

## **Special Direction - Waiver of the Requirement to Give an Application Form and Physical Documents to an Immigration Officer for Persons Who are in Nauru, Kiribati or Tuvalu and are Applying for a Visa to Work for Recognised Seasonal Employers**

A. Pursuant to section 57(3) of the Immigration Act 2009 (“Act”), I waive by special direction the prescribed requirement under regulation 10(2)(e) of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 for certain applicants situated in Nauru, Kiribati or Tuvalu (as outlined in paragraph B) to give to an immigration officer an application for a limited visa under the Recognised Seasonal Employer immigration instructions together with the following material:

- i. the applicant’s passport (or a certified copy) or certificate of identity (or a certified copy) or, if that is unavailable, his or her original full birth certificate (or a certified copy) or other identity document (or a certified copy).

B. Pursuant to section 57(5) of the Immigration Act 2009, the waiver of the application requirement to give the application for a limited visa under the Recognised Seasonal Employer immigration instructions and accompanying physical documents to an immigration officer applies to persons who are:

- situated in Nauru, Kiribati or Tuvalu at the time of the visa application; and
- are submitting an application to work for a Recognised Seasonal Employer; and
- who email the approved application form and copies of their passport or certificate of identity or other identity document to Immigration New Zealand.

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

The class of persons to whom this special direction applies are persons located in Nauru, Kiribati and Tuvalu who wish to apply for a visa to work for a Recognised Seasonal Employer which is not a visa type which can be submitted online. Waiving the application requirement to give to an immigration officer, in person or by registered post or courier, an application form and the physical supporting documents will ensure that applicants are not unfairly disadvantaged. This is due to a situation outside of their control, being the closure of the Visa Application Centres in Nauru and Kiribati, in response to falling visa applications due to COVID-19 and the only other option being to courier their application and passport or certificate of identity to another country at great expense. Furthermore, there is a lack of flights between the Pacific Islands due to COVID-19, which makes previous application submission methods that were in place for applicants from Tuvalu infeasible. This means that applicants from Tuvalu are in the same position as applicants from Nauru and Kiribati and should therefore be included.

This special direction expires on 1 March 2023 unless revoked earlier.

Dated this 7th day of April 2022.

HON KRIS FAAFOI, Minister of Immigration.

### **Explanatory Note**

*The effect of this special direction is to allow applicants located in Nauru, Kiribati and Tuvalu to apply for limited visas under the Recognised Seasonal Employer Instructions by emailing their application and copies of their passport or certificate of identity to Immigration New Zealand rather than having to deliver them to an immigration officer in person or by registered post or courier. This is in response to the closure of the Visa Application Centres in Nauru and Kiribati due to falling visa applications due to COVID-19, and the lack of flights between the Pacific Islands, resulting in the applicants otherwise having to courier their applications and documents to a Visa Application Centre located in another country.*