



LIVE IN NEW ZEALAND

Lane Neave LAWYERS

IMMIGRATION ARTICLE

1 DECEMBER 2008

PREGNANCY

POLICY CHANGES: APPLICANTS APPLYING FOR TEMPORARY VISAS AND PERMITS WHO INTEND TO GIVE BIRTH IN NEW ZEALAND

Over the last two years Immigration New Zealand (**INZ**) have gradually tightened processing requirements in relation to individuals applying for temporary permits or visas where it is clear that the person will or has the intention to give birth in New Zealand. In most instances, if an applicant was on shore applying for a temporary permit INZ would take into consideration the status of the person and the likelihood of being granted New Zealand permanent residence before issuing a further temporary permit if this would mean that the person would be present in New Zealand to give birth on a temporary permit. In circumstances where there was no clear option for the person to obtain New Zealand residence before the birth of the child, INZ issued permits with a short expiry date to allow safe travel and provided appropriate instructions to the person to voluntarily depart New Zealand before the expiry of their temporary permit.

Recently however, INZ have amended temporary entry policy to specifically provide that individuals applying for temporary visas/permits who intend to give birth in New Zealand are not considered to be of an acceptable standard of health, as it is likely that they will impose significant costs or demands on New Zealand's health services.

The formalisation of this policy has however also led to the formalisation of exceptions to this rule. When applicants applying for temporary visas/permits intend to give birth in New Zealand even though they fail the acceptable standard of health, an exception to policy will be made and the individual allowed to be granted the temporary permit/visa if:

1. They are a partner of a New Zealand citizen or permanent resident; or
2. They or their partners apply for a work to residence visa or permit and the visa or permit is for a period of two years or more or the length of the visa or permit plus earlier visas or permits adds up to two years or more.

The formalisation of this policy and the new exception now provides a clear indication that unless one of the two exceptions apply, applicants who are pregnant will not be granted a temporary permit or visa to allow their child to be born in New Zealand. Questioning has already been provided in INZ application forms to specifically request confirmation as to whether or not the individual is pregnant. If a false declaration is made and a child is subsequently born in New Zealand this could lead to an individual failing the character requirements in a subsequent residence application and in the worst case scenario could lead to that application being declined.

For further information or assistance with the immigration process please contact **Mark Williams** of Lane Neave Lawyers on **+64 3 379 3720** or email liveinnewzealand@laneneave.co.nz

www.liveinnewzealand.co.nz