

ISSUED Thursday, 18 June 2020

BREAKING NEWS

New criteria	2
Criteria for partners and dependents	2
Criteria for ‘other critical workers’	3
The process for ‘other critical worker’ applications	4
More information	5
Contact details	6

Source: Immigration New Zealand

New criteria

The Minister of Immigration has now certified immigration instructions to give effect to the changes announced last week and the following new criteria for exceptions to the border closure come into effect today:

- Partners and dependents of New Zealand citizens and residents who are ordinarily resident in New Zealand or hold a visa on the basis of their relationship will no longer need to travel with their New Zealand family member to be granted an exception
- New criteria for 'other essential worker' exceptions and a new process for decisions which will now be made by Immigration New Zealand.
- Extending the current exception for diplomats to include those who are taking up new posts in New Zealand

A new maritime exception is also being worked through which will allow entry to those arriving at the maritime border, where there is a compelling need for the vessel to travel to New Zealand. This is expected to come into effect later in June.

Criteria for partners and dependents

Under the new instructions that came into effect today, partners and dependents of New Zealand citizens and residents who have a relationship-based visa or are ordinarily resident in New Zealand will no longer need to be travelling with their NZ family member to be granted a border exception.

This change will help reunite New Zealand based families who have been separated by the current border restrictions.

Partners or dependents of a New Zealand citizen or resident who have a relationship-based visa will be able to travel on that visa and will not need to request a border exception.

Partners or dependents of a New Zealand citizen or resident who are ordinarily resident in New Zealand but do not have a relationship-based visa should request a border exception. If their request is approved, they will then be invited to apply for a visitor visa, another visa that suits their circumstances, or to vary their existing visa to allow them to travel.

Partners of New Zealand citizens or residents who are not travelling together, are not on a relationship-based visa or are not ordinarily resident in New Zealand will still be subject to the border restrictions, unless they meet another border exception criteria.

Anyone who is unsure about whether they need to request an exception is able to make a request through the form on our website and INZ will either process the request or advise them that they are able to travel on their existing relationship-based visa.

The government recognises that the border restrictions have resulted in hardship for many migrants, including those who have been separated from their loved ones and those who have not been able to return to their jobs and homes.

These changes will enable more people to be eligible for an exception to the strict border restrictions. However, there will continue to be some migrants who will not meet the exception criteria to travel to New Zealand.

While we understand how difficult this must be, we must balance the individual circumstances with both the need to protect the health of New Zealanders and our current managed isolation capacity.

Criteria for ‘other critical workers’

The Government has agreed to specific criteria for determining whether someone is considered an ‘other critical worker’ and is therefore eligible for an exception.

A worker coming to New Zealand for a short-term (less than six months) may be considered a critical worker if:

- the person has unique experience and technical or specialist skills that are not obtainable in New Zealand; or
- the person is undertaking a time-critical role which is essential for the delivery of an approved major infrastructure project, a government approved event, an approved major government programme, an approved government-to-government agreement or has significant wider benefit to the national or regional economy.

A worker coming to New Zealand for the long-term (more than six months) may be considered a critical worker if they meet one of the short-term criteria above and:

- will work for at least 30 hours per week and be paid at least twice the median wage (\$106080 per year); or
- has a role that is essential for the completion or continuation of a science programme under a fully or partially government-funded contract, including research and development exchanges and partnerships, and has the support of MBIE's Science, Innovation and International branch to travel to New Zealand to carry out their work; or
- is undertaking a role that is essential for the delivery or execution of a government-approved event, a major government-approved programme or an approved major infrastructure project.

A list of approved infrastructure projects [is available here](#).

A list of approved major government programmes, government approved events and government-to-government agreements [is available here](#).

In addition to these lists, guidance from relevant portfolio agencies will continue to be sought to assist in determining the merits of individual workers and (when appropriate) whether the worker's skills and experience are genuinely unobtainable in New Zealand.

Holding an Essential Skills work visa is not sufficient to qualify as a critical worker.

We are aware that a number of employers have offered to cover the quarantine costs for migrant workers they successfully hire. The employer or supporting agency is responsible for paying for quarantine or managed isolation when the worker arrives in New Zealand.

The process for 'other critical worker' applications

Requests for a border exception for 'other critical workers' must be submitted by employers on behalf of the workers they are seeking exceptions for. They may also be submitted by immigration professionals who are acting on behalf of the employer. Requests from individual workers will not be considered.

Requests for critical workers will be considered by a senior immigration official within Immigration New Zealand against the above criteria. This is a change from the previous process whereby requests were considered by the Minister for Economic Development and relevant portfolio Ministers.

Workers who are determined by INZ to meet the criteria will then be invited to apply for a Critical Purpose Visitor Visa, another visa that suits their circumstances, or a variation of conditions.

We are committed to deciding requests for 'other critical workers' as quickly as possible, but we do expect these requests to take longer than requests for other exceptions.

Once a request from an employer has been approved, the designated 'other critical workers' will be invited to apply for a visa which will allow them to travel to New Zealand. Standard immigration requirements such as health and character still apply.

INZ is committed to ensuring the criteria are applied appropriately and consistently.

More information

The border is New Zealand's biggest vulnerability in our fight against COVID-19, which is why the starting position is that New Zealand's border remains closed to all but New Zealand citizens and residents.

The bar for being granted an exception to the border restrictions is set high to help stop the spread of COVID-19 and protect the health of people already in New Zealand.

All requests for a border exception are considered on a case by case basis against the strict border exception criteria put in place by the Government.

INZ has no ability to apply discretion when considering requests against the border criteria.

[Our website](#) remains the best place to find up to date immigration information.

Contact details

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

Terra Nova Consultancy Ltd

J Peter Hendrikx - *qbe*

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

14 Glanworth Place
Dannemora 2016
Auckland

PO Box 58385
Botany 2163
Auckland

P +64 (0)275 706 540

E jpeter@terranovaconsultancy.co.nz

W www.terranovaconsultancy.co.nz