CONTENTS

Interim Visas ........................................................................................................................................ 3
  I1 Interim Visas ................................................................................................................................... 5
Student Visas ........................................................................................................................................... 12
  U1 Objectives ................................................................................................................................... 14
  U2 The need to apply for a student visa .......................................................................................... 15
  U3 Student visa requirements .......................................................................................................... 18
  U4 Categories of foreign student ..................................................................................................... 33
  U5 Programmes of study available to foreign students ................................................................. 39
  U6 Obtaining student visas .............................................................................................................. 45
  U7 After the student visa is granted ............................................................................................... 55
  U8 Dependents ................................................................................................................................... 62
  U9 Vocational trainees ..................................................................................................................... 70
  U10 Special Categories ..................................................................................................................... 75
  U11 New Zealand scholarship students ........................................................................................... 78
  U12 Foreign government-supported students .................................................................................. 80
  U13 Students undertaking employment .......................................................................................... 82
  U14 Pathway student visas pilot ...................................................................................................... 88
  U15 Multiple short-term English language programmes of study ................................................. 94
  U16 Students affected by New Zealand Qualifications Authority Compliance notification ........... 95
Limited visas ........................................................................................................................................... 97
  L1 Objective ...................................................................................................................................... 99
  L2 Limited visas ............................................................................................................................... 100
  L3 Granting limited visas where temporary visa applied for .......................................................... 112
  L4 Direct applications for a limited visa .......................................................................................... 115
  L5 Requirements for direct application for limited visa ................................................................. 120
  L6 Special cases ................................................................................................................................ 122
Military visas .......................................................................................................................................... 124
  M1 Objective .................................................................................................................................. 126
  M2 members of a visiting force (including members ..................................................................... 127
Special temporary visas ...................................................................................................................... 131
  H1 Objective ................................................................................................................................... 133
  H2 Diplomatic, Consular, and Official staff, and accompanying dependants .................................. 134
  H3 Domestic Staff ............................................................................................................................. 136
  H5: COVID-19 Support Restricted Temporary Entry Instructions ................................................... 138
Interim Visas
IN THIS SECTION

I1 Interim Visas .......................................................................................................................................... 5
I1 Interim Visas

Effective 27/08/2018
I1.1 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 27/08/2018
I1.5 Grant of an interim visa

a An interim visa may be granted to a person who:
   i holds a temporary visa; and
   ii has applied for a further temporary visa; and
   iii is in New Zealand.

b An interim visa cannot be applied for.

c Interim visas may be granted by electronic means.

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 I1.5(a).

I1.5.1 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 27/08/2018
I1.10 Automated and manual processing of interim visas

See previous instruction:
I1.10 Effective 27/08/2018

a An automated system may grant an interim visa to a person who meets the criteria set out at I1.5 (a), unless I1.10 (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 scholarship programme;
   vi has compliance action underway; or
   vii holds a visa that has been granted because the Immigration and Protection Tribunal has ordered the grant of the visa under either section 210 or 216 of the Immigration Act 2009.

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 13/05/2019
**11.15 Currency of interim visas**

*Immigration Act 2009 s 63; 64; 77; 80*

a The interim visa will start the day after the current temporary visa expires, unless (c) or (d) below applies.

b Once an interim visa starts, its duration depends on the outcome of the further temporary visa application, as set out in the table below:

<table>
<thead>
<tr>
<th>Column A: If the application for a further temporary visa is...</th>
<th>Column B: the interim visa will...</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. approved within 6 calendar months of the interim visa’s start date</td>
<td>be cancelled on the start date of the further visa.</td>
</tr>
<tr>
<td>ii. declined within 6 calendar months of the interim visa’s start date</td>
<td>expire 21 calendar days after the date the further temporary visa is declined.</td>
</tr>
<tr>
<td>iii. withdrawn within 6 calendar months of the interim visa’s start date</td>
<td>expire 21 calendar days after the date the application for a further temporary visa is withdrawn.</td>
</tr>
<tr>
<td>iv. still under consideration 6 calendar months after the interim visa’s start date</td>
<td>expire 6 calendar months from the interim visa’s start date.</td>
</tr>
</tbody>
</table>

c If the further temporary visa application is declined or withdrawn before the applicant’s current temporary visa expires, the interim visa will expire the day the further temporary visa application is declined or withdrawn.

d If the further temporary visa application is approved before the applicant’s current temporary visa expires, the interim visa will be cancelled on the start date of the further temporary visa.

*Effective 27/08/2018*
I1.20 Conditions and restrictions of interim visas

See previous instruction:
I1.10 Effective 27/08/2018

I1.20.1 Conditions of interim visas

a. 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.

b. 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>
</tr>
<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.

c. 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 family violence, mass arrival and victim of people trafficking.

d. 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 I1.20.1 (g) 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 (/publish/opsmanual/i34312.htm)).

**I1.20.5 Restrictions of interim visas**

*Imigration Act 2009 s 71; 79; 80*

The holder of an interim visa may not apply for any visa while the interim visa is current.

*Effective 23/12/2019*
Student Visas
IN THIS SECTION

U1 Objectives ............................................................................................................................................. 14
U2 The need to apply for a student visa ..................................................................................................... 15
U3 Student visa requirements ................................................................................................................... 18
U4 Categories of foreign student .............................................................................................................. 33
U5 Programmes of study available to foreign students ........................................................................... 39
U6 Obtaining student visas ........................................................................................................................ 45
U7 After the student visa is granted .......................................................................................................... 55
U8 Dependants .......................................................................................................................................... 62
U9 Vocational trainees .............................................................................................................................. 70
U10 Special Categories ............................................................................................................................... 75
U11 New Zealand scholarship students .................................................................................................... 78
U12 Foreign government-supported students .......................................................................................... 80
U13 Students undertaking employment ................................................................................................... 82
U14 Pathway student visas pilot ................................................................................................................ 88
U15 Multiple short-term English language programmes of study ............................................................ 94
U16 Students affected by New Zealand Qualifications Authority Compliance notification ................. 95
U1 Objectives

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

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 WI2.1.1(f) applies.

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

See previous instructions:
U3.1 Effective 22/08/2016
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 student holding a New Zealand scholarship administered through the Ministry of Foreign Affairs and Trade.

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.

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 13/05/2019
U3.5 Offer of a place

See previous instructions:

U3.5 Effective 22/08/2016
U3.5 Effective 24/03/2014
U3.5 Effective 02/12/2013
U3.5 Effective 30/07/2012
U3.5 Effective 07/11/2011
U3.5 Effective 25/07/2011
U3.5 Effective 07/02/2011
U3.5 Effective 29/11/2010

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 28/08/2017
- 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 Students holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade</td>
<td>Notice of the award of a full New Zealand 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 13/05/2019*
### 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*
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.

g. Dependent children of any person who, during the current calendar year, last ceased to hold a special temporary visa (see H2).

h. 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 Ministry for Children, Oranga Tamariki and who has a letter from the Ministry for Children, Oranga Tamariki 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).

i. People who are in the custody of the Chief Executive of the Ministry for Children, Oranga Tamariki; pursuant to any of the following orders:
   i. an order, pursuant to sections 78, 101 or 238(1)(d) of the Oranga Tamariki Act 1989, in favour of the Chief Executive of the Ministry for Children, Oranga Tamariki; or
   ii. an order, pursuant to section 110 of the Oranga Tamariki Act 1989, appointing the Chief Executive of the Ministry for Children, Oranga Tamariki 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 for Children, Oranga Tamariki is appointed as agent of the court with power and discretion to place the child.

j. Dependent children of any person who is the holder of a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade.

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

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

m. Children granted a student visa under U10.5.

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

U3.35.10 Tertiary sector 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 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 13/05/2019
U3.40 Students who wish to change their study conditions

See previous instructions:
U3.40 Effective 28/08/2017
U3.40 Effective 02/12/2013
U3.40 Effective 07/02/2011
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 Scholarship 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 13/05/2019
## U3.45 Insurance requirements for fee-paying foreign students

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>21/11/2016</td>
<td>Fee-paying foreign students must hold insurance as a condition of their visa unless (d) below applies.</td>
</tr>
<tr>
<td>22/08/2016</td>
<td>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.</td>
</tr>
<tr>
<td>30/07/2012</td>
<td>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.</td>
</tr>
<tr>
<td>13/05/2019</td>
<td>The requirement to hold insurance does not apply to Doctor of Philosophy (PhD) students or students holding New Zealand scholarships administered by the Ministry of Foreign Affairs and Trade.</td>
</tr>
</tbody>
</table>

**Effective 13/05/2019**
U4 Categories of foreign student
U4.1 Fully supported students

See previous instructions:
U4.1 Effective 26/11/2012
U4.1 Effective 07/02/2011
U4.1 Effective 29/11/2010

a New Zealand scholarship 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 date 13/05/2019
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.
**U4.20 Vocational trainees**

See previous instructions:
U4.20 Effective 28/08/2017
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 New Zealand 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 13/05/2019*
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 02/12/2013
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 scholarship students administered by the Ministry of Foreign Affairs and Trade 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 13/05/2019
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
U5.15 Private training establishments

See previous instructions:
U5.15 Effective 30/07/2012
U5.15 Effective 29/11/2010

a 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).

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

c 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.

Effective 02/12/2013
U5.20 Tertiary institutions (Universities, Polytechnics, Colleges of Education, Wananga)

See previous instructions:
U5.20 Effective 30/07/2012
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 holding a New Zealand scholarship administered by the Ministry of Foreign Affairs and Trade; 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 13/05/2019
U6 Obtaining student visas
**U6.1 Programmes of study lasting longer than 3 months**

<table>
<thead>
<tr>
<th>See previous instructions:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>U6.1 Effective 07/11/2011</td>
<td></td>
</tr>
<tr>
<td>U6.1 Effective 29/11/2010</td>
<td></td>
</tr>
</tbody>
</table>

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)

See previous instructions
- U6.20 Effective 02/12/2013
- U6.20 Effective 08/04/2013
- U6.20 Effective 25/07/2011
- U6.20 Effective 29/11/2010

**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), 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:
U6.25 Effective 28/08/2017
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  Provider Direct – Student (see U6.35.1); or

b  Aviation students instructions (U6.35.5).

**U6.35.1 Provider Direct – Student**

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

a  the student has an offer of a place with an education provider with which INZ has a Memorandum of Understanding for the Provider Direct – Student that allows for the grant of visas for the length of programme of study; and

b  the education provider supports the grant of a length of programme of study visa; and

c  the student application is submitted through the Provider Direct – Student channel.

**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 21/05/2018*
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.
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 30/07/2012
U7.1 Effective 07/02/2011
U7.1 Effective 29/11/2010

a Students holding a New Zealand scholarship administered by the Minister of Foreign Affairs and Trade 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 13/05/2019
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 02/12/2013
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 SM8) 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 26/11/2018
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 Dependants
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 13/05/2019
- U8.20 Effective 01/07/2018
- U8.20 Effective 28/08/2017
- 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:
   - Foreign crew of fishing vessels (see WJ); or
   - Recognised Seasonal Employer (RSE) Work instructions (see WH1); or
   - Supplementary Seasonal Employment (SSE) instructions (see WH3); or
   - Silver Fern Job Search Instructions (see WL2); or
   - Skilled Migrant Category Job Search Instructions (see WR5); or
   - Working Holiday Scheme instructions (see WI2); or.
   - 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.

**U8.20.5 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$43,322.76 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.
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.

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.

Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent(s):

1. have held any temporary work visa before 30 November 2009; and
2. have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under U8.20.

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

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

Dependent children of a holder of a work visa under Religious Worker instructions (WM) will only be granted a student visa if the:

1. minimum income threshold is met by the Religious Worker visa holder and their partner; or
2. religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.

Under (a)(i) above:

i. the minimum income threshold is NZ$43,322.76 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
v. 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 27/07/2020
U8.25 Dependent children of holders of student visas

See previous instructions
U8.25 Effective 02/12/2013
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 scholarship administered by the Ministry of Foreign Affairs and Trade.

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 13/05/2019
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 Short Term Training Scholarship (STTS) trainees**

See previous instructions:
U9.15 Effective 28/08/2017
U9.15 Effective 07/02/2011
U9.15 Effective 29/11/2010

a  The STTS scheme is part of the New Zealand scholarship programme administered by the Ministry of Foreign Affairs and Trade 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 13/05/2019*
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 scholarship students

See previous instructions:
U11 Effective 28/08/2017
U11 Effective 26/11/2012
U11 Effective 07/11/2011
U11 Effective 07/02/2011
U11 Effective 29/11/2010

a  A New Zealand scholarship student receives funding from the New Zealand Government through the Ministry of Foreign Affairs and Trade under the following schemes:
   i   New Zealand Scholarships;
   ii  New Zealand Short Term Training Scholarships;
   iii New Zealand Commonwealth Scholarships;
   iv  New Zealand English Language Training for Officials;

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, New Zealand scholarship 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 13/05/2019
U11.1 Students holding a New Zealand scholarship undertaking employment

See previous instructions:
U11.1 Effective 28/08/2017
U11.1 Effective 02/12/2013
U11.1 Effective 07/11/2011
U11.1 Effective 04/04/2011
U11.1 Effective 07/02/2011
U11.1 Effective 29/11/2010

See also Immigration Act 2009 ss 52, 56

a New Zealand scholarship 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 English Language Training for Officials Scholarships

Note: New Zealand scholarship 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), New Zealand scholarship students 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: New Zealand scholarship senior medical and pharmacy students may be granted a work visa for their internship/registration year.

c New Zealand scholarship 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 New Zealand scholarship 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 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 New Zealand scholarship student has completed a Short Term Training Scholarships or English Language Training for Officials of less than six months in duration, the New Zealand scholarship 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 holding a New Zealand scholarship.

Effective 13/05/2019
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.
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 28/08/2017
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

a 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.

b 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 24 teaching weeks 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 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:

a  studying full-time (see U6.1.1); and 

b  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  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. 

b  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:

a  the student is undertaking a Masters by Research or Doctoral degree, and 

b  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>B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)</td>
<td>Overall score of 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 21/05/2018
U14 Pathway student visas pilot

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.

Pathway study can be undertaken on a single student visa.

Effective 024/11/2019
U14.5 Requirements to be granted a pathway student visa

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

a  be offered an eligible study pathway from a qualifying provider(s) (U14.20); and
b  meet the general requirements to be granted a student visa as set out at U3.1; and
c  meet the additional evidential requirements for pathway student visa set out at V14.5.1.

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 letter of support from pathway education providers; and
   ii  an offer of place (or joint offer) for each programme of study that meets the requirements set out at U3.5; and
   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  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 proficiency 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 24/11/2019
**U14.10 Currency and conditions of pathway student visas**

See previous instructions:
U14.10 Effective 21/11/2016
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 their 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 26/11/2018*
U14.15 Changing and complying with pathway student visa conditions

See previous instructions:
U14.15 Effective 26/11/2018
U14.15 Effective 08/05/2017
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 pathway student visa holder 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; and
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 scholarship 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 pathway student visa holder 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).
U14.20 Provider requirements

See previous instructions:
U14.20 Effective 28/08/2017
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

To qualify for entry to the Pathway student visa pilot, an education provider must:

a. be invited by Immigration New Zealand to be a pilot participant; and

b. have signed the Pathway Student Visas - Pilot Participation Declaration agreeing to the requirements as set out at U14.20.10; and

c. 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

d. have a minimum 90% student visa application approval rate over the 2014/15 financial year or 2016 calendar year (12 month period); and

e. 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

f. 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 culminating in 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 culminating in 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; and
   ii. pastoral care obligations; and
   iii. handover arrangements in transition periods between programmes of study/education providers; and
   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; and
   v. the process if conditional entry requirements for second or subsequent programmes of study are
not met; and

vi the process if the student fails to attend and/or make satisfactory progress (E3.20(d)); and

vii the process if the student wishes to leave intended pathway; and

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; or
  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 provider(s) 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 Where a resolution is reached, 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 may 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
towards resolution.

Effective 26/11/2018
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.

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.

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
IN THIS SECTION

L1 Objective ................................................................................................................................. 99
L2 Limited visas ........................................................................................................................ 100
L3 Granting limited visas where temporary visa applied for .................................................. 112
L4 Direct applications for a limited visa .................................................................................... 115
L5 Requirements for direct application for limited visa ............................................................ 120
L6 Special cases ........................................................................................................................ 122
L1 Objective

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) 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
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:
   - remain in New Zealand unlawfully; or
   - breach the conditions of any visa granted.

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 08/05/2017
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  Applicants are exempt from paying the application fee and immigration levy.
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 26/11/2018

Military visas
IN THIS SECTION

M1 Objective ............................................................................................................................................. 126
M2 members of a visiting force (including members ............................................................................ 127
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 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 19/06/2017
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(c)(ix)), 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.
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.  

Effect 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

H1 Objective .............................................................................................................................................. 133
H2 Diplomatic, Consular, and Official staff, and accompanying dependants ................................. 134
H3 Domestic Staff ...................................................................................................................................... 136
H4 Applications for visas for diplomatic, consular, and official staff, and their dependants .......... 137
H5: COVID-19 Support Restricted Temporary Entry Instructions ...................................................... 138
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
H5: COVID-19 Support Restricted Temporary Entry Instructions
**H5.1 Objective**

See previous instruction:
H5.1 Effective 30/06/2020
H5.1 Effective 18/06/2020

a The objective of these instructions is to minimise risks to New Zealand posed by the COVID-19 virus. In order to achieve this objective the New Zealand Government has put in place measures to prevent and prohibit the travel to New Zealand of all persons except:

i New Zealand citizens (including those of the Realm of New Zealand countries); and

ii permanent resident visa holders; and

iii resident visa holders who have entered New Zealand as the holder of a resident visa, or were granted a resident visa in New Zealand; and

iv the partner, legal guardian or any dependent children of a New Zealand citizen or a New Zealand residence class visa holder listed at Y3.10(a) who:
   o are travelling with that New Zealand citizen or residence class visa holder; or
   o are ordinarily resident in New Zealand; or
   o have a visa based on their relationship to the New Zealand citizen or residence class visa holder.

v Australian citizens and permanent residents who are ordinarily resident in New Zealand;

vi diplomatic and consular personnel accredited to New Zealand and currently resident in New Zealand;

vii new diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand;

viii other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or their delegate where there is a compelling case on national interest grounds;

ix people described in Regulation 25 (http://legislation.govt.nz/regulation/public/2010/0241/latest/DLM3148149.html?search=ad_act%40regulation__immigration____25_ac%40bn%40rc%40dn%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem%40apub%40rimp_ac%40rc%40ainf%40anif%40bcur%40rirnf%40rnif_h_aw&p=1) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

**Note:** Diplomatic and consular personnel are defined as persons eligible to hold a New Zealand diplomatic, consular or official visa, including recognised family members.

b The five main considerations to achieving this objective are the:

i risk to the health of New Zealanders; and

ii risk to the health of Pacific Island Countries; and

iii readiness of Government agencies to operationalise any measures required; and

iv risks to foreign relations; and

v risk of significant adverse economic impacts.

c The New Zealand Government acknowledges that there may be extremely limited circumstances where it is appropriate for a person who is not a New Zealand citizen, permanent resident or person returning to New Zealand as a resident, to travel to New Zealand. The COVID-19 restricted immigration instructions aim to achieve this objective by providing certainty about the limited situations where travel to New Zealand for non-New Zealand citizens and residents is allowed while COVID-19 poses a significant threat to New Zealand by granting a:

i Critical Purpose visitor visa or other temporary entry class visa appropriate to a person’s circumstances to people who do not currently hold a visa; or

ii variation of conditions to people who already hold a temporary entry class visa.
d People who do not have a critical purpose for travel to New Zealand will not be invited to apply for a visa or a variation of conditions under these instructions.

**Note:**
The instructions in this chapter are restricted temporary entry instructions. In accordance with section 76(2) of the Immigration Act 2009, immigration officers may not grant a temporary visa as an exception to restricted temporary entry instructions. Restricted temporary entry instructions are defined in section 4 of the Immigration Act 2009:

**Restricted temporary entry instructions** are temporary entry instructions that require, in relation to the type of visa to which the instructions relate, that any decision made on an application for that type of visa, or on an application for entry permission in relation to that type of visa, must be made in terms of the temporary entry instructions applicable at the time the application for the visa was made, and any discretion exercised must be in terms of those instructions.

**H5.1.1 Objective for marine crew arriving by the maritime border**

a The objective of these instructions which relate to marine crew arriving by the maritime border is to facilitate the entry of marine crew who are arriving by the maritime border and are required for the operation of a ship (foreign flagged or New Zealand flagged), where the ship is permitted to come to New Zealand.

b The COVID-19 Public Health Response (Maritime Border) Order 2020 (the Maritime Border Order) restricts which ships may arrive in New Zealand.

c New Zealand ships can only arrive in New Zealand where everyone on board is a New Zealand citizen, exempt from border restrictions, or who has been granted a visa under the COVID-19 Support Restricted Temporary Entry Instructions.

d Foreign ships can only arrive in New Zealand where the ship is exempt or been granted permission to arrive in New Zealand by the Director-General of Health under the Maritime Border Order and everyone on board is a New Zealand citizen, or exempt from the border restrictions, or who has been granted a visa under the COVID-19 Support Restricted Temporary Entry Instructions.

e A ship intending to arrive in New Zealand must meet any requirements under the Maritime Border Order.

f Once the ship has met the Maritime Border Order requirements to arrive in New Zealand then an approval in principle request can be submitted to Immigration New Zealand. Where the criteria for an approval in principle is met an invitation to apply will be issued for marine crew to apply for a visa.

*Effective 10/08/2020*
H5.5 Overview

See previous instruction:
H5.5 Effective 30/06/2020
H5.5 Effective 18/06/2020

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

a. These instructions allow people to travel to New Zealand as temporary visa holders while the New Zealand border is effectively closed by providing for the:
   i. grant of a visa (for people without a valid temporary entry class visa); or
   ii. variation of visa conditions (for people with a valid temporary entry class visa).

b. The grant of a visa or variation of conditions under these instructions is a two-step process:
   i. Interest in travelling to New Zealand must first be expressed by:
      o applicants; or
      o employers, or supporting agencies, on behalf of ‘other critical workers’, with the agreement of the ‘other critical worker’; or
      o the owner of a ship, authorised agent (such as a shipping agent) or employer or principal of marine crew of a ship, on behalf of marine crew, with the agreement of the marine crew member.
   ii. An immigration officer may then invite a person (that is, an applicant, an ‘other critical worker’ or marine crew), to apply for a Critical Purpose visitor visa, another visa appropriate to that person’s circumstances or a variation of conditions if they are satisfied based on the information available that the person has a critical purpose to travel to New Zealand (H5.25.15) and is likely to meet the requirements of the visa applied for or variation of conditions requested.

c. Only a person, who has been invited to apply for a visa or variation of conditions may make an application under these instructions.

d. Applications must be made in the prescribed manner within 1 month of an invitation to apply.

e. Despite (b) above, where a person has applied for a temporary entry class visa an immigration officer may grant that visa if the applicant meets relevant immigration instructions (or the visa is granted as an exception to instructions) and impose a visa condition that the holder carries out a critical purpose while in New Zealand if the applicant meets the requirements at H5.25.15.

Note: An application notifying an expression of interest may, where instructions provide for it, include the applicant’s spouse or partner and any dependent children 19 years of age or younger.

Effective 10/08/2020
**H5.10 Expression of Interest and Invitation to Apply**

See previous instruction:
H5.10 Effective 30/06/2020
H5.10 Effective 18/06/2020

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

a. With the exception of requests to travel to New Zealand as an ‘other critical worker’ (H5.30.5) or marine crew arriving by the maritime border (H5.31), a person may express interest in applying for a visa, or requesting a variation of conditions to travel to New Zealand, under these instructions by applying on an approved form provided for this purpose on the Immigration New Zealand website.

b. A person expressing interest in applying for a visa, or requesting a variation of conditions, under these instructions must pay the prescribed fee (if any), which also covers any partner and dependent children included in the expression of interest.

c. An immigration officer may invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or request a variation of conditions if they are satisfied that:

   i. the information available does not indicate any health, character or bona fide issues that would prevent any person who will be included in the application to be granted a visa or variation of conditions; and

   ii. the people who will be included in the application or request are likely to meet funds or sponsorship and onward travel requirements; and

   iii. the principal applicant has a critical purpose for travelling to New Zealand.

*Effective 10/08/2020*
H5.15 Approval in principle

See previous instruction:
H5.15 Effective 18/06/2020

H5.15.1 Approval in principle for other critical workers to travel to New Zealand
See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

a The employer or supporting agency of a person whose critical purpose to travel to New Zealand is to work as an ‘other critical worker’ (H5.30.5) may request approval in principle for that person and their dependent children to travel to New Zealand by applying on an approved form provided for this purpose on the Immigration New Zealand website.

b A request for approval in principle may relate to one or more critical workers who will travel to New Zealand for the same purpose and to work for the same employer or supporting agency, and include the partner and dependent children of those workers.

c Where a request for travel to New Zealand is made for an ‘other critical worker’ (H5.30.5):
   i a notification of expression of interest to apply for a visa, or to request a variation of conditions, under these instructions, must be provided by the employer or supporting agency with the request on behalf of that ‘other critical worker’ and with their agreement; and
   ii the employer or supporting agency must confirm that the worker or workers agree to notification of an expression of interest made on their behalf, on the approved form provided for this purpose.

d A request for approval in principle must be accompanied by evidence that demonstrates the worker meets the requirements in H5.30.5.

e An employer or supporting agency requesting approval in principle for a person and their family to travel to New Zealand as an ‘other critical worker’ must pay the prescribed fee (if any).

f Following a request for approval in principle from an employer or supporting agency, if an immigration officer who is a National Manager in the Border and Visa Operations Branch agrees that a person has a critical purpose for travelling to New Zealand as an ‘other critical worker’ (H5.30.5), an immigration officer may invite that person to apply for a Critical Purpose visitor visa, another visa appropriate to the person’s circumstances, or to request a variation of conditions.

g An immigration officer will invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or request a variation of conditions if they are satisfied that:
   i the information available does not indicate any health, character or bona fide issues that would prevent that person being granted a visa or variation of conditions; and
   ii they are likely to meet funds or sponsorship and onward travel requirements; and
   iii the principal applicant has a critical purpose for travelling to New Zealand.

h A person who is invited to apply for a visa or to request a variation of conditions on the basis of having been determined to be an ‘other critical worker’ may be required to provide:
   i sufficient evidence to demonstrate that they meet the requirements of W2.10 (b) as applicable; and
   ii a copy of the proposed employment agreement or a copy of the signed offer of employment (see W2.10.10).

i Following a request for approval in principle from an employer, an immigration officer may, at their discretion, invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances, or to request a variation of conditions if they are satisfied that:
   i they are the partner or dependent child of a person invited to apply as an ‘other critical worker’ (as set out in these instructions); and
   ii an immigration officer who is a National Manager in the Border and Visa Operations Branch agrees...
that their presence in New Zealand is necessary for the critical worker to carry out their work.

j When considering a request for approval in principle under these instructions an immigration officer may seek advice from relevant Government agencies or other authorities.

**Note:** For the purposes of these instructions, a ‘supporting agency’ is the organisation seeking to bring a person to New Zealand as an ‘other critical worker’ and who will be directly responsible for that person’s work while they are in New Zealand

### H5.15.5 Approval in principle for marine crew arriving by the maritime border to travel to New Zealand

**a** The owner of a ship, authorised agent (such as a shipping agent), or employer or principal of marine crew of a ship which has a compelling need to travel to New Zealand may request approval in principle for any marine crew who are required for the running of the ship to travel to New Zealand by emailing maritime.arrivals@mbie.govt.nz.

**b** A request for approval in principle may relate to one or more marine crew who will travel to New Zealand for the same purpose.

**c** A request for approval in principle must be accompanied by evidence that the marine crew meet the requirements in H5.31.

**d** The owner of a ship, authorised agent (such as a shipping agent), or employer or principal of marine crew of a ship requesting approval in principle for marine crew to travel to New Zealand must pay the prescribed fee (if any).

**e** Following a request for approval in principle, an immigration officer may, at their discretion, invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to the person’s circumstances, or a variation of conditions if they are satisfied the person has a critical purpose for travelling to New Zealand as marine crew (H5.31); and

**f** When considering a request for approval in principle under these instructions an immigration officer may seek advice from relevant Government agencies or other authorities.

**Note:** An "authorised agent" refers to the person or business nominated by the ship owner or operator as authorised to act as agent for the owner or operator of the ship.

**Effective 10/08/2020**
H5.20 Making an application for a visa or variation of conditions

See previous instructions:
H5.20 Effective 18/06/2020
H5.20 Effective 30/06/2020

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA

a A person may only apply for a visa or variation of conditions under these instructions if they are invited to do so.

b An application must be made within 1 month of the date of the invitation to apply.

c An application for a visa must be made in the prescribed manner.

d An application for a variation of conditions must be made by submitting the following to an immigration officer:
   i the completed form approved for this purpose; and
   ii the prescribed fee (if any); and
   iii the documentation and evidence requested in the invitation to apply, including evidence of the applicant’s critical purpose in New Zealand.

e A person who is invited to apply for a visa or to request a variation of conditions on the basis of having been determined to be a ‘critical health worker’ (H5.30.1) or an ‘other critical worker’ (H5.30.5), may be required to provide a copy of the employment agreement or offer of employment for the role (see W2.10.10).
**H5.25 Determining an application for a visa or variation of conditions**

See previous instruction:
H5.25 Effective 30/06/2020
H5.25 Effective 18/06/2020

---

**H5.25.1 Determining an application for a Critical Purpose visitor visa**

A Critical Purpose visitor visa may be granted if an immigration officer is satisfied that all applicants included in the application:

a. meet health and character requirements for temporary entry (A4 and A5); and
b. are bona fide (E5) applicants for a temporary entry class visa; and
c. meet funds or sponsorship requirements for visitors (V2.20); and
d. meet onward travel requirements for visitors (V2.25); and
e. have a critical purpose for travel to New Zealand as described in H5.25.15; and
f. if they are a ‘critical health worker’ (H5.30.1) or an ‘other critical worker’ (H5.30.5), they have provided sufficient evidence to demonstrate that they meet the requirements of W2.10 (b) as applicable.

---

**H5.25.5 Determining an application for another visa (appropriate to the applicant’s circumstances)**

An immigration officer may grant a visa appropriate to the applicant’s circumstances if they are satisfied that the applicant:

a. meets all relevant immigration instructions required for the grant of that visa; and
b. has a critical purpose for travel to New Zealand as described in H5.25.15.

---

**H5.25.10 Determining an application for a variation of conditions (for holders of a valid temporary entry class visa)**

A variation of conditions can be granted where an immigration officer is satisfied:

a. the applicant has a critical purpose for travelling to and being in New Zealand as described at H5.25.15; and
b. all the other requirements of the visa the person currently holds continue to be met.

---

**H5.25.15 Critical purpose for travelling to New Zealand**

The following people are considered to have a critical purpose for travelling to New Zealand under these instructions:

a. Critical health workers and their partners and dependent children (H5.30.1).
b. Other critical workers, and their partners and dependent children (H5.30.5).
c. People belonging to a class of workers agreed to by Cabinet and who meets the requirements set out at H5.30.20.
d. Citizens of Samoa and Tonga making essential travel to New Zealand where this travel has been officially requested by the Government of Samoa or Tonga, and this request has been formally approved by the New Zealand Ministry of Foreign Affairs and Trade.
e. People who have humanitarian reasons for travel to New Zealand (H5.30.25).
f. The partner, dependent child or legal guardian of a New Zealand citizen or residence class visa holder (with the exception of the holder of a resident visa granted outside New Zealand who has not entered New Zealand as the holder of the visa), who is either:
   i. travelling with that New Zealand citizen or residence class visa holder; or
ii ordinarily resident in New Zealand; or
iii has a visa based on their relationship to the New Zealand citizen or residence class visa holder.

g People who hold a visitor, work or student visa and:
i have ordinarily resident in New Zealand; and
ii are the partner or dependent child (see E4.1) of a work or student visa holder who is in New Zealand.

h Replacement cargo ship crew travelling to New Zealand by air (H5.30.30).
i Marine crew arriving by the maritime border (H5.31).

H5.25.20 Family relationships

a A person will be considered to be the partner of a New Zealand citizen, or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for partners specified in E4.1.

b A person will be considered to be a dependent child of a New Zealand citizen or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for dependent children specified in E4.1.

c A person will be considered to be a partner of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for partners specified in E4.1.

d A person will be considered to be a dependent child of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for dependent children specified in E4.1.

e An immigration officer must be satisfied that a person is a partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, before a visa can be granted to a person for a critical purpose based on that relationship.

Note: Where a person is applying as the partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, evidence of the relationship must be provided if Immigration New Zealand has not established the relationship in a previous visa application.

Effective 10/08/2020
H5.30 Definitions

See previous instruction:
H5.30 Effective 10/07/2020
H5.30 Effective 30/06/2020
H5.30 Effective 18/06/2020

H5.30.1 Critical health workers

a  A critical health worker is a person who will work in New Zealand in a job or occupation described on the Immigration New Zealand website as a critical health worker.

b  The jobs and occupations considered as critical health workers are agreed to by the Ministry of Health and the Ministry of Business, Innovation and Employment.

c  Any partners or dependent children (see E4.1) of critical health workers who have been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the critical health worker.

H5.30.5 Other critical workers

a  An ‘other critical worker’ is a person who is required to come to New Zealand and:

   i  has unique experience and technical or specialist skills that are not obtainable in New Zealand, or

   ii  is undertaking a time-critical role:

      o  for the delivery of an approved major infrastructure project (as defined in H5.30.10); or a government approved event or a major government-approved programme (as defined in H5.30.15), or

      o  in support of an approved government-to-government agreement (as defined in H5.30.15); or

      o  for work which brings significant wider benefit to the national or regional economy.

b  Where H5.30.5(a) applies, the ‘other critical worker’ may be granted a visa or variation of conditions for up to six months.

c  However, a visa or variation of condition as an ‘other critical worker’ may be granted for more than six months (up to a maximum of 12 months), if the person meets the criteria at H5.30.5 (a) (i) or (ii), and also:

   i  earns at least twice the median salary (currently $106,080 per annum); or

   ii  has a role that is essential for the completion or continuation of a science programme under a government funded or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE Science, Innovation and International Branch to travel to New Zealand to carry out their work; or

   iii  has an essential role for delivery or execution of an approved major infrastructure project (as defined in H5.30.10); or for a government approved event or a major government-approved programme (as defined in H5.30.15).

d  An immigration officer who is a National Manager in the Border and Visa Operations Branch will determine who is an ‘other critical worker’ and whether they are eligible for a visa of up to six months under H5.30.5 (a) or a visa of up to 12 months under H.5.30.5 (c).

e  Factors an immigration officer who is a National Manager in the Border and Visa Operations Branch may take into account when determining whether a person is an ‘other critical worker’ include:

   i  why that person is needed to ensure the delivery, continuity or execution of the work or service, and the effect on the work or service if the person was unable to come; and

   ii  why it is not possible to re-deploy workers already in New Zealand (this could include time constraints or the specific nature of the work or service to be done); and

   iii  the situation of the staff (if any) currently performing the role(s), and whether they can remain or
not in the roles; and
iv the length of the visa required and the reason for that length of visa.

f Any partners or dependent children (see E4.1) of an ‘other critical worker’ who has been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the other critical worker.

Note: "Time critical" includes if the person does not come to New Zealand, the project, work or event will cease or be severely compromised, or significant costs will be incurred.

"Unique experience and technical or specialist skills that are not obtainable in New Zealand" means skills, qualifications or work experience which can only be learnt or gained overseas, for example in a specialist training institution or by working in a highly-specialist firm, or are inherent to a person.

These skills are not considered unobtainable if they are available in New Zealand but not to the employer or supporting agency, or are available but are developed to a particularly high standard in the worker.

Examples of workers meeting this standard may include: some highly specialist veterinarians, vendor-appointed engineers required to install major equipment, or an actor in a key film role.

H5.30.5.1 Other critical worker requests received prior to 18 June 2020

a The Minister for Economic Development and the relevant portfolio Minister were responsible for determining whether a person was an ‘other critical worker’ before these instructions took effect on 18 June 2020.

b Despite H5.30.5, the determination that a person is an ‘other critical worker’ for requests from employers received before 18 June 2020, that were made by the Minister for Economic Development and the relevant portfolio Minister, on the advice of MBIE, mean that a person is an ‘other critical worker’ for visa applications and invitations to apply made on and after 18 June 2020.

H5.30.10 Approved major infrastructure projects

For the purposes of these instructions, approved major infrastructure projects, are:

<table>
<thead>
<tr>
<th>Column A: Infrastructure project name</th>
<th>Column B: Procuring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. New Dunedin Hospital Campus - Southern DHB.</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>b. City Centre to Mangere Light Rail Auckland.</td>
<td>New Zealand Transport Agency</td>
</tr>
<tr>
<td>c. Central Interceptor Programme - Western Springs to Mangere.</td>
<td>Watercare</td>
</tr>
<tr>
<td>d. Mill Road - Northern Southern and Papakura Sections.</td>
<td>New Zealand Transport Agency</td>
</tr>
<tr>
<td>e. Elective Capacity and Inpatient Beds and Supporting Infrastructure - Waitemata DHB.</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>f. Capability of Airfield Infrastructure.</td>
<td>New Zealand Defence Force</td>
</tr>
<tr>
<td>g. Investment in Horizontal Infrastructure.</td>
<td>New Zealand Defence Force</td>
</tr>
<tr>
<td>h. Redevelopment of Scott Base - Antarctica.</td>
<td>Antarctica New Zealand</td>
</tr>
<tr>
<td>i. Auckland Metro Rail Network Programme - Accelerated Renewals.</td>
<td>KiwiRail</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>k.</td>
<td>Rolling Stock Procurement Project - Stage 1 - Wagon Fleet.</td>
</tr>
<tr>
<td>l.</td>
<td>Wellington Metro Rail Network Programme - Stage 4 - Network Capacity Improvements.</td>
</tr>
<tr>
<td>m.</td>
<td>Manawatu Road Maintenance Programme.</td>
</tr>
<tr>
<td>n.</td>
<td>Laboratory and Biocontainment Greenhouse New Build and Relocation - Tamaki.</td>
</tr>
<tr>
<td>o.</td>
<td>Low Cost Low Risk Road Improvements across New Zealand.</td>
</tr>
<tr>
<td>p.</td>
<td>Totara Road Wastewater Treatment Plant Consent Renewal Upgrade.</td>
</tr>
<tr>
<td>q.</td>
<td>Adams Building Replacement Build and Precinct Enabler.</td>
</tr>
<tr>
<td>r.</td>
<td>Dental School Redevelopment.</td>
</tr>
<tr>
<td>s.</td>
<td>University of Otago - Christchurch Health Science Campus Redevelopment - Stage 1.</td>
</tr>
<tr>
<td>t.</td>
<td>Construction of New Gravity Tunnel - Whenuapai and Redhills.</td>
</tr>
<tr>
<td>u.</td>
<td>Huia 1 and Nihotupu 1 Watermain Replacement.</td>
</tr>
<tr>
<td>v.</td>
<td>New Watermain Connecting Woodlands Park Reservoirs to Greenhithe Bridge.</td>
</tr>
<tr>
<td>w.</td>
<td>Pump Station and Rising Main Upgrade - Stanmore.</td>
</tr>
<tr>
<td>x.</td>
<td>Upgrade of Huia Water Treatment Plant.</td>
</tr>
<tr>
<td>y.</td>
<td>Upgrade of the Waiuku Wastewater Treatment Plant and Wastewater Servicing to Clarks Beach.</td>
</tr>
<tr>
<td>z.</td>
<td>Wastewater Treatment Plant Reactor/Clarifiers and Ultra Violet Expansion - Rosedale.</td>
</tr>
<tr>
<td>aa.</td>
<td>Wastewater Treatment Plant Upgrade - Pukekohe.</td>
</tr>
<tr>
<td>ab.</td>
<td>Cross Harbour Pipeline Construction - Wellington Eastern Suburbs to Waterloo.</td>
</tr>
<tr>
<td>ac.</td>
<td>Peacocke River Bridge and Northern Arterials Construction - Hamilton.</td>
</tr>
<tr>
<td>ad.</td>
<td>Hamilton Transport Network Renewals and Maintenance.</td>
</tr>
<tr>
<td>ae.</td>
<td>Drury Rail Station Development.</td>
</tr>
<tr>
<td>af.</td>
<td>Wastewater Treatment Plant Membrane Bio-Reactor Upgrade - Waiuku.</td>
</tr>
<tr>
<td>ag.</td>
<td>Wellington Metro Rail Network Programme - Stage 6 - Infrastructure Upgrades.</td>
</tr>
<tr>
<td>ah.</td>
<td>Wellington Metro Rail Network Programme - Stage 7 - Automated Train Protection.</td>
</tr>
<tr>
<td>ai.</td>
<td>New Aircraft Apron.</td>
</tr>
<tr>
<td>aj.</td>
<td>Marine Defences and Seawall Reconstruction.</td>
</tr>
<tr>
<td>ak.</td>
<td>Whau Recreation Centre - New Recreation Centre.</td>
</tr>
<tr>
<td>al.</td>
<td>Facilities Infrastructure Remediation Programme - Stage 1 - Auckland DHB.</td>
</tr>
<tr>
<td>am.</td>
<td>SH1 Improvements - Papakura to Bombay.</td>
</tr>
<tr>
<td>an.</td>
<td>Modular Prison Build Programme - Stage 2.</td>
</tr>
<tr>
<td>ao.</td>
<td>Auckland Metro Rail Network Programme - Wir to Quay Park Capacity Enhancements.</td>
</tr>
<tr>
<td>ap.</td>
<td>Auckland Metro Rail Network Programme - Papakura to Pukekohe Electrification.</td>
</tr>
<tr>
<td>aq.</td>
<td>High Voltage Direct Current Cable Replacement and Capacity Increase - Cook Strait.</td>
</tr>
<tr>
<td>ar.</td>
<td>Voltage Management - Waikato and Upper North Island.</td>
</tr>
<tr>
<td>as.</td>
<td>Taranaki Base Hospital Redevelopment - Project Maunga - Stage 2 - Taranaki DHB.</td>
</tr>
<tr>
<td>at.</td>
<td>State Highway Improvements - SH1 Papakura to Drury South.</td>
</tr>
<tr>
<td>au.</td>
<td>Tauranga Northern Link.</td>
</tr>
<tr>
<td>av.</td>
<td>Walking and Cycling Facilities - Northern Pathway including Seapath.</td>
</tr>
<tr>
<td>aw.</td>
<td>Penlink Road.</td>
</tr>
<tr>
<td>ax.</td>
<td>SH2 Te Puna to Omokoroa Improvements.</td>
</tr>
<tr>
<td>ay.</td>
<td>Melling Interchange Improvements.</td>
</tr>
<tr>
<td>az.</td>
<td>New Domestic and International Jet Terminal.</td>
</tr>
<tr>
<td>ba.</td>
<td>New State Highway Construction - Te Ahu a Turanga: Manawatu Tararua Highway.</td>
</tr>
<tr>
<td>bb.</td>
<td>Waikeria Prison Build.</td>
</tr>
<tr>
<td>bc.</td>
<td>Interisland Ferry Replacement Project - Wellington and Picton.</td>
</tr>
<tr>
<td>bd.</td>
<td>Main North Line Reinstatement Project - Christchurch to Picton.</td>
</tr>
<tr>
<td>be.</td>
<td>SH1 Whangarei to Port Marsden Upgrade.</td>
</tr>
<tr>
<td>bf.</td>
<td>SH1 Otaki to North Levin Improvements.</td>
</tr>
<tr>
<td>bg.</td>
<td>Rolling Stock Procurement Project - Stage 2 - Locomotives.</td>
</tr>
<tr>
<td>bh.</td>
<td>Rolling Stock Procurement Project - Stage 2 - Wagons.</td>
</tr>
<tr>
<td>bi.</td>
<td>Te Pae - Christchurch Convention Centre.</td>
</tr>
<tr>
<td>bj.</td>
<td>Metro Sports Facility – Christchurch.</td>
</tr>
</tbody>
</table>
H5.30.15 Major government-approved programmes, government-approved events and government-to-government agreements

For the purposes of these instructions, major government-approved programmes, government-approved events, and government-to-government agreements are:

<table>
<thead>
<tr>
<th>Column A: Major government-approved programmes</th>
<th>Column B: Government-approved events</th>
<th>Column C: Government agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rocket Lab launches</td>
<td>BWF Junior World Championships (Badminton)</td>
<td>The Antarctic</td>
</tr>
<tr>
<td></td>
<td>ICC Women’s World Cup</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Zealand Golf Open</td>
<td></td>
</tr>
<tr>
<td></td>
<td>36th America’s Cup</td>
<td></td>
</tr>
<tr>
<td></td>
<td>ICF Junior and U23 Canoe Slalom World Championships</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crankworx Rotorua</td>
<td></td>
</tr>
<tr>
<td></td>
<td>IronMan 70.3 World Championship 2020</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Pioneer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Winter Games</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rugby World Cup (Womens)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WSL Challenger Series Piha Pro</td>
<td></td>
</tr>
<tr>
<td></td>
<td>XVI WSBC Men’s Softball World Championship</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ocean Race 2022</td>
<td></td>
</tr>
<tr>
<td></td>
<td>FIFA Women’s World Cup 2023</td>
<td></td>
</tr>
</tbody>
</table>

H5.30.20 Approved classes of workers

The following classes of workers have been approved by Ministers.

<table>
<thead>
<tr>
<th>Column A: Role or occupation</th>
<th>Column B: Additional requirements</th>
<th>Column C: Salary/wage requirement</th>
<th>Column D: Maximum duration of visa</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

H5.30.25 Humanitarian reasons

a  Humanitarian reasons are exceptional circumstances of a humanitarian nature that make it strongly desirable for the applicant to travel and enter New Zealand.

b  When considering whether a person has humanitarian reasons for travelling to New Zealand, immigration officers must consider the purpose of these instructions and the strong public interest in protecting the health of New Zealanders and supporting Government agencies’ response to the risks posed by the COVID-19 situation.

c  Relevant factors when considering if humanitarian reasons justify the grant of a visa under these instructions include:
i. the applicant’s connection to New Zealand
ii. the applicant’s connection to the place they are currently located
iii. whether New Zealand is their primary place of residence, and their period of absence from New Zealand
iv. whether the applicant has any alternative options
v. the impact of not granting a visa and entry permission to the applicant.

Note: Where a person is applying under the critical purpose of humanitarian reasons and are likely to require medical treatment in New Zealand, that person must have the support of the Ministry of Health or a District Health Board.

H5.30.25.1 Humanitarian reasons – those travelling to New Zealand for the sentencing of the accused in the Christchurch mosque attacks

a. Subject to (b) below, individuals directly affected by the terrorist attacks at the Masjid Al Noor and Linwood mosques in Christchurch on 15 March 2019, their family and support people, intending to travel to New Zealand for the sentencing of the accused attacker are considered to have humanitarian reasons to travel to and enter New Zealand if they are eligible to receive funding under the Victim Support Manaaki Tangata Victim Financial Assistance scheme.

b. The following restrictions apply to this:
   i. For a primary victim (attempted murder), an exception for themselves and a maximum of one support person may be granted.
   ii. For a deceased victim, an exception may be granted for a maximum of:
      o two family members; or
      o one family member and a support person.

c. An immigration officer may refuse to issue an invitation to apply, or grant or vary the conditions of a visa, in respect of any request or application where the maximum numbers above have been reached for any victim.

Note: Funding under the Victim Support Manaaki Tangata Victim Financial Assistance scheme is available to primary victims and family members of the deceased.

H5.30.30 Replacement cargo ship crew

a. A replacement cargo ship crew member is a person travelling to New Zealand as a passenger on a commercial aircraft for the purpose of leaving New Zealand as crew on a cargo ship.

b. After arriving in New Zealand, replacement cargo ship crew must transfer as soon as reasonably practicable to a cargo ship to depart New Zealand.

c. ‘Cargo ship’ means a ship that is a commercial craft and that is carrying primarily cargo into or out of New Zealand.

Note: For the avoidance of doubt, crew subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are not subject to this instruction (namely cargo crew on a ship when arriving by sea in New Zealand).

Effective 10/08/2020
**H5.31 Marine Definitions**

See previous instruction:
H5.31 Effective 30/06/2020

a The following interpretations apply:
   i Foreign ship has the same meaning as clause 1(1) of Schedule 5A of the Customs and Excise Act 2018
   ii New Zealand ship has the same meaning as section 2(1) of the Maritime Transport Act 1994
   iii Antarctic ship, Fishing ship, and Foreign state ship have the same meaning as section 4 of the COVID-19 Public Health Response (Maritime Border) Order 2020

**H5.31.1 Marine crew**

Marine crew is any person who:

a is travelling to New Zealand and arriving by the maritime border as crew; and

b is on a ship (either a foreign ship or New Zealand ship) which is permitted to arrive in New Zealand; and

c is required for the operation of the ship to travel to New Zealand.

**H5.31.5 Foreign ships permitted to arrive in New Zealand**

A foreign ship is permitted to arrive in New Zealand if the ship:

a is an Antarctic ship; or

b is a foreign state ship granted diplomatic clearance by the Ministry of Foreign Affairs and Trade (such as a visiting naval ship); or

c is a cargo ship that is a commercial craft and carrying primarily cargo and arriving in New Zealand for the purpose of loading or unloading cargo; or

d has an emergency and is in distress or it is necessary for the ship to arrive in New Zealand to preserve human life; or

e is a fishing ship that is:
   i unloading its catch; or
   ii reprovisioning or refuelling, or both; or
   iii embarking or disembarking its crew; or

f is a ship that has granted permission by the Director-General of Health to arrive in New Zealand under the COVID-19 Public Health Response (Maritime Border) Order 2020 and:
   i needs to reprovision or refuel, or both; or
   ii is being delivered to a business, including for the purpose of repair, fit or refurbishment; or
   iii needs to travel to New Zealand for humanitarian reasons or other compelling needs.

**H5.31.10 New Zealand ships permitted to arrive in New Zealand (for the purposes of immigration instructions)**

A New Zealand ship is permitted to arrive in New Zealand if the ship:

a is an Antarctic ship; or

b is a cargo ship that is a commercial craft and carrying primarily cargo and arriving in New Zealand for the purpose of loading or unloading cargo; or
c. has an emergency and is in distress or it is necessary for the ship to arrive in New Zealand to preserve human life; or

d. is a fishing ship that is:
   i. unloading its catch; or
   ii. eprovisioning or refuelling, or both; or
   iii. embarking or disembarking its crew.

e. is a ship that meets the following criteria:
   i. the ship needs to reprovision or refuel, or both; or
   ii. the ship is being delivered to a business for non-minor repair or a refit or refurbishment. When assessing a repair, refit or refurbishment an immigration officer must take into account the following relevant factors:
      o the size of the ship; and
      o the time required to complete the work; and
      o the total value of the work.
   iii. The delivery of a ship to a business, not for repair, refit or refurbishment, which requires the ship for the running of the business.

Example: Delivering a brand new whale watching boat to a whale watching business or to deliver a replacement interisland ferry after a ferry broke down.

f. For the avoidance of doubt, ships permitted to arrive in New Zealand does not include ships seeking to winter over or travel primarily for pleasure.

H5.31.15 Required for the operation of the ship

Marine crew are considered to be required for the operation of the ship if they are working on the ship as crew and are essential for the operation of the ship to travel to New Zealand. This specifically excludes anyone on a ship travelling as a passenger.

Example: a charter yacht normally operates private week long charters in the Pacific islands. The charter normally caters for 10 guests and requires 20 crew members to operate the charter. When no guests are on board and no charters are running, the yacht only requires 6 crew members to operate. For a ship to meet the ‘compelling need to travel to New Zealand’ requirement then only the 6 crew members required to safely operate the ship for it to travel to New Zealand will be allowed.

H5.31.20 People deemed to hold a visa and entry permission

Subject to Y3.35, any marine crew on a ship traveling to New Zealand which is a ship described under schedule 3 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are deemed to hold a visa and entry permission and are not subject to these instructions. These ships may include some cargo ships, Antarctic ships travelling from the Ross Dependency, and military craft.

Effective 10/08/2020
H5.35 Currency and conditions

See previous instruction:
H5.35 Effective 30/06/2020
H5.35 Effective 18/06/2020

H5.35.1 Currency and conditions of a Critical Purpose visitor visa

a A Critical Purpose visitor visa may be granted with sufficient duration for the holder to achieve their critical purpose in New Zealand, up to 6 months.

b Despite (a) above, where a person is not required by A4.25 to provide Medical or Chest X-ray Certificates, they may be granted a visitor visa for a maximum period of 12 months.

c A Critical Purpose visitor visa must be granted with the condition that the holder carries out the critical purpose that allowed the grant of this visa while they are in New Zealand.

d A person granted a visitor visa who meets requirements for either a critical health worker (H5.30.1), or an ‘other critical worker’ (H5.30.5), may have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.

e A person granted a visitor visa who meets the requirements for marine crew arriving by the maritime border may have conditions imposed allowing them to work where appropriate and relevant to the needs of a ship (H5.31).

H5.35.5 Currency and Conditions of another visa (appropriate to the applicant’s circumstances)

a A temporary entry class visa (other than a Critical Purpose visitor visa) may be granted for the duration set out in the relevant instructions for that visa.

b A temporary entry class visa granted to a person who has a critical purpose for travelling to New Zealand must be granted with conditions imposed that the holder carries out that critical purpose while they are in New Zealand.

H5.35.10 Conditions of visas varied for a critical purpose

a Any visa varied under these instructions will have the condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.

b A person whose visa conditions are varied under these instructions and who meets the requirements for either a critical health worker or an ‘other critical worker’ may, at the discretion of an immigration officer, also have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.

c A person whose visa conditions are varied under these instructions and who meets the requirements for marine crew arriving by the maritime border may, at the discretion of an immigration officer, also have conditions imposed allowing them to work where appropriate and relevant to the needs of a ship (H5.31).

d Any visa varied under these instructions is subject to the condition that the holder comply with:

i any order made under section 11 of the COVID-19 Public Health Response Act 2020; and

ii any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and

iii any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.

Effective 10/08/2020
H5.40 Grant of work visa in special cases

See previous instruction:
H5.40 Effective 30/06/2020
H5.40 Effective 18/06/2020

a. Where a person meets requirements for either a critical health worker (H5.30.1), or an ‘other critical worker’ (H5.30.5) and where the application is supported by a Government agency with a role in operationalising any measures required to respond to the COVID-19 situation, an immigration officer may grant the principal applicant a work visa for up to 24 months.

b. Where a work visa is granted under these instructions, the holder may have conditions imposed that allows them to work in any occupation for any employer in any location in New Zealand.

c. Where an applicant for a visa is granted a work visa under these instructions, that visa must be granted with a condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.

Effective 10/08/2020