

ISSUED Friday, 26 June 2020

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Source: Immigration New Zealand

Epidemic Management Notice

Details of the Epidemic Management Notice No 2 (EMN) issued on 24 June 2020;

Pursuant to sections 8 and 10 of the Epidemic Preparedness Act 2006 and section 15 of the Interpretation Act 1999, the Prime Minister gives the following notice,

- in respect of section 8 of the Epidemic Preparedness Act 2006, with the agreement of the Minister of Immigration and being satisfied that the effects of the outbreak of COVID-19 make it, or are likely to make it, reasonably necessary to give the notice; and
- in respect of section 10 of that Act, being no longer satisfied that it is necessary to state in an epidemic management notice that the application of the Immigration Act 2009 (other than section 341 of that Act) is modified in order to deal with the practical effects of the outbreak of COVID-19.

Notice

1. Title

This notice is the Epidemic Preparedness (Epidemic Management – COVID-19) Notice (No. 2) 2020.

2. Commencement

This notice comes into force at 11.59pm on 24 June 2020.

3. Notice Applies to COVID-19

This notice applies in relation to COVID-19 (the “disease”), as identified in the Epidemic Preparedness (COVID-19) Notice 2020.

4. Section 341 of Immigration Act 2009 Activated by Notice

(1) This notice states that the application of the Immigration Act 2009 is modified in order to deal with the practical effects of the outbreak of the disease.

(2) However, this notice activates only section 341 of that Act.

5. Amendment of Epidemic Preparedness (Epidemic Management—COVID-19) Notice 2020

(1) This clause amends Epidemic Preparedness (Epidemic Management—COVID-19) Notice 2020 ([New Zealand Gazette, 24 March 2020, Notice No. 2020-go1369](#)).

(2) Revoke clause 5.

Dated at Wellington this 24th day of June 2020.

Rt Hon JACINDA ARDERN, Prime Minister.

Explanatory Note

This note is not part of the notice, but is intended to indicate its general effect.

This is an epidemic management notice under the Epidemic Preparedness Act 2006. It is given in response to the outbreak of COVID-19, as identified in the Epidemic Preparedness (COVID-19) Notice 2020.

This notice revokes the part of the Epidemic Preparedness (Epidemic Management—COVID-19) Notice 2020 that activated certain dormant sections of the Immigration Act 2009. The part of that notice that activated dormant sections of the Social Security Act 2018 continues in force. The revocation happens at 11.59pm on 24 June 2020. However, this notice immediately activates section 341 of the Immigration Act 2009 (and only that section) again so that it effectively continues to be activated. That section modifies the calculation of the consecutive period for which a person has been detained under 1 or more warrants of commitment.

This notice is administered by the Ministry of Health.

Further updates

There are no changes for visa holders under the new EMN.

The first EMN took effect on 2 April 2020. It meant that holders of a work, student, visitor, limited or interim visa with an expiry date of 2 April to 9 July 2020 inclusive who were in New Zealand on 2 April 2020 had their visas extended to 25 September 2020.

All visa extensions resulting from the original EMN remain in place for individuals who are still in New Zealand on the visa that was extended.

Individuals whose visa extensions remain in place to 25 September, as well as individuals who did not receive a visa extension and have visas due to expire soon, should be working on a plan to either apply for a new visa or depart New Zealand.

Please use the Visa Verification Service to confirm that your clients' visas currently remain extended to 25 September 2020, and notify them accordingly, or send them instructions about how to use the Visa Verification Service themselves. Information about the Visa Verification Service is [on the INZ website](#). It requires a simple registration process using RealMe.

Visa holders can check the expiry of their visa by looking at the Visa Verification Service (shows visa extension date). Employers and education providers can use VisaView to verify the expiry date of the visa of their worker or student.

The Epidemic Management Notice (EMN) is being changed. What does this mean?

The EMN relating to immigration matters took effect on 2 April 2020. It had some impacts on people in New Zealand with temporary entry class visas (and rules around detention). For most people, the impact of this notice was that holders of student, work, visitor, limited or interim visas that would have expired between 02 April 2020 and 09 July 2020 inclusive, and who were in New Zealand on 02 April 2020, had their visas extended to 25 September 2020.

The EMN was modified on 24 June 2020, in line with when the first notice could have expired. Under the current EMN no further visas have been extended.

My visa was extended to 25 September 2020 under the EMN. Does the change to the EMN mean the extension on my visa is also cancelled?

No, the expiry date remains the same. Visas extended under the original EMN remain valid until 25 September 2020. If you have been granted a further visa after your visa was extended, you are subject to the conditions of your new visa including the new expiry date.

How do I check whether my visa was extended under the EMN?

If your visa was extended by the original EMN, an email was sent to your most recent email address in April. You can also confirm your visa expiry date using the Visa Verification Service. Your employer or education provider can check using Visa View. No visas have been extended when the EMN was changed on 24 June.

I have a visa which expires after 9 July 2020. Will my visa be extended?

The EMN extended all temporary entry class visas expiring between 02 April 2020 and 09 July 2020 for those who were in New Zealand on 02 April 2020. The EMN has now been changed, and the current EMN will not make any further extensions to visa expiry.

It is the visa holder's responsibility to ensure they remain lawfully in New Zealand. If your current visa expires soon, you must make arrangements to either apply for a new visa or depart New Zealand.

Will there be any other extensions granted in the future?

It is unlikely there would be any further extensions using an epidemic management notice. Specific groups of visas could be extended under new Immigration Act provisions, but the government is still considering options on this. Any new information will be available on our website, so please keep checking it.

We acknowledge there are restrictions in place for people to travel out of New Zealand, but it is the visa holder's responsibility to ensure they are able to remain in New Zealand lawfully, or make arrangements to leave New Zealand before their visa expires.

Why is there still an Epidemic Management Notice if most of the provisions are no longer needed?

There is one immigration provision under the EMN that is still necessary, for people who are detained and liable to be deported, but constraints in the current COVID-19 environment mean deportation is not possible.

In some cases it may be necessary for Immigration New Zealand (INZ) to detain people who are liable for deportation, or turned around at the border, to ensure that they depart from New Zealand when this is possible. In the current COVID-19 environment, it has not always been possible for INZ to deport these detained people. This is because of transit and border restrictions around the globe, and the difficulty in providing security escorts for high risk deportees. Section 341 of the Immigration Act has therefore been retained as it may be necessary to extend some detention periods while INZ faces constraints in deporting detainees in the current COVID-19 environment. Section 341 relates to the period of time spent in immigration detention during the epidemic period and how that is counted for consideration of continued detention.

Why was the visa extension needed originally?

During lockdown, the ability to lodge and process visa applications was limited. The extension of visas that would have otherwise expired during this time meant holders of those visas would not become unlawful through no fault of their own in the short term. Now that lodgement and processing has resumed for onshore visas applications, the provision that extended those visa is no longer necessary. However extensions already applied by the original EMN are not affected.

Contact details

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

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