

29 March 2011

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2011/06

To: *All Manual Holders*

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL MANUAL: VISITING ACADEMICS

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached to this circular.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions on and after the effective dates indicated below.

Note

The amendments described in this circular will be published in the INZ Operational Manual in due course.

Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).

Changes to Immigration Instructions effective on and after 4 April 2011

V3.130 Visiting academics

W2.2.1 Definition of 'employment'

A new category of visitor visas has been created to better enable academics to visit New Zealand for a short period of time to carry out academic or research activities. Consequential changes have also been made to the definition of employment provision.

APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE 4 APRIL 2011

V3.130 Visiting academics

See also *Immigration Act 2009, s 4*

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 Schedule 2*

- a. Visiting academics from countries whose nationals are people to whom a visa waiver applies (see E2.1), may be granted a three-month visitor visa and entry permission on arrival in New Zealand.
 - b. Visiting academics from countries whose nationals are required to hold a visitor visa to travel to New Zealand must apply for a visitor visa before travelling to New Zealand.
 - c. Visiting academics must apply for a work visa prior to travelling to New Zealand if they wish to:
 - i. stay in New Zealand for longer than three months; or
 - ii. make multiple visits with a total duration of more than three months in any calendar year; or
 - iii. undertake any activity that would fall within the definition of work and is not listed at (f) below.
 - d. Applicants must provide a letter of invitation from the tertiary education institute or institutes where they plan to undertake academic work, confirming:
 - i. the name of the applicant; and
 - ii. that the applicant is a person specified at (e) below; and
 - iii. the activity or activities the applicant will undertake while in New Zealand; and
 - iv. the dates or duration of the activity or activities to be undertaken.
- Note:** Tertiary education institutes include New Zealand universities, institutes of technology and the three wananga (Te Wananga o Raukawa, Te Whare Wananga o Awanuiarangi, and Te Wananga o Aotearoa).
- e. Visiting academics must be:
 - i. well-qualified in their field; and
 - ii. either employed by an overseas academic or research institution, or have wide experience in such employment; and
 - iii. undertaking activities of a pedagogical, educational, professional management or research nature.
 - f. Pedagogical, educational, professional management or research activities are excluded from the definition of work. These include:

- i. collaborating on research projects with academics working at New Zealand tertiary education institutes, including publishing work with New Zealand academics; and
- ii. presenting at one-off seminars or conferences organised by the institution; and
- iii. providing teaching or tutoring for short courses in specialised areas that New Zealand academics do not have the subject knowledge in; and
- iv. sourcing research material only available in New Zealand (including literature) or conducting research only able to be undertaken in New Zealand; and
- v. planning and management (including designing, developing, implementing and reviewing/auditing academic and research courses, programmes and resources; professional development, including teaching methods and curriculum development; and sourcing resource materials for academic and research programmes); and
- vi. meeting with a post-graduate student who they co-supervise if the student is enrolled at a New Zealand institution from which they will be receiving their qualification, if successful; and
- vii. undertaking performance classes (e.g. in theatre, dance or music) or studio master classes (i.e. recording and mastering music); and
- viii. participating on assessment panels for oral or practical examinations, including for theses; and
- ix. study tours.

Effective 04/04/2011

W2.2.1 Definition of 'employment'

a. Employment means any activity undertaken for gain or reward, but does not include:

- i. visits by persons undertaking business activities detailed in V3.5(b);
- ii. official business in the service of any government, or of any inter-governmental or international organisation that is entitled to any privileges and immunities under the Diplomatic Privileges and Immunities Act 1968 (see H2);
- iii. study or training under a scholarship or other award recognised by the Minister;
- iv. visits by guests of government (guest of government status is granted through the Department of the Prime Minister and Cabinet);
- v. visits by persons who meet the special requirements under V3.55, V3.85 or V3.130.

b. 'Gain or reward' includes any payment or benefit that can be valued in terms of money, such as board and lodging, goods (eg, food or clothing) and services (eg, transport).

Note: 'Employment in the context of the INZ Operational Manual has the same meaning as 'work' as defined in section 4 of the Immigration Act 2009. This definition does not require employment as an 'employee'. It also covers self-employment.

Effective 04/04/2011