

VISA PAK ISSUE 507 — 20 MAY 2022

WORK RIGHTS FOR 18+ AGED CHILDREN INCLUDED IN A 2021 RESIDENT VISA APPLICATION

Visapak issue 494 outlines that, from 1 December 2021, part-time work rights (up to 20 hours per week) may be granted as a variation of conditions to a visitor visa holder aged 18 years or older who is included as a dependent child in a 2021 Resident Visa application.

This Visapak is to clarify that work rights may also be granted at the time an 18+ year old child applies for a dependent visitor visa, without the need for a subsequent variation of conditions application or additional fee. To do this, applicants may provide a cover letter with their dependent visitor visa application asking for consideration to be given to them having part time work rights on this basis. The INZ website will be updated with this information.

Immigration officers who process a dependent visitor visa application for an 18+ year old child who has requested part time work rights may consider whether to use their power under section 52(1) of the Immigration Act (summarised at E3.25 of the Operational Manual) to grant a work condition allowing up to 20 hours of work per week. Consideration should be given to whether the applicant fits the requirements outlined at E3.26.5(c).

Each request should be assessed on a case by case basis. If an immigration officer decides to grant the visitor visa with part time work rights, the dependent visitor visa application may be approved first, and then a VOC application raised in AMS, since the visitor visa application type does not contain a work visa condition for the visa label. The VOC fee set in the system can be “waived” due to ‘associated application’ (there is in fact no fee required to be paid).

The following notes are suggested if the part time work rights condition is imposed:

Visitor visa application: “I have considered the request by the applicant for part-time work rights and as they fit the criteria outlined at E3.26.5(c) I am exercising my discretion and granting work rights to allow the visa holder to work for up to 20 hours per week.”

VOC application: “Due to the work condition being unavailable in the associated visitor visa application, this VOC is being raised to issue the E-visa with the part time work condition.”

Formatting the VOC visa label

AMS - Format Label For Principal Applicant

Select Special Conditions

| Sel | Condition | Man | |
|-------------------------------------|--|-----|--|
| <input checked="" type="checkbox"/> | Stay subject to grant of entry permission. | Y | |
| <input checked="" type="checkbox"/> | You must leave before visa expiry or face deportation. | Y | |
| <input type="checkbox"/> | The holder shall not undertake employment in NZ. The holder shall not study for more than 3 months in every 12 month period in NZ. | | |
| <input type="checkbox"/> | Financial support evidence not required. | | |
| <input type="checkbox"/> | Return/onward ticket not required. | | |
| <input type="checkbox"/> | The holder may study <Course_of_study> at <Educational_Institute> in <Location>. | | |
| <input checked="" type="checkbox"/> | The holder may work as <Occupation> in <Location> for <Employer>. | | |

Cancel <Back Next> Finish

1. Occupation: "Any occupation"
2. Location: "Any location"
3. Employer: "Any employer for up to 20 hours a week"

If part time work rights are not granted, you should note the basis for reaching that decision.