



22 February 2023

Ref: DOIA 2223-1615

Helen Anderson

fyi-request-21629-be9cba31@requests.fyi.org.nz

Dear Helen,

Thank you for your email of 25 January 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

"I am wondering if you could kindly advise all the rationale and/or supporting arguments and act/legislation/policy/regulation for:

1) the requirement of 12 months (living together) in this Immigration Operational Manual clause F2.5 (How do partners of New Zealand citizens and residents qualify for a residence class visa?), point a. which says: "To be granted a residence class visa under Partnership Category applicants must provide sufficient evidence to satisfy an immigration officer that they have been living together for 12 months or more in a partnership that is genuine and stable with a New Zealand citizen or resident."; and point d.iii. which says: "An application under Partnership Category will be declined if the applicant and New Zealand citizen or resident partner have not lived together for 12 months or more at the time the application is lodged."; and

2) the ceasing of clause F2.35 (Deferring the final decision if the partnership is genuine and stable but less than 12 months duration) from 08/05/2017."

MBIE has identified two documents in scope of your request, which are listed in the following document table:

#	Document Type	Date	Description/Title	Decisions as to release
1	Cabinet paper	2003	Recognition of marriage and de facto relationships for immigration purposes	Released in full
2	Cabinet paper	2017	Miscellaneous Immigration Policy changes	Released in full

The 12-month duration for living together was agreed by Cabinet in 2003, and the rationale for this is set out in the Cabinet paper *"Recognition of marriage and de facto relationships for immigration purposes"*, which is released to you in full.

The changes to the deferral policy were agreed in 2017, and the rationale for this change is set out in the Cabinet paper *"Miscellaneous Immigration Policy changes"*, which is released to you in full.

Labour, Science and Enterprise

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I trust you will find this information useful.

You have the right to seek an investigation and review by the Ombudsman of this decision, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Craig', written in a cursive style.

Andrew Craig
Manager Immigration (Skills and Residence) Policy
Labour, Science and Enterprise, MBIE