

VISA PAK ISSUE 506 — 13 MAY 2022

## **RECONNECTING NEW ZEALAND AND CURRENT VISA HOLDERS**

As part of Reconnecting New Zealand, holders of current temporary visas can now enter New Zealand. This includes:

- temporary work and student visa holders who still meet their visa requirements — this applies to people currently outside New Zealand and those who want to leave and return
- up to 5,000 international students to study in semester 2
- Australian citizens and permanent residents arriving from anywhere in the world
- visa-waiver travellers with an NZeTA (unless exempt), and
- existing (onshore and offshore) holders of valid visitor visas.

The central place for all information about reopening the border is the Immigration New Zealand website.

### **What Reconnecting New Zealand means for current visa holders**

Holders of a valid student or work visa who wish to travel to New Zealand, or leave and return to New Zealand, must continue to meet the conditions of their visa. They will no longer need a border exception before travelling to New Zealand on their visa.

Visa holders must ensure their visa conditions remain valid and that they have multiple-entry travel conditions on their visa before they depart New Zealand, otherwise they will not be able to return on that visa. INZ has communicated with work and student visa holders informing them that if they do not hold multiple-entry travel conditions they may apply to vary these conditions so they can depart and return to New Zealand.

### **Change of circumstance for offshore student and work visa holders**

If the visa holder is offshore and their circumstances have changed since they were granted their visa, or they no longer meet the conditions of their visa, they will need to apply for, and be granted, a standard variation of conditions (as opposed to a Critical Purpose variation of conditions) which can be applied for offshore, or a new visa before they travel.

### **Visa waiver and transit travellers**

Immigration requirements have been amended to allow passport holders from a visa waiver country to enter New Zealand from 11:59pm on 1 May if they hold a valid traveller NZeTA. Some people are exempt from the requirement to hold an NZeTA under E12.1.5 instructions.

Passport holders from a transit visa waiver country or visa waiver country who wish to transit through New Zealand can continue to do so, as long as they hold a valid NZeTA if required. Others

may apply for a transit visa if they are required to hold one. Exceptions to requiring a transit visa are listed under N2.1 instructions.

### **Bona fides for further applications**

Further temporary visa applications for people made onshore, following travel to New Zealand, should consider bona fides as per normal requirements under E5 instructions. Further guidance on the assessment of bona fides can be found in IAC 13-09 Assessing Bona Fide Application Criteria.

### **Critical Purpose visitor visa (CPVV) and Critical Purpose Variation of Condition (CPVOC) applications**

If an immigration officer identifies either of the following scenarios while processing an application, they may ask the applicant if they wish to withdraw their application if:

- a) A CPVOC has been raised on a substantive visa type under border exception instructions (e.g. partners of work visa holders, or students) and the variation is no longer required due to the border reopening
- b) A person has entered New Zealand as a visa waiver traveller, but they had previously made a request to travel or an associated visa application under Critical Purpose instructions while they were outside New Zealand, and they appear to no longer need it. This treatment also includes people with an on-hand application for a border exception as partners or dependents of a worker.

Withdrawing a CPVV or CPVOC application may negatively impact the person's eligibility for the 2021 Resident Visa (see S6.10 2021 resident visa requirements). In circumstances where this is the case, immigration officers should generally not suggest a withdrawal (unless other circumstances mean that the suggestion is warranted).

If the person chooses to withdraw their application and subsequently applies for a refund, the existing fee refund process should be followed.

### **Clarifying the interpretation of H5 objective and instructions**

H5 COVID-19 Support instructions were put in place to minimise risks to New Zealand posed by the COVID-19 virus. Instruction H5.25.1(a)(v) outlines *a Critical Purpose Visitor Visa may be granted if an immigration officer is satisfied that all applicants included in the application have a critical purpose for travel to New Zealand as described in H5.25.15.*

Immigration officers may note the following interpretation of this provision in light of the loosened border restrictions as New Zealand reopens. Even if the person has since travelled onshore on a substantive visa or as a visa waiver traveller, instruction H5.25.1(a)(v) can be seen as being met, provided that person:

- a) is listed as one of the people coming to New Zealand to fulfil a critical purpose (see H5.25.15); and
- b) meets any related criteria to their visa category (for instance within H5.30); and
- c) was offshore when they were invited to apply (or applied for) their visa.

Where these instructions have been met, the on-hand CPVV application should continue to be processed and, if they meet all other relevant requirements, may be approved.