



5 June 2026

Tēnā koe Ed Hirsch

### **Official Information Act request**

Thank you for your email of 6 April 2026 requesting information about receiving New Zealand Superannuation (NZS) while overseas. I would like to extend my apologies for the delay in responding to your request for information.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out separately below.

- *I wish to understand s22 of the Superannuation act 2001. The way I read the section there is nothing to stop someone going overseas for up to 26 weeks, returning to New Zealand for a notional period - say one day, and then leaving again for the same period, all while receiving their superannuation. And this is more a request for comment than an OIA request: do I understand the law correctly?*

NZS can be paid to overseas recipients for up to 26 weeks provided the person remains ordinarily resident in New Zealand and the absence does not exceed 30 weeks. If they do not return within 30 weeks, there is no qualification for NZS from the date they left New Zealand and a debt will be established. See more: [www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/travelling-26-weeks-or-less.html](http://www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/travelling-26-weeks-or-less.html).

Periods of absence from New Zealand are treated separately so it is possible for a recipient of NZS to leave New Zealand for up to 26 weeks and only return for a short period before travelling again. However, they must otherwise remain entitled to receive NZS while absent. If they are absent from New Zealand for extended periods and only returning for short periods, we may consider whether they remain ordinarily resident in New Zealand.

When we determine whether someone is ordinarily resident in New Zealand, one of the things we consider is the length of time they spend in New Zealand on a continual basis. This is relevant, but it's not the only thing we consider. We also look at:

- Their intentions towards New Zealand, including their reasons for periods of absence and return

- property and asset ownership. Do they own a home or any other large assets?
- the location of their cash assets: investments and bank accounts
- their tax residency status
- whether their income is earned in New Zealand or overseas
- whether they still vote in or still qualify to vote in general elections
- their commitment to New Zealand, such as involvement in the community, clubs or other groups.

More information is available, here: [www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/deciding-ordinarily-resident-in-new-zealand-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/deciding-ordinarily-resident-in-new-zealand-01.html).

Ultimately, the decision is made on a case-by-case basis. However, people may not be considered to be ordinarily resident in New Zealand if they either leave for more than 26 weeks or spend more time outside of New Zealand than inside.

If someone is going to be overseas for more than 26 weeks, they need to apply to keep their payments going. Depending on the country they intend to reside in or visit, they may be entitled to:

- payment under one of New Zealand's ten social security agreements
- payment under New Zealand's Special Portability arrangement with 22 Pacific countries
- a proportional rate of NZS based on the amount of time they have resided in New Zealand between age 20 and 65.

For more information, see: [www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/travelling-for-more-than-26-weeks.html](http://www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/travelling-for-more-than-26-weeks.html), and [www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/living-overseas.html](http://www.workandincome.govt.nz/on-a-benefit/overseas-travel/nz-super-and-veterans-pension/living-overseas.html).

- *Have you given the Minister any advice in say the last 2 years around this issue I any form? If so, n please provide copies*

Your request for this information is refused under section 18(e) of the Act as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

- *Your website says that I must contact you, if I spend 'more time' overseas, such that I no longer 'live primarily' in NZ. I assume you provide written guidance to your staff on how to handle such situations. Please provide copies of this guidance.*

Ministry staff use the Work and Income Manuals and Procedures (MAP) website to assist. I refer you to this webpage: [www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/deciding-ordinarily-resident-in-new-zealand-01.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/deciding-ordinarily-resident-in-new-zealand-01.html).

- *If this guidance has materially changed in the past 5 years (ie under the previous government) please provide both the previous guidance and any correspodenign advice*

There have been no significant or material changes to this guidance between 2021 and 2026.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

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A handwritten signature in black ink, appearing to read 'Anna Graham', written in a cursive style.

Anna Graham  
**General Manager**  
**Ministerial and Executive Services**