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Immigration New Zealand has now received 7,793 expressions of interest (EOI) from people who believe they meet [exceptions to the border closure](#). Of the 7,777 EOIs decided so far, 1,627 meet the criteria and have been invited to apply for a visa.




## Immigration (COVID-19 Response) Amendment Bill

As you may be aware, the Government has introduced a Bill to temporarily amend immigration legislation to support the quick and efficient management of visa changes during COVID-19. This is currently going through the House. You can [keep up to date with the Bill's progress here](#). We will provide you with more information about what this means for applicants and migrants soon.




## Visa processing update

As you will be aware our processing efforts up to now have been largely limited due to the COVID-19 pandemic. INZ has focused on implementing the Epidemic Management Notice, applications from individuals who have a critical purpose for coming to New Zealand and some temporary visa categories for applicants who are already in New Zealand.




Visa processing capacity continues to grow. 70% of onshore Immigration Officers are currently able to work, this will increase as staff re-enter the office under Alert Level 2. All offshore offices remain closed and although onshore offices have reopened there are limited staff numbers due to COVID-19 alert level 3 guidelines and the requirement to work from home when possible.

With increased processing capacity and the ability for some staff to access INZ offices INZ is now able to resume the processing of paper applications such as residence class visa applications and formally prioritise both residence class and temporary entry class visa applications.



In terms of residence class visa applications, priority will be given where the applicant is in New Zealand. For onshore applications priority will be given as below:

- For Skilled Migrant Category (SMC), priority will be given to applications with job offers where:
    - Applicants have an hourly rate equivalent to or higher than twice the median wage (currently \$51.00 per hour or an annual salary of \$106,080 or more);
    - Applicants hold current occupational registration where registration is required by immigration instructions.
  - For Residence from Work Category applications (Talent (Accredited Employer), Talent (Arts, Culture and Sport), South Island Contribution, Religious Worker and Long Term Skill Shortage List), priority will be given to:
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- Applications which include a job offer with an hourly rate equivalent to or higher than twice the median wage (currently \$51.00 per hour or an annual salary of \$106,080 or more);
- Applications which include a job offer which requires occupational registration where occupational registration is required by immigration instructions.

Second priority will be given to residence class visa applications where the applicant is out of New Zealand.

In terms of temporary entry class visa applications, priority will be given to applications for critical workers to support the Government response to COVID-19 and for other temporary visa applicants that are in New Zealand.

Further changes may be needed to the prioritisation criteria as international travel restrictions change, and more information becomes available about the effects of COVID-19 on the domestic labour market.

Immigration officers retain the discretion to prioritise other applications where the circumstances of the application require particular urgency.

As INZ transitions through the various alert levels processing will be resumed for most of the application categories.

Applicants are strongly encouraged to apply online for eligible visas. Paper applications will take longer to process because of the reduced capacity of staff in onshore offices. There will also be an increase in the time and effort required in processing some visa application types due to additional requests for information or comment being required.

We will keep you updated of any further changes.

## National Area Documentation Office (NaDO)

The National Area Documentation Office (NaDO) has now reopened with a small number of staff now able to work onsite. The NaDO staff have been focused on opening and tendering the high volume of mail received during the lockdown period.

### ***What date will be used as the lodgement date of my application that I couriered in / posted in?***

The received application date will be the date that is shown on the courier consignment note. If there is no date to be found, the received date applied will be the date INZ opens your application at NaDO.

### ***What if I want to dispute the date of lodgement of my visa application?***

INZ understands that it has been difficult to complete and submit paper applications during COVID-19 lockdown. Disputes of lodgement dates may be considered on a case by case basis once the application has been allocated.

### ***I have been granted an extension to my visa under the Epidemic Management Notice. Will the visa application I submitted still be processed?***

Yes. Applications will continue to be processed in line with processing priorities

during COVID-19.

***What if my paper visa application is incomplete because I have not been able to get all the required documents during the Covid19 lockdown? Will my visa application be returned due to failing to meet mandatory lodgement requirements?***

No. INZ understands that it may have been difficult to submit all required documents with your paper application. INZ will note the missing documents at lodgement and request that you provide the mandatory documents as soon as you are able. INZ will not be able to process the application until the required documents have been received.

## **Varying visa conditions**

We have become aware of some confusion around variation of conditions. The Government agreed to relax visa conditions for a short period to allow some temporary migrant workers and international students to assist with our essential services during the COVID-19 response. The form to [apply to vary visa conditions of workers in essential services is on our website](#).

Only temporary migrants already employed in essential services can vary their hours and be redeployed to do other roles within their current workplaces or do their current role in different workplaces (but within same region) to help essential businesses keep operating while New Zealand remains at Alert Level 3 or 4 and six weeks after that.

All work visa holders who are not employed in essential services may only work for the employer(s) specified in their visa conditions until a Variation of Conditions or new visa has been granted.

## **Essential Skills labour market test requirement**

We're now in a position to begin processing a wider range of visas, including Essential Skills work visas for applicants currently in New Zealand.

Advice to immigration offices on labour market testing and sustainability assessments for Essential Skills work visa applications (a Visa Pak) has been issued, and will be available on the [INZ website](#).

Immigration instructions require an immigration officer to be satisfied that, at the time the application is assessed, there are no New Zealanders available to do the work offered, in order to grant an Essential Skills work visa. As part of the application process, employers must provide evidence that they've taken all reasonable steps to hire a New Zealander first. Employers wanting to employ overseas workers for ANZSCO skill level 4 and 5 occupations are also required to provide Skills Match Reports and advice from the Ministry of Social Development (MSD).

In normal circumstances, it's unlikely the labour market would change significantly between when an employer attempts to recruit New Zealanders and the time the application is assessed.



Under current immigration instructions, INZ needs to balance facilitating businesses getting the workforce they need, and protecting the employment opportunities of New Zealanders.

COVID-19 has had significant impacts on New Zealand's job market, and unemployment rates are rising. Assessing applications only on information provided before the impacts of COVID-19 does not align with the requirement to protect the employment opportunities of New Zealand. This means that INZ needs to ensure that no New Zealanders are available to do the work being offered, before visas are granted to any migrant employees.

***Do I have to re-advertise?***

Employers aren't required to re-advertise the vacancy, but they may need to provide updated information that there are still no New Zealanders available in this current job market, to the best of their knowledge. Employers may choose to re-advertise as part of providing further evidence.

***What does genuine and sustainable mean? My business is receiving the wage subsidy, does this matter?***

The employment offered to Essential Skills visa applicants needs to be for real and genuine work, for at least 30 hours per week. Essential Skills work visas are granted for a period of either 12 months, three years, or five years, and consideration needs to be given to whether the work being offered is going to remain available for the entire duration of the visa. It's likely that New Zealand's economic situation is going to continue to change, and employers must be confident in their ability to continue trading (to the best of their knowledge).

The wage subsidy provides support for business who have experienced a reduction in revenue, and doesn't necessarily mean the business won't be sustainable going forward. Employers receiving the wage subsidy can still hire Essential Skills work visa applicants.

***I'm confident my business and the employment is sustainable. But what happens if my business's situation changes, and I can't keep my workers on?***

If your business situation changes then you must go through normal employment law processes. Any work visas holders who are made redundant would then need to obtain new employment and either obtain a new work visa or vary their existing visa to begin that new employment if they wish to work and remain in New Zealand.,

***What kind of things does INZ usually take into consideration if there are no New Zealanders available for the role being offered?***

INZ considers a range of factors when determining whether any suitable New Zealanders are available for the work. This includes, but isn't limited to, things like:

- the employer's case in support of an individual worker's application; and
- evidence of a genuine attempt by the employer to recruit New Zealanders, through advertising and the use of other channels, such as recruitment agencies
- advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered; and
- advice from relevant stakeholders within the particular industry, including unions

**TIMING**

***How long will it take to process the Essential Skills work visa application I'm***

### ***supporting?***

Due to the complexities of the situation and INZ's current limited visa processing capability, we're unable to give exact timeframes of when these applications will be processed. However, we aim to do so as quickly as possible given the current constraints on visa processing resources.

### ***Can I submit this further evidence now, even though I haven't been asked for it yet?***

INZ will request additional evidence at the time the application is being assessed.

## **SKILLS MATCH REPORTS**

### ***What is the Skills Match Report (SMR) and why is it important?***

Current immigration instructions require employers seeking to employ an overseas worker for an occupation with an [ANZSCO skill level](#) of 4 or 5 are required to obtain a SMR from the Ministry of Social Development (MSD). A SMR details if any New Zealanders are available to work in the role being offered to the migrant worker. One can only be issued to employers who have advertised their vacancy with Work and Income New Zealand, where no suitable New Zealanders have been found.

### ***Will I be able to get an SMR from MSD?***

MSD have confirmed that SMR's are available to employers who engage with MSD to recruit New Zealanders for vacancies.

## **GENERAL**

### ***What about if the role I want to recruit for is on the skills shortage list?***

No New Zealanders are considered available if the job offered is on one of the skills shortage lists, and the applicants meets the qualification and work experience required by the list for that particular job.

### ***What if I want to hire someone under the Skilled Migrant Category?***

There is no labour market test for applications under the Skilled Migrant Category (SMC).

### ***I need to hire someone but I can't pay them a full wage like I normally would. How does this impact the work visa application?***

To be granted an Essential Skills work visa, the applicant must be paid the market rate for the role. Where you are unable to pay them the normal rate for the role, then you should provide evidence that either the market rate for the role has changed, or reasons why the visa should be granted despite the market rate not being paid. These applications will be assessed on a case-by-case basis. The wage or salary paid must also always be above the minimum wage. The pay offered may also affect the duration of the visa and whether the visa holder is able to support visas for family members.

### ***What if I want to recruit migrant workers in the future – how long will these changes be in place?***

Decisions around changes to Immigration Instructions are made by the government. INZ and the wider Ministry of Business, Innovation and Employment is working through possible options for longer term solutions, and providing advice to the Minister of Immigration. This is a rapidly evolving situation and we're unable to give a timeframe at this stage, but will keep employers informed and provide more information as decisions are made. In the meantime INZ will continue to process visas

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according to current Government policy as expressed in immigration instructions.

***There might be New Zealanders available somewhere, but people aren't able to move regions due to COVID-19. Does this mean I still have to hire them over migrant workers?***

Employers who are unable to recruit New Zealanders for a vacancy due to COVID-19 restrictions should be able to provide evidence of particular barriers where this is the case.

***If I can't hire the migrant worker I need, I'm not going to be able to keep my business running. What options are available?***

Essential Skills work visa applications will be assessed in date order.

***Are we able to hire migrants for a short period of time just to see us through, and move to hire New Zealanders later down the track?***

Essential Skills work visas are granted for the duration that the employment is offered, for a maximum of period of 12 months, three years, or five years (depending on the skill level of the role). Employment law may determine what are considered sufficient reasons for offering employment for a fixed term and you may wish to seek legal advice on your options.

#### LICENCED IMMIGRATION ADVISERS

***I'm an LIA, what do I tell my client?***

LIAs need to advise their clients that INZ is beginning to process Essential Skills work visa applications and that we may be in touch with them to ask for more information and ensure the availability of New Zealanders remain unchanged. Your client may need to contact their employer for information about the sustainability of their employment and the availability of New Zealanders.

[www.govt.nz](http://www.govt.nz) - your guide to finding and using New Zealand government services

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**All you need to know what is happening with Immigration New Zealand and the processing of your application. Immigration New Zealand is getting back to work slowly but surely and has prioritised their work as advised above.**

**If you need more and or further advise, please contact me by email only on [jpeter@terranovaconsultancy.co.nz](mailto:jpeter@terranovaconsultancy.co.nz) and I will try to respond to you asap.**

## **A16.1 General Instructions as to the order and manner of processing visa applications**

Pursuant to section 26(4) of the Immigration Act 2009 and acting under delegated authority from the Chief Executive of the Ministry of the Business, Innovation, and Employment, I hereby give the following general instructions as to the order and manner of processing of visa applications under Government residence instructions, effective from 13 May 2020:

### **Residence Applications**

- a. First priority will be given to residence class visas where the applicant is in New Zealand. Within this, further prioritisation criteria will apply to applications made under the following categories:
  - i. For the Skilled Migrant Category (SMC), priority will be given to applications with job offers where:
    - o Applicants have an hourly rate equivalent to or higher than twice the median wage (currently \$51.00 per hour or an annual salary of \$106,080 or more);
    - o Applicants hold current occupational registration where registration is required by immigration instructions;
  - ii. For Residence from Work Category applications (Talent (Accredited Employer), Talent (Arts, Culture and Sport), South Island Contribution, Religious Worker and Long Term Skill Shortage List), priority will be given to:
    - o Applications which include a job offer with an hourly rate equivalent to or higher than twice the median wage (currently \$51.00 per hour or an annual salary of \$106,080 or more);
    - o Applications which include a job offer which requires occupational registration where occupational registration is required by immigration instructions.
- b. Second Priority will be given to residence class visa applications where the applicant is offshore.

### **Temporary Entry Class Visa Applications**

- c. First priority will be given to the following types and categories of applications for temporary entry class visas in preference to applications under other types and categories:
  - i. Visas (and variations of condition requests) for critical workers to support the Government response to COVID-19;
  - ii. Visa applications where there is an urgent humanitarian need:
    - o Visa applications for victims of domestic violence
    - o Visitor visas (and variations of conditions) for the following exceptions to the restriction on entry permission: humanitarian cases; Tongan and Samoan citizens making essential travel; immediate family of New Zealand citizens and residents travelling with their New Zealand citizen or resident family member; immediate family of temporary visa holders who normally live in New Zealand;
    - o Residence class visas for Australian citizens and permanent residents who normally live in NZ;
  - iii. Applications to travel under the Asia-Pacific Economic Cooperation (APEC) travel card programme made by people who are not New Zealand citizens or residence class visa holders;
  - iv. Diplomatic visas;
  - v. All other temporary entry class visa applications where the applicant is in New Zealand.
- d. Second priority will be given to all other temporary entry class visas where the applicant is offshore.
- e. Within the priorities set out above, applications should generally be processed in lodgement date order.
- f. These instructions do not prevent immigration officers according urgency to the processing of any particular visa application when the individual circumstances so warrant that.
- g. The previous General Instructions made pursuant to section 26(4) of the Immigration Act 2009 are revoked.