

VISA PAK ISSUE 214 — 5 JUNE 2015

## PARTNERSHIP BASED TEMPORARY VISA APPLICATIONS WITH MINIMAL EVIDENCE

Staff have requested advice in processing partnership-based temporary visa applications where there is minimal evidence of living together in a genuine and stable relationship, as required by instructions. The advice below should be used in place of that provided on 03 June 2011 '*Assessing temporary class visas under partnership instructions*'.

A typical scenario is where an offshore applicant for a temporary visa under partnership instructions was recently married but has not lived with their supporting partner for any significant length of time. Alternatively, they may want to come to New Zealand to build up time living together to prove their relationship is stable and likely to endure.

Officers should approve partnership-based work or visitor visas under instructions at [WF2](#) or [V3.15](#) where they are satisfied the couple is living together in a genuine and stable relationship. If the couple cannot demonstrate they meet one or more of the partnership requirements, including living together, Immigration Officers should refrain from granting visas as exceptions to instructions (ETIs) as this undermines the integrity of partnership instructions. Instead, if a couple appear to be genuine and credible but cannot demonstrate they meet the living together requirements, Officers should consider whether or not to exercise their discretion to issue a general visitor visa for the purpose of a family visit. This is provided for under s45 of the Immigration Act 2009, as reflected in instructions at [E3.1\(b\)\(ii\)](#).

Staff are sometimes required to respond to enquiries from New Zealand citizens or residence class visa holders intending to travel overseas to marry and then support a temporary visa application by their partner. When this occurs, staff need to manage the expectations of such enquirers by reminding them of the following:

- Relevant instructions [\[E4.5.5\(c\)\(i\)\]](#) state that Immigration Officers may only grant partnership-based temporary entry class visas if the Officer is satisfied the couple are living together in a genuine and stable relationship. Couples with no evidence of a substantive formative relationship who have only lived together briefly are unlikely to meet this requirement.
- In each case the onus of proving that a relationship is genuine and stable lies with the couple involved, meaning as much evidence as possible needs to be submitted when the visa application is lodged.
- As entry for the purpose of marriage is a lawful purpose for a visitor visa, being married in New Zealand is an option even if it's not a culturally-arranged marriage. This allows a couple to live together and position themselves to apply for and obtain a partnership-based visa.
- While instructions do not stipulate how long a couple must have lived together, to be eligible for a partnership-based temporary visa it needs to be long enough to enable sufficient evidence to be submitted to satisfy an Immigration Officer they are living together in a genuine and stable relationship.

It is recognised that some applicants may want to work immediately upon arrival in New Zealand. The onus is on the couple to manage their financial situation and how the visitor will be supported, rather than expect a partnership-based work visas to be approved as an ETI. There should be no expectation that a work visa will be approved unless the couple can demonstrate that they are living together in a genuine and stable relationship.