



29 November 2021

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-56

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

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

H5.30.25 Compassionate entry exception

Changes have been made to immigration instructions to better reflect the Government's policy on people who are allowed to travel to New Zealand while there are border restrictions. The *compassionate entry exception* criteria sets out exceptional family and medical-related reasons for travel, and confirms that a humanitarian crisis occurring outside of New Zealand is not relevant to the determination of a request to travel to New Zealand.

Appendix 1: Amendments to Restricted Temporary Entry instructions effective on and after 29 November 2021

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

The following people are defined as having 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 (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 or the Minister of Immigration, consisting of either:
 - i. 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, and Vanuatu government representatives, making essential travel to New Zealand where this travel has been officially requested by the Government of Samoa, Vanuatu or Tonga, and this request has been formally approved by the New Zealand Ministry of Foreign Affairs and Trade.
- e. People who meet **compassionate entry requirements, or who hold a valid invitation to apply based on previous humanitarian requirements** ([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 the basis of current employment that meets the specified salary, and is highly-skilled, as defined in [H5.30.50](#); or
 - iii. indicates they are employed as a full-time teacher in either Early Childhood Education or at a primary or secondary school.

H5.30.25 Compassionate entry exception

- a. A person meets the compassionate entry requirements if there are exceptional circumstances of a familial (see H5.30.25.1) or medical (see H5.30.25.5) nature which make it critical for that person to urgently travel to and enter New Zealand specifically, over and above any other country.
- b. When considering whether a person meets the threshold to be granted compassionate entry 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. When determining whether an applicant meets the compassionate entry requirements, factors that are not considered relevant include whether:
 - i. the applicant has been affected by a humanitarian crisis occurring outside of New Zealand
 - ii. an application, sponsorship registration, or Expression of Interest for a New Zealand visa has been made.

H5.30.25.1 Compassionate entry exception for familial reasons

- a. Familial reasons are extraordinary family circumstances resulting in the need for a person to travel to New Zealand to lend support in order to prevent significant harm.
- b. Relevant factors when considering if there are familial reasons that support entry on compassionate grounds under these instructions include:
 - i. the applicant's familial or otherwise demonstrably close personal connection to someone in New Zealand
 - ii. whether the situation involves extraordinary family trauma, or provision of support for a minor
 - iii. whether the applicant's close personal connection in New Zealand has any alternative supporting options
 - iv. whether New Zealand is their primary place of residence, and their period of absence from New Zealand.

Note:

- For the avoidance of doubt, separation from close family members as a result of COVID-19 does not in and of itself meet the compassionate entry threshold. The government has created alternate border exceptions to enable entry to these groups, such as the family relationships category (see H5.25.15(m)).

- An example of a situation that would meet the compassionate entry threshold is allowing the closest relative of an orphaned child to travel to New Zealand to support the child temporarily, due to a lack of New Zealand-based alternatives.

H5.30.25.5 Compassionate entry exception for medical treatment

- a. Where a person is applying on compassionate entry grounds because they require medical treatment in New Zealand, that person must have the support of the Ministry of Health or a District Health Board.
- b. Where the applicant can reasonably delay, or otherwise obtain treatment outside of New Zealand, an exception will not be granted.