



19 March 2020

Immigration New Zealand Operational Manual: Amendment Circular No. 2020-10

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to the Immigration New Zealand Operational Manual. A copy of the changes is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions and instruments of delegation on and after their effective dates.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz.

Summary of contents

This amendment circular details changes to Immigration New Zealand's Operational Manual, and contains the following:

- The description of changes section contains a summary of the changes to immigration instructions.
- Appendix 1 contains amended *Border Entry instructions* effective on and after 11:59 pm 19 March 2020
- Appendix 2 contains amended *Transit visa instructions* effective on and after 11:59pm 19 March 2020

Additions to immigration instructions are highlighted for ease of reference. Deletions have not been highlighted.

Description of changes

Implementing the New Zealand Government response to the novel coronavirus (COVID-19) outbreak

Y4.50 People who must be refused entry permission: novel coronavirus (COVID-19) outbreak

Changes have been made to immigration instructions to expand the temporary border measures to refuse entry permission to any person coming to New Zealand, unless excluded as below. Entry permission must be refused to residence class visa holders where the visa was granted offshore and the person is arriving in New Zealand for the first time, all temporary entry class visa holders and visa-waiver travellers. This will be effective from 11:59pm 19 March 2020 until 11:59 pm 31 March 2020 unless amended or revoked earlier.

The following people continue to be excluded from this provision:

- New Zealand citizens
- New Zealand resident and permanent resident visa holders
- The partner, dependent children or legal guardian travelling with a New Zealand citizen, resident or permanent resident visa holder
- Australian citizens and permanent resident visa holders whose primary place of residence is New Zealand
- Aircraft crew and marine crew
- People covered by regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

Diplomats accredited to New Zealand and who are currently resident in New Zealand are now also excluded from the temporary border measures.

This comes into effect for passengers boarding a plane to New Zealand from 11:59pm 19 March 2020 to 11:59pm 31 March 2020.

An exception to the travel restrictions can be requested on a case-by-case basis for:

- Humanitarian reasons
- Essential health workers, as confirmed by the Ministry of Health
- Other essential workers, as defined by the New Zealand Government
- Citizens of Samoa and Tonga, for essential travel to New Zealand
- Partners and dependants of temporary work or student visa holders who normally live in New Zealand where the temporary work or student visa holder is currently in New Zealand.

These instructions are effective on and after 11:59pm 19 March 2020.

N2.1 Who must apply for a transit visa

N2.5 Transit visa country waiver list

N2.10 General rules for transit visas

As transit passengers do not apply for entry permission they are not covered by the border entry instructions refusing entry permission to New Zealand. In order to prevent transit visa holders and those to whom a transit visa waiver applies from coming to New Zealand, the following actions have been taken:

Transit-visa waiver

The Minister of Immigration has issued a special direction to suspend the waiver of the requirement to hold a transit visa for travel to New Zealand as specified in regulation 16 of the

Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 under section 86(4)(b) of the Immigration Act 2009. This special direction does not remove transit visa waiver status for Australian citizens, Australian permanent residents, or their immediate family members (spouses, minor dependants and legal guardians) where Australia is their final destination. This special direction is effective from 11:59pm 19 March 2020 until 19 June 2020. If required the special direction can be revoked earlier.

Transit visa applications

Changes have been made to immigration instructions to restrict the basis on which a transit visa will be granted to humanitarian reasons. A transit visa might otherwise be granted, as an absolute discretion decision under section 87 of the Immigration Act 2009.

Those who currently hold a transit visa

Any travellers who currently hold a transit visa for New Zealand who attempt to travel to New Zealand while the temporary border measures are in place may be denied boarding under section 97 of the Immigration Act 2009.

These instructions are effective on and after 11:59pm 19 March 2020.

Appendix 1 - Amendments to Border Entry instructions effective on and after 11:59pm 19 March 2020

Y4.50 People who must be refused entry permission: novel coronavirus (COVID-19) outbreak

See also *Immigration Act 2009 ss 22 and 107*.

These instructions are valid until 11:59pm 31 March 2020.

- a. Entry permission must be refused to any person, except a person listed in Y4.50(b), who is not otherwise dealt with under Y4.1 and who is:
 - i. the holder of a temporary entry class visa
 - ii. a person described under Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (visa-waiver travellers, including Australians)
 - iii. the holder of a residence class visa whose visa was granted offshore and who is arriving in New Zealand for the first time.
- b. The following persons must be granted entry permission:
 - i. Those listed in Y3.10(a)
 - ii. The partner, legal guardian or any dependent children who are travelling with a New Zealand Citizen or a person listed at Y3.10(a)
 - iii. Australian citizens or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia, where New Zealand is their primary place of established residence
 - iv. Diplomats accredited to New Zealand and currently resident in New Zealand.
- c. A person subject to (a) above may still be granted entry permission by an immigration officer as an exception to instructions (see [Y4.45](#)), for reasons including but not limited to:
 - i. Humanitarian reasons
 - ii. Essential health workers as confirmed by the Ministry of Health
 - iii. Other essential workers as defined by the New Zealand Government
 - iv. Citizens of Samoa and Tonga for essential travel to New Zealand
 - v. Partners or dependants of a temporary work or student visa holder, and currently resident in New Zealand where the temporary work or student visa holder is currently in New Zealand.

Notes:

- For the avoidance of doubt, New Zealand citizens are not subject to this instruction and people subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are deemed to be granted entry permission.
- 'Commercial craft' and 'craft' have the same meaning as section 4 of the Immigration Act 2009.
- Restrictions also apply to people travelling on a transit visa or transit visa-waiver.

Appendix 2 - Amendments to Transit visa instructions effective on and after 11:59pm 19 March 2020

N2.1 Who must apply for a transit visa

See also *Immigration Act 2009 s 86*

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 16, reg 23B, sch 1, sch 2*

- a. A person intending to travel to and be in New Zealand as a transit passenger must apply for and obtain a transit visa before proceeding to New Zealand, unless they are:
 - i. a New Zealand citizen or residence class visa holder; or
 - ii. the holder of a temporary entry class visa with relevant travel conditions; or
 - iii. a person to whom a visa waiver applies under [E2.1](#) and (from 1 October 2019) they hold a transit or traveller ETA; or
 - iv. a person whose immediate or final destination after transiting through New Zealand is Australia and he or she holds a current visa issued by the government of Australia to enter Australia and (from 1 October 2019) they hold a transit ETA; or
 - v. a person who is a citizen of a country listed under [N2.5](#) Transit visa waiver country list and (from 1 October 2019) they hold a transit ETA; or
 - vi. a person the Minister has, by special direction, classified as a person to whom a transit visa waiver applies; or
 - vii. (from 1 October 2019) a person travelling from Australia and holds a transit ETA.
- b. The Minister may, by special direction, suspend any transit visa waiver described in (a)(v) or (vi) above.

Note: The Minister of Immigration has given a special direction to:

- suspend the waiver of the requirement to hold a transit visa before travelling to and being in New Zealand as a transit passenger, as specified in regulation 16 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, except for Schedule 1(2) – Citizens of Australia and people who hold a current permanent residence visa (including a resident return visa) issued by the Government of Australia, where Australia is their final destination, and
- classify the immediate family members (spouses, minor dependants and legal guardians) of Australian citizens and holders of a current permanent residence visa (including a resident return visa) issued by the Government of Australia as persons to whom a transit visa waiver applies, where Australia is their final destination.

This is valid from 11:59pm 19 March 2020 until 19 June 2020, unless cancelled earlier.

N2.5 Transit visa country waiver list

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 16, sch 2*

| | |
|--------------------------------|------------------------------|
| Bahamas | Papua New Guinea |
| Bermuda | Paraguay |
| Bolivia | Peru |
| Colombia | Philippines |
| Costa Rica | Republic of Marshall Islands |
| Ecuador | Samoa |
| Federated States of Micronesia | Solomon Islands |
| Indonesia | Thailand |
| Kiribati | Tonga |
| Nauru | Tuvalu |
| Palau | Vanuatu |
| Panama | Venezuela |

Note: The Minister of Immigration has given a special direction to:

- suspend the waiver of the requirement to hold a transit visa before travelling to and being in New Zealand as a transit passenger, as specified in regulation 16 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, except for Schedule 1(2) – Citizens of Australia and people who hold a current permanent residence visa (including a resident return visa) issued by the Government of Australia, where Australia is their final destination, and
- classify the immediate family members (spouses, minor dependants and legal guardians) of Australian citizens and holders of a current permanent residence visa (including a resident return visa) issued by the Government of Australia as persons to whom a transit visa waiver applies, where Australia is their final destination.

This is valid from 11:59pm 19 March 2020 until 19 June 2020, unless cancelled earlier.

N2.10 General rules for transit visas

See also *Immigration Act 2009 s 86(1), 89(1)*

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg, 15, 17*

N2.10.1 People who must be refused a transit visa: novel coronavirus (COVID-19) outbreak

From 11.59pm 19 March 2020 until 11.59pm 31 March 2020, a transit visa will not be granted unless an immigration officer is satisfied that exceptional circumstances, in particular humanitarian circumstances, warrant the grant of a transit visa.

N2.10.2 General rules

- a. Subject to N2.10.1, transit visas may be granted to applicants who:
 - i. apply in the prescribed manner (see N3.10.1) for a transit visa; and
 - ii. have stated a genuine intention to be in New Zealand only for the purpose of reaching a further destination; and
 - iii. will be confined to a transit area during the whole of their stay in New Zealand; and
 - iv. will not be in New Zealand longer than 24 hours.
- b. Holders of transit visas are not entitled to apply for entry permission or any class or type of visa while in New Zealand during the transit period.

N2.10.3 Currency of transit visa

See also *Immigration Act 2009 s 88*

A transit visa is current for the period or until the date specified in it. The transit visa may be valid for any number of journeys to New Zealand in that period or until that date.

N2.10.5 Cancellation of transit visa

See also *Immigration Act 2009 ss 66, 90*

- a. If there is sufficient reason, the Minister or an immigration officer may cancel a transit visa at any time.
- b. If a transit visa is cancelled based on (a) above; and
 - i. the person is outside New Zealand, the Minister or an immigration officer must notify the person in writing;
 - ii. the person has arrived in New Zealand, the person is liable for turnaround.

N2.10.10 Expiry of transit period

See also *Immigration Act 2009 s 91*

- a. Where the holder of a transit visa is still in New Zealand on the expiry of the transit period, an immigration officer may by his or her absolute discretion:
 - i. extend the period for which the person may remain in New Zealand as a transit visa holder; or
 - ii. grant the person a visa and entry permission.

N2.10.15 Restrictions on the grant of transit visas to certain groups as designated by the United Nations Security Council

See also *United Nations Sanctions (Al-Qaida and Taliban) Regulations 2007 reg 13; United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47; United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 32; United Nations Sanctions (Lebanon) Regulations 2008 reg 17; United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D; United Nations Sanctions (Sudan) Regulations 2004 reg 13D; United Nations Sanctions (Somalia) Regulations 2018 reg 20, United Nations Sanctions (Eritrea) Regulations 2010 reg 13; United Nations Sanctions (Libya) Regulations 2018 reg 23; United Nations Sanctions (Mali) Regulations 2018 reg 4; United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4; United Nations Sanctions (Central African Republic) Regulations 2014 reg 13; United Nations Sanctions (Yemen) Regulations 2014 reg 4; United Nations Sanctions (South Sudan) Regulations 2015 reg 4.*

- a. In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
 - o their immediate family members; and
 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual; and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017
 - ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo

- vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.
 - c. A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.