

**ISSUED Tuesday, 7 July 2020**

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Source: Immigration New Zealand

## Temporary visa settings

The Government has announced some short term changes to visa settings for temporary work visa holders in New Zealand.

These changes recognise the impact that COVID-19 continues to have on businesses and temporary work visa holders in New Zealand, and will allow employers to maintain their existing workforce for an extended period of time, while ensuring opportunities for New Zealanders are not negatively impacted in the short and longer-term.

There are three key changes.

### First change;

The first change is to extend all existing employer-assisted temporary work visas for people who are in New Zealand and whose visas are due to expire before the end of 2020 by six months.

That includes work visa holders whose visas are due to expire after 9 July, as well as those visas that were previously extended to 25 September under the Epidemic Management Notice.

We know this will come as a relief for many of your clients and will help provide both migrants and employers with certainty about their ability to retain existing staff in the short term.

This extension will be automatic for most visa holders and will benefit around 16,500 Essential Skills and Work to Residence visa holders who are in New Zealand.

All other conditions of the original visa remain the same, including the specific occupation and specific employer and location.

Anyone who believes their visa should have been extended as part of this change should contact INZ.

Your clients who want to employ a migrant in a new role or employ a new migrant altogether will still need to apply for a new visa, and go through the

labour market test. If it is for a lower-paid role, employers will also still need to engage with MSD.

## **Second change;**

To align with the six month extension for temporary work visa holders in New Zealand, the second change is to delay the introduction of the 12 month stand down period for lower-paid workers who have had their employer-assisted work visa extended.

The stand-down period means that people who have been in New Zealand on a lower-paid Essential Skills visa for three years are unable to be granted a new Essential Skills visas until they have spent 12 months outside New Zealand.

This time-limited change will enable lower-paid migrants who are subject to the stand-down between August 2020 and the end of December 2020 to stay in New Zealand and work for the same employer in the same occupation and location for up to a further six months, in line with their visa extension.

However, the stand down period will still apply if a migrants who is subject to the stand down moves to another lower-paid Essential skills work visa.

There are around 600 workers who will be subject to the stand-down period between August 2020 and the end of December 2020.

Any migrants who are subject to the stand-down period from February 2021 will still be required to leave New Zealand for 12 months before they are able to apply for another lower-paid work visa.

## **Third change;**

The third change is to reduce the duration of all new lower-paid Essential Skills work visas from 12 months to six months to mitigate future labour market risks.

This will apply to all new lower-paid Essential Skills work visa applications lodged from 10 July.

Applications received prior to 10 July will still be granted a 12 months visa if approved.

Together, these changes provide more certainty in the short-term while businesses look to recover from COVID-19 and enable employers to utilise the skills of work visa holders they already employ.

These changes provide a pathway to the Government's planned implementation of reforms to the employer-assisted temporary work visa system in mid-2021. When fully implemented, these changes will mean that a strengthened labour market test will be applied to lower-paid roles, and a more streamlined process will be applied to higher-paid and higher-skilled roles.

## **Remuneration replaces ANZSCO**

In line with the changes to employer-assisted work visas announced last year, from 27 July ANZSCO will no longer be used to determine whether a job is considered higher- or lower-paid. Instead, a simple remuneration threshold will be used which means that work visa applications for jobs that are paid below the median wage will need to include a Skills Match Report (SMR) from the Ministry of Social Development. The duration of the visa will also be dependent on whether the individual will be paid above or below the national median wage.

We will be emailing you again in the next couple of days to provide more detailed information about this upcoming change, so keep an eye out in your inbox later this week.

## **Frequently Asked Questions**

### **When do these changes come into effect?**

The change in duration for new lower-paid essential skills work visa applications from 12 to six months will apply to any applications made after 10 July and will be in place for the next 18 months, after which it will be reviewed.

The visa extension is automatic for most visa holders and will be applied for six months from the original visa expiry date. It will apply to onshore employer-assisted work visas expiring between 10 July and 31 December 2020 (inclusive).

## **What visa types are included in ‘employer-assisted’ work visas?**

The following types of work visas will be extended:

- Essential Skills
- Work to Residence
- Special and Skilled work visas for China, Indonesia, South Korea, Philippines and Vietnam
- Special category work visas for Japanese Interpreters and Thai Chefs
- Work visas granted under section 61 of the Immigration Act 2009 that specify an employer

## **Will the visa extension still require migrants to work at least 30 hours per week?**

Yes. Nothing has change in respect of visa conditions. Visa conditions that require the visa holder to work in a specified occupation and for a specified employer remain in place, as well as the visa requirement that the employment is for 30 hours a week.

## Contact details

Please contact us should you have any questions and queries, initially by email.

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