

APRIL
2010

Changes to Immigration Operational Policy

A CONTINUING PROFESSIONAL
DEVELOPMENT WORKBOOK FOR
PEOPLE GIVING IMMIGRATION ADVICE



INTRODUCTION

This information is provided by Immigration New Zealand, a Service of the Department of Labour. Its aim is to provide up-to-date details for licensed immigration advisers on Immigration New Zealand's 29 March release of changes to policy.

The March release will be the last 'major' release before the implementation of the Immigration Act 2009. We are working towards a date early in November 2010 for the Act implementation, and have a 'change-freeze' on our systems until that date.

There will, however, be some changes to operational policy in July 2010. These will be relatively minor, and we will provide the CPD resource in PDF format, rather than organising seminars.

Another date to remember is 4 May 2010, when all immigration advisers, onshore and offshore, must be licensed.

We hope you find this resource useful. See www.immigration.govt.nz for more information.

Welcome to the CPD Workshop

- Keep you up-to-date with changes in operational policy, processes, forms, etc.
- A chance to ask questions.
- A chance to network with others offering immigration advice.
- This is the last major release until the Immigration Act 2009 comes in.
- A small release of policy changes in July.
- 4 May 2010 offshore immigration advisers must be licensed.



March changes

- Introduction of the Silver Fern work policies.
- Introduction of Parent Retirement Category and Temporary Retirement Category
- Changes to working holiday schemes.
- Changes to variations of conditions policy.
- Pacific Access category and Samoan Quota Scheme.

TEMPORARY ENTRY: SILVER FERN WORK POLICIES

Silver Fern policies

- Made up of Silver Fern Job Search Policy and Silver Fern Practical Experience Policy.
- Aim to attract young, highly skilled people to New Zealand to find skilled employment.
- Offshore application under Job Search policy allows applicant to come and look for a job for nine months.
- When they have a job offer, apply under Practical Experience policy.

Two Silver Fern policies

There are two Silver Fern policies:

- Silver Fern Job Search Policy
- Silver Fern Practical Experience Policy.

Objectives are

- attracting highly skilled young people to New Zealand
- matching these workers to the needs of the economy by providing a pathway to remain in New Zealand upon gaining skilled employment.

Process

1. Highly-qualified young people offshore apply under Silver Fern Job Search Policy.
2. If successful, they're granted an open work visa/permit for nine months.
3. They come to New Zealand to look for a skilled job (can take a non-skilled job while searching).
4. When they have a job offer that meets the requirements, they can apply for a Silver Fern Practical Experience work permit.

The online application system will open on 27 April.

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The policy can be found under WL in the operational manual.

Silver Fern Job Search Policy

Silver Fern Job Search Policy

- Applicants aged 20-35.
- Offshore applications only.
- Nine-month visa allows search for skilled work.
- 300 places each year.
- Online applications only.

After the online application is complete and the fee is paid, INZ sends a letter outlining what evidence is required.

The 'job search' policy allows people aged between 20 and 35 who are based offshore during the application process, and have recognised qualifications, to come to New Zealand for up to nine months in search of skilled work.

There are 300 places available each year, beginning 27 April 2010.

You'll find the policy at WL2 in the operational manual.

Online application system

The quota will be managed by an online application system. Applicants confirm they meet the requirements and pay a fee, then are sent an email telling them what evidence to send.

Because applications can only be made online, there's no new application form. See the policy at WL in the operational manual.

Silver Fern Job Search: Requirements

- Applicants aged 20-35 years.
- Outside NZ during application process.
- Recognised qualification.
- SMC English language requirements.
- \$4,200 to support themselves.
- Full medical and police certificates required.

Partners and dependent children are not eligible under this policy.

Requirements

To be successful, applicants must:

- be aged between 20 and 35 years
- be outside New Zealand during the application process
- hold a recognised Bachelor's degree, higher qualification or a recognised trade qualification with a minimum of two years of work experience in that trade
- meet the same English language requirements as Skilled Migrant Category
- hold a minimum of NZ\$4,200 to support themselves during their stay.

Full medical and character evidence required

Because applicants must **intend** to find long-term skilled employment people intending to stay in New Zealand for more than 12 months need to meet health requirements and those intending to stay more than 24 months need to meet health and character requirements, regardless of the duration of the visa/permit itself.

Applicants will have to provide completed *Medical and Chest X-ray Certificate (INZ 1007)* and police certificates from all countries they've lived in two years or more in the last 10 years.

Family members

Partners and children of Silver Fern Job Search visas/permits holders are not eligible for visas or permits as accompanying family members under this policy.

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Qualifications requirements

Silver Fern Job Search: Requirements

NZQA assessment of qualification unless:

- It's on the LQEA
- Applicant has registration that NZ registration authority assesses as comparable.

Tertiary qualifications:

- NZ bachelors degree (L7) or +.

Hold or be able to obtain occupational registration if required for the job..

The Silver Fern Job Search policy is for highly skilled people with recognised qualifications. Applicants will need to provide a New Zealand Qualifications Authority (NZQA) assessment (either an International Qualification Assessment or a Qualifications Assessment Report) of their qualification, unless:

- the qualification is on our List of Qualifications Exempt from Assessment (LQEA), or
- the applicant has full or provisional registration and their qualification has been assessed by a New Zealand registration authority as being comparable to a New Zealand qualification on the LQEA.

Tertiary qualifications

Tertiary qualifications must be equivalent to a New Zealand bachelors degree (level 7) or higher.

Registration

If an applicant has a qualification required for a job where registration is compulsory in New Zealand must show that they hold, or can obtain, registration.

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Silver Fern Job Search: Requirements

Trade qualifications:

- equivalent to NZ National Certificate or related to an occupation on Parts B and C of the list of skilled occupations.

Where applicant qualifies with trade qualification and work experience, the experience must be:

- relevant to the trade qualification
- gained after the qualification was completed
- gained in a comparable labour market.

Trade qualifications

Trade qualifications must be:

- equivalent to a New Zealand National Certificate, and
- related to an occupation on Parts B and C of the list of skilled occupations (Appendix 11).

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Work experience for trade qualifications

The work experience required to qualify for the policy with a trade qualification must be:

- relevant to the trade qualification
- gained after the qualification was completed
- gained in a comparable labour market in line with SMC policy.

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Silver Fern Practical Experience Policy

Silver Fern Practical Experience Policy

- Silver Fern Job Search permit holders with a job offer can apply.
- Job offers must be for 12 months or more.
- They can work in that job for up to two years.

Duration of visa/permit matches the duration of the job offer, maximum of two years.

Permit holders with shorter-term contract and further job offer can apply for the balance.

When they find a skilled job in New Zealand, Silver Fern Job Search permit holders can apply for a Silver Fern Practical Experience visa/permit. This will allow them to work in that employment for up to two years.

The policy is designed so that people who meet the requirements will be likely candidates for residence under the Skilled Migrant Category.

There is no annual limit to the number of people who can apply under the Silver Fern Practical Experience Permit.

You'll find the policy at WL3 in the operational manual. Applications can be made using the *Work Visa/Permit Application (INZ 1015)*.

Job offers must be for 12 months or more. Visa/permit duration will match the duration of the offer of employment, up to a maximum of two years. If the permit holder has a shorter-term contract and obtains further employment, they can apply for a further work visa/permit up until they reach the maximum of two years.

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Silver Fern Practical Experience: Requirements

Applicants must have:

- a Silver Fern Job Search visa, or initial Silver Fern Practical Experience visa valid less than 24 months.
- an offer of skilled employment current for at least 12 months.
- occupational registration in New Zealand if it is required for the job
- no previous Silver Fern Practical Experience visas or permits totalling more than two years.

Requirements

Applicants must:

- hold a Silver Fern Job Search visa, or an initial Silver Fern Practical Experience visa valid for less than 24 months
- have an offer of skilled employment which is current for a period of at least 12 months
- hold occupational registration in New Zealand if it is required for the job
- not have held previous Silver Fern Practical Experience visas or permits totalling more than two years.

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Health and character

Because they would have submitted full medicals and character evidence, with the job search application, practical experience applicants normally will not need to submit any more evidence.

Silver Fern Practical Experience: Requirements

Job offers must:

- meet Skilled Migrant Category requirements
- be current for at least 12 months
- be for full-time employment
- be genuine
- be paid by salary or wages or in terms of a contract for service (not by commission or retainer)
- meet generic work visa and permit policy.

Skilled employment requirements

To qualify as skilled employment for a Silver Fern Practical Experience visa or permit, an offer of employment must meet the requirements for skilled employment under the Skilled Migrant Category.

Skilled employment is employment that requires specialist, technical or management expertise.

An offer of employment in an occupation included as a skill level one, two or three occupation in the Australian and New Zealand Standard Classification of Occupations (ANZSCO) may be considered skilled employment (providing certain policy requirements are met). (See Appendix 11 of the Operational Manual.)

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Other employment requirements

Job offers must also:

- be current for at least 12 months
- be for full-time employment
- be genuine
- be paid by salary or wages or in terms of a contract for service (not by commission or retainer)
- meet generic work visa and permit policy (W2.10).

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RESIDENCE POLICY: PARENT RETIREMENT CATEGORY

Parent Retirement Category

- Provides residence to investors with family in New Zealand.
- Part of the family sponsored stream of NZRP.
- Priority given to applications under Parent Retirement Category over Family Parent applications.
- Applicants must have adult child who's a New Zealand citizen/resident, and centre of gravity in New Zealand.

The objective of the Parent Retirement Category is to provide residence to those with family links to New Zealand who wish to make a significant contribution to New Zealand's economy.

Applicants approved under the new Parent Retirement Category will be included as part of the annual allocation of places for the Family Sponsored stream of the New Zealand Residence Programme (NZRP).

Parent Retirement Category applications will be given priority over Family Parent applications.

See the policy at F8 in the operational manual. The form *Parent Retirement Category Residence Application (INZ 1170)* and *Parent Retirement Category Guide (INZ 1171)* are available from the website now, and will be available in printed form shortly.

Applicants must have an adult child who lives in New Zealand and is a New Zealand citizen or resident. There are no sponsorship requirements.

The applicant's centre of gravity must be in New Zealand.

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Parent Retirement Category

Funds:

- NZ\$1 million for investment and
- NZ\$0.5 million settlement and
- NZ\$60,000 annual income.

Funds must meet the requirements and be in an acceptable investment.

Applications will be processed by INZ's Business Migration Branch.

Investment and settlement funds and/or assets

Applicants must nominate funds and/or assets equivalent to at least:

- NZ\$1 million for investment funds, and
- NZ\$0.5 million for settlement funds

They must also be able to show an annual income of NZ\$60,000 at the time of application.

The funds must:

- be unencumbered, ie not subject to any mortgage, lien, charge and/or encumbrance (whether equitable or otherwise) or any other creditor claims
- have been earned or acquired legally
- be transferable through the banking system.

Investment funds have to be placed in an acceptable investment(s) in New Zealand. If the application is approved the investment funds must be retained in an acceptable investment(s) for four years.

All applications will be processed by INZ's Business Migration Branch.

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VISITOR POLICY: TEMPORARY RETIREMENT CATEGORY

Temporary Retirement Category

- For visitors who want to stay longer in NZ.
- Two-year multiple entry visitor's visa.
- Applicants aged 66 and over.
- Must hold comprehensive travel insurance.

The Temporary Retirement Category is a special visitor's policy designed for those who wish to invest in New Zealand and stay here longer than general visitor policy allows.

See the policy at V3.120 in the operational manual. The form *Temporary Retirement Category Visitor's Visa/Permit Application* and *Temporary Retirement Category Visitor's Visa/Permit Guide (INZ 1173)* are available from the website now, and will be available in printed form shortly.

Successful applicants will be issued with a two-year multiple entry visitor's visa that allows for travel in and out of New Zealand.

The principal applicant must be aged 66 or over. They have to hold comprehensive travel and/or health insurance for the duration of their stay.

Temporary Retirement Category

Funds:

- NZ\$0.75 million for investment and
- \$NZ0.5 million settlement and
- NZ\$60,000 annual income.

Funds must meet the requirements and be in an acceptable investment.

Investment funds and/or assets

Applicants must nominate funds and/or assets equivalent to at least:

- NZ\$0.75 million for investment funds
- NZ\$0.5 million for maintenance funds.

They must also be able to show an annual income of NZ\$60,000 at the time of application.

Intended investment funds must:

- be unencumbered, ie not subject to any mortgage, lien, charge and/or encumbrance (whether equitable or otherwise) or any other creditor claims
- have been earned or acquired legally
- be transferable through the banking system.

Investment funds have to be placed in an acceptable investment(s) in New Zealand. If the application is approved the investment funds must be retained in an acceptable investment(s) for two years.

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TEMPORARY ENTRY: WORKING HOLIDAY SCHEMES (WHS)

Working Holiday Schemes

- New Slovenia WHS (100 places, 5 April).
- New Spain WHS (200 places, 20 April).
- Canada WHS age limit 18-35.
- Chile, Argentina and Taiwan online only.
- Hong Kong places increase to 400.
- Japan three-month restriction removed.

Slovenia WHS introduced

100 WHS visas are available annually under the Slovenia Working Holiday Scheme. Young Slovene citizens can make their applications online or manually. The scheme opens 5 April 2010.

Spain WHS introduced

200 WHS visas are available annually under the Spain Working Holiday Scheme. Young Spanish citizens can make their applications online or manually. Opens 20 April 2010.

Canada WHS age limit

The age limit for the Canada WHS has changed from 18-30 to 18-35 years.

Chile, Argentina and Taiwan WHSs online only

Application can now only be made online under the Chile, Argentina and Taiwan working holiday schemes.

This will make the application process more transparent; previously the quotas for these schemes have filled very quickly, and INZ has had to return manual applications to disappointed applicants.

In addition, the Taiwan office receives more applications than places available under the scheme, and staff numbers are being reduced as a result of Taiwan's new visa-free status.

Hong Kong WHS places increase

The number of places available each year is increasing from 200 to 400.

Japan WHS three-month restriction removed

Japanese working holidaymakers are no longer restricted to work for a maximum of three months with the same employer.

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RESIDENCE: SPECIAL POLICIES

Other changes

- Holders of work/visitor's permits can legally undertake ITO training.
- PAC and SQS minimum income requirement.
- PAC and SQS registration takes place in May this year.
- SQS registrations to Auckland Pacific branch.

Pacific Access Category and Samoan Quota Scheme

Minimum income requirement

The minimum income requirement for offers of employment for applicants under Pacific Access Category and Samoan Quota Scheme has increased from \$29,939.52 to \$30,556.24 (an increase of \$616.72).

The minimum income requirement for principal applicants with dependent children is based on:

- Unemployment Benefit (married and civil union rate) PLUS
- the maximum Accommodation Supplement.

The Unemployment Benefit rate has increased from \$350.76 to \$362.62 gross per week since the policy was last amended. The maximum Accommodation Supplement has not changed.

Administrative changes

The registration period this year for both will run from 1-31 May, rather than taking place in April as previously.

Registrations under the Samoan Quota Scheme will no longer be able to be lodged at the Apia branch. All registrations must be sent to our Auckland Pacific branch. (This has been publicised extensively in Samoa.)

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FORMS AND GUIDES

Forms and guides	
<p>New:</p> <ul style="list-style-type: none"> • Temporary Retirement Category Visitor's Visa/Permit Application • Temporary Retirement Category Visitor's Visa/Permit Guide (INZ 1173) • Parent Retirement Category Residence Application (INZ 1170) • Parent Retirement Category Guide (INZ 1171). <p>These are being printed at the moment, available soon.</p>	

Number	Name	Change
1003	Self-Assessment Guide for Residence in New Zealand	Addition of Parent Retirement Category reference
1014	Financial Undertaking for a Student	Clarification of evidence required for students not in New Zealand
1015	Work Visa/Permit Application	Addition of Silver Fern Practical Experience Policy
1016	Work Visa/Permit Guide	Addition of Silver Fern Practical Experience Policy
1020	Application for a Variation of Conditions	Removal of 'education' in reference to 'education provider' for work permit holders
1028	Fees Guide	Note clarifying exclusion of dependent children in Temporary Retirement Category application. Addition of Temporary Retirement Category and Parent Retirement Category.
1085	Working Holiday Scheme Work Visa/Permit Application	Notifying online applications only for Argentina, Chile, China and Taiwan working holiday schemes
1086	Samoan Quota Registration Form	Redesign and update for 2010 quotas
1092	Pacific Access Category Registration Form	Redesign and update for 2010 quotas
1113	Employer Supplementary Form Work Permit/Visa Application	Redesign and updated with Silver Fern Practical Experience Policy. Question added about recent or potential redundancies in employer's business.
1117	Information for Airlines	New online working holiday schemes for Spain, Slovenia and Taiwan
1170	Parent Retirement Category Residence Application	New form for applying for residence in New Zealand as a retired parent
1171	Parent Retirement Category Guide	New guide to completing the Parent Retirement Category Residence Application
1172	Temporary Retirement Category Visitor's Visa/Permit Application	New form for applying for a visitor's visa/permit to visit New Zealand as a retired parent
1173	Temporary Retirement Category Visitor's Visa/Permit Guide	New guide to completing the Temporary Retirement Category Visitor's Visa/Permit Application

New forms and guides are being printed at the moment.

Forms and guides, contd.

- Several other forms and guides updated in line with policy changes.
- No previous versions of forms or guides need to be disposed of immediately because of these updates. All forms are valid until July 2010.
- More information: www.immigration.govt.nz/forms.

Several other forms and guides have been updated in line with policy changes. Previous versions can be accepted until 31 July; there is no need to dispose of the stock that you have immediately.

IMMIGRATION ACT 2009

Fact sheets regarding the various changes introduced by the Immigration Act 2009 are available at www.dol.govt.nz/actreview/factsheets. FAQs will be available online soon.