

VISA PAK ISSUE 577 — 3 MAY 2024

REMOTE WORKING FOR PARTNER OF A WORKER, WORK VISA HOLDERS

Introduction — This Visa Pak is to clarify that Partner of a Worker, Work visa holders cannot work remotely for an overseas company while residing in New Zealand if their visa conditions state they must only work for an accredited employer.

Immigration instruction [W2.2.5\(b\)](#) clarifies the definition of ‘New Zealand’ for work purposes. It states that a person is considered to be undertaking work in New Zealand whether or not a New Zealand or overseas resident is providing the payment or benefit for the activity. This is also in alignment with section 4 of the Immigration Act 2009 which defines work as:

- (a) means any activity undertaken for gain or reward; but
- (b) does not include an activity excluded, or excluded for particular purpose, from definition by immigration instructions.

[W2.2.1](#) defines ‘work’ and does not exclude working remotely for an overseas entity/employer.

Therefore, a Partner of a Worker, Work visa holder who is undertaking work remotely for an overseas company while residing in New Zealand when their visa conditions state they must only work for an accredited employer is likely in breach of their visa conditions.

In instances where it has become apparent that an applicant may be breaching the conditions of their visa, the case should be referred to the National Prioritisation Process mailbox: INZ.ComplianceInvestigations@mbie.govt.nz.