend a study pathway commencing with an English language programme of study and culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework must:
   i. submit an International English Language Testing System test (IELTS) (or equivalent internationally recognised test) at the time of application; and
   ii. demonstrate that they only require an improvement of 0.5 of an IELTS overall band score (or equivalent) to meet the English language prerequisite for entry into the intended level 5 to 8 programme of study.

Note: The student visa decline rate for a country is based on statistics, generated over a calendar year (12 months), by Immigration New Zealand. The decline rate and the name of the country are published on the INZ website.

For the purpose of this instruction, the internationally recognised English language tests and corresponding IELTS equivalent test scores set out on the INZ website are considered acceptable.

Effective 14/02/2017
U14.10 Currency and conditions of pathway student visas

See previous instructions:
U14.10 Effective 04/02/2016
U14.10 Effective 07/12/2015

a For the purposes of the pathway student visa pilot, a visa can be granted up to a maximum of five years;

b A visa may be granted to expire no more than three months beyond completion of the final pathway programme of study within the maximum currency of five years;

c Work conditions for the duration of the pathway student visa will only be granted where the first programme of study meets the requirements as set out at U13.1, U13.10 or U13.15;

d If the second or subsequent programme of study meets the requirements set out at U13.1, U13.10 or U13.15, a variation of conditions is required in order to be granted work conditions;

e Where (d) applies, a Variation of Conditions or Variation of Travel Conditions (INZ 1020) application form must be completed and submitted with the required fee.

f The holder must make satisfactory progress on the pathway by:

i meeting the conditional pre-requisites for enrolment into a second or subsequent programme of study (E3.20(d); and

ii commencing the second or subsequent programme of study on a pathway within a 16 week period of completing an earlier programme of study.

g Where a first time student has submitted an English language test result as set out at U14.5.1 (c) and been granted a pathway student visa to undertake an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework, the English Language programme of study must be completed within a 20 week period.

Effective 21/11/2016
U14.15 Changing and complying with pathway student visa conditions

See previous instructions:
U14.15 Effective 21/11/2016
U14.15 Effective 04/02/2016
U14.15 Effective 07/12/2015

See also Immigration Act 2009 ss 49, 52, 56

a If a student holding a pathway student visa wishes to move to a different education provider or lower level programme of study than those specified in their visa conditions, they must apply for a new student visa and meet the requirements set out at U3.40.

b A variation of conditions, for the purpose of changing a programme of study at the same education provider will only be granted if an immigration officer is satisfied that:
   i the applicant meets the student requirements set out at U3.1; and
   ii the applicant has not breached their visa conditions as set out at E3.20; and
   iii the original student visa would have been granted for the proposed programme of study; and
   iv the proposed programme of study is at the same or higher level on the New Zealand Qualification Framework as the original programme of study; and
   v the applicant remains a bona fide applicant (see E5.1).

c Factors that an immigration officer may take into consideration when determining (b)(iii) and (b)(iv) above include, but are not limited to:
   i the time elapsed since the original visa was granted;
   ii whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
   iii any relevant information held about the previous application(s) including advice from the original issuing branch (see E7.1.1).

d Students who have received New Zealand Aid Programme funding within the two years prior to their application to change programme of study must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study and that any scholarship continues.

U14.15.5 Breaching visa conditions

a A student on a pathway student visa will be considered to be in breach of visa conditions where:
   i they fail to meet conditional pre-requisites for enrolment into a second or subsequent programme of study (E3.20(d)); or
   ii the time between the completion of one programme of study and the start of a second or subsequent programme of study on a pathway exceeds 16 weeks; or
   iii they have submitted an English language test result as set out at U14.5.1(c) and their intended pathway is an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework and the English Language programme of study is not completed within a 20 week period.

b A breach of visa conditions is “sufficient reason” to make a temporary entry class visa holder liable for deportation, and may result in the issue of a Deportation Liability Notice (E3.60).

Effective 08/05/2017
**U14.20 Provider requirements**

See previous instructions:
U14.20 Effective 08/05/2017
U14.20 Effective 14/02/2017
U14.20 Effective 22/08/2016
U14.20 Effective 07/12/2015

**U14.20.1 Pathway pilot entry criteria**

a To qualify for entry to the Pathway student visa pilot, an education provider must:
  i be invited by Immigration New Zealand to be a pilot participant; and
  ii have signed the Pathway Student Visas - Pilot Participation Declaration agreeing to the requirements as set out at U14.20.10; and
  iii be either a school, a university or hold a Category One or Two rating under New Zealand Qualifications Authority’s (NZQA) External Evaluation and Review framework; and
  iv have a minimum 90% student visa application approval rate over the 2014/15 financial year or 2016 calendar year (12 month period); and
  v comply with the legislative requirements as set out under the Education Act 1989 to offer programmes of study to foreign students (U5.5 to U5.20); and
  vi be a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016.

**U14.20.5 Eligible pathways**

a All pathways must demonstrate academic progression to the second or subsequent programme of study building on the previous study.

b All consecutive programmes of study that demonstrate progression are eligible to be included in the pilot with the exception of the following pathways:
  i Any English language programme of study to any tertiary sector Level 1–4 Certificate on the New Zealand Qualifications Framework (NZQF); and
  ii All pathways within and between tertiary sector NZQF Levels 1–4 Certificates; and
  iii Secondary school to any tertiary sector NZQF Levels 1–4 Certificates.

c Breaks between consecutive programmes of study must not exceed 16 weeks

d Only education providers who meet the requirements set out under U14.20.1 can offer a joint pathway in conjunction with one another.

**U14.20.10 Formal agreement between qualifying education providers**

a To ensure a student’s pastoral care needs are met, qualifying education providers who intend offering an education pathway in conjunction with one another must enter into a formal agreement.

b The formal agreement must include and set out the following processes and arrangements:
  i The application process (joint covering letter with two/three offers of place)
  ii Pastoral care obligations
  iii Handover arrangements in transition periods between programmes of study/education providers
  iv The process if a significant gap exists between completion of a programme of study and the start of a second or subsequent programme of study or in the event some papers are failed and cannot be repeated within a 16 week period.
  v The process if conditional entry requirements for second or subsequent programmes of study are not met
  vi The process if the student fails to attend and/or make satisfactory progress (E3.20(d))
vii The process if the student wishes to leave intended pathway

viii The obligation to notify INZ where a pathway student:
   o requires additional time to complete a programme of study and time required is likely to exceed
     16 weeks; or
   o fails to meet the conditional entry requirements for a second or subsequent programme of
     study; or
   o fails to enrol for a subsequent programme of study; or
   o fails to attend and/or make satisfactory progress; and
   o has their enrolment in a programme of study terminated.

c Where an education pathway is offered by a single qualifying education provider, the formal
   agreement processes set out at (b) must be met.

d The signed formal agreement does not have to be submitted with a pathway student visa application,
   however it must be made available to INZ if requested.

U14.20.15 Non-compliance with formal agreement requirements or when under active investigation by
Immigration New Zealand

Where non-compliance, other than of a minor nature, with any of the matters agreed to in the Pathway
Student Visas - Pilot Participation Declaration, or where the pathway education provider is under active
investigation by INZ for offences committed under part 10 of the Immigration Act 2009 the following
process may occur:

a INZ will suspend the processing of any student visa applications related to an existing pathway
   agreement immediately.

b The non-compliant pathway education providers 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 pathway student
   visa applications will resume.

d The Ministry of Business, Innovation and Employment or the New Zealand Qualifications Authority
   may conduct an investigation 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 or the provider may be removed from the pathways pilot and current pathway student visa
   holders become liable for deportation.

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 student visa processing
   will continue (until resolution occurs).

f Failure to address or make satisfactory progress towards resolving the non-compliance may result in
   removal from the pathways pilot, and current student visa holders becoming liable for deportation.

Note: INZ may rely on the advice of the Ministry of Education and/or the New Zealand Qualifications
Authority in determining whether resolution has been reached or satisfactory progress has been made

Effective 28/08/2017
U15 Multiple short-term English language programmes of study

a Applicants may be granted a student visa to undertake multiple short-term English language programmes of study for a maximum period of six months if they:

i submit a joint covering letter from eligible pathway education providers (U14.20.1) setting out the English language programmes of study and start and end dates of each programme of study showing at least 14 weeks of English language study in total;

ii submit an offer of place (or joint offer) for each programme of study that meets the requirements set out at U3.5;

iii meet the general requirements to be granted a student visa as set out at U3.1;

iv can demonstrate they have sufficient funds for maintenance for the duration of their stay in New Zealand (U3.20);

v have not previously been granted a visa under these instructions.

b Work conditions will not be granted unless the part-time work requirements set out at U13.15.1 (e) are met.

Effective 07/12/2015
U16 Students affected by New Zealand Qualifications Authority Compliance notification

a The intent of these instructions is to allow people whose education provider is subject to statutory intervention by the New Zealand Qualifications Authority (NZQA) to maintain their status as student visa holders while awaiting a determination of whether their qualification can be awarded.

b Student visas may be granted under these instructions where the applicant:
   i has submitted all required material for the assessment of their qualification;
   ii is or has been enrolled at an education provider that is subject to statutory intervention by NZQA which prevents the awarding of their qualification;
   iii is awaiting NZQA's confirmation that their qualification can be awarded; and
   iv meets health and character requirements as set out at A4 and A5 http://inzkit/publish/opsmanual/35052.htm.

Effective 09/12/2016
U16.1 Application and evidence

a Applicants must provide:
   i a completed student visa application form and fee; and
   ii evidence that they have a minimum of $1,250 per month in funds available to maintain themselves during their intended stay in New Zealand; and
   iii confirmation from their education provider that they have submitted all required material for the assessment of their qualification.

b If an applicant is unable to obtain confirmation from their education provider required for (a)(iii) (for example if the education provider has ceased to operate), confirmation from NZQA that they have submitted all required material for assessment can be provided instead.

Effective 09/12/2016
U16.5 Currency and conditions

a Despite U13.15, a student visa holder may be granted under these instructions with conditions allowing work for up to 20 hours in any given week during the validity of the visa.

b Visas can be granted up to a maximum period of six months with multiple entry travel conditions.

c Where the education provider is continuing to operate the original programme of study, education provider and location must be specified on the visa.

d In the event the education provider has ceased to operate, the visa can be granted without a specified programme of study, education provider, or location.

Effective 09/12/2016
Limited visas
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The objective of New Zealand's limited visa instructions is to facilitate the entry of visitors, students, and workers who seek to enter New Zealand temporarily for an express purpose only, and:

a. 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; or

b. who choose the limited visa as their preferred method of entry; or

c. who have been offered employment to undertake seasonal work in the horticulture or viticulture industry for a Recognised Seasonal Employer under the Recognised Seasonal Employer instructions (see WH1).

Note: Applications for limited visas for work may only be considered if the applicant has an offer of employment from a Recognised Seasonal Employer. In such cases Limited Entry instructions (including WH1.15 Recognised Seasonal Employer (RSE) Limited Entry (LE) Instructions - Visas) apply.

Effective 29/11/2010
L2 Limited visas
L2.1 Who may apply for a limited visa

*See also Immigration Act 2009 ss 81, 150*

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 the holder of a temporary visa (unless subject to section 150 of the Immigration Act 2009);

d  a person in New Zealand who is the holder of a current limited visa and who needs further time to achieve the express purpose for which that visa was granted.

*Effective 29/11/2010*
L2.5 Who may not apply for a limited visa

See also Immigration Act 2009 ss 11, 20, 27, 61, 89, 150, 380

a A person may not apply for a limited visa if they are in New Zealand unlawfully.

b If such a person unlawfully in New Zealand purports to apply for a limited visa, the grant of that visa is a matter of the absolute discretion of the Minister or a delegated immigration officer:
   i the Minister or immigration officer is not obliged to consider their application; and
   ii the Minister or immigration officer is not obliged to enquire into the circumstances of the person or any other person; and
   iii the Minister or immigration officer is not obliged to make any further enquiries in respect of any information provided by, or in respect of, the person or any other person; and
   iv whether the application is considered or not, the Minister or immigration officer is not obliged to give reasons for any decision on it, other than that section 11 of the Immigration Act 2009 applies; and
   v section 27 of the Immigration Act 2009 (concerning the reasons for a refusal to grant a visa to be given in writing if requested) and section 23 of the Official Information Act 1982 (concerning the right of access to reasons for decisions) do not apply to the application.

c A person to whom section 150 of the Immigration Act 2009 applies may not apply for a limited visa, unless s150(3) (see E8.10 https://onlineservices.immigration.govt.nz/opsmanual/34364.htm) applies.

d A holder of a transit visa may not apply for any type of visa (including a limited visa) or entry permission while in New Zealand during the transit period, however, the Minister or an immigration officer, in his or her absolute discretion, may grant to the person a visa of the type and class they think fit.

Effective 29/11/2010
L2.10 Effect of limited visa

*See also Immigration Act 2009 s 4*

A limited visa is a temporary entry class visa which is endorsed with entry and stay conditions for an express purpose until a specified date, provided any conditions stipulated in the visa are met.

*Effective 29/11/2010*
L2.15 Grant of limited visa a matter of discretion

*See also Immigration Act 2009 s 45*

a No person is entitled to a limited visa as a matter of right; unless the Immigration Act 2009 provides otherwise.

b Whether or not to grant a limited visa to any person is a matter for:
   i the Minister’s discretion; or
   ii subject to any special direction, an immigration officer, in his or her discretion.

*Effective 29/11/2010*
L2.20 Bonds and limited visas

A bond may not be imposed as a condition to grant a limited visa if the purpose of the bond is to manage an identified risk that the applicant may remain in New Zealand after their visa expires.

Effective 29/11/2010
L2.25 Currency of limited visas

See also Immigration Act 2009 s 84

a  Subject to any special direction, all limited visas are:
   i  current for travel until the date specified; and
   ii if granted outside New Zealand, effective for one entry only; and
   iii if granted in New Zealand, will not include travel conditions; and
   iv  granted for a period appropriate to achieve the express purpose for which the visa is granted (up to the maximum specified under instructions for a limited visa (see E3.10)).

b  If the express purpose for which a limited visa was granted is achieved before the date on which the visa will expire, or if the express purpose is no longer achievable or the holder abandons the express purpose, an immigration officer may notify the visa holder of an earlier expiry date for the visa. The new expiry date can be no sooner than 14 days after notice is given to the visa holder. The limited visa will then expire on that earlier date.

c  The currency of a limited visa must relate to the time required to achieve the express purpose. The period of time required to achieve an express purpose will vary according to the particular circumstances of a case.

d  A limited visa must not be granted unless the applicant’s passport or travel document is current for:
   i  at least 3 months beyond the expiry date of the proposed visa; or
   ii (only if the express purpose is urgent) one month, if the issuing Government has consular representation in New Zealand that is able to issue and renew passports or travel documents.

Effective 29/11/2010
L2.30 Express purposes for a limited visa

A limited visa must specify an express purpose for which the visa has been granted. Express purposes include the following:

a. study as a full fee-paying student (generally only for short courses);

b. attending an event such as a wedding, funeral, conference or seminar, graduation or other significant ceremony, sports tournament or match, or religious event;

c. medical treatment in New Zealand;

d. family emergencies such as an illness or accident affecting a family member or relative of the applicant in New Zealand;

e. "milestone" events such as anniversaries or reunions;

f. undertaking seasonal work in the horticulture or viticulture industry (which is planting, maintaining, harvesting or packing crops) under Recognised Seasonal Employer instructions (see WH1.15.20); and

g. any other specific purpose other than employment (unless the employment is that which is specified in (f) above), where the circumstances justify granting a limited visa.

Effective 29/11/2010
L2.35 Limitations to which holders of limited visas are subject

See also Immigration Act 2009 ss 61, 80(2), 85, 175, 378

The holder of a limited visa is subject to the following limitations:

a  the holder must leave New Zealand no later than the date on which the visa expires; and

b  the holder may not apply for a visa of a different class or type, whether before or after their visa expires, while in New Zealand; and

c  the holder may not request a special direction under section 378, or a visa under section 61 of the Immigration Act 2009, whether before or after the visa expires, while in New Zealand; or

d  the holder may not, whether before or after the visa expires, appeal to a court, the Tribunal (other than an appeal under sections 194 or 195) or otherwise; or

e  the holder will not be granted an interim visa; and

f  the holder is liable for deportation if unlawfully in New Zealand after the limited visa expires; and

g  the holder can be served with a deportation order as soon as the limited visa has expired unless section 175(1)(a) applies.

Effective 29/11/2010
L2.40 Conditions to which limited visas are subject

See previous instructions L2.40 Effective 29/11/2010

See also Immigration Act 2009 s 85

a Every limited visa is granted subject to the express purpose for which it is granted and to any conditions:
   i imposed at any time before the visa is granted (see L2.40(b), (c) and (d) below); or
   ii imposed by special direction given at any time before, at the time when, or after the visa is granted.

b A holder of a limited visa must not undertake employment in New Zealand or within the exclusive economic zone of New Zealand unless authorised by the conditions of their limited visa.

c The holder of a limited visa may not undertake a programme of study or training of any length unless authorised by the conditions or purpose of their limited visa.

d Every limited visa granted for the purpose of study is subject to the conditions listed in E3.20.

e Every limited visa granted for the purpose of working for a Recognised Seasonal Employer is subject to the conditions in WH1.15.20.

L2.40.1 Conditions of limited visas may be varied

See also Immigration Act 2009 s 52

The provisions of E3.25 apply to limited visas with any necessary modifications.

Effective 02/12/2013
L2.45 Further limited visas

See also Immigration Act 2009 s 81(c)(i)

The holder of a limited visa may be granted a further limited visa only if they require further time to achieve the express purpose for which the original visa was granted.

L2.45.1 Expiry of Limited visas

See also Immigration Act 2009 ss 15, 16, 61, 63, 78, 122

a A limited visa expires on the earliest of:

i the beginning of the day after the date specified in the limited visa as the expiry date; or

ii the beginning of the day after the day on which an event specified in the limited visa as the event on the occurrence of which the visa will expire occurs; or

iii the beginning of the day after the last day of the period for which the limited visa grants stay in New Zealand to the holder; or

iv the beginning of the day that is three months after the day on which an epidemic management notice expires, if the visa is a limited visa to which section 78 of the Immigration Act 2009 applies and has not been cancelled earlier; or

v when the holder leaves New Zealand.

b Subject to sections 15 and 16, if a holder of a limited visa leaves New Zealand, and before arriving in any other country is forced to return, or returns to New Zealand because of any emergency affecting the craft, or because of any other emergency or other circumstances beyond the holder’s control, an appropriately delegated immigration officer must grant a limited visa and entry permission under section 61 of the Immigration Act 2009 to that person until a date not more than 14 days after returning. The express purpose of the limited visa to be granted is to enable the holder to be in New Zealand with a view to leaving New Zealand on the next available craft.

Effective 29/11/2010
L2.50 Persons born in New Zealand on or after 1 January 2006

See also Immigration Act 2009 s 373, 374

This section applies to a person who is born in New Zealand on or after 1 January 2006; and is not a New Zealand citizen.

a If both parents of that child held limited visas at the time of that child’s birth, and both parents are recorded on the child’s original birth certificate, the child is deemed to hold a limited visa of the duration of the unexpired period of the visa of the parent whose limited visa has the longest unexpired period; or

b If one parent of that child held a limited visa at the time of that child’s birth, and both the parents are recorded on the child’s original birth certificate, the child is deemed to hold a limited visa of the duration of the unexpired period of that parent’s limited visa; or

c If one parent of that child held a limited visa at the time of that child’s birth, and only that parent was recorded on the child’s original birth certificate, the child is deemed to hold a limited visa of the duration of the unexpired period of that parent’s limited visa; or

d Regardless of the circumstances above, if one parent holds a visa of a different type, the child is deemed to hold a visa of the type most favourable. If one parent is a New Zealand citizen, the child will be deemed to be a New Zealand citizen; or

e Where a child is deemed to hold a visa under L2.50, that visa expires on their departure from New Zealand, unless it has already expired.

Effective 29/11/2010
L3 Granting limited visas where temporary visa applied for
L3.1 Granting limited visas to temporary visa applicants

See also Immigration Act 2009 s 82

a If a person applies in the prescribed manner for a temporary visa, an immigration officer may grant a limited visa instead of the temporary visa applied for if and only if:

i the person:
   o including a person to whom a visa waiver applies, is outside New Zealand and wishes to come to New Zealand for an express purpose; or
   o is a person to whom a visa waiver applies who arrives in New Zealand and wishes to stay in New Zealand for an express purpose; or
   o is the holder of a temporary entry class visa and agrees to the grant of a limited visa; and

ii the immigration officer identifies a risk that the person will remain in New Zealand beyond the expiry of their visa; and

iii the immigration officer considers that the grant of a limited visa rather than a temporary visa is necessary to manage the risk.

b If the holder of a temporary visa applies for entry permission, an immigration officer may cancel the temporary visa held by granting the person a limited visa, and grant entry permission to the person on the basis of the limited visa if and only if:

i the person wishes to enter New Zealand for an express purpose; and

ii an immigration officer identifies a risk that the person will remain in New Zealand beyond the expiry of their visa; and

iii the immigration officer considers that granting a limited visa and entry permission on the basis of that visa is necessary to manage that risk; and

iv the person agrees to the grant of a limited visa and entry permission on the basis of that visa.

c Normal verification processes must be carried out before a limited visa can be considered.

d A limited visa may be granted 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 limited visa may not be granted to manage such risks.

e Limited visas should be granted sparingly.

f If an immigration officer intends to grant a limited visa instead of the temporary visa applied for, the officer must:

i advise the applicant in writing of:
   o that intention; and
   o the limitations and conditions to which holders of limited visas are subject (see L2.35); and

ii give the applicant reasonable opportunity to comment on that intention.

g If the applicant does not wish to be granted a limited visa, the immigration officer will determine the application on the information available at the time.

Effective 29/11/2010
L3.5 When limited visas may not be granted to temporary visa applicants

If a person applies in the prescribed manner for a temporary visa, an immigration officer may not grant a limited visa instead of the temporary visa applied for if:

a the application for a temporary visa can be approved under normal temporary instructions; or

b granting a limited visa cannot manage the risk that the applicant may remain in New Zealand after their visa expires; or

c there is no express purpose associated with the applicant’s proposed visit to New Zealand.

Effective 29/11/2010
L4 Direct applications for a limited visa
L4.1 Who may be included in a direct application for a limited visa

See previous instructions:
Effective 29/11/2010
L4.5 Partners and dependent children of holders of limited visas

See previous instructions:
L4.5 Effective 29/11/2010

a To be eligible for a limited visa such partners must satisfy a visa or immigration officer that:
   i they are living together in a genuine and stable partnership with the principal applicant partner relied on for that purpose, and
   ii the partnership meets the minimum requirements for the recognition of partnerships set out at E4.5.15 and F2.15.

b For the purposes of these instructions a partnership meets the minimum requirements for recognition of partnerships if an immigration officer is satisfied:
   i the couple were both aged 18 years or older at the time the application for a limited visa was made, or if aged between 16 years or 18 years old have their parent(s), guardian(s), support for the application being lodged, and
   ii the couple have met prior to the application being made, and
   iii they are not close relatives (see F2.15(d)).

c Dependent children of holders of limited visas granted for the purpose of study may be granted limited visas, the express purpose being to accompany the visa holder, for the currency of the parent’s visa. However, any dependent child whose eligibility for a limited visa is reliant solely on being the dependent child of a non-principal applicant partner included in an application (i.e. they are not a dependent child of the principal applicant), may only be granted a limited visa if their parent’s partner is granted a limited visa.

d Despite (c) above, partners and dependent children of holders of Recognised Seasonal Employer (RSE) limited visas must not be granted limited visas for the purpose of accompanying the holder of the RSE limited visa.

Effective 17/11/2014
L4.10 Processing of direct applications for a limited visa

a  Applications for limited visas are processed at INZ offices and certain Ministry of Foreign Affairs and Trade posts.

b  Applications for limited visas are not processed at British offices undertaking work on behalf of INZ.

c  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
L4.15 Mandatory requirements for lodging a direct application for a limited visa

See also Immigration Act 2009 s 57
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 10, 11

Limited visa applications have the same mandatory lodgment requirements as other temporary entry class visa applications (refer E4.50) and must also include:

a. evidence or information about the nature, duration, and timing of the express purpose for which the applicant seeks to be in New Zealand; or

b. if the application is for a further limited visa, evidence or information about the nature, duration, and timing of the express purpose for which the original limited visa was granted, and why that purpose has not been achieved in the time allowed.

Effective 29/11/2010
L5 Requirements for direct application for limited visa
L5.1 Requirement to be a 'bona fide applicant' intending a temporary stay in New Zealand for an express purpose

a A person who applies directly for a limited visa is a bona fide applicant if:
   i they genuinely intend a temporary stay in New Zealand for an express purpose (see L2.30); and
   ii their express purpose is a lawful purpose (V2.1.1); and
   iii in the opinion of an immigration officer they are not likely to:
          o remain in New Zealand unlawfully; or
          o breach the conditions of any visa granted.

b The provisions of E5.5 and E5.10 apply to direct applications for limited visas, with any necessary modifications.

Effective 29/11/2010
L6 Special cases
L6.1 Limited visas for some refugee or protection status claimants, refugees or protected people

See previous instructions
L6.1 Effective 30/03/2015
L6.1 Effective 29/11/2010

See also Immigration Act 2009 s 150

A limited visa may be granted to a refugee or protection status claimant, a refugee or a protected person only if that person is at the time a holder of a current limited visa and only if a visa is required for the claimant to be in New Zealand lawfully while their claim is being determined.

L6.1.1 General requirements

See also Immigration Act 2009 ss 61, 150

a A refugee or protection status claimant, a refugee or a protected person who holds a limited visa may submit an application for a further limited visa at any INZ office in New Zealand.

b Applications must be made on the application form Visitor Visa Application (INZ 1017) or Student Visa Application (INZ 1012) (depending on the nature of the express purpose), and submitted together with the applicant's passport (or a certified copy) or travel document (or a certified copy) and a passport-sized photograph.

c Such applicants do not have to pay a fee.

d The applicant must ensure that they submit each application before any current limited visa expires (see L2.1).

e The following refugee or protection status claimants, refugees or protected persons who require further time in order to achieve the express purpose for which they were granted a limited visa should normally be granted an appropriate temporary visa rather than a further limited visa where:
   i claimants who apply to be lawfully in New Zealand while their claim is determined;
   ii refugees or protected people who have yet to be granted a residence class visa.

f Refugee or protection status claimants, a refugee or a protected person whose express purpose has been achieved or abandoned or is no longer achievable may not be granted a further limited visa because no further time is required in order to achieve the express purpose. However such applicants should be advised that although as the holder of a limited visa they have no right to apply for a further visa, they may nevertheless be eligible for the grant of a visa under section 61 after their limited visa expires, at the discretion of the Minister or an immigration officer.

L6.1.5 Conditions of limited visas granted to refugee or protection status claimants

In addition to any of the conditions listed in L2.40, each time a limited 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:

a that at all times they keep INZ informed of any change of residential address; and

b that they may be liable for deportation if:
   i their claim for refugee or protection status is declined and they fail to appeal, or have appealed unsuccessfully, to the Tribunal; or
   ii they withdraw their claim.

L6.1.10 Granting limited visas to refugee or protection status claimants at the border

See also Immigration Act 2009 ss 15, 16

a If the holder of a limited visa claims refugee or protection status at the border, the holder, unless subject to sections 15 or 16 of the Immigration Act 2009 (see A5.40), should be granted entry
permission for the period required to achieve the express purpose for which they were originally issued the limited visa.

b If the claimant does not confirm their claim in the prescribed manner (see C3.25) at the border, they should be told that an application for a further limited visa will only be considered after they have confirmed their claim in the prescribed manner.

L6.1.15 Grant of limited visa in relation to criminal matters
See also Immigration Act 2009 s 83

a A limited visa may be granted to a person if:
   i a certificate has been issued in respect of the person under section 13 or 42(5) of the Mutual Assistance in Criminal Matters Act 1992; and
   ii the limited visa is granted for the sole purpose of enabling the person:
       o to be in New Zealand for the purposes of giving or providing evidence or assistance pursuant to a request made under section 12 of the Mutual Assistance in Criminal Matters Act 1992; or
       o to be transported through New Zealand pursuant to section 42 of the Mutual Assistance in Criminal Matters Act 1992.

b A limited visa may also be granted to a person for the sole purpose of enabling the person to return to New Zealand to face any charge in New Zealand or to serve any sentence imposed on the person in New Zealand.

Effective 08/05/2017
Military visas
IN THIS SECTION

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M1 Objective

The objective of military visa instructions is to facilitate the movement of 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 will be in New Zealand:

a at the request or with consent of the Government of New Zealand; and

b in the ordinary course of the member’s duty or employment.

Effective 29/11/2010
M2 members of a visiting force (including members ...}

M2 members of a visiting force (including members of the civilian component of the visiting force), or crew members of any military craft transporting such people to New Zealand

See previous instructions M2 Effective 29/11/2010

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 schedules 2 and 3

Despite the visa waiver for travel provision (see E2.1(d)) and the deemed visa provision (see E2.95.5(viii), members of a visiting force (including members of the civilian component of a visiting force) as defined in the Visiting Forces Act 2004, or crew members of any military craft transporting such people to New Zealand who will be in New Zealand:

a at the request or with consent of the Government of New Zealand, and

b in the ordinary course of the member’s duty or employment,

may apply for and be granted a military visa with multiple entry travel conditions for the duration of their duties or employment in New Zealand.

Note: for the purpose of these instructions a 'member of a visiting force' can be an individual travelling alone.

Effective 19/06/2017
M2.1 Military visa applications

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 11(3)

a 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 military craft transporting such people to New Zealand, applying for military visas must:
   i meet lodgement requirements as set out at E4.50; and
   ii be bona fide applicants as set out at E5; and
   iii meet health and character requirements as set out at M2.5; and
   iv provide evidence to establish that they will be in New Zealand at the request or with consent of the Government of New Zealand, and in the ordinary course of their duty or employment.

b Applicants are exempt from:
   i providing an application fee; and
   ii meeting onward travel requirements.

c Evidence that the applicant will be in New Zealand at the request or with consent of the Government of New Zealand, and in the ordinary course of their duty or employment, may include but is not limited to:
   i a military movement order; or
   ii joining instruction for a course run by the New Zealand Defence Force; or
   iii other evidence provided by the New Zealand Defence Force.

Note: 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 military craft transporting such people to New Zealand, are exempt from having to produce a passport or certificate of identity (see Y2.10).

Effective 06/07/2015
M2.5 Health and character requirements for members of a visiting force...

M2.5 Health and character requirements for 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

New Zealand Defence Force support of the application will be considered to be sufficient evidence that the applicant meets temporary entry class health and character requirements (see A4.5 and A5.5).

Effective 29/11/2010
M2.10 Conditions of visa

a  Any military visa granted, or deemed to have been granted, will permit the holder to undertake any work and/or study.

b  Any military visa granted prior to travel may have multiple entry travel conditions.

Effective 29/11/2010
M2.15 Accompanying partners and dependent children

Accompanying partners (see E4.1.20) or dependent children (see E4.1.10) of military visa holders may be eligible for a temporary entry class visa (see V3.125, WI8 and U8.15).

Effective 29/11/2010
Special temporary visas
IN THIS SECTION

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H1 Objective

The objective of special temporary visa instructions is to facilitate the movement of persons who will be in New Zealand in a specified official capacity.

Effective 29/11/2010
H2 Diplomatic, Consular, and Official staff, and accompanying dependants

a  The Protocol Division of the Ministry of Foreign Affairs and Trade (MFAT) must confirm all applications for visas made by people who are for the time being accorded privileges and immunities under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, pursuant to the Diplomatic Privileges and Immunity Act 1968 or the Consular Privileges and Immunity Act 1971.

b  MFAT Protocol Division also advises on the validity period and the type (Diplomatic, Consular or Official) of visa.

c  Visas granted may allow travel to New Zealand on multiple journeys.

Effective 29/11/2010
H2.1 Accompanying dependants

a Accompanying partners or dependent children are eligible for a special temporary visa (Diplomatic, Consular or Official) upon confirmation from MFAT Protocol Division.

b Dependent children aged 21 and over are not normally eligible for a special temporary visa except in their own right, unless confirmation of eligibility is provided by MFAT Protocol Division.

c Accompanying partners or dependent children who have been granted a special temporary visa and who wish to work or study in New Zealand must also obtain approval from MFAT Protocol Division.

**Note:** Accompanying partners or dependent children aged 21 and over, who wish to undertake tertiary study in New Zealand may be liable for foreign student fees and should contact MFAT Protocol Division to establish whether or not they are eligible for domestic student status or would attract foreign student fees.

*Effective 29/11/2010*
H3 Domestic Staff

See previous instructions: H3 Effective 29/11/2010

Domestic staff recruited from overseas to work in diplomatic and consular households do not qualify for a special temporary visa and must apply for a work visa (see WI4).

Effective 04/04/2011
H4 Applications for visas for diplomatic, consular, and official staff, and their dependants

See previous instructions:
H4 Effective 30/03/2015
H4 Effective 18/04/2014
H4 Effective 26/03/2012
H4 Effective 29/11/2010

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

a Applications for visas for diplomatic, consular and official staff and accompanying dependants must be made at the request of the applicant's sending State to the Protocol Division of the Ministry of Foreign Affairs and Trade or to an immigration officer at an INZ office.

b Applicants must meet the bona fide applicant requirement as set out at E5, but are exempt from:
   i lodgement requirements; and
   ii providing an application fee and immigration levy; and
   iii providing an application in the prescribed form; and
   iv meeting funds or sponsorship requirements; and
   v meeting onward travel requirements; and
   vi health and character requirements.

c Applications must include the following information:
   i full names; and
   ii date and place of birth; and
   iii gender; and
   iv country/countries of citizenship; and
   v physical address of diplomatic mission or consular post; and
   vi diplomatic designation; and
   vii type, number and expiry of passport (diplomatic/official); and
   viii if applicable, the expected arrival date in New Zealand; and
   ix approximate duration of their assignment in New Zealand; and
   x if applicable, the name of the person being replaced; and
   xi if applicable, the details of the officially recognised members of the diplomatic, consular or official staff member’s family who form part of their household in New Zealand.

Effective 07/12/2015