

ISSUED Thursday, 10 September 2020

BREAKING NEWS

Content:

Changes to conditions for entry into New Zealand for some offshore visa holders and partners of NZ citizens and residents	2
New border exception category for some normally resident temporary work visa holders	2
Criteria	2
More information	3
Q and A	3
Extension of travel conditions for offshore resident visa holders	4
Why we are making this change	4
Q and A	5
Why we are making this change	6
More information	6
Q and A	7
Contact details	8

Changes to conditions for entry into New Zealand for some offshore visa holders and partners of NZ citizens and residents

The Government has agreed to the following entry criteria changes to make it easier for some visa holders and partners of New Zealand citizens and residents to return to New Zealand.

- New border exception category for normally-resident temporary work visa holders
- Extension of travel conditions for offshore resident visa holders
- Changes to border exception criteria for Australian and visa waiver partners of New Zealand citizens and residents

New border exception category for some normally resident temporary work visa holders

A number of temporary work visa were overseas when our border closed and so do not meet current criteria to be granted a border exception. Some of these individuals have lived and worked in New Zealand and have a strong on-going connection. This new category will enable a limited number to return to their home in New Zealand and have a strong on-going connection. This category will enable a limited number to return to their home in New Zealand.

It is expected that individuals will be able to start requesting a border exception under this category from early October 2020.

Immigration instructions to give effect to this new border exception will be made public once they have been certified by the Minister of Immigration.

Criteria

Individuals applying under this border exception must:

- have been living in New Zealand for at least two years (or one year in some specific cases), and
- Returning to the same job they held before departing New Zealand, or continue to operate a business in New Zealand as part of entrepreneur work visa, and
- have departed New Zealand on or after 1 December 2019, and

- have held either:
 - a Work to Residence visa, or
 - an Essential Skills visa (assessed as mid-skilled or higher-skilled) when they departed New Zealand **AND** does not expire before the end of 2020 **OR**, if it is expiring before end of 2020, they must have applied for a further visa on the basis of the same job when they left that allows them to remain in New Zealand for 12 months or more before 10 August 2020.

More information

Requests received before this new category becomes operational in October will be assessed against the criteria in place at the time we received the request.

All individuals who are granted this exception will still be required to spend 14 days in managed isolation or quarantine (MIQ).

- Temporary visa holders who were ordinarily resident in New Zealand in the last 12 months and left New Zealand on or before 19 March 2020 are exempt from MIQ charges.
- Any temporary visa holders who left New Zealand after 19 March 2020 will be required to pay for their MIQ.

Q and A

When does the new border exception category come into effect?

It is expected that individuals will be able to start requesting a border exception under this category from early October.

How do I prove I still have a job or a business?

The details of this are still being worked through. More information about the criteria and requirements will be available on INZ's website later this month.

What about people who don't meet this criteria – when will they be able to return to New Zealand?

Any decisions to further change or lift border restrictions will be made by the Government.

The priority at the moment is to enable work visa holders with strong connections to New Zealand to return while ensuring there is still capacity in managed isolation and quarantine for returning New Zealanders.

What if I have lost my job because I've been overseas for so long? Can I come back and get a new job?

To be granted an exception under this category, individuals must be returning to the same job with the same employer or be operating a business in New Zealand as part of entrepreneur work visa. Individuals who have lost their job will not meet the criteria to be granted an exception to return to New Zealand.

Extension of travel conditions for offshore resident visa holders

The Minister of Immigration has agreed to extend the travel conditions of some offshore resident visas for 12 months and to grant a new 12 month resident visa to holders of recently-expired resident visas.

Individuals with travel conditions about to expire will receive a 12 month extension to travel to New Zealand.

Individuals whose travel conditions expired on or after 2 February 2020 will be issued a new visa valid for 12 months.

We will advise relevant visa holders by email by the end of September, using the most recent email address that we have on file.

Individuals who have not been able to travel to New Zealand under the current border restrictions (including people granted residence offshore wanting to travel to New Zealand for the first time) will still need a border exception before they can travel to New Zealand.

Why we are making this change

People who are granted a resident visa while they are not in New Zealand must travel to New Zealand within 12 months timeframe to activate their resident visa. People who are granted a resident visa in New Zealand can have their resident visa expire if they are outside New Zealand 24 months after it was granted.

Due to the current border restrictions, many individuals have not been able to travel or return to New Zealand within the relevant timeframe. As a result, their visa has expired or will soon expire. This change will help alleviate concerns for these visa holders.

This has affected around 5,600 resident visa holders. These individuals have invested a lot of time and money to be granted a resident visa and they are either settled, or plan to settle, in New Zealand long term. The Government recognises that these individuals have recently met residence criteria and there would be no question of their ability to be in and contribute to New Zealand had they arrived before the borders closed.

Q and A

Why is the Government extending these visas?

Due to the current border restrictions, many individuals who have been granted a resident visa have not been able to travel or return to New Zealand before the travel conditions on their visa expire. These are individuals who have invested a lot of time and money to be granted a resident visa and they are either settled, or planned to settle in, New Zealand long term. The Government recognises that these individuals have recently met residence criteria and there would be no question of their ability to be in and contribute to New Zealand had they arrived before the borders closed.

Does this mean these individuals will now be able to travel to New Zealand?

Individuals will only be able to travel to New Zealand if they are exempt from the current border restrictions or have been granted an exception. Extending their travel conditions or issuing a new visa does not mean they are exempt from the current border restrictions if they were not previously exempt.

How will individuals know if their resident visa has been extended or they have been issued a new one?

Holders of a resident visa who have had their travel conditions extended or have been granted a new resident visa will be contacted by INZ via email before the end of September. The email will be sent to the most recent email address held by INZ.

Changes to border exception criteria for Australian and visa waiver partners of New Zealand citizens and residents <https://www.immigration.govt.nz/about-us/media-centre/news-notifications/australian-and-visa-waiver-partners>

The Government has agreed to change the approach to ‘partner of New Zealand citizen or resident’ to consider the grants of visas for Australian partners of New Zealand citizens or residents, and partners from visa waiver countries. This will mean that these partners may be granted a border exception if they can provide relationship evidence as part of their border exception request.

- Australian partners who are granted this border exception will be given a Critical Purpose Visitor visa to allow them to travel to New Zealand. They will then generally be issued a Resident visa on arrival, in line with normal immigration policy.
- Partners from visa waiver countries who are granted this border exception will be invited to apply for a Critical Purpose Visitor visa. If granted, they will then be able to apply for a further visa, including a relationship-based visa, while in New Zealand.

This change will come into effect in early October.

Dependent children may be included in the same border exception request.

Why we are making this change

The current border exceptions only allow for partners and dependents of New Zealand citizens and residents to be granted an exception to the border restrictions if they are travelling with their New Zealand citizen or resident family member, or have a relationship-based visa, or are ordinarily resident in New Zealand. Australian citizens have not previously needed a relationship-based visa to enter New Zealand as they are generally granted a resident visa on arrival in New Zealand.

This has meant a number of Australian citizen partners are not able to meet the requirements for a border exception and therefore are not able to travel to New Zealand while the border restrictions are in place.

More information

Australian partners will be charged NZD \$45 for the travel request but will not be required to pay a visa application fee. If approved they will be granted a visa to travel to New Zealand. On arrival, they will receive a resident visa in line with normal immigration policy.

Partners from visa waiver countries will be required to pay the NZD \$45 travel request fee and the subsequent visa application fee.

Requests that we receive before this change comes into effect will be assessed against the current criteria.

All individuals will be required to spend 14 days in managed isolation and quarantine and to cover the associated costs.

Q and A

When will this new criteria be in place?

It is expected that Australian partners and partners from visa waiver countries will be able to start making requests under this new requirement in early October. Requests received before this will be assessed against current criteria.

More information about this criteria and the date it comes into effect will be on INZ's website later this month.

Why is this change only for Australian partners and partners from visa waiver countries?

Australian partners would not normally need to hold or apply for a relationship based visa to come to New Zealand with their New Zealand citizen or resident family member as they are generally granted residence on arrival. Partners from visa waiver countries do not normally need a visa to visit New Zealand with their partner, but have and will continue to require a partnership visa to stay in New Zealand long term.

What relationship evidence will need to be provided with the request?

We are still working through the detail of this. For Australians, the border exception request form will include a requirement for individuals to submit basic relationship evidence such as a marriage/civil union certificate, joint tenancy agreement or house title, or other evidence of being in a genuine relationship. As visa waiver partners will need to make a visa application, this evidence may be provided at the application stage.

How many border exception requests has INZ received in total?

As at 2 September, Immigration New Zealand (INZ) has received 34,947 requests for a border exception (across all exception categories) since the process was put in place. 7,843 of those requests have resulted in an Invitation to Apply being issued.

INZ has received a total of 8,662 subsequent applications from individuals who were invited to apply. 7,982 applications have been decided and 7,767 of those have been approved.

Source Immigration New Zealand

Contact details

Please contact us should you have any questions and queries, initially by email.

Terra Nova Consultancy Ltd

J Peter Hendrikx - qbe

MD - Terra Nova Consultancy Ltd
Licenced Immigration Adviser - 200800214
Accredited Business Mentor - BMNZ

14 Glanworth Place
Dannemora 2016
Auckland

PO Box 58385
Botany 2163
Auckland

P +64 (0)275 706 540

E jpeter@terranovaconsultancy.co.nz

W www.terranovaconsultancy.co.nz