



Immigration New Zealand Operational Manual

Temporary Part 2 | sub book

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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 Dependants.....	62
U9 Vocational trainees	71
U10 Special Categories.....	76
U11 New Zealand Aid Programme-supported students	79
U12 Foreign government-supported students.....	81
U13 Students undertaking employment.....	83
U14 Pathway student visas pilot.....	90
U15 Multiple short-term English language programmes of study.....	96
U16 Students affected by New Zealand Qualifications Authority Compliance notification	97
Limited visas.....	100
L1 Objective	102
L2 Limited visas.....	103
L3 Granting limited visas where temporary visa applied for	115
L4 Direct applications for a limited visa	118
L5 Requirements for direct application for limited visa.....	123
L6 Special cases	125
Military visas.....	128
M1 Objective	130
M2 members of a visiting force (including members	131
Special temporary visas	136
H1 Objective	138
H2 Diplomatic, Consular, and Official staff, and accompanying dependants	139
H3 Domestic Staff.....	141

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

11.10 Automated and manual processing of interim visas

- a An automated system may grant an interim visa to a person who meets the criteria set out at 11.5 (a), unless 11.10 (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 Aid Programme; or
 - vi has compliance action underway;
 - 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 27/08/2018

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:

	Column A: If the application for a further temporary visa is...	Column B: the interim visa will...
i.	approved within 6 calendar months of the interim visa's start date	be cancelled on the start date of the further visa.
ii.	declined within 6 calendar months of the interim visa's start date	expire 21 calendar days after the date the further temporary visa is declined.
iv.	withdrawn within 6 calendar months of the interim visa's start date	expire 21 calendar days after the date the application for a further temporary visa is withdrawn.
v.	still under consideration 6 calendar months after the interim visa's start date	expire 6 calendar months from the interim visa's start date.

- 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

11.20 Conditions and restrictions of interim visas

11.20.1 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.

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

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 domestic 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 11.20.1 (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>)).

11.20.5 Restrictions of interim visas

Immigration 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 27/08/2018

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	71
U10 Special Categories	76
U11 New Zealand Aid Programme-supported students	79
U12 Foreign government-supported students.....	81
U13 Students undertaking employment	83
U14 Pathway student visas pilot	88
U15 Multiple short-term English language programmes of study	96
U16 Students affected by New Zealand Qualifications Authority Compliance notification	97

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

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

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

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

- a a New Zealand citizen; or
- b the holder of a residence class visa; or
- c the holder of a student visa; or
- d the holder of a limited visa granted for the express purpose of attending a programme of study or training; or
- e the holder of any other type of temporary entry class visa whose conditions have been varied to authorise the holder to undertake a programme of study in New Zealand; or
- f covered by the provisions of U2.5.

Effective 02/12/2013

U2.5 When a student visa is not required

See previous instructions:

U2.5 Effective 30/07/2012

U2.5 Effective 25/07/2011

U2.5 Effective 29/11/2010

See also Immigration Act 2009 s 4

A student visa or variation of conditions is not required:

- a for work visa holders to undertake any programme of study, or other training, authorised by their employer as part of their employment; or
- b for temporary visa holders to undertake one or more programmes of study of not more than three calendar months' duration in total per 12-month period; or
- c where V2.35 or WI2.1.1(f) applies.

Effective 08/04/2013

U3 Student visa requirements

U3.1 Summary

See previous instructions:

U3.1 Effective 02/12/2013

U3.1 Effective 30/07/2012

U3.1 Effective 07/11/2011

U3.1 Effective 25/07/2011

U3.1 Effective 29/11/2010

See also Immigration Act 2009 s4

- a Unless otherwise specified, to be granted a student visa to attend a programme of study of more than three months, applicants must:
- i have an offer of a place or, if returning to continue a programme of study, a confirmation of enrolment in an approved programme of study with an education provider in New Zealand that meets student visa requirements (see U3.5, U3.10, and U5.1); and
 - ii be exempted from or have paid tuition fees; and
 - iii if aged under 18, meet accommodation requirements (see U3.15); and
 - iv have fulfilled the purpose and met the conditions for any previous or current temporary visas held as set out in E3.15 and E3.20; and
 - v meet the conditions set out in E3.20; and
 - vi not be the holder of a current visitor visa granted under Guardians accompanying students to New Zealand instructions (see V3.100.); and
 - vii hold insurance (see U3.45), unless they are a Doctor of Philosophy (PhD) student or a New Zealand Aid Programme-supported student.
- b All applicants must meet the requirements under Generic Temporary Entry Class instructions for:
- i lodging an application for a temporary entry class visa as set out at E4; and
 - ii bona fide applicants as set out at E5; and
 - iii health and character as set out at A4 and A5.
- c Applicants who have not completed, or will not be completing the programme of study endorsed on their student visa and who wish to change their programme of study and/or education provider must:
- i meet requirements (a) and (b) above; and
 - ii meet the requirements set out at U3.40.

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

Effective 22/08/2016

U3.5 Offer of a place

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 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:

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

Effective 28/08/2017

U3.15 Accommodation requirements for fee-paying foreign students

See previous instructions:

U3.15 Effective 25/07/2011

U3.15 Effective 07/02/2011

U3.15 Effective 29/11/2010

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

Effective 22/08/2016

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'

See previous instructions:
U3.35 Effective 11/04/2016
U3.35 Effective 26/11/2012
U3.35 Effective 30/07/2012
U3.35 Effective 07/11/2011
U3.35 Effective 25/07/2011
U3.35 Effective 07/02/2011
U3.35 Effective 29/11/2010

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 Department of Child, Youth and Family Services and who has a letter from the Department of Child, Youth and Family Services confirming this support; or
 - ii who are the subject of an Interim Order of Adoption granted by the New Zealand Family Court under section 5 of the Adoption Act 1955 (where the Final Order will entitle that student to education as a domestic student).
- i People who are in the custody of the Chief Executive of the Ministry of Social Development pursuant to any of the following orders:
 - i an order, pursuant to sections 78, 101 or 238(1)(d) of the Children, Young Persons and their Families Act 1989, in favour of the Chief Executive of the Ministry of Social Development; or
 - ii an order, pursuant to section 110 of the Children, Young Persons and their Families Act 1989, appointing the Chief Executive of the Ministry of Social Development as sole guardian; or
 - iii an order, pursuant to section 33 of the Care of Children Act 2004, whereby a child or young person is placed under the Guardianship of the Family Court or the High Court and the Chief Executive of the Ministry of Social Development is appointed as agent of the court with power and discretion to place the child.
- j Dependent children of any person who is the holder of a New Zealand Aid Programme Scholarship.
- 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 28/08/2017

U3.40 Students who wish to change their study conditions

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

See also Immigration Act 2009 ss 49, 52, 56

- a A further student visa or variation of conditions, for the purpose of changing programme of study, education provider and/or study location, will only be granted if an immigration officer is satisfied that:
 - i the applicant meets the student requirements set out at U3.1; and
 - ii the applicant has not breached their visa conditions as set out at E3.20; and
 - iii the original student visa would have been granted for the proposed programme of study, education provider, and/or study location; and
 - iv the applicant remains a bona fide applicant (see E5.1).
- b Factors that an immigration officer may take into consideration when determining (a)(iii) and (a)(iv) above include, but are not limited to:
 - i the time elapsed since the original visa was granted;
 - ii whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
 - iii any relevant information held about the previous application(s) including advice from the original issuing branch (see E7.1.1).
- c Applicants who have received New Zealand Aid Programme funding within the two years prior to their application to change programme of study and/or education provider being made, must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study or education provider and that any scholarship continues.
- d Applicants who wish to change their programme of study and/or education provider may provide evidence of payment of tuition fees after the application has been approved in principle.

Effective 28/08/2017

U3.45 Insurance requirements for fee-paying foreign students

See previous instructions:

U3.45 Effective 22/08/2016

U3.45 Effective 30/07/2012

- a Fee-paying foreign students must hold insurance as a condition of their visa (see E3.20 (f)) unless (d) below applies.
- b A fee-paying foreign student must declare that they will arrange and hold insurance, which complies with the insurance requirements of the Education (Pastoral Care of International Students) Code of Practice 2016 and is acceptable to the student's education provider, from the period of their enrolment until the expiry of their student visa.
- c A student may be required to provide evidence that they held insurance from the time of their enrolment until the expiry of their student visa with any further visa application made.
- d The requirement to hold insurance does not apply to Doctor of Philosophy (PhD) students or New Zealand Aid Programme-supported students.

Effective 21/11/2016

U4 Categories of foreign student

U4.1 Fully supported students

See previous instructions:

U4.1 Effective 07/02/2011

U4.1 Effective 29/11/2010

- a New Zealand Aid Programme-supported students, for which the Ministry of Foreign Affairs and Trade is responsible (see U11).
- b Foreign government-supported students, for which the foreign government undertakes to support for the duration of their studies in New Zealand (see U12).

Effective 26/11/2012

U4.5 Dependant fee scholarship students

These instructions have been rescinded.

NZAID only pays for students' course tuition fees.

Rescinded 07/01/2011

U4.10 Fee-paying foreign students

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

- a Students must meet the full costs of their programme of study, whether by themselves or with the help of family members, friends, home governments, or others (such as the United Nations).
- b This category includes students studying at private training establishments, such as those offering English language courses.

Effective 02/12/2013

U4.15 Exchange students

See previous instructions:

U4.15 Effective 22/08/2016

U4.15 Effective 02/12/2013

U4.15 Effective 26/11/2012

U4.15 Effective 07/11/2011

U4.15 Effective 29/11/2010

- a Students studying under reciprocal exchange schemes approved by the Minister of Education are considered to be domestic students for the purposes of attending primary and secondary schools and are exempt from paying foreign tuition fees (see U3.35.5).
- b There are two types of New Zealand student exchange schemes under which international students may be enrolled in New Zealand schools without paying international fees:
 - i school-to-school student exchange schemes run by a school that is a signatory to the Education (Pastoral Care of International Students) Code of Practice 2016 (see E11.55.20); and
 - ii student exchange schemes run by approved exchange programme organisations (see E11.55.20).

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

Effective 28/08/2017

U4.20 Vocational trainees

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

- a Only the following applicants may be granted a student visa as a vocational trainee:
 - i Air New Zealand trainees that meet the requirements set out at U6.35.5;
 - ii Nautical students that meet the requirements set out at U9.5;
 - iii Religious trainees that meet the requirements set out at U9.10; and
 - iv New Zealand Aid Programme Short-Term Training Scholarship (STTS) trainees that meet the requirements set out at U9.15.
- b Applicants who intend to undertake industry training or a modern apprenticeship, not listed at U4.20(a) above, or U9, must apply for a work visa (see WK).

Effective 28/08/2017

U5 Programmes of study available to foreign students

U5.1 Status of education providers and programmes

See previous instructions:

U5.1 Effective 08/05/2017

U5.1 Effective 22/08/2016

U5.1 Effective 13/01/2014

U5.1 Effective 30/07/2012

U5.1 Effective 25/07/2011

U5.1 Effective 29/11/2010

- a All education providers must certify in their offers of places to foreign students (see U3.5) that the programme of study or training scheme offered complies with foreign student requirements for different kinds of education providers (see U5.5-U5.20).
- b All education providers offering places to foreign students must be signatories to the Education (Pastoral Care of International Students) Code of Practice 2016.
- c Any queries on the status of programmes or training schemes offered by private training establishments should be referred to the Service Delivery Unit, Quality Assurance Division, New Zealand Qualifications Authority (NZQA), PO Box 160, Wellington.
- d Students will not be granted a student visa to undertake a programme of study or training scheme offered at an education provider that holds a Category Four status under the NZQA's External Evaluation Review (EER) quality assurance system.
- e Immigration New Zealand (INZ) may suspend the processing of applications for student visas for study at an education provider where at least one of the following applies:
 - i the offered programme of study or training scheme does not comply with foreign student requirements as set out in U5.5 to U5.20;
 - ii the education provider is not complying with its obligations under the Immigration Act, immigration regulations, or immigration instructions;
 - iii INZ has been informed by education agencies that the education provider is not complying with its obligations under the Education Act and education regulations.
- f Before a decision is made to suspend the processing of student visas, the following will be taken into account:
 - i evidence of the non-compliance; and
 - ii reasons for the non-compliance; and
 - iii the duration, frequency, and severity of the non-compliance.
- g INZ may resume the processing of student visas if it is satisfied that the education provider is complying with its obligations.

Effective 28/08/2017

U5.5 Primary and secondary schools (state and integrated)

See previous instructions:

U5.5 Effective 30/07/2012

U5.5 Effective 07/02/2011

U5.5 Effective 29/11/2010

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

Effective 02/12/2013

U5.10 Primary and secondary schools (private)

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

- a Private schools registered under section 35A of the Education Act 1989 may offer places to foreign students on a fee-paying basis and are not obliged to place other students first.
- b Where foreign students are enrolled in a programme of study intended exclusively or mainly for foreign students that class or programme of study must be approved by the New Zealand Qualifications Authority (see section 35B Education Act 1989).

Effective 02/12/2013

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 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 a New Zealand Aid Programme scholarship student; or
 - o the place has been established by the Council of the institution for a foreign student and its continued availability is dependent on the fees payable by the foreign student enrolled in it.

Note:

~ Polytechnics also include institutes of technology, technical institutes or community colleges established before 1 January 1991.

~ These requirements apply to all programmes of study and training schemes with the exception of those programmes of study or training schemes that are exempt as provided for in section 232(2) of the Education Act 1989.

Effective 30/07/2012

U6 Obtaining student visas

U6.1 Programmes of study lasting longer than 3 months

See previous instructions:

U6.1 Effective 07/11/2011

U6.1 Effective 29/11/2010

- a People who require a visa to visit New Zealand and who wish to come to New Zealand to study full-time for a period longer than three months, must hold a student visa.
- b Potential students who are nationals of countries to whom a visitor visa waiver applies (see E2.1) may enter New Zealand as visitors and apply for a student visa after their arrival.

U6.1.1 Definition of 'full-time study'

- a For private training establishments full-time study is generally considered to be enrolment in:
 - i a programme of study that requires attendance for a minimum of 20 hours per week; or
 - ii at least three papers, or equivalent, per semester if the offered programme of study is at Level 7 or above on the New Zealand Qualification Framework.
- b For other tertiary institutions enrolment in at least three papers, or equivalent, per semester is indicative of full-time study.
- c Any programme of study that does not meet (a) or (b) above is usually considered to be part-time (see U7.20).
- d The final decision on whether or not a student may be considered to be undertaking full-time study rests with immigration officers.

Effective 02/12/2013

U6.5 Distance education (correspondence) students

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

- a Distance education students may attend the New Zealand education provider at which they are enrolled so that they can undertake practical study or sit examinations, or for any other educational reason that requires their presence at the provider.
- b Students who apply to come to New Zealand for more than 3 months for this purpose may be granted a student visa for the necessary period.
- c Students who wish to come to New Zealand for this purpose for less than 3 months may do so on a visitor visa.
- d Immigration officers should sight evidence that distance students who apply for student or visitor visas:
 - i are distance education students; and
 - ii have an offer of a place at an education provider (if they are in New Zealand for more than 3 months); and
 - iii have paid the tuition fees or are exempt from having to pay them.

Effective 02/12/2013

U6.10 Membership of professional associations

- a Students may apply for a further student visa to undertake study towards membership of professional associations (eg, legal professional studies).
- b Immigration officers should be satisfied that further study will contribute towards the applicant becoming a member of a professional association.

Effective 29/11/2010

U6.15 Graduation

- a Students who have completed their studies and wish to remain after their current visa expires, to attend graduation ceremonies, must apply for either a visitor or a work visa.
- b Immigration officers must be satisfied that applicants have completed their qualification.

Effective 29/11/2010

U6.20 Variations to work visas and visitor visas to allow study (to 06 July 2015)

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.

Effective 02/12/2013

U7 After the student visa is granted

U7.1 Students transferring from scholarship to fee-paying foreign student status

See previous instructions:

U7.1 Effective 07/02/2011

U7.1 Effective 29/11/2010

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

Effective 30/07/2012

U7.5 Second and subsequent programmes of study

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

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

Effective 02/12/2013

U7.10 Student visa holders liable for deportation

See previous instructions:

U7.10 Effective 02/12/2013

U7.10 Effective 30/07/2012

U7.10 Effective 29/11/2010

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

- a A student visa holder who breaches any of the conditions of their visa (in particular those relating to attendance, employment, holding insurance and living with their legal guardian) may become liable for deportation (see E3.60 and U13.1c).
- b Where the student is required to live with a legal guardian (see U3.30) and that legal guardian becomes liable for deportation, the student will also become liable for deportation (see E3.60).

Effective 22/08/2016

U7.15 Students undertaking employment (to 02/12/2013)

See previous instructions:

U7.15 Effective 27/08/2012

U7.15 Effective 07/11/2011

U7.15 Effective 07/02/2011

U7.15 Effective 29/11/2010

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

Effective 02/12/2013

U7.20 Part-time study

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

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

U7.20.1 Programmes of study lasting up to 9 months

- a People outside New Zealand may apply for and be granted a variation of conditions to allow study on a part-time basis for a maximum of 9 months from the date of their arrival in New Zealand, provided that they are enrolled in a part-time programme of study certified as one that complies with foreign student requirements (see U3.1) and lasts no more than 9 months, and comply with visitor requirements (see V2.1).
- b People already in New Zealand may apply for and be granted a visitor visa with a variation of conditions to allow study on a part-time basis for the balance of their stay up to a maximum of 9 months from the date of their arrival.
- c If study is the main reason for the applicant being in New Zealand, immigration officers must decline any application to undertake part-time programmes of study lasting longer than 9 months, unless the officers are satisfied that:
 - i the application has special merit that warrants the application being approved, and
 - ii the applicant will comply with the conditions of their visa.
- d Immigration officers must be satisfied that applicants who wish to undertake part-time programmes of study lasting up to 9 months after their date of arrival:
 - i are enrolled in and have paid the fees for such a programme of study; and
 - ii are able to satisfy the standard visitor requirements (see V2.1).

U7.20.5 Students completing their programme of study

- a Despite U7.20 above and U6.1.1, a person who is:
 - i in their final semester of a programme of study in New Zealand, that is of at least 2 academic years' duration; or
 - ii in their final semester of a programme of study in New Zealand, culminating in a New Zealand qualification that would qualify for points under the Skilled Migrant Category (see SM14) may be considered to be a full-time student and may be granted a student visa for the remaining duration of their programme of study if they can meet student requirements (see U3.1).
- b To be eligible for a student visa under these instructions, applicants must not previously have been granted a visa under these instructions.

Effective 02/12/2013

U7.25 Temporary exemption from the requirement to live with a legal guardian in New Zealand

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

- a Students enrolled in school years 1 to 8, and students aged 13 and under who are enrolled in any other provider (see U3.30.5), may apply for a variation of conditions to their student visa to temporarily exempt them from the requirement to live with their legal guardian in New Zealand as set out at U3.30(b).
- b A variation of conditions will only be granted where an immigration officer is satisfied that an emergency exists that requires the legal guardian to temporarily return to their home country.
- c The applicant must provide evidence that:
 - i an emergency exists that requires the legal guardian to temporarily return to their home country; and
 - ii the education provider has approved the alternative caregiving arrangements, consistent with its obligations under the Education (Pastoral Care of International Students) Code of Practice 2016; and
 - iii the legal guardian has purchased a return travel ticket.
- d The variation of conditions may be granted for the period of time required, up to a maximum of four weeks.
- e Any failure of the legal guardian to return to New Zealand within the approved period may result in the student visa holder becoming liable for deportation (see U7.10).

Effective 22/08/2016

U8 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 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:
 - i Essential Skills work visa where the employment has been assessed as lower-skilled (WK3.5.1), unless U8.20.1 below applies; or
 - ii Foreign crew of fishing vessels (see WJ); or
 - iii Recognised Seasonal Employer (RSE) Work instructions (see WH1); or
 - iv Supplementary Seasonal Employment (SSE) instructions (see WH3); or
 - v Silver Fern Job Search Instructions (see WL2); or
 - vi Skilled Migrant Category Job Search Instructions (see WR5); or
 - vii Working Holiday Scheme instructions (see WI2); or.
 - viii domestic staff of diplomatic, consular or official staff (see WI4).
- b Dependent children of work visa holders as defined in (a) above are regarded as domestic students (see U3.35) for the purpose of all tuition fees at primary and secondary schools for the period of the parent's work visa.
- c Dependent children (see E4.1) of work visa holders may be granted student visas without the need to produce evidence of enrolment.
- d Guarantees of accommodation and/or maintenance for dependent children may be waived provided this is covered by the income of the work visa holder parent or by evidence of funds or guarantees submitted with the work visa application of the parent (see W2.15).
- e Dependent children of people granted work to residence visas must meet health and character requirements for residence class visa applications as set out at A4 and A5.15 to A5.25.

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

- a The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a student visa under these instructions if:
 - i the applicant held a visa on the basis of being a dependent child of the Essential Skills work visa holder on 28 August 2017; and
 - ii the Essential Skills work visa holder has not been subject to a stand-down period (see WK3.20.5).

- b The applicant (who is the dependent child of an Essential Skills work visa holder whose employment has been assessed as lower-skilled) may be granted a student visa under these instructions if:
 - i the Essential Skills work visa holder parent previously held a student visa that made them eligible to support a child for a student visa (U8.25); and
 - ii subsequently held a post-study work visa (WD) based on that student visa; and
 - iii supported the applicant for a visa based on their relationship while holding a post-study work visa.

U8.20.5 Dependent children of Essential Skill work visa holders

See also Immigration Act 2009 ss 56, 157

- a Dependent children (see E4.1.10) of holders of work visas granted under the Essential Skills work instructions (WK) after 30 November 2009 will only be granted a student visa if their parent(s) meet a minimum income threshold.
- b The minimum income threshold is NZ\$42,944.20 gross per annum and must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work visa.
- c Evidence must be provided of the Essential Skills work visa holder's current salary or wages to satisfy an immigration officer that the applicant's parent(s) meet the minimum income threshold.
- d Despite (b) above, dependent children of Essential Skills work visa holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those instructions (see S1.10.35 or S1.40.35) to be eligible for a student visa under these instructions.
- e Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent(s):
 - i have held any temporary work visa before 30 November 2009; and
 - ii have remained on a valid visa from 30 November 2009 until the date of the dependent child's application under U8.20.
- f If a visa application is declined under these instructions and the dependent child becomes unlawful the parent(s) may become liable for deportation.
- g If the parent(s) do not maintain the minimum income threshold for the duration of their or their dependent child's visa both the parent(s) and child may become liable for deportation.

Note: Where both parents hold Essential Skills work visas, their income may be combined to meet the minimum income threshold.

U8.20.10 Dependent children of work visa holders under Religious Worker instructions

See also Immigration Act 2009 ss 56, 157

- a Dependent children of a holder of a work visa under Religious Worker instructions (WM) will only be granted a student visa if the:
 - i minimum income threshold is met by the Religious Worker visa holder and their partner; or
 - ii religious organisation sponsoring the principal applicant agrees to sponsor the dependent children.
- b Under (a)(i) above:
 - i the minimum income threshold is NZ\$42,944.20 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 1/07/2018

U8.25 Dependent children of holders of student visas

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

- a Dependent children (see E4.1) who wish to study in New Zealand may be granted student visas if their parent is a student visa holder who is:
 - i any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government; or
 - ii a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university; or
 - iii any person who is the holder of a New Zealand Aid Programme Scholarship.
- b Dependent children of student visa holders as defined in (a) above are regarded as domestic students (for the purpose of all tuition fees at primary and secondary schools for the period of the parent's student visa (see U3.35).
- c Dependent children of student visa holders may be granted student visas without the need to produce evidence of enrolment (see E4.1).
- d Guarantees of accommodation and evidence of maintenance funds are required (see U3.20).

Effective 02/12/2013

U9 Vocational trainees

U9.1 Air New Zealand trainees (to 25/08/2014)

See previous instructions:

U9.1 Effective 02/12/2013

U9.1 Effective 29/11/2010

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

Effective 25/08/2014

U9.5 Nautical students

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

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

Effective 02/12/2013

U9.10 Religious trainees (to 06/07/2015)

See previous instructions

U9.10 Effective 02/12/2013

U9.10 Effective 29/11/2010

Note: These instructions cease to be effective from 06 July 2015.

U9.15 New Zealand Aid Programme Short-Term Training Scholarship (STTS) trainees

See previous instructions:

U9.15 Effective 07/02/2011

U9.15 Effective 29/11/2010

- a The STTS scheme is part of the New Zealand Aid Programme and provides partner governments with the opportunities to develop new competencies in identified areas of need as well as to upskill their work force. Training may involve placement with a New Zealand government department, a private training establishment, or at a tertiary institution. Trainees are provided with entitlements for accommodation and maintenance whilst on this scheme.
- b Applicants providing evidence of an award under the STTS scheme may be granted a student visa for the period of their award up to a maximum period of 12 months.

Effective 28/08/2017

U10 Special Categories

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

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

See previous instructions

U10.1 Effective 30/03/2015

U10.1 Effective 02/12/2013

U10.1 Effective 29/11/2010

See also Immigration Act 2009 s 378

- a The only programme of study refugee or protection status claimants or their partner or dependent children may undertake without the need for a student visa is an English for Speakers of Other Languages (ESOL) programme of study at a New Zealand technical institute.
- b Permission to attend an ESOL programme of study may be given by special direction varying the conditions of the claimant's temporary entry class visa, and an immigration officer must inform the claimant of the special direction by letter.
- c Claimants not eligible for a student visa under these provisions may apply under the provisions for student visas at U3, but must meet all the requirements, including payment of the appropriate fee.
- d Claimants are exempt from paying the immigration levy (see A6.11.20).
- e For information on the eligibility of refugee or protection status claimants for other temporary visas (see E8.10).

U10.1.1 Claimants' school-aged children

- a Claimants' school-aged children wishing to study at primary or secondary school may be granted student visas.
- b Applications must be made in the prescribed manner (see E4.50); but an appropriately delegated immigration officer may waive:
 - i the application fee; and
 - ii the requirement to produce evidence of funds or sponsorship; and
 - iii the requirement to produce evidence of travel tickets or onward travel arrangements.
- c Claimants' school-aged children are exempt from paying the immigration levy.

Effective 07/12/2015

U10.5 Student visas and permission to study for child victims of people trafficking

See also Immigration Act 2009 s 378

- a Child victims of people trafficking wishing to study at primary or secondary school may be granted student visas valid for 12 months.
- b The applicant must have certification from the New Zealand Police that they are believed to be a victim of people trafficking.
- c Applications must be made in the prescribed manner (see E4.50) but an appropriately delegated immigration officer may waive:
 - i the application fee; and
 - ii the requirement to produce evidence of funds or sponsorship.
- d Student visas granted under this category may be endorsed with conditions that allow study as a domestic student at any primary or secondary school.

Note:

- A child victim of people trafficking is a person who was under the age of 18 at the time they were identified as a victim of people trafficking.
- A child victim may be in New Zealand unaccompanied, or may be a victim of people trafficking together with their parent(s).

Effective 25/07/2011

U11 New Zealand Aid Programme-supported students

See previous instructions:

U11 Effective 26/11/2012

U11 Effective 07/11/2011

U11 Effective 07/02/2011

U11 Effective 29/11/2010

- a A New Zealand Aid Programme-supported student receives funding from the New Zealand Government under the following schemes:
 - i New Zealand Development Scholarships;
 - ii Short-Term Training Scholarships;
 - iii Commonwealth Scholarships;
 - iv New Zealand Regional Development Scholarships;
 - v English Language Training for Officials;
 - vi New Zealand Pacific Scholarships;
 - vii New Zealand Association of South East Asian Nations (ASEAN) Scholars Award.
- b The objective of the scholarships is for candidates to gain knowledge and skills in specific subject areas that will assist in the development of their home country.
- c Recipients are required to return to their home country for at least two years after the completion of their scholarship to apply these new skills and knowledge in government, civil society or private business organisations.
- d Despite (c) above, NZAP-supported students who have completed Short-Term Training Scholarships or English Language Training for Officials of less than six months in duration are required to return to their home country for at least one year after the completion of their scholarship.

Effective 28/08/2017

U11.1 New Zealand Aid Programme (NZAP)-supported students undertaking employment

See previous instructions:

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 Aid Programme (NZAP)-supported students may be granted conditions on their student visa to allow them to work during the academic year for up to 20 hours per week, during any holidays within the academic year for up to 20 hours per week, and full-time during the Christmas-New Year holiday period unless they are studying under the following schemes:
- i Short-Term Training Scholarships; or
 - ii New Zealand Regional Development Scholarships; or
 - iii English Language Training for Officials.

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

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

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

- c NZAP-supported students are not permitted to:
- i work in self-employment; or
 - ii provide commercial sexual services; or
 - iii act as an operator of a New Zealand business of prostitution; or
 - iv invest in a business of prostitution (see E7.40).
- d Any NZAP-supported student, or their partner or dependent children, may only be granted a visa for New Zealand in the two-year period following completion of the NZAP-supported student's scholarship, with written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).
- e Despite (d) above, where a NZAP-supported student has completed a Short-Term Training Scholarships or English Language Training for Officials of less than six months in duration, the NZAP-supported student, their partner or dependent children may only be granted a visa for New Zealand in the one year period following completion of their scholarship or training, with the written approval from the Ministry of Foreign Affairs and Trade (with the exception of a work visa to complete programme of study requirements or, if the applicant is outside New Zealand, a short-term visitor visa).

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

Effective 28/08/2017

U12 Foreign government-supported students

See previous instructions U12 Effective 26/11/2012

- a A foreign government-supported student receives funding from their home country government to support their study in New Zealand.
- b A foreign government-supported student must meet the general student requirements under U3.1, and is exempt from having to provide evidence of paying their tuition fees.
- c In addition to the requirements at U3.1, a foreign government-supported student must provide a letter from the foreign government:
 - i that sets out the terms of the student's sponsorship and undertakes to pay the tuition fees directly to the education provider and pay the student's living expenses; and
 - ii states that the student is of good character.

Effective 02/12/2013

U12.1 Country providing support must have an education agreement with New Zealand

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

Effective 26/11/2012

U13 Students undertaking employment

U13.1 Work conditions for all students

- a A student visa may be granted with conditions allowing the student to work if the:
 - i student is aged 16 or over, and
 - ii requirements at U13.5 or U13.10 or U13.15 are met.
- b An offer of employment is not required for a student visa to be granted with conditions allowing the student to work.
- c The holder of a student visa with work conditions is not permitted to:
 - i work in self-employment; or
 - ii provide commercial sexual services; or
 - iii act as an operator of a New Zealand business of prostitution; or
 - iv invest in a business of prostitutionas indicated in E7.40.

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

Effective 02/12/2013

U13.5 Work conditions for practical experience requirements

- a A student visa may be granted with conditions to allow the student to work in order to fulfil a requirement of practical experience for their programme of study in New Zealand if an immigration officer is satisfied that practical experience is a course requirement.
- b If it is determined that an applicant's main activity will be work, that applicant may be directed to apply for a work visa.
- c Students studying in any other country that want to undertake practical work experience in New Zealand should apply for a student and trainee work visa (see WE1).

Effective 02/12/2013

U13.10 Work conditions for secondary school students

See previous instructions

U13.10 Effective 02/12/2013

- a For secondary school students, a student visa may be granted with conditions to allow the holder to work, for up to 20 hours in any given week and full-time during the Christmas-New Year vacation period where the student:
 - i is a full-time student in Years 12 or 13; and
 - ii has provided written permission from their school; and
 - iii has written parental consent.
- b Where a secondary school student is undertaking a student exchange with an Exchange Provider Organisation (EPO), written permission from the EPO is also required (see E11.55.20).
- c Despite (a)(ii), (iii) and (b) above, secondary school students aged 18 years of age or older do not require parental consent or written permission to be granted conditions allowing full-time work during the Christmas-New Year vacation period.

Effective 30/03/2015

U13.15 Work conditions for students enrolled at a tertiary institution or private training establishment

See previous instructions:

U13.15 Effective 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.

U13.15.5 Full time work rights during Christmas-New Year vacation period

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

- 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:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 5.0 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 35 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 36 or more
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)	Overall score of 154 or more
Occupational English Test (OET)	Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*

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

Effective 21/05/2018

U14 Pathway student visas pilot

See previous instructions:

U14 Effective 08/05/2017

U14 Effective 14/02/2017

U14 Effective 07/04/2015

- a For the purposes of these instructions, a pathway is defined as a progression of up to three consecutive programmes of study, offered by qualifying education providers, either within their institution or in conjunction with other qualifying education providers.
- b Pathway study can be undertaken on a single student visa.
- c Any application for a pathway student visa made after 30 November 2018 must be declined.

Effective 21/05/2018

U14.5 Requirements to be granted a pathway student visa

See previous instructions:
U14.5 Effective 14/02/2017
U14.5 Effective 07/12/2015
U14.5 Effective 04/02/2016

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

- a be offered an eligible study pathway from a qualifying provider (U14.20);
- b meet the general requirements to be granted a student visa as set out at U3.1;
- c meet the additional evidential requirements for pathway student visa set out at U14.5.1;
- d make an application for a student visa before 30 November 2018.

U14.5.1 Evidence of meeting requirements

- a In addition to meeting the general requirements to be granted a student visa as set out at U3.1, when applying for a pathway student visa an applicant must provide:
 - i Where there is more than one education provider, A joint covering letter from pathway education providers setting out the pathway programmes of study and start and end dates of each programme of study;
 - ii An offer of place (or joint offer) for each programme of study that meets the requirements set out at U3.5;
 - iii Evidence that tuition fee requirements, as set out at U3.10, for either the first programme of study or first year of study (whichever is shorter) have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway; and
 - iv Evidence that the maintenance funds requirements set out in U3.20 for the first year of study on the intended pathway have been met and satisfy an immigration officer that they have the ability to fund any remaining balance of the first programme of study and subsequent programmes of study on the intended pathway.
- b Despite (a)(ii), second and subsequent offers of place for a pathway can be conditional on meeting pre-requisite programme of study entry criteria.
- c First time pathway student visa applicants from a country with a student visa decline rate of more than 20 per cent who intend a study pathway commencing with an English language programme of study and culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework must:
 - i submit an International English Language Testing System test (IELTS) (or equivalent internationally recognised test) at the time of application; and
 - ii demonstrate that they only require an improvement of 0.5 of an IELTS overall band score (or equivalent) to meet the English language prerequisite for entry into the intended level 5 to 8 programme of study.

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

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

Effective 21/05/2018

U14.10 Currency and conditions of pathway student visas

See previous instructions:

U14.10 Effective 04/02/2016

U14.10 Effective 07/12/2015

- a For the purposes of the pathway student visa pilot, a visa can be granted up to a maximum of five years;
- b A visa may be granted to expire no more than three months beyond completion of the final pathway programme of study within the maximum currency of five years;
- c Work conditions for the duration of the pathway student visa will only be granted where the first programme of study meets the requirements as set out at U13.1, U13.10 or U13.15;
- d If the second or subsequent programme of study meets the requirements set out at U13.1, U13.10 or U13.15, a variation of conditions is required in order to be granted work conditions;
- e Where (d) applies, a Variation of Conditions or Variation of Travel Conditions (INZ 1020) application form must be completed and submitted with the required fee.
- f The holder must make satisfactory progress on the pathway by:
 - i meeting the conditional pre-requisites for enrolment into a second or subsequent programme of study (E3.20(d)); and
 - ii commencing the second or subsequent programme of study on a pathway within a 16 week period of completing an earlier programme of study.
- g Where a first time student has submitted an English language test result as set out at U14.5.1 (c) and been granted a pathway student visa to undertake an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework, the English Language programme of study must be completed within a 20 week period.

Effective 21/11/2016

U14.15 Changing and complying with pathway student visa conditions

See previous instructions:

U14.15 Effective 21/11/2016

U14.15 Effective 04/02/2016

U14.15 Effective 07/12/2015

See also Immigration Act 2009 ss 49, 52, 56

- a If a student holding a pathway student visa wishes to move to a different education provider or lower level programme of study than those specified in their visa conditions, they must apply for a new student visa and meet the requirements set out at U3.40.
- b A variation of conditions, for the purpose of changing a programme of study at the same education provider will only be granted if an immigration officer is satisfied that:
 - i the applicant meets the student requirements set out at U3.1; and
 - ii the applicant has not breached their visa conditions as set out at E3.20; and
 - iii the original student visa would have been granted for the proposed programme of study; and
 - iv the proposed programme of study is at the same or higher level on the New Zealand Qualification Framework as the original programme of study; and
 - v the applicant remains a bona fide applicant (see E5.1).
- c Factors that an immigration officer may take into consideration when determining (b)(iii) and (b)(iv) above include, but are not limited to:
 - i the time elapsed since the original visa was granted;
 - ii whether the level and/or subject area of the proposed programme of study are significantly different from the original programme of study; and
 - iii any relevant information held about the previous application(s) including advice from the original issuing branch (see E7.1.1).
- d Students who have received New Zealand Aid Programme funding within the two years prior to their application to change programme of study must also provide evidence that the Ministry of Foreign Affairs and Trade supports the change of programme of study and that any scholarship continues.

U14.15.5 Breaching visa conditions

- a A student on a pathway student visa will be considered to be in breach of visa conditions where:
 - i they fail to meet conditional pre-requisites for enrolment into a second or subsequent programme of study (E3.20(d)); or
 - ii the time between the completion of one programme of study and the start of a second or subsequent programme of study on a pathway exceeds 16 weeks; or
 - iii they have submitted an English language test result as set out at U14.5.1(c) and their intended pathway is an English language programme of study culminating in a qualification at Levels 5 to 8 on the New Zealand Qualifications Framework and the English Language programme of study is not completed within a 20 week period.
- b A breach of visa conditions is “sufficient reason” to make a temporary entry class visa holder liable for deportation, and may result in the issue of a Deportation Liability Notice (E3.60).

Effective 08/05/2017

U14.20 Provider requirements

See previous instructions:

U14.20 Effective 08/05/2017

U14.20 Effective 14/02/2017

U14.20 Effective 22/08/2016

U14.20 Effective 07/12/2015

U14.20.1 Pathway pilot entry criteria

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

U14.20.5 Eligible pathways

- a All pathways must demonstrate academic progression to the second or subsequent programme of study building on the previous study.
- b All consecutive programmes of study that demonstrate progression are eligible to be included in the pilot with the exception of the following pathways:
 - i Any English language programme of study to any tertiary sector Level 1–4 Certificate on the New Zealand Qualifications Framework (NZQF); and
 - ii All pathways within and between tertiary sector NZQF Levels 1–4 Certificates; and
 - iii Secondary school to any tertiary sector NZQF Levels 1–4 Certificates.
- c Breaks between consecutive programmes of study must not exceed 16 weeks
- d Only education providers who meet the requirements set out under U14.20.1 can offer a joint pathway in conjunction with one another.

U14.20.10 Formal agreement between qualifying education providers

- a To ensure a student's pastoral care needs are met, qualifying education providers who intend offering an education pathway in conjunction with one another must enter into a formal agreement.
- b The formal agreement must include and set out the following processes and arrangements:
 - i The application process (joint covering letter with two/three offers of place)
 - ii Pastoral care obligations
 - iii Handover arrangements in transition periods between programmes of study/education providers
 - iv The process if a significant gap exists between completion of a programme of study and the start of a second or subsequent programme of study or in the event some papers are failed and cannot be repeated within a 16 week period.
 - v The process if conditional entry requirements for second or subsequent programmes of study are not met
 - vi The process if the student fails to attend and/or make satisfactory progress (E3.20(d))

- vii The process if the student wishes to leave intended pathway
- viii The obligation to notify INZ where a pathway student:
 - o requires additional time to complete a programme of study and time required is likely to exceed 16 weeks; or
 - o fails to meet the conditional entry requirements for a second or subsequent programme of study; or
 - o fails to enrol for a subsequent programme of study; or
 - o fails to attend and/or make satisfactory progress; and
 - o has their enrolment in a programme of study terminated.
- c Where an education pathway is offered by a single qualifying education provider, the formal agreement processes set out at (b) must be met.
- d The signed formal agreement does not have to be submitted with a pathway student visa application, however it must be made available to INZ if requested.

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

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

- a INZ will suspend the processing of any student visa applications related to an existing pathway agreement immediately.
- b The non-compliant pathway education providers will be advised in writing of the suspension and will be sent a report detailing the non-compliance, and will be given 30 days to remedy the non-compliance.
- c Resolution (or satisfactory progress towards resolution) of the non-compliance to the satisfaction of INZ within the 30 day period will see the suspension lifted and processing of related pathway student visa applications will resume.
- d The Ministry of Business, Innovation and Employment or the New Zealand Qualifications Authority may conduct an investigation three to six months later to assess the effectiveness of the remediation undertaken. If the remediation is deemed inadequate or ineffective, the suspension can be re-imposed or the provider may be removed from the pathways pilot and current pathway student visa holders become liable for deportation.
- e If INZ is not satisfied that the non-compliance has been addressed or satisfactory progress has been made towards resolution within the 30 day period, the suspension of related student visa processing will continue (until resolution occurs).
- f Failure to address or make satisfactory progress towards resolving the non-compliance may result in removal from the pathways pilot, and current student visa holders becoming liable for deportation.

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

Effective 28/08/2017

U15 Multiple short-term English language programmes of study

- a Applicants may be granted a student visa to undertake multiple short-term English language programmes of study for a maximum period of six months if they:
 - i submit a joint covering letter from eligible pathway education providers (U14.20.1) setting out the English language programmes of study and start and end dates of each programme of study showing at least 14 weeks of English language study in total;
 - ii submit an offer of place (or joint offer) for each programme of study that meets the requirements set out at U3.5;
 - iii meet the general requirements to be granted a student visa as set out at U3.1;
 - iv can demonstrate they have sufficient funds for maintenance for the duration of their stay in New Zealand (U3.20);
 - v have not previously been granted a visa under these instructions.
- b Work conditions will not be granted unless the part-time work requirements set out at U13.15.1 (e) are met.

Effective 07/12/2015

U16 Students affected by New Zealand Qualifications Authority Compliance notification

- a The intent of these instructions is to allow people whose education provider is subject to statutory intervention by the New Zealand Qualifications Authority (NZQA) to maintain their status as student visa holders while awaiting a determination of whether their qualification can be awarded.
- b Student visas may be granted under these instructions where the applicant:
 - i has submitted all required material for the assessment of their qualification;
 - ii is or has been enrolled at an education provider that is subject to statutory intervention by NZQA which prevents the awarding of their qualification;
 - iii is awaiting NZQA's confirmation that their qualification can be awarded; and
 - iv meets health and character requirements as set out at A4 and A5.

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	102
L2 Limited visas.....	103
L3 Granting limited visas where temporary visa applied for.....	115
L4 Direct applications for a limited visa	118
L5 Requirements for direct application for limited visa.....	123
L6 Special cases	125

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

L5.1 Requirement to be a 'bona fide applicant' intending a temporary stay in New Zealand for an express purpose

- a A person who applies **directly** for a limited visa is a bona fide applicant if:
 - i they genuinely intend a temporary stay in New Zealand for an express purpose (see L2.30); and
 - ii their express purpose is a lawful purpose (V2.1.1); and
 - iii in the opinion of an immigration officer they are not likely to:
 - o remain in New Zealand unlawfully; or
 - o breach the conditions of any visa granted.
- b The provisions of E5.5 and E5.10 apply to direct applications for limited visas, with any necessary modifications.

Effective 29/11/2010

L6 Special cases

L6.1 Limited visas for some refugee or protection status claimants, refugees or protected people

See previous instructions

L6.1 Effective 30/03/2015

L6.1 Effective 29/11/2010

See also Immigration Act 2009 s 150

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

L6.1.1 General requirements

See also Immigration Act 2009 ss 61, 150

- a A refugee or protection status claimant, a refugee or a protected person who holds a limited visa may submit an application for a further limited visa at any INZ office in New Zealand.
- b Applications must be made on the application form *Visitor Visa Application (INZ 1017)* or *Student Visa Application (INZ 1012)* (depending on the nature of the express purpose), and submitted together with the applicant's passport (or a certified copy) or travel document (or a certified copy) and a passport-sized photograph.
- c Such applicants do not have to pay a fee.
- d The applicant must ensure that they submit each application before any current limited visa expires (see L2.1).
- e The following refugee or protection status claimants, refugees or protected persons who require further time in order to achieve the express purpose for which they were granted a limited visa should normally be granted an appropriate temporary visa rather than a further limited visa where:
 - i claimants who apply to be lawfully in New Zealand while their claim is determined;
 - ii refugees or protected people who have yet to be granted a residence class visa.
- f Refugee or protection status claimants, a refugee or a protected person whose express purpose has been achieved or abandoned or is no longer achievable may not be granted a further limited visa because no further time is required in order to achieve the express purpose. However such applicants should be advised that although as the holder of a limited visa they have no right to apply for a further visa, they may nevertheless be eligible for the grant of a visa under section 61 after their limited visa expires, at the discretion of the Minister or an immigration officer.

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

In addition to any of the conditions listed in L2.40, each time a limited visa is granted to a refugee or protection status claimant, they must be advised in writing that their visa is subject to the following conditions:

- a that at all times they keep INZ informed of any change of residential address; and
- b that they may be liable for deportation if:
 - i their claim for refugee or protection status is declined and they fail to appeal, or have appealed unsuccessfully, to the Tribunal; or
 - ii they withdraw their claim.

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

See also Immigration Act 2009 ss 15, 16

- a If the holder of a limited visa claims refugee or protection status at the border, the holder, unless subject to sections 15 or 16 of the Immigration Act 2009 (see A5.40), should be granted entry

permission for the period required to achieve the express purpose for which they were originally issued the limited visa.

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

L6.1.15 Grant of limited visa in relation to criminal matters

See also Immigration Act 2009 s 83

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

Effective 08/05/2017

Military visas

IN THIS SECTION

M1 Objective 130

M2 members of a visiting force (including members 131

M1 Objective

The objective of military visa instructions is to facilitate the movement of members of a visiting force (including members of the civilian component of the visiting force) as defined in the Visiting Forces Act 2004, or crew members of any craft transporting such people to New Zealand who will be in New Zealand:

- a at the request or with consent of the Government of New Zealand; and
- b in the ordinary course of the member's duty or employment.

Effective 29/11/2010

M2 members of a visiting force (including members ...)

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

See previous instructions M2 Effective 29/11/2010

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

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

- a at the request or with consent of the Government of New Zealand, and
- b in the ordinary course of the member's duty or employment,

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

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

Effective 19/06/2017

M2.1 Military visa applications

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

- a Members of a visiting force (including members of the civilian component of the visiting force) as defined in the Visiting Forces Act 2004, or crew members of any military craft transporting such people to New Zealand, applying for military visas must:
 - i meet lodgement requirements as set out at E4.50; and
 - ii be bona fide applicants as set out at E5; and
 - iii meet health and character requirements as set out at M2.5; and
 - iv provide evidence to establish that they will be in New Zealand at the request or with consent of the Government of New Zealand, and in the ordinary course of their duty or employment.
- b Applicants are exempt from:
 - i providing an application fee; and
 - ii meeting onward travel requirements.
- c Evidence that the applicant will be in New Zealand at the request or with consent of the Government of New Zealand, and in the ordinary course of their duty or employment, may include but is not limited to:
 - i a military movement order; or
 - ii joining instruction for a course run by the New Zealand Defence Force; or
 - iii other evidence provided by the New Zealand Defence Force.

Note: Members of a visiting force (including members of the civilian component of the visiting force) as defined in the Visiting Forces Act 2004, or crew members of any military craft transporting such people to New Zealand, are exempt from having to produce a passport or certificate of identity (see Y2.10).

Effective 06/07/2015

M2.5 Health and character requirements for members of a visiting force...

M2.5 Health and character requirements for members of a visiting force (including members of the civilian component of the visiting force) as defined in the Visiting Forces Act 2004, or crew members of any craft transporting such people to New Zealand

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

Effective 29/11/2010

M2.10 Conditions of visa

- a Any military visa granted, or deemed to have been granted, will permit the holder to undertake any work and/or study.
- b Any military visa granted prior to travel may have multiple entry travel conditions.

Effective 29/11/2010

M2.15 Accompanying partners and dependent children

Accompanying partners (see E4.1.20) or dependent children (see E4.1.10) of military visa holders may be eligible for a temporary entry class visa (see V3.125, W18 and U8.15).

Effective 29/11/2010

Special temporary visas

IN THIS SECTION

H1 Objective	138
H2 Diplomatic, Consular, and Official staff, and accompanying dependants	139
H3 Domestic Staff	141
H4 Applications for visas for diplomatic, consular, and official staff, and their dependants.....	142

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