



11 January 2024

Tēnā koe

### **Official Information Act Request**

Thank you for your email on 30 November 2023 requesting information about the definition of 'living' when applying for New Zealand Superannuation (NZS).

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

- *Questions 20 and 22 of the NZ Superannuation application form refer to time spent living in other countries. To better answer this question, it would be helpful to know what is meant by 'living' exactly. So, what is MSD's definition of 'living'?*

For people born in another country or New Zealand-born citizens who have lived and worked overseas, the Ministry needs details of this to determine if they meet the residency criteria to qualify for NZS. The Ministry of Social Development (the Ministry) also need to know whether they are entitled to a pension from those countries.

Questions 20 and 22 of the NZS application form both ask the applicant to provide details of any countries they have lived in. The Ministry incorporates a number of factors in determining the definition of 'living' in this context. Living refers to whether the applicant is an ordinary resident in said country and some key attributes which the Ministry could consider includes:

- Whether there is a close and clear connection to said country.
- Physical presence in said country other than casually or as a traveller.
- In said country because person wants to be (i.e., voluntarily).
- Intention to remain in said country for a settled purpose.
- Despite temporary absence, one regularly or customarily resides in said country.
- Prefers residence in said country over any others (a person cannot be an ordinary resident in two countries at the same time).
- Property and other asset ownership.
- Employment and tax residency.
- Eligibility to vote.

- Personal commitment to said country (for example, their involvement in their immediate and extended family, community, community events, clubs and other groups).

Further information regarding the qualifications and further information on NZ Super can be found here: [www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/index.html](http://www.workandincome.govt.nz/map/income-support/main-benefits/new-zealand-superannuation/index.html)

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

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 regarding New Zealand Superannuation applications, 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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Magnus O'Neill  
**General Manager**  
**Ministerial and Executive Services**