

Immigration Act 2009

Special direction – Grant resident visas to a class of offshore persons whose resident visas are no longer valid to manage the effects and deal with consequences of measures taken to contain or mitigate the outbreak or effects of COVID-19.

Pursuant to section 61A(2) of the Immigration Act 2009 (the Act) of my own volition, by special direction, I grant a resident visa with the travel condition that the person arrive in New Zealand within 12 months of the date that this special direction is made to a class of offshore persons whose resident visas are no longer valid because the travel conditions on those visas have recently expired.

Pursuant to section 61A(5) of the Act, the following persons are classified as persons to whom this special direction applies. A person who:

1. held a resident visa with travel conditions which expired between 2 February 2020 and the day on which this special direction is made, and
2. is outside New Zealand on the day this special direction is made.

The resident visa will have the same multiple entry travel conditions as the expired resident visa referred to at 1. and any non-travel conditions applying to the expired resident visa also apply to the resident visa made by this special direction.

I am satisfied that the making of this special direction is reasonably necessary to manage the effects and deal with the consequences of measures take to contain or mitigate the outbreak of COVID-19. This is because the making of this special direction responds to the border restrictions imposed by New Zealand and other countries which have restricted international travel. As a result some resident visa holders may have been unable or will be unable to enter New Zealand as their travel conditions on their visas have expired, invalidating their resident visa, and they will have to reapply for resident visas to be able to enter, or re-enter and stay, in New Zealand. These persons had met the criteria for the resident visa category and will have either settled or planned to settle in New Zealand before the COVID-19 border restrictions, and may be discouraged from reapplying for a visa due to the cost and effort associated with a residence visa application. The number of former resident visa holders affected is reasonably large and granting them new visas on an individual case-by-case basis would be time-consuming and offer little short term certainty for former resident visa holders in this class. I am satisfied that this special direction does not materially disadvantage the class of persons to whom it relates because it gives them more time to travel to, and be in, New Zealand.

I note that, under the border restrictions in force on the day I make this special direction, people granted visas offshore who have not yet travelled to New Zealand may not be able to enter New Zealand.

Dated this 11th day of September 2020

Hon KRIS FAAFOI, Minister of Immigration

Explanatory note: *The effect of this special direction is to grant resident visas to persons who are not in New Zealand and who recently held resident visas with travel conditions which have expired since the border was closed on 2 February 2020 and who are no longer able to travel to New Zealand because they no longer hold valid resident visas. These persons will have 12 months to travel to New Zealand from the date this special direction is made if border restrictions allow them to enter.*

