



3 August 2021

Wenyu Tang

By email: fyi-request-15917-f94a6f4f@requests.fyi.org.nz

File No: DOIA 2021-2671

Dear Wenyu Tang

Thank you for your email of 28 June 2021, requesting the following information under the Official Information Act 1982 (the OIA):

1. How many skilled resident category visa (smc&rfw) application has been escalated by MBIE to add to priority queue based on the reason of secondary applicant reaching high salary threshold or getting occupation registration (not main applicant only secondary applicant) from Feb 2020 to the time you receive this request, please list a number of data by the reason (occupation registration/high salary) on a monthly basis.

2. Under those escalated applications that speed up to priority queue by the reason of secondary applicant getting occupation registration, could you please list the number of these applications based on occupation name or category from Feb 2020 to the time you receive this request.

Our response

1. How many skilled resident category visa (smc&rfw) application has been escalated by MBIE to add to priority queue based on the reason of secondary applicant reaching high salary threshold or getting occupation registration (not main applicant only secondary applicant) from Feb 2020 to the time you receive this request, please list a number of data by the reason (occupation registration/high salary) on a monthly basis.

Only principal applicants can meet the priority criteria to have their Skilled Residence applications prioritised under A16.1 of the Immigrations New Zealand (INZ) immigration instructions: <https://www.immigration.govt.nz/about-us/policy-and-law/how-the-immigration-system-operates/immigration-instructions>.

These instructions do not prevent immigration officers according urgency to the processing of any particular visa application when the individual circumstances so warrant that. INZ has a process called Employment Visa Escalations (EVE) to respond to escalation requests for urgent allocation for employment related visas (and associated family members) for both Temporary Work Visas and Skilled Resident Visas.

A request for escalation under the EVE process will generally be considered against the following categories:

- compelling personal circumstances
- humanitarian factors, and
- matters of national interest.

If a secondary applicant in a skilled residence application meets the priority categories for skilled residence applications (pay rate equivalent to or higher than twice the median wage, or occupational registration) this could be considered as a contributing factor amongst other circumstances that result in an application being escalated under the EVE process.

2. Under those escalated applications that speed up to priority queue by the reason of secondary applicant getting occupation registration, could you please list the number of these applications based on occupation name or category from Feb 2020 to the time you receive this request.

We are unable to confirm how many skilled residence applications have been escalated via the EVE process since February 2020 due in part to the secondary applicant meeting the priority categories. This is because while we keep records of which overarching EVE category each escalated visa application met (compelling personal circumstances; humanitarian factors; and/or matters of national interest), the underlying contributing circumstances are not held in a reportable format. In order to determine how many skilled residence applications have been escalated via the EVE process since February 2020 due in part to the secondary applicant meeting the priority categories, we would need to individually review each skilled residence application escalated via the EVE process in that time period.

We are therefore refusing this section of your request under section 18(f) of the OIA, because the information requested cannot be made available without substantial collusion. We have considered whether consulting with you would enable you to make the request in a form that would result in the release of information; however we do not consider that it would. Providing this information would remove Ministry staff from their core duties and therefore the greater public interest in the effective and efficient administration of the public service would not be served. I have considered whether the Ministry would be able to respond to your request given extra time or the ability to charge for the information requested. I have concluded that, in both cases, the Ministry's ability to undertake its work would still be prejudiced.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact Anna McLachlan, Senior Business Advisor, Operations Support, INZ at Anna.McLachlan@mbie.govt.nz.

Yours sincerely



Nicola Hogg
General Manager, Border and Visa Operations
Immigration New Zealand
Ministry of Business, Innovation and Employment