



29 April 2021

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-12

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions from the effective date.

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.

Description of changes

H5.10 Expression of Interest and Invitation to Apply

H5.25 Determining an application for a visa or variation of conditions

H5.30 Definitions

H5.35 Currency and conditions

Changes have been made to immigration instructions for a new border exception designed to reunite partners and dependent children with temporary visa holders working in New Zealand and who:

- held relationship-based visas with temporary visa holders when the New Zealand border closed (where their visas remain current, or would do if it were not for a first entry by date)
- are the family of workers in critical health services, or
- are the family of highly-skilled workers.

Other changes have been made to:

- add Innovative Partnerships and the NZTE Investment Attraction to the list of major government-approved programmes for the 'other critical workers' border exception, and
- renew the class exception for individuals travelling to or from the five Pacific 'gateway' countries or territories

These instructions are effective on and after 30 April 2021.

Appendix 1: Amendments to Restricted Temporary Entry Instructions effective on and after 30 April 2021

H5.10 Expression of Interest and Invitation to Apply

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Reg 14A, 26AA*

- a. With the exception of requests to travel to New Zealand as an 'other critical worker' ([H5.30.5](#)) or marine crew arriving by the maritime border ([H5.31](#)), a person may express interest in applying for a visa, or requesting a variation of conditions to travel to New Zealand, under these instructions by applying on an approved form provided for this purpose on the Immigration New Zealand website.
- b. A person expressing interest in applying for a visa, or requesting a variation of conditions, under these instructions must pay the prescribed fee (if any), which also covers any partner and dependent children included in the Expression of Interest.
- c. An immigration officer may invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or request a variation of conditions if they are satisfied that:
 - i. the information available does not indicate any health, character or bona fide issues that would prevent any person who will be included in the application to be granted a visa or variation of conditions; and
 - ii. the people who will be included in the application or request are likely to meet funds or sponsorship and onward travel requirements; and
 - iii. the principal applicant has a critical purpose for travelling to New Zealand; and
 - iv. if the principal applicant expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under [H5.25.15\(i\)](#), any partner or dependent child (see [E4.1](#)) of the principal applicant included in the Expression of Interest must:
 - o have been born on or after 1 December 2019; or
 - o currently hold, or held at the time of departing New Zealand, a visitor, work or student visa based on their relationship to the principal applicant; or
 - v. if the principal applicant is a dependent child who expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under [H5.25.15 g\(ii\)](#), and they do not currently hold a visa based on their relationship to a work or student visa holder in New Zealand, then they must have been born or adopted on or after 1 December 2019.
- d. If the principal applicant expresses interest in applying for a visa, or a variation of conditions, on the basis that they have a critical purpose for travelling to New Zealand under [H5.25.15\(j\)](#), and establishing this critical purpose involves meeting the requirements of [H5.30.35\(c\)\(ii\)](#), the further visa application submitted does not need to have been approved in order for the principal applicant to be issued with an invitation to apply.
- e. Any person wishing to travel to New Zealand by a ship or other marine vessel can only express interest in applying for a visa, or requesting a variation of conditions, on the basis of having a critical purpose for travelling to New Zealand under [H5.25.15\(i\)](#).

H5.25 Determining an application for a visa or variation of conditions

H5.25.1 Determining an application for a Critical Purpose visitor visa

- a. A Critical Purpose visitor visa may be granted if an immigration officer is satisfied that all applicants included in the application:
 - i. meet health and character requirements for temporary entry ([A4](#) and [A5](#)); and
 - ii. are bona fide (E5) applicants for a temporary entry class visa; and
 - iii. meet funds or sponsorship requirements for visitors ([V2.20](#)); and
 - iv. meet onward travel requirements for visitors ([V2.25](#)); and
 - v. have a critical purpose for travel to New Zealand as described in H5.25.15; and
 - vi. if they are a 'critical health worker' ([H5.30.1](#)) or an 'other critical worker' ([H5.30.5](#)), they have provided sufficient evidence to demonstrate that they meet the requirements of [W2.10.1\(b\)](#) as applicable.
- b. Principal applicants invited to apply on the basis of normally living in New Zealand (see H5.25.15(j)), and whose critical purpose involves meeting the requirements of [H5.30.35\(d\)\(i\)](#), must provide a statutory declaration completed by their employer that states that the principal applicant is currently employed in the same position the principal applicant held immediately before departing New Zealand, and that the employment relationship has been maintained continuously since the principal applicant departed New Zealand.

H5.25.5 Determining an application for another visa (appropriate to the applicant's circumstances)

- a. An immigration officer may grant a visa appropriate to the applicant's circumstances if they are satisfied that the applicant:
 - i. meets all relevant immigration instructions required for the grant of that visa; and
 - ii. has a critical purpose for travel to New Zealand as described in H5.25.15.
- b. Principal applicants invited to apply on the basis of normally living in New Zealand (see H5.25.15(j)), and whose critical purpose involves meeting the requirements of [H5.30.35\(d\)\(i\)](#), must provide a statutory declaration completed by their employer that states that the principal applicant is currently employed in the same position the principal applicant held immediately before departing New Zealand, and that the employment relationship has been maintained continuously since the principal applicant departed New Zealand.

H5.25.10 Determining an application for a variation of conditions (for holders of a valid temporary entry class visa)

- a. A variation of conditions can be granted where an immigration officer is satisfied:
 - i. the applicant has a critical purpose for travelling to and being in New Zealand as described at H5.25.15; and
 - ii. all the other requirements of the visa the person currently holds continue to be met.
- b. Principal applicants invited to apply on the basis of normally living in New Zealand (see H5.25.15(j)), and whose critical purpose involves meeting the requirements of [H5.30.35\(d\)\(i\)](#), must provide a statutory declaration completed by their employer that states that the principal applicant is currently employed in the same position the principal applicant held immediately before departing New Zealand, and that the employment relationship has been maintained continuously since the principal applicant departed New Zealand.

H5.25.15 List of critical purposes for travelling to New Zealand

The following people are defined as having a critical purpose for travelling to New Zealand:

- a. Critical health workers and their partners and dependent children ([H5.30.1](#)).
- b. Other critical workers, and their partners and dependent children (except where [H5.30.20](#) states that partners and dependent children are not eligible to be included) ([H5.30.5](#)).
- c. People belonging to a class exception agreed to by Cabinet, consisting of either:
 - i. a class of workers, that meets the requirements set out at [H5.30.20](#); or
 - ii. a class of individuals, that meets the requirements set out at [H5.30.21](#).
- d. Citizens of Samoa and Tonga making essential travel to New Zealand where this travel has been officially requested by the Government of Samoa or Tonga, and this request has been formally approved by the New Zealand Ministry of Foreign Affairs and Trade.
- e. People who have humanitarian reasons for travel to New Zealand ([H5.30.25](#)).
- f. The partner, dependent child or legal guardian of a New Zealand citizen or residence class visa holder (with the exception of the holder of a resident visa granted outside New Zealand who has not entered New Zealand as the holder of the visa), who is either:
 - i. travelling with that New Zealand citizen or residence class visa holder; or
 - ii. ordinarily resident in New Zealand; or
 - iii. has a visa based on their relationship to the New Zealand citizen or residence class visa holder.

- g. People who hold a visitor, work or student visa and:
 - i. are ordinarily resident in New Zealand; and
 - ii. are the partner or dependent child (see [E4.1](#)) of a work or student visa holder who is in New Zealand.
- h. Replacement cargo ship crew travelling to New Zealand by air ([H5.30.30](#)).
- i. Marine crew arriving by the maritime border ([H5.31](#)).
- j. Essential Skills, Entrepreneur and Work to Residence visa holders who normally live in New Zealand ([H5.30.35](#)).
- k. Replacement cargo ship crew travelling to New Zealand by air servicing the Pacific ([H5.30.31](#)).
- l. People who held a visitor, work or student visa on 19 March 2020 that was granted on the basis of their relationship to a work or student visa holder who is currently in New Zealand and, on the date they express interest either:
 - i. that relationship-based visa is still current; or
 - ii. that relationship-based visa had a "first entry" condition and, had they entered New Zealand on the last date allowed for by the first entry condition, their visa would still be current ([H5.30.40](#)).
- m. The partner or dependent child of a work visa or a Critical Purpose visa holder who is in New Zealand and that visa-holder's visa either:
 - i. indicates they are employed in an occupation in critical health services ([H5.30.45](#)); or
 - ii. was granted on basis of current employment that meets the specified salary, and is highly-skilled, as defined in [H5.30.50](#).

Note: The statement "their visa would still be current" at [H5.25.15\(l\)\(ii\)](#) above, will be calculated based on the latest date their first entry condition would allow them to travel to New Zealand, and the duration of the stay condition their visa indicated they may be granted upon entry to New Zealand.

H5.25.20 Family relationships

- a. A person will be considered to be the partner of a New Zealand citizen, or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for partners specified in [E4.1](#).
- b. A person will be considered to be a dependent child of a New Zealand citizen or permanent resident visa holder, or resident visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, if they meet the requirements for dependent children specified in [E4.1](#).
- c. A person will be considered to be a partner of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for partners specified in [E4.1](#).
- d. A person will be considered to be a dependent child of a visitor, work or student visa holder who is in New Zealand, if they meet the requirements for dependent children specified in [E4.1](#).
- e. An immigration officer must be satisfied that a person is a partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, before a visa can be granted to a person for a critical purpose based on that relationship.

Note: Where a person is applying as the partner or dependent child of a New Zealand citizen or visa holder, or Australian citizen or permanent resident who is ordinarily resident in New Zealand, evidence of the relationship must be provided if Immigration New Zealand has not established the relationship in a previous visa application.

H5.30 Definitions

H5.30.1 Critical health workers

- a. A critical health worker is a person who will work in an occupation needed to deliver critical health services in New Zealand (see H5.30.1(b)) for an employer listed at H5.30.1(c).
- b. Occupations needed to deliver critical health services in New Zealand are:
 - i. registered health practitioners as set out in the Health Practitioners Competence Assurance Act 2003; or
 - ii. a worker who installs, operates or maintains medical equipment; or
 - iii. paramedics and ambulance workers (including air and road); or
 - iv. technical and support staff working in:
 - o theatre
 - o laboratory
 - o radiology
 - o pharmacy services
 - o cardiology blood service
 - o nuclear medicine
 - o oncology
 - o haematology
 - o pathology
 - o hyperbaric medicine
 - o mortuary
 - o research staff; or
 - v. workers delivering mental health and addictions services, aged care, respite, home care and support, child health, palliative and hospice care, forensic health, and disability support.
- c. Critical health workers may work for one or more of the following:
 - i. a District Health Board;
 - ii. the New Zealand Blood Service;
 - iii. a hospice or palliative care provider;
 - iv. a primary care practice such as urgent care or a medical or healthcare centre;
 - v. an aged residential care, respite or continuing care facility, including care in a person's home or community facility;
 - vi. a government or Non-Government Organisation delivering health and disability services;
 - vii. organisations that provide, operate and maintain medical equipment;
 - viii. private employers delivering health and disability services.
- d. Workers in an occupation that is indirectly related to the provision of health services, or corporate functions such as (but not limited to) human resources, office administration or property maintenance are not considered critical health workers.
- e. For the purposes of these instructions, internationally qualified nurses are also considered to be critical health workers where they:
 - i. are invited to come to New Zealand by the Nursing Council of New Zealand, and
 - ii. are enrolled in a Competence Assessment Programme.
- f. Any partners or dependent children (see E4.1) of critical health workers who have been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the critical health worker.
- g. When considering whether a person is a critical health worker, an immigration officer may request evidence of the person's qualifications or registration.
- h. An immigration officer may request the critical health worker to provide evidence of an offer of employment (see W2.10.10).

H5.30.5 Other critical workers

- a. An 'other critical worker' is a person who is required to come to New Zealand and:
 - i. has unique experience and technical or specialist skills that are not readily obtainable in New Zealand; or
 - ii. is undertaking a time-critical role:
 - o for the delivery of an approved major infrastructure project (as defined in H5.30.10); or a government approved event or a major government-approved programme (as defined in H5.30.15); or
 - o in support of an approved government-to-government agreement (as defined in H5.30.15); or
 - o for work which brings significant wider benefit to the national or regional economy; or

- iii. meets the requirements of an approved class of worker listed at H5.30.20.
- b. Where H5.30.5(a) applies, the 'other critical worker' may be granted a visa or variation of conditions for up to six months.
- c. However, a visa or variation of condition as an 'other critical worker' may be granted for more than six months (up to a maximum of 12 months), if the person meets the criteria at H5.30.5 (a) (i) or (ii), and also:
 - i. earns at least twice the median salary (currently \$106,080 per annum); or
 - ii. has a role that is essential for the completion or continuation of a science programme under a government funded or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE Science, Innovation and International Branch to travel to New Zealand to carry out their work; or
 - iii. has an essential role for delivery or execution of an approved major infrastructure project (as defined in H5.30.10); or for a government approved event or a major government-approved programme (as defined in H5.30.15).
- d. Despite, (b) and (c) above, a person may be granted a visa or variation of conditions for less or more than six months, if the person is an 'other critical worker' approved on the basis of being part of a class of workers, and a maximum duration is specified at H5.30.20.
- e. When considering H5.30.5 (a)(i) and (ii), an immigration officer who is a National Manager in the Border and Visa Operations Branch will determine who is an 'other critical worker' and whether they are eligible for a visa of up to six months under H5.30.5 (a) (i) or (ii) or a visa of up to 12 months under H.5.30.5 (c).
- f. Factors an immigration officer who is a National Manager in the Border and Visa Operations Branch may take into account when determining whether a person is an 'other critical worker' as defined in H5.30.5 (a)(i) and (ii), include:
 - i. why that person is needed to ensure the delivery, continuity or execution of the work or service, and the effect on the work or service if the person was unable to come; and
 - ii. why it is not possible to re-deploy workers already in New Zealand (this could include time constraints or the specific nature of the work or service to be done); and
 - iii. the situation of the staff (if any) currently performing the role(s), and whether they can remain or not in the roles; and
 - iv. the length of the visa required and the reason for that length of visa.
- g. Any partners or dependent children (see E4.1) of an 'other critical worker' who has been granted a visa or a variation of conditions on the basis of this critical purpose, may be granted a visa to travel to New Zealand together with, or separately from, the 'other critical worker' (except where H5.30.20(c) states that partners and dependent children are not eligible to be included).
- h. When considering H5.30.5 (a)(i), the factors that an immigration officer may take into consideration when assessing:
 - i. "unique experience and technical or specialist skills" include, but are not limited to, whether these skills or experience:
 - o have been gained in a specialist training institution or by working in a highly-specialist firm
 - o can be demonstrated through global experience
 - o are inherent to a person
 - ii. "not readily obtainable" include, but are not limited to, whether:
 - o there are no workers in the country who could perform the role, or
 - o there is a very limited pool of available workers who could perform the role and they are not available to the employer.
- i. When considering H5.30.5 (a)(i), applications for seasonal workers will generally not be approved under these instructions. The only exceptions will be if the nature of the work is highly skilled or uniquely specialised.
- j. "Time critical" in H5.30.5 (a)(ii) includes if the person does not come to New Zealand, the project, work or event will cease or be severely compromised, or significant costs will be incurred.

Notes:

- Examples of workers meeting this standard may include: some highly specialist veterinarians, vendor-appointed engineers required to install major equipment, or an actor in a key film role.
- For the absence of doubt, co-owners of America's Cup syndicates may be considered other critical workers under H5.30.5(a)(ii).

H5.30.5.1 Other critical worker requests received prior to 18 June 2020

- a. The Minister for Economic Development and the relevant portfolio Minister were responsible for determining whether a person was an 'other critical worker' before these instructions took effect on 18 June 2020.
- b. Despite H5.30.5, the determination that a person is an 'other critical worker' for requests from employers received before 18 June 2020, that were made by the Minister for Economic Development and the relevant

portfolio Minister, on the advice of MBIE, mean that a person is an 'other critical worker' for visa applications and invitations to apply made on and after 18 June 2020.

H5.30.10 Approved major infrastructure projects

For the purposes of these instructions, approved major infrastructure projects, are:

	Column A: Infrastructure project name	Column B: Procuring Agency
a.	New Dunedin Hospital Campus - Southern DHB.	Ministry of Health
b.	City Centre to Mangere Light Rail Auckland.	New Zealand Transport Agency
c.	Central Interceptor Programme - Western Springs to Mangere.	Watercare
d.	Mill Road - Northern Southern and Papakura Sections.	New Zealand Transport Agency
e.	Elective Capacity and Inpatient Beds and Supporting Infrastructure - Waitemata DHB.	Ministry of Health
f.	Capability of Airfield Infrastructure.	New Zealand Defence Force
g.	Investment in Horizontal Infrastructure.	New Zealand Defence Force
h.	Redevelopment of Scott Base - Antarctica.	Antarctica New Zealand
i.	Auckland Metro Rail Network Programme - Accelerated Renewals.	KiwiRail
j.	North Auckland Line - Northland.	KiwiRail
k.	Rolling Stock Procurement Project - Stage 1 - Wagon Fleet.	KiwiRail
l.	Wellington Metro Rail Network Programme - Stage 4 - Network Capacity Improvements.	KiwiRail
m.	Manawatu Road Maintenance Programme.	Manawatu District Council
n.	Laboratory and Biocontainment Greenhouse New Build and Relocation - Tamaki.	Ministry for Primary Industries
o.	Low Cost Low Risk Road Improvements across New Zealand.	New Zealand Transport Agency
p.	Totara Road Wastewater Treatment Plant Consent Renewal Upgrade.	Palmerston North City Council
q.	Adams Building Replacement Build and Precinct Enabler.	University of Otago
r.	Dental School Redevelopment.	University of Otago
s.	University of Otago - Christchurch Health Science Campus Redevelopment - Stage 1.	University of Otago
t.	Construction of New Gravity Tunnel - Whenuapai and Redhills.	Watercare
u.	Huia 1 and Nihotupu 1 Watermain Replacement.	Watercare
v.	New Watermain Connecting Woodlands Park Reservoirs to Greenhithe Bridge.	Watercare
w.	Pump Station and Rising Main Upgrade - Stanmore.	Watercare
x.	Upgrade of Huia Water Treatment Plant.	Watercare
y.	Upgrade of the Waiuku Wastewater Treatment Plant and Wastewater Servicing to Clarks Beach.	Watercare
z.	Wastewater Treatment Plant Reactor/Clarifiers and Ultra Violet Expansion - Rosedale.	Watercare
aa.	Wastewater Treatment Plant Upgrade - Pukekohe.	Watercare
ab.	Cross Harbour Pipeline Construction - Wellington Eastern Suburbs to Waterloo.	Wellington Water
ac.	Peacocke River Bridge and Northern Arterials Construction - Hamilton.	Hamilton City Council
ad.	Hamilton Transport Network Renewals and Maintenance.	Hamilton City Council

ae.	Drury Rail Station Development.	New Zealand Transport Agency
af.	Wastewater Treatment Plant Membrane Bio-Reactor Upgrade - Waiuku.	Watercare
ag.	Wellington Metro Rail Network Programme - Stage 6 - Infrastructure Upgrades.	KiwiRail
ah.	Wellington Metro Rail Network Programme - Stage 7 - Automated Train Protection.	KiwiRail
ai.	New Aircraft Apron.	Wellington International Airport Limited
aj.	Marine Defences and Seawall Reconstruction.	Wellington International Airport Limited
ak.	Whau Recreation Centre - New Recreation Centre.	Auckland Council
al.	Facilities Infrastructure Remediation Programme - Stage 1 - Auckland DHB.	Ministry of Health
am.	SH1 Improvements - Papakura to Bombay.	New Zealand Transport Agency
an.	Modular Prison Build Programme - Stage 2.	Department of Corrections
ao.	Auckland Metro Rail Network Programme - Wiri to Quay Park Capacity Enhancements.	KiwiRail
ap.	Auckland Metro Rail Network Programme - Papakura to Pukekohe Electrification.	KiwiRail
aq.	High Voltage Direct Current Cable Replacement and Capacity Increase - Cook Strait.	Transpower
ar.	Voltage Management - Waikato and Upper North Island.	Transpower
as.	Taranaki Base Hospital Redevelopment - Project Maunga - Stage 2 - Taranaki DHB.	Ministry of Health
at.	State Highway Improvements - SH1 Papakura to Drury South.	New Zealand Transport Agency
au.	Tauranga Northern Link.	New Zealand Transport Agency
av.	Walking and Cycling Facilities - Northern Pathway including Seapath.	New Zealand Transport Agency
aw.	Penlink Road.	New Zealand Transport Agency
ax.	SH2 Te Puna to Omokoroa Improvements.	New Zealand Transport Agency
ay.	Melling Interchange Improvements.	New Zealand Transport Agency
az.	New Domestic and International Jet Terminal.	Wellington International Airport Limited
ba.	New State Highway Construction - Te Ahu a Turanga: Manawatu Tararua Highway.	New Zealand Transport Agency
bb.	Waikeria Prison Build.	Department of Corrections
bc.	Interisland Ferry Replacement Project - Wellington and Picton.	KiwiRail
bd.	Main North Line Reinstatement Project - Christchurch to Picton.	KiwiRail
be.	SH1 Whangarei to Port Marsden Upgrade.	New Zealand Transport Agency
bf.	SH1 Otaki to North Levin Improvements.	New Zealand Transport Agency
bg.	Rolling Stock Procurement Project - Stage 2 - Locomotives.	KiwiRail
bh.	Rolling Stock Procurement Project - Stage 2 - Wagons.	KiwiRail
bi.	Te Pae - Christchurch Convention Centre.	Ōtākaro Limited
bj.	Metro Sports Facility - Christchurch.	Ōtākaro Limited

bk.	City Rail Link.	City Rail Link Limited
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H5.30.15 Major government-approved programmes, government-approved events and government-to-government agreements

For the purposes of these instructions, major government-approved programmes, government-approved events, and government-to-government agreements are:

Column A: Major government-approved programmes	Column B: Government-approved events	Column C: Government-to-government agreements
Rocket Lab launches	BWF Junior World Championships (Badminton)	The Antarctic Programme
Mutual Assistance Programme (Defence programme)	ICC Women's World Cup	
Pacific Leadership Development Programme (Defence programme)	New Zealand Golf Open	
Recruitment and personnel exchange programmes (Defence programme)	36th America's Cup	
Defence capability programmes (Defence programme)	ICF Junior and U23 Canoe Slalom World Championships	
Replacement international fishing crew for foreign-flagged fishing vessels operating in international waters, who: <ul style="list-style-type: none"> a. Will transfer to the vessel as soon as reasonably practicable after arrival in New Zealand; and b. Will transfer to a vessel that the Ministry of Foreign Affairs and Trade confirms will operate in international waters within the framework of a regional or international agreement of which New Zealand is a member. Entry to New Zealand to deliver this major government-approved programme is limited to up to 50 replacement international fishing crew in total (and not per fishing vessel) every six months.	Crankworx Rotorua	
Kāinga Ora build and urban development programme. Entry to deliver this major government-approved programme will be from March 2021.	IronMan 70.3 World Championship 2020	
Innovative Partnerships	The Pioneer	
New Zealand Trade & Enterprise (NZTE) Investment Attraction Programme	Winter Games	
	Rugby World Cup (Womens)	
	WSL Challenger Series Piha Pro	
	XVI WSBC Men's Softball World Championship	
	Ocean Race 2022	
	FIFA Women's World Cup 2023	

	Bledisloe Cup	
	Taini Jamison Trophy	
	International West Indian Men's Cricket Tour of New Zealand	
	International Pakistan Men's Cricket Tour of New Zealand	
	The 'Summer of Cricket' series	
	The Constellation Cup	

H5.30.20 Approved classes of workers

- a. For the purpose of these instructions, the authorised government organisation, industry group, or relevant departmental agency, as specified in column F below, will liaise with relevant industries and employers and provide a list of nominated workers to Immigration New Zealand.
- b. An immigration officer will determine whether a person is part of an approved class of workers based on whether they are on a list of nominated workers provided by the authorised government organisation, industry group or relevant departmental agency, as specified in column F below.
- c. The classes of workers that have been approved by Cabinet are:

	Column A: Class of worker	Column B: Class details	Column C: Eligible to include partners and/or dependents	Column D: Maximum duration of visa	Column E: Last date of entry	Column F: Authorised government organisation, industry group, departmental agency	Column G: Number of workers in class
a.	Deepwater fishing crew	Workers must be employed by one of the following companies to	No			Ministry for Primary Industry (MPI)	Up to 570

		<p>work on any of the named deepwater fishing vessels:</p> <p>Company: Independent Fisheries Ltd</p> <p>Vessels:</p> <ul style="list-style-type: none"> • Independent • Irvinga • Mainstream <p>Company: Maruha (N.Z.) Corporation Ltd</p> <p>Vessels:</p> <ul style="list-style-type: none"> • Aleksey Slobodchikov • Te Raukura <p>Company: Sealord Charters Ltd</p> <p>Vessels:</p> <ul style="list-style-type: none"> • Meridian • Professor Mykhaylo Aleksandrov <p>Company: Aurora Fisheries Ltd</p> <p>Vessel:</p> <ul style="list-style-type: none"> • Tomi Maru 87 <p>Company: DW New Zealand Limited</p> <p>Vessels:</p> <ul style="list-style-type: none"> • Dong Won 519 • Dong Won 530 <p>Company: Jaico Limited</p> <p>Vessels:</p> <ul style="list-style-type: none"> • Fortunui • Pacinui 					
b.	Agricultural mobile plant operators	Workers with at least three seasons' experience as agricultural mobile plant operators and relevant vehicle licencing qualifications. Working under an approved contract agreement in a fulltime role with specified rural contract operators.	Yes		April 2021	MPI	Up to 210
c.	Mixed and large animal veterinarian	Veterinarians must hold the necessary qualifications and experience for them to be licensed and registered with the Veterinary Council of New Zealand.	Yes			MPI	Up to 30

d.	Shearers	Shearers contracted by or through a NZSCA approved employer, and with more than two years' shearing experience	No	-	31 March 2021	MPI	60
e.	Recognised Seasonal Employer (RSE) workers	<p>Workers must:</p> <p>a. have completed at least one season in New Zealand as an RSE worker; and</p> <p>b. be from a Pacific Island country who have committed to the repatriation of RSE workers, as confirmed by the Ministry of Foreign Affairs and Trade; and</p> <p>c. have an employment agreement with an RSE employer and the pay rate specified in the employment agreement is for no less than \$22.10 per hour.</p> <p>The RSE employer offering employment to the RSE worker must have made an undertaking to INZ on the form approved for this purpose, committing to certain employment and pastoral care obligations.</p>	No			New Zealand Apples & Pears Incorporated	Up to 2013

H5.30.21 Approved classes of individuals

- For the purpose of these instructions, the authorised government organisation or relevant departmental agency, as specified in column F below, will liaise with relevant parties and provide a list of nominated individuals to Immigration New Zealand.
- An immigration officer will determine whether a person is part of an approved class of individuals based on whether they are on a list of nominated individuals provided by the authorised government organisation or relevant departmental agency, as specified in column F below.
- The classes of individuals that have been approved by Cabinet are:

	Column A: Class of individual	Column B: Class details	Column C: Eligible to include partners and/or dependent children	Column D: Maximum duration of visa	Column E: Last date of entry	Column F: Authorised government organisation or departmental agencies	Column G: Number of people in class	Column H: Relevant parties
i.	PhD and post-graduate students	Nominated PhD and postgraduate students who held or hold a visa to study in 2020 but have been unable to enter New Zealand due to COVID-19	Yes, if under current instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student	Up to a maximum of four years (U6.30(b))	N/A	Ministry of Education	Up to 250, not including partners or dependent children	Education providers, tertiary education sector groups

ii.	Essential travel to and from the Cook Islands, Niue, Samoa, Tokelau and Tonga	Nominated individuals who are travelling to or from the Cook Islands, Niue, Samoa, Tokelau, or Tonga, for essential activities, but who may be required to enter New Zealand before onward travel	Yes, if they are also nominated	Up to a maximum of six months	N/A	Ministry of Foreign Affairs and Trade	Up to 100 in the period 2 November 2020 - 2 May 2021, and up to 100 in the period 3 May 2021 - 3 November 2021	The governments of Cook Islands; Niue; Samoa; Tokelau; and Tonga
iii.	Priority returning international students studying for degree and post-graduate qualifications	Nominated returning students who: <ul style="list-style-type: none"> had commenced studying for degree or post-graduate qualifications in New Zealand; and hold or have held a valid visa to study in 2020 but have been unable to enter New Zealand to complete their qualification due to COVID-19; and are nominated by the education provider they will continue studying with; and have NZD\$20,000.00 per year (or \$1,667.00 per month) available to maintain themselves during their stay in New Zealand (less prepaid living expenses); and have sufficient funds available to pay for the costs of their stay in Managed Isolation and Quarantine in New Zealand, if subject to pay for these costs. 	Yes, if under current instructions they are able to apply for a temporary visa on the basis of their relationship to the nominated student	Up to a maximum of four years (U6.30(b))	N/A	Ministry of Education	Up to 1,000, not including partners or dependent children	Education providers, tertiary education sector groups

Notes:

- For the purposes of H5.30.21(c)(ii), essential activities can include, but are not limited to: activities related to key sectors vital for Pacific economies; critical relief and development activities; technical specialists to support good

governance; and staff for diplomatic missions.

- For the purposes of Column B of H5.30.21(c)(iii), a nominated individual will be subject to pay the costs of their stay in Managed Isolation and Quarantine, if subject to clause 6 of the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020.

- For the purposes of Column C of H5.30.21(c)(i) and (iii), an eligible partner or dependent child needs to be included on the nominated student's request for travel made under H5.5(b)(i) and if that request is approved, will be invited to apply for a temporary visa on the basis of their relationship to the nominated student under [H5.5\(b\)\(ii\)](#).

H5.30.25 Humanitarian reasons

- a. Humanitarian reasons are exceptional circumstances of a humanitarian nature that make it strongly desirable for the applicant to travel and enter New Zealand.
- b. When considering whether a person has humanitarian reasons for travelling to New Zealand, immigration officers must consider the purpose of these instructions and the strong public interest in protecting the health of New Zealanders and supporting Government agencies' response to the risks posed by the COVID-19 situation.
- c. Relevant factors when considering if humanitarian reasons justify the grant of a visa under these instructions include:
 - i. the applicant's connection to New Zealand
 - ii. the applicant's connection to the place they are currently located
 - iii. whether New Zealand is their primary place of residence, and their period of absence from New Zealand
 - iv. whether the applicant has any alternative options
 - v. the impact of not granting a visa and entry permission to the applicant.

Note: Where a person is applying under the critical purpose of humanitarian reasons and are likely to require medical treatment in New Zealand, that person must have the support of the Ministry of Health or a District Health Board.

H5.30.30 Replacement cargo ship crew

- a. A replacement cargo ship crew member is a person travelling to New Zealand as a passenger on a commercial aircraft for the purpose of leaving New Zealand as crew on a cargo ship.
- b. After arriving in New Zealand, replacement cargo ship crew must transfer as soon as reasonably practicable to a cargo ship to depart New Zealand.
- c. 'Cargo ship' means a ship that is a commercial craft and that is carrying primarily cargo into or out of New Zealand.

Note: For the avoidance of doubt, crew subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are not subject to this instruction (namely cargo crew on a ship when arriving by sea in New Zealand).

H5.30.31 Replacement cargo ship crew servicing the Pacific

- a. Replacement cargo ship crew travelling to New Zealand as passengers on a commercial aircraft intending to join a cargo ship which is servicing the Pacific (as defined in (c) below), may enter New Zealand to complete 14 days in Managed Isolation and Quarantine (MIQ) before transferring to the ship to depart New Zealand.
- b. Approvals under this category are limited to 200 replacement cargo ship crew over 12 months from 1 February 2021.
- c. For the purposes of these instructions:
 - i. 'Pacific' includes the following countries and territories: American Samoa, Cook Islands, French Polynesia; Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, New Caledonia, Niue, Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Wallis and Futuna and Vanuatu.
 - ii. 'Cargo ship' means a ship that is a commercial craft and that is carrying primarily cargo into or out of New Zealand and which is servicing the Pacific.

Note: Replacement cargo ship crew are not compelled to come to New Zealand under this category and complete the required 14 days in MIQ. They may instead enter New Zealand under H5.30.30 if the vessel does not require the crew to enter MIQ for 14 days because the vessel is not servicing the Pacific.

H5.30.35 Essential Skills, Entrepreneur and Work to Residence visa holders who normally live in New Zealand

A principal applicant will be considered to have a critical purpose for travel to New Zealand (H5.25.15(j)) if they meet the following requirements:

- a. The principal applicant departed New Zealand between 1 December 2019 and 9 October 2020 (inclusive) and is currently outside of New Zealand.

- b. At the time of departing New Zealand, the principal applicant held either a current:
 - i. Work to Residence visa; or
 - ii. Entrepreneur work visa; or
 - iii. Essential Skills visa based on mid-skilled or higher-skilled employment, or based on employment assessed as being paid at or above the median wage.
- c. The visa held by the principal applicant at the time of departure from New Zealand has or had an expiry date of:
 - i. on or after 1 January 2021; or
 - ii. before 1 January 2021 and the principal applicant has:
 - o submitted a further visa application on or before 9 August 2020; and
 - o the further visa would, or if already granted does, allow the principal applicant to stay in New Zealand for at least 12 months; and
 - o that visa would allow the principal applicant to work in the same position or operate the same business as referred to in H5.30.35(d); and
 - o if the further visa is a temporary visa, that visa is approved.
- d. The principal applicant has retained their job or business in New Zealand in that they:
 - i. were employed at the time of departing New Zealand in accordance with the conditions of their existing visa, are employed in the same position and have maintained their employment relationship continuously since departing New Zealand; or
 - ii. if the principal applicant held an Entrepreneur work visa at the time of departing New Zealand, they operated a business in New Zealand at the time of departing New Zealand in accordance with the conditions of their existing visa, and have continued to operate that same business since departing New Zealand.
- e. The principal applicant was in New Zealand for either:
 - i. at least 273 days in each of the two 12 month periods immediately preceding the date of their departure from New Zealand; or
 - ii. at least 273 days in the 12 month period immediately preceding the date of their departure from New Zealand and meet one of the following:
 - o if the principal applicant held an Entrepreneur work visa at the time of departing New Zealand, they operated a business at the time of departing New Zealand in accordance with the conditions of their visa, and have continued to operate the same business since departing New Zealand; or
 - o had one or more dependent children with them in New Zealand for at least 6 months of that 12 month period; or
 - o have parents or siblings who are 18 years or older, who are currently in, and who are ordinarily resident ([E4.10](#)) in, New Zealand; or
 - o submitted an application for a resident visa on or before 9 August 2020.

Notes:

- Work to Residence visas include Talent (Accredited Employer), Talent (Arts, Culture and Sports), Long Term Skill Shortage List, Skilled Migrant Category Job Search, South Island Contribution and Global Impact visas.

- Partners and dependent children of the principal applicant may be eligible to be included (see [H5.10](#)). Invitations to apply will be given where any partner or dependent children (see [E4.1](#)) of the principal applicant included on the Expression of Interest:

- have been born on or after 1 December 2019; or

- currently hold, or held at the time of departing New Zealand, a visitor, work or student visa based on their relationship to the principal applicant.

H5.30.40 Partner or dependent child with a visa based on their relationship to a temporary visa holder in New Zealand

- a. A person will be considered to have a critical purpose for travel to New Zealand (H5.25.15(g)(ii)) if they meet the following requirements:
 - i. the person is currently outside of New Zealand; and
 - ii. on 19 March 2020 the person held a temporary visa granted on the basis on their relationship with a work or student visa holder; and
 - iii. at the time the person expresses interest in travelling to New Zealand under these instructions (see [H5.10](#)), the visa that they held on 19 March 2020 either:
 - o is still current; or
 - o had a "first entry" condition and, had the holder entered New Zealand on the last date allowed for by the first entry condition, would be current; and
 - iv. the visa the person holds or held is based on their relationship to their partner or parent who:
 - o is currently in New Zealand; and

- o holds a work or student visa that is valid for at least a further 12 months, on the date that the person expresses interest in travelling to New Zealand under H5.25.15(g)(ii).
- b. A person who is considered to have a critical purpose for travel to New Zealand under (a) may be invited to apply under these instructions (see H5.10) for either:
- i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the work or student visa holder referred to in (a)(iii); or
 - ii. a variation of conditions for the visa they hold.
- c. If the person otherwise meets the criteria in (a) but does not hold a visa because they are a dependent child who meets the criteria in H5.10(c)(v), then they must be considered as meeting the requirements in (a)(ii) and (iii).

H5.30.45 Partner or dependent child of a worker in critical health services

- a. A person will be considered to have a critical purpose for travel to New Zealand (H5.25.15(m)(i)) if they meet the following requirements:
- i. the person is currently outside of New Zealand; and
 - ii. the person is the partner or dependent child of a temporary visa holder currently in New Zealand who holds a temporary visa that specifies work in an occupation needed to deliver critical health services in New Zealand (as defined in H5.30.1(b)).
- b. A person who is considered to have a critical purpose for travel to New Zealand under (a) may be invited to apply under these instructions (see H5.10) for either:
- i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the health worker referred to in (a)(ii); or
 - ii. a variation of conditions for the visa they hold.

H5.30.50 Partner or dependent child of a highly-skilled worker in New Zealand

- a. A person will be considered to have a critical purpose for travel to New Zealand (H5.25.15(m)(ii)) if they meet the requirements in (b) and (c) below.
- b. The person is currently outside of New Zealand.
- c. The person is the partner or dependent child of a temporary visa holder who:
- i. is currently living in New Zealand; and
 - ii. is in current employment that meets H5.30.50.1 below; and
 - iii. holds a visa valid for at least a further 12 months on the date that the person makes a request to travel to New Zealand under H5.25.15(m)(ii).
- d. A person who is considered to have a critical purpose for travel to New Zealand under (a) above may be invited to apply under these instructions (see H5.10) for either a:
- i. a visa appropriate to their circumstances, which will be a visa based on their relationship to their partner or parent who is the highly-skilled worker referred to in (c); or
 - ii. a variation of conditions for the visa they hold.

H5.30.50.1 Requirements for the temporary visa holder's employment

- a. The current employment of the temporary visa holder described in H5.30.50(c) must be paid at least twice the median salary (NZD \$106,080 per year).
- b. Their current employment must also meet one (or more) of:
- i. they have unique experience and technical or specialist skills not readily obtainable in New Zealand; or
 - ii. they have a role essential for the completion or continuation of a science programme under a government funded or partially government funded contract, including research and development exchanges and partnerships, and have the support of the Science, Innovation and International Branch at MBIE; or
 - iii. their role is essential for the delivery or execution of one of the following:
 - o an approved major infrastructure project, or a government approved event or a major government approved programme, or
 - o an approved government-to-government agreement, or
 - o work with significant wider benefit to the national or regional economy.

Notes:

- For the absence of doubt, 'current employment' in H5.30.50.1 above does not include an offer of employment.

- When considering H5.30.50.1(b), an immigration officer, or an immigration officer who is also a National Manager in the Border and Visa Operations Branch, may determine if the current employment of the temporary visa holder meets the requirements of H5.30.50.1(b) for the person in H5.30.50 to be eligible to be invited to apply for a visa.

H5.30.50.5 Calculating remuneration

a. Remuneration will be calculated according to the salary stated in the current employment agreement of the temporary visa holder referred to in H5.30.50.1(a).

b. Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of a 40 hour week.

c. Remuneration includes:

i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and

ii. in the case of accommodation provided in connection to the employment:

o the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or

o if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or

o if an accommodation allowance is provided, the amount of that allowance.

Notes:

- In relation to H5.30.50.5(c)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- For the purposes of H5.30.50.5, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.

H5.35 Currency and conditions

H5.35.1 Currency and conditions of a Critical Purpose visitor visa

- a. A Critical Purpose visitor visa may be granted with sufficient duration for the holder to achieve their critical purpose in New Zealand, up to 6 months.
- b. Despite (a) above, where a person is not required by [A4.25](#) to provide Medical or Chest X-ray Certificates, they may be granted a visitor visa for a maximum period of 12 months.
- c. Despite (a) and (b) above, the duration of the visitor visa granted to a person who meets the requirements of an 'other critical worker' as an approved class of worker ([H5.30.20](#)) may be subject to a maximum duration, as specified in the table at [H5.30.20](#).
- d. A Critical Purpose visitor visa must be granted with the condition that the holder carries out the critical purpose that allowed the grant of this visa while they are in New Zealand.
- e. A person granted a visitor visa who meets requirements for either a critical health worker ([H5.30.1](#)), or an 'other critical worker' (H5.30.5), may have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.
- f. A person granted a visitor visa who meets the requirements for marine crew arriving by the maritime border may have conditions imposed allowing them to work where appropriate and relevant to the needs of a ship ([H5.31](#)).

H5.35.5 Currency and Conditions of another visa (appropriate to the applicant's circumstances)

- a. A temporary entry class visa (other than a Critical Purpose visitor visa) may be granted for the duration set out in the relevant instructions for that visa.
- b. Despite (a):
 - i. the duration of a visa granted to a person who meets the requirements of an 'other critical worker' as an approved class of worker (H5.30.20) may be subject to a maximum duration, as specified in the table at [H5.30.20](#); or
 - ii. the duration of a visa granted to a person who meets the requirements of H5.30.40, H5.30.45 or H5.30.50 will be granted for the same period as the work or student visa held by the applicant's partner or parent, subject to the generic requirements at E4.5 being met.
- c. A temporary entry class visa granted to a person who has a critical purpose for travelling to New Zealand must be granted with conditions imposed that the holder carries out that critical purpose while they are in New Zealand.

H5.35.10 Conditions of visas varied for a critical purpose

- a. Any visa varied under these instructions will have the condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.
- b. A person whose visa conditions are varied under these instructions and who meets the requirements for either a critical health worker or an 'other critical worker' may, at the discretion of an immigration officer, also have conditions imposed allowing them to work in any occupation for any employer in any location in New Zealand.
- c. A person whose visa conditions are varied under these instructions and who meets the requirements for marine crew arriving by the maritime border may, at the discretion of an immigration officer, also have conditions imposed allowing them to work where appropriate and relevant to the needs of a ship ([H5.31](#)).
- d. Any visa varied under these instructions is subject to the condition that the holder comply with:
 - i. any order made under section 11 of the COVID-19 Public Health Response Act 2020; and
 - ii. any order made under section 70 of the Health Act 1956 and listed in schedule 2 of the COVID-19 Public Health Response Act 2020; and
 - iii. any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.