

VISA PAK ISSUE 458 — 23 DECEMBER 2020

EMPLOYER ASSISTED WORK VISA HOLDERS EXTENSIONS - SCENARIOS

The Minister of Immigration has announced that all Employer Assisted Work Visa holders (and their partners and dependent children) who are **onshore** and whose visas are expiring between **1 January and 30 June 2021 (inclusive)** will have their visas automatically extended by a Special Direction for another six months.

Immigration Officers should continue to assess all on-hand applications - under the applicable Immigration Instructions but should carefully check AMS to determine whether the applicant is within scope of the special direction

Scenario	Approach
Applications that meet the relevant Immigration Instructions	Approve the application as per normal process
Applications that do not meet Immigration Instructions and the applicant's current visa expires before 1 January 2021	Decline the application as per normal process.
Applications that do not meet Immigration Instructions and the applicant's current visa expires after 1 January 2021	Decline the application as per normal process. Revise and edit the decline letter content to ensure the effects of the Special Direction are accurately communicated (see example below)
Requests for withdrawal where approving the application would result in a visa expiry date <i>after the one granted by the automatic extension</i> .	Advise the client of the effects of the Special Direction and that, should their existing application be approved, they would be eligible for a visa of a longer duration than what the extension will grant them. <i>Note that any refund request will be assessed in line with the relevant IAC current at the time of processing. The current IAC can be found here.</i>

Note: The visa that is extended under special direction will have the same conditions as their original visa. If a visa holder wishes to change employer or role, they will need to apply for a variation of conditions or new visa.

Application number:

Client number:

21 December 2020

[Address]

Dear XXXX

Application for a work visa for:

Applicant:

XXXX XXXX

Date of birth:

XX/XX/XXXX

Thank you for your application for a work visa - Essential Skills. We received your application on [Enter date]

Our decision on your application

We have declined your application for a work visa because you do not meet the requirements set out in the work immigration instructions.

We have made this decision because:

We have also considered if there are any special circumstances that would warrant an exception to immigration instructions, but can find no reason to grant a visa as an exception.

Your current visa has been extended by 6 months

The expiry date of your current visa has been extended by the Minister of Immigration. Your visa now expires on [date].

More information about the extension can be found on our website.

If your situation or circumstances no longer meet the rules or criteria under which your current visa was granted, you should discuss your circumstances with Immigration New Zealand or make plans to leave New Zealand.

Requesting reconsideration of this decision

You may be able to request reconsideration of this decision. To do so, you must meet **all** of the following criteria:

- Be lawfully in New Zealand
- Make the request in writing
- Submit your passport or certificate of identity
- Pay the reconsideration application fee
- Make the request no later than 14 days after the date you received notice of our decision to decline your application.

Liability for deportation and appeal rights

If you are not eligible for a further temporary visa, you should arrange to leave New Zealand before your extended visa expires.

If you are not granted a further visa, and remain in New Zealand after your current extended visa expires, you will be unlawfully in New Zealand and will be liable for deportation. If this happens, your unlawfulness and liability for deportation will begin on the second day after the expiry date of your extended visa.

If you do not request reconsideration of our decision to decline you a visa, you may appeal against your liability for deportation on humanitarian grounds no later than 42 days after first becoming unlawfully in New Zealand.

If you do request reconsideration of our decision to decline you a visa, you may appeal against your liability for deportation on humanitarian grounds up to the later of either:

- 42 days after first being unlawfully in New Zealand, or



NEW ZEALAND
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- 42 days after receiving the decision to decline your reconsideration request (if your request is declined)

More information on how to appeal to the Immigration and Protection Tribunal is available at <https://www.justice.govt.nz/tribunals/immigration/>

Contact us

If you have any questions, you can:

- call me on
- email me at
- call our Immigration Contact Centre on 0508 55 88 55 or 09 914 4100, or for those outside of New Zealand +64 9 914 4100, or
- find answers to frequently asked questions or email us your enquiry at <https://www.immigration.govt.nz/search>.

You will need to tell us your application and client numbers (you will find these at the top of this letter). Please have them with you and be ready to quote them if you contact us.

Yours sincerely

Immigration Officer
Immigration New Zealand