



16 December 2022

Muhammad
fyi-request-21187-91a21e5f@requests.fyi.org.nz

File No: DOIA 2223-1080

Dear Muhammad,

Thank you for your email of 22 November 2022 to the Ministry of Business, Innovation and Employment (MBIE), requesting under the Official Information Act 1982 (the Act), the following information:

*“1 - how many paper based SMC applications are still in process who have applied from Dec 2019 till Mar 2020. Please divide them into onshore and offshore and month-wise.
2- Some of these applicants were not eligible for RV21 and/or haven't applied for RV21, please indicate those separately.
3- Why all the onshore SMC applicants were not eligible for RV21? And who is responsible for pushing them behind the queue?
4- Now, while these people are suffering from drastic changes in immigration policies and settings, Will minister or immigration New Zealand formally apologise to these applicants? Because they are suffering from immigration policies which were not even available at the time of their applications. Some of them are waiting from 3 years since they submitted the application.
5- What's the time frame to process all these existing paper based SMC applications or these applicants will be in limbo and wait for another 2-3 years?
6- Please provide the information how many immigration officers are working on these old SMC applications.”*

Our response

Question one

Please refer to Appendix One Table One for the response to this part of your request.

Question two

Your request with regard to the applicants who were not eligible for the 2021 Resident Visa is refused under section 18(g) of the Act as the information requested is not held by MBIE or believed to be held by another department. However, as at 10 December 2022, there are 217 principal applicants whose paper-based Skilled Migrant Category (SMC) applications are still in process who had applied between 1 December 2019 and 31 March 2020 and have not applied for the 2021 Resident Visa.



Question three and four

The 2021 Resident Visa was a one-off residence pathway intended to provide certainty for onshore migrants, their families, and their employers about their ability to remain in New Zealand, at a time of uncertainty owing to the necessary closure of New Zealand's border as part of the health response to COVID-19. Eligibility for the 2021 Resident Visa was focused on people who were already in New Zealand for the primary purpose of working long term. Many of these people already had either expressions of interest or applications submitted for SMC, and this new pathway presented these people an alternative and streamlined residence pathway. It is possible that some people with either expressions of interest or applications submitted for SMC were not eligible for the 2021 Resident Visa, as they did not meet the eligibility criteria. Applicants for the 2021 Resident Visa needed to be onshore on 29 September 2021 on one of several specified work visas that supported long-term work, and either:

- have lived in New Zealand for three or more years, or
- earn above the median wage (\$27 per hour or more), or
- work in a 'scarce' role.

The Government has acknowledged that some migrants have missed out on the 2021 Resident Visa given the eligibility criteria. However limits on eligibility for the visa were needed to ensure that there would be a fast processing and a streamlined application process for the many expected applicants. People who had submitted applications or expressions of interest for SMC were not excluded from applying – those with applications lodged were actually able to apply earlier (from 1 December 2021) than all other potential applicants (from 1 March 2022). There are other options for residence available to those who were not eligible for the 2021 Resident Visa, the Government was conscious that nobody should end up worse off, and many people have much more favourable outcomes than they may have otherwise expected.

Whether applicants met the eligibility criteria and whether they chose to apply for the 2021 Resident Visa are the determining factors for prioritisation of their application.

Question five

All existing paper-based applications have been allocated to immigration officers and processing times will depend on the nature of the application. Please refer to the INZ website for up to date information on processing times: <https://www.immigration.govt.nz/new-zealand-visas/waiting-for-a-visa/how-long-it-takes-to-process-your-visa-application/smc-and-rfw-timeframe-information>

Question six

As at 14 December 2022, there are 31 immigration officers working on Skilled Residence applications.

You have the right to seek an investigation and review by the Ombudsman of the Ministry's response to your request, in accordance with section 28(3) of the Act. 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 INZOIAs@mbie.govt.nz

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Jock Gilray', written in a cursive style.

Jock Gilray
General Manager, Border and Visa Operations (Acting)
Immigration New Zealand

Appendix One

Table One Skilled Migrant Category (SMC) applications (principal applicant only) which are still in process and were submitted between 01 December 2019 and 31 March 2020, broken down by submitted months and offshore/onshore.

Accepted Month	Submitted Offshore	Submitted Onshore	Subtotal
December 2019	43	11	54
January 2020	58	6	64
February 2020	44	15	59
March 2020	42	15	57
Total	187	47	234