

VISA PAK ISSUE 367 — 27 JULY 2018

AUSTRALIAN RESIDENTS/CITIZENS WHO HOLD NEW ZEALAND TEMPORARY VISAS

Australian citizens holding a valid passport, people who hold current Australian permanent residence visas, or people who hold current Australian resident return visas (residents), are waived from having to obtain a residence class visa for travel to New Zealand, provided they are not excluded under sections 15 or 16 of the Immigration Act 2009. As provided by residence instructions at R5.30.1 and prescribed by Reg. 8 - Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, such Australian citizens/residents may apply for and be granted a resident visa on their arrival. An application must be made by completing the New Zealand Passenger Arrival Card and answering 'yes' to the following question in section 7: *Do you hold an Australian passport, Australian Permanent Residence Visa or Australian Resident return Visa?*

The majority of Australian citizens/residents applying for a New Zealand resident visa on arrival encounter no problems. However, in situations where the Australian citizen/resident also holds a current New Zealand temporary visa, due to system limitations the New Zealand temporary visa will automatically override the Australian one. As a result, some Australian citizens/residents are being granted entry permission on the basis of their current New Zealand temporary visa instead of being granted the New Zealand resident visa they have applied for.

New Zealand temporary visa holders who are granted an Australian permanent resident visa and who want to apply for a New Zealand resident visa when they next travel to New Zealand can mitigate the risk of not being granted a New Zealand resident visa when they return, by:

- ensuring they answer the relevant question in Section 7 on their arrival declaration card
- carrying a print-out of their Australian permanent resident visa with them, and
- not going through an eGate if able to, but going to the primary line and explaining to the Customs/Immigration Officer that although they have a current New Zealand temporary visa, they are applying for a resident visa.

Border is continuing to work with Customs in regard to landing clients with the correct visa, and working towards system changes to resolve this issue in the longer term. In the meantime an interim process has been established to regularise the situation of Australian citizens/residents who, despite applying for and being eligible for a resident visa on arrival, were not granted one.

Persons in this situation may contact Immigration New Zealand (INZ) to have this corrected. The INZ office will need to obtain the arrival card to confirm that they correctly declared they were Australian residents/citizens wanting New Zealand residence. To obtain an arrival card, the INZ office will need to fill out the template and email the INZ Card Requests mailbox. Please note that arrival cards are only kept for a period of 8 months from the date of travel. The office will then need to raise this as a "resident – replace" visa on AMS and waive the fee. It should be noted that this technically is not a replacement of a resident visa, as the resident visa has not yet been granted (it was applied for at the border under Reg 8, but not yet decided). However, due to AMS limitations, it is the closest match. An e-visa may be granted to the applicant. Please ensure that comprehensive notes explaining the applicant's situation are included on AMS to avoid any further confusion in subsequent applications.

If the applicant wishes to have travel conditions and therefore a pathway towards obtaining a permanent resident visa, they will need to follow the standard process which includes completing the relevant application form INZ1175, paying the applicable fee, and providing the relevant documentation. Therefore, there are two processes which need to be carried out – one is to have their residence application made at the border decided, and then if they wish to have travel conditions, to raise this as a variation of travel conditions on the system.