



Sophie

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**30 AUG 2019**

Dear Sophie,

Thank you for your email on 03 August 2019, requesting the following information:

*The former wife is a NZ permanent resident. Upon her marriage with her former Chinese husband, the former husband got a Partner of a New Zealander Resident Visa. They were married in China.*

*Nevertheless, due to the husband's cheating, the wife cannot put up with the husband anymore, so they formally divorced during their trip back to China and ceased their partnership.*

*Should the former wife ask the Immigration NZ to cancel the Partner of a New Zealander Resident Visa that the former husband is still holding? Can the divorce count as the ground of the cancellation? I cannot find such information on the website of Immigration NZ website..*

#### **Our response**

Please note that while you submitted this request under the Official Information Act, your request is not an Official Information Act request. It is a general correspondence. However, I will respond to your request for clarification.

A Partner of a New Zealander Resident Visa is a residence class visa. The relevant grounds to cancel a residence class visa are contained in part 6 of the Immigration Act 2009 which can be found here: <http://www.legislation.govt.nz/act/public/2009/0051/latest/DLM1440303.html>.

Immigration New Zealand considers partnership applications very carefully and an immigration officer needs to be satisfied that the applicant meets immigration instructions. This means the immigration officer must be satisfied that relationship is credible, genuine and stable, and likely to endure. INZ will assess these relationship requirements as at the time of application. For residence applications under the partnership category, the couple must also be able to demonstrate that they have been living together for a minimum of 12 months.

You have advised that the wife was the supporting partner, the husband was the principal applicant and that their partnership has ended. This alone would not meet the threshold for any of the grounds under part 6 of the Immigration Act 2009. However, if there is evidence that the relationship was not credible, genuine and stable, likely to endure, and the couple were not living



together for at least 12 months at the time the Partner of a New Zealander Resident Visa application was assessed, this *may* meet the threshold to cancel a visa under part 6 of the Immigration Act.

Therefore, whether Immigration New Zealand will cancel the Partner of a New Zealander Resident Visa that the former husband is still holding will depend on whether the immigration instructions were met at the time the application was assessed. Furthermore, divorce will not be considered as a ground for cancellation.

If you wish to discuss any aspect of your request or this response, please contact Margaret Huang, Business Advisor, Operations Support, Immigration New Zealand at [Margaret.huang@mbie.govt.nz](mailto:Margaret.huang@mbie.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Carley', with a large, stylized flourish extending from the end of the name.

Michael Carley  
Manager – Operations Support  
Immigration New Zealand  
Ministry of Business, Innovation and Employment