

Special Direction

Pursuant to sections 61A(2) and 378(6) of the Immigration Act 2009 (“Act”), I vary my special direction of 21 March 2022 made under section 61A(2) of the Act, so that it reads:

Pursuant to section 61A(2) of the Immigration Act 2009 (“Act”) of my own volition, by special direction, I grant a resident visa to the class of persons who:

- are currently outside of New Zealand and are of a nationality other than Australian, and
- made a resident visa application between March 2020 and December 2021 (or February 2020 if they were applying from China or Iran) and as a result, the border entry instructions that were in force now prevent them from entering New Zealand as a first-time resident, and
- have been determined by an immigration officer to meet requirements for that resident visa, with the exception of being eligible for entry permission.

I am satisfied that the making of this special direction is reasonably necessary to manage the effects, or deal with the consequences, of measures taken under this Act to contain or mitigate the outbreak of COVID-19 or its effects.

Pursuant to section 50(2)(a) of my own volition, by special direction, following the grant of a resident visa as described above, I impose the same conditions that would have been imposed under the immigration instruction applicable at the time the resident application was made.

The class of persons to whom this special direction applies are currently outside of New Zealand with open residence class visa applications that were submitted while the border restrictions were in place. In accordance with section 108(6) of the Act, the border entry instructions in force on the date of lodgement prevent them from entering New Zealand holding that visa, even if it is approved. Granting the class of persons outlined above a resident visa will enable them to enter New Zealand as a resident and to have appropriate visa conditions imposed.

This will ensure that applicants are not unfairly disadvantaged due to a situation outside of their control, being the COVID-19 border closures. This special direction commences today and expires on 31 September 2023 unless revoked earlier.

Dated this 5th day of April 2022.

HON KRIS FAAFOI, Minister of Immigration.

Explanatory Note

The effect of this special direction is to facilitate the resumption of processing residence class visa applications that were submitted during the period that border instructions in force at the time would prevent them from entering New Zealand on that visa, if approved. This will minimise the disruption on this cohort and ensure that they are not disadvantaged due to a situation outside of their control.