



## BRIEFING

### Immigration New Zealand Operational Manual: Amendments Requiring Ministerial Certification to implement the New Zealand Government response to the COVID-19 outbreak

Date:	16 June 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	3701 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Agree to the recommendations	18 June 2020
Hon Poto Williams Associate Minister of Immigration	Copy for your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Alejandra Mercado	Manager Operational Policy, Enablement	04 896 5196	9(2)(a)	✓
Simon Barrett	Business Analyst, Operational Policy, Enablement		9(2)(a)	

The following departments/agencies have been consulted

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments

# BRIEFING

## Immigration New Zealand Operational Manual: Amendments Requiring Ministerial Certification to implement the New Zealand Government response to the novel coronavirus (COVID-19) outbreak

<b>Date:</b>	16 June 2020	<b>Priority:</b>	High
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### Purpose

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This paper seeks that you agree to and certify proposed changes to immigration instructions. The proposed amendments give effect to recent Cabinet decisions relating to exemptions from and exceptions to border restrictions and contribute to the New Zealand Government response to the novel coronavirus (COVID-19) outbreak.

The proposed amendments include defining criteria for critical workers ('other essential workers') to be allowed to travel to New Zealand; making a senior immigration official responsible for agreeing who is considered a critical worker; allowing the immediate family of New Zealanders to travel to New Zealand when they are not travelling with their New Zealand family member; and allowing all diplomats who are accredited to New Zealand to be granted entry permission.

### Recommended action

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The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that on 8 June 2020 Cabinet agreed to a number of changes to the current restrictions on people able to travel to and enter New Zealand [CAB-20-MIN-0268].

**Noted**

- b **Note** among these changes, Cabinet agreed to amend the current exemption from border restrictions to include the partner, dependent children and legal guardians of New Zealand citizens and residents who:

- a. are travelling with their partner, parent or legal guardian; or
- b. are ordinarily resident in New Zealand; or
- c. have a visa based on their relationship to their New Zealand citizen or resident partner or parent.

**Noted**

- c **Note** that Cabinet also agreed to define an 'other essential worker' as someone who:

- a. If the employer needs them short-term (less than 6 months):
  - i. the person has unique experience and technical and specialist skills that are not obtainable in New Zealand; or
  - ii. the work must be significant in terms of a major infrastructure project, or event of national or regional importance, or government-approved programme, or in support of a government-to-government agreement, or

have significant wider benefit to the wider national or regional economy;  
AND

- iii. the role must be time critical (e.g. 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.
- b. If the employer needs them long-term (more than 6 months), as well as meeting one of the criteria in recommendation (c) (a) (i, or ii and iii) above:
  - i. earns twice the median salary (as an indicator of high skills); or
  - ii. has a role that is essential for the delivery or execution of a government-approved event, or programme that is of major significance to New Zealand; or
  - iii. has a role that is essential for the completion or continuation of science programmes under a government-funded or partially government-funded contract; including research or development exchanges and partnerships; or
  - iv. is undertaking a role that is essential for the delivery or execution of a government-approved event, or programme that is of major significance to New Zealand.

**Noted**

- d **Note** that Cabinet also agreed that Immigration New Zealand, instead of Ministers, will decide exceptions under the 'other essential worker' category according to the criteria outlined in recommendation c above.

**Noted**

- e **Note** that Cabinet also agreed that the costs of managed isolation or quarantine for exceptions under the 'other essential worker' category are to be met by the employer or sponsoring agency, or the individual.

**Noted**

- f **Note** that Cabinet also agreed that the current border restrictions will continue to not apply to diplomats accredited to New Zealand and currently resident in New Zealand, and be extended to also include:

- a. new diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand;
- b. such other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or his delegate on a case-by-case basis, where there is a compelling case on national interest grounds.

**Noted**

- g **Note** that the proposed immigration instructions give effect to the changes agreed by Cabinet on 8 June 2020.

**Noted**

- h **Agree** that a National Manager in Border and Visa Operations will make decisions under the 'other essential worker' category regarding which workers can be considered as other essential workers.

**Agree** / Disagree

- i **Agree** to the proposed changes to Restricted Temporary Entry instructions by signing the associated Ministerial Certificate attached at the end of Appendix 1.

☒ **Agree** / ☐ **Disagree**

- j **Agree** to the proposed changes to Temporary Entry and Residence instructions (relating to Border Entry) by signing the associated Ministerial Certificate attached at the end of Appendix 2.

☒ **Agree** / ☐ **Disagree**



Stephen Dunstan  
**General Manager**  
Enablement  
Ministry of Business, Innovation and Employment

16 June 2020



Hon Iain Lees-Galloway  
**Minister of Immigration**

17/6/2020

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## Background

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1. Immigration instructions are the rules and criteria for the grant of visas and entry permission to New Zealand. Section 22 of the Immigration Act 2009 (the Act) authorises the Minister of Immigration to certify changes to immigration instructions.
2. On 19 March 2020, Cabinet agreed that in addition to China and Iran, persons from the rest of the world are restricted from coming to New Zealand, unless excluded or considered to meet one of the case-by-case exceptions criteria [CAB-20-MIN-0122].
3. On 30 March 2020 you certified instructions [BR 2827 19-20] which implemented this revised approach to the border restrictions and gave effect to a new process to manage requests from people seeking an exception to the border restrictions under one of the agreed criteria.
4. On 21 April 2020 the group of Ministers with Power to Act on COVID-19 matters agreed to delegate further decision making on exceptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister [Unnumbered Cabinet Minute]<sup>1</sup>.
5. On 8 June 2020 Cabinet agreed to a number of changes to the current restrictions on people able to travel to and enter New Zealand, including:
  - a. defining criteria for exceptions granted to 'other essential workers';
  - b. that Immigration New Zealand officials, rather than Ministers, will decide exceptions under the 'other essential worker' category;
  - c. that the costs for quarantine or self-isolation for 'other essential workers' will be met by the employer or sponsoring agency;
  - d. clarifying the circumstances when the immediate family of New Zealanders may travel to New Zealand; and
  - e. expanding the circumstances when diplomats may travel to New Zealand.
6. This briefing contains immigration instructions proposed to implement those 8 June 2020 Cabinet decisions. Further details about each change are set out below.

## Amendments to Restricted Temporary and Temporary Entry instructions

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### *Other essential workers*

7. The decision to allow essential workers, other than health workers, to travel to and enter New Zealand is currently made by the Minister for Economic Development and the relevant portfolio Minister. Requests are submitted by employers on behalf of workers and considered on a case-by-case basis.
8. Cabinet agreed on 8 June 2020 that Immigration New Zealand, instead of Ministers, will determine exceptions under the 'other essential worker' category. It is proposed that a National Manager within Border and Visa Operations make these determinations. This official will rely on advice from colleagues as well as from relevant Government agencies (e.g. MBIE Science, Innovation and International Branch) when determining requests for 'other essential workers'. Regular calibration sessions will also be carried out with the support of other senior

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<sup>1</sup> Unnumbered Minute from Meeting of the COVID-19 Ministerial Group, entitled *COVID-19: Request for Exemption to Temporary Border Restrictions for Essential Worker, and Proposal to Delegate Decision Making to Joint Ministers*.

immigration officials and the Minister of Immigration to ensure these decisions are made appropriately and consistently.

9. On a case-by-case basis, exceptions requests that appear to have a compelling case but which do not meet immigration instructions for an exception to be made may be referred to the Minister of Immigration to consider granting a visa as an exception to Restricted Temporary Entry Instructions.
10. Cabinet also agreed to set specific criteria for the determination of 'other essential worker' requests. The agreed criteria differs depending on whether the worker is required in New Zealand for more or less than six months.
11. Cabinet agreed that a worker coming to New Zealand for a short-term (less than six months) is considered an 'other essential worker' if:
  - a. the person has unique experience and technical or specialist skills that are not obtainable in New Zealand; or
  - b. the work must be significant in terms of a major infrastructure project, or event of national or regional importance, or government-approved programme, or in support of a government-to-government agreement, or have significant wider benefit to the national or regional economy; AND
  - c. the role must be time critical (eg 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).
12. Cabinet agreed that a worker coming to New Zealand for the long-term (more than six months) is considered an 'other essential worker' if they meet one of the short-term criteria (either paragraph 11 (a) or paragraph 11 (b) and (c)) and:
  - a. earn twice the median salary (as an indicator of high skills); or
  - b. have a role that is essential for the completion or continuation of science programmes under a government-funded or partially government-funded contract, including research and development exchanges and partnerships; or
  - c. are undertaking a role that is essential for the delivery or execution of a government-approved event, or programme that is of major significance to New Zealand.
13. For the purposes of the proposed immigration instructions, government-approved events are considered the same as 'events of national or regional importance', and 'programmes of major significance' are considered the same as the 'government-approved programmes'. This means that a worker who will be coming for more than six months and undertaking a role that is essential for the delivery or execution of a government-approved event, or major-government-approved programme may be granted an exception to travel to New Zealand (that is without needing to also earn at least twice the median wage or in a role essential to a government-supported science programme). When compiling lists of these events and programmes, the items proposed for each list were found to be the same, and reproducing different lists with the same events and programmes was considered unnecessary.
14. The proposed immigration instructions also rename 'essential health workers' and 'other essential workers' as 'critical health workers' and 'other critical workers'. This nomenclature is proposed to avoid confusion with people designated as essential workers under COVID-19 Alert Level 4, and with people holding or applying for Essential Skills work visas.
15. The proposed immigration instructions include lists to guide decision-making as noted by Cabinet [CAB-20-MIN-0268]. These lists define approved infrastructure projects, major government programmes, government approved events and government-to-government

agreements and are intended to allow streamlined decision-making where a worker will be undertaking a time-critical role essential for the delivery of one of these projects, programmes or events.

16. We have used the following basis for these initial versions of the lists:
  - a. Approved infrastructure projects: projects listed on the Infrastructure Pipeline with an estimated value above \$100m.
  - b. Government approved events: current Major Event Fund portfolio events and those with investments agreed by Cabinet.
  - c. Major government-approved programmes: no suitable externally-verified list was found, so only one programme is listed (Rocket Lab launches) so far, being a programme for which 'other essential worker' exceptions have already been granted.
  - d. Government-to-government agreements: no externally-verified list was suitable, but we are aware that applications are imminent for workers to enter for the purposes of the Antarctic Programme.
17. Only projects, programmes or events on those lists will be able to be approved to receive workers. We intend to regularly propose updates to these lists for your consideration, particularly as new requests for travel exceptions for 'other critical workers' are made by employers or a sponsoring agency, making cases for workers to be approved for unlisted projects, programmes or events.
18. In addition to the use of lists, guidance from relevant portfolio agencies will continue to be sought to assist determining the merits of individual workers, and when appropriate whether their skills and experience are genuinely unobtainable in New Zealand and whether the work they will undertake will be of significant economic benefit.
19. MBIE is currently working with other Government agencies on recovering costs associated with quarantine and managed isolation, MBIE is also providing advance notice of numbers of 'other essential workers' to agencies coordinating managed isolation, to support efforts to smooth peaks of demand. Further immigration instructions will be proposed for you to certify when a cost-recovery process and any supporting legislative changes have been made.

*Family of New Zealand citizens or residence class visa holders*

20. The partner, legal guardian or any dependent children of New Zealand citizens or resident class visa holders are currently exempt from the border restrictions only if they are travelling with the New Zealand citizen or resident. Some partners have been allowed to travel separately to the New Zealand citizen or resident where there are compelling case-by-case reasons. This has created uncertainty for applicants and for their New Zealand families.
21. Cabinet agreed on 8 June 2020 to provide a specific exemption for the family of New Zealanders who are travelling without the New Zealand citizen or resident visa holder. The proposed immigration instructions reflect that the partner, dependent children and legal guardians of New Zealand citizens and residents are exempted from the border restrictions if they:
  - a. are travelling with their partner, parent or guardian; or
  - b. are ordinarily resident in New Zealand; or
  - c. have a visa based on their relationship to their New Zealand citizen or resident partner or parent.
22. The proposed immigration instructions will allow partners and dependent children to seek and be approved exceptions to travel if they meet the requirements agreed by Cabinet.

Those partners and dependent children who already hold a visa based on their relationship (either a temporary entry or residence class visa) will be able to travel to New Zealand and be granted entry permission without first seeking an exception as the visa they hold is sufficient to allow them entry to New Zealand.

#### *Diplomats*

23. Cabinet agreed on 8 June 2020 to extend the exemption from border restriction for diplomatic staff to include:
  - a. new diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand; and
  - b. such other diplomatic and consular personnel authorised by the Minister for Foreign Affairs or his delegate on a case by case basis, where there is a compelling case on national interest grounds.
24. This decision is reflected in the proposed immigration instructions attached.

#### *Exceptions can be made using the normal visa system*

25. The proposed instructions also clarify that people who appear to meet one of the exceptions criteria may be invited to apply for a visa using the normal visa system (rather than special visitor visa). This allows people (such as the crew of fishing vessels) to provide information that better suits their circumstances and encourages the provision of medical and character information. Inviting people to apply for visas through the normal visa system also allows the grant of longer duration visas, and work visas (e.g. for doctors), which will allow their children to attend school as domestic students.
26. This clarification is enabling, and in the short-term most people who submit successful requests are likely to be invited to apply for a Critical Purpose visitor visa. Over time and particularly as application queues that were built up during COVID-19 restrictions are reduced, applicants for border exceptions are increasingly likely to be moved back into the normal visa application system.
27. People granted a temporary entry class visa in this way must meet one of the exception criteria to be allowed entry to New Zealand. People holding temporary entry and residence class visas who do not meet one of the exceptions criteria will continue to be ineligible to travel to New Zealand.
28. Current settings do not prevent people from applying for a visa using the normal visa system, and having additional conditions imposed on that visa to allow travel if they meet an exceptions criteria. The proposed instructions clarify this option for people to travel to New Zealand and are a step towards integrating the exceptions regime into the normal visa system. Where people are unable to apply for a visa using the normal visa system (for example where offshore Visa Application Centres are closed, or due to difficulties making online applications) they may continue to apply for and be granted a special 'Critical Purpose Visitor Visa' to allow them to travel to New Zealand if they meet an exceptions criteria to the border restrictions.
29. The proposed immigration instructions also restructure the relevant COVID-19 exceptions and entry permission instructions to better explain: the two-step process (a request to travel followed by an invitation to apply for a visa); the difference between those who must be refused entry permission and those who may be granted entry permission because they meet one of the exceptions criteria; and the criteria for both visa applications and variations to existing visa conditions for people who meet one of the exceptions criteria. Minor phrasing amendments and updated cross-references are also proposed.



## Next steps and implementation

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30. Proposed immigration instructions that would implement Cabinet's decision are attached for your certification. Changes to existing immigration instructions are highlighted for ease of reference. Highlighting will not appear in the published versions of the amended Operational Manual. Where current immigration instructions are proposed to be moved the sections of the Manual they were previously in revoked, the revoked sections have been added to Appendix 3 for you information (immigration instructions at E3.27 only).
31. As noted by Cabinet, the current Expression of Interest (EOI) process involves manual processing of exception requests and is not sustainable in its current form. The amended process that has been proposed will continue to rely on manual processing and reporting systems (though these will be improved by inviting people to apply for visas using the normal visa application system). Officials continue work to develop a more durable solution but changes, such as to ICT systems or to recover processing costs associated with requests by individuals or employers or supporting agencies, are not able to be implemented any earlier than the end of July.
32. It is expected that Labour and Immigration Policy in the Labour, Science and Enterprise Group of MBIE will continue to receive requests from employers and supporting agencies for 'other essential workers' until the new online application form and fee for making requests are in place at the end of July.
33. Cabinet also agreed on 8 June 2020 to expand the exception categories for arrivals at the maritime border. Further advice and proposed immigration instructions will be provided so that this expansion can be in place later in June. The implementation of the maritime exceptions will be aligned with the introduction of the Border Restriction Order that will be made under section 11 of the COVID-19 Public Health Response Act 2020. This Order is will come into effect on 29 June 2020. Aligning these two changes is necessary to ensure the process to approve a vessel and the process to approve people on a vessel are lined up. Work is underway with the New Zealand Customs Service and the Ministry of Health to establish the processes within and between each agency.

## Communication

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34. Changes will be communicated to all staff, licensed immigration advisers and the general public through the release of an amendment circular as soon as the new immigration instructions are certified. A communications plan has been developed and will be shared with your office before the proposed instructions take effect.

## **Appendix 1 - Proposed amendments to Restricted Temporary Entry instructions effective on and after 18 June 2020**

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## H5.1 Objective

- a. The objective of these instructions is to minimise risks to New Zealand posed by the COVID-19 virus. In order to achieve this objective the New Zealand Government has put in place measures to prevent and prohibit the travel to New Zealand of all persons except:
- i. New Zealand citizens (including those of the Realm of New Zealand countries); and
  - ii. permanent resident visa holders; and
  - iii. resident visa holders who have entered New Zealand as the holder of a resident visa, or were granted a resident visa in New Zealand; and
  - iv. the partner, legal guardian or any dependent children of a New Zealand citizen or a New Zealand residence class visa holder listed at Y3.10(a) who:
    - o are travelling with that New Zealand citizen or residence class visa holder; or
    - o are ordinarily resident in New Zealand; or
    - o have a visa based on their relationship to the New Zealand citizen or residence class visa holder.
  - v. Australian citizens and permanent residents who are ordinarily resident in New Zealand;
  - vi. diplomats accredited to New Zealand and currently resident in New Zealand;
  - vii. new diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand;
  - viii. other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or their delegate where there is a compelling national interest;
  - ix. Australian citizens and holders of permanent resident visas issued by the Government of Australia transiting New Zealand and whose final destination is Australia;
  - x. the spouse, legal guardian and minor dependents of Australian citizens and holders of permanent resident visas issued by the Government of Australia who are transiting New Zealand and whose final destination is Australia;
  - xi. people described in Regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.
- b. The five main considerations to achieving this objective are the:
- i. risk to the health of New Zealanders; and
  - ii. risk to the health of Pacific Island Countries; and
  - iii. readiness of Government agencies to operationalise any measures required; and
  - iv. risks to foreign relations; and
  - v. risk of significant adverse economic impacts.
- c. The New Zealand Government acknowledges that there may be extremely limited circumstances where it is appropriate for a person who is not a New Zealand citizen, permanent resident or person returning to New Zealand as a resident, to travel to New Zealand. The COVID-19 restricted immigration instructions aim to achieve this objective by providing certainty about the limited situations where travel to New Zealand for non-New Zealand citizens and residents is allowed while COVID-19 poses a significant threat to New Zealand by granting a:
- i. Critical Purpose visitor visa or other temporary entry class visa appropriate a person's circumstances to people who do not currently hold a visa; or
  - ii. variation of conditions to people who already hold a temporary entry class visa.
- d. People who do not have a critical purpose for travel to New Zealand will not be invited to apply for a visa or a variation of conditions under these instructions.

### Note:

The instructions in this chapter are restricted temporary entry instructions. In accordance with section 76(2) of the Immigration Act 2009, immigration officers may not grant a temporary visa as an exception to restricted temporary entry instructions. Restricted temporary entry instructions are defined in section 4 of the Immigration Act 2009:

**Restricted temporary entry instructions** are temporary entry instructions that require, in relation to the type of visa to which the instructions relate, that any decision made on an application for that type of visa, or on an application for entry permission in relation to that type of visa, must be made in terms of the temporary entry instructions applicable at the time the application for the visa was made, and any discretion exercised must be in terms of those instructions.

## H5.5 Overview

- a. These instructions allow people to travel to New Zealand as temporary visa holders while the New Zealand border is effectively closed by providing for the:
  - i. grant of a visa (for people without a valid temporary entry class visa); or
  - ii. variation of visa conditions (for people with a valid temporary entry class visa).
- b. The grant of a visa or variation of conditions under these instructions is a two-step process:
  - i. Applicants, or employers or supporting agencies of 'other critical workers', first express interest in travelling to New Zealand.
  - ii. An immigration officer may then invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to that person's circumstances or a variation of conditions if they are satisfied based on the information available that the person has a critical purpose to travel to New Zealand (H5.25.15) and is likely to meet the requirements of the visa applied for or variation of conditions requested.
- c. Only a person who has been invited to apply for a visa or variation of conditions may make an application under these instructions.
- d. Applications must be made in the prescribed manner within 1 month of an invitation to apply.
- e. Despite (b) above, where a person has applied for a temporary entry class visa an immigration officer may grant that visa if the applicant meets relevant immigration instructions (or the visa is granted as an exception to instructions) and impose a visa condition that the holder carries out a critical purpose while in New Zealand if the applicant meets the requirements at H5.25.15.

#### H5.10 Expression of interest and Invitation to Apply

- a. With the exception of requests to travel to New Zealand as an 'other critical worker' (H5.30.5), a person may express interest in applying under these instructions for a visa or variation of conditions by using the form provided for this purpose on the Immigration New Zealand website.
- b. A person expressing interest in applying under these instructions for a visa or variation of conditions must pay the prescribed fee (if any).
- c. An immigration officer may invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances or 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 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.

#### H5.15 Approval in principle for other critical workers to travel to New Zealand

- a. The employers or supporting agency of a person whose critical purpose to travel to New Zealand is to work as an 'other critical worker' (H5.30.5) may request approval in principle for that person and their partner and dependent children to travel to New Zealand by emailing [employerborderexceptions@mbie.govt.nz](mailto:employerborderexceptions@mbie.govt.nz).
- b. A request for approval in principle may relate to one or more critical workers who will travel to New Zealand for the same purpose and to work for the same employer or supporting agency, and include the partner and dependent children of those workers.
- c. A request for approval in principle must be accompanied by evidence that demonstrates the worker meets the requirements in H5.30.5.
- d. An employer or supporting agency requesting approval in principal for a person and their family to travel to New Zealand as an 'other critical worker' must pay the prescribed fee (if any).
- e. Following a request for approval in principal from an employer or supporting agency, an immigration officer may invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to the person's circumstances, or a variation of conditions if they are satisfied that an immigration officer who is a National Manager in the Border and Visa Operations Branch agrees that the person has a critical purpose for travelling to New Zealand as an 'other critical worker' (H5.30.5); and
- f. Following a request for approval in principal from an employer, an immigration officer may, at their discretion, invite a person to apply for a Critical Purpose visitor visa, another visa appropriate to their circumstances, or a variation of conditions if they are satisfied that:
  - i. they are the partner or dependent child of an 'other critical worker' (as set out in these instructions); and
  - ii. an immigration officer who is a National Manager in the Border and Visa Operations Branch agrees that their presence in New Zealand is necessary for the critical worker to carry out their work.
- g. When considering a request for approval in principal under these instructions an immigration officer may seek advice from relevant Government agencies or other authorities.

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**Note:** For the purposes of these instructions, a 'supporting agency' is the organisation seeking to bring a person to New Zealand as an 'other critical worker' and who will be directly responsible for that person's work while they are in New Zealand.

#### **H5.20 Making an application for a visa or variation of conditions**

- a. A person may only apply for a visa or variation of conditions under these instructions if they are invited to do so.
- b. An application must be made within 1 month of the date of the invitation to apply.
- c. An application for a visa must be made in the prescribed manner.
- d. An application for a variation of conditions must be made by submitting the following to an immigration officer:
  - i. the completed online or paper form; and
  - ii. the appropriate fee (if any); and
  - iii. the documentation and evidence requested in the invitation to apply, including evidence of the applicant's critical purpose in New Zealand.

## **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 Critical Purpose visitor visa may be granted if an immigration officer is satisfied that all applicants included in the application:

- a. meet health and character requirements for temporary entry (A4 and A5); and
- b. are bona fide (E5) applicants for a temporary entry class visa; and
- c. meet funds or sponsorship requirements for visitors (V2.20); and
- d. meet onward travel requirements for visitors (V2.25); and
- e. have a critical purpose for travel to New Zealand as described in H5.25.15.

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

An immigration officer may grant a visa appropriate to the applicant's circumstances if they are satisfied that the applicant:

- a. meets all relevant immigration instructions required for the grant of that visa; and
- b. has a critical purpose for travel to New Zealand as described in H5.25.15.

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

A variation of conditions can be granted where an immigration officer is satisfied:

- a. the applicant has a critical purpose for travelling to and being in New Zealand as described at H5.25.15; and
- b. all the other requirements of the visa the person currently holds continue to be met.

### **H5.25.15 Critical purpose for travelling to New Zealand**

The following people are considered to have a critical purpose for travelling to New Zealand under these instructions:

- a. Critical health workers and their partners and dependent children (H5.30.1).
- b. Other critical workers, and their partners and dependent children (H5.30.5).
- c. People belonging to a class of workers agreed to by Cabinet and who meets the requirements set out at H5.30.20.
- 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.

### **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 New Zealand in a job or occupation described on the Immigration New Zealand website as **a critical** health worker.
- b. The jobs and occupations considered as **critical** health workers are agreed to by the Ministry of Health and the Ministry of Business, Innovation and Employment.

### H5.30.5 Other critical workers

- a. An 'other critical worker' is a person who is required to come to New Zealand for less than 6 months in total and:
  - i. has unique experience and technical or specialist skills that are not obtainable in New Zealand; or
  - ii. is undertaking a time-critical role which:
    - o is essential for the delivery of an approved major infrastructure project; or
    - o is essential for the delivery of an government approved event; or
    - o is essential for the delivery of an major government-approved programme; or
    - o is in support of an approved government-to-government agreement; or
    - o has significant wider benefit to the national or regional economy.
- b. An 'other critical worker' is also a person who is required to come to New Zealand for 6 months or longer and:
  - i. meets the requirements at H5.30.5 (a) (i) or (ii); and
  - ii. earns at least twice the median salary (currently \$106,080 per annum); or
  - iii. 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
  - iv. is undertaking a role that is essential for the delivery or execution of:
    - o a government-approved event; or
    - o major government-approved programme; or
    - o approved major infrastructure project.
- c. An immigration officer who is a National Manager in the Border and Visa Operations Branch will determine who is an 'other critical worker'.

**Note:** "Unique experience and technical or specialist skills that are not obtainable in New Zealand" means skills, qualifications or work experience which can only be learnt or gained overseas, for example in a specialist training institution or by working in a highly-specialist firm, or are inherent to a person. These skills are not considered unobtainable if they are available in New Zealand but not to the employer or supporting agency, or are available but are developed to a particularly high standard in the worker. 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.

#### 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

#### **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
	ICC Women's World Cup	
	New Zealand Golf Open	
	36 <sup>th</sup> America's Cup	
	ICF Junior and U23 Canoe Slalom World Championships	
	Crankworx Rotorua	
	IronMan 70.3 World Championship 2020	
	The Pioneer	
	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	

#### H5.30.20 Approved classes of workers

The following classes of workers have been approved by Ministers.

	Column A: Role or occupation	Column B: Additional requirements	Column C: Salary/wage requirement	Column D: Maximum duration of visa
a.				
b.				
c.				

#### 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.

## **H5.35 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. 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.
- d. 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.

### **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 may be granted for the duration set out in the relevant instructions for that visa.
- b. 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. Any visa varied under these instructions must also have a condition imposed that the holder complies with any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.

#### H5.40 Grant of work visa in special cases

- a. Where a person meets requirements for either a critical health worker (H5.30.1), or an other critical worker (H5.30.5) and where the application is supported by a Government agency with a role in operationalising any measures required to respond to the COVID-19 situation, an immigration officer may grant the principal applicant a work visa for up to 24 months.
- b. Where a work visa is granted under these instructions the holder may have conditions imposed that allows them to work in any occupation for any employer in any location in New Zealand.
- c. Where an applicant for a visa is granted a work visa under these instructions that visa must be granted with the have the condition imposed that the holder carries out the relevant critical purpose while they are in New Zealand.



## RESTRICTED TEMPORARY ENTRY INSTRUCTIONS

### MINISTERIAL CERTIFICATE

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 1 of the submission dated 16 June 2020 are part of Restricted Temporary Entry instructions on and after 18 June 2020.



Hon Iain Lees-Galloway  
Minister of Immigration

17                      June                      2020  
(day)                      (month)                      (year)

## **Appendix 2 - Proposed amendments to Temporary Entry and Residence instructions effective on and after 18 June 2020**

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### Y3.30 People who may be granted entry permission: novel coronavirus (COVID-19)

- a. Despite Y4.50 (a), the following persons may be granted entry permission:
  - i. Those New Zealand residence class visa holders listed in Y3.10(a)
  - ii. The partner, legal guardian or any dependent children of a New Zealand citizen or a New Zealand residence class visa holder listed at Y3.10(a) who:
    - o are travelling with that New Zealand citizen or residence class visa holder; or
    - o are ordinarily resident in New Zealand; or
    - o have a based on their relationship to the New Zealand citizen or residence class visa holder.
  - 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
  - v. New diplomatic and consular personnel filling established positions at a foreign mission or consular post in New Zealand
  - vi. Other diplomatic and consular personnel authorised by the Minister of Foreign Affairs or his delegate where there is a compelling national interest.
- b. A person may be granted entry permission if they are the holder of a temporary entry visa which either:
  - i. was granted under the COVID-19 Support Restricted Temporary Entry Instructions; or
  - ii. has a condition that the holder carries out a critical purpose while they are in New Zealand.

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

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

- a. Entry permission must be refused to any person, except a person listed in Y3.30 (a), who is not otherwise dealt with under Y4.1 and who is:
  - i. the holder of a temporary entry class visa (except as provided for by Y3.30 (b))
  - 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 (except as provided for by Y3.30 (a)).
- b. 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. Critical health workers as confirmed by the Ministry of Health
  - iii. Other critical workers as defined by the New Zealand Government
  - iv. Citizens of Samoa and Tonga for essential travel to New Zealand
  - v. A person who holds a visitor, work or student visa and:
    - o is ordinarily resident in New Zealand; and
    - o is the partner or dependent child of a work or student visa holder who is in New Zealand.

### Notes:

- For the avoidance of doubt
- New Zealand citizens are not subject to this instruction
- 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

## TEMPORARY ENTRY AND RESIDENCE INSTRUCTIONS

### MINISTERIAL CERTIFICATE

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 2 of the submission dated 16 June 2020 are part of Temporary Entry and Residence instructions on and after 18 June 2020.



Hon Iain Lees-Galloway  
Minister of Immigration

17                      June                      2020  
(day)                      (month)                      (year)

## **Appendix 3 – Restricted Temporary Entry instructions proposed to be rescinded effective on and after 18 June 2020**

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*Note: These immigration instructions are proposed to be removed from the Operational Manual if the instructions above are certified. The instructions below have been incorporated into the proposed instructions above, and are provided here for your information only.*

### **E3.27 Restricted temporary entry instructions: Varying the condition of a temporary entry class visa for a critical purpose**

- a. A person with a condition on their temporary visa that the holder carries out a critical purpose while in New Zealand may be granted entry permission despite the border restrictions related to COVID-19 (see [Y4.50](#)). This supports government objectives, as set out in H5.1.
- b. With the exception of requests to travel to New Zealand as an 'other critical worker' (H5.30.10), Aa person may express interest in applying for a variation of conditions for a critical purpose by using the form provided for the purpose on the Immigration New Zealand website.
- c. The employer or supporting agency of a visa holder seeking to travel to New Zealand as an 'other critical worker' (H5.30.10) may request approval in principle for that person and their partner and dependent children to travel to New Zealand by emailing their request to [employerborderexceptions@mbie.govt.nz](mailto:employerborderexceptions@mbie.govt.nz).
- d. A request for approval in principle may relate to one or more critical workers who will travel to New Zealand for the same purpose and to work for the same employer or supporting agency, and include the partner and dependent children of those workers.
- e. A request for approval in principle must be accompanied by evidence that demonstrates the worker meets the requirements in H5.30.10.
- f. An employer or supporting agency requesting approval in principal for a person and their family to travel to New Zealand as an 'other critical worker' must pay the prescribed fee (if any).
- g. Following a request for approval in principal from an employer or supporting agency, an immigration officer may invite a person to apply for a visitor visa, another visa that suits the person's circumstances, or variation of conditions if they are satisfied that:
  - i. An immigration officer with Schedule 1 or 2 delegations agrees the person has a critical purpose for travelling to New Zealand as an 'other critical worker' (H5.30.10); and
  - ii. their employer or supporting agency will pay for any quarantine or managed isolation that will be required when the person arrives in New Zealand.
- h. Following a request for approval in principle from an employer, an immigration officer may, at their discretion, invite a person to apply for a visitor visa, another visa that suits their circumstances or a variation of conditions if they are satisfied that:
  - i. they are the partner or dependent child of an 'other critical worker' (H5.30.10); and
  - ii. an immigration officer with Schedule 1 or 2 delegations agrees they may be allowed to accompany that 'other critical worker' in New Zealand.
- i. When considering a request for approval in principal under these instructions an immigration officer may seek advice from relevant Government agencies or other authorities to determine that the proposed 'other critical worker' is likely to meet the requirements at H5.30.10.
- j. An immigration officer must invite a person to apply for a variation of conditions for a critical purpose before that person can make an application (H5.10).
- k. A variation of conditions application is made by submitting the following to an immigration officer within 1 month of the date of the invitation to apply:
  - i. the completed online or paper form,
  - ii. the appropriate fee,
  - iii. the documentation and evidence requested in the invitation to apply, including evidence of the applicant's critical purpose in New Zealand.
- l. 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 set out at E3.27.1 below; and
  - ii. all the other requirements of the visa the person currently holds continue to be met.

#### **Note:**

For the purposes of these instructions, a 'supporting agency' is the organisation seeking to bring a person to New Zealand as an 'other critical worker' and who will be directly responsible for that person's work while they are in New Zealand.

The instructions in this section are restricted temporary entry instructions. In accordance with section 76(2) of the Immigration Act 2009, Immigration officers may not grant a temporary visa as an exception to restricted temporary entry instructions. Restricted temporary entry instructions are defined in section 4 of the Immigration Act 2009:

**Restricted temporary entry instructions** are temporary entry instructions that require, in relation to the type of

visa to which the instructions relate, that any decision made on an application for that type of visa, or on an application for entry permission in relation to that type of visa, must be made in terms of the temporary entry instructions applicable at the time the application for the visa was made, and any discretion exercised must be in terms of those instructions.

### **E3.27.1 Critical purposes for being in New Zealand**

The following people are considered to have a critical purpose to be in New Zealand under these instructions:

- a. Essential health workers, as confirmed by the Ministry of Health, and their partners and dependent children (see H5.25.1)
- b. Essential workers and their partner and any dependent children (see H5.25.5)
- c. Critical health workers and their partners and dependent children (H5.30.1).
- d. Critical maritime workers (H5.30.5).
- e. Other critical workers and their partners and dependent children (H5.30.10).
- f. People belonging to a class of workers agreed to by Cabinet and who meets the requirements set out at H5.30.15.
- g. 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.
- h. People coming to New Zealand for humanitarian reasons (see H5.30.10)
- i. The partner, dependent child or legal guardian of a New Zealand citizen or permanent resident visa holder and who is travelling with that New Zealand citizen or permanent resident.
- j. The partner, dependent child or legal guardian of the holder of a New Zealand resident visa that was granted in New Zealand and who is travelling with that New Zealand resident visa holder.
- k. The partner, dependent child or legal guardian of the holder of a New Zealand resident visa holder where that resident visa holder is arriving in New Zealand for a second or subsequent time as the holder of that visa, and who is travelling with that New Zealand resident visa holder.
- g. 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.
- h. 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 of a work or student visa holder who is in New Zealand.

### **E3.27.5 Conditions on visas varied for a critical purpose**

- a. Any visa varied under these instructions will have the condition that the holder carries out the critical purpose while they are in New Zealand.
- b. A person whose visa is varied under these instructions and who meets the requirements for either an essential a critical health worker (E3.27.1 (a)) or an essential worker an 'other critical worker' (E3.27.1 (bc)) may, at the discretion of an immigration officer, also be granted conditions allowing them to work in any occupation for any employer in any location in New Zealand.
- c. Any visa varied under these instructions must also have a condition imposed that the holder complies with any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease.
- d. Any visa varied under these instructions for a person who meets the requirements for either a partner or dependent child of a New Zealand citizen or residence class visa holder (E3.27.1 (e – g)), may be granted conditions requiring them to travel to New Zealand with their New Zealand partner or parent.