

4. Family Members

4.1 Family Members - Definition

The New Zealand Government will accept an individual as the family member of an accredited diplomatic or consular official, provided that the sending state, via Third Person Note, officially recognises that individual as a dependant family member of the officer for the purposes of that officer's assignment to New Zealand, and they remain part of the household. In this regard, and further to Article 37 of the VCDR, "dependant family members" are one of the following:

- an officer's spouse;
- an officer's partner, whether in a civil union or de facto relationship, and whether same-sex or opposite-sex, upon expectation of reciprocal recognition by the sending state;
- single children of the officer up to, but not including, 21 years of age; and
- children of the officer over 21 years of age who require support due to a disability.

The foreign mission should contact Protocol Division well in advance of arrival if a dependant child (over 21 years of age) has a disability, as a medical certificate is required advising the relevant medical condition makes the dependant reliant on the officer. For dependents under or over 21 years of age who require support due to a disability, the foreign mission must also investigate and ensure that the New Zealand health system is able to provide the appropriate treatment to meet the needs of the dependant.

4.2 New Zealand Citizens or Residents

Any dependant family members who have New Zealand citizenship or permanent residence status will not have diplomatic or consular status. (Refer also to Chapter 3.)

4.3 Dependant Family Members Who Are Not 'Officially Recognised'

On occasion officers may be accompanied by persons, including partners, who are not officially recognised by the sending state as dependant family members but are nevertheless in practice members of the officer's household. Standard immigration requirements, as per Immigration New Zealand's visa regulations, will apply. An appropriate visa should be applied for directly with Immigration New Zealand. Please note that, depending on the visa applied for, it may not be possible to remain in New Zealand for the duration of the officer's assignment. Health and character checks, and visa fees will apply to such persons for their stay in New Zealand. Privileges and immunities will not be granted to such persons during their stay in New Zealand nor will they have any rights under bilateral dependant employment agreements/arrangements.

For a parent or parent-in-law of an officer who wishes to remain in New Zealand for longer than the current visitor visas allow, it may be possible to obtain a visitor visa for the duration of the officer's current visa, as long as Immigration New Zealand's visa criteria are met. That is, health, character checks and fees will apply. Please contact Protocol Division regarding this category.

4.4 Ceasing to be a Dependant Member of the Officer's Household

Missions and posts are required to advise Protocol Division, in writing, if any person who had been officially accepted as a dependant family member ceases to form part of the officer's household or whose approved status changes – for example by leaving New Zealand permanently, or no longer being in an officially recognised relationship with the officer. Such notification should be made without delay, but the absence of notification will not prevent the New Zealand authorities from making their own determination as to diplomatic status and immunity.

4.5 Family Members Remaining in New Zealand for Study Purposes

Refer to Chapter 13.

