

VISA PAK ISSUE 470 — 04 JUNE 2021

COMMUNICATION WITH TEMPORARY ENTRY CLASS VISA HOLDERS REGARDING ELIGIBILITY TO ARRIVE IN NEW ZEALAND FROM ‘VERY HIGH RISK’ COUNTRIES

On 28 April 2021, the Government created a ‘very high risk’ country category. Countries considered meeting the threshold of being very high risk can be found at <https://www.legislation.govt.nz/regulation/public/2020/0239/latest/LMS487644.html>.

Travel to New Zealand by people who have been in a very high-risk country in the previous 14 days is currently restricted to:

- New Zealand citizens
- The spouse, civil union partner or de facto partner of a New Zealand citizen
- Dependent children¹ of a New Zealand citizen
- Parents of dependent children who are New Zealand citizens.

These requirements are not in immigration instructions, but are set out in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 ([the Air Border Order](#)). These requirements are in addition to the requirement for the person to have a valid visa to travel to New Zealand (or be able to do so visa waiver). The fact that a person is able to travel to New Zealand under the Air Border Order does not, of itself, enable the person to travel.

Temporary entry class visas that currently allow travel to New Zealand are subject to the condition that the holder must comply any order made under section 11 of the COVID-19 Public Health Response Act 2020. The Air Border Order is one such order. Temporary entry class visa holders wishing to travel to New Zealand from a very high-risk country may decide to contact Immigration New Zealand (INZ) in advance to seek advice on their eligibility to arrive in New Zealand under the Air Border Order.

Note:

Under the Air Border Order, travellers can transit through a very high-risk country without having to spend 14 days outside the country before they travel to New Zealand. There is no limit on the amount of time travellers may spend transiting through a very high-risk country, but must remain airside. This means they will remain at the airport and not enter the country.

Communication

INZ continues to receive a number of queries by those affected to provide clarification.

A temporary entry class visa holder claiming that they are eligible to travel to New Zealand under the Air Border Order having been in a very high risk country in the last 14 days would need to:

- Provide evidence that they are married to, or in a civil union or de facto partnership with, a New Zealand Citizen, or
- Provide evidence of dependency on a New Zealand citizen, or that they have a dependent child who is a New Zealand citizen.

A visa based on the person’s relationship with a New Zealand citizen, or a Critical Purpose visa/Variation of Conditions assessed based on the person’s relationship to a New Zealand citizen may help with this assessment.

¹ dependent child, in relation to any person, means a child under 18 years of age who is not married or in a civil union and who is dependent on that person, whether or not the child is a child of that person as per the Section 4 of the Immigration Act 2009.



NEW ZEALAND
IMMIGRATION

Any communication with travellers regarding eligibility to arrive in New Zealand from 'very high risk' countries should take into account the above. Officers who are unsure about how to respond to queries related to travel from 'very high risk' countries should consult a Technical Advisor, Technical Specialist or manager before responding.

A person who has been in a very high-risk country in the previous 14 days and who is seeking an exemption from the Air Border Order on humanitarian grounds can be directed to the website link below. INZ does not manage the process for Air Border Order exemptions.

<https://covid19.govt.nz/travel/international-travel-and-transit/travel-to-new-zealand/travel-restrictions-for-very-high-risk-countries/#some-people-could-get-an-exemption>