

## [COVID-19 Guidance Note – Immigration measures in response to the COVID-19 pandemic](#)

Last reviewed: 14 April 2020

*This note considers the changes implemented by the New Zealand government to Immigration rules and legislation in response to the current COVID-19 pandemic.*

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### ***Travel to New Zealand***

The New Zealand border is currently closed to almost all travellers to help stop the spread of COVID-19. The travel ban applies to all arrivals into New Zealand whether by air or sea. This includes superyachts arriving in New Zealand.

New Zealand citizens and residents returning to New Zealand are exempt from the travel ban and may travel to New Zealand without formal exemption. For all other travellers there are a [limited number of exceptions](#).

#### **Limited exceptions to the travel ban**

The following categories of individuals are advised to seek approval from Immigration New Zealand before travelling to New Zealand, as they may be approved for entry under the limited exceptions provisions:

- Partners, dependent children (aged 24 years and under) and legal guardians of New Zealand citizens and residents who are travelling with their New Zealand family member to New Zealand.
- Australian citizens and permanent residents who normally live in New Zealand.
- People with one of the following critical purposes in New Zealand:
  - Essential health workers.
  - Other essential workers who are specifically agreed to by the New Zealand Government.
  - Samoan and Tongan citizens making essential travel.
  - New Zealand-based partners and dependent children (aged 19 years and under) of a work or student visa holder who is in New Zealand.
  - Critical humanitarian travel.

Further information on the limited exceptions categories and how to apply for approval under one of these categories can be found [here](#).

#### **Isolation measures**

Isolation measures are currently in place for all passengers arriving in New Zealand. This includes New Zealand citizens and residents.

Any passenger arriving in New Zealand who is assessed as being at high risk of COVID-19 will be placed in a quarantine facility. All other arrivals will be placed in managed isolation facilities.

These measures will remain in place until the Director-General of Health is satisfied that the risk of imported cases from overseas has reduced significantly.

## ***Impact of the Epidemic Management Notice on Visas***

The New Zealand Government's [Epidemic Management Notice](#) relating to immigration matters took effect on Thursday 2 April 2020. [Section 78 of the Immigration Act 2009](#) covers what happens to the visas of temporary visa holders which expire during the period that starts on commencement of the Epidemic Management Notice (in this case 2 April 2020) and before the date that is 14 days after the Epidemic Management Notice expiry date. Under the [Epidemic Preparedness Act 2006](#) the Epidemic Management Notice will expire, unless renewed, on the earliest of the day that is three months after the Epidemic Management Notice's commencement, or as notified by the Prime Minister.

### **References:**

[“Epidemic Preparedness \(Epidemic Management—COVID-19\) Notice 2020” \(24 March 2018\) New Zealand Gazette No 2020-go1369](#)  
[Immigration Act 2009, s78](#)  
[Epidemic Preparedness Act 2006](#)

## **Visas duration extension**

Holders of a work, student, visitor, limited or interim visa with an expiry date of 2 April to 9 July 2020 inclusive who are in New Zealand on 2 April 2020 will have their visas automatically extended to 25 September 2020. Immigration New Zealand will e-mail confirmation of extensions to all visa holders.

Anyone holding a work, student, visitor, limited or interim visa with an expiry date of 1 April 2020 or earlier, and who has not applied for another visa, is now unlawfully in New Zealand. These individuals have two options:

1. Leave the country immediately if possible; or
2. Make a request for a special temporary or resident visa under [s 61 of the Immigration Act 2009](#).

To make a request under s 61 of the Immigration Act, individuals should send an email outlining their circumstances to [s61@mbie.govt.nz](mailto:s61@mbie.govt.nz).

The request should include:

- Personal details — full name and date of birth;
- Immigration New Zealand (INZ) client number, if known;
- A copy of the personal details page in their passport;
- Contact details — including email address, phone number and postal address;
- A description of the individual's circumstances;
- What type of visa is requested, for example a visitor visa; and
- An estimate of how long the individual might need to extend their stay for in New Zealand.

If the Epidemic Notice is renewed, then the Epidemic Management Notice may also be renewed and in this case, visa expiries may be extended again. Immigration New Zealand will provide further information on their website before this happens.

**References:**

[Immigration Act 2009, s61](#)

["Epidemic Preparedness \(Epidemic Management—COVID-19\) Notice 2020" \(24 March 2018\) New Zealand Gazette No 2020-go1369](#)

**See also:**

The Immigration New Zealand [website](#).

## **Visa changes to support essential services during COVID-19**

The government has made changes to some temporary work conditions to support certain sectors in essential services to manage the impact of COVID-19.

### **Healthcare Sector**

Visa applications are being prioritised for key roles that are necessary to support the health response in New Zealand.

Some lower skilled temporary healthcare workers that are currently in New Zealand will be able to work in New Zealand for an additional 12 months before they are subject to the stand down period. This will allow health workers with lower skilled Essential Skills visas who have worked in New Zealand for three years an additional 12 months before they are subject to a stand down period where they must leave New Zealand.

This change will also help to maintain existing workforces at this critical time.

Student visa holders that were employed in an essential health worker role on 3 April 2020, will be able to work more than 20 hours during the period 3 April 2020 to 3 July 2020 in order to support the public health response to COVID-19. This includes aged residential care and applies to interim visa holders who held a student visa immediately prior to this.

### **Supermarkets**

Visa restrictions have been relaxed for two groups of current supermarket employees for a period of 30 days. This is to help manage labour supply issues. Up until 25 April 2020 work visa holders working in supermarkets can work in roles in addition to those specified on their visa.

Up until 25 April 2020 student visa holders working in supermarkets can work more than the usual maximum of 20 hours per week, provided that they were employed on 23 March 2020.

Any amendment to an employee's conditions of work must be compliant with both usual New Zealand employment law and the individual or collective employment agreement relevant to the employee.

These visa measures apply to supermarkets operated by:

- Woolworths New Zealand, owners of Countdown, Super Value and FreshChoice supermarkets and;
- Foodstuffs Limited, owners of New World, Pak n Save and Four Square.

## **Visa processing information**

All Immigration New Zealand offices are currently closed.

Residents with expired travel conditions cannot travel to New Zealand.

Immigration New Zealand cannot extend visa durations other than under the terms of the epidemic management notice.

## Visa programmes on hold

The Government has suspended:

- Selections for Expressions of Interest (EOI) in the Skilled Migrant Category (SMC) and the Parent Category;
- Ballot registrations for the Samoan Quota (SQ) and Pacific Access Category (PAC); and
- 19 capped Working Holiday schemes due to open in the next 6 months.

This is a temporary measure. Immigration New Zealand will continue to reassess and determine when these programmes can resume.

## *Recognised Seasonal Employers (RSEs)*

The New Zealand government has provided [specific guidance for RSEs](#) of migrants in New Zealand.

Immigration New Zealand is currently in the process of contacting all RSEs whose workers hold visas that expire on or before 1 April. RSEs are being asked to submit the names of these workers to indicate they require a renewed visa.

During the Level 4 Alert period RSE workers are only permitted to do essential work.

## Employer and worker obligations

If an RSE worker currently in New Zealand is required to isolate themselves for 14 days during their time here, their employer must make appropriate accommodation and pastoral care facilities available for them.

Costs incurred during any self-isolation period, including accommodation and living costs, are the responsibility of the worker themselves (as during the normal course of employment).

RSE workers are eligible for the sick-leave scheme as part of the COVID-19 Economic Response Package. Employers are required to apply for the subsidy on behalf of workers.

## RSE employee movements

During the COVID-19 Alert Level 4 period, RSE workers are doing essential work for the horticulture and viticulture industries, which have been identified by the [Ministry for Primary Industries](#) as [essential services](#) associated with food production. This includes picking and packaging horticultural and viticultural produce for both local and export markets.

RSE workers may be required to move to where labour is needed to support continued food production. Any movement of RSE workers will need to be carefully managed by their employer. In

this case their employer will be fully responsible for the arrangement and safety of workers while in transit.

RSEs are required to submit to Immigration New Zealand travel and accommodation plans that meet the Ministry of Health's COVID-19 Alert Level 4 guidelines. Before any worker is relocated, Immigration New Zealand and the Labour Inspectorate must give approval. Approved workers will be provided with an authorised letter for their travel.

Teams of RSE employees are treated as a bubble that must not interact with other groups outside of it. Each bubble must be transported in isolation between regions and continue to be isolated when accommodated at the new location. RSEs are also responsible for supplying personal protective equipment (PPE) to their employees as required.

## **Potential issues with interim immigration measures**

On 7 April 2020 the New Zealand Law Society wrote to Immigration New Zealand seeking clarification on a number of immigration issues which could present access to justice in the current situation.

A copy of the letter providing further detail on these issues can be found [here](#).

## **Further assistance with immigration issues**

Immigration specialists are still operating at this time – for further assistance with immigration issues you may wish to consult a specialist Immigration lawyer or a Licensed Immigration Adviser. Further details on where to locate a specialist practitioner can be found [here](#).