

VISA PAK ISSUE 488 — 8 NOVEMBER 2021

## **2021 RESIDENT VISA ANNOUNCEMENT – INTERIM PROCESSING GUIDELINES**

On 30 September 2021, the Government announced a new one-off residence visa, the 2021 Resident Visa, for some onshore temporary work visa holders and some critical purpose visa holders arriving in New Zealand between 30 September 2021 and 31 July 2022.

From 1 December 2021, applicants who had a Skilled Migrant Category (SMC) or Residence from Work (RFW) application, or who had submitted an SMC Expression of Interest (EOI) with dependents 17 years or older included, on or before 29 September 2021, will be able to apply.

This item outlines the interim process for SMC, RFW and Work to Residence (WTR) applications that are already in process for applicants that may be eligible for the 2021 Resident Visa.

All applications will be assessed in accordance with the general instructions given by the Deputy Secretary at A16.1 which outline the order and manner of processing of visa applications.

### **Interim process**

#### **SMC and RfW applications**

In cases where an Immigration Officer has assessed an application and identified that it may not meet the resident visa requirements under the category applied for, the Immigration Officer should take the following steps:

- Inform the applicant or their representative of the potentially prejudicial information and offer the following options:
  - Provide further information or evidence to demonstrate that they meet the requirements under SMC or RFW and/or
  - Inform Immigration New Zealand (INZ) that they wish to put their SMC or RFW application on hold and test their eligibility under the 2021 Resident Visa category.
- If the applicant requests INZ to hold their SMC or RFW application, the Immigration Officer must receive written consent from the applicant. The Immigration Officer must also inform the applicant that they are required to submit an application under the 2021 Resident Visa category (a fee does not need to be paid upfront).
- If the applicant requests that INZ continues processing their application under the existing resident visa category, the Immigration Officer should continue their assessment and further progress the application.

#### **WTR applications**

As per the existing process, where an Immigration Officer is unable to approve the current WTR application but is satisfied that the applicant may be granted a visa under a different category, as per E3.1 the Immigration Officer may look to use their discretion to assess and grant a visa under a different category. The Immigration Officer must inform the applicant that they will no longer have a residence pathway under the RfW category if granted a visa under a different category, however the applicant could consider testing their eligibility under the 2021 Resident Visa category. A separate application form will be required for this process.

INZ should seek confirmation from the applicant in writing that they consent to be assessed under a different temporary visa category prior to doing so.



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Note that Immigration Officers must also consider whether an applicant's circumstances may justify an exception to instructions as required by immigration instruction **E7.10**.