

NOVEMBER  
2009

# 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 30 November release of changes to policy.

In the build-up to the November release, we took the decision to provide this Continuous Professional Development (CPD) resource in this format, rather than once again hosting workshops as we did with the July 2009 release. While the workshops were a success, and INZ staff and immigration advisers alike found them a useful opportunity, and a good developmental tool, we decided that because the policy changes in the 30 November release are not as extensive or complex as those in the last release, they could be communicated effectively through other means.

We intend to revisit the CPD workshop format in the next release (the release itself is scheduled for 29 March 2009). In addition to changes in March, we'll be looking forward to a busy year in the immigration business, with the implementation of the Immigration Act 2009. We will keep you informed about the details closer to the time.

We hope you find this resource useful. See [www.immigration.govt.nz](http://www.immigration.govt.nz) for more information.

### November changes

- Student policy changes.
- Minimum income threshold for Essential Skills.
- Introduction of the Entrepreneur Plus Category.
- Special work policies for Philippines and Vietnam.
- Taiwan visitors visa-free.
- Working Holiday Scheme changes.

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## TEMPORARY ENTRY: WORK

### Essential skills

#### Essential Skills minimum income threshold

- Essential Skills work permit holders who want dependent children to live with them in NZ must earn at least \$33,675.
- Assessment made when child's application made.
- Does not apply to applicants whose parents were granted a work permit before 30 November 2009, or applicants under Samoan Quota Scheme or Pacific Access Category.

### Minimum income threshold

A minimum income threshold is being introduced for Essential Skills work permit holders who want their dependent children to live with them in New Zealand.

When the child of an Essential Skills work visa/permit holder is applying for a visitor's or student visa/permit to live with their parent(s) in New Zealand, their application must include evidence that their parent meets a minimum income threshold of NZ\$33,675 per annum gross.

Assessment will be made when an application is made for the dependent child/children.

- Does not apply to people whose parents were granted a work permit before 30 November 2009.
- Does not apply to applicants under Samoan Quota Scheme or Pacific Access Category.

Children born in New Zealand to Essential Skills work permit-holders will only be tested when their parent next applies for an Essential Skills work permit.

### Why?

This threshold has been introduced to ensure a basic standard of living for temporary migrant families while they are in New Zealand and to ensure that the living standards of migrant workers do not fall below those families supported by the income support system. Unlike residents, temporary migrants are not eligible for government benefits.

For more information, see our website's [questions and answers](#).

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## Working holiday schemes

### Working Holiday Schemes (WHS)

- Applicants must show they can meet onward travel requirements as defined in general work policy (rather than have a return ticket).

Applicants must show they can meet onward travel requirements as defined in general work policy (rather than having a return ticket to their home country).

Generic WHS policy has been clarified to state that the objective of WHS is primarily to allow young people to holiday in New Zealand, but they may also undertake work and study in accordance with their scheme.

The provision listing the types of permits a working holidaymaker can apply for has been removed, as a working holidaymaker can apply for any type of permit.

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## Philippines special work policy

### Philippines Special Work Policy

- Philippines Special Work Policy allows limited numbers of workers from the Philippines to enter for temporary employment as:
  - farm manager (max 20 at any one time)
  - engineering professional (max 20 at any one time)
  - nurse (max 100 at any one time)

There is a quota of persons who may hold a visa/permit under this policy, at any one time. A place taken under the quota will not be available to a new applicant for three years.

Along with their application form and fee, **all applicants** must:

- provide application form and fee
- have a New Zealand job offer in one of these occupations (a labour market check is NOT required under this policy)
- provide evidence they meet the qualification and experience requirements
- meet health and character requirements.

Find the policy under International/Humanitarian Work Policies at WI11.

Farm managers and engineering professionals must be ordinarily and actually resident in the Philippines at the time of the first application and applications must be lodged with INZ's Manila Branch. Further applications for the balance of the three years may be lodged in New Zealand.

Philippines nurses are not required to be resident in the Philippines at the time of application and may apply from anywhere (including from within New Zealand).

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***Farm Managers***

Farm managers must have:

- a job offer from a New Zealand employer as a farm manager
- the job offer assessed as equivalent to ANZSCO Skill Level 1
- a relevant qualification and/or work experience.

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***Engineering professionals***

Engineering professionals must have:

- a job offer from a New Zealand employer as an engineering professional
- the job offer assessed as equivalent to ANZSCO Skill Level 1
- a bachelor degree (level 7 or above) qualification registered on the International Professional Engineers register or APEC Engineers Register or Washington Accord accredited degree
- New Zealand registration, where required.

Existing policy allows the issue of three month visitor's visas to applicants who need to come to New Zealand to obtain registration. They will, however, be required to return to the Philippines to lodge their application under this policy.

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***Nurses***

Nurses must have:

- a job offer as a registered nurse
- their qualification assessed as equivalent to a New Zealand Bachelor of Nursing or Diploma in Comprehensive Nursing (diploma or hospital based certificate)
- New Zealand registration.

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## Philippines nurses registration

### Nurses from the Philippines registration

- Nurses from the Philippines may work while meeting their registration requirements. (Not restricted to nurses applying under the Philippines Special Work Policy.)

#### **Nurses do not have to be applying under the special work policy to take advantage of this change in policy.**

Philippines nurses seeking entry to New Zealand to obtain occupational registration may be issued a work visa valid for up to three months to enable them to work while studying to sit the registration examination. They must have a job offer from a District Health Board, and must have been accepted for the Nursing Council's Competence Assessment Programme.

Applicants must provide written confirmation from the appropriate registration body that they:

- are eligible to undertake the registration process in New Zealand, and
- have completed any enrolment requirements, including English language requirements

Successful applicants will be issued with a work visa valid for travel for six months from date of issue.

On arrival they may be granted a work permit for a maximum of three years, in line with their job offer, and issued a multiple entry work visa for the same period.

If the initial work permit is valid for less than three years, a further visa/permit may be issued/granted to the applicant for the balance. Applicants must still meet all the requirements of the policy.

The validity of further work visas/permits will be tied to the length of the job offer, up to a maximum of three years from the initial work permit. On completion of the three-year period, applicants must remain out of New Zealand for three years before applying for a further visa under this policy.

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## Vietnam special work policy

### Vietnam Special Work Policy

- Vietnam Special Work Policy allows limited numbers of workers from Vietnam can enter for temporary employment as:
  - chefs (max 100 at any one time),
  - engineering professionals (max 100 at any one time).

There is a quota of persons who may hold a visa/permit under this policy, at any one time. A place taken under the quota will not be available to a new applicant for three years.

Applicants must be ordinarily and actually resident in Vietnam at the time of the first application and applications must be lodged with INZ's Ho Chi Minh Branch. Further applications for the balance of the three years may be lodged in New Zealand.

Along with their application form and fee, **all applicants** must:

- have a New Zealand job offer in one of these occupations (no labour market check required)
- show they meet the qualification and experience requirements
- meet health and character requirements.

Find the policy under International/Humanitarian Work Policies at WI12.

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- issued a multiple entry work visa for the same period.

If the initial work permit is valid for less than three years, a further visa/permit may be issued/granted to the applicant for the balance.

Applicants must still meet all the requirements of the policy.

The validity of further work visas/permits will be tied to the length of job offer, up to a maximum of three years from the initial work permit.

At the end of the three-year period, applicants must remain out of New Zealand for three years before applying for a further visa under this policy.

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***Engineering professionals***

Engineering professionals must have:

- a job offer from a New Zealand employer as an engineering professional
- a job offer assessed as equivalent to ANZSCO Skill Level 1
- a bachelor degree (level 7 or above) qualification registered on the International Professional Engineers register or APEC Engineers Register or Washington Accord accredited degree
- New Zealand registration, where required.

Although existing policy allows the issue of three-month visitor's visas to applicants who need to come to New Zealand to obtain registration, they will have to return to Vietnam to lodge their application

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***Vietnamese chefs***

Vietnamese chefs must have:

- a job offer from a New Zealand employer as a Vietnamese chef
- a job offer assessed as equivalent to ANZSCO Skill Level 3
- a relevant qualification and/or work experience.

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## TEMPORARY ENTRY: STUDENT

### Student policy

- Student policy strengthened for students who apply to change their course and/or education provider.
- Young international students may be temporarily exempted from the requirement to live with their legal guardian, in emergency situations.
- 'Usually' removed from definition of legal guardian: "a 'legal guardian' ... usually provides for the care of the student in the student's home country".

#### ***Change of course and/or education provider***

Where a student wishes to change their course of study or education provider the following requirements will need to be met:

- Applicants will need to meet all student policy requirements, including the requirement to be a 'bona fide' applicant and meet the conditions of their permit.
- Immigration officers must be satisfied that the original student visa would have been issued for the proposed course of study and/or education provider.
- Applicants may provide evidence of payment of course fees after the application has been approved in principle.

INZ will also actively enforce the requirement for students to obtain a variation of conditions or a further student permit before withdrawing from their course of study and/or education provider.

This policy applies to both applications for further student permits and variation of conditions. This policy will not apply to students who are progressing onto further study, for example a student in Year 13 progressing on to tertiary studies.

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***Legal guardian***

Another change to student policy allows young international students to be temporarily exempted from the requirement to live with their legal guardian, in emergency situations.

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The word 'usually' has been removed from the definition of 'legal guardian' in student and visitor's policy: "the person who usually provides for the care of the student in the student's home country."

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## TEMPORARY ENTRY: VISITOR

### Taiwan visitors

- Taiwan is being added to the list of countries whose nationals can enter New Zealand as visitors visa-free for up to three months.

Taiwan is being added to the list of countries whose nationals can enter New Zealand as visitors visa-free for up to three months.

Taiwanese passport-holders wishing to stay in New Zealand for **more than three months**, or to live, work, marry or undertake courses of study longer than three months will still need to apply for a visa in the usual way.

Taiwanese passport holders wishing to travel to New Zealand under the visa waiver programme must have the right to reside permanently in Taiwan and must satisfy New Zealand authorities upon arrival in New Zealand that they meet the standard visa admission requirements.

#### **Why?**

This decision has been taken as part of a wider review of New Zealand's visa waiver assessment framework undertaken earlier this year. New Zealand's visa waiver programme is designed to reduce costs and facilitate travel for tourists, short-term students and business people.

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## TEMPORARY ENTRY: TRANSIT

Transit	
<ul style="list-style-type: none"><li>• Nine additions to transit visa country waiver list:<ul style="list-style-type: none"><li>• Bolivia</li><li>• Costa Rica</li><li>• Ecuador</li><li>• Indonesia</li><li>• Panama</li><li>• Paraguay</li><li>• Philippines</li><li>• Thailand</li><li>• Venezuela.</li></ul></li></ul>	

Nine countries are being added to the list of countries whose citizens do not need a transit visa to transit through New Zealand.

- Bolivia
- Costa Rica
- Ecuador
- Indonesia
- Panama
- Paraguay
- Philippines
- Thailand
- Venezuela

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## RESIDENCE: BUSINESS

### Entrepreneur Plus Category

- Prioritises high-value entrepreneurs by providing a quicker path to conditional residence for LTBV/P holders who:
  - invest at least NZ\$0.5 million and
  - create at least three full-time jobs for New Zealand citizens or residents.
- In all other aspects the Entrepreneur Plus Category mirrors the existing Entrepreneur Category.

To be approved residence under the Entrepreneur Plus Category, applicants must hold a long-term business permit and have:

- successfully established a business in New Zealand and;
- been 'self-employed' in their business and;
- transferred at least NZ\$0.5 million through the banking system to New Zealand and;
- invested at least NZ\$0.5 million in their business and;
- created a minimum of three new full-time jobs for New Zealand citizens or residents (this is in addition to existing staff if they purchase a business) and;
- a minimum English language ability of IELTS 4 and;
- met health and character requirements.

Unlike the Entrepreneur Category, applicants do not need to have operated their business for a specified time period to be successful under this category.

Find the policy under Residence: Business Policies at BL.

For more information see our [questions and answers](#).

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## OTHER CHANGES

### Appendices and lists

Updates to:

- List of Qualifications Recognised as an Exception
- List of Qualifications Exempt from Assessment
- Long-Term Skill Shortage List (LTSSL)
- Immediate Skill Shortage List (ISSL).

LTSSL and ISSL effective 26 November 2009.

### LQEA

Updated qualification and institution information for:

- Australia
- India
- Iran
- Israel
- Japan
- Romania
- Singapore
- South Pacific countries (Fiji, Cook Islands, Kiribati, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu, and the Marshall Islands)
- Switzerland
- Thailand
- Zimbabwe.

### List of Qualifications Recognised as an Exception

To align with the treatment of trade qualifications from other countries, Zimbabwe exceptions are being updated to state that the qualification must be relevant to an occupation in Part B of the List of Skilled Occupations (trade and technical occupations).

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## **LTSSL**

### ***Additions***

- Life Scientist (Regulatory Toxicologist) (234599)
- Supply and Distribution Manager (Procurement Professional) (133611)
- Medical Oncologist (253314)
- Physicist (Medical) (234914)
- Diesel Motor Mechanic (321212)

### ***Deletions***

- Airconditioning and Refrigeration Mechanic (342111)
- Boatbuilder and Repairer (399111)
- Fitter & Turner (323212)
- Fruit or Nut Grower (Orchard Manager) (121213)
- Market Gardener (Crop Production/ Agronomist Manager) (121221)
- Mixed Crop Farmer (Grower Manager) (121216)

### ***Changes to requirements***

- Auditor (221213, 221214)
- Engineering Professionals (233111 to 233999), Telecommunications Engineering Professionals (263311, 263312)
- Clinical Psychologist (272311), Educational Psychologist (272312)
- Medical Diagnostic Radiographer (251211), Medical Radiation Therapist (251212), Nuclear Medicine Technologist (251213)
- Medical laboratory Scientist – including cytotechnologist (cytoscience) (234611)
- Nurse – includes Nurse Manager (254311), Nurse Researcher (254212), Nurse Practitioner (254411), Registered Nurses (254412 to 254499)
- Obstetrician and Gynaecologist (253913)
- Occupational Therapists (252411)
- Pharmacists (Hospital, Industrial and Retail) (251511 to 251513)
- Physiotherapist (252511)
- ICT Professionals (261111 to 263312), ICT Customer Support Officer (Technical advice and Consultancy) (313112), Organisation and Methods Analyst (224712), ICT Project Manager (135112)
- Multimedia Designer (Film Animator) (232413)
- Electronic Engineering Technician (312412)
- Electronics Engineer (Design Engineers - Electronics / Product Engineer) (233411)
- Management & Project Management staff (139999)
- Chef (351311)

## Forms and guides

- Several updates in line with policy changes
- General residence and Skilled Migrant Category forms and guides redesigned (minimal content changes).

### **New**

- *Entrepreneur Plus Category Application for Residence (INZ 1169)*
- *Entrepreneur Plus Category Guide (INZ 1168)*

### **Forms**

- *Student Visa/Permit Application (INZ 1012)*
- *Work Visa/Permit Application (INZ 1015)*
- *Visitor's Visa/Permit Application (INZ 1017)*
- *Application for a Variation of Conditions (INZ 1020)*
- *Application for Residence in New Zealand under the Entrepreneur and Employee of a Relocating Business Categories (NZIS 1056)*
- Form for partners supporting partnership-based temporary entry applications (INZ 1146)

### **Guides**

- *Student Visa/Permit Guide (INZ 1013)*
- *Work Visa/Permit Guide (INZ 1016) Guide*
- *Visitor's Visa/Permit Guide (INZ 1018) Guide*
- *Fees Guide (INZ 1028)*
- *Guide to Applying for residence under Entrepreneur and Employee of a Relocating ... (NZIS 1057)*
- *English Language Information (INZ 1060)*
- *Information for Airlines (INZ 1117)* – Taiwan added list of visa-waiver countries; additions to the list of transit visa-waiver countries.

### **Forms and guides redesigned**

- *Residence Visa/Permit Application (INZ 1000)*
- *Additional Dependants for Residence (INZ 1001)*
- *Residence Visa/Permit Guide (INZ 1002)*
- *Self-Assessment Guide for Residence (INZ 1003)*
- *Returning Resident's Visa Application (INZ 1004)*
- *Returning resident's Visa Guide (INZ 1005)*
- *Sponsorship Form for Residence (INZ 1025)*
- *Talent (Arts, Culture and Sports) Sponsorship Form (INZ 1091)*
- *Expression of Interest Form (INZ 1100)*
- *Expression of Interest Guide (INZ 1101)*
- *EOI Child Supplement (INZ 1103)*
- *Application for Residence Guide (INZ 1105)*