



7 October 2019

Immigration New Zealand Instructions: Amendment Circular No. 2019/09

To: All Manual Holders

Amendments to the Immigration New Zealand Operational Manual

Introduction

This circular outlines changes to the Immigration New Zealand Operational Manual. 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 on and after their effective dates.

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

The following changes have been made to the Immigration New Zealand Operational Manual:

Temporary closure of Parent Category

Immigration instructions contained within *F4 Parent Category* have been revoked effective from 7 October 2019. The Parent Category is temporarily closed following the Government's announcement that it will reopen under new criteria in February 2020.

Appendix 1 contains the immigrations instructions revoked effective from 7 October 2019.

Appendix 1 – Revoked Parent Category immigration instructions effective on and after 7 October 2019

F4 Parent Category

F4.1 Summary of requirements

F4.1.1 Objective

The objective of the Parent Category is to support family connections, in order to:

- a. progress New Zealand Government economic objectives for immigration; and
- b. attract and retain skilled and productive migrants, while also limiting the costs of New Zealand Government benefits.

F4.1.5 Ability to apply

A person may only apply for a resident visa under the Parent Category (see [F4.10](#)) if:

- a. they have been issued an invitation to apply under the Parent Category; and
- b. they apply for a resident visa under the Parent Category within four months of the date of the letter inviting them to apply; and
- c. that invitation has not been revoked.

F4.1.10 Health, character and English language requirements

Applicants under the Parent Category must meet:

- a. the health and character requirements specified at [A4](#) and A5; and
- b. a minimum standard of English, or pre-purchase English for Speakers of Other Languages tuition to the specified level (see [F4.15](#)).

F4.1.15 Family relationships

- a. In each case, the parent(s) must:
 - i. be sponsored by the adult child referred to in F4.1.15(c) below, who is an acceptable sponsor as set out at [R4.5](#).
 - ii. demonstrate they meet the family relationship requirements at [F4.20](#).
- b. An applicant under Parent Category must have no dependent children (see [F4.20.5](#)).
- c. The applicant's sponsor must have been a New Zealand citizen and/or New Zealand resident for at least three years immediately preceding the date the application they wish to sponsor is made (see [F4.25](#)); and
- d. The applicant's sponsor must meet the undertakings set out at [R4.10](#) for the first ten years of the applicant's stay in New Zealand as a resident.

Note: Parents sponsored by children who INZ determines to be dependent will not meet the requirements to be granted residence.

F4.1.20 Two tiered system

Applicants under the Parent Category must either:

- a. meet one of the requirements for tier one at [F4.30](#) that they:
 - i. have a sponsor (and, if applicable, that sponsor's partner) who meets a minimum annual income level for tier one (see [F4.30.1](#)); or
 - ii. have a sufficient guaranteed lifetime minimum income (see [F4.30.5](#)); or
 - iii. bring sufficient settlement funds to New Zealand (see [F4.30.10](#)); or
- b. meet the requirements for tier two at [F4.35](#) that:
 - i. they have a sponsor (and, if applicable, that sponsor's partner) who meets a minimum income for tier two (see [F4.35.1](#)); and
 - ii. the applicants' other adult children (if any) live lawfully and permanently outside the country in which the applicant lives lawfully and permanently (see [F4.35.5](#)).

F4.1.25 Evidential requirements

All applicants under the Parent Category must meet the evidential requirements set out at [F4.40](#).

F4.5 Definitions

F4.5.1 Definition of 'lawfully and permanently'

People are lawfully and permanently in a country if they either:

- a. are:
 - i. citizens or persons who have the right of or permission to take up indefinite residence in that country, and
 - ii. actually reside in that country; or
- b. live in a refugee camp in that country with little chance of repatriation.

Note: For the purpose of determining whether an applicant meets the requirements of the Parent Category, if a person does not have the right of, or permission to take up, indefinite residence in the country in which they actually reside, they are deemed to be lawfully and permanently in the country in which they:
~ predominantly lived in the last 10 years; and
~ are entitled to reside lawfully and permanently.

F4.5.5 Definition of 'dependent child'

For the purpose of the Parent Category, and despite the definition in section 4 of the Immigration Act 2009, a child is dependent if they:

- a. are:
 - i. aged 21 to 24, with no child(ren) of their own; and
 - ii. single (see [F5.5](#)); and
 - iii. totally or substantially reliant on their parent(s) for financial support, whether living with them or not; or
- b. are:
 - i. aged 18 to 20, with no child(ren) of their own; and
 - ii. single (see [F5.5](#)); or
- c. are:
 - i. aged 17 or younger; and
 - ii. single (see [F5.5](#)).
- d. When determining whether a child of 21 to 24 years of age is totally or substantially reliant on their parent(s) for financial support, immigration officers must consider the whole application, taking into account all relevant factors including whether the child:
 - is in paid employment, whether this is full-time or part-time, and its duration;
 - has any other independent means of financial support;
 - is living with their parents or another family member, and the extent to which other support is provided; or
 - is studying, and whether this is full-time or part-time.

F4.5.10 Definition of 'adult child'

For the purpose of the Parent Category, 'adult child' means a child of 18 or older, unless they are dependent (see F4.5.5).

F4.5.15 Definition of 'adult child' for sponsorship purposes

- a. For sponsorship purposes, 'adult child' means a child of 18 or older.
- b. However, children aged 18 to 24 must only be considered as 'adult children' for sponsorship purposes if they can satisfy an immigration officer that they, like other sponsors, are able to meet sponsorship undertakings (see R4.10) and, if applicable, the minimum income requirement (see [F4.30.1](#) and [F4.35.1](#)).

Note: Parents sponsored by adult children who are also dependent children will not meet the requirements at [F4.20.5](#).

F4.5.20 Definition of 'guaranteed lifetime minimum income'

For the purposes of the Parent Category, a 'guaranteed lifetime minimum income' is an annual income that is paid to a person indefinitely to at least the level required to be granted residence under tier one of the Parent Category (see [F4.30.5](#)). Income can only be considered 'indefinite' if it will continue to be paid to a person indefinitely once they become a New Zealand resident and citizen.

F4.5.25 Definition of 'funds earned or acquired legally'

- a. Funds and/or assets earned or acquired legally are funds and/or assets earned or acquired in accordance with the laws of the country in which they were earned or acquired.
- b. Immigration officers have discretion to decline an application if they are satisfied that, had the funds and/or assets been earned or acquired in the same manner in New Zealand, they would have been earned or acquired contrary to the criminal law of New Zealand.

F4.5.30 Definition of 'unencumbered funds'

Unencumbered funds are funds that are not subject to any mortgage, lien, charge and/or encumbrance (whether equitable or otherwise) or any other creditor claims.

F4.5.35 Definition of 'New Zealand Government benefit'

For the purposes of the Parent Category, a 'New Zealand Government benefit' is welfare assistance which was applied for and granted under the Social Security Act 1964.

F4.10 Expressions of interest and applications under the Parent Category

F4.10.1 Expressing interest in being invited to apply for residence under the Parent Category

- a. A person notifies that they are interested in being invited to apply for a resident visa under the Parent Category by submitting an Expression of Interest (EOI) to Immigration New Zealand (INZ) in the prescribed manner. In order to submit an EOI in the prescribed manner, a person must submit to an immigration officer:
 - i. a completed prescribed Parent Category EOI form; and
 - ii. the appropriate fee (if any).
- b. By completing an EOI, a person provides a declaration about their and any potential secondary applicant's:
 - i. identity, health and character; and
 - ii. English language ability or an intention to agree to pre-purchase English for Speakers of Other Languages (ESOL) tuition [F4.15](#); and
 - iii. relationship to their sponsoring adult child and any other children the applicants have (see [F4.20](#)); and
 - iv. adult child's eligibility to sponsor them for New Zealand residence under the Parent Category (see [F4.25](#)); and
 - v. guaranteed lifetime minimum income, settlement funds, or the income of their sponsor, or of their sponsor and their sponsor's partner [F4.30](#) and [F4.35](#)).
- c. It is the responsibility of the person submitting the EOI to ensure that the information given is correct in all material respects.

Note: For the purposes of F4.10.1(b)(v), people submitting EOIs under tier two will only be required to declare their sponsor and/or their sponsor's partner's income.

F4.10.5 Implications of providing false or misleading information

See Immigration Act 2009, ss 93 and 158

- a. The Immigration Act 2009 provides that there is sufficient grounds to decline an application for a resident visa and for the holder of a resident visa granted under the Parent Category to become liable for deportation in cases of:
 - i. the provision of false or misleading information as part of an EOI or associated submission; or
 - ii. the withholding of relevant potentially prejudicial information from an EOI or associated submission; or
 - iii. failure to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is submitted that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa.
- b. Information relating to a claim made in an EOI that is factually inaccurate and is relevant to the issuing of an invitation to apply or the assessment of a resident visa application will be considered misleading unless the principal applicant can demonstrate that there is a reasonable basis for making that claim.

F4.10.10 Submission of Expressions of Interest to the Pool

- a. EOIs submitted in the prescribed manner may be entered into a pool of Expressions of Interest (the Pool).
- b. A person may only have one EOI in the Pool at any time (regardless of the tier of the EOI).
- c. Each EOI will be entered into the Pool in either tier one or tier two as indicated in the EOI form.
- d. Despite (c) above, if permission is given by the person expressing interest, an EOI may be entered into the alternative tier of the Pool (see [F4.10.10\(e\)](#) and [\(f\)](#)).
- e. If a person with an EOI in the Pool under tier two updates their information and becomes eligible to be entered into the Pool under tier one, their EOI will be entered into the Pool under tier one based on the original date the EOI was previously entered under tier two.
- f. If a person with an EOI in the Pool under tier one updates their information and is no longer eligible under tier one, but is eligible under tier two, their EOI will be entered into the Pool under tier two based on the original date the EOI was previously entered under tier one.
- g. Where a person with an EOI already entered into the Pool updates their information and no longer meets the requirements of the Parent Category under either tier, their EOI will be withdrawn from the Pool and lapsed.

F4.10.15 Selection of Expressions of Interest

- a. EOIs will be selected from the pool in the following order:
 - i. Tier one EOIs will be selected first and in order based on the date the EOIs were entered into the Pool; and
 - ii. Residence applications lodged under the Parent and Sibling and Adult Child categories before 16 May 2012 will be selected second, in date order; and
 - iii. Tier two EOIs will be selected third and in order based on the date the EOIs were entered into the Pool, only if there are no tier one EOIs and no applications that were lodged before 16 May 2012.
- b. The ranking of EOIs will change as EOIs enter, or are selected from, the Pool or any given tier of the Pool.
- c. EOIs will be selected in sufficient numbers to meet the requirements of the New Zealand Residence Programme (NZRP) at the time of selection (subject to any adjustment to the number or distribution of places in the NZRP determined by the Government) (see [R6](#)).
- d. EOIs are selected from the Pool periodically on the Government's behalf by the Ministry of Business, Innovation and Employment.

- e. Despite F4.10.15 (a) above, with effect from 12 October 2016, no selections will be made from the Pool.

F4.10.20 Invitation to apply for a resident visa under the Parent Category

- a. People whose EOIs have been selected from the Pool may be issued an invitation to apply for a resident visa under the Parent Category.
- b. An immigration officer may decline an EOI if they are not satisfied claims made within the EOI are:
 - i. credible; or
 - ii. sufficient to meet the requirements of the Parent Category.
- c. An immigration officer may, but is not required to, seek further evidence, information and submissions from a person whose EOI has been selected from the Pool, for the purpose of determining whether their claims are credible and whether there are any health or character issues that may adversely affect their ability to be granted a resident visa under the Parent Category.
- d. If an immigration officer is not satisfied the claims made in an EOI selected from the Pool under tier one would be sufficient to meet the requirements of the Parent Category under tier one, but believes the EOI would meet the requirements under tier two, the EOI will be re-entered into the Pool under tier two. Despite F4.10.10(d), an immigration officer is not required to gain permission from the person expressing interest in order to do this. The EOI's place in the Pool will be based on the date the EOI was first entered into the Pool under tier one.
- e. In any particular case, the selection of an EOI from the Pool may not result in an invitation to apply for a resident visa under the Parent Category.

Note: A decision to invite a person to apply for a resident visa under the Parent Category does not guarantee in any subsequent application for a resident visa a positive assessment of any requirements for the Parent Category or generic residence (including health, and character).

- f. For the purposes of [F4.10.20\(d\)](#), re-entry into the Pool does not guarantee a person will be invited to apply once their EOI is selected from the Pool under tier two.

F4.10.25 Assessing Parent Category applications

- a. A person who is sent an invitation to apply for residence under tier one of the Parent Category may only apply for residence using tier one requirements (see [F4.30](#)).
- b. A person who is sent an invitation to apply for residence under tier two of the Parent Category may make a Parent Category application using the requirements for either tier one or tier two (see [F4.30](#) and [F4.35](#)).
- c. Applications received under tier one of the Parent Category
 - i. will be assessed against the requirements for tier one at [F4.30](#) and the generic requirements for the Parent Category (sections [F4.15](#) to [F4.25](#)); and
 - ii. despite [R5.20\(c\)](#), cannot be assessed against the requirements for tier two at [F4.35](#).
- d. Applications received under tier two of the Parent Category:
 - i. will be assessed against the requirements for tier two at [F4.35](#) and the generic requirements for the Parent Category (sections [F4.15](#) to [F4.25](#)); and
 - ii. may be assessed against tier one requirements at [F4.30](#) in accordance with [R5.20\(c\)](#).
- e. Applications received under the Parent Category before 16 May 2012 will be processed using the requirements in force at the time they were accepted for processing.
- f. Applications under the Parent Category will be approved if the applicants included in the application meet:
 - i. health and character requirements applicable at the time their residence application was lodged; and
 - ii. the additional requirements for the particular tier (see [F4.30](#) or [F4.35](#)) on the basis of which they were invited to apply for residence or, in the case of tier one applications, the alternative requirements listed at [F4.30](#) (a), (b) or (c) that were applicable at the time their residence application was lodged; and
 - iii. the other criteria on the basis of which they were invited to apply for residence.

F4.13 Transitional provisions for Parent Category applications accepted for processing before 16 May 2012

- a. An applicant with a Parent Category application that was accepted for processing by Immigration New Zealand (INZ) before 16 May 2012 but has not been decided may submit a Parent Category expression of interest (EOI) (see [F4.10](#)).
- b. If the applicant is invited to apply for residence, they may lodge a new Parent Category application, provided they meet the requirements set out at [F4.1.5](#).

Note: The applicant under F4.13.1 must submit an EOI in the prescribed manner, including paying the appropriate EOI fee (see [F4.10.1](#))

F4.13.1 Application fee waivers

- a. The application fee will be waived for applications under tier one lodged by people who have an existing Parent Category that was accepted for processing before 16 May 2012 (as per F4.13 above).
- b. The application fee will not be waived for applications under tier two lodged by people who have an existing Parent Category that was accepted for processing before 16 May 2012 (as per F4.13 above).
- c. Where an applicant has a Parent Category application accepted for processing by INZ and their application fee waived, the Parent Category residence application that was accepted for processing before 16 May 2012 will be lapsed.

F4.13.5 Transitional provisions for medical and police certificates

- a. Where an applicant lodges a subsequent application under F4.13 above, the applicant's:
 - i. *Medical and Chest X-ray Certificate (INZ 1007)* included in their initial Parent Category application may be considered valid for the purposes of [A4.20](#) and
 - ii. police certificate included in their initial Parent Category application may be considered valid for the purposes of [A5.10\(a\)](#).
- b. Applicants must still meet the health and character requirements set out at [A4](#) and A5.
- c. Despite (a) above, an immigration officer may request:
 - i. a *General Medical Certificate (INZ 1007)* and a *Chest X-ray Certificate (INZ 1096)* which are less than three months old if they consider this is necessary to establish whether the applicant has an acceptable standard of health; and
 - ii. a new police certificate if there is a good reason to do so.

F4.15 English language requirements for the Parent Category

F4.15.1 Minimum standard of English

- a. Applications under the Parent Category must be declined if any applicant included in the application has not met the minimum standard of English or the requirements to pre-purchase English for speakers of other languages (ESOL) tuition.
- b. Applicants under the Parent Category meet the minimum standard of English if they provide:
 - i. acceptable English language test results, as set out at F4.15.45 (no more than two years old at the time the application is lodged); or
 - ii. other evidence that satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:
 - the country in which the applicant currently resides;
 - the country(ies) in which the applicant has previously resided;
 - the duration of residence in each country;
 - whether the applicant speaks any language other than English;
 - whether members of the applicant's family speak English;
 - whether members of the applicant's family speak any language other than English;
 - the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
 - the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language; or
 - iii. evidence of one of the following:
 - completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
 - completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
 - completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
 - that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);
 - that the applicant holds International Baccalaureate – full Diploma in English Medium;
 - that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
 - that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
 - that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;
 - that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;
 - that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
 - that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
 - that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form; or
 - iv. are citizens of Samoa who have applications assessed under the Parent Category at the Apia Immigration New Zealand (INZ) branch and, after an interview, satisfy an immigration officer that they have sufficient English language ability.
- c. When applying (b) (iv) above, the interviewing immigration officer determines if applicants meet the minimum English language requirement by assessing whether they are able to:
 - i. read English; and
 - ii. understand and respond to questions in English; and
 - iii. maintain an English language conversation about themselves, their family or their background.
- d. In any case, an immigration officer may require any or each applicant to provide an English language test result in terms of (b)(i) above. In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.

Note: Full consideration must be given to all evidence of English language ability provided before a decision to request an English language test result under F4.15.1 (d) is made. If an English language test result is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

F4.15.5 Pre-purchase of English for Speakers of Other Languages (ESOL) tuition

- a. Instead of meeting the minimum standard of English, any applicant may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to INZ (who collect this charge on behalf of TEC).

- b. Applicants must pay any ESOL charge due, sign the ESOL Agreement and return it to INZ within the time specified by INZ before a resident visa is able to be granted (see F4.15.20).

F4.15.10 The amount of ESOL tuition to be pre-purchased by applicants

For the purposes of the Parent Category, the amount of ESOL tuition to be paid is NZ\$1,735 per applicant, which gives an ESOL entitlement of NZ\$1,533.33 per applicant.

F4.15.15 TEC to arrange ESOL tuition

- a. The applicant is entitled to tuition to the value of the ESOL entitlement of the ESOL tuition charge. This does not include the INZ and TEC administration costs.
- b. TEC advises the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one of their own choice.
- c. TEC will manage the contract between the ESOL tuition provider and the applicant.
- d. The applicant must advise TEC of their New Zealand address.

F4.15.20 Applicant's agreement with TEC

- a. Each applicant who pre-purchases ESOL tuition must sign an Agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.
- b. The content of the Agreement is determined by INZ and TEC.
- c. Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

F4.15.25 Completion of Agreement

- a. When an application for a resident visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking ESOL tuition.
- b. After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to the relevant INZ processing office with the tuition fee(s).
- c. If the Agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.
- d. The INZ copy of the Agreement should be sent to the TEC.

F4.15.30 Failure to pre-purchase ESOL tuition

Any ESOL tuition fee must be paid before a resident visa may be granted. If the tuition fee is not paid to the INZ within the specified time, the resident visa application must be declined.

F4.15.35 Limited period to use ESOL tuition

- a. If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.
- b. ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the time limits specified at F4.15.35 (a).

F4.15.40 Refund of ESOL tuition fees

- a. If ESOL tuition fees are paid but the applicant does not take up residence by being a residence class visa holder in New Zealand, a refund of the ESOL tuition fee may be granted upon request to INZ. The request must be made in writing.
- b. Requests for refunds must be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.
- c. Immigration officers considering requests for refunds must be satisfied that none of the applicants included in the application have:
 - i. entered New Zealand as residents; or
 - ii. hold resident visas with current travel conditions.
- d. The person who paid the ESOL tuition fee will only be refunded the ESOL entitlement. INZ and TEC administration costs will not be refunded.

F4.15.45 Acceptable English language test results

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or	4.0 or more in at least two of the four skills (Listening, Reading, Writing and Speaking)

Academic Module	Or An overall score of 5.0 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	At least two of the following skill scores: Listening: 2 or more Reading: 2 or more Writing: 11 or more Speaking: 11 or more Or An overall score of 35 or more
Pearson Test of English Academic (PTE Academic)	29 or more in at least two of the four skills (Listening, Reading, Writing and Speaking) Or An overall score of 36 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	142 or more in at least two of the four skills (Listening, Reading, Writing and Speaking) Or An overall score of 154 or more
Occupational English Test (OET)	Grade D or higher in at least two of the four skills (Listening, Reading, Writing and Speaking) Or Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)

F4.20 Family relationship requirements for the Parent Category

F4.20.1 Who are considered to be children of the principal applicant and the principal applicant's family?

- a. For the purposes of the Parent Category, children of the principal applicant and the principal applicant's family include:
 - i. all biological or adopted children of the principal applicant; and
 - ii. any child of the principal applicant's partner (whether or not the partner is included in the application) if that child has lived with the principal applicant for a predominant period of the child's life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.
- b. For the purposes of the Parent Category, where the principal applicant is a legal guardian, children of the principal applicant and the principal applicant's family include:
 - i. the New Zealand citizen or resident sponsor; and
 - ii. all biological and adopted children of the principal applicant; and
 - iii. any children of whom they are (or were) legal guardians by reason of the parents of those children being deceased; and
 - iv. any child of the principal applicant's partner (whether or not the partner is included in the application), if that child has lived with the principal applicant for a predominant period of the child's life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.
- c. For the purposes of the Parent Category, where the principal applicant is a grandparent, children of the principal applicant and the principal applicant's family include:
 - i. the New Zealand citizen or resident sponsor; and
 - ii. all biological and adopted children of the principal applicant; and
 - iii. any child of the principal applicant's partner (whether or not the partner is included in the application), if that child has lived with the principal applicant for a predominant period of the child's life between the time their relationship with the principal applicant began and until the time the child turned 18 years of age.

F4.20.5 Applicants who have dependent children

Applicants under the Parent Category must not have any dependent children (see [F4.5.5](#)). An application will be declined if any applicant(s) included in the application have dependent children.

F4.20.10 Grandparents and legal guardians

Only one grandparent and their partner, or one legal guardian and their partner, may be sponsored under Parent Category.

F4.20.10.1 Grandparents

A sponsor's grandparent and their partner will be considered to be 'parent(s)' and a sponsor will be considered to be an 'adult child' under Parent Category if both the sponsor's parents are deceased (see [F4.40.5](#) and [F4.40.15](#)).

F4.20.10.5 Legal guardians

A sponsor's legal guardian and their partner will be considered to be 'parent(s)' and a sponsor will be considered to be an 'adult child' under Parent Category (see [F4.40.10](#) and [F4.40.15](#)) if:

- a. both the sponsor's parents died before the sponsor attained the age of 18 years; and
- b. the principal applicant had legal guardianship of the sponsor (that is, custody of the sponsor and the right to control the sponsor's upbringing) before the sponsor attained the age of 18 years; and
- c. the principal applicant was the most recent legal guardian of the sponsor.

F4.25 Sponsorship requirements for the Parent Category

In order to gain residence under the Parent Category, applicants must be sponsored by an adult child (see [F4.5.10](#)) who:

- a. meets the requirements to be an acceptable sponsor as set out at [R4.5](#), including being:
 - i. ordinarily resident in New Zealand; and
 - ii. a New Zealand citizen and/or the holder of a New Zealand residence class visa for at least three years immediately preceding the date the application they wish to sponsor is made; and
- b. agrees to meet the undertakings set out at [R4.10](#) for the first ten years of the applicant's stay in New Zealand as a resident.

Note: For the purposes of F4.25, a person is considered to be 'ordinarily resident' in New Zealand where an immigration officer is satisfied that New Zealand is their primary place of established residence.

F4.30 Additional requirements for tier one of the Parent Category

In addition to the requirements of the Parent Category in sections [F4.1](#) to F4.25, applicants under tier one of the Parent Category must meet one of the following requirements:

- a. Sponsor's income (see F4.30.1); or
- b. Guaranteed lifetime minimum income (see F4.30.5); or
- c. Settlement funds (see F4.30.10).

F4.30.1 Sponsor's income

- a. To meet the minimum income requirements:
 - i. a sponsor or their partner must earn a minimum of \$65,000 per annum before income tax; or
 - ii. a sponsor and their partner together must earn a minimum of \$90,000 per annum before income tax.
- b. The minimum income requirement referred to in (a) above must be met by personal taxable income that is obtained from one or any combination of:
 - i. sustained paid employment; or
 - ii. regular self-employment; or
 - iii. regular investment income.
- c. The minimum income requirement must be met by personal taxable income. Income earned by another legal entity, such as a company or a trust, cannot be included unless it has been paid directly to the sponsor and/or their partner in the form of shareholder-employee salary or dividends, or is income derived from the trust.
- d. When assessing whether the income obtained from the source(s) in (b) above is sustained and/or regular, officers may consider, but are not limited to, such factors as the length of employment, terms of employment and the regularity of payments.
- e. The income of a sponsor's partner may only be considered if the partner has been:
 - i. living with the sponsor for a period of at least 12 months in a partnership that is genuine and stable (see [F2.10.1](#)), and they meet the requirements for the recognition of a partnership set out at [F2.15](#); and
 - ii. a New Zealand residence class visa holders for at least three years immediately preceding the date the application their partner wishes to sponsor is made, or is a New Zealand citizen.
- f. Sponsors must meet the evidential requirements set out at [F4.40.25.1](#).

F4.30.5 Guaranteed lifetime minimum income

- a. If there is one applicant included in the application, the applicant must have a guaranteed lifetime minimum income of at least NZ\$28,166 per annum.
- b. If a partner is also included in the application, the applicants jointly must have a guaranteed lifetime minimum income of at least NZ\$41,494 per annum.
- c. The applicants must meet the evidential requirements set out at [F4.40.30.1](#).

F4.30.10 Settlement funds

- a. Principal applicants must:
 - i. nominate funds (or assets that can be converted into funds) to bring to New Zealand of a minimum value of NZ\$500,000; and
 - ii. demonstrate ownership of the nominated funds and/or assets (see the evidential requirements set out at [F4.40.30.5](#)); and
 - iii. demonstrate that the nominated funds and/or assets have been earned or acquired legally (see [F4.5.25](#) and [F4.40.30.5](#)).
- b. Funds or assets may be owned either:
 - i. solely by the principal applicant; or
 - ii. jointly by the principal applicant and their partner who is included in the resident visa application.
- c. The principal applicant may claim the full value of jointly owned funds or assets (as per F4.30.10(b)(ii) above) for assessment purposes, provided an immigration officer is satisfied the principal and secondary applicants meet the partnership requirements set out at [R2.1.15](#).
- d. If funds or assets are held jointly by the principal applicant and a person other than their partner, the principal applicant may only claim the value of that portion of the funds or assets for which they provide evidence of ownership.
- e. The principal applicant may only nominate funds or assets that they earned or acquired legally, including funds and/or assets which have been gifted to them unconditionally and in accordance with local law (also see [F4.5.25](#)). Where nominated funds or assets have been gifted to the principal applicant an immigration officer must be satisfied that the funds or assets being gifted were earned lawfully by the person(s) gifting the funds or assets.
- f. The nominated funds and/or assets must be unencumbered.
- g. The nominated funds and/or assets must not be borrowed.
- h. The principal applicant and/or their partner who is included in the application must transfer, or have transferred, a total of NZ\$500,000 in settlement funds to New Zealand from outside New Zealand.

Note: The value of the amount transferred will be dependent on the currency exchange rate at the time of transfer, not at the time the residence application is assessed (see also F4.30.10.15). Funds that have not been transferred to New Zealand by the principal applicant and/or their partner who is included in the application may not be used to meet requirements for F4.30.10.

F4.30.10.1 Aim and intent of settlement funds transfer

The instructions regarding the nominated settlements funds and the method of transfer of those funds to New Zealand are designed to ensure:

- a. the legitimacy and lawful ownership of the nominated funds; and
- b. the direct transfer of the settlement funds through a structured and prescribed process to guarantee ongoing legitimacy and lawful ownership of the funds brought to New Zealand.

F4.30.10.5 Approval in principle pending the transfer of settlement funds

If the applicants meet the criteria set out for settlement funds at F4.30.10 and all other requirements under the Parent Category (excluding instructions for transferring funds to New Zealand at F4.30.10.15), the applicants will be advised that:

- a. their application has been approved in principle; and
- b. resident visas may be granted once they:
 - i. provide acceptable evidence of having transferred the nominated funds in accordance with the relevant instructions; and
 - ii. pay any outstanding fee for English language tuition to meet English language requirements (see [F4.15](#)).

F4.30.10.10 Timeframe for transferring funds to New Zealand

- a. Principal applicants must meet the requirements for transferring nominated funds within 12 months of the date of the letter advising of approval in principle.
- b. Applications for a resident visa must be declined if a principal applicant does not present acceptable evidence of having transferred the nominated settlement funds within 12 months (or 18 months if an extension is granted, see provisions (c), (d), and (e) below) from the date of approval in principle.
- c. Principal applicants may request an extension to their transfer period for up to six months.
- d. If a principal applicant wishes to request an extension to the timeframe for transferring the nominated funds to New Zealand, they must contact the immigration officer within 12 months of the date of the letter advising of Approval in Principle and present evidence of reasonable attempts to transfer the nominated funds to New Zealand.
- e. Following a principal applicant's presentation of evidence an immigration officer may:
 - i. grant an extension to the transfer period if they believe the evidence shows the principal applicant has made reasonable attempts to transfer the nominated funds within the 12 month time period; or
 - ii. decline to grant an extension to the transfer period if they believe the principal applicant has not made reasonable attempts to transfer the nominated funds within the 12 month time period.

F4.30.10.15 Transferring funds to New Zealand

- a. When their application meets the requirements for tier one through settlement funds, as per F4.30.10, and is approved in principle, the applicant will be required to transfer the nominated settlement funds to New Zealand and meet the evidential requirements set out at F4.40.30.10.
- b. A minimum of NZ\$500,000 in total must be transferred to New Zealand.
- c. These funds must be the funds initially nominated, or the funds that result from the sale of the same assets as those initially nominated, in the resident visa application; and
 - i. be transferred through the banking system directly from the principal and/or secondary applicant's bank account(s) to New Zealand; or
 - ii. be transferred by a foreign exchange company to New Zealand through the banking system. Immigration officers may not accept the transferred funds if the applicant cannot provide satisfactory evidence of the following:
 - the nominated funds have been transferred to the foreign exchange company directly from the applicant's bank account(s); and
 - the nominated funds have been transferred through a foreign exchange company in a way that is not contrary to laws of New Zealand; and the nominated funds transferred are traceable; and
 - cash transactions were not made; and
 - the foreign exchange company is not suspected of, or proven to have committed, fraudulent activity or financial impropriety in any country it operates from or in.
- d. Note: Nominated funds held in a country other than the country in which they were earned or acquired legally must have been originally transferred through the banking system, or a foreign exchange company that uses the banking system from the country in which they were earned or acquired.

F4.35 Additional requirements for tier two of the Parent Category

In addition to the requirements of the Parent Category set out in sections [F4.1](#) to [F4.25](#), applicants under tier two of the Parent Category must meet both of the following requirements:

- a. Minimum income of sponsors (see F4.35.1); and
- b. Location of applicants' other adult children (see F4.35.5).

F4.35.1 Minimum income of sponsors

- a. In order for an applicant to qualify for residence under tier two of the Parent Category, their sponsor or their sponsor's partner must have a minimum income of at least \$33,675 per annum before income tax. This must be met by personal taxable income that is obtained from one or any combination of:
 - i. sustained paid employment; or
 - ii. regular self-employment; or
 - iii. regular investment income.
- b. The minimum income requirement must be met by personal taxable income. Income earned by another legal entity, such as a company or a trust, cannot be included unless it has been paid directly to the sponsor or their partner in the form of shareholder-employee salary or dividends, or is income derived from the trust.
- c. When assessing whether the income obtained from the source(s) in (a) above is sustained and/or regular, officers may consider, but are not limited to, such factors as the length of employment, terms of employment and the regularity of payments.
- d. The sponsor's partner's income may only be considered if the partner:
 - i. has been living with the sponsor for a period of at least 12 months in a partnership that is genuine and stable (see [F2.10.1](#)), and they meet the requirements for the recognition of a partnership set out at [F2.15](#); and
 - ii. has been a New Zealand residence class visa holder for at least three years or is a New Zealand citizen.
- e. Sponsors must meet the evidential requirements set out at [F4.40.25.1](#).

F4.35.5 Location of applicants' other children

In order to qualify for residence under tier two of the Parent Category, all of the applicants' adult children must live lawfully and permanently outside the country in which the applicant or applicants live lawfully and permanently (see [F4.5.1](#) and [F4.40.35](#)).

F4.35.5.1 Deferring the final decision

- a. If the principal applicant under tier two has not met the criteria under F4.35.5 at the time of assessment, but may be able to meet the criteria within six months, the final decision on the application may be deferred for up to six months.
- b. A principal applicant and a partner included in the application already in New Zealand may be granted a further temporary visa or visas (once an application is made) for a period sufficient to enable a further assessment of their application after the six-month deferral period.

F4.35.10 Sponsors who are New Zealand Government beneficiaries ineligible

- a. A person will not be invited to apply for residence if they:
 - i. submit an expression of interest under tier two; and
 - ii. indicate that their sponsor receives a New Zealand Government benefit from Work and Income.
- b. Sponsors who receive a New Zealand Government benefit from Work and Income at the time an application is assessed will not be eligible to sponsor applicants for residence under tier two requirements of the Parent Category.

F4.40 Evidence

F4.40.1 Evidence of relationship of parent(s) to children

- a. Evidence of a parent's relationship to their children is original or certified copies of:
 - i. birth certificates establishing the relationship of the children to the parent; or
 - ii. household registration documents, if these establish the relationship of the children to the parent; or
 - iii. evidence of adoption (see [R3](#)), which establishes the relationship of the children to the parent.
- b. Other evidence establishing the relationship of the children to the parents may also be provided, or requested by an immigration officer.

F4.40.5 Evidence of relationship to grandparent where the sponsor's parents are deceased

- a. Evidence of sponsor's relationship to their grandparent(s) is original or certified copies of:
 - i. birth certificates establishing the relationship of the sponsor to the grandparent(s); or
 - ii. household registration documents, if these establish the relationship of the sponsor to the grandparent(s); or
 - iii. evidence of adoption (see [R3](#)), which establishes the relationship of the sponsor to the grandparent(s).
- b. Other evidence establishing the relationship of the sponsor to the grandparent(s) may also be provided, or requested by an immigration officer.

F4.40.10 Evidence of legal guardianship where the sponsor's parents are deceased

Evidence of legal guardianship of the sponsor includes but is not limited to documents showing that the principal applicant had custody of the sponsor and the right to control the sponsor's upbringing before the sponsor attained the age of 18, such as the following:

- legal documents (such as the sponsor's parent's will) showing that the principal applicant was named as the guardian of the sponsor, to have custody of the sponsor and the right to control their upbringing in the event of the death of the sponsor's biological or adoptive parents; or
- a court order granting legal guardianship of the sponsor to the principal applicant (including custody of the sponsor and the right to control their upbringing) after the death of their parents and prior to the sponsor attaining the age of 18 years; or
- documents showing that the sponsor lived with the principal applicant after the death of their parents and prior to the sponsor attaining the age of 18 years; or
- documents such as medical and school records indicating that the principal applicant acted in the role of a parent for the sponsor after the death of their biological or adoptive parents and prior to the sponsor attaining the age of 18 years.

F4.40.15 Evidence that parents are deceased

- a. Evidence that a sponsor's parents are deceased is original or certified copies of death certificates for both parents.
- b. Where a death certificate is unobtainable, other documentary evidence must be provided that satisfies an immigration officer that the sponsor's parents are deceased, and the date(s) of their death.
- c. A death certificate is considered to be obtainable even if there is a possible delay or expense in obtaining it.

F4.40.20 Evidence of dependence

- a. Up to and including 20 years of age, if a child is unmarried then he or she is presumed to be dependent.
- b. For children aged 21 to 24, evidence of actual independence may be required.

F4.40.25 Evidence of sponsorship

Evidence is a Sponsorship Form for Residence in New Zealand that:

- a. confirms that the sponsor meets the requirements for sponsors who are natural persons set out at [R4.5\(d\)](#); and
- b. contains the undertakings required (see [R4.10](#)).

F4.40.25.1 Evidence that the sponsor and/or their partner meets the minimum income requirement

- a. Evidence of meeting the minimum income requirement for sponsors (see [F4.30.1](#) and [F4.35.1](#)) may include, but is not limited to, original or certified copies of the following documents:
 - an Inland Revenue Personal Tax Summary which shows all income from employment, pension and withholding payments; or
 - wage slips; or
 - a current employment contract; or
 - bank statements or any other documents from financial institutions; or
 - an individual income tax return (IR3) if a sponsor derives any income from a source other than a wage or a salary, e.g. personal income from self-employment, rental properties, other investments, or trusts.

- b. Sponsors who earned self-employed income must submit evidence of their personal earnings before income tax. Revenue or sales from their business operations will not be accepted as evidence of their personal taxable income.

F4.40.30 Evidence of applicant's funds under tier one

F4.40.30.1 Evidence of guaranteed minimum lifetime income

- a. Evidence of guaranteed minimum lifetime income includes:
 - i. pensions that will be paid to the applicant(s) indefinitely, including during any time that they will be New Zealand residents or citizens; or
 - ii. other stable income paid to the applicant(s) indefinitely, including during any time that they will be New Zealand residents or citizens.
- b. An immigration officer may decline an application if they are not satisfied the applicant(s) income:
 - i. is guaranteed; or
 - ii. is stable (to at least the minimum level specified at [F4.30.5](#)); or
 - iii. will be paid to the applicant(s) indefinitely.

F4.40.30.5 Evidence of the principal applicant's settlement funds and assets

- a. Evidence of settlement funds and that those funds are, or have been, sourced from outside New Zealand may include, but is not limited to:
 - funds held in an offshore bank account(s) (if requested, this may include evidence that funds can be accessed from New Zealand); or
 - acceptable evidence of net assets held outside New Zealand.
- b. All documents provided as valuations of assets must be:
 - i. no more than three months old at the date the resident visa application is made; and
 - ii. produced by a reliable independent agency.
- c. An immigration officer may seek further evidence if they:
 - i. no more than three months old at the date the reside
 - ii. are not satisfied that the nominated funds and/or assets were earned or acquired legally; or
 - iii. consider that the nominated funds and/or assets may have been gifted or borrowed; or
 - iv. are not satisfied with the valuation provided; or
 - v. consider that the nominated funds and/or assets fail in some other way to meet the rules for settlement funds.

F4.40.30.10 Evidence of the transfer of the nominated funds to New Zealand

- a. Acceptable evidence of the transfer of the nominated funds must be provided by way of the telegraphic transfer documentation together with a current bank statement showing the transfer(s).
- b. An immigration officer may request any other information to satisfy them that the above requirements have been met.

F4.40.35 Evidence of being 'lawfully and permanently' in a country

- a. Evidence that a person is lawfully and permanently in a country may include, but is not limited to, original or certified copies of:
 - a passport or passport pages showing identity and a visa (or permit) indicating the holder is entitled to remain indefinitely in that country; or
 - letters or other documents showing that indefinite residence in another country has been granted; or
 - a passport or passport pages showing identity and nationality; or
 - naturalisation or citizenship certificates.
- b. If a person does not need a visa (or permit) to live in their country of residence (e.g. European Union nationals living in other European Union countries), principal applicants must provide original or certified copies of:
 - registration cards or certificates from the local police or municipal authority; or
 - confirmation of the person's residence status from an authoritative source such as a municipal, judicial, police or government authority.
- c. Under both (a) and (b) above, evidence must also be provided of actual residence in the country. Evidence may include, but is not limited to, original or certified copies of:
 - correspondence addressed to the person; or
 - employment references; or
 - rates demands; or
 - income tax returns; or
 - mortgage documents; or
 - documents showing that household effects have been moved to that country.

F4.45 Verification of family details and documents

Immigration officers may refer to former applications lodged by applicants, family members of applicants or sponsors in order to verify declarations made by applicants about their family details (such as the number of family members, the whereabouts of family members, or an applicant's or partner's marital status).

F4.50 Conditions of a resident visa granted under the Parent Category

See also Immigration Act 2009 ss 49, 55

- a. A resident visa granted under the Parent Category is subject to the condition, imposed under sections 49(1) and 55 of the Immigration Act 2009, that the sponsor of the visa holder meets their obligations as set out at [R4.10](#) until ten years from the visa holder's first day as a resident in New Zealand.
- b. The multiple entry travel conditions on a resident visa granted under the Parent Category must be valid until ten years from the visa holder's first day as a resident in New Zealand.