

VISA PAK ISSUE 458 — 23 DECEMBER 2020

UPDATE ON FURTHER VISA EXTENSIONS

The Minister of Immigration has extended a number of temporary visas by Special Direction in order to retain the onshore migrant workforce given the limited number of migrants able to enter New Zealand due to the border closure.

- The table in [VisaPak 449](#) contains a summary of the extensions that occurred in the period between March 2020 – September 2020.
- The table below contains a summary of cohorts impacted by the more recent Special Directions issued in December 2020.

Cohort	Details	Duration of extension
Employer-Assisted Workers	<p>Everyone onshore on 1 January 2021; <i>and</i></p> <p>holding a valid employer-assisted work visa*; <i>and</i></p> <p>with an expiry date between 1 January 2021 and 30 June 2021 (inclusive).</p> <ul style="list-style-type: none"> • Essential Skills • Work to Residence • Special and Skilled work visas for China, Indonesia, South Korea, Philippines and Vietnam • Special category work visas for Japanese Interpreters and Thai Chefs • Employer-specific work visas granted under section 61 of the Immigration Act 2009 • Religious Worker • Fishing Crew • Silver Fern Practical Experience 	6 months from date of expiry
Partners and Dependents of EAWVs	<p>Everyone onshore on 1 January 2021; <i>and</i></p> <p>holding a valid partner or dependent visa; <i>and</i></p> <p>linked to a principal applicant already extended (in the above extension); <i>and</i></p> <p>with an expiry date between 1 January and 30 June 2021 (inclusive)</p>	In line with the principal applicant, or 6 months from date of expiry – whichever is shorter
Fishing crew	<p>Everyone holding a valid foreign crew of fishing vessel employer-assisted work visa; <i>and</i></p> <p>with an expiry between 1 January and 30 June 2021.</p> <p><i>*Please note, due to some crew being offshore, or in the EEZ at the time of the Special Direction there is no requirement for this cohort to have been onshore on 1 January 2021, the extension applies to all visa holders of this type with an expiry between 1 January and 30 June 2021.</i></p>	6 months from date of expiry
Working Holiday Scheme	<p>Everyone onshore on 21 December 2020; <i>and</i></p> <p>Holding a valid working holiday scheme (WHS) or working holiday extension visa (WHE); <i>and</i></p>	6 months from date of expiry

	with an expiry date between 21 December 2020 and 30 June 2021 (inclusive).	
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Due to development and testing time, a system change to update INZ's electronic visa records (including AMS, Visa Verification Service and Visa View) to reflect the extended expiry dates will not take effect until late February/early March 2021.

Proactive communication about the changes are being sent to impacted clients, immigration advisers/lawyers and some employers this week. Information about this is also available on the INZ website at:

<https://www.immigration.govt.nz/about-us/covid-19/coronavirus-update-inz-response>

Staff approached by clients or immigration advisers/lawyers seeking an update on their immigration status or seeking general information should take note of the following:

- Immigration New Zealand will contact eligible visa holders by email with details of the changes. Please do not direct visa holders to call the ICC for more information as they do not have any further details. INZ systems will be updated by March 2021 and further communications will be sent to visa holders when this is completed.
- While the visa holders outlined in the table above will have their visa extended in law, due to system limitations if a client whose visa *was* expiring before AMS is updated with new expiry dates tries to submit a new application in IGMS they will be unable to.

Clients in this situation who need to submit an application (for example those with a new job offer) are advised to wait until their visa expiry is correctly reflected in INZ systems if possible. If this is not possible, they can submit a paper application. An AMS note should be recorded of any interaction with a client in this situation.

- If a client wishes to apply for a Variation of Conditions or submit a Section 61 or reconsideration request, standard process applies, however care should be taken when assessing s61 requests before the AMS update goes through (see below)
- A process to escalate cases where a visa should have been extended but was not captured by the system update will be stood up and further details communicated early in the new year.

Staff should also note the following:

- Staff are reminded of the importance of ensuring that family applications are properly linked to ensure that these are captured in the ICT solution and reduce manual workarounds, e.g. a partner of a worker application should be linked to the 'principal' worker's application in AMS.
- Please do not manually update a client's status in AMS to reflect their extended expiry date before the ICT update is done in late February/early March 2021 as this may affect the systems update.
- Please do not Return Fail Lodgements (RFL) an application if someone is showing as unlawful without first checking with a Technical Advisor.
- People who have made a Section 61 request should have their details checked to confirm whether their visa has been extended under the Special Direction (and just not yet reflected in AMS). If so, their request should be decided as 'Refuse to Consider'.
- When assessing an application where someone is showing as unlawful, check whether their visa has been extended by Special Direction (and just not yet reflected in AMS) before assessing character and bona fide requirements.
- All staff must make a note in AMS when they have advised a client that their visa has (or likely has) been extended by the Minister.