

INFORMATION SHEET FOR MIGRANTS IN QUEENSTOWN

We're sorry that you are in this present situation due to C-19. We have been advocating for your welfare with Immigration New Zealand (INZ) and other governmental departments and relevant Ministers throughout the lockdown.

We have prepared this document to give you an idea of your options. Complying with immigration law is very important and every migrant in New Zealand must have a valid visa.

We also want to stress the importance of obtaining independent and expert legal advice. Immigration law can be very complex and so it is important to make sure you have been made aware of all the consequences and benefits of any decision you make. INZ is not able to give you independent legal advice about your immigration matters.

Below are some situations that you may be in and what your options are:

IF YOU DO NOT HAVE A VISA BUT WANT TO STAY

- You may be able to make a request under section 61 of the Immigration Act, for a visa from INZ. They will assess your situation and determine whether to grant you a visa.
- It is important to note that this request does not have to be considered by INZ. They also do not need to give you reasons for the decision.
- If you think you have **serious humanitarian issues** that make you worried about returning home, you might be able to make a humanitarian appeal against your deportation from New Zealand or lodge a claim for refugee status.
 - o Please note that all humanitarian appeals must be lodged with the Immigration and Protection Tribunal within **42 days** of your visa expiring. The appeal fee is \$700
 - o We strongly advise you to obtain legal advice as these matters are complex.

IF YOU DO NOT HAVE A VISA AND WANT TO LEAVE NZ

- If you wish to leave talk to Embassy or Consulate
- Please also talk to INZ so that they can ensure they can facilitate your departure alongside your Embassy/Consulate. This is important to avoid INZ issuing a deportation liability notice or deportation order. An organised voluntary departure is preferred by all rather than enforcement measures.
- We recommend talking to a lawyer or adviser to assist you to discuss the matter with INZ.

IF YOU ARE FACING FAMILY VIOLENCE

- There is a family violence visa that you can apply for with INZ. There are a few very complex points to be aware of here. Please visit the lawyer hub.
- Please note that all communication will be confidential. Your partner or the perpetrator of violence will not find out.

IF YOU HAVE A VISA BUT YOU HAVE LOST YOUR JOB

If you have been laid off without consultation:

- You have **90 DAYS** from the date of your termination (including redundancy) to raise a personal grievance (a complaint) against your employer. This timeframe can only be extended in exceptional circumstances.

- Send your employer this factsheet and start a conversation about your redundancy and whether there's a good alternative.
 - o Your employer needs to discuss the possibility of redundancy with you, explain why it's necessary, and take your comments into account before making any decisions
 - o Discuss the option of you taking unpaid leave and staying employed while you are not able to return to New Zealand because of border closures
 - o If you are in New Zealand, ask your employer if they can apply for the wage subsidy, or whether you can take unpaid leave until the business reopens, or is able to pay a bit less than your usual wage on a temporary basis. Discuss the possibility of reduced hours; 30 hours per week is generally considered full time by Immigration New Zealand (although we recommend you check any specific condition of your visa with INZ or your adviser).
- If you can, obtain legal advice as soon as possible, and/or talk to your union.

Frequently asked questions

- <https://communitylaw.org.nz/coronavirus-and-the-law/faqs-for-employment>

IF YOU WANT TO CHANGE YOUR VISA TYPE

- This topic is very situation dependent.
- Our best advice would be to ensure you have all your documents ready and be sure that you can apply for the new type of visa.
 - o Student visa
 - Do you have offer of place from an educational institute?
 - Have you paid the study fees required?
 - Do you have the required funds to support yourself in NZ while studying?
 - o Work visa - employer based
 - Do you have a job offer?
 - Is your employer happy to support your visa?
 - Are you qualified to do the job?
 - Has your employer recently advertised for your role? (if applying for an essential skills visa)
- We also recommend speaking to a lawyer or adviser as they will be able to provide you with advice specific to your situation.

GET LEGAL ADVICE WHERE YOU CAN!

- Please seek independent legal advice from a lawyer or Licensed Immigration Advisers at the legal hub
- Go speak with the local Community Law Centre - <https://communitylaw.org.nz/centre/otago/>

Find an immigration lawyer or adviser in your region to assist you. You can find an immigration lawyer or Licensed Immigration adviser here <https://www.immigration.govt.nz/contact/find-immigration-advice> It is important to get independent legal advice as immigration law can be very complicated and any decisions you make may have long term consequences for you.

The Immigration Industry Steering Group has been established to enable lawyers and advisers in the industry to engage with Immigration New Zealand and the Government during this time of change. The Steering Group is made up of representatives from the Auckland District Law Society (ADLS), the New Zealand Association for Migration and Investment (NZAMI), and the New Zealand Association of Immigration Professionals (NZAIIP).