

**ISSUED Tuesday, 15 September 2020**

# **BREAKING NEWS**

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## Overseas applications

We have resumed processing some visa applications from people who are currently not in New Zealand.

- We are now processing and deciding offshore applications for **some** relationship-based visas, if they are supported by a New Zealand citizen or resident
- We are also processing, but not approving, offshore applications for selected visa categories.

We understand your clients want certainty about their ability to enter New Zealand. COVID-19 has impacted people in many ways and New Zealand's border restrictions have resulted in hardship for many migrants, including those separated from their loved ones.

## Relationship-based visas supported by a New Zealander

We are now processing offshore, supported applications for the following visas:

- |   |  |
|---|--|
| • Partnership – Visitor                       | Partnership                            |
| • Partnership – Visitor                       | Culturally Arranged Marriage           |
| • Partnership – Work                          | Partnership                            |
| • Partnership – Resident                      | Partnership                            |
| • Partnership – Resident                      | Partnership – Partner of an Expatriate |
| • Dependent Child – Visitor                   | Child of NZ cit/res                    |
| • Dependent Child – Visitor                   | Adopted child                          |
| • Dependent Child – Student                   | Child of NZ cit/res                    |
| • Dependent Child – Resident                  | Family child dependent                 |
| • Dependent Child – Resident<br>an Expatriate | Family child dependent – Dependant of  |

If granted a visa, these visa holders will be exempt from New Zealand border restrictions. The visa holder can travel to and enter New Zealand without seeking an approval from us and will not need to submit an Expression of Interest for an exception to travel to New Zealand.

The list above does not include General Visitor Visa applications made on the basis of a relationship which does not meet immigration partnership requirements.

## Conditions

If we determine that an application does not meet immigration partnership requirements, a general Visitor Visa may be appropriate and we will place the application on hold until border restrictions allow us to process general Visitor Visas.

Given current limitations on international travel, we will grant successful temporary entry applicants a six-month 'first entry before' date to allow them more time to secure flights and managed isolation or quarantine in New Zealand.

If an application is more than three months old when we assess it, we may need to request updated information, for example:

- updated partnership evidence or information about changes in circumstances
- a new chest x-ray certificate (if the applicant is applying from a location with a high incidence of TB).

We will write to affected applicants and their immigration advisor to request the information we need, if we have their contact details.

When a relationship-based visa is granted, the visa holder can travel to and enter New Zealand without seeking an approval from INZ first. They will not need to submit an Expression of Interest for an exception to the border closure.

## Applications under selected visa categories

We will process the offshore applications under the following visa categories:

- Refugee Family Support - Tiers 1 and 2
- Migrant Investor (Investor 1 and 2), including EOIs for Investor 2
- Parent Retirement
- Entrepreneur.

## Conditions

Because immigration legislation does not allow us to grant these visas until current border restrictions are lifted, we will only process these applications as far as we can without approving. However, we will decline any applications if they do not meet immigration instructions.

If an application looks like it meets immigration instructions, we may request further information and complete another assessment when the border restrictions are lifted. This will ensure the applicant still meets the requirements of the visa they have applied for when we make a final decision. If your client's circumstances change, please let us know.

Sometimes visas are subject to extra conditions, called section 49 conditions. We will process section 49 checks for these visa categories as normal, regardless of the applicant's location.

## More information

If you represent a client for any of these categories, you do not need to contact us. We will be in touch once we have allocated the file to an immigration officer or business immigration specialist, or when they have completed an assessment.

If you think your client might qualify for an exception to the current border restrictions, you can find more information on our website.

## Frequently Asked Questions

*What is the legal basis for INZ not processing applications from individuals who are currently offshore?*

Under section 43(1)(b) of the Immigration Act 2009, INZ is unable to grant a visa to any individual who is unlikely to meet entry requirements to New Zealand. With the current border restrictions in place, almost all applications for entry permission must be refused.

*Can I apply for a visa if I am offshore?*

For a period of three months commencing 10 August, the Government suspended the ability for people offshore to apply for a temporary visa. The following offshore temporary entry class visa applications are not affected:

- relationship-based visas for partners and dependent children of New Zealand citizens and residents
- visas for diplomatic, consular and official staff and accompanying dependants
- Antarctic Traveller Visitor visas and Antarctic Work visas
- Recognised Seasonal Employer (RSE) Limited visas.

*If you can't make a decision on some visa applications yet, why are you starting to process them now?*

To make progress on these applications so that decisions can be made faster once border restrictions are lifted.

The proposed approach is to assess these applications from applicants outside of New Zealand as far as possible without making a decision. Once the border restrictions are relaxed immigration officers/business immigration specialists will confirm the applicant's circumstances remain unchanged and immigration instructions are met before approving the visa application.

The Expression of Interest (EOI) for Investor 2 will continue to be drawn fortnightly and Invitation to Apply (ITA) for residence sent to all successful applicants including those who are offshore. A potential applicant has four months to submit their residence application under the Investor 2 Category.

*Why have you chosen to start processing the Migrant Investor 1 & 2 and Entrepreneur categories?*

The Investor 1 & 2 and Entrepreneur categories attracts around \$1 billion in investments per annum in addition to valuable business network/links and there is expectation that processing these will support the MBIE and wider government recovery plan. Should the categories remain open but processing cease, potential applicants may look elsewhere to invest and New Zealand would miss out on both the financial and human capital these migrants bring with them.

*Does processing and deciding applications from partners and dependants of New Zealand citizens and residents affect people from visa waiver countries?*

From early October partners and dependent children from visa waiver countries whose partner or parent is a New Zealand citizen or resident can also apply for a Critical Purpose Visitor visa or a Relationship-based temporary entry visa. A list of visa waiver countries and territories is on our website.

Note applicants from visa waiver countries who have previously submitted a Relationship-based work or visitor visa, do not need to apply for a Critical Purpose Visitor Visa. INZ can now resume processing their Relationship-based visa application.

### *How long will processing take?*

Please note that we are unable to prioritise these applications. They will be processed in the date order by which they were received and you can view standard processing times on our website.

There is no need to contact us, we will contact you once your application is allocated to an immigration officer for assessment.

Source Immigration New Zealand

## **Contact details**

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

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