

VISA PAK ISSUE 491 — 3 DECEMBER 2021

Removal of HIV infection from the list of high-cost medical conditions

As of 15 October 2021, HIV infection is no longer included in the list of medical conditions deemed to impose significant costs and/or demands on New Zealand's health and/or education services, which can be found at A4.10.1 of the immigration instructions. This list applies to applications for resident visas only.

Why has HIV infection been removed from the list of high-cost medical conditions?

The life expectancy for a person living with HIV is now comparative to those living without HIV and the cost of treating HIV has significantly reduced with the introduction of generic antiretroviral medications.

Why is HIV testing still required as part of the *General Medical Certificate (INZ 1007)* (or the eMedical version, which is a *501 Medical Examination*)?

HIV infection is still a serious chronic illness and can present a risk to public health as it is easily spread through unprotected sexual contact and sharing contaminated needles. Where an applicant has HIV, INZ's medical assessors will review the applicant's medical reports and provide an opinion on whether the applicant has an acceptable standard of health in line with [immigration health instructions](#).

Resident visa applications accepted on and after 15 October 2021

Any resident visa applications accepted on and after 15 October 2021 must be assessed against the immigration instructions applicable on the date the application was accepted. Applicants with HIV will have their specific medical circumstances considered rather than there being an obligation under immigration instructions to determine that they do not have an acceptable standard of health because they have HIV.

Resident visa applications accepted before 15 October 2021 including those returned for reassessment by the Immigration and Protection Tribunal

Any resident visa applications accepted before 15 October 2021, including those returned for reassessment by the Immigration and Protection Tribunal, must be assessed against the immigration instructions applicable on the date the application was accepted. This is because changes to residence instructions cannot be applied retrospectively.

This means that if a resident visa applicant has HIV and their application was accepted before 15 October 2021, they will still be deemed to have a medical condition likely to impose significant costs and/or demands on New Zealand's health services and therefore assessed as not having an acceptable standard of health.

If an applicant is determined not to have an acceptable standard of health, a medical waiver may be considered.

When considering a medical waiver, an immigration officer must consider the specific circumstances of the applicant, which includes the degree to which the applicant would impose significant costs and/or demands on New Zealand's health or education services (as per A4.70(c)(ii)).

When considering the degree to which an applicant would impose significant costs on New Zealand's health services, the immigration instructions at A4.10.2 provide guidance on the cost threshold, which determines whether costs are considered significant. Consideration can also be given in the waiver to the fact that HIV infection has been removed from the list of medical conditions deemed to impose significant costs and/or demands. Any such cases will need to be considered on the basis of the individual circumstances of each applicant.

Further information

Please contact the Immigration Health Team if you have any questions about this change or need any advice regarding the assessment of resident visa application accepted before 15 October 2021 where an applicant has HIV.