

Hon Kris Faafoi

Minister of Justice
Minister for Broadcasting and Media
Minister of Immigration



13 APR 2021

OIA 21-038

Dear Peter,

Thank you for your request of 5 March, under the Official Information Act 1982 (the Act), for the following information:

“Since border closure, many valid New Zealand open work visa holders have been stuck overseas and many of them are desperate to go back to New Zealand. As of now, almost a year has gone by, New Zealand government has not publicly given out any plan on how they are going to deal with this. These overseas open work visa holders are totally dependent on the decision or plan from New Zealand so that they can either wait for border reopening or go for other options about their life. Many of these people have seen their open work visas expired during this period of time while they can not do anything about it. This has caused deep frustration to them. According to the visa requirement, the open work visa is available for those who have studied toward a certain qualification in New Zealand for as least a year. This means these open work visa holders have invested huge amount of time and money so that they can get the visa. The visa gives the holders the rights to stay in New Zealand. But what is happening is the New Zealand government is silent about this. When many open work visa holders overseas are struggling with their lives in home country, they have to see their visa expired with deep frustration and hear nothing from New Zealand government. Their rights have been totally undermined.

Therefore, I am here to request the Minister of Immigration to give out the following information,

1. What is New Zealand government’s plan about these open work visa holders stuck overseas due to border closure? Is the New Zealand government going to extend these open work visa by a certain length of time or what?

2. Since the border closure, how many open work visa holders stuck overseas (excluding those who were able to get back to New Zealand under border exceptions) have their open work visa expired as of now?”

You have clarified for part two of your request: you would like to know, in each month, the number of the Post-Study Work visas that have expired when their holders are offshore, no matter whether they are ‘stuck’ overseas and actually wanting to return to NZ or those who did not intend to return, for the period July 2020 to December 2021.

Offshore visa holders

We have closed the borders to help manage the public health risk of COVID-19 to New Zealanders. Current border restrictions allow New Zealand citizens and residents to return to New Zealand, as well as critical workers and limited groups of temporary visa holders for humanitarian or family reasons.

While I appreciate that there are many groups wishing to enter who would add value to New Zealand, we need to prioritise due to capacity constraints in managed isolation facilities. This

means critical workers are limited to a small group, including those who offer unique experience and technical or specialist skills not readily available in New Zealand.

Further information on the border exception criteria can be found here:

<https://www.immigration.govt.nz/about-us/covid-19/border-closures-and-exceptions/entry-to-new-zealand/critical-purpose-reasons-you-can-travel-to-new-zealand>.

The Government is continuously looking at whether the exception categories are fit for purpose. However, we remain limited by our capacity to isolate and quarantine new arrivals to protect New Zealanders.

Offshore Post-Study Work visa holders with expiring visas who do not meet border exception criteria will likely need to test their eligibility under other available visa categories, once the border has re-opened.

Visa expiry by month for offshore Post-Study Work visa holders

Visa expiry month	Frequency
July 2020	S
August 2020	S
September 2020	6
October 2020	9
November 2020	15
December 2020	57
January 2021	99
February 2021	144
March 2021	420
April 2021	297
May 2021	177
June 2021	123
July 2021	153
August 2021	231
September 2021	210
October 2021	117
November 2021	102
December 2021	132

Notes:

- All values are random rounded base 3 with counts under 6 suppressed (denoted as 'S')
- These totals will include both those people who always intended to leave before the expiry of their visas as well as those who had left New Zealand temporarily or were offshore when their visa was approved but were unable to return once the borders closed.
- The assumption is made that those whose visas expire between the end of March and the end of December 2021 will remain offshore or if they enter the country, it will not be under the Post Study Work Visa.
- The numbers are based on applications decided prior to the end of March 2021.

I trust you will find the information helpful. You have the right to seek an investigation and review by the Ombudsman of MBIE's response to your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Hon Kris Faafoi
Minister of Immigration