

VISA PAK ISSUE 502 — 4 APRIL 2022

DURATION OF SPECIAL WORK VISAS GRANTED FOR VICTIMS OF FAMILY VIOLENCE

This item provides clarification for the interpretation of instruction WI7.1 – the duration of special work visas for victims of family violence (FV).

Instruction WI7.1 outlines that:

People in New Zealand:

- a) who are, or have been in a partnership (see F2.5b) with a New Zealand citizen or residence class visa holder; and*
 - b) had intended to seek residence in New Zealand on the basis of that partnership; and*
 - c) that partnership has ended due to family violence by the New Zealand citizen or residence class visa holder or someone with whom the applicant is living in a family relationship; and*
 - d) who show a need to work in order to support themselves;*
- may be granted work visas valid for 6 months. This may be extended to nine months if the applicant applies for residence.*

There has been some confusion in the way these instructions are being applied. The question was raised about whether it was considered an exception to instructions to grant any visas after the cumulative period of nine months was reached.

Immigration New Zealand's position is that the intent of these instructions is to provide foreign nationals a visa allowing them to work whilst they decide whether to apply for residence, where they were in an abusive partnership with a New Zealand citizen or resident.

The instruction should be interpreted as being based on whether a residence application has been submitted or not.

Therefore, this is the guidance that can be used for consideration of visa duration being granted:

- **First work visa application under the category**
 - Work visas can be granted for 6 months if the applicant has not applied for a FV resident visa.
 - Work visas can be granted for 9 months if the applicant has applied for a FV resident visa.
- **Second or subsequent work visa application under the category**
 - Work visas can be granted for 9 months if the applicant has applied for a FV resident visa.
 - Not eligible for any further visa in this category if they have not applied for residence.

An exception to instructions would only be required if the visa duration exceeded any of these, or if subsequent visas were granted without a resident visa application being lodged.

The circumstances to be considered as to whether an exception to instructions is justified would be different in each case.