

4. Family Members

4.1 Family Members - Definition

The New Zealand Government will officially recognise 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. In this regard, and further to Article 37 of the VCDR, "dependant family members" would normally be one of the following:

- The officer's spouse or partner (including de facto and same-sex partners, upon expectation of reciprocal recognition in sending state);
- single children of the officer up to, but not including, the age of 21 years provided that they remain part of the household; and
- children of the officer who require support due to a disability.

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, including health or other 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.

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, no longer being in an officially recognised relationship with the officer, or turning 21 years of age. 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 12.

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