

VISA PAK ISSUE 341 — 19 JANUARY 2018

## VISAS BASED ON A RELATIONSHIP

This item provides advice on how to interpret immigration instructions that include the concept of a 'visa based on a relationship'. Examples include the instructions setting out who must be included in a residence class visa application; and the instructions setting out when lower-skill band Essential Skills visa holders can continue to support visas for family members (see the attached appendix one for the full list of relevant immigration instructions).

[Appendix One Immigration instructions and Regulations which use the concept of a visa based on a relationship](#)

### Process

#### What is meant by a visa based on a relationship?

A visa based on a relationship means a visa that requires the existence of a specific relationship for it to be granted, such as special work visas for partners of holders of student visas (WF4) or student visas for dependent children of holders of work visas (U8.20).

A visa based on a relationship does not include a general visitor visa granted to an applicant for the lawful purpose of visiting a family member, including a parent or partner.

Interpreting 'a visa based on a relationship' to mean visas that require the existence of a specific relationship (i.e. that require the applicant to be in a partnership or be a dependent child) to be granted, is consistent with the intention of policy changes that originally introduced this term (see 'Inclusion of dependents in residence applications' Visa Pak 308).

As noted above, the concept of a visa based on a relationship to another visa holder or New Zealand citizen is used in various instructions. To maintain consistency in visa decision making, and to allow applicants to understand visa requirements, the meaning of a visa based on a relationship should be the same where ever this concept is used.

#### R2.40 d – What is meant by 'has applied for a visa'?

A residence class visa application must include any dependent children or partner of the principal applicant, where the child or partner holds or **has applied for** a temporary entry class visa based on their relationship to the principal applicant (Regulation 20 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the Regulations), which is reproduced at R2.40 d).

'Has applied for' means has applied for a temporary entry class visa at the time the residence class visa application is lodged. This means that the partner or dependent child(ren) who have an undecided application for a temporary entry class visa (which is based on a relationship to the principal applicant) being considered by Immigration New Zealand when the residence class visa application is lodged, must be included in that residence class visa application.

A partner or dependent child who has applied in the past for a visa based on their relationship to the principal applicant for a residence class visa, but who does not currently hold a visa based on that relationship and does not have an application based on that relationship being processed, does not have to be included in the residence application under Regulation 20 (as reproduced at R2.40 d).