

## Assessing the 'lawful purpose' and bona fides of visitor visa applicants with New Zealand job offers

Immigration instruction [V2.1.1](#) sets out the definition of lawful purpose for visitors and explains that such purposes include:

- holidaying
- sightseeing
- family and social visits
- amateur sport
- business consultation (see V3.5)
- medical treatment (see V3.40)
- guest of government visits

The examples listed in instruction V2.1.1 are not an exhaustive list of all lawful purposes for visitors and should be considered only a guide for staff assessing the lawful purpose of visitor visa applicants. Therefore, there may be other 'lawful purposes' which are not included in this list.

Visitors who do not have a lawful purpose falling within the scope of V2.1.1, include those intending to undertake employment (see [W2.2.1](#)) or a programme of study or training, with the exception of short-term study (see [V2.35](#) and [U2.5\(b\)](#)) while they are the holder of a visitor visa.

This guidance seeks to clarify when a visitor visa may be granted to a person who is onshore and has a job offer from a New Zealand employer.

### Onshore visitors

In some circumstances, applicants who are onshore may apply for a visitor visa for the purpose of remaining in New Zealand lawfully while, for example, INZ consider a job check application from their prospective employer.

In these cases, the applicant will not be issued an interim visa while a job check, or employer accreditation application is processed and therefore may need to apply for a further visa if their current visa is expiring. This may be considered a lawful purpose for the purpose of assessing V2.1.1 provided there is nothing to indicate the person intends to work while on the visitor visa.

Such applications should be considered on a case-by-case basis as applicants must still demonstrate that they are bona fide applicants (E5). Immigration officers should consider the client's overall circumstances including but not limited to:

- Whether verifiable evidence of a job offer, or indicative job offer, is provided from the prospective employer.
- Their immigration history, including their existing visa status and any previous evidence of their ties to their home country.

- The purpose declared with their previous application and whether there has been an abrupt change in circumstances.
- The prospective employer's accreditation status, as approving a visitor visa will likely be inappropriate if their accreditation status has been suspended or revoked.

Examples of scenarios and processing guidance for these scenarios can be found in the Appendix below.

### **Purpose of entry – offshore and arriving visitors**

In [Visa Pak Issue 214](#), guidance was published with advice to border and offshore processing staff on assessing visitors travelling to New Zealand to “Look, See and Decide” or to attend job interviews.

This advice remains valid, and staff should continue apply this guidance when assessing offshore visitor visa applicants and visa waiver nationals arriving at the border.

The guidance clarifies that “Look, See and Decide” does not apply to people who:

- already have a job offer; and/or
- have already sold their house, given up their job and have otherwise cut their connections to their home country.

The relevant immigration instructions for assessing the visitors described in Visa Pak 214 are the ‘bona fide applicant’ requirements (see [E5](#)), and any decision to decline such visitors should not be based on V2.1.1.c unless there are reasons to believe the person will work while holding the visitor visa if granted.

### **Further advice**

For further guidance on assessing bona fide applicant criteria, refer to the advice in [IAC 13-09 Assessing ‘bona fide applicant’ criteria](#).

## **Appendix**

### **Examples – Visa Pak Assessing the ‘lawful purpose’ and bona fides of visitor visa applicants with New Zealand job offers**

#### **Context**

Assessing ‘bona fide applicant’ criteria requires a holistic assessment of each individual’s personal circumstances on a case-by-case basis.

The cases below are examples for use as a guide for processing officers considering an individual’s bona fides. Where the circumstances in a particular application are similar to the scenarios below, immigration officers should consider all the information present in order to assess an individual’s bona fides.

**Example one:**

A client initially travelled to New Zealand on a student visa to study their bachelor's degree. After successfully completing their study, they went on to obtain a Post Study work visa.

INZ are currently assessing a job check application for the position from their current employer for the position already held by the applicant, but this is unlikely to be completed before their Post Study work visa expires.

The client has applied for a general visitor visa to remain lawful while INZ completes the assessment of the job check application. She has stated she is aware that she will be unable to continue working for her employer once her work visa expires or if the visitor visa is granted.

The immigration officer assessing the visitor visa application identifies no concerns with the client's overall circumstances and is satisfied that they do not intend to work while on the visitor visa.

- Action: Provided all other requirements are met, a visitor visa may be granted for this purpose.

**Example two:**

A client travelled to New Zealand on a one-month visitor visa, the purpose declared was holidaying/sightseeing. They initially provided evidence of their employment ties to their home country, including evidence of permission for one month's leave from their home country employer.

The client is now applying for a further visitor visa to remain in New Zealand while INZ considers a job check application from a prospective employer.

- Action: The immigration officer will need to assess the client's overall circumstances to determine whether the client is a bona fide applicant.

The abrupt change in circumstances and impact to the client's employment ties may raise concerns that the client is not a bona fide applicant. However, in determining whether the person is bona fides immigration officers should also consider all other circumstances present, which may include the nature of the job offered and the person's other ties to their home country and/or New Zealand.

**Example three:**

A client travelled to New Zealand on a Working Holiday visa and during this time has worked in a number of roles on a casual basis as permitted under the conditions of their visa. They have applied for a visitor visa because they state that their current employer intends to offer the client a permanent position but is waiting for the result of a job check application. No evidence (such as a letter from the employer) is provided to support the client's statement about the permanent role.

The employer holds accreditation and has applied for a job check but the position the job check relates to does not match the client's proposed position.

- Action: The lack of evidence supporting the client's claims and purpose of visit raises significant concerns that they are not a bona fide applicant intending a temporary stay for a lawful purpose that should be taken into consideration by the immigration officer.