

PERMANENT RESIDENT VISA ASSESSMENT

File Summary for application

Valid version of application form (INZ 1175) provided: **YES**

Triaged Risk Level: **N/A**

PRINCIPAL APPLICANT

Applicant name: **XXXX**

Identity confirmed with PPT/COI: **XXXX**

Residence visa activated on: **XXXX**

Is the applicant the PA from original residence application: **YES**

ASSESSMENT OF PRINCIPAL APPLICANT (PA)

Resident visa category: **Skilled Migrant Category (SMC)**

Were all PRV applicants included in the same original residence application: **YES**

Applicant has declared they are not a NZ citizen: **YES**

Applicant holds a RV or has held RV within last three months and has held that RV continuously for at least 24 months (RV2.5(a) and RV1.25): **YES**

First day in NZ as a resident was at least 24 months before PRV app (RV2.5(b)): **YES**

TIME SPENT

Significant time spent in NZ preceding this PRV application (RV2.5.1)

First 12 months: **more than 184 days**

Second 12 months: **more than 184 days**

Section 49/50 conditions (RV2.5(d)) for all applicants in current application: **Met and removed with this application. No concerns noted and no adverse information available to indicate obligations have been breached.**

SECONDARY APPLICANT – PARTNER OF PA (SA)

Partner's name: **XXXX**

Residence visa activated on: **XXXX**

Is the partner the SA from original residence application: **YES**

SECONDARY APPLICANT – DEPENDENT CHILD 1 (DEP 1)

Child's name: **XXXX**

Residence visa activated on: **XXXX**

Is this child one of the dependents from original residence application: **YES**

SECONDARY APPLICANT – DEPENDENT CHILD 2 (DEP 2)

Child's name: **XXXX**

Residence visa activated on: **XXXX**

Is this child one of the dependents from original residence application: **YES**

ASSESSMENT OF SECONDARY APPLICANTS

The PA and/or SA has provided evidence of legal custody for the dependent child/ren.

The secondary applicants were all included in the original residence application and are eligible for PRV in line with the PA (RV2.5(b)): **YES**

Section 49 and/or section 50 conditions (RV2.5(d)) for all applicants in current application:

[choose one of the following options]

Yes – has been removed previously under AN XXXX.

No – not applicable for this application.

ALERTS / WARNINGS

Alerts and/or warnings identified: No

Details of any alerts and/or warnings (including date of effectiveness): XXXX

RISK

Risk areas identified: No

CHARACTER ASSESSMENT – PA

Character declarations: No character issues declared.

NSC: Not required

Character concerns (RV2.5(b)): No character concerns that would trigger Deportation Liability or would fall under A5.25 or RV1.25.

DECISION

Principal applicant: Approve application for a permanent resident visa in line with instructions RV2.5.

Secondary applicant/s: Approve application for a permanent resident visa in line with instructions RV1.20(b).

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PERMANENT RESIDENT VISA ASSESSMENT

File Summary for application

Application number:

Application made date:

Advisor:

Application form complete: Choose an item.

Delete each of these as you complete them:

- checked and updated ADDRESS
- checked and updated FAMILY TAB
- checked and added CONTACTS TAB
- initiate RISK ASSESSMENT

Principle Applicant

Name: s9(2)(a)

Secondary Applicants

s9(2)(a)

Identity confirmed with their original passport (or a certified copy) or certificate of identity (or a certified copy), or if that is unavailable and client provided original or certified copy of birth certificate or other identity documents Choose an item.

Passport or COI provided: number xxxxxx has been verified through MRZ check

Residence visa activated date: xx/xx/xxxx

Is the applicant the principal applicant from original residence application Choose an item.

ASSESSMENT:

Resident visa category Choose an item.

Were all PRV applicants included in the same original residence application?: Choose an item.

Applicant has declared they are not a NZ citizen: Choose an item.

Applicant holds a RV or has held RV within last three months, and has held that RV continuously for at least 24 months (RV2.5.a/RV1.25) – Choose an item.

First day in NZ as a Resident was at least 24 months before PRV app (RV2.5.b) – Choose an item.

[Delete the following if not applicable]

Time spent

Significant time spent in NZ preceding this PRV application (RV2.5.1)

1st 12 months = more than 184 days

2nd 12 months = more than 184 days

Tax residence

Evidences demonstrated a commitment to NZ (RV2.5.5)

Spent 41 days or more in each of the two 12 month portions of the 24 months immediately preceding the date the PRV application was made Choose an item.

Have been assessed as having tax residence status for the 24 months preceding the PRV Choose an item.

Base established

PA has demonstrated a commitment to NZ (RV2.5.20.a), evidences:

Applicants are considered to own and maintain a family home in NZ (RV2.5.20.b and RV2.5.20.c), evidences:

Applicants are considered to have been engaged in full time continuous employment in NZ (RV2.5.20.d), evidences:

[Section end]

[Delete the following if not applicable]

Secondary Applicant

partner

Name: xxx

Identity confirmed with their passport or certificate of identity, or if PPT/COI unavailable and client provided BC or other identity documents Choose an item.

Passport or COI provided: number xxxxxx Choose an item.

Residence visa activated date: xx/xx/xxxx

Is the applicant the secondary applicant from original residence application Choose an item.

Dependent

Name: xxx

Identity confirmed with their passport or certificate of identity, or if PPT/COI unavailable and client provided BC or other identity documents Choose an item.

Passport or COI provided: number xxxxxx Choose an item.

Residence visa activated date: xx/xx/xxxx

Is the applicant the secondary applicant from original residence application Choose an item.

Assessment for Secondary Applicant(s)

If the applicant(s) is/are the secondary applicant from original residence application, the applicant(s) is/are eligible for a PRV because the principle applicant is eligible for a PRV (RV1.20.b)

Please copy above ASSESSMENT template and complete if the applicant is not the SA from PA's original RV

[Section end]

Section 49 or 50 conditions (RV2.5.d) for all applicants in current application: Choose an item.

RISK ASSESSMENT:

- Alerts & Warnings: Yes, active and/or expired alert/warning. Comments:
- Risk notifications: Choose an item.
- NSC:Choose an item

s6(c)

- Character declarations? No character issues declared.
- Character concerns (RV2.5.e):Yes, character concerns outstanding:

DECISION:

- Approve application for a permanent resident visa in line with instructions RV2.5 for principle applicant
- Approve application for a permanent resident visa in line with instructions RV1.20.b for secondary applicant(s)

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Permanent Resident Visas

- ❖ Eligibility RV2.5
- ❖ Commitment to NZ
- ❖ Non-Principal Applicants

Who can be included?

- The partner of the principal applicant of the permanent resident visa application.
- Dependent children of the principal applicant (aged 24 or under) of the principal applicant of the permanent resident visa application.
- Note: The eligibility of children 25 and older is still based on the PA.
- If the partnership has broken up since residence, the partner is not eligible to be included in the PRV application.

Principal Applicants

- There can be more than one principal applicant included in a Permanent Residence Application. All principal applicants need to meet the requirements of RV2. Separate assessment notes do need to be made for each principal applicant.
- Example

RV2.5 How do resident visa holders or former holders qualify for a permanent resident visa?

Upon application principal applicants, except for those to whom [RV2.10](#) applies, will be granted a permanent resident visa if:

a. they either:

- i. hold a resident visa, and have held that resident visa continuously for at least 24 months at the time of application; or
- ii. have held a resident visa in the three months before the application is made, and had held that resident visa continuously for at least 24 months before it expired (provided [RV1.25](#) does not apply); and

b. their first day in New Zealand as a resident ([R5.66.1](#)) was at least 24 months before the application is made; and

c. they can demonstrate a commitment to New Zealand by meeting the requirements set out in any one of the five subsections below ([RV2.5.1](#) to [RV2.5.20](#)); and

d. they have met any conditions imposed under section 49(1) or section 50 of the Immigration Act; and

e. they meet character requirements for residence (see A5).

Note: Principal applicants who have been granted residence under the Migrant Investor or Parent Retirement categories will be assessed under [RV2.10](#) rather than RV2.5.

Commitment to New Zealand

- There are five ways a principal applicant can demonstrate that they have shown a commitment to New Zealand:
 1. Time spent in New Zealand (by far the most common and easiest) (RV2.5.1)
 2. Tax residence status in New Zealand (RV2.5.5)
 3. Investment in New Zealand (RV2.5.10)
 4. Establishment of a business in New Zealand (RV2.5.15)
 5. Base established in New Zealand (RV2.5.15)
- In order to be granted a permanent resident's visa, the requirements in any one of the five subsections above need to be met.

Time spent in New Zealand

- A principal applicant has demonstrated a commitment to New Zealand if they have been in New Zealand as a resident for a total of **184 days** or more in **each of the two 12-month** portions of the **24 months** immediately preceding the date their application for a permanent resident visa was made (ie, in each of the two 12-month portions, a period or periods that amount to 184 days or more).

Time Spent in New Zealand



AMS - Duration in NZ

Movement Type: **PRV 12/24 mths**

Date Application Tendered: 06/Jul/2019

Total Type
 Days
 Months

Arrive	Depart	Visa Type	Days In NZ
12/Sep/2017	18/Jun/2018	Resident	280 days
Total	4/07/2017 to 5/07/2018		280 days
20/Aug/2018	17/Jun/2019	Resident	302 days
Total	5/07/2018 to 6/07/2019		302 days

Total from 4/07/2017 to 6/07/2019: 582 days

Calculate Close

Tax Residence Status in New Zealand

A principal applicant has demonstrated a commitment to New Zealand if:

- a) they have been in New Zealand as a resident for a total of **41 days or more** in **each of the two 12-month portions** of the 24 months immediately preceding the date the application for a permanent resident visa was made (ie, in each of the two 12-month portions, a period or periods that amount to 41 days or more); and
- b) they are assessed as having **tax residence status** ([RV1.15.10](#)) for the 24 months preceding their application.

Tax Residence Status in New Zealand

- The Inland Revenue Department need to explicitly confirm or state that the principal applicant is/was a tax resident.
- The most common way for this to happen is, for **IRD to complete section C of an INZ 1006 form** (Confirmation of Tax Residence Status form).
- An IRD summary of earnings or other document that shows tax paid but does not explicitly state that the principal applicant was deemed to have been a tax resident and for what period is not sufficient for this requirement.
- See RV1.15.10

Investment in New Zealand

- a) A principal applicant has demonstrated a commitment to New Zealand if:
 - i. he or she was approved a resident visa under the Business Investor Category, and has met any conditions imposed (see BI to 26/11/2007) under section 49(1) of the Immigration Act 2009 (except travel conditions); or
 - ii. he or she has been approved a resident visa other than under the Business Investor Category, and has maintained an investment in New Zealand of N.Z.\$1,000,000 or more that complies with the rules for investment funds set out in RV2.5.10(b) below for a period of 24 months or more after the date the resident visa was granted.

Investment in New Zealand - Funds

b. Principal applicants applying for a permanent resident visa under RV2.5.10 (a) (ii) must meet the following rules for investment funds:

- i. investment funds must originally have been transferred to New Zealand through the trading bank system, or have been earned or acquired lawfully in New Zealand; and
- ii. investment funds must be invested in New Zealand in New Zealand currency; and under normal circumstances, be capable of providing a commercial return; and
- iii. apart from the interest earned from the investment, investment funds must not be used for their own personal use, for instance investment in assets such as a personal residence, car, boat or similar; and
- iv. investment funds must not be used as collateral for any loan during the 2 year investment period, unless the money loaned remains within New Zealand and in New Zealand dollars only; and
- v. if the investment funds are moved from one investment to another during the two year period each investment must also meet the rules for investment funds.

Establishment of a Business in New Zealand

A principal applicant has demonstrated a commitment to New Zealand if they have been approved a resident visa under any category, and have successfully established a business in New Zealand that has been trading successfully and benefiting New Zealand in some way for at least 12 months immediately preceding the date the application for a permanent resident visa was made.

Establishment of a Business in New Zealand

Principal applicants applying for a permanent resident visa under these instructions will be considered to have successfully established a business in New Zealand if:

- they have established or purchased, a business operating in New Zealand; or
 - they have invested in a business in New Zealand by purchasing 25% or more of the shareholding of an established business.
- For the purposes of these instructions evidence that a business is trading successfully and benefiting New Zealand in some way is production of a set of the latest accounts relating to that business certified by a New Zealand chartered accountant and which confirm that in their view the business is a going concern.

Base Established in New Zealand

A principal applicant has demonstrated a commitment to New Zealand if they have established a base in New Zealand. A principal applicant is considered to have established a base in New Zealand if:

- i. each and every member of their immediate family who was included in their application for a resident visa has resided in New Zealand for at least 184 days in the two year period immediately preceding the date the application for the permanent resident visa was made; and
- ii. they have been in New Zealand as a resident for a total of at least 41 days in the 12 months immediately preceding the date the application for the permanent resident visa was made; and either
 - they own and maintain a family home in New Zealand; or
 - they have been engaged in full time continuous genuine employment in New Zealand immediately preceding the date the application for the permanent resident visa was made.

Base Established in New Zealand

Time spent:

- Only family members need to meet the 184 days in the 24 months preceding the date of their application.
- Principal applicants only need to have spent 41 days in New Zealand in the 12 months preceding the date of their application. Note however, that they need to have activated their resident visa (RV1.5.d) and still need to meet the continuous residency requirements of RV2.5.a/b.

Family Home in New Zealand

- For the purpose of these instructions applicants are considered to own and maintain a family home in New Zealand if:
 - i. they have purchased a residential property in New Zealand within 12 months of their first day in New Zealand as a resident and still own that property either solely or jointly with members of their immediate family who were included in the application for a resident visa; and
 - ii. they and/or members of their immediate family who were included in the application for a resident visa occupy that property.

Family Home in New Zealand

- Evidence of owning and maintaining a home in New Zealand includes but is not limited to items in the name of the applicant and/or members of their immediate family who were included in the application for a resident visa such as:
 - mortgage documents or title deeds to the residential property
 - rates demands
 - home and contents insurance cover
 - invoices for telephone, electricity, gas, or water
 - documents showing that household effects have been moved to New Zealand

Employment in New Zealand

For the purpose of these instructions, applicants are considered to have been engaged in **full time continuous employment in New Zealand** if they can produce evidence of genuine full time paid employment in New Zealand **for a period or periods amounting to at least 9 months in the 24 months immediately preceding the date the application for the permanent resident visa was made**. Employment involving payment by commission and/or retainer is not acceptable.

Self-employment is acceptable if they can produce evidence of genuine lawful active involvement in the management and operating of a business in New Zealand which the principal applicant has established, purchased, or has a shareholding in.

Section 49(1) Conditions

- In order to be granted a permanent resident visa, applicants need to have met any conditions imposed on their resident visa under section 49(1) or section 50 of the Immigration Act 2009
- Common section 49 conditions that can be removed as part of a permanent resident visa assessment include sponsorship conditions (typically under the family parent, family sibling or the refugee family support categories) and work conditions imposed for skilled migrant category visas (under SM4.30/SM11.15 depending on when the resident visa was granted).
- As per section 49(1) of the Immigration Act 2009, a permanent resident visa cannot have conditions imposed on it.
- We can remove the conditions as part of the PRV or VOTC application. A removal assessment will need to be completed. Which requires the relevant evidence and assessment note.

Evidence S49 Conditions Met

Sponsorship:

- For sponsorship conditions, if we haven't received any adverse information we take it at face value that the conditions have been met.

Work:

- Conditions imposed will have two parts (we need evidence both have been met):
 - A timeframe within which they must take up an offer of employment (3 months)
 - A period of time for which they need to remain in that employment (3 months or 12 months).
- The condition relates to a specific job, details of which can be found in the assessment note for the skilled migrant category visa application (usually towards the bottom).

CHARACTER....

A whole other PowerPoint is required for Character..

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Investors – RV2.10

- Applicants who obtained their resident visas under either the **Migrant Investor Category** or the **Parent Retirement Category** are assessed for a permanent resident visa under **RV2.10** not RV2.5.
- Effectively, RV2.10 is a simplified version of RV2.5 with the following differences:
 - An applicant needs to hold a resident visa or have held a resident visa within the past three months. They also need to have held a resident visa for at least 24 months. However the resident visa they held within the last three months does not necessarily have to be the same as the resident visa they held for 24 months.
 - In meeting their section 49 conditions and having them removed by the Business Migration Branch, they would have shown a commitment to New Zealand through their investment, and as such no further commitment to New Zealand needs to be shown (e.g. we would not look at any time spent requirements etc)

Renounced Citizenship

A person who holds a resident visa as a result of renouncing their citizenship (RA4.10), may be granted a permanent resident visa without meeting any further instructions if they apply for it.

Non-Principal Applicants RV1.20

b. The only requirement for the grant of a permanent resident visa to a non-principal applicant is that the principal applicant must hold a permanent resident visa unless:

- i. the non-principal applicant is excluded by the provisions of RV2.1; or (character/deportation liabilities)
- ii. the provisions requiring a secondary applicant to be assessed independently of the principal applicant apply (RV1.20.1 to RV1.20.20); or
- iii. the non-principal applicant has never been in New Zealand as a resident (as required by RV1.5(d)).
- iv. the non-principal applicant does not meet character instructions (see A5) (unless given a special direction or granted a character waiver) or falls under RV1.25.

Non-Principal Applicant Partners who can be assessed in their own right

- The partner of the principal applicant is eligible to be considered in their own right for variation of travel conditions or a new residence class visa if the following events occur:
 - i. the partner and the principal applicant become divorced or separated; or
 - ii. the partner is granted a non-molestation or protection order against the principal applicant; or
 - iii. the principal applicant is convicted of an offence against the partner or a dependent child;
 - iv. the principal applicant dies; or
 - v. the principal applicant has obtained New Zealand citizenship.

Evidence

- Evidence of the circumstances in which the partner of a principal applicant may apply for an a variation of travel conditions or a new residence class visa in their own right may include but is not limited to original or certified copies of the following:
 - the final decree of divorce or a dissolution order from the principal applicant; or
 - a non-molestation or protection order against the principal applicant; or
 - evidence that the principal applicant has been convicted of an offence against the person of the partner or of a dependent child; or
 - evidence of separation; or
 - the death certificate of the principal applicant.

Non-Principal Applicant Children who can be assessed in their own right

- The eligibility of a dependent child included in the original residence application for a permanent resident visa, a variation of travel conditions or a second or subsequent visa will be assessed in the same way regardless of whether that child is still dependent at the time of application.
- In the case of the dissolution of a partnership as described in RV1.20.1(b) above, a child's eligibility will be assessed on the basis of:
 - whichever parent has legal right of custody if they are under 16 (see [R2.1.45](#)); or
 - whichever parent they are living with if they are 16 or over; or
 - the principal applicant, if they are 16 or over and are not living with either parent.
- If the principal applicant dies or obtains New Zealand citizenship, children must be assessed on the basis of the eligibility of the non-principal applicant partner included in the original residence application.

Non-Principal Applicant Children who can be assessed in their own right

- The child can be assessed in their own right if the provisions of (b) or (c) above require that a child be assessed on the basis of the non-principal applicant partner included in the application, and this is not possible because:
 - a non-principal applicant partner was not included in the application; or
 - the non-principal applicant partner has died; or
 - the non-principal applicant partner has obtained New Zealand citizenship.
- Children who wish to have their application under these instructions assessed based on the eligibility of a person other than the principal applicant must provide evidence that their circumstances meet the criteria set out in (b) to (d) above (for example, evidence of custody).

Section 49 conditions

- If a person is able to be assessed for a visa in their own right, this does not automatically cancel their section 49 conditions:
 - Many section 49 conditions will state that the principal applicant of the resident visa application must meet certain conditions, such as work conditions for skilled migrant category visa resident visas requiring a principal applicant undertake certain work or investment conditions on migrant investor/parent retirement resident visas requiring a principal applicant to invest certain funds. If a partner is assessed in their own right, such as under RV2.10 or RV2.5, they still need to meet their section 49 conditions (which are that the principal applicant of their resident visa meet certain requirements). If the principal applicant does not meet their conditions, secondary applicants are also liable for deportation, even though they have no input in this process.

Questions?

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