
English Language Requirements

March 2023
Section 9(2)(a)

SESSION OVERVIEW

- Aim and intent
- Minimum standard of English language for principal applicants
 - Acceptable English language test results for principal applicants
- English language requirements for non-principal applicants
 - Acceptable English language test results for non-principal applicants
- English language requirements for partners where both points are claimed for the partner's skilled employment or recognised qualifications
- Pre-purchase of ESOL tuition



Aim and Intent (SM4.1)

- a. Principal applicants under the Skilled Migrant Category are required to meet a minimum standard of English to enable successful settlement and skilled employment in New Zealand.
- b. Non-principal applicants (partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application) are required to meet a minimum standard of English or to pre-purchase ESOL tuition, to enable successful settlement in New Zealand.



Minimum standard of English language for principal applicants (SM4.5)

- a. Applications under the Skilled Migrant Category **must be declined** if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide acceptable English language test results no more than **two years old** at the time the application is lodged, as set out at SM4.5.5.



Minimum standard of English language for principal applicants (SM4.5)

- c. Other evidence that a principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM8) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.



Minimum standard of English language for principal applicants (SM4.5)

- d. In any case, an immigration officer may require a principal applicant to provide an English language test result in terms of paragraph SM4.5 (b). In such cases, the English language test result will be used to determine whether the principal applicant meets the minimum standard of English.
- e. Despite (b) above, if a principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 1pm on 11 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged.



Acceptable English language test results for principal applicants (SM4.5.5)

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 6.5 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 79 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 58 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	Overall score of 176 or more
Occupational English Test (OET)	Grade B or higher in all four skills (Listening, Reading, Writing and Speaking)*



English language requirements for non-principal applicants (SM4.10)

- a. Unless SM4.15 applies, partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application must:
 - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
 - ii. pre-purchase ESOL tuition (see SM4.20).
- b. Non-principal applicants meet the minimum standard of English if they provide English language test results, no more than 2 years old at the time the application is lodged, as set out at SM4.10.5.



English language requirements for non-principal applicants (SM4.10)

- c. Other evidence that a principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM8) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.



English language requirements for non-principal applicants (SM4.10)

- d. In any case, an immigration officer may require a non-principal applicant to provide an English language test result in terms of paragraph SM4.10 (b). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.
- e. Despite (b) above, if a non-principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 1pm on 11 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged.



Acceptable English language test results for non-principal applicants (SM4.10.5)

The following English language test results are acceptable:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 5.0 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 35 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 36 or more
B2 First (First Certificate in English) (formerly Cambridge English: First (FCE)) or B2 First for Schools (First Certificate in English) (formerly Cambridge English: First (FCE) for Schools)	Overall score of 154 or more
Occupational English Test (OET)	Grade C or higher in all four skills (Listening, Reading, Writing and Speaking)*



English language requirements for partners where bonus points are claimed for the partner's skilled employment or recognised qualifications (SM4.15)



A partner's skilled employment in New Zealand (see SM9.5) or recognised qualifications (see SM9.10), **only** qualify for points if the partner meets the English language requirements for principal applicants (see SM4.5).



Pre-purchase of ESOL Tuition (SM4.20)

English for speakers of other languages


- a. Instead of meeting the minimum standard of English, non-principal applicants may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to Immigration New Zealand (INZ), who collect this charge on behalf of TEC.
 - b. Applicants must pay any ESOL charge due, sign the ESOL Agreement and return it to INZ within the time specified by INZ before a resident visa is granted.
- SM4.20.1 outlines the amount of ESOL tuition to be pre-purchased based on applicant's English language test results
 - c. If an applicant has not submitted English language test results when requested, the maximum charge of NZ\$6,795 applies.



QUESTIONS?

'You are not expected to know everything, you are expected to wish to know'
- Tom Brokaw




-
- Health
 - Character
 - Risk
- 

February 2023



HEALTH, CHARACTER AND RISK

Understanding what health, character and risks checks are required

A decorative graphic at the bottom of the slide consisting of three overlapping trapezoidal shapes. From left to right, they are light blue, green, and teal. The green shape is the largest and overlaps the other two.

Session Overview:

- Medical and Chest X-ray requirements (A4.20)
- Police Check (PC) Requirements (A5.5 Section 6(c))
- Character instructions (A5.20/A5.25)
- National Security Check (NSC) Requirements Section 6(c)
- Specialist Assessment Team (SAT)
- Risk Indicator Guides (RIGs)
- Risk Assessment Team (RAT)



Medical and Chest X-ray Requirements (A4.20)

- A4.20(a) Applicants for residence class visas must include evidence that a General Medical Certificate (GMC) and Chest X-ray(CXR) certificate have been completed for every person included in the application

Note: Pregnant women and children under 11 years of age are not required to provide a Chest X-ray

- A4.20(c) All GMCs and CXRs must have been issued less than three months before the residence application is made **UNLESS**
- A4.20(d):
 - i. They have provided a GMC & CXR with a previous visa application
 - ii. These were assessed as having an acceptable standard of health
 - iii. Those certificates were issued less than 36 months prior to the date of lodgement
- A4.20(e) Despite (d) above:
 - Applicants who have spent six consecutive months in any country not listed in A4.25.10 since their previous CXR was issued must provide a new CXR which is less than three months old with their application.



Police Check (PC) Requirements (A5.5)

A5.5(b) It is a mandatory requirement for first time applicants for a residence class visa aged 17 and over to obtain a police or similar certificate from:

- i. The applicant's country of citizenship; and
- ii. Each country in which the applicant has lived for 12 months or more (whether on one visit or intermittently) in the last 10 years



New Zealand Police Check (NZPC) Requirements

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- c. Those who declare NZ convictions must always be subject to a New Zealand Police Check



Determining whether a foreign PC is acceptable

- There are a number of different ways to check whether a foreign PC meets our requirements.
- The first is to check INZ website's guide for how to obtain police certificates. This can be found at the following link: <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/character-and-identity/police-certificates>

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Commonly Triggered Character Instructions (A5.25)

Immigration instructions A5.25 lays out the various character concerns which may mean that an applicant does not meet our character instructions.

Some commonly seen concerns include the following:

- Applicant has previously been convicted of drunk driving in New Zealand
- Applicant has previously provided false and misleading information to INZ

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- Applicant has declared a previous visa refusal in New Zealand
- Applicant has declared a speeding ticket

Which character instructions do you think would be triggered by each of these situations?



Applicants ineligible for a residence class visa (A5.20)

Immigration instruction A5.20(a) states that any person described in section 15 or 16 of the Immigration Act 2009 must not be granted a residence class visa and their application will be declined UNLESS they are granted a special direction under section 17 of the Immigration Act 2009.

A5.20(b) Under section 15, the following people are not eligible for a visa or entry permission to enter or be in New Zealand:

Any person who:

- i. Anyone convicted of an offence for which they are sentenced to imprisonment for five years or more
- ii. Anyone convicted within the last 10 years of an offence for which they have been sentenced to imprisonment for 12 months or more
- iii. Anyone who is subject to a prohibition of entry to New Zealand under section 179 or 180 of the Immigration Act
- iv. Anyone who has at any time been removed or deported from New Zealand
- v. Anyone who is excluded from New Zealand
- vi. Anyone who has, at any time, been removed, excluded or deported from another country

In addition, this covers anyone who the Minister has reason to believe is likely to commit an offence in New Zealand that is punishable by imprisonment, is likely to be a threat or risk to security, public order, the public interest or is a member of a terrorist entity designated under the Terrorism Suppression Act 2002



Applications Usually Deferred (A5.35)

Immigration instruction A5.35 outlines the circumstances under which a Residence application will normally be deferred on character grounds:

- a. The applicant has an arrest warrant outstanding in any country.
 - b. The applicant:
 - i. has been charged with any offence which, on conviction, would make either A5.20 or A5.25(a) to (f) apply to that applicant; or
 - ii. is under investigation for such an offence; or
 - iii. is wanted for questioning about such an offence
- If the above situation applies, the IO must defer the application for up to six months and inform the applicant of the decision to defer
 - In cases where the deferral period is coming to an end, and the applicant is still awaiting the outcome of their charge, a subsequent deferral period may be imposed
 - This decision is to be made with appropriate consultation with Ops and Legal
 - If this second period comes to an end with no result, the IO may proceed to CW



NSC Requirements

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- 6(c) of the OIA

- 6(c) of the OIA



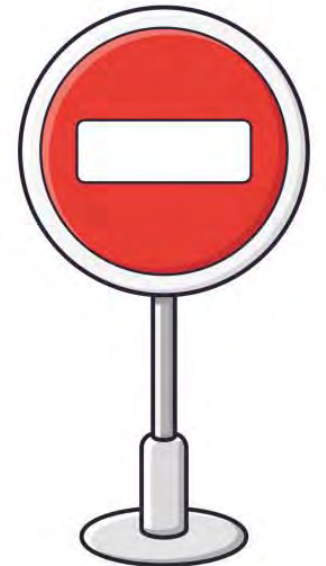
Questions?



SAT / RIG / RAT

- What does SAT stand for?
 - Specialist Assessment Team
- What does RIG stand for?
 - Risk Indicator Guide(s)
- What does RAT stand for?
 - Risk Assessment Team

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SAT Exemptions

- 6(c) of the OIA



- Section 6(c)



Section 6(c)

Section 6(c)



Section 6(c)



What forms are required and when?

- National Security Checks (NSC)
 - INZ 1209 form required

- Section 6(c)

Section 6(c)

- Section 6(c)

Section 6(c)



Mitigating Alerts and Warnings

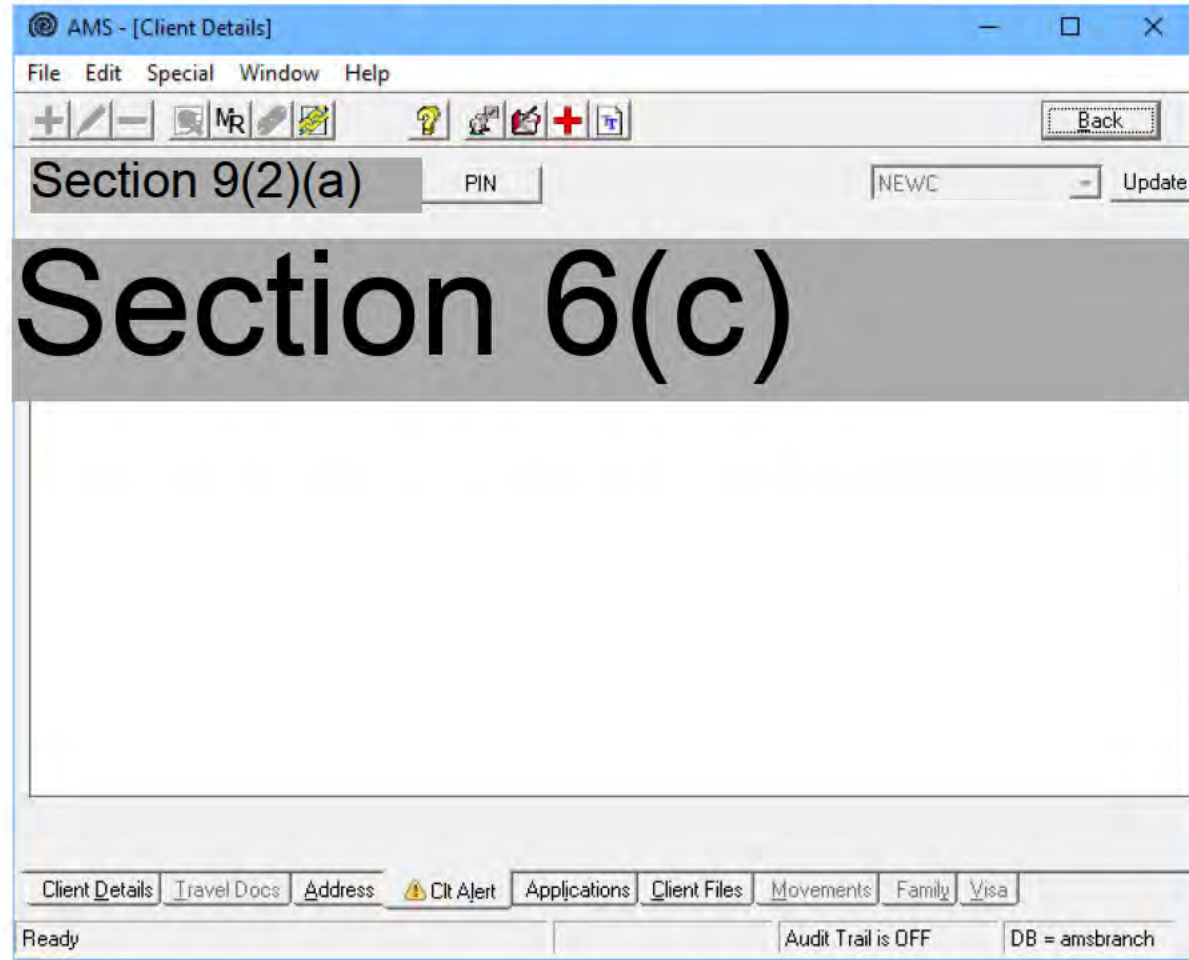
It is the IO's role to mitigate any alerts or warnings which may be present on an application. These may be listed against any of the following:

- The applicants
- The Immigration Advisor or Lawyer representing the applicant
- The applicant's employer

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Assessing Client Warnings



Checking Triage Levels & Risk Summary

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Risk Examples

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Risk Examples

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Risk Examples

Section 6(c)



Risk Examples

Section 6(c)



QUESTIONS?



Job Search Visa

May 2023

Section 9(2)(a)

Session Overview

- Approving an application
- Deferral of a decision on the resident visa application
- Which visa would be granted
- Deferral process
- Duration of deferral period



SM3.15 Approving an application

SM3.15.a.iv:

An application under the Skilled Migrant Category will be approved if an immigration officer is satisfied that the principal applicant:

- has current skilled employment in New Zealand or an offer of ongoing skilled employment in New Zealand; or
- has undertaken full-time study for at least two years in New Zealand that has resulted in the award of a Doctorate or Master's degree.

Effective 19/02/2018

SM3.20 Deferral of a decision on the resident visa application

SM3.20 (a):

The decision on a Skilled Migrant Category application will be deferred and, subject to meeting the requirements of WR5 Skilled Migrant Category Job Search Instructions, the principal applicant will be eligible for the grant of a work visa to allow them to obtain an offer of skilled employment in New Zealand if they

- i. do not qualify for points for an offer of skilled employment or current skilled employment in New Zealand; and
- ii. have not undertaken two or more years of full-time study in New Zealand that has resulted in the award of a Doctorate or Master's degree; and
- iii. meet all other requirements for approval.

Effective 28/08/2017

Which visa will be granted

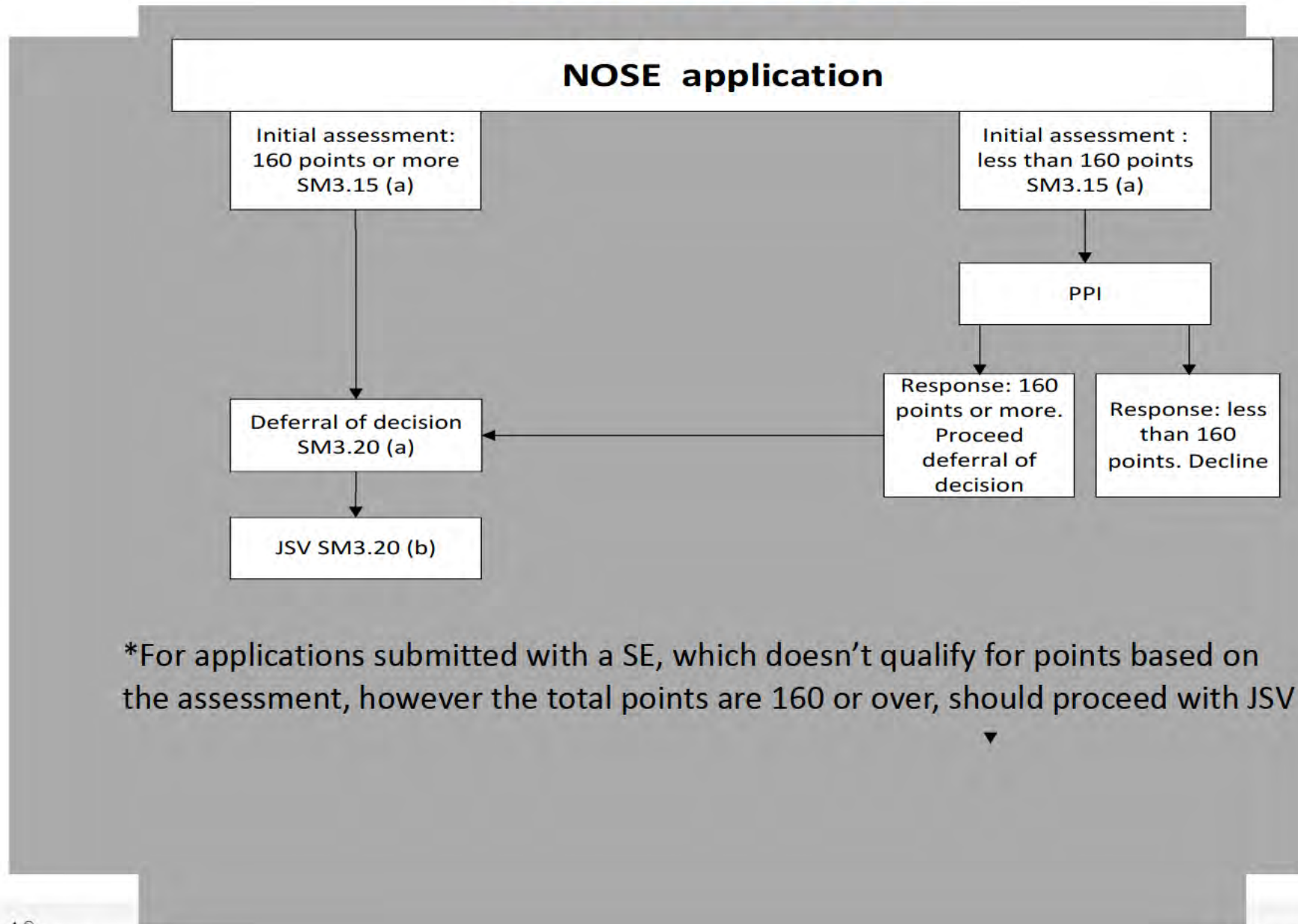
SM3.20.b

- Job search Visa (JSV): a work visa under WR5 Skilled Migrant Category Job Search Instructions

SM3.20 c (i) (ii)

- JSV must be made within **three months** of being invited

Process Chart



*For applications submitted with a SE, which doesn't qualify for points based on the assessment, however the total points are 160 or over, should proceed with JSV

Duration of deferral period (SM 3.20.1)

- Principal applicants who are in New Zealand will have the decision on their SMC application deferred for a period of **9 months** from the date their JSV is granted
- Principal applicants who are outside New Zealand will have the decision on their SMC application deferred for a period of **12 months** from the date their work visa is granted

How to process SMC offshore applications?

Complete initial assessment

Begin verification/RFI/PPI

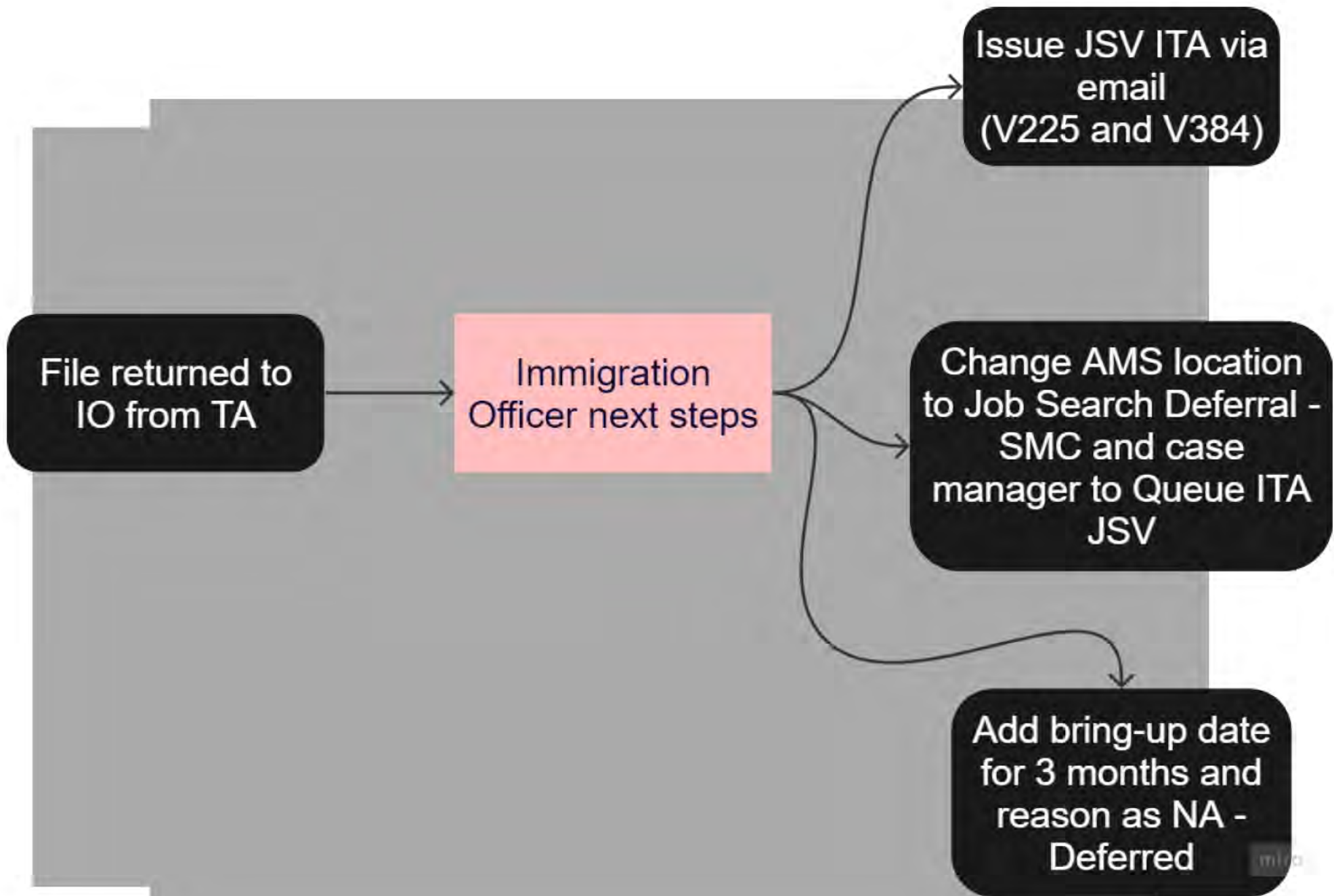
Decision:
160/180
points
requirement
met

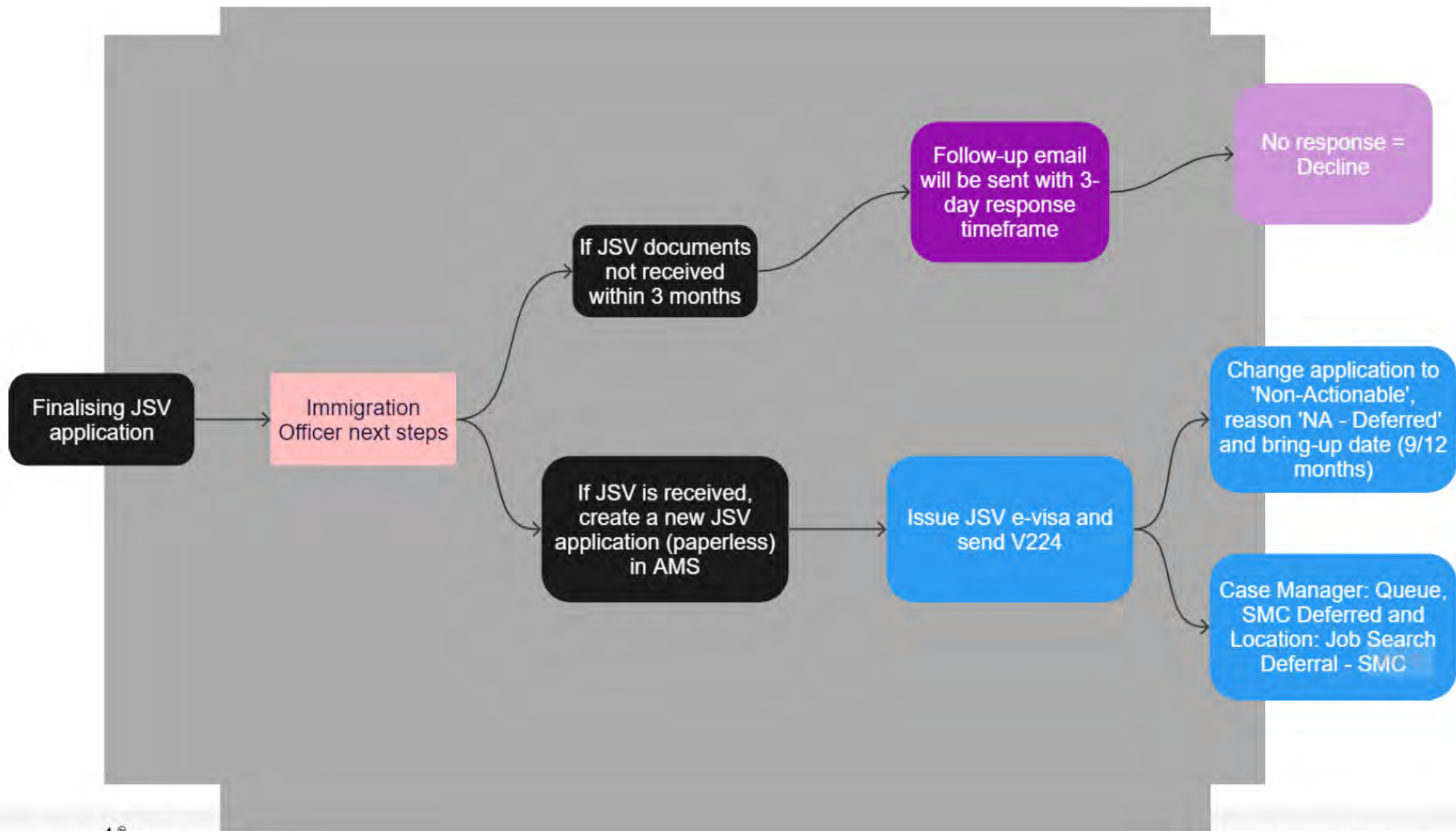
Yes

Complete English tab
and determination tab
(Do not recommend
decision on AMS)

Draft JSV letters
on TLS for QC
(V225 and V384)

Send file for QC
(TA completes QC
tool but not AMS
quality tab)





Issue JSV ITA visa via Email with the following two letters

NOTE: This is for PA only. SA and DA(s) they will need to sort out their own temporary visas if they want to come onshore.

V225 : Invitation to apply for a Skilled Migrant Category Job Search visa

Consider duration based on location of PA (onshore/Offshore)

DELETE from template “Thank you for taking part in your recent interview that was required to help us assess your application for residence under the Skilled Migrant Category (SMC).”

V384 : Skilled Migrant Category: Job Search Visa Application

Updated CXR for offshore clients no longer required as per VisaPak 511

Offshore Applicants please enter N/A for onshore address

Create Job Search Visa Application

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JSV Label Conditions

Section 9(2)(a)

Offer of Skilled Employment is received



Complete assessment of skilled employment



Satisfied to grant SE Points



Amend Determination Tab and Decide application on AMS



TA will complete QC on AMS



Support Issues Residence Visas to all applicants



Not Satisfied to grant SE Points



PPI With Due date same as JSV Expiry



If No response by due date



Decline Application (Say No for last question in determination tab)



TA will complete QC on AMS

NO Offer of Skilled Employment received within expiry date of JSV

Obtain File from Support

Send Email to client giving them 3 days to provide evidence of job offer

No Response Received

Applicant Requests for Extension

Respond to PA explaining we are unable to grant further extension

Decline Application
AMS

Any Questions?






**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Partnership, Dependency & Custody



Overview

- R2.40(d) and Reg 20(2A) recap
 - Assessing partnership
 - Partnership deferrals
 - Dependent children
 - Custody
- 

Regulation 20(2A) & R2.40(d)

Recap



Regulation 20(2A) – Fill in the gaps

- a. If any dependent child of the applicant _____ or has applied for a _____ class visa based on the child's relationship to the applicant, -
- i. An application for a residence class visa to which subclause (1)(a) applies _____ that dependent child; and
 - ii. The name of any dependent child _____ be removed from that application (whether by a variation of the application or the making of a new application while the application is being processed, unless there is a _____ that results in the child _____ to be a dependent child; and



Regulation 20(2A) – Fill in the gaps answers

- a. If any dependent child of the applicant **holds** or has applied for a **temporary entry** class visa based on the child's relationship to the applicant, -
 - i. An application for a residence class visa to which subclause (1)(a) applies **must include** that dependent child; and
 - ii. The name of any dependent child **may not** be removed from that application (whether by a variation of the application or the making of a new application while the application is being processed, unless there is a **change of circumstances** that results in the child **ceasing** to be a dependent child; and
- b. If the spouse or partner of an applicant holds or has applied for a temporary entry class visa based on the spouse or partner's relationship to the applicant,-
 - i. An application for a residence class visa to which subclause (1)(b) applies must include the applicant's spouse or partner; and
 - ii. The name of the spouse or partner may not be removed from that application (whether by a variation of the application or the making of a new application) while the application is being processed, unless there is a change of circumstances that results in the applicant's spouse or partner ceasing to be his or her spouse or partner.



R2.40(d)

- The applicant holds or has applied for a temporary visa dependent on the principal applicant
- ‘Has applied for’ means **has applied** for a temporary visa **at the time the residence application is** ____.
- ‘Holds a visa’ means holds a ____ temporary entry class visa based on their relationship to the principal applicant **at the time the residence application is** _____.



R2.40 d – What is meant by ‘has applied for a visa’?

- ‘Has applied for’ means **has applied** for a temporary visa **at the time the residence application is lodged**.
- This means that the partner or dependent child(ren) who have an **undecided application** for a temporary visa (which is based on a relationship to the principal applicant) being considered by INZ when the residence application is lodged.
- As the instruction is applied at lodgement, this applies even if, after the residence application has been lodged, the temporary visa application which has been made based on their relationship to the principal applicant is withdrawn, declined or replaced with another visa.

A partner or dependent child who has **previously applied** for a visa based on their relationship to the principal applicant for a residence visa, but **who does not currently hold** a visa based on that relationship and **does not have an application** based on that relationship being processed, **does not have to be included in the residence application** under Regulation 20 (as reproduced at R2.40 d).



R2.40 d – What is meant by ‘holds a visa’

- ‘Holds a visa’ means holds a **valid** temporary entry class visa based on their relationship to the principal applicant **at the time the residence application is lodged**.
- As the instruction is applied at lodgement, this applies even if, after the residence application has been lodged, the partner or dependent child(ren) no longer hold a visa based on their relationship (because the visa has expired or they obtain a new visa).

Similarly, a partner or a dependent child who has **not applied for a visa or held a visa based on their relationship to the principal applicant at the time the residence visa was lodged**, but who later applies or hold such a visa after lodgement **does not have to be included** in the residence application under Regulation 20 (as reproduced at R2.40 d).



When can a partner or dependent child(ren) be removed from a residence application?

Partners or dependent child(ren) to whom Reg20(2A) does not apply

- _____ be either **withdrawn or removed** anytime during processing, even if they do not meet character or health requirements.

**Note however that exclusion or removal from a residence application will mean that these family members, if they are non-ASH, will not be eligible for a medical waiver if they subsequently apply for residence under one of the family categories (see A4.60.b).*

Partners or dependent child(ren) to whom Reg20(2A) applies

- _____ be either withdrawn or removed, **unless a change of circumstances** result in the child **ceasing to be** a dependent child (i.e., age over 25yrs, no longer single, not financially dependent) or the applicant's partner (because their relationship has ended). See R5.115.

Partners who do not meet the definition of a partner (R2.1.10)

- A secondary applicant "partner" has been included in a residence application however during processing of the application it is identified that the couple are not married, not in a civil union or in a de facto relationship. **The "partner" does not meet the definition of a partner** in accordance with the Regulations and R2.1.10, so is ineligible to be included in the residence application and must be removed.



ASSESSING PARTNERSHIP



What are the four folds?

Genuine

Stable

Partnership

Living together

Credible



R2.1.15 When may partners included in an application be granted a residence class visa?

Residence instructions require a couple to be **living together** in a genuine and stable relationship akin to a marriage.

'Genuine and stable' is defined at F2.10.1 as a partnership that is:

- a. is genuine, because it has been entered into with the intention of being maintained on a long-term and exclusive basis; and
- b. is stable, because it is likely to endure.

'Living together' is defined at E4.5.30 as "sharing the same home as partners".

Living together **does not** include:

- time spent in each other's homes while still maintaining individual residences; or
- shared accommodation during holidays together; or
- flatmate arrangements

Evidence that the couple are living together may include, but is not limited to, original or certified copies of documents showing a shared home, such as:

- joint ownership of residential property
- joint tenancy agreement or rent book or rental receipts
- correspondence (including postmarked envelopes) addressed to both principal applicant and partner at the same address.



Asses

Assessing Partnership [Four-Fold Test]



- Support letters
- Photographs
- Communication between the couple

- Duration of the relationship
- Joint assets
- Financial interdependence
- Dependent children together

- History with INZ
- Partnership timeline
- Travel movements
- Information provided during phone interviews
- Reputation and public aspects of the relationship

- Time spent living together in a shared residence (joint property/tenancy)
- Correspondence to the same address

- Degree of commitment of the parties to a shared life
- Performance of common household duties by the partners

Genuine and compelling reasons to be addressed



For Reference

- Paragraph 59 of IPT decision 205833 (Upheld) states “[59] **While “living together” is not defined in immigration instructions, the Tribunal finds that an ordinary meaning of these words, when read together, suggests a permanence (as exemplified by use of the term “living”, and not “staying”) and being in once place (from the word “together”). If a person is living together with their partner for the purposes of establishing a genuine and stable relationship under residence instructions, it would be expected that they had established a home with each other; they would share a physical residence and be part of the household. As such, living together is more than visiting or staying for a period in the household of the other person.**
- Instructions do not stipulate how long a couple must have lived together, but it needs to be long enough to enable sufficient evidence to be submitted to satisfy an Immigration Officer that the relationship is stable and likely to endure.



Section 6(c)

Section 6(c)





Partnership Rationale



PARTNERSHIP R2 (if applicable)

Brief history of partnership:

Has the relationship previously been assessed by INZ: **Choose an item.**

Evidence provided of living together:

- | | |
|--|--|
| <input type="checkbox"/> a marriage certificate of the parties | <input type="checkbox"/> joint assets |
| <input type="checkbox"/> birth certificates for any children | <input type="checkbox"/> mutually agreed financial arrangements |
| <input type="checkbox"/> joint tenancy agreement(s) | <input type="checkbox"/> joint utilities accounts (electricity, gas, water, telephone) |
| <input type="checkbox"/> evidence of communication between the parties | <input type="checkbox"/> joint bank accounts operated reasonably frequently over a |
| <input type="checkbox"/> sharing of companionship/spare time | <input type="checkbox"/> reasonable time |
| <input type="checkbox"/> joint decision making and plans together | <input type="checkbox"/> photographs of the parties together |

Period(s) of separation: Yes, but the periods of separation do not appear compelling. Details below:

Based on the evidence on file I am satisfied the couple have been living together in a genuine and stable relationship for at least 12 months or more at the time the application is assessed: **Choose an item.**

Periods of Separation (F2.30.1)

- a. If a principal applicant and their partner have lived apart for periods during their partnership, the application should not automatically be declined. Instead, immigration officers should determine whether there are genuine and compelling reasons for any period(s) of separation
- b. Determining whether there are genuine and compelling reasons will depend on the circumstances in each case, and may require consideration of:
 - either partner's family, education or employment commitments;
 - the duration of the partnership and the length of time the couple has spent apart;
 - the extent to which the couple has made efforts to be together during the time apart.

Despite the above, you will only consider whether there are genuine and compelling reasons for any periods of separation if the couple are able to satisfactorily demonstrate that they have lived together prior to the periods of separation.



The ability to approve the principal applicant's application if they independently meet instructions

- The ability to approve the principal applicant's application if they independently meet instructions can only be used if the partnership requirements are not met. See R2.1.15.1(a).
- The regulations and immigration instructions do not permit different outcomes for individual applicants included in a residence application in any other scenario, so if any of the applicants do not meet other requirements such as health or character, the whole application will normally be declined.

This also means that dependent children to whom Reg20(2A) applies and who do not meet immigration instructions for custody at R2.1.45 or R2.1.50 cannot be removed from the residence application. This is because custody is not included in the definition of a dependent child at R2.1.30. **If this is the case, please consult a TA prior to decline.**



R2.1.15.5 What happens if the partnership is considered to be genuine and stable but is less than the 12 months required?

- Where an immigration officer is satisfied that the couple are living together in a genuine and stable relationship but have not lived together for the full 12 months duration, the decision on the secondary applicant partner's application may be deferred to enable the qualifying period to be met in accordance with R2.1.15.5, subject to all other requirements being met.

Note: Immigration officers are required to inform the applicants if the partner will be deferred prior to deferring the partner's application.

*“At this point in time the partnership instructions for your application do not appear to have been met. More specifically, you and your partner have not been able to demonstrate that you have lived together in a genuine and stable relationship for at least 12 months. As a result, your partner's application maybe deferred for **x months**. Further information on the deferral will be communicated to you once a decision is made on your application”.*

See SOP: [Defer Partnership](#)



When a secondary applicant (partner) fails to meet the partnership criteria and is not eligible for a deferred decision, however the principal applicant meets the requirements for the granting of the visa independently.

- Where an immigration officer is not satisfied that the couple are living together in a genuine and stable relationship, **the secondary applicant partner will not be granted residency**, however the principal applicant's resident visa application may be approved if they meet the requirements without reliance on their partner in accordance with R2.1.15.1.
- Section 6(c)

See SOP: Declining a Secondary Applicant Partner included in a Residence application.

Section 6(c)



Sequence of assessment

Holistic assessment of the credibility of the partnership

Is the partnership genuine and stable

Is the couple 'living together' in a genuine and stable relationship

If there are periods of separation, are there genuine and compelling reasons?

Is there evidence of living together for at least 12 months?

If the couple have lived together, or are currently living together, can the partner be deferred?

Does the PA meet the requirements to be granted residence independently?

If the partner cannot be deferred, can they be removed – does R2.40.d apply?


Consider declining in a separate application. Refer SOP

QUESTIONS?



PARTNERSHIP DEFERRALS

Assessing partnership – Partnership deferrals

A decorative graphic in the bottom right corner consisting of several overlapping geometric shapes in shades of blue, green, and black.

R2.1.15.5 What happens if the partnership is considered to be genuine and stable but is less than the 12 months required?

- Where an immigration officer is satisfied that the couple are living together in a genuine and stable relationship but have not lived together for the full 12 months duration, the decision on the secondary applicant partner's application may be deferred to enable the qualifying period to be met in accordance with R2.1.15.5, subject to all other requirements being met.

Important note: Immigration officers are required to inform the applicants if the partner will be deferred prior to deferring the partner's application.

*“At this point in time the partnership instructions for your application do not appear to have been met. More specifically, you and your partner have not been able to demonstrate that you have lived together in a genuine and stable relationship for at least 12 months. As a result, your partner's application maybe deferred for **x months**. Further information on the deferral will be communicated to you once a decision is made on your application”.*

See SOP: [Defer Partnership](#)



Partnership Deferrals



- All partnership deferrals need to be discussed with a Technical Advisor and making this determination
 - Following this, a Technical Advisor will discuss the decision with the Practice Lead Section 9(2)(a) and we will review whether or not a deferral is appropriate. **Please come see a Technical Advisor before anything is communicated to the client.**

Paragraph 59 of IPT decision 205833 (Upheld) states “[59] **While “living together” is not defined in immigration instructions, the Tribunal finds that an ordinary meaning of these words, when read together, suggests a permanence (as exemplified by use of the term “living”, and not “staying”) and being in once place (from the word “together”). If a person is living together with their partner for the purposes of establishing a genuine and stable relationship under residence instructions, it would be expected that they had established a home with each other; they would share a physical residence and be part of the household. As such, living together is more than visiting or staying for a period in the household of the other person.**”

Section 6(c)



EXAMPLE SCENARIO

- The principal applicant (PA) and secondary applicant (SA) were recently married and are in a genuine and stable relationship
 - They have provided sufficient evidence that their relationship is genuine, stable and credible
 - However, they have not lived together for at least 12 months
 - Due to personal circumstances the PA arrived in New Zealand and SA remained offshore
 - Evidence shows that they have lived together for around 5 months
 - Evidence of communication and international monetary transfer from PA to SA have been provided for their period of separation
- F2.30.1 refers to how to assess periods of separation



Continue Working through Assessment

- You will need to record all evidence received of meeting the partnership criteria into your summary
- This also means keeping all other secondary applicant's information in your summary (e.g. identity, character, health, English and partnership)
- In the relationship rationale you can include:
 - [listed relationship evidence]
 - Blurb: *On the basis of the above, I am satisfied the couple are currently living together in a genuine and stable relationship and meet requirements for partnership deferral under F2.35. As the applicants have not resided together for a 12-month period, I recommend deferring the partner's residence until xx/xx/xxxx when the couple will be in a position to substantiate 12 months cohabitation.*



Dependent child(ren) included & SA is being deferred

- If there is a dependent child(ren) included in the application where PA and SA are the biological parents of the child(ren):
 - Short interview with both PA and SA to be satisfied with custody requirements
 - Reason for the interview:
 - To seek confirmation from the deferred partner if the principal applicant has the right to remove the dependent children from their country of residence



Creating the deferred partner application

Speak with TA/PL for confirmation of deferral

Complete case summary

Remove partner from the application

Create a new Skills/ Business deferral application for the partner in AMS. Complete lodgment requirements as appropriate

Add the PA of the original application (write down client number, APP number and tendered date) as the supporting partner in 'contacts' tab of the new application

Link the PA's RFW application to the deferral application

Add AMS notes regarding the deferral of the partner with reference to the original application from which they have been removed

Leave clear notes in the deferred application

Creating the deferred partner application

- Ensure PA's family tab is updated with the partner's details
- Keep partner's client number handy

AMS - [Application Details]

File Edit Special Window Help

Application Number : [REDACTED] Visa, Resident, Skilled Migrant 00.00

Section 9(2)(a)

Client Id	Type	NZER or NZHR	Health Outcome	Resolution Status	Lodgements
9(2)(a) of the OIA	Principal	[REDACTED]	ASH	Resolved	Done
	Secondary	[REDACTED]	[REDACTED]	Resolved	Done

Summary Applicant(s) Fees Contacts Determination Templates English

Ready Audit Trail is OFF DB = amsbranch

AMS - [Application Details]

File Edit Special Window Help

Application Number : [REDACTED] Visa, Resident, Skilled Migrant 00.01

Section 9(2)(a)

Client Id	Type	NZER or NZHR	Health Outcome	Resolution Status	Lodgements
9(2)(a) of the OIA	Principal	[REDACTED]	ASH	Resolved	Done
	Secondary	[REDACTED]	[REDACTED]	Resolved	Done

Confirm Unlink

?

This will remove the applicant from the application. Do you wish to continue ?

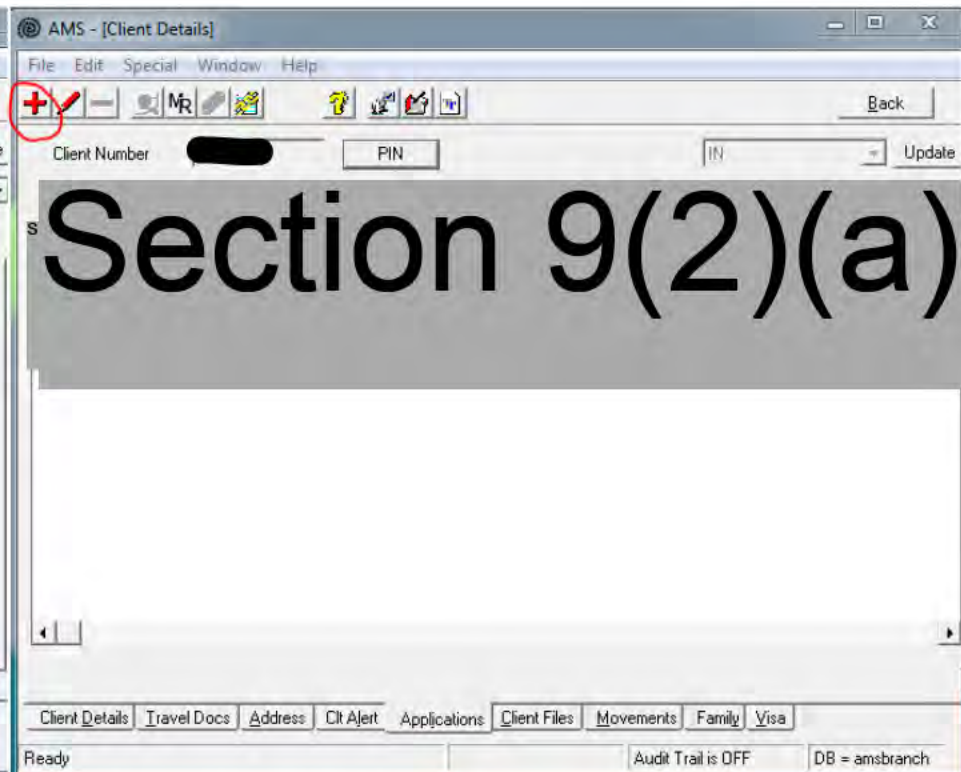
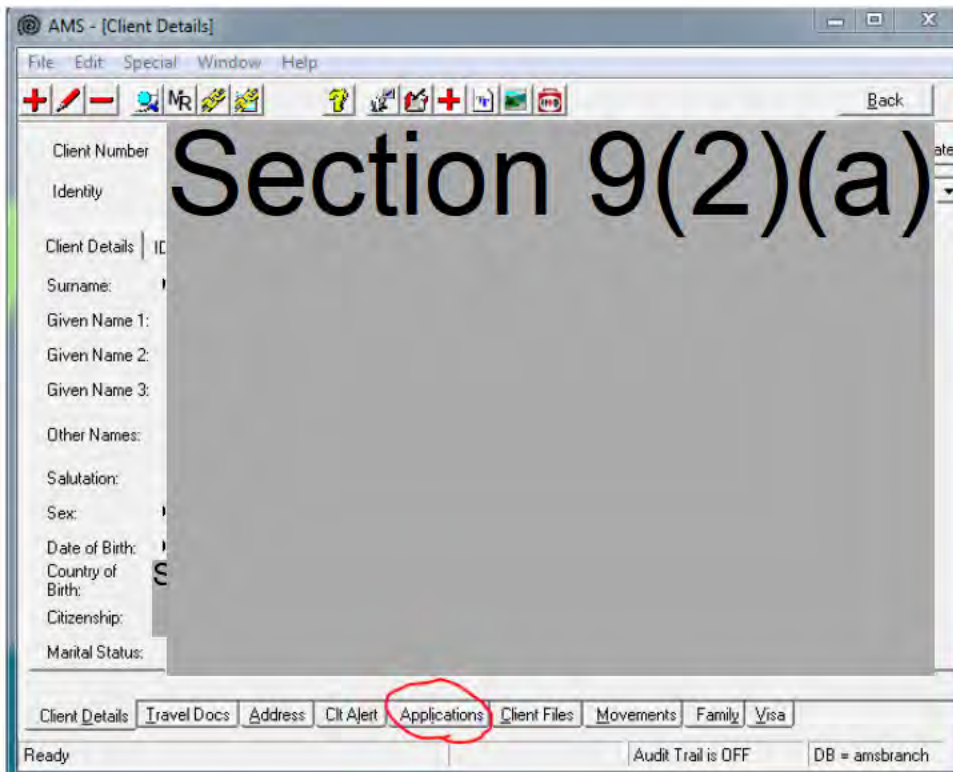
Yes No

Summary Applicant(s) Fees Contacts Determination Templates English

Ready Audit Trail is OFF DB = amsbranch

Creating the deferred partner application

- Create new paperless application under skill/business deferral



Creating the deferred partner application

- Date application tendered should be the same as the PA's residence application tendered date
- Type of application: select 'Skills/Deferral' under Residence
- Please do not add the application to the managed queue

AMS - New Application

Date Tendered

Date Application Tendered: 25/Oct/2019

Allocate Case To

Section 9(2)(a)

Location

Processing Office

Triage Auto-Allocation

Opt-out of Triage Auto-Allocation ?

Reason: Officer created

PIN

Buddy Branch Processing

Buddy Branch ?

Office:

Officer:

Process Date:

Reassessment ?

Reassess application

Paperless Application ?

Yes

OK Cancel

Creating the deferred partner application

- Next is to add the partner into contacts tab for the new application as Supporting Partner

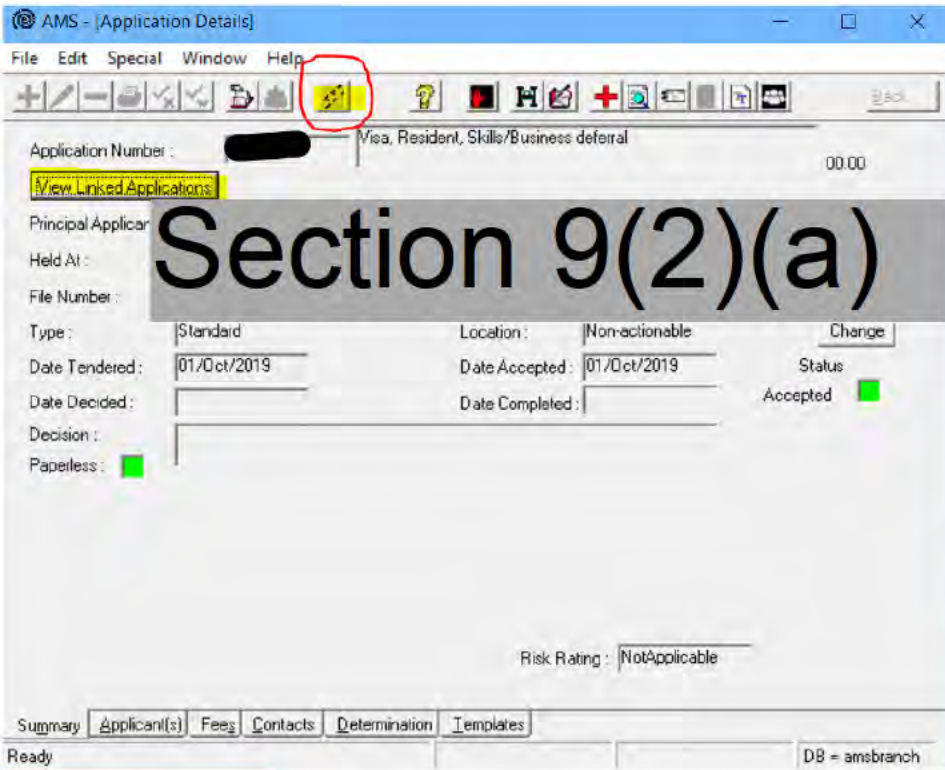
The screenshot shows the 'AMS - [Application Details]' window. At the top, there is a menu bar with 'File', 'Edit', 'Special', 'Window', and 'Help'. Below the menu is a toolbar with various icons. The main area displays application details: 'Application Number : [redacted]', 'Visa, Resident, Skills/Business deferral', and '00.00'. Below this is a table with the following data:

Contact Type	Client ID	Contact Name
Supporting Partner	[redacted]	Section 9(2)(a)

At the bottom of the window, there is a status bar with tabs for 'Summary', 'Applicant(s)', 'Fees', 'Contacts', 'Determination', 'Quality', and 'Templates'. The status bar also shows 'Ready', 'Audit Trail is OFF', and 'DB = amsbranch'.

Creating the deferred partner application

- Link deferral application with PA's Residence application



AMS - [Application Details]

File Edit Special Window Help

Application Number : [REDACTED] Visa, Resident, Skills/Business deferral 00.00

[View Linked Applications](#)

Principal Applicant: [REDACTED]

Held At: [REDACTED]

File Number: [REDACTED]

Type: Standard Location: Non-actionable Change

Date Tended: 01/Oct/2019 Date Accepted: 01/Oct/2019 Status: Accepted

Date Decided: [REDACTED] Date Completed: [REDACTED]

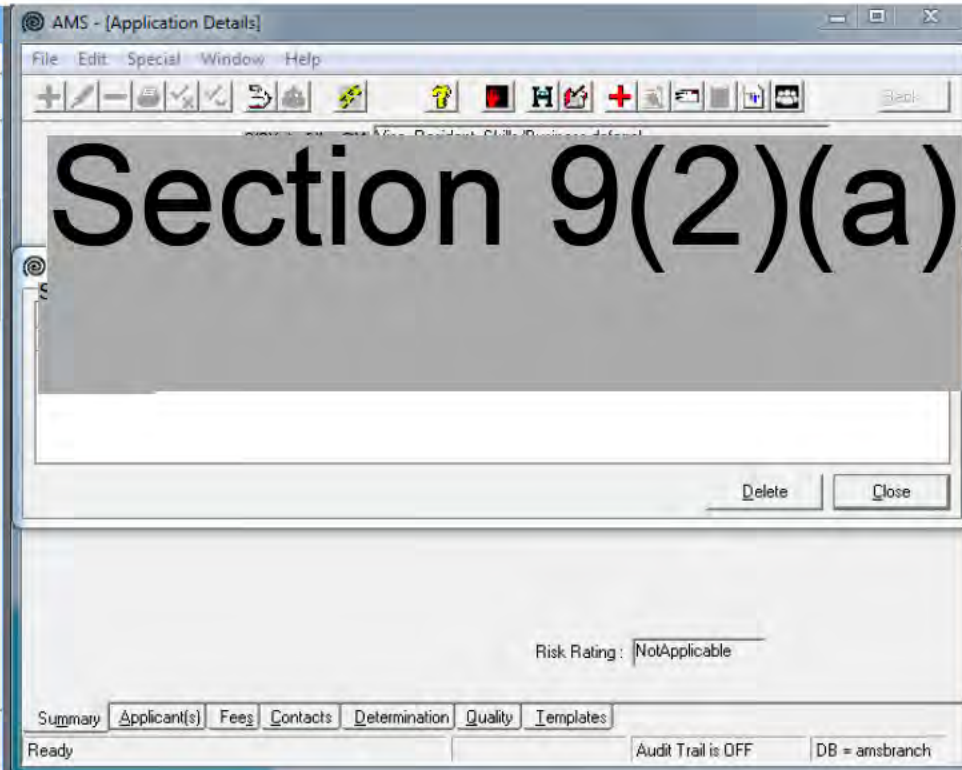
Decision: [REDACTED]

Paperless:

Risk Rating: NotApplicable

Summary Applicant(s) Fees Contacts Determination Templates

Ready DB = amsbranch



AMS - [Application Details]

File Edit Special Window Help

Application Number : [REDACTED] Visa, Resident, Skills/Business deferral

[View Linked Applications](#)

Principal Applicant: [REDACTED]

Held At: [REDACTED]

File Number: [REDACTED]

Type: Standard Location: Non-actionable Change

Date Tended: 01/Oct/2019 Date Accepted: 01/Oct/2019 Status: Accepted

Date Decided: [REDACTED] Date Completed: [REDACTED]

Decision: [REDACTED]

Paperless:

Risk Rating: NotApplicable

Summary Applicant(s) Fees Contacts Determination Quality Templates

Ready Audit Trail is OFF DB = amsbranch

Creating the deferred partner application

- One green light as 'Accepted' should show
 - Lodgement should be completed and one green light should show in AMS

The screenshot displays the AMS - [Application Details] window. The main heading is "Section 9(2)(a)". Below this, the application details are as follows:

Type:	Storage	Location:	100/100/100/100	Change
Date Tendered:	01/Oct/2019	Date Accepted:	01/Oct/2019	Status
Date Decided:		Date Completed:		Accepted
Decision:				
Paperless:				
Risk Rating: NotApplicable				

At the bottom, there are tabs for Summary, Applicant(s), Fees, Contacts, Determination, and Templates. The status bar shows "Ready" and "DB = ambranch".



Creating the deferred partner application

- Add AMS note (please do not specify end date if partner is offshore)
- Set bring-up with deferral period due date if partner is onshore

Section 9(2)(a)



Deferred Application – SA onshore



If SA is onshore at the time of decision:

- **Case Manager: “Queue, SMC Deferred”**
- **Location: “Non-actionable”**
- AMS notes on the deferred application should clearly state how many months of cohabitation is required to be met and the deferral end date
- Check if a bring up is added with the deferral end date – please remove multiple bring ups (if any)
- Bring-up in this type of deferral should be set in line with your specific months of deferral pending 12 months living together **and** please make sure you always leave notes in AMS of what your current assessment is:
 - i.e. “All residence criteria is met in the original SMC/RFW application xxxxxxxx, partnership deferral application is created and to be assessed further when the couple will meet the 12-month living together requirement by xx/xx/xxxx or in xx months”



Deferred Application – SA offshore

If SA is offshore at the time of decision:

- **AMS notes** on the deferred application should clearly state how many months of cohabitation is required to be met
- IO **should not** provide an end date for the deferral period
- IO **should not** add a bring-up in AMS




QUESTIONS?



DEPENDENT CHILDREN

*Definition of a dependent child for residence for the different age groups
(R2.1.30)*

A decorative graphic in the bottom right corner consisting of several overlapping geometric shapes in shades of blue, green, and black.

Definition of 'dependent child' (R2.1.30)

For the purposes of inclusion in an application, a child is dependent if they:

- a. Are:
 - i. Aged 21 to 24, with no child(ren) of their own; and
 - ii. Single (see F5.5)*; and
 - iii. Totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support, whether living with them or not; or
- b. Are:
 - i. Aged 18 to 20, with no child(ren) of their own; and
 - ii. Single (see F5.5)*; or
- c. Are:
 - i. Aged 17 or younger; and
 - ii. Single (see F5.5)*



DEPENDENCY EXAMPLES



Example One:

- Daisy is a dependent child included in a residence application at the age of 19
 - The following evidence has been provided:
 - Statutory declaration (single and no children of their own)
 - Enrolment for part-time study with Massey University
 - Employer letter confirming Daisy's casual employment at Countdown for 15 hours a week
 - Parent's joint bank account statements showing \$200 transferred to Daisy every fortnight
 - Based on the evidence submitted, would Daisy still be deemed a dependent child for this application?

Answer One:

- Yes, as per R2.1.30(b) whereby DA is only required to have no children of their own and is single



DEPENDENCY EXAMPLES

Example Two:

- A family has applied for residence whereby there is a dependent child, Mark who is 24 years of age, has no children of their own and is single
 - At the time of assessment, Mark is 25 years old and has declared that they are studying full-time at the University of Waikato whilst residing with his parents
 - No further evidence has been provided
 - Is Mark considered a dependent child for this application? What other evidence may they provide?

Answer Two:

- It appears Mark is a dependent child (R2.1.30(a)). However, further evidence can be provided in the form of:
 - Statutory declaration
 - Confirmation of enrolment with the University of Waikato
 - Evidence of financial support from parents

***Please also refer to R2.1.30(e)*



DEPENDENCY EXAMPLES



Example Three:

- Penny and Nathan have applied for residency and have included their dependent child, Sam (aged 22) who is currently offshore in their home country in the UK
 - Sam has provided a statutory declaration stating she is single, has no children of her own and is substantially reliant on her parents for financial support
 - Sam is working part-time but receives frequent and significant monetary transfers from her parents based on bank statements provided
 - Can Sam be considered a dependent applicant?


Answer Three:

- Yes, as per R2.1.30(a) of which considerations have been taken in line with R2.1.30(e)



CUSTODY

Evidence of relationship with dependent children

A decorative graphic in the bottom right corner consisting of several overlapping geometric shapes in shades of black, light blue, green, and teal.

Evidence of relationship with dependent children (R2.1.40)

The principal applicant must provide one of the following documents as evidence of the relationship of the principal applicant and/or partner included in the application with any dependent children included in the application:

- a. The birth certificate showing the name of the parent(s); or
- b. Adoption papers showing that the child has been legally adopted by the principal applicant or partner; or
- c. In the case of a child adopted by custom, a declaration by the adoptive parent(s) separate form, and in addition to, any similar declaration made on an application form



Section 6(c)

**Customary
adoption**



Children under 16 whose parents are separated or divorced (R2.1.45)

- a. If the parents of a child aged under 16 included in an application for a residence class visa are separated or divorced, the applicant parent must have the right to remove the child from the country in which rights of custody or visitation have been granted; or if no such rights have been granted, from the country of residence
- b. Such children cannot be included in an application unless the parent produces satisfactory evidence of their right to remove the child from the country in which the rights of custody or visitation have been granted or if no such rights have been granted, from the country of residence



Children under 16 whose parents are separated or divorced (R2.1.45)

- c. Except where (d) applies, evidence of the right to remove the child from the country in which rights of custody or visitation have been granted must include:
 - i. **Legal documents** showing that the applicant has custody of the child and the sole right to determine the place of residence of the child, without rights of visitation by the other parent; or
 - ii. A **court order** permitting the applicant to remove the child from its country of residence; or
 - iii. **Legal documents** showing that the applicant has custody of the child **and** a signed statement from the other parent, **witnessed in accordance with local practice or law**, agreeing to allow the child to live in New Zealand if that application is approved

- d. When an immigration officer is satisfied that:
 - i. By virtue of local law, the applicant parent has the statutory right to the custody of the child; and
 - ii. It is not possible or required under that local law to obtain individualised legal documents to verify that custodial right, the child may be included in the application



Children under 16 with only one parent included in the application for a residence class visa (R2.1.50)

- a. If one of the parents of a child aged under 16 is not included in the application for a residence class visa, the applicant parent must have the right to remove the child from its country of residence
- b. Such children cannot be included in an application unless the applicant parent produces satisfactory evidence of their right to remove the child from its country of residence



Children under 16 with only one parent included in the application for a residence class visa (R2.1.50)

- c. Except where (e) applies, evidence of the right to remove the child from its country of residence in cases where one parent is not included in the application for a residence class visa, but the parents are not separated or divorced, must include:
 - i. A **written statement** confirmed by both parents at interview; or
 - ii. A court order permitting the applicant to remove the child from its country of residence
- d. If, because of the death of one of the parents of a child aged under 16, only one parent is included in the application, the death certificate of the other parent must be provided
- e. The child may be included in the application where an immigration officer is satisfied that:
 - i. By virtue of local law, the applicant parent has the statutory right to custody of the child; and
 - ii. It is not possible or required under that local law to obtain individualised legal documents to verify that custodial right



Situation of dependent of partners included in an application (R2.1.55)

- a. Any dependent child who is reliant on inclusion in an application solely by virtue of being the dependent child of the principal applicant's partner included in an application (i.e. they are not a child of the principal applicant) may not be granted a residence class visa unless their parent partner is granted a residence class visa
- b. If their parent partner is granted a work visa as provided for in R2.1.15.5(b)* then they may also be granted a temporary visa of a type appropriate to their needs (once an application has been made) for the same period
 - *For example: a dependent child intending to attend school in New Zealand must apply for a student visa*



CUSTODY EXAMPLES



Example One:

- The Johnson Family (PA, SA and DA) have applied for residence
 - During the processing of this application, PA and SA separated and SA was removed from the application whilst DA remained who is 15 years old
 - What evidence would be required in order to meet residence custody requirements?

Answer One:

- As per R2.1.45(c):
 - legal documents showing that the applicant has custody of the child and the sole right to determine the place of residence of the child, without rights of visitation by the other parent; or
 - a court order permitting the applicant to remove the child from its country of residence; or
 - legal documents showing that the applicant has custody of the child and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in New Zealand if the application is approved.

LET'S LOOK AT THIS ONCE MORE

Scenario:

- The Johnson Family (PA, SA and DA) have applied for residence
 - During the processing of this application, PA and SA separated and SA was removed from the application whilst DA remained who is 15 years old
 - At the time the decision is ready to be made, the DA has since turned 17 years old
 - Do custody requirements apply in this instance? If so, what custody documents are required?

Answer:

- Custody requirements no longer apply as DA is now 16 years or over



CUSTODY EXAMPLES



Example Two:

- Georgia (PA) has submitted an application for residence with the inclusion of her son, Oliver who is 12 years old
 - Georgia has stated that she has since separated from Oliver's Father 5 years ago
 - A signed statement from Oliver's Father has been provided stating that he agrees to allow Oliver to live in New Zealand if the application is approved
 - Is this evidence sufficient? If not, what else is required to meet instructions?

Answer Two:

- Not yet, in conjunction with the signed statement, legal document(s) are required to show that the PA has custody of the child to meet R2.1.45(c)(iii)

CUSTODY EXAMPLES



Example Three:

- Rodrigo has applied for residence whereby their child, Marcus who is 7 years of age is included in this application
 - Rodrigo's partner has never been to NZ and remains offshore due to commitments taking care of elderly parents in the Philippines and has not been included in this residence application
 - Sufficient evidence has been provided to demonstrate that the couple are in a genuine and stable relationship
 - Which instructions applies in this instance? What evidence/verification would be required at these instructions?

Answer Three:

- R2.1.50(c) applies:
 - a written statement confirmed by both parents at interview; or
 - a court order permitting the applicant to remove the child from its country of residence.

CUSTODY EXAMPLES

Example Four:

- Harry and Mel have applied for residence and have included Mel's biological son, Timothy in this application
 - The couple have not been able to provide evidence to show that they have lived together for at least 12 months. You have assessed and are satisfied that the couple have lived together for at least 6 months
 - The couple have accepted for Mel's residence decision to be deferred for a period of 6 months to allow for the living together requirement to be met
 - They have asked if Timothy can remain included in the application
 - What would your response be? Which instructions apply?

Answer Four:

- Timothy must also be deferred along with Mel in line with R2.1.55 as Mel's residence decision has been deferred and thus is yet to be granted a residence class visa



Thank you.

Questions?





PLONE training

Link to PLONE

Section 6(c)

Section 6(c)



PLONE

1. Log into PLONE

Login Name

Password

Log in

Forgot your password?

If you have forgotten your password, [we can send you a new one.](#)



PLONE

2. Copy the Plone reference from AMS into the search bar

AMS - Customer Interaction

File Edit Help

Section 9(2)(a)



PLONE

2. Paste the Plone reference from AMS into the search bar

Section 9(2)(a)

9(2)(a) of the OIA

9(2)(a) of the OIA

Submission

Border Exception Request - Business

9(2)(a) of the OIA

16 Oct 2020 08:41:46 NZDT

Completed ▾

Section 9(2)(a)





How to upload documents

- Select the upload button.

Internal Data

Internal Data is additional information that has been added to the Submission by SAFER users.
This information has not come from the user who originally submitted the form.

#	Field	Value	
1	Upload other document (general) 1	< no value >	 

- Upload the document and save the file.

Internal Data

Internal Data is additional information that has been added to the Submission by SAFER users.
This information has not come from the user who originally submitted the form.

#	Field	Value
1	Upload other document (general) 1	<p>Edit Value</p> <p><input type="button" value="Choose File"/> No file chosen</p> <p><input type="button" value="Cancel"/> <input type="button" value="Save Changes"/></p>



Recognised Qualifications

March 2023

Section 9(2)(a)

SESSION OVERVIEW

- Aim and Intent
- Points for recognised qualifications
- Recognition of qualifications
- How points are allocated
- NZQA involvement in the assessment of qualifications
- Evidence
- Bonus points: New Zealand qualifications
- Definition of 'full-time study'
- Appendix 3: List of Qualifications Exempt from Assessment (LQEA)



Aim and Intent (SM8.1)

- a. The aim of providing points for qualifications is to recognise the importance of qualifications as an indicator of ability to obtain skilled employment in New Zealand and to increase New Zealand's capability.



Aim and Intent (SM8.1)



- b. **Bonus points are available** for time spent studying in New Zealand towards a recognised qualification and for obtaining recognised New Zealand qualifications to acknowledge that:
- ii. time spent studying in New Zealand and completing recognised qualifications in New Zealand enhances settlement outcomes; and
 - iii. recognised qualifications gained in New Zealand will be recognised by, and are relevant to the needs of, New Zealand employers.



Points for recognised qualifications (SM8.5)

Qualifications are recognised and qualify for points as follows:

	Qualification	Points awarded
a.	Qualifications assessed as occupying levels 9 or 10 on the New Zealand Qualifications Framework (NZQF)	70
b.	Qualifications assessed as occupying levels 7 or 8 on the NZQF	50
c.	Qualifications assessed as occupying level 5 or 6 on the NZQF	40



Points for recognised qualifications (SM8.5)

	Qualification	Additional requirements	Points awarded
d.	Qualifications assessed as occupying level 4 on the NZQF	<p>Must be relevant to an occupation at ANZSCO skill level 3, 4 or 5, and either</p> <p>included on the List of Qualifications Exempt from Assessment (see Appendix 3) and meet the requirements specified in that list, or</p> <p>assessed by the NZQA as an NZQF level 4 Certificate.</p>	40
e.	Qualifications assessed as occupying Level 3 on the NZQF	<p>Must be relevant to an occupation at ANZSCO skill level 3, 4 or 5, and</p> <p>included on the List of Qualifications Exempt from Assessment (see Appendix 3) and meet the requirements specified in that list.</p>	40



Points for recognised qualifications (SM8.5)

- f. Despite SM8.5(a) to (e) above:
 - i. points will not be awarded to any English for Speakers of Other Languages (ESOL) qualifications; and
 - ii. a qualification will not be recognised if gained while in a country where the principal applicant was either an unlawful resident or required authority to study, but did not have such



Recognition of Qualifications (SM8.10)

A recognised qualification is a qualification that an immigration officer is satisfied occupies a level on the New Zealand Qualifications Framework (NZQF) which qualifies it for points by reference to:

- a. the level that the qualification(s) occupies on the NZQF as assessed by the **New Zealand Qualifications Authority (NZQA)**; or
- b. the level that the qualification(s) occupies on the NZQF as set out in the **List of Qualifications Exempt from Assessment** (see Appendix 3); or
- c. the level that the qualification(s) occupies on the NZQF having regard to the **full or provisional registration** of the principal applicant by a New Zealand organisation authorised by law to give occupational registration, if that **registration involves an assessment that the principal applicant's overseas qualification(s) is comparable with a New Zealand qualification** included in the List of Qualifications Exempt from Assessment.



How points for recognised qualifications are allocated (SM8.5.1)

- a. Points for recognised qualifications are not cumulative. A principal applicant may qualify for only 40, 50, or 70 points.
- b. Points are provided for:
 - i. one qualification only; or
 - ii. two or more qualifications assessed in combination.



NZQA Involvement in the Assessment of Qualifications (SM8.20)

- a. If a NZQA assessment of qualification(s) is sought, the NZQA determines the level that the qualification(s) occupy on the NZQF, however, the points for which a particular qualification or group of qualifications qualifies is determined by INZ alone.
- b. Despite the fact that the NZQA may undertake its own verification of qualifications that are submitted to it for assessment, INZ alone determines whether an applicant genuinely holds the qualification(s) which may qualify for points.



NEW ZEALAND **QUALIFICATIONS** AUTHORITY
MANA TOHU MĀTAURANGA O AOTEAROA





NZQA Involvement in the Assessment of Qualifications (SM8.20)

- a. The NZQA will provide Pre-Assessment Results (PARs), and International Qualification Assessments (IQAs) (formerly a Qualifications Assessment Report (QAR)).
- b. ***A Pre-Assessment Result** is a report that compares an applicant's nominated qualification to a Level on the New Zealand Qualifications Framework. It is made on the understanding that:
 - i. a pre-assessment result is based solely on unverified information provided by the applicant on the application form; and
 - ii. no documentation is sighted; and
 - iii. only one overseas qualification is compared; and
 - iv. when an application for a resident visa is made, a full assessment (a IQA or QAR) will be required to determine whether a qualification (or group of qualifications) will qualify for points.

*No longer available



NZQA Involvement in the Assessment of Qualifications (SM8.20)

- c. An International Qualification Assessment (IQA) (formerly a Qualifications Assessment Report (QAR)):
 - i. assesses an overseas qualification (or group of qualifications) by stating the learning outcomes of the closest New Zealand equivalent qualification; and
 - ii. states the New Zealand Qualifications Framework of New Zealand Quality Assured Qualifications level of that equivalent qualifications; and
 - iii. refers to any verification of the applicant's qualifications undertaken by the NZQA.



Evidence (SM8.15)

- a. Principal applicants under the Skilled Migrant Category **must submit their qualifications and provide an NZQA assessment** (Pre Assessment Result (PAR), International Qualification Assessment (IQA) or Qualifications Assessment Report (QAR) (see SM8.20.1)) unless:
 - i. their qualification(s) is **included on the List of Qualifications Exempt from Assessment** (see Appendix 3); or
 - ii. they have been **awarded full or provisional registration by a New Zealand organisation authorised by law** to give occupational registration, and registration involves an assessment that their overseas qualification(s) is comparable with a New Zealand qualification that is included in the List of Qualifications Exempt from Assessment.



Evidence (SM8.15)

- b. If an NZQA assessment is required for an overseas qualification, a PAR is suitable for lodgement of an application under the Skilled Migrant Category, but a QAR or IQA will be required to determine whether a qualification (or group of qualifications) will qualify for points.
- c. Applicants with New Zealand qualifications should provide evidence of the level of that qualification by submitting a 'Qualification Overview' report with their qualification. This report can be obtained from the New Zealand Qualifications Authority website (www.nzqf.govt.nz).



Evidence (SM8.15)



- d. In the case of a New Zealand qualification that is not included on the NZQF, a letter from the NZQA will be required to determine whether the qualification will qualify for points.
- e. In order for a qualification to qualify for points on the basis of full or provisional registration, the certificate of registration, or evidence of eligibility for registration subject only to an interview with a representative of the New Zealand Medical or Dental Council on arrival must also be provided (see SM10.10.1).

***Note:** For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a resident visa application or a work to residence class application.



Evidence (SM8.15)

- f. If a principal applicant is claiming points for a qualification on the basis of their occupational registration, the qualification(s) qualifies for the points identified for the comparable New Zealand qualification in the List of Qualifications Exempt from Assessment.
- g. Despite the fact that the List of Qualifications Exempt from Assessment provides that a specified qualification qualifies for certain points, an applicant or an immigration officer (by requesting the applicant to do so) may seek a IQA or QAR of any particular qualification. Where this occurs, the most recent NZQA assessment will prevail.



Bonus Points: New Zealand Qualifications (SM8.25)

Recognised New Zealand qualifications qualify for points as follows:

	Qualification	Additional requirements	Points awarded
a.	A recognised New Zealand bachelor degree (level 7 on the NZQF).	The qualification must require a minimum of two years full time study in New Zealand, and the full time study must have been completed over four semesters during a period of at least 16 months.	10
b.	A recognised postgraduate New Zealand qualification (levels 8, 9 or 10 on the NZQF).	The qualification must require a minimum of one year of full-time study in New Zealand.	10
c.	A recognised postgraduate New Zealand qualification (level nine or ten on the NZQF) (see SM15.10).	The qualification must require a minimum of two years full time study in New Zealand.	15

- d. Qualifications gained with New Zealand Scholarship funding from the Ministry of Foreign Affairs and Trade will not qualify for bonus points.



Bonus points for New Zealand qualifications gained before, or commenced on or before 25 July 2011

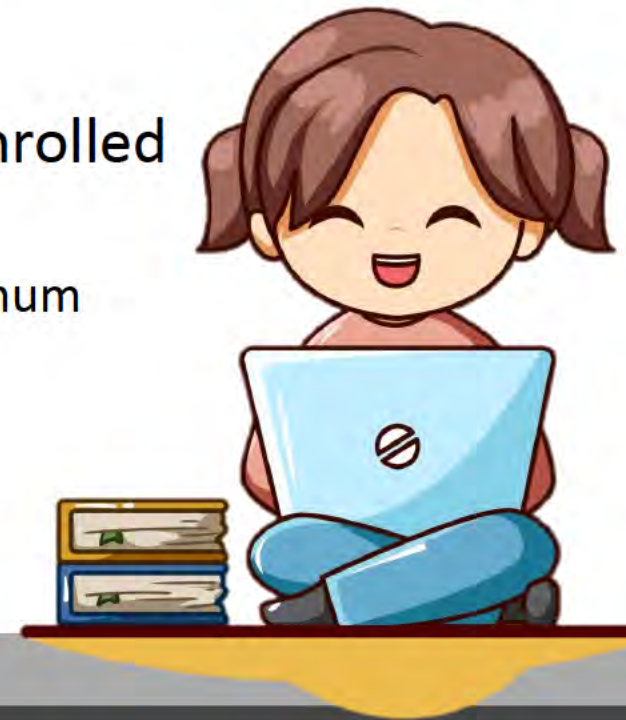
- a. If SM8.25 (a), (b), and (c) above do not apply, the principal applicant may be eligible for New Zealand qualification bonus points under SM8.25.1 if they:
 - i. gained the qualification before 25 July 2011; or
 - ii. had commenced a programme of study towards a recognised New Zealand qualification on or before 24 July 2011.
- b. Two years of full-time study in New Zealand towards a recognised New Zealand qualification qualifies for 5 points, providing the full-time study was over four semesters during a period of at least 16 months.
- c. A recognised basic New Zealand qualification from level four up to and including level eight on the NZQF qualifies for 5 points.



Definition of 'full-time study' for the purposes of SMC (SM8.25.1.1)

Study undertaken in New Zealand is defined as full-time where:

- a. an undergraduate student at a tertiary education institution was enrolled in at least three papers per semester; or
- b. a postgraduate student at a tertiary education institution was enrolled in either a programme of study:
 - i. that resulted in at least 100 credits per calendar year; or
 - ii. with a workload of at least 20 hours per week; or
- c. a student at a private training establishment was enrolled in:
 - i. a programme of study that requires attendance for a minimum of 20 hours per week; or
 - ii. at least three papers, or equivalent, per semester if the programme of study is at level 7 or above on the New Zealand Qualification Framework.



Appendix 3 – List of Qualifications Exempt from Assessment (LQEA)

- The qualifications in this list do not require assessment by the New Zealand Qualifications Authority (NZQA). Qualifications will qualify for points on the basis of their assessed position on the New Zealand Qualifications Framework (NZQF) (see SM8.10 of the Skilled Migrant Category) and subject to any additional requirements being met as specified in the List of Qualifications Exempt from Assessment and in SM8.5.
- The List of Qualifications Exempt from Assessment only provides the level that an overseas qualification occupies on the NZQF. A qualification being named on the List of Qualifications Exempt from Assessment does not mean that it is comparable to a similarly named New Zealand qualification. It only advises the NZQF level that the overseas qualification can be compared to.



QUESTIONS?



Section 49 Conditions

March 2023

Section 9(2)(a)

SESSION OVERVIEW

- What is Section 49(1)?
- Resident visas may be subject to conditions
- Resident visa start date
- Offer of skilled employment or skilled employment for less than three months
- Where occupational registration is subject only to interview by the Medical or Dental Council
- Meeting S49(1) conditions



What is Section 49(1)?

- The purpose of Section 49 (S49(1)) conditions is to ensure the applicant takes up the job offer and/or remains in current employment (for a certain period of time) on which the grant of the applicant's residence visa was based
- 3 key points to remember when S49(1) conditions apply
 - There is an **offer** of employment that has not yet commenced
 - **Current** employment in New Zealand under 3 months
 - Current employment **outside of Auckland** under 3 months

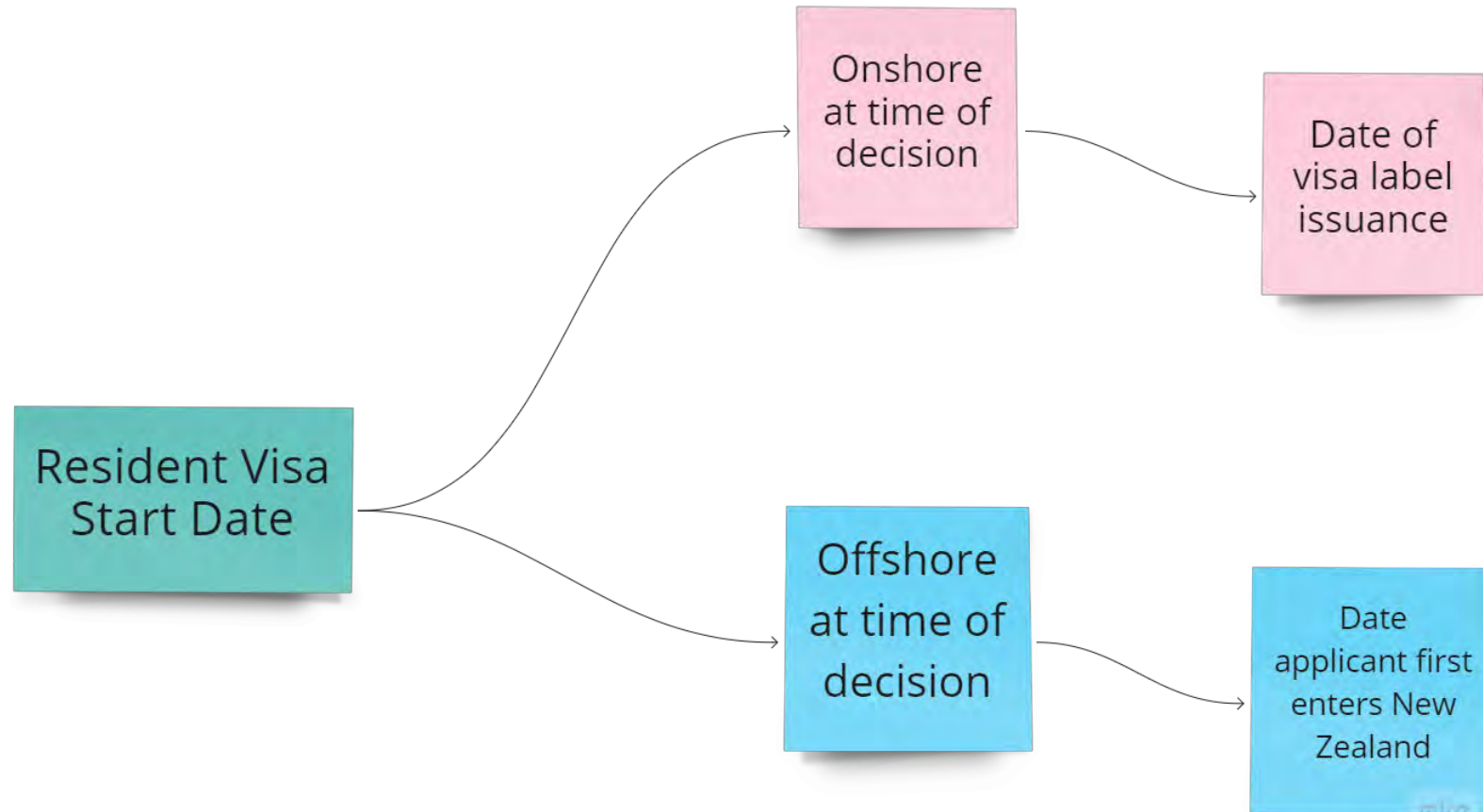


Resident visas may be subject to conditions (SM11.1)

- a. A resident visa may be granted under the Skilled Migrant Category to a principal applicant (and any accompanying partner and dependent children) subject to conditions imposed under section 49(1) of the Immigration Act 2009.
- b. Resident visas will be granted subject to the conditions specified in SM11.5 and/or SM11.10, as applicable.



Resident Visa Start Date



Offer of skilled employment or skilled employment for less than three months (SM11.5)

	Points claimed for skilled employment (SM6)	Conditions imposed
a.	Principal applicant with an offer of skilled employment for which bonus points for employment outside the Auckland region (SM6.50) have not been awarded	<p>(i) The principal applicant must take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand); and</p> <p>(ii) The principal applicant must remain in that employment (or another position of employment that meets the requirements for offers of skilled employment including requirements for bonus points if the offer of employment qualified for bonus points under SM6.40) for a period of at least 3 months.</p>



Offer of skilled employment or skilled employment for less than three months (SM11.5)

	Points claimed for skilled employment (SM6)	Conditions imposed
b.	Principal applicant who has current skilled employment for less than three months for which bonus points for employment outside the Auckland region have not been awarded	The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40) for a period of at least 3 months .



Offer of skilled employment or skilled employment for less than three months (SM11.5)

	Points claimed for skilled employment (SM6)	Conditions imposed
c.	Principal applicant who has been awarded bonus points for an offer of skilled employment outside Auckland (SM6.50).	<p>(i) The principal applicant must take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted outside New Zealand), or the grant of their resident visa (if the visa was granted in New Zealand); and</p> <p>(ii) The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40 or SM6.50), for a period of at least 12 months.</p>



Offer of skilled employment or skilled employment for less than three months (SM11.5)

	Points claimed for skilled employment (SM6)	Conditions imposed
d.	Principal applicant who has been awarded bonus points for current skilled employment outside Auckland for less than three months (SM6.50).	The principal applicant must remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under SM6.40 or SM6.50) for a period of at least 12 months .
e.	All principal applicants with skilled employment	The principal applicant must be remunerated for the employment at or above the level of remuneration (see SM6.10.5 (a) (i) or (ii) , SM6.10.15 (a) or SM6.60 (a)) on the basis of which points for skilled employment were awarded, for the duration for which any conditions are imposed under (a), (b), (c) or (d) above.



Where occupational registration is subject only to interview by the Medical or Dental Council (SM11.10)

Where a resident visa application is approved on the basis that the principal applicant is eligible for occupational registration under SM10.10.1(b)(ii) subject only to a satisfactory personal interview with a representative of the Medical or Dental Council on arrival in New Zealand, the visa holder is subject to the following conditions:

- a. In the case of the principal applicant:
 - i. that, within one month of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant obtains full or provisional occupational registration in New Zealand; and
 - ii. that, within five years of the grant of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant submits evidence to an immigration officer that requirement (i) above has been met.
- b. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.



Meeting S49(1) Conditions (SM11.15)

- a. The visa holder must:
 - i. inform INZ of their residential address and any changes of residential address while they are subject to those requirements; and
 - ii. submit evidence to an immigration officer within five years of their first entry to New Zealand as a resident (if the visa was granted offshore) or within five years of the grant of their resident visa (if the visa was granted in New Zealand) demonstrating that the conditions set out in the relevant provision of SM11.5 (a) to (e) above have been met.

- b. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.



Example Scenario



If the client can be awarded sufficient points without 30 points outside Auckland being crucial, we can consider other points instead (e.g. work experience) to grant section 49 for 3 months rather than 12 months.



It will especially be fair for our high value clients such as medical doctors from DHB where their work experience for more than a certain number of years are credible to be accepted at face value.



In this situation, you could be imposing the condition of 12 months (if awarding the bonus points for SE outside AKL) without assessing necessary skilled work experience (SWE).



You should consider awarding the SWE (if there is enough years=30 points) and only impose section 49 conditions of 3 months instead of 12 months.



QUESTIONS?

'You are not expected to know everything, you are expected to wish to know'
- Tom Brokaw





**NEW ZEALAND
IMMIGRATION**

SKILLED EMPLOYMENT

February 2023



SESSION OVERVIEW

- Aim and Intent
- Points for Skilled Employment (SM6.5)
- How do we assess Skilled Employment (SM6.10)
- Relevance of qualification(s)/work experience to Skilled Employment (SM6.15)
- Additional requirements for skilled employment (SM6.30)
- Calculating remuneration (SM6.20)
- Requirements for employers (SM6.35)
- Bonus Points (SM6.40/50/60)



Aim and Intent (SM6.1)

- a. The aim of providing points for skilled employment is:
 - i. to facilitate access by New Zealand employers and industry to global skills and knowledge; and
 - ii. to recognise that people who have skilled employment in New Zealand are well positioned to meet New Zealand's needs and opportunities and more quickly achieve positive settlement outcomes.



Aim and Intent (SM6.1)

- b. Bonus points are available:
 - i. for employment in areas of absolute skills shortage, to recognise that New Zealand's short and longer term economic development can be facilitated by migrants with skills that will contribute to New Zealand's economic growth
 - ii. for employment outside the Auckland region, to enhance the ability of other regions to utilise immigration to support regional development
 - iii. for high remuneration, to recognise remuneration as an indicator of skills in demand in New Zealand



Aim and Intent (SM6.1)

- Note:
 - The aim of providing points for skilled employment is not met by a person undertaking employment in their own business rather than for a third party
 - People wishing to obtain residence by establishing and operating their own business in New Zealand should apply under the Business categories.



Points for Skilled Employment (SE)

SM6.5:

- A principal applicant's current skilled employment in New Zealand or offer of skilled employment in New Zealand qualifies for 50 points



How do we assess Skilled Employment (SM6.10)

- a. Skilled employment is employment that meets a **minimum remuneration** threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or
 - iii. the completion of recognised relevant qualifications and/or work experience.

- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO)* which associates skill levels with each occupation, and the level of remuneration for the employment (see R5.7).

**ANZSCO Version 1.2 except Dairy
Cattle Farmer occupations



How do we assess Skilled Employment (SM6.10)

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is:
 - i. a skill level **1, 2 or 3** occupation and the remuneration for that employment is **\$29.66** per hour or above (or the equivalent annual salary); or
 - ii. a skill level **4 or 5** occupation and the remuneration for that employment is **\$44.49** per hour or above (or the equivalent annual salary); or
 - iii. listed at **Appendix 7** and the remuneration for that employment is **\$29.66** per hour or above (or the equivalent annual salary)



How do we assess Skilled Employment (SM6.10)

- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- c. the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and
- d. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and
- e. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see SM6.30.10).



How do we assess Skilled Employment (SM6.10)

SM6.10.15 Occupations not included in the ANZSCO

Where an immigration officer is satisfied that an applicant's employment has no corresponding description in the ANZSCO, the employment may be assessed as skilled if:

- a. the **remuneration** for that employment is **\$41.64** per hour or above (or the equivalent annual salary); and
- b. the employment is **full-time** because it amounts to, on average, at least 30 hours per week over an agreed pay period; and
- c. the applicant is **suitably qualified by training and/or experience** for that occupation, as set out in SM6.10.25; and
- d. an immigration officer is satisfied that the employment is:
 - i. **genuine**; and
 - ii. **ongoing**; and
 - iii. **sustainable** by the employer at the specified level of remuneration (see SM6.30.10).



How do we assess Skilled Employment (SM6.10)

SM6.10.20 Suitably qualified by training and/or experience: skill level 1, 2 and 3 occupations

- a. Where the applicant's employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:
- i. they hold a **relevant recognised qualification** that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see SM8.10) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
 - ii. they have the **relevant work experience** that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an **occupation included on the Long Term Skill Shortage List (LTSSL)** (see Appendix 4) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - iv. the employment is in an occupation that requires **New Zealand registration** by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.



How do we assess Skilled Employment (SM6.10)

SM6.10.25 Suitably qualified by training and/or experience: other occupations

Where the applicant's employment is in an occupation described in the ANZSCO as a skill level 4 or 5 occupation, (including occupations listed at Appendix 7), or their employment is assessed under the provisions of SM6.10.15, they will be assessed as being suitably qualified by training and/or experience if:

- a. they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see SM8.10); or
- b. they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see Appendix 3); or
- c. they have three years of relevant work experience; or
- d. the employment is in an occupation included on the LTSSL (see Appendix 4) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
- e. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at SM10.5 and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.



Relevance of qualification(s)/work experience to Skilled Employment (SM6.15)

Qualifications are relevant to employment if:

- a. the **major subject area** of the principal applicant's recognised qualification is **directly applicable to the employment**; or
- b. an immigration officer is satisfied that the **qualification was a key factor** in the **employer's decision** to employ the principal applicant in that position.

Note: For the purposes of this provision, 'qualifications' must meet the requirements for recognition set out in [SM8](#) but are not required to be the same qualification(s) that qualifies for points under the Qualifications part of these instructions (see [SM8](#)).



Relevance of work experience to employment (SM6.15.5)

Work experience is relevant to employment if the employer considers, and an immigration officer is satisfied that:

- a. the work experience is directly applicable to the employment; or
- b. the offer of employment could not reasonably have been made or the employment could not reasonably have been undertaken if the applicant did not have that work experience.

SM6.15.10 Additional requirements for relevant work experience

- *Work experience will only be assessed as meeting the requirements if an immigration officer is satisfied that it was **lawfully obtained**.*



Additional requirements for skilled employment (SM6.30)

Skilled employment only qualifies for points if the employment is:

- a. for a position that is paid by salary or wages or on a per activity basis (see SM6.20.5 above) or in terms of a contract for service (payment by commission and/or retainer are not acceptable); and
- b. accompanied by evidence of full or provisional registration, or evidence of eligibility for registration by the New Zealand Medical or Dental Council subject only to an interview with the relevant registration authority on arrival, if full or provisional registration is required by law to undertake the employment (see SM10).

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a resident visa application.



Genuine Employment (SM6.30.5)

- a. Employment will not be considered genuine if it is offered as a result of payment made by the applicant (or their agent or a third party) to the employer (or their agent or a third party) in exchange for securing that offer of employment. Such practices are contrary to the principles of the Wages Protection Act 1983, as well as to immigration instructions.
- b. When assessing whether an offer of employment is genuine an immigration officer may consider (among other things) whether the remuneration offered for the position is comparable to the market rate for New Zealand workers in that occupation.



Ongoing and Sustainable Employment (SM6.30.10)

- a. Ongoing and sustainable employment is:
- i. employment with a single employer, that is permanent or indefinite, and of which the employer is in a position to meet the terms specified; or
 - ii. employment with a single employer, for a stated term of at least 12 months; or
 - iii. work on a contract basis where the applicant:
 - o has a consistent history of contract work, and
 - o has a current contract for services, and
 - o INZ is satisfied that such contract work is likely to be sustained.



Ongoing and Sustainable Employment (SM6.30.10)

- b. Where an offer of employment or current employment is for a stated term of at least 12 months, the stated term must be valid both at the time the application is lodged and when the application is decided, in particular:
 - i. if the applicant has current employment, he or she must be in that employment, or
 - ii. if the applicant has an offer of employment, the offer must continue to be valid.

- c. For the purposes of SM6.30.10 (a) (ii), INZ must be satisfied that the employer:
 - i. has genuine reasons based on reasonable grounds for specifying that the employment is for a stated term; and
 - ii. has advised the employee of when or how their employment will end and the reasons for their employment ending; and
 - iii. is in a position to meet the terms specified.



Ongoing and Sustainable Employment (SM6.30.10)

- d. Genuine reasons' for the purposes of SM6.30.10 (c) do not include reasons:
- that exclude or limit the rights of a person under employment law (including the Employment Relations Act and the Holidays Act); or
 - to determine the suitability of a person for permanent or indefinite employment.

Note: In order to meet employment law, employment agreements that are for a stated term must specify in writing the way in which the employment will end and the reasons for ending the employment.



Ongoing and Sustainable Employment

Section 6(c)



Calculating Remuneration (SM6.20)

- a. Remuneration will be calculated on the basis of payment per hour.
- b. For the purpose of determining whether remuneration meets the requirements of SM6.10.5(a)(i) and (ii) or SM6.10.15 (a) and SM6.60, evidence must be provided of hours of work in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.



Calculating Remuneration (SM6.20)

- d. If the employment agreement specifies payment other than by hour (including payment by salary) and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked to determine whether the variance in the hours worked would result in the per hour rate of pay being below the applicable remuneration threshold.

- i. Remuneration **excludes** any other employment-related allowances (for example tool or uniform allowances) and bonuses which are dependent on performance.



Requirements for Employers (SM6.35)

- a. All employers wishing to employ non-New Zealand citizens or residents must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:
- i. paying employees no less than the appropriate minimum wage rate or other contracted industry standard; and
 - ii. meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and
 - iii. only employing people who have authority to work in New Zealand.



Requirements for Employers (SM6.35)



- b. To qualify for points, skilled employment must be with an employer that has good workplace practices, including a history of compliance with all immigration and employment laws such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety at Work Act 2015, the Employment Relations Act 2000; the Wages Protection Act 1983, the Parental Leave and Employment Protection Act 1987, the Equal Pay Act 1972 and the Holidays Act 2003.



Requirements for Employers (SM6.35)



- c. An employer is considered to not have a history of compliance with employment law if it fails to meet the requirements set out at R5.110 or if it is included on a list of non-compliant employers maintained by the Labour Inspectorate (see Appendix 10).



Bonus points for employment in an area of absolute skills shortage (SM6.40)

An offer of skilled employment or current skilled employment in New Zealand in an area of absolute skills shortage qualifies for **10 points**.

A principal applicant is assessed as having employment in an area of absolute skills shortage if:

- a. they are employed in an occupation included on the Long Term Skill Shortage List (see Appendix 4) or that was on the Long Term Skill Shortage List at the time their Expression of Interest was selected; and
- b. the current employment or offer of employment meets the specifications for that occupation; and
- c. they are suitably qualified by training and/or experience to undertake the employment or offer of employment (including any specific requirements set out on the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).



Bonus points for employment outside the Auckland region (SM6.50)

Current skilled employment or an offer of skilled employment outside the Auckland region qualifies for **30 points**.

- a. Employment is outside the Auckland region if the principal applicant's entire or principal place of work is not within the territories covered by the Auckland Council.
- b. For the purposes of this provision 'place of work' is defined as a place (whether or not within or forming part of a building, structure or vehicle) where any person is to work, for the time being works, or customarily works, for gain and reward; and includes a place, or part of a place, (not being domestic accommodation provided for the employee):
 - i. where the employee comes or may come to eat, rest or get first aid or pay; or
 - ii. where the employee comes or may come as part of the employee's duties to report in or out, get instructions, or deliver goods or vehicles; or
 - iii. through which the employee may or must pass to reach a place of work.



Bonus points for high remuneration (SM6.60)

- a. Recognised current skilled employment or an offer of skilled employment qualifies for 20 bonus points if the remuneration for that employment is \$55.52 per hour or above (or the equivalent annual salary); and
- b. the assessing officer is satisfied that the employment is genuine; and the assessing officer is satisfied that the employment is sustainable by the employer at the specified level of remuneration (see SM6.30.10).



QUESTIONS?

'You are not expected to know everything, you are expected to wish to know'
- Tom Brokaw



SKILLED WORK EXPERIENCE

February 2023
Section 9(2)(a)

SESSION OVERVIEW



- Aim and Intent
- Points for skilled work experience
- Requirements for skilled work experience
- Comparable labour markets
- Additional requirements for skilled work experience
- Work experience calculator
- Bonus points for recognised skilled work experience in New Zealand and/or in an area of absolute skills shortage



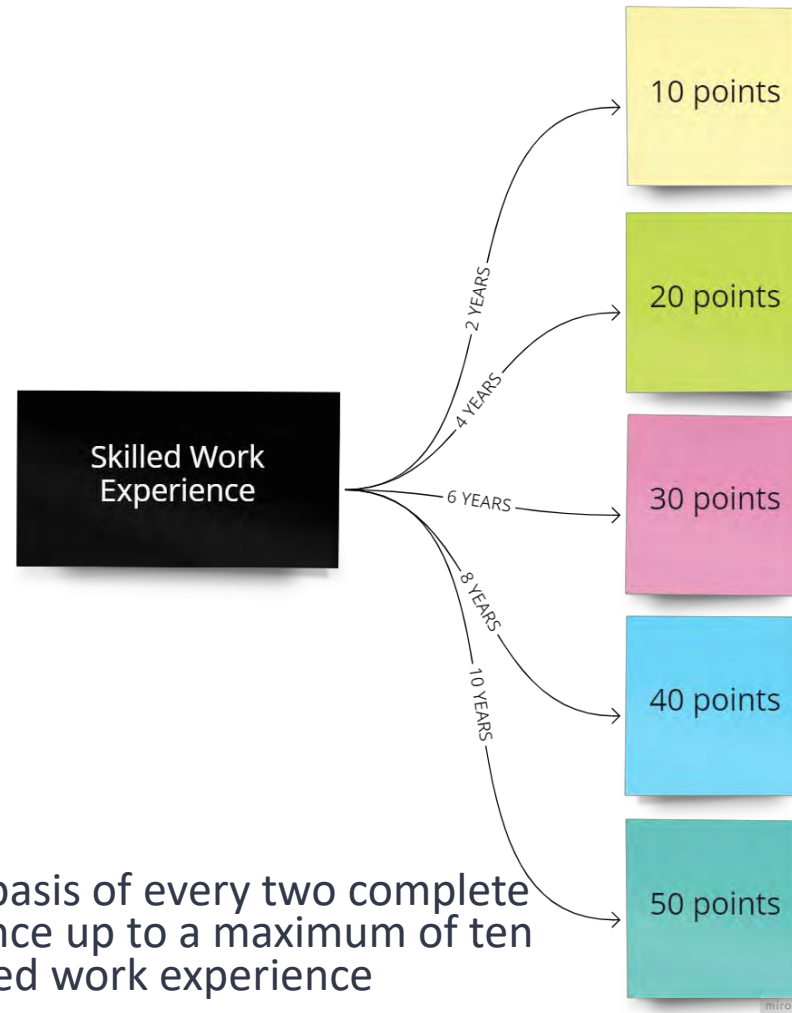
Aim and Intent (SM7.1)

- a. The aim of providing points for skilled work experience is to recognise the importance of skills and experience gained through previous employment that:
 - i. are readily transferable; and
 - ii. will enable migrants to obtain skilled employment in New Zealand; and
 - iii. will enhance migrants' ability to contribute to New Zealand economically and socially.



Points for Skilled Work Experience (SM7.5)

a. Skilled work experience qualifies for points as set out below:



b. Points are calculated on the basis of every two complete years of skilled work experience up to a maximum of ten years e.g. Three years of skilled work experience qualifies for 10 points.



Requirements for Skilled Work Experience (SM7.10)



Unless the work experience (WE) can be recognised as ‘skilled’ in accordance with our instructions, the applicant is unable to meet the skill level through work experience or claim points for it

Points are awarded for skilled work experience in a skill level 1, 2 or 3 occupation if an immigration officer is satisfied that:

- a. the work undertaken substantially matched (see SM7.10.5) the description for that occupation as set out in the Australia New Zealand Standard Classification of Occupations (ANZSCO) (see R5.7); and
- b. the applicant was suitably qualified (see SM7.10.10 and SM7.10.15) for that work prior to the work experience for which points are claimed.



Requirements for Skilled Work Experience (SM7.10)

SM7.10.5 Assessment of 'substantial match'

For the purposes of SM7.10.1 (a) above, an immigration officer must be satisfied that the applicant's work experience for which they are claiming points was in employment that is substantially consistent with the ANZSCO Occupation (6-digit) level description for that occupation.

- a. If an immigration officer is unable to determine a claimed substantial match to an ANZSCO occupation, they may request evidence of the tasks associated with that employment to assess whether the previous employment displays the characteristics of that occupation in terms of the relevant ANZSCO 'Unit Group' (4-digit) level description of tasks for that role.



Requirements for Skilled Work Experience (SM7.10)

SM7.10.10 'Suitably qualified'

- a. An applicant will be assessed as suitably qualified in terms of SM7.10.1 (b) above if they hold a relevant qualification as specified in the ANZSCO for that occupation.
- b. For the purposes of this provision, a qualification is relevant to an applicant's employment in a skill level 1, 2 or 3 occupation for which they are claiming points for skilled work experience if:
 - i. the major subject area of the principal applicant's recognised qualification is directly applicable to the employment; or
 - ii. an immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.



Requirements for Skilled Work Experience (SM7.10)

SM7.10.15 'Suitably qualified' through prior work experience

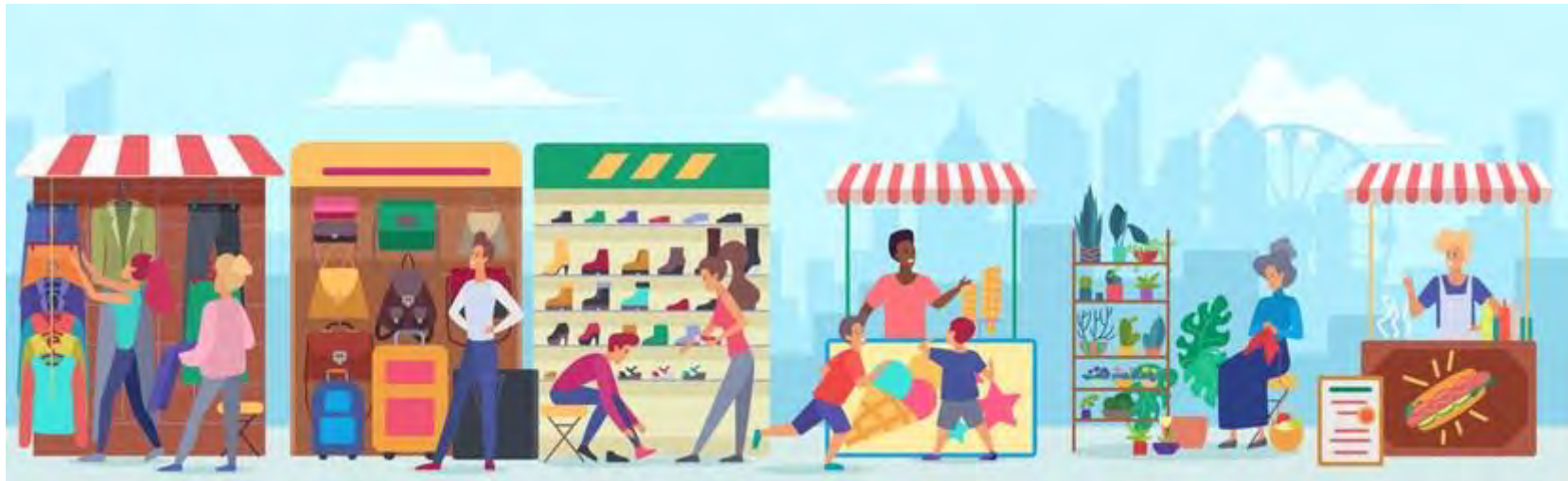
- a. An applicant may also be assessed as qualified through relevant prior work experience, in terms of SM6.10.20 (a) (ii) or SM6.10.20 (b).
- b. For the purposes of this provision, prior work experience is relevant to the employment for which an applicant is claiming points if:
 - i. an immigration officer is satisfied that it was directly applicable to, or in a closely related field to, the employment for which work experience points are claimed; or
 - ii. the experience was a key factor in the employer's decision to employ the principal applicant in that position.



Comparable Labour Markets (SM7.15)

Work experience must have been gained in a labour market that is comparable to the New Zealand labour market unless:

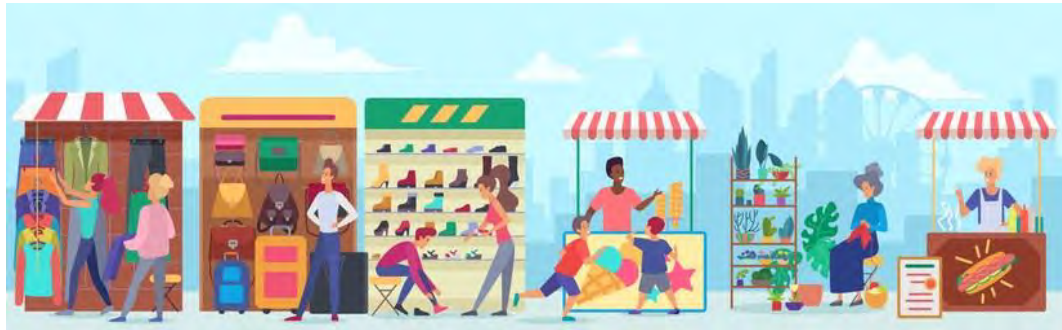
- a. the work experience meets the requirements set out at SM7.30 for work experience in an area of absolute skills shortage; or
- b. the principal applicant has current skilled employment in New Zealand or an offer of skilled employment in New Zealand (see SM6).



Comparable Labour Markets (SM7.15)

SM7.15.1 Definition: Comparable labour market

- a. Work experience is assessed as being in a comparable labour market if it was undertaken in one of the following countries by:
 - i. a citizen or permanent resident of that country; or
 - ii. a person who had the lawful authority to work in that country.



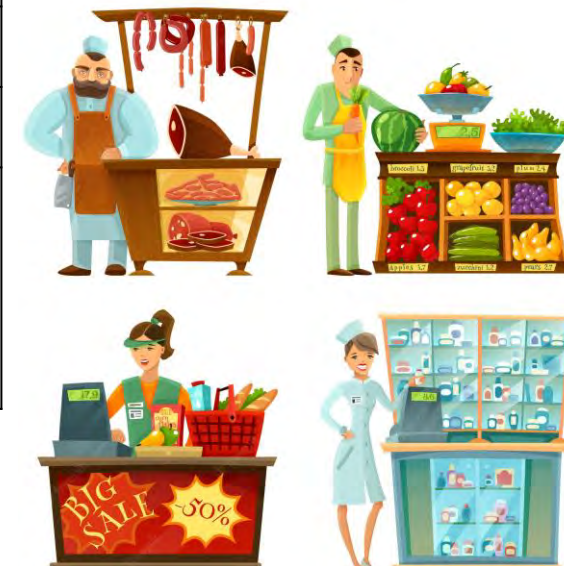
Comparable Labour Markets (SM7.15)

Can you name three countries that are considered as comparable to our New Zealand labour market?



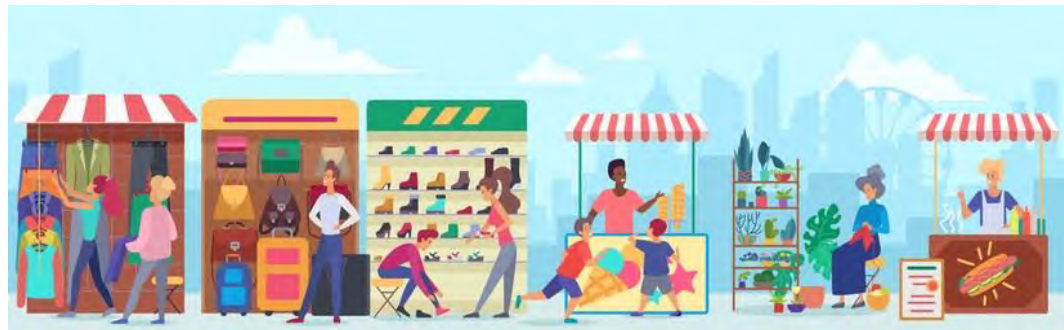
Comparable Labour Markets (SM7.15)

Australia	Greece	Macau	South Africa
Austria	Hong Kong	Malta	South Korea
Belgium	Hungary	Malaysia	Spain
Canada	Iceland	New Zealand	Sweden
Cyprus	Ireland	Netherlands	Switzerland
Czech Republic	Israel	Norway	Taiwan
Denmark	Italy	Poland	United Kingdom
Estonia	Japan	Portugal	United States
Finland	Latvia	Singapore	
France	Lithuania	Slovak Republic	
Germany	Luxembourg	Slovenia	



Comparable Labour Markets (SM7.15)

- b. Work experience undertaken in a country not listed at SM7.15.1 (a) above will be assessed as being in a comparable labour market only if it was undertaken for a multinational commercial entity (including a wholly or majority owned subsidiary of such an entity that bears the same core name as the parent company) domiciled in one of the countries listed in (a) above.



Additional Requirements for Skilled Work Experience (SM7.20)

- c. Calculation of levels of work experience must be for complete weeks based on a 30-hour week.
- d. Credit is given for 30-hour weeks only, even though a principal applicant has worked more than 30 hours in any week.
 - Example: Fifty-two 60-hour weeks are equal to one year's work experience.
- e. Credit for part-time work experience may be given on a proportional basis.
 - Example: Four years work experience for 15 hours per week is equal to two years work experience for a 30-hour week, and therefore qualifies for 10 points.



Work Experience Calculator

Full-time										
Role & Company	Country	Recognised (SE, CLM/MNC, SM13.20)	Relevance (SE, qual, App 6 or 7)	date start	date stop	# days	# years			
	NZ	SE	SE			0	0.0000			
	NZ	SE	SE			0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						0	0.0000			
						Total	0.0000			
*If clients claim no part-time employment, don't refer to the combined total below										
Part-time										
Role & Company	Country	Recognised (SE, CLM/MNC, SM13.20)	Relevance (SE, qual, App 6 or 7)	date start	date stop	# days	# years	Hours/week	Ratio	years counted
	NZ	SE	SE			0	0.0000		0.0000	0.0000
	NZ	SE	SE			0	0.0000		0.0000	0.0000
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
						0	0.0000		0	0
									Total	0.0000
*For part-time employment, please put how many hours per week										
Combined total of full-time and part-time				0.0000						



Bonus points for recognised skilled work experience in New Zealand (SM7.25)

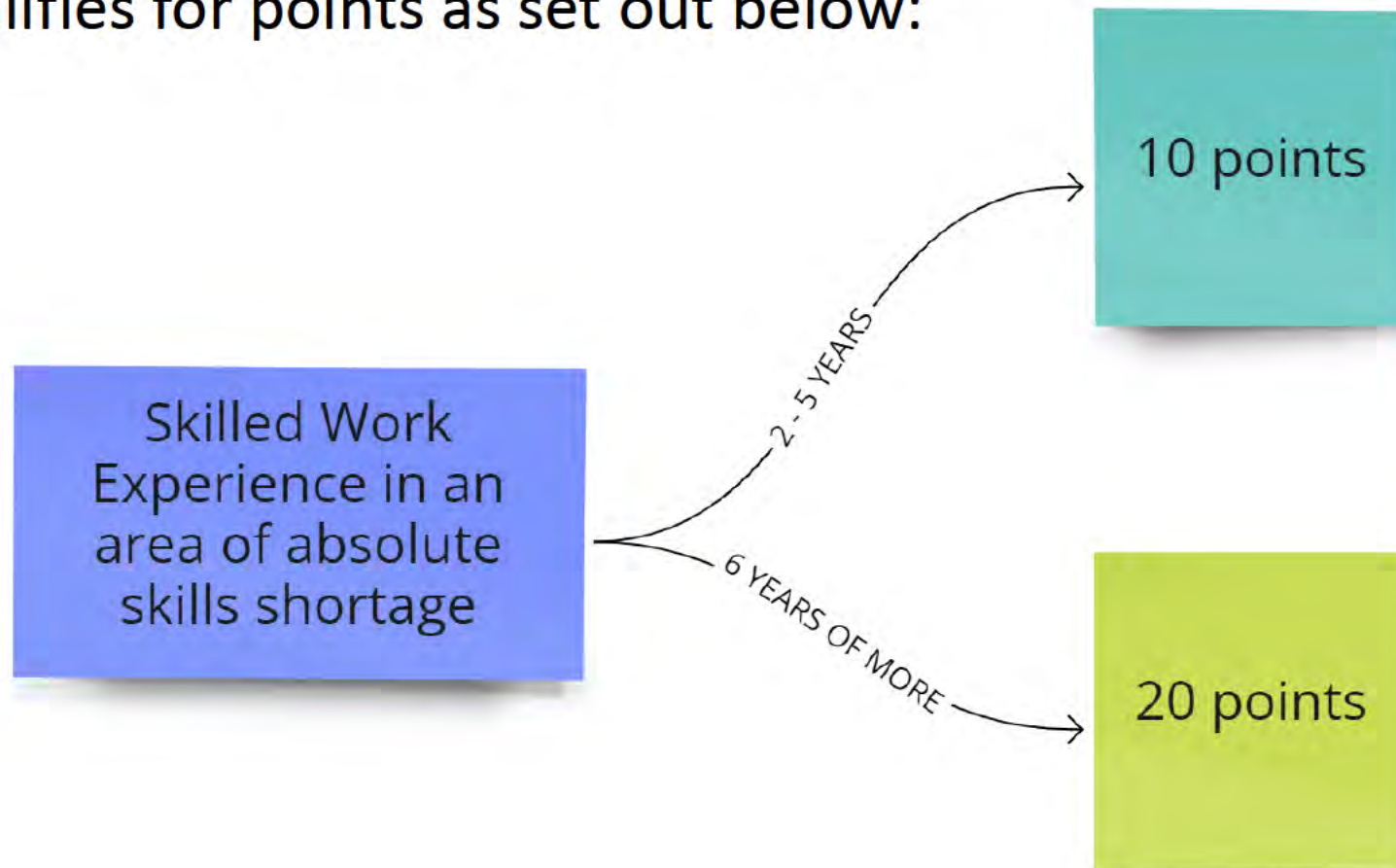


- a. Skilled work experience in New Zealand of one year or more qualifies for 10 bonus points.
- b. A principal applicant's skilled work experience in New Zealand will only be awarded points if they already qualify for 10 or more points under the provisions set out at SM7.1 to SM7.20.



Bonus points for work experience in an area of absolute skills shortage (SM7.30)

- a. Work experience in an area of absolute skills shortage which meets the requirements set out at SM7.1 and SM7.20 qualifies for points as set out below:



Bonus points for work experience in an area of absolute skills shortage (SM7.30)

- b. Work experience is assessed as being in an area of absolute skills shortage if:
- i. it was undertaken in an occupation included on the Long Term Skill Shortage List (LTSSL) (see Appendix 4) or that was on the Long Term Skill Shortage List at the time the principal applicant's Expression of Interest was selected; and
 - ii. it meets the specifications for that occupation; and
 - iii. the principal applicant is suitably qualified by training and/or experience to undertake that work (including any specific requirements set out in column three of the Long Term Skill Shortage List or that were listed on the date their Expression of Interest was selected).



Bonus points for work experience in an area of absolute skills shortage (SM7.30)

- c. Where the LTSSL specifies that occupational registration is required for a listed occupation, the principal applicant must demonstrate that they:
- i. held occupational registration while undertaking the work experience, if occupational registration was required in the country in which the work occurred; and
 - ii. hold current full or provisional New Zealand occupational registration, or meets the requirements of SM10.10.5 (b) if registration is required from the New Zealand Medical or Dental Council.



QUESTIONS?

'You are not expected to know everything, you are expected to wish to know'
- Tom Brokaw

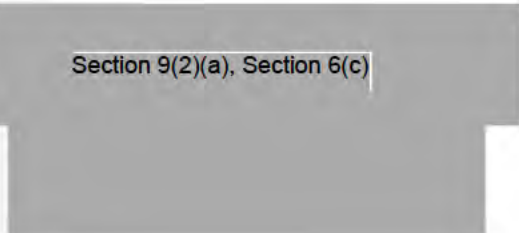




SMC re-opening Overview - Restricted



Section 9(2)(a), Section 6(c)



Inbox Management



Inbox management

Unallocated application:

- When an email is obtained, paste it into the AMS notes of the application.
- Upload the document to Plone.

Allocated application:

- Forward the email to the allocated officer.
- They will be responsible for ensuring all documents are uploaded correctly.



PLONE



A circular logo with a blue outline and the word "PLONE" in blue capital letters inside.

PLONE

1. Log into PLONE

Login Name

Password

Log in

Forgot your password?

If you have forgotten your password, [we can send you a new one.](#)



PLONE

2. Copy the Plone reference from AMS into the search bar

Section 9(2)(a)



PLONE

2. Paste the Plone reference from AMS into the search bar

Section 9(2)(a)

9(2)(a) of the OIA

Submission

Border Exception Request - Business

9(2)(a) of the OIA

16 Oct 2020 08:41:46 NZDT

Completed ▾

Section 9(2)(a)





How to upload documents

- Select the upload button.

Internal Data

Internal Data is additional information that has been added to the Submission by SAFER users.
This information has not come from the user who originally submitted the form.

#	Field	Value	
1	Upload other document (general) 1	< no value >	 

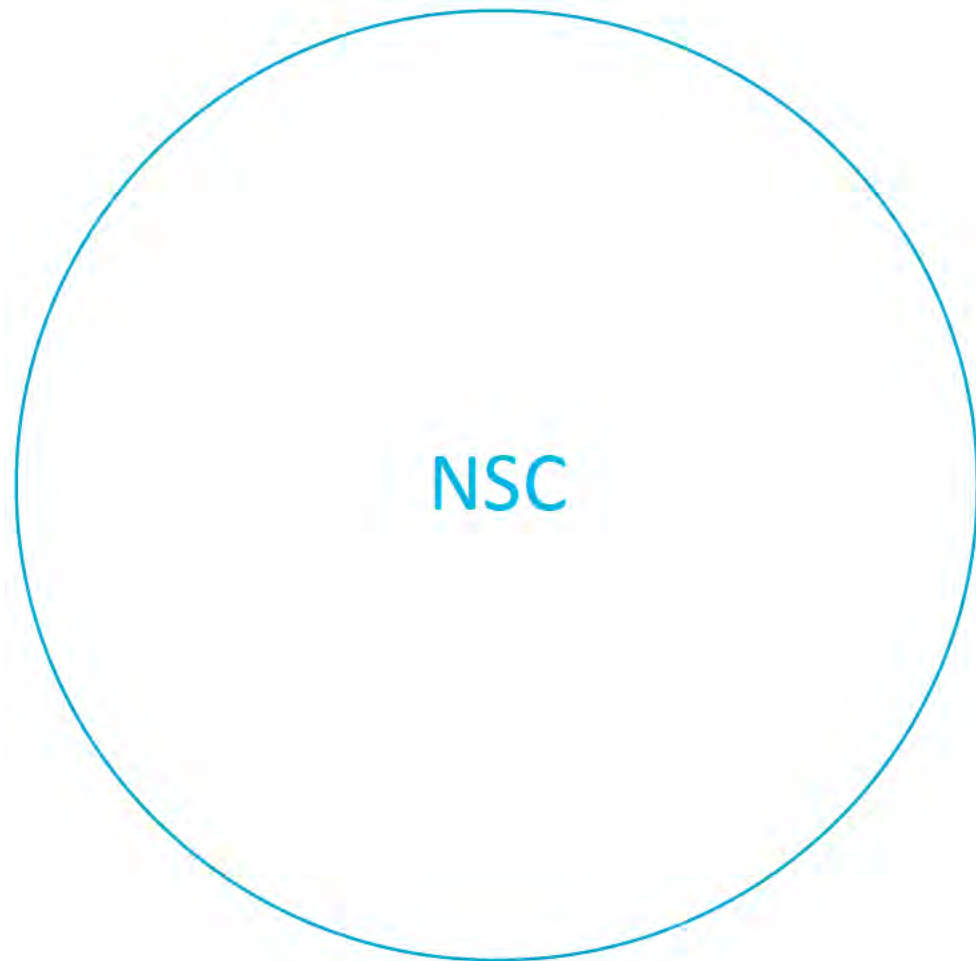
- Upload the document and save the file.

Internal Data

Internal Data is additional information that has been added to the Submission by SAFER users.
This information has not come from the user who originally submitted the form.

#	Field	Value
1	Upload other document (general) 1	<p>Edit Value</p> <p><input type="button" value="Choose File"/> No file chosen</p> <p><input type="button" value="Cancel"/> <input type="button" value="Save Changes"/></p>





NSC portal

- Enter the application number:

Section 6(c)



How to upload an NSC

1. Click on the 'PDF upload & NSC submission' tab
2. The referral type will default to 'New NSC referral'. This should be selected by default.

Section 6(c)



How to remove a document

- Click 'Remove File' to delete the file from the 'file uploader'. Files can only be removed one at a time.

Section 6(c)



Tips:

- If you have named a file incorrectly, then under the 'File name' column you will see 'invalid'. You will need to remove the file, rename the document correctly and upload again.
- 6(c) of the OIA
[Redacted]
- 6(c) of the OIA
[Redacted]
- The maximum file size is 6 megabit.



When you need to submit documents that are more than 6MB

- 6(c) of the OIA

Section 6(c)



ESOL Contract



ESOL Contract

AIP stage:

- IO to recommend decision and record clearly in assessment note or leave AMS notes about further requirements the client(s) need(s) to meet
- IO to put application into QC and TA checks if AIP requirements including passport scans and/or any ESOL requirements for SA/DAs are correct and clearly noted
- Support Officer pulls application from AIP Queue (new queue to be set up for AIP under SMC), and send out AIP letter using specific templated letter (see below) and set AMS bring up (6 months from date AIP letter is sent), please make sure to adjust the correct amount of ESOL fees as some SAs/DAs may only require to pay partial of the fee (check SMC assessment)

Letter templates in TLS

- V140 – AIP letter (under ‘decide’)
- V140d – AIP letter for passport only (under ‘decide’)
- V137 - ESOL Contract and payment form (under ‘determine’)



Please note MAO **will not** be handling any ESOL Fee Payment, we can advise the LIA/Client to follow below process when they need to make payment for ESOL

ESOL Fee Payment Process:

- Contact the National Documentation Office (NADO) Section 6(c) the Support Officer at NADO would take payment over the phone, if the call is not answered, the LIA/client may leave Voicemail and NADO will call them back
- Once payment is made, the Support Officer at NADO will leave AMS notes and send us evidence of payment
- Manukau Support Officer to issue E-visa with correct conditions (i.e onshore, offshore, Section 49)



ESOL Contract

Evisa stage:

- Once you have received the ESOL contract via courier or electronic copy through email, please check if all details are correct and all sections are completed if applicable
- Completed ESOL contract Section 6(c)
- For physical copy, please scan and send it to the email above and place the physical copy in the ESOL tray.

If client/LIA has emailed us the electronic copy, you may send it to above email directly, please check all details, if any other information is included, **credit card details need to be removed.** Section 6(c)


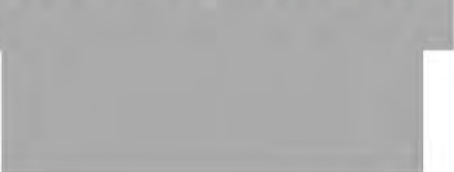




Skilled Migrant Category (SMC)



Section 9(2)(a)


A decorative graphic at the bottom of the slide consisting of three overlapping trapezoidal shapes: a light blue one on the left, a green one in the middle, and a teal one on the right.



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

LODGEMENT

Understanding the mandatory requirements for lodging an application for a residence class visa

A decorative graphic at the bottom of the slide consisting of three overlapping trapezoidal shapes in shades of blue, green, and teal.

Session Overview

- Mandatory Lodgement Documents (R2.40)
- Understanding mandatory requirements:
 - Who must be included and when (R2.40(d))
 - Who may be included in an application (R2.5) or when can someone be removed (R5.115)
- Who may be included (R2.1)
 - Partner and/or dependent children of the PA and/or partner
- Explaining discrepancies in family details (R5.15)
- Regulation 20(2A) – Applications involving family members



R2.40.1 Mandatory requirements for lodging an online application for a residence class visa

- a. An application for a residence class visa may be made online if electronic forms have been provided for that purpose by Immigration New Zealand [the Ministry of Business, Innovation and Employment].
- b. The application must be made using the electronic form provided.



R2.40.1 Mandatory requirements for lodging an online application for a residence class visa

- c. The electronic form requires the applicant to:
- i. complete the form in English; and
 - ii. state his or her full name; and
 - iii. state his or her date and place of birth; and
 - iv. state the details of his or her passport or certificate of identity; and
 - v. upload a photograph of the applicant's head and shoulders that complies with the standards specified for the purpose by the Immigration New Zealand [Ministry of Business, Innovation and Employment]; and
 - vi. produce the information and evidence required by immigration instructions to demonstrate he or she fits the residence class visa category under which he or she is applying; and
 - vii. acknowledge that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and
 - viii. agree that, if his or her circumstances change before any visa is granted, or before the application is determined, the applicant will notify an immigration officer of the change; and
 - ix. pay the prescribed fee or arrange for its payment in a manner acceptable to the immigration officer processing the application; and
 - x. pay the immigration levy that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application.



LODGEMENT

Who must be included and when – R2.40(d):

- *include all dependants of the principal applicant where they hold or have applied for a temporary entry class visa based on their relationship to the principal applicant*

Who may not be included in the application (R2.5):

- Any child aged 25 and over (whether dependent or not); and*
- Any child aged 24 and under who is not a dependent child*

When can someone be removed (R5.115):

- *A partner or dependent child of the principal applicant included in a residence class visa application cannot be removed from that application while the application is being processed, unless a change in circumstances results in the partner ceasing to be the applicant's partner or the child ceasing to be a dependent child*



Who May Be Included In An Application (R2.1)

b. The following people may be included in a residence class visa application, regardless of whether they are living in the same country as the principal applicant:

- i. The partner of a principal applicant; and
- ii. The biological or adopted dependent children of the principal applicant and/or partner (if the partner is included in the application)



Explaining discrepancies in family details (R5.15)

- a. Under the principles of fairness and natural justice, applicants must be given an opportunity to explain any discrepancies in the details of their immediate family, if those discrepancies are materially relevant to the application.
- b. Applicants, or other relevant parties, may be required to provide the explanation in writing and/or at an interview, and if given at interview the explanation must be recorded in writing.
- c. If applicants or other relevant parties are required to provide the explanation in writing, they must be given a reasonable time in which to do so and must know what it is they are expected to explain.
- d. If, as the result of an explanation, the immigration officer is satisfied that the details provided by the applicant are correct, or that the applicant has genuinely misunderstood the requirements, the officer should continue to assess the application.



Explaining discrepancies in family details (R5.15)

R5.15.1 False or misleading information

- a. If an immigration officer has reasonable cause to believe that an applicant has:
 - i. supplied incorrect information; or
 - ii. failed to declare relevant family members in a deliberate attempt to mislead,

the officer should consider declining the application under the character provisions of the Administration chapter (A5).

- a. If the application is declined on character grounds, the officer should continue to assess the application and, if the application fails to meet other applicable residence instructions requirements, also decline the application on those grounds.



Regulation 20(2A)

Applications involving family members



Regulation 20(2A)

(a) if any **dependent child** of the applicant **holds or has applied for a temporary entry class visa based on the child's relationship to the applicant**,—

(i) an application for a residence class visa to which subclause (1)(a) applies **must include** that dependent child; and

(ii) the name of any dependent child **may not be removed** from that application (whether by a variation of the application or the making of a new application) while the application is being processed, **unless there is a change of circumstances** that results in the child **ceasing to be a dependent child**; and

(b) if the **spouse or partner** of an applicant **holds or has applied for a temporary entry class visa based on the spouse or partner's relationship to the applicant**,—

(i) an application for a residence class visa to which subclause (1)(b) applies **must include** the applicant's spouse or partner; and

(ii) the name of the spouse or partner **may not be removed** from that application (whether by a variation of the application or the making of a new application) while the application is being processed, **unless there is a change of circumstances** that results in the applicant's spouse or partner **ceasing to be his or her spouse or partner**.



Relevant VisaPaks

- VisaPak 508 <https://www.immigration.govt.nz/documents/visa-paks/visa-pak-508.pdf>
- VisaPak 341 <http://inzkit/publish/visapak/visapak/#69027.htm>
- VisaPak 308 <http://inzkit/publish/visapak/visapak/#64856.htm>
- VisaPak 358 <http://inzkit/publish/visapak/visapak/#70370.htm>



What is meant by a 'visa based on a relationship?'

A visa based on a relationship means a visa that requires the existence of a specific relationship for it to be granted. These may include:

- Special work visas for partners of holders of work visas (WF3)
- Special work visas for partners of holders of student visas (WF4)
- Student visas for dependent children of holders of work visas (U8.20)
- Relationship based Critical Purpose visas (including but not limited to those granted under H5.30.45, H5.30.50, H5.30.55 and H6)
- Relationship based S61 work or visitor visas
- Dependent Visitor Visas
- Culturally arranged marriage VV (V3.35)
- New born children who are deemed to hold a visa in accordance with A17

*** This excludes visas such as general visitor visas (even if the declared purpose is to visit family)



R2.40(d) – What is meant by ‘has applied for a visa’?

- ‘Has applied for’ means **has applied** for a temporary visa **at the time the residence application is lodged**.
- This means that the partner or dependent child(ren) who have an **undecided application** for a temporary visa (which is based on a relationship to the principal applicant) being considered by INZ when the residence application is lodged.
- As the instruction is applied at lodgement, this applies even if, after the residence application has been lodged, the temporary visa application which has been made based on their relationship to the principal applicant is withdrawn, declined or replaced with another visa.

A partner or dependent child who has **previously applied** for a visa based on their relationship to the principal applicant for a residence visa, but **who does not currently hold** a visa based on that relationship and **does not have an application** based on that relationship being processed, **does not have to be included in the residence application** under Regulation 20 (as reproduced at R2.40 d).



R2.40(d) – What is meant by ‘holds a visa’

- ‘Holds a visa’ means holds a **valid** temporary entry class visa based on their relationship to the principal applicant **at the time the residence application is lodged**.
- As the instruction is applied at lodgement, this applies even if, after the residence application has been lodged, the partner or dependent child(ren) no longer hold a visa based on their relationship (because the visa has expired or they obtain a new visa).

Similarly, a partner or a dependent child who has **not applied for a visa or held a visa based on their relationship to the principal applicant at the time the residence visa was lodged**, but who later applies or hold such a visa after lodgement **does not have to be included** in the residence application under Regulation 20 (as reproduced at R2.40 d).



When can a partner or dependent child(ren) be removed from a residence application?

Partners or dependent child(ren) to whom Reg 20(2A) does not apply

- **Can be either withdrawn or removed anytime** during processing, even if they do not meet character or health requirements.
- *Note however that exclusion or removal from a residence application will mean that these family members, if they are non-ASH, will not be eligible for a medical waiver if they subsequently apply for residence under one of the family categories (see A4.60.b).*

Partners or dependent child(ren) to whom Reg 20(2A) applies

- **Cannot** be either withdrawn or removed, **unless a change of circumstances** result in the child **ceasing to be** a dependent child (i.e., age over 25yrs, no longer single, not financially dependent) or the applicant's partner (because their relationship has ended). See R5.115.

Partners who do not meet the definition of a partner (R2.1.10)

- A secondary applicant "partner" has been included in a residence application however during processing of the application it is identified that the couple are not married, not in a civil union or in a de facto relationship. **The "partner" does not meet the definition of a partner** in accordance with the Regulations and R2.1.10, so is ineligible to be included in the residence application and must be removed.



Client Contacts Report (CCR)

How do we check whether R2.40 (d) is triggered or not?

We go into the profile in AMS for the principal applicant (PA) and check their client contact report (CCR).

Section 9(2)(a)



How Do We Check for R2.40 (d) is triggered?

The CCR shows all the other applications where the PA is listed as a contact, guardian or supporting partner/parent.

NOTE: When you check CCR, if the PA is a New Zealand contact or guardian for an applicant then R2.40(d) is not triggered.

AMS - Client Contacts Report

Section 9(2)(a)



Client Contacts Report (CCR) – At Time of Lodgement

Where would the dependent need to included?

- If the CCR shows the principal applicant has a partner or child who is holder of or has applied for a temporary visa which is dependent on the PA's current work visa. R2.40 (d) is triggered.

Where would the dependent not need to included?


- If the CCR shows the principal applicant has a partner or child who is a holder of or has applied for a Visitor Visa, R2.40(d) is not triggered.
- If the CCR shows the principal applicant has a partner or child who has applied for and granted a partner of a / dependent of a worker visa previously but currently that visa has expired or they are on a different visa on their own accord then R2.40(d) is not triggered.
- If the CCR suggests the PA has supported a partner of a worker visa which appears to be current do check the application form as the PA may have declared their relationship has ended. Therefore as per R5.115 the relationship has ceased and R2.40(d) does not apply.
- If the CCR suggests the PA has supported a dependent of a worker visa which appears to be current do check if that applicant is over 24 years and therefore has ceased to be a dependent. Therefore as per R5.115 the relationship has ceased and R2.40(d) does not apply.





INITIAL ASSESSMENT

Understanding checks we do for all residence class visa and ensure all lodgement requirements are met as well as relevant documents are provided as per requirement of application instructions and lodgement date.

Decorative geometric shapes at the bottom of the slide, including a blue trapezoid, a green triangle, a light green triangle, and a dark blue trapezoid.

Initial Assessment

- **Type of Application**
- **Date of Lodgement**
- **Age of applicant**
- **All Mandatory Lodgement documents provided (R2.40)**
- **All Dependents are included (R2.40d)**
- **We check their current visa**
 - They are on a valid work visa
 - They are lawful in New Zealand

NOTE: Residence applications cannot be processed if the applicant is unlawful and liable for deportation. Immigration New Zealand is required to stop processing your residence application under section 169(3) of the Immigration Act 2009. If your applicant is unlawful please PPI applicant that you will stop processing their residence application unless they get a temporary visa or they leave New Zealand.

TLS Reference for PPI: **Anytime Template = V395 Residence application processing stopped.**



Date of Lodgement

- It is important to look at Date of Lodgement to ensure we are looking at the right instruction in the Operational Manual to ensure we are completing correct assessments

Examples:

- Age of applicants
- Police Certificates are less than 6 months
- Health Checks completed less than 3 months
- R2.40(d)
- Time spent in New Zealand
- Employment/Remuneration requirements



Age of Applicant

AGE OF APPLICANT IS NOTED AT LODGEMENT DATE FOR THE PURPOSE OF MEETING INSTRUCTIONS

- Age requirement for instructions e.g. SMC less than 56 years
- Character requirements triggered for applicants 17 years and over.
- Chest X-Rays are required for applicants aged 11 years and over.
- English language requirements triggered for applicants 16 years and over
- For dependent child the evidence we require for dependence assessment is based on their age at lodgement.

NOTE: For Custody requirement we look at age of applicant at time of assessment.



Valid Work Visa

Open Work Visas

- Post-Study work visa, Working Holiday visa and Partner of a worker visa.
- Student visas allow applicants to work for 20-hours per week (full-time during scheduled holidays)
- Some residence products may have specific pre-requisite work visa types.
 - RFW needs you to be on a WTR work visa
 - RV21 does not allow applicants on a partner of a worker visa

Other Work Visas

- Work Specific visas will have visa conditions noted in the visa label issued
 - Applicants Name
 - Applicants Role
 - Applicants Employer
 - Industry (For Example: WTR SIC does not specify a employer but rather an industry)
 - Region (For Example: WTR SIC will specify region of employment)



Valid Work Visa

Variation of Conditions (VOC)

- When applicants employment circumstances change they must apply for a Variation of Conditions (VOC) to their Work Visa.
- VOC's are granted in line with their previous visa application.
- If the change in their employment circumstances is very big they will be advised to apply for a new Work Visa.
- If applicant has been approved a VOC it will be in line with the previous work visa instructions

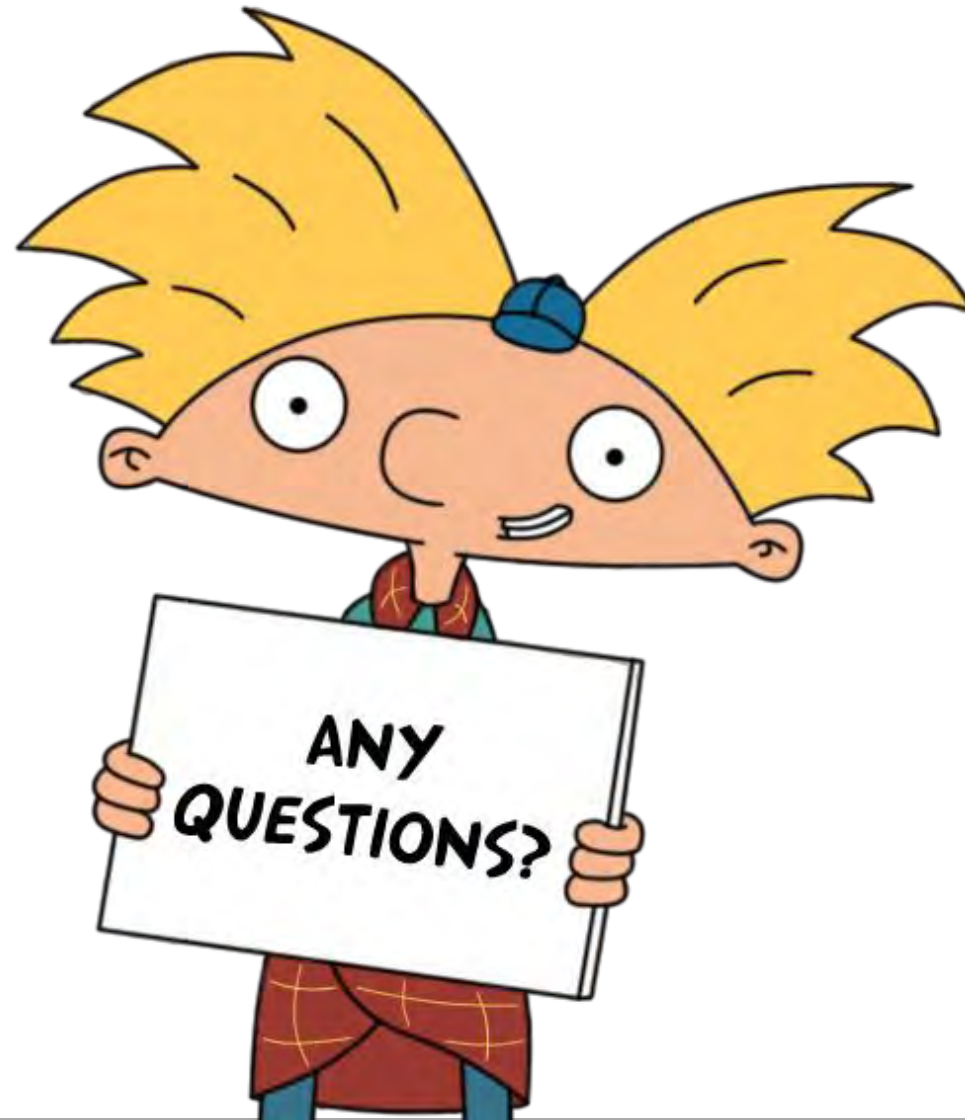
Interim Work Visa

- When applicants apply for a work visa and their previous work visa expires before their new visa is granted they may be issued an interim visa.
- Interim visas allow applicants to continue working if they are in the same employment and role as their previous work visa.
- Interim visas may not be considered as a **valid visa** for some residence products

Example: Residence from Work



QUESTIONS?





**NEW ZEALAND
IMMIGRATION**

SYSTEMS TRAINING

February 2023



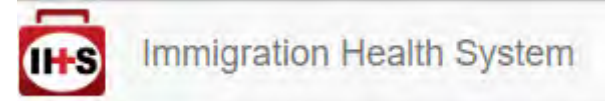
Session Overview: Type of Systems

- **Document/Client Information Storage Systems**

- PLONE
- MAKO
- VAC
- Immigration Global Management System [IGMS]
- Identity Management System [IDme]

- **Application Processing Systems**

- Application Management System [AMS]
- Immigration Health System [IHS]
- Advanced Digital Employer-led Processing and Targeting [ADEPT]
- EOI Assessment Tool
- KM TOOL
- QC Check Tool (TA)



- **Policy Storage Systems**

- Operations Manual
- Global Process Manual
- VisaPak Database
- INZ Amendment Circulars [IAC]
- Australian and New Zealand Classification of Occupations [ANZSCO]





**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

DOCUMENT / CLIENT INFORMATION STORAGE SYSTEMS



PLONE

What is PLONE?

- Portal where applicants are able to upload their documents for application.
- If documents for an application are on PLONE portal you will identify this in the application notes in AMS.
- Each application is given a PLONE reference.
- PLONE reference is used to look up the relevant records/ documents on PLONE using the search bar

Section 9(2)(a)

Section 9(2)(a)

Submission

2021 Resident Visa - Application (RESV)

9(2)(a) of the OIA

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Exported

9(2)(a) of the OIA



MAKO

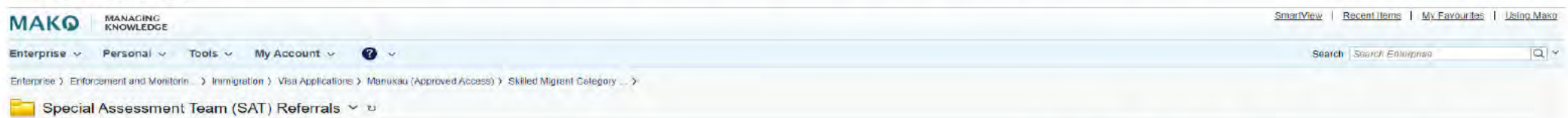
What is MAKO?

- This portal is being used more regularly to share/store documents for internal use.

For example: Additional information provided by applicants for RV 2021 where PLONE was used to provided initial docs. IOs will need to upload the additional documents to MAKO.

- In events where other branches want relevant documents they may request these to be uploaded on MAKO rather than sending the file over.

For example: For SAT Referrals IOs need to upload soft copy of documents to MAKO for SAT Team to access.



Section 6(c)

[Update](#) [Reset](#)



VAC Digital

- **What is VAC Digital?**

- Visa Application Centre (VAC) Digital is a web-based platform that enables the electronic submission of visa applications and passport information to INZ
- The VAC Digital website holds applications and supporting documents that have been scanned at a VAC

- **Why we use VAC Digital?**

- VACs are generally used when the applicant is unable to apply for their visa online, or when INZ needs to view an original document, e.g. passport. The applicant will take their physical application and/or documents into a VAC where they will be scanned and uploaded to VAC Digital
- In the case of passports, the VAC will also scan the original document to ensure its authenticity and upload the scan results into VAC Digital

- **When do I use VAC Digital?**

- When assessing a visa application submitted through a VAC
- When reviewing original documents to be reviewed at a VAC



Immigration Global Management System [IGMS]

- What is IGMS?
 - Applicants use IGMS to apply for visas online
 - INZ accesses the information and communicates with the applicant through this system
- Why we use IGMS?
 - Increasingly visa applications can only be made online. IO's use the system to access applications and complete their assessment
 - Using IGMS removes the need to transport and store paper documents, and allows applications to be quickly relocated to other processing offices when required
- When do I use IGMS?
 - If a visa application is submitted online, then you'll use IGMS as you start to review and assess the visa application



Immigration Global Management System [IGMS]

Section 9(2)(a)



Immigration Global Management System [IGMS]

IMMIGRATION NEW ZEALAND  Document Management System
Immigration ONLINE

Help

Find documents

Section 9(2)(a)





**MINISTRY OF BUSINESS,
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Application Processing Systems

A decorative graphic consisting of several overlapping geometric shapes. On the left, there is a grey rectangle. To its right, there are three overlapping trapezoidal shapes: a light blue one on the left, a green one in the middle, and a teal one on the right. The shapes are arranged in a way that they appear to be part of a larger, abstract design.

Application Management System | AMS

What is AMS?

AMS is an application used to process and store any information pertaining to clients:



Application Management System |

Why use AMS?

- AMS is one of our key business applications in INZ as we can track and update the progress of visa requests throughout different stages of the application life cycle

When will you use AMS?

Everyday

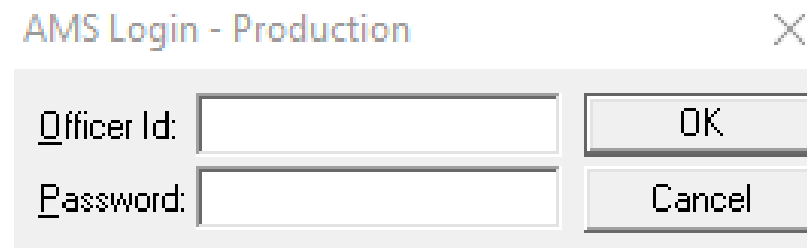
- You can access the AMS manual:
<http://inzkit/publish/ams/amsmanual/#12251.htm>



Application Management System |

Login

- AMS is on all our computers.
- We log in using our Office ID and Password.
- The ID will show up in CAPS always however you need to ensure you turn your caps on and off when entering your ID and Password.
- You will be asked to change your computer password from time to time. Never share this password with anyone.



The screenshot shows a dialog box titled "AMS Login - Production" with a close button (X) in the top right corner. The dialog contains two input fields: "Officer Id:" and "Password:". To the right of the "Officer Id:" field is an "OK" button, and to the right of the "Password:" field is a "Cancel" button.



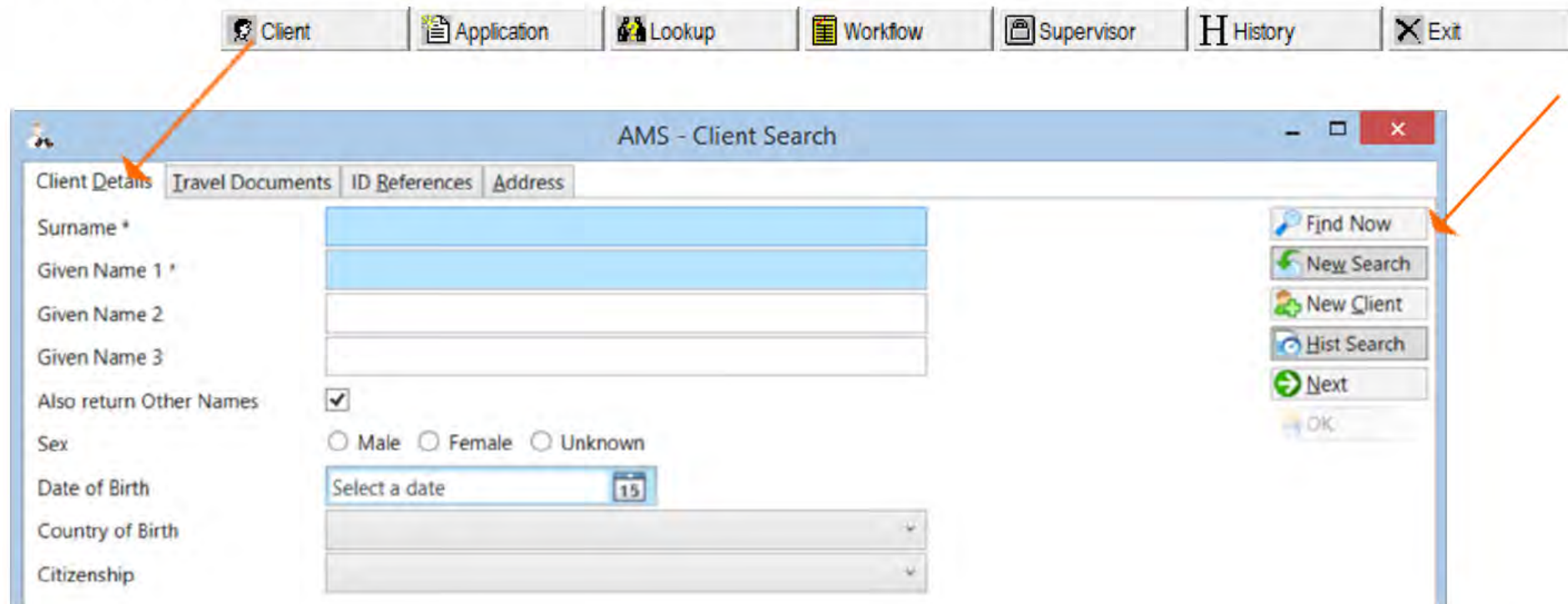
Application Management System | AMS

Searching for Client

- Use the client tab on the main AMS engine to look up clients.

1. Fill in identity information such as name, gender and birth date and click on Find Now

Note: You do not need to fill in all information.



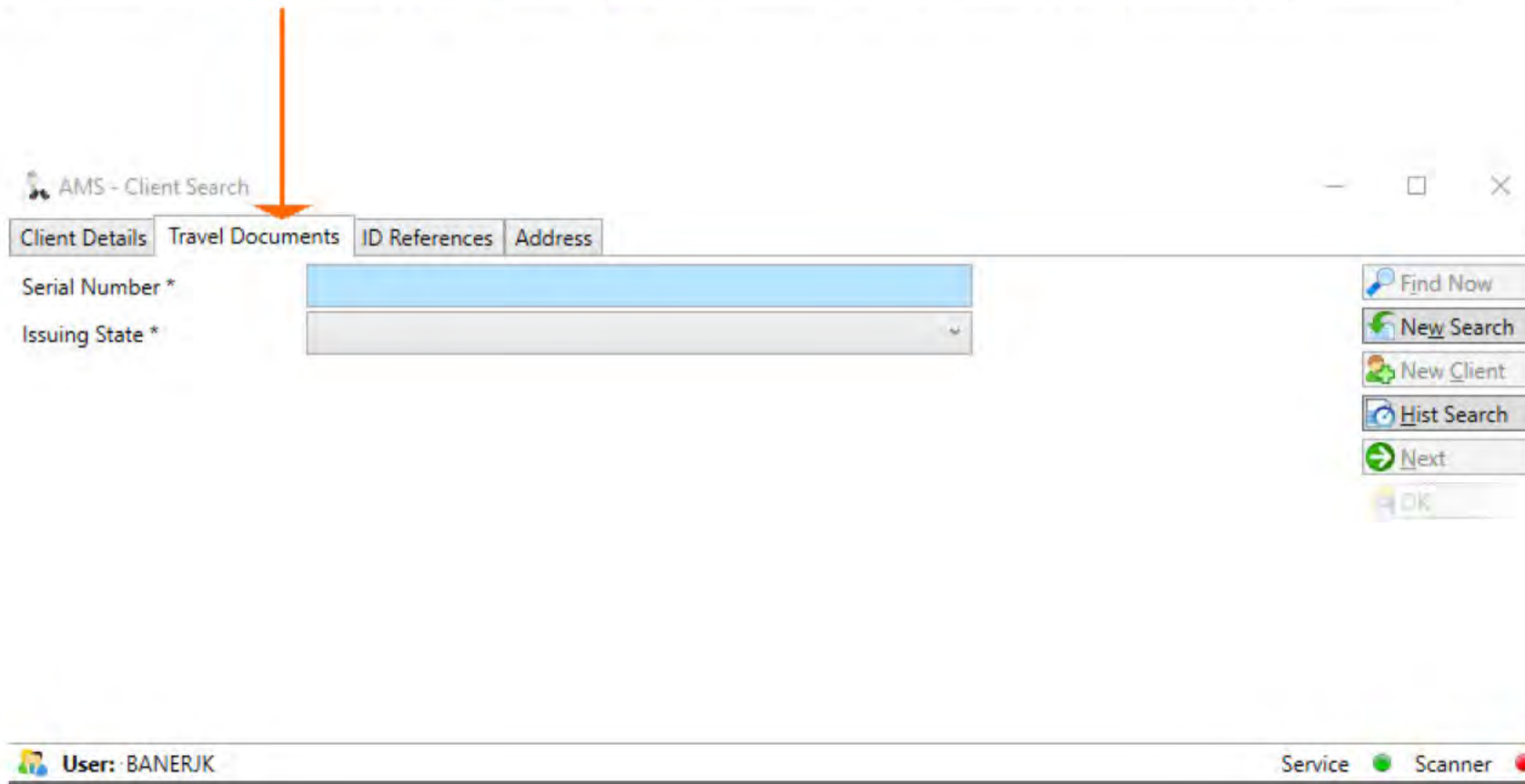
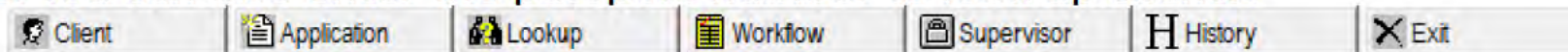
The screenshot displays the 'AMS - Client Search' application window. At the top, a navigation bar includes tabs for 'Client', 'Application', 'Lookup', 'Workflow', 'Supervisor', 'History', and 'Exit'. The 'Client' tab is selected. Below this, the main window has sub-tabs for 'Client Details', 'Travel Documents', 'ID References', and 'Address'. The 'Client Details' tab is active, showing a form with the following fields: 'Surname *', 'Given Name 1 *', 'Given Name 2', 'Given Name 3', 'Also return Other Names' (checked), 'Sex' (radio buttons for Male, Female, Unknown), 'Date of Birth' (calendar picker showing 15), 'Country of Birth', and 'Citizenship'. On the right side of the form, there are buttons for 'Find Now', 'New Search', 'New Client', 'Hist Search', 'Next', and 'OK'. Two orange arrows point to the 'Client' tab and the 'Find Now' button.



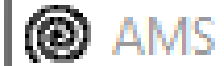
Application Management System | AMS

Searching for Client

2. You can also enter the passport number to look up clients.



Application Management System



Searching for Client

- AMS generates every client who has ever entered New Zealand with Client ID number/ Client Number (CN)
- This is the easiest way to search for the client in AMS.
- For Employers you can look them up using the NZBN number

Note: Employers and Advisors are also generated with Client Numbers on AMS

AMS - Client Search

Client Details | Travel Documents | ID References | Address

Client ID *
National ID *
File Number *
NZBN *
Chinese Commercial Code *

Find Now
New Search
New Client
Hist Search
Next
OK

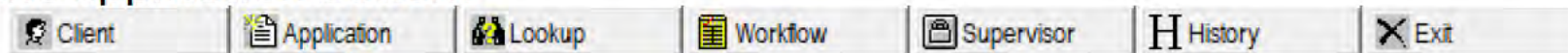
User: GHUMKHR Service Scanner



Application Management System | AMS

Looking up Applications

- AMS generates a unique number to every visa application created on the system i.e the Application Number (A/N).
- Team at NADO creates and lodges applications for us on AMS. The application number is placed on paper files using stickers and markers.
- We can look up application numbers directly on the main AMS engine by clicking on the application button.



- We then enter in the Application details and click on find now.



Application Management System



Application Summary Tab:

- Cover contains most important information:
 - Type of Application
 - Application Number
 - Principal Applicants (PA) name
 - Location of application
 - Lodgement date
 - Risk Rating
 - Access to Notes

Section 9(2)(a)

Decision/s
app

icate AMS
tion

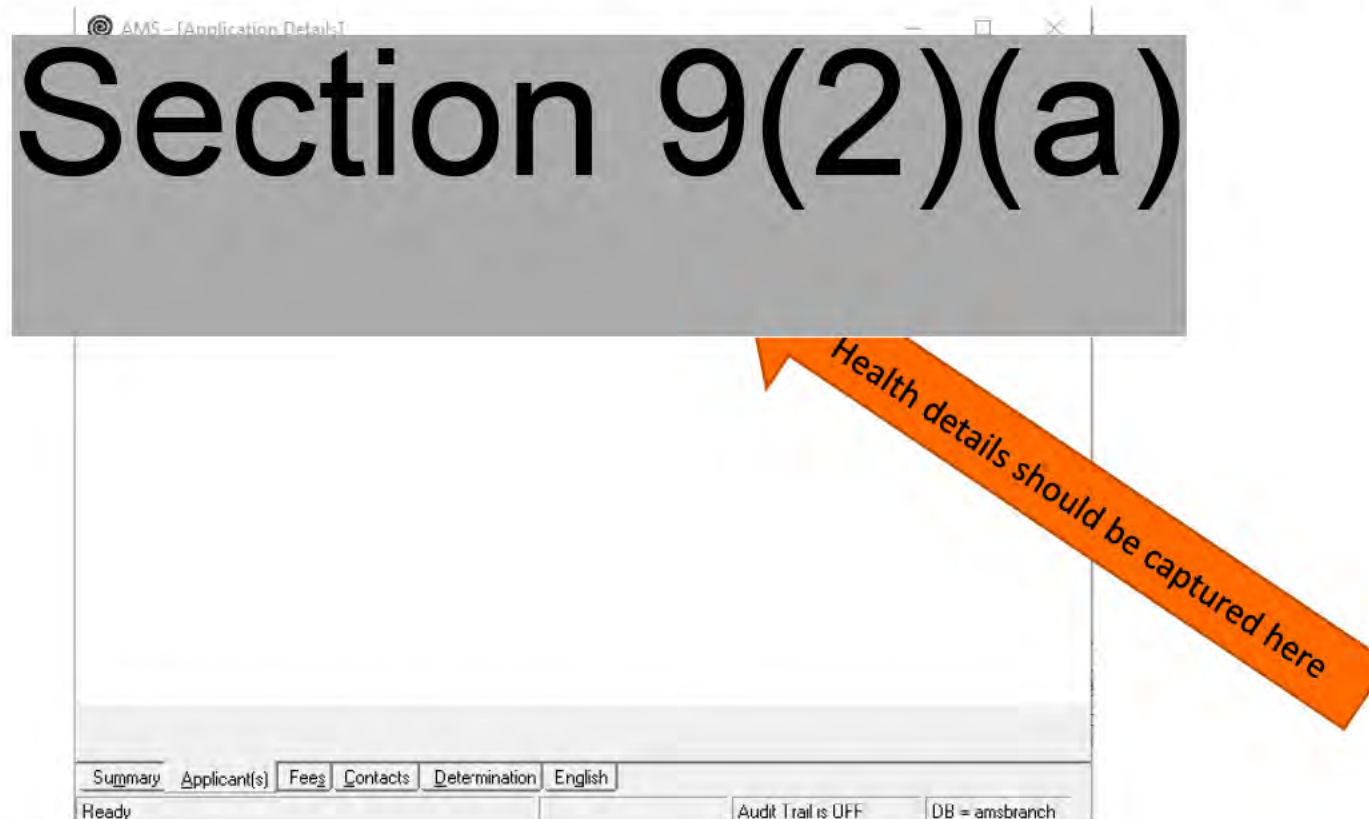


Application Management System



Applicant(s) Tab

- This lists all the applicants. We double click on each applicant to open their individual client details.
- Access to health system (IHS) and health outcome for each client is noted on this page.



Immigration Health System [IHS]

- What is IHS?
 - IHS is an application used to store and assess health information about visa applicants who are in the process of applying for a New Zealand visa
- Why we use IHS?
 - IHS helps protect public health in New Zealand by allowing us to check whether visa applicants have been assessed as having an acceptable standard of health
- When do I use IHS?
 - When assessing health requirements and supporting evidence



The screenshot shows the IHS web interface. At the top, there is a header with the IHS logo, the text "Immigration Health System", and a user ID "992011". Below the header is a "Search Criteria" section with two columns of input fields. The left column includes fields for "IHS Reference (MDHR)", "AMS Client Id", "Visa Application #", "Given Name", and "Identity Document Number". The right column includes fields for "Medical Reference (NZER)", "Person Id", "Date of Birth" (with a date picker), "Family Name", and "Identity Document Nationality". A "Search" button is located at the bottom right of the search criteria section. Below the search criteria is a "Search Results" section, which is currently empty.



Immigration Health System



Immigration Health System

- By clicking on the IHS button you are taken to the Health System which will show us the health outcome for the client.



Immigration Health System IHS Resources banerjk

9(2)(a) of the OIA Client History Assessed Residence ASH

Case Summary Case Timeline Further Requirements Visa Details

Case Status Assessed

Medical Completion 01/07/2021

Manual Assessment Yes

Medical Expiry 01/10/2021

Medical Certificate General + X-ray

Latest Assessment Conditions

Latest Assessment Note 02/07/2021 06:47
ASSESSMENT
GMC + CXR assessed against INZ guidelines
Client history has been reviewed
Referral not required for Hypertension
Decision: ASH for Residence

Attachments 9(2)(a) of the OIA

Clinic Countries • New Zealand

Location	Date	Question	Answer
Medical History	01/07/2021	Tuberculosis (TB), treatment for tuberculosis	No
Medical History	01/07/2021	Close household contact with Tuberculosis	No
Medical Examination	25/06/2021	Grading	B
Chest X-ray Examination	25/06/2021	Evidence of Tuberculosis (TB)	Absent
Chest X-ray Examination	25/06/2021	Are there strong suspicions of active Tuberculosis (TB)?	No
Chest X-ray Examination	25/06/2021	Grading	A



Client Details Page :

- Sometimes when your client changes their names, AMS will create several identities under the same client ID. Avoid creating new identity for clients. Speak to TA if you cannot find a client.

Section 9(2)(a)

- We can edit details of the applicant by selecting a identity and clicking on pencil icon. This will redirect you to the IDme System.



Identity Management System [IDme]

- In ID me system we update client details such as their personal details
- Eg: passport details, advisor contact details, family members and marital status
- Updated information reflects on AMS
- The information in AMS is used in documents created on AMS such as Letters and E-Visa
- Once relevant changes/updates are completed we need to click on SUBMIT button to save changes into AMS.
- It may take a few minutes for the changes to reflect on AMS.

Indicates mandatory fields

Submit

Collapse all sections ▲

Section 9(2)(a)

Biographic details ▲

National identity number

National identity number country

Operational Manual - Im... Suggested Sites Web Slice Gallery

File Edit View Favorites Tools Help

me INZ Maintain identity

me Maintain identity

Indicates mandatory fields

Expand all sections ▼

Biographic details ▼

Other names ▼

Travel documents ▼

Addresses ▼



Identity Management System [IDme]

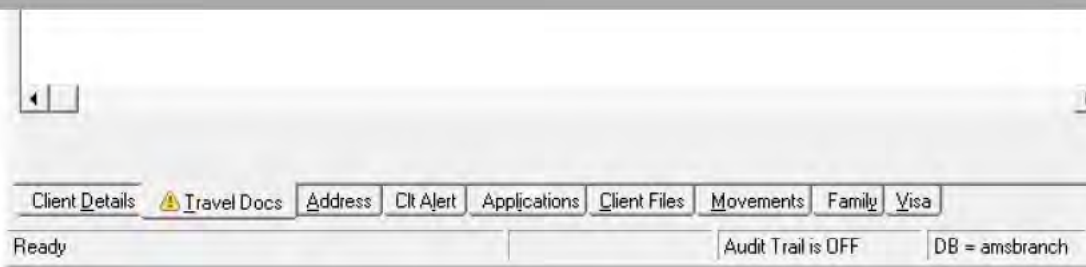
- What is IDme?
 - IDme is an identity management system that allows you to add and maintain identities of visa applicants
- Why we use IDme?
 - IDme makes verifying the identity of a person more efficient
 - Face photos and fingerprint information from applicants are captured online and automatically matched against personal data already held by INZ
- When do I use IDme?
 - IDme is used when verifying Proof of Identity information of an applicant
 - Support Officers (SO) should load this information when the application is received **[Note: It's the responsibility of an IO to check it is correct]**




The screenshot shows the 'IDme Maintain identity' web interface. At the top, it says 'IDme Maintain identity' and 'Indicates mandatory fields'. Below this is a section titled 'Expand all sections' with a dropdown arrow. Underneath are four expandable sections: 'Biographic details', 'Other names', 'Travel documents', and 'Addresses', each with a dropdown arrow.



Section 9(2)(a)



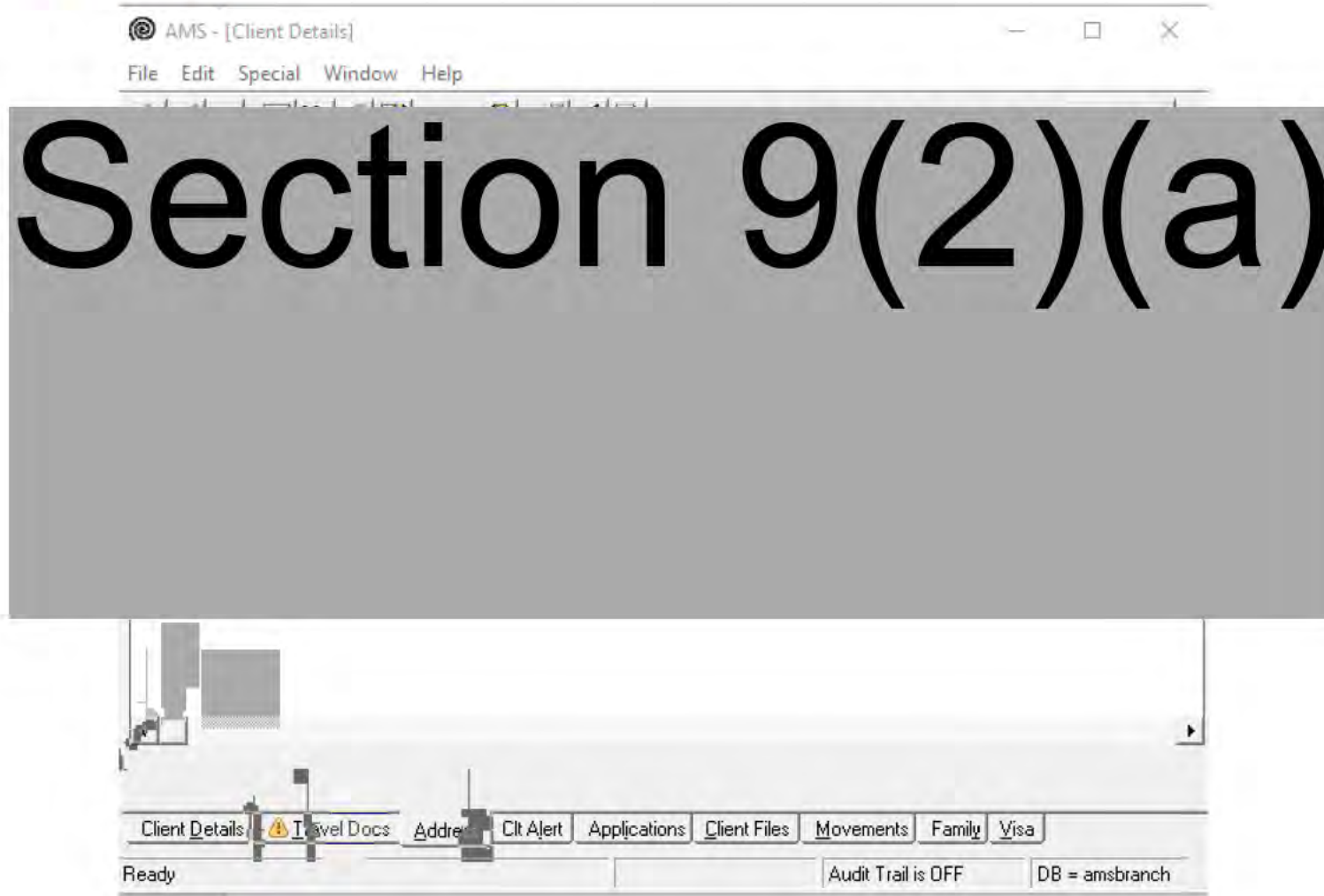
The screenshot shows a software interface with a menu bar and a status bar. The menu bar contains the following items: Client Details,  Travel Docs, Address, Clt Alert, Applications, Client Files, Movements, Family, and Visa. The status bar contains the text: Ready, Audit Trail is OFF, and DB = amsbranch.



Application Management System



Contacts Tab/Address



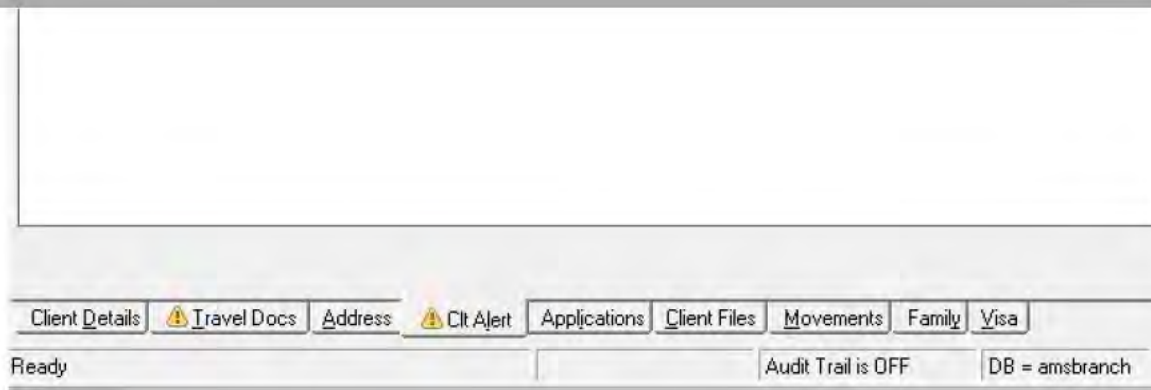
Application Management System



Client Alerts/Warnings : The alert status will let you know whether the alert is still relevant. We need to review all active and expired warnings in our assessments.



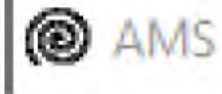
Section 9(2)(a)



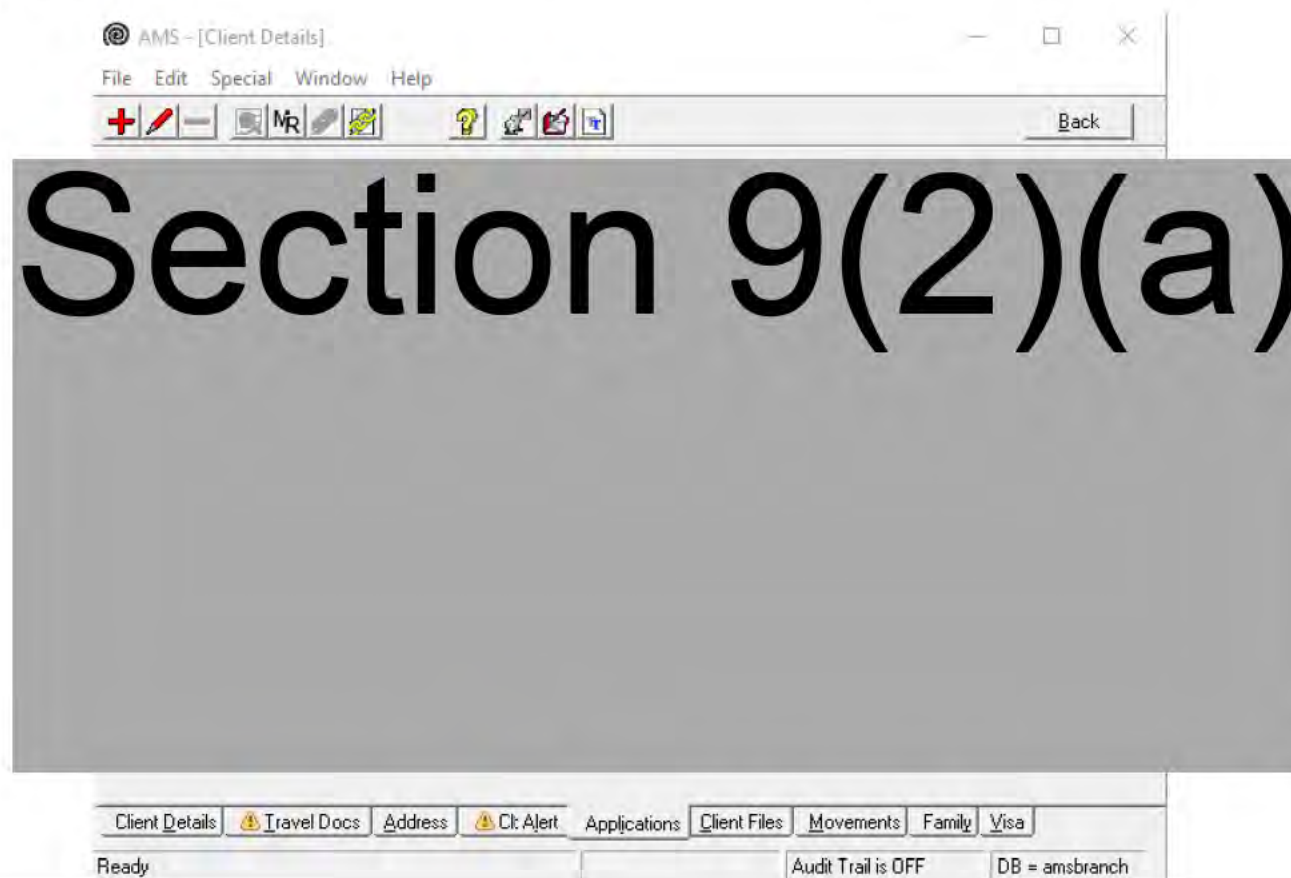
****Please be mindful of
Border Alerts**



Application Management System



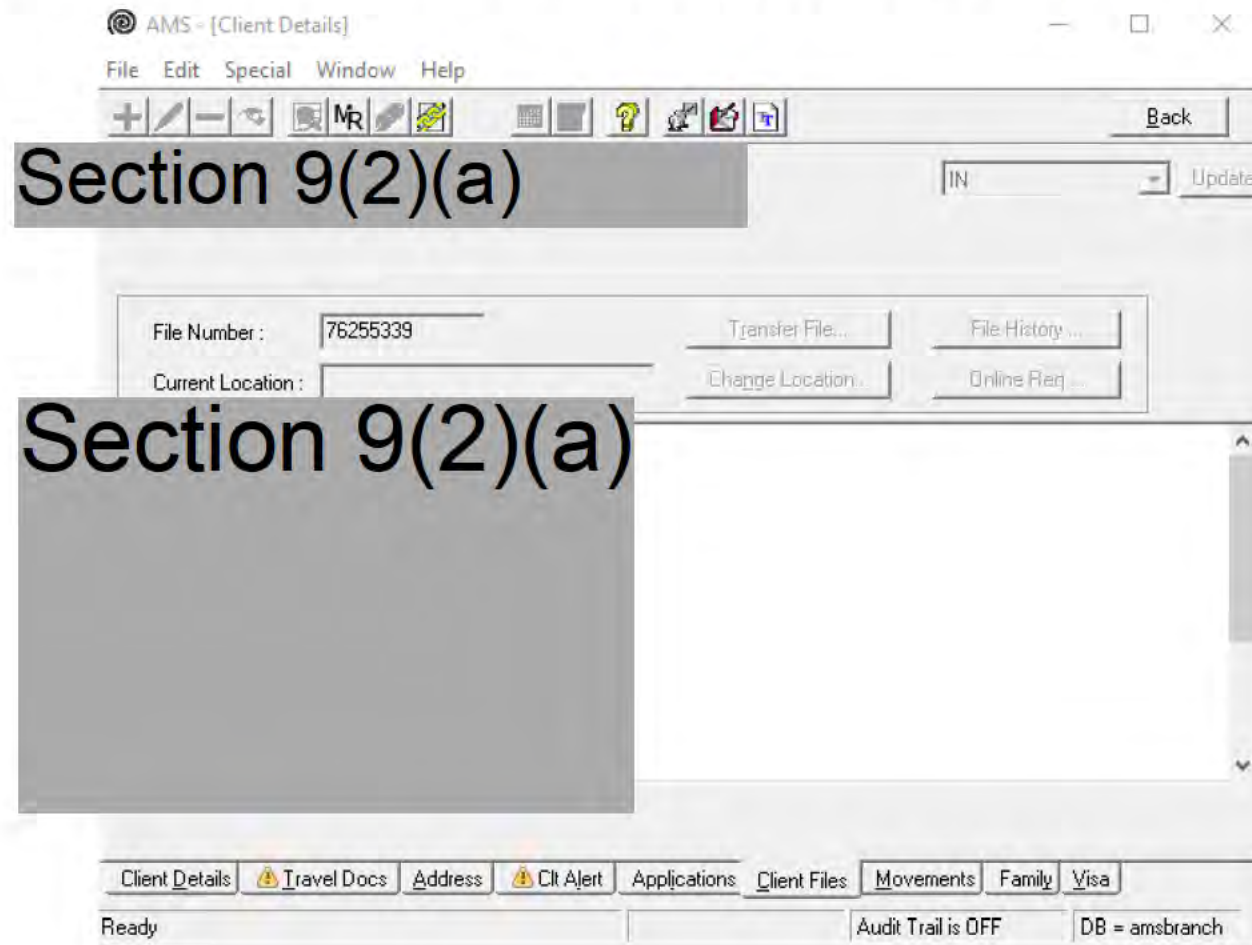
Applications History: This is where you will find a history of all applicants the clients has ever applied for and any current applications that may be in process. You can note the status, outcome and application number. You can go into any of these applications by double clicking on the.



Application Management System



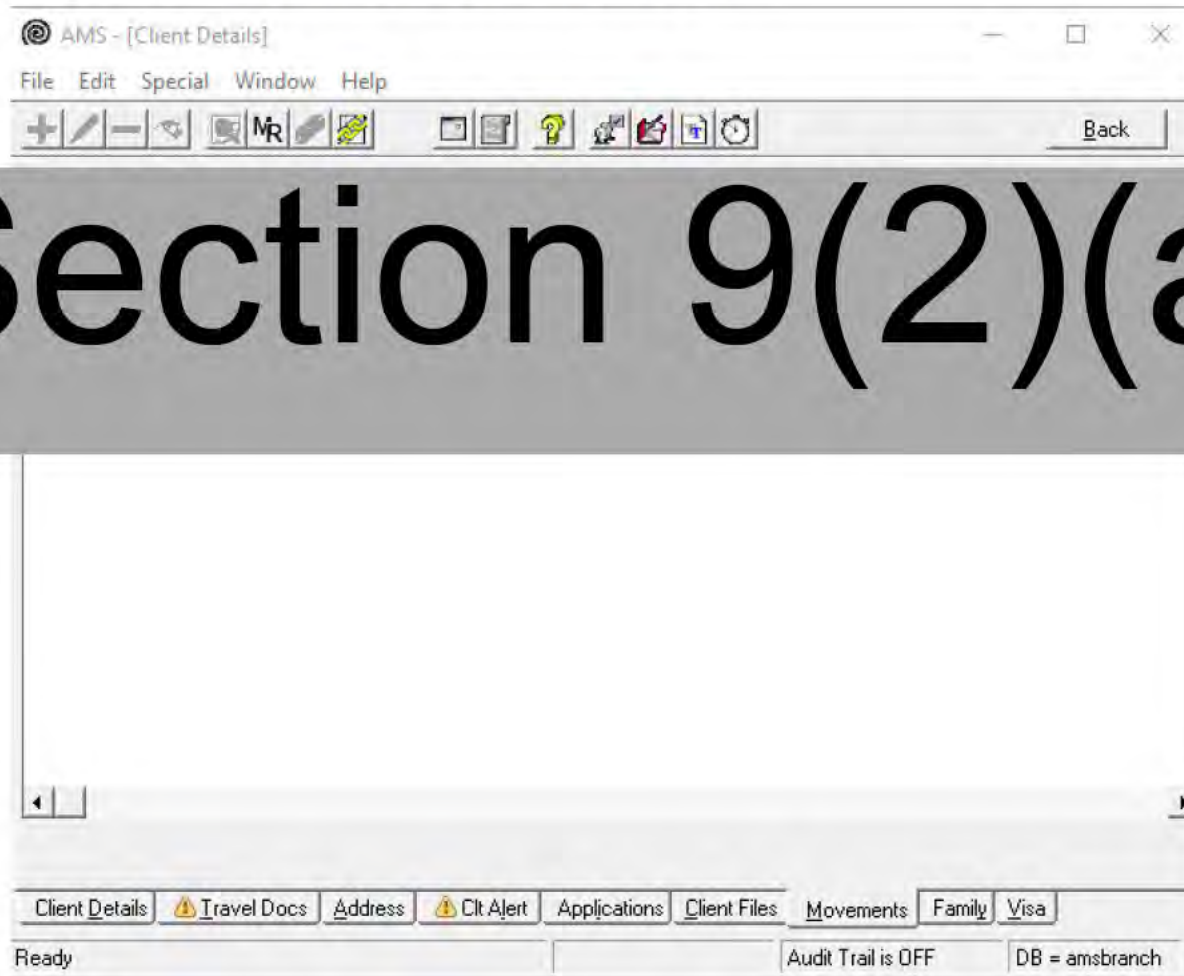
Client Files: You can access some relevant documents from clients previous application from this section.



Application Management System



Movements: Whenever somebody enters and leaves New Zealand it gets recorded here. You can note passports used and exact dates on entry and exit.



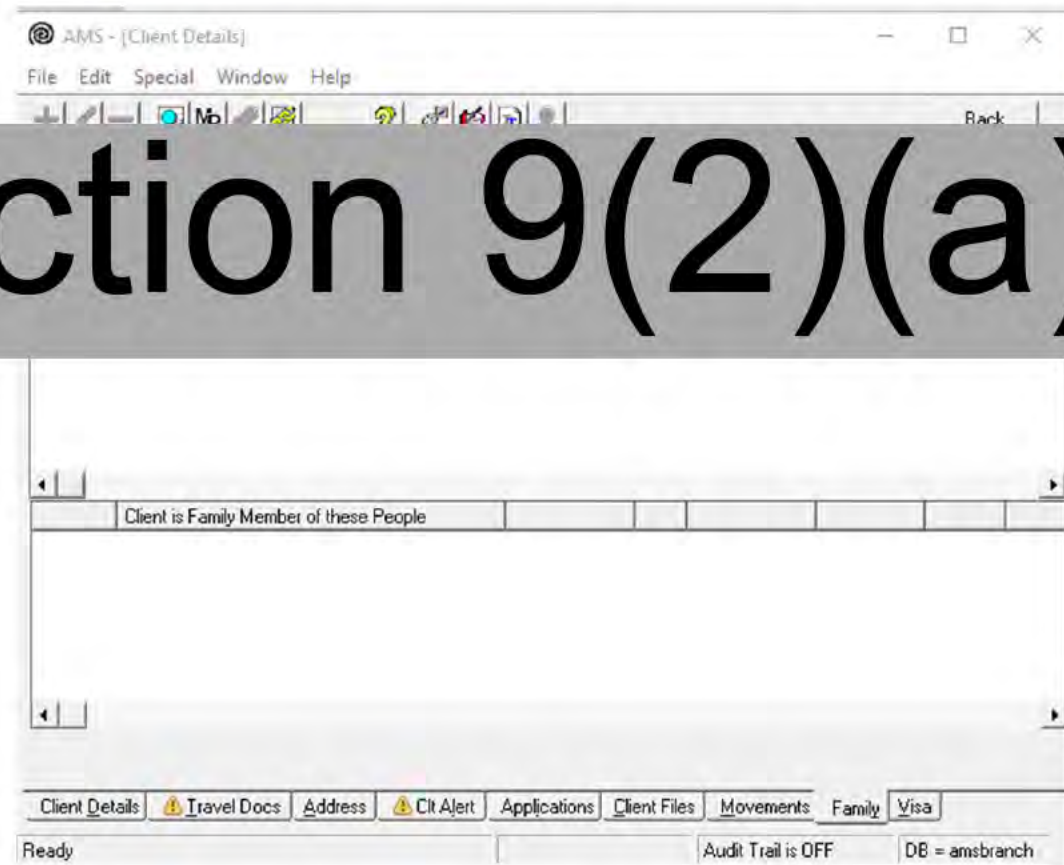
Application Management System



Family Tab

- It is important that INZ maintains a record of all family members that are linked to the client and declared during the application process. Immediate family member's are noted in the Family Tab.

Section 9(2)(a)



Application Management System



Visa History

- The visa tab will tell you the type of visa's your client has held and when those visa's will expire.

AMS - (Client Details)

File Edit Special Window Help

MR

Back

Section 9(2)(a)

Visa Details								
Appl Nbr	Visa Type	Single/Mul	Start Date	First Entry Before	Expiry Date Travel	Expiry Date Stay	Valid	Granted Entry Permission

Client Details Travel Docs Address Clt Alert Applications Client Files Movements Family Visa

Ready Audit Trail is OFF DB = ambranch



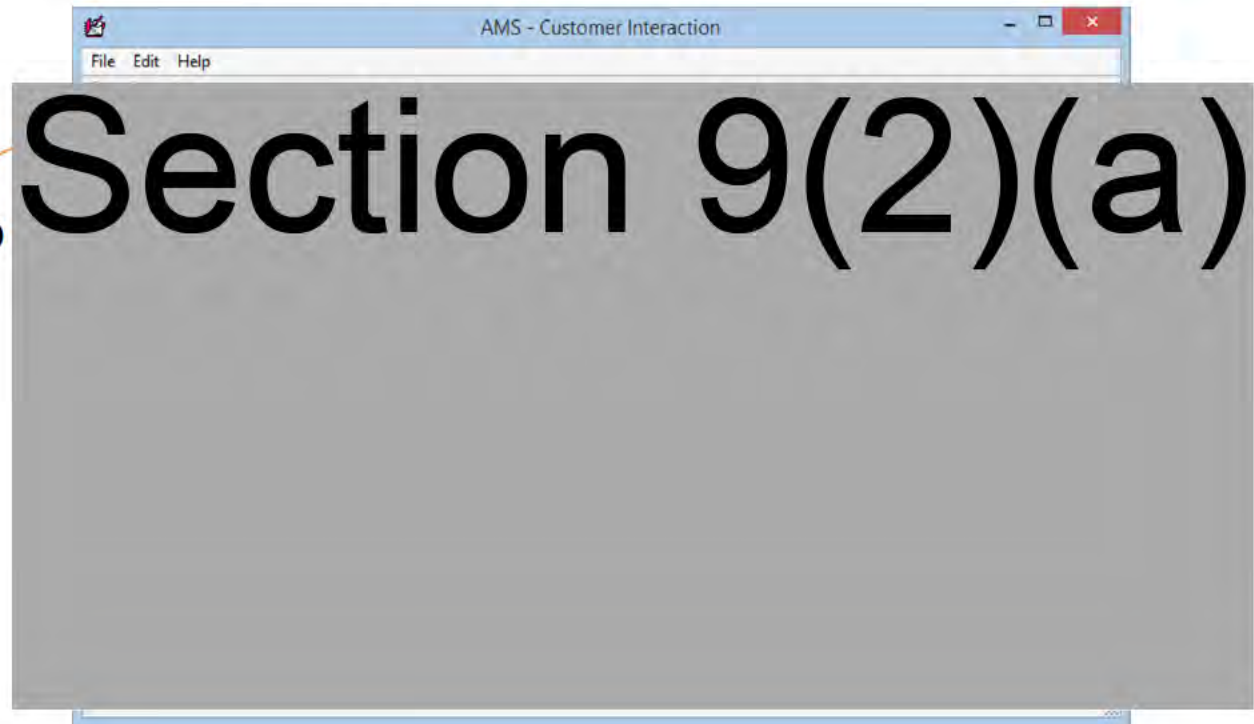
Application Management System



AMS Notes

- This is where we note down our assessments and note all communication with the clients.
- This is to ensure that we are keeping a record of all correspondence whether it is email or phone conversations which can easily be accessed in the future.

You can add notes by selecting “+” butto



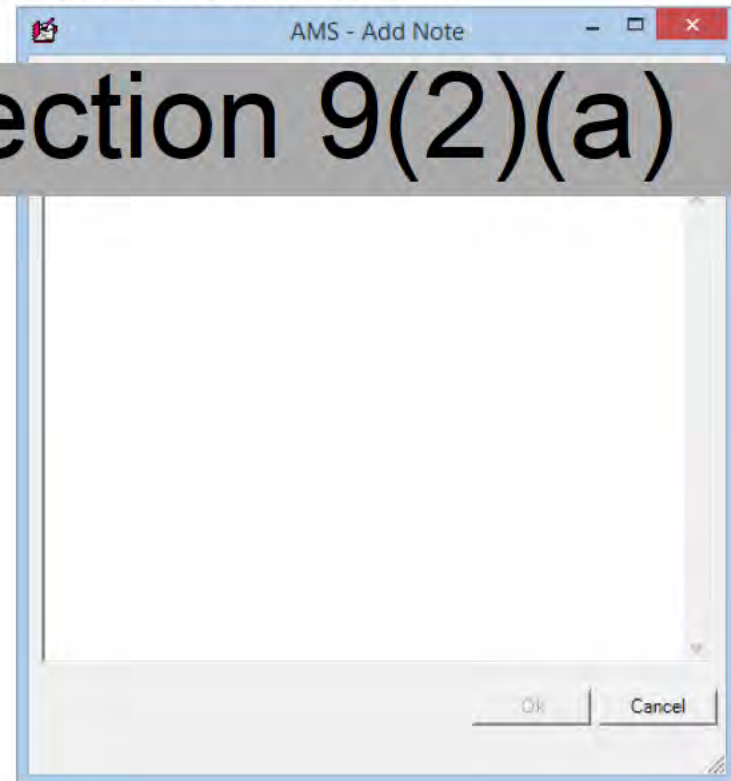
Application Management System



AMS Notes

- This is where we note down our assessments and note all communications with the clients.
- This is to ensure that we are keeping a record of all correspondence whether it is email or phone conversations which can easily be accessed in the future.

Section 9(2)(a)



- **Client notes** will show up in the clients identity notes but not on every application
- **Application notes** will reflect under client notes for every applicant in the application.



Application Management System | AMS

AMS Notes

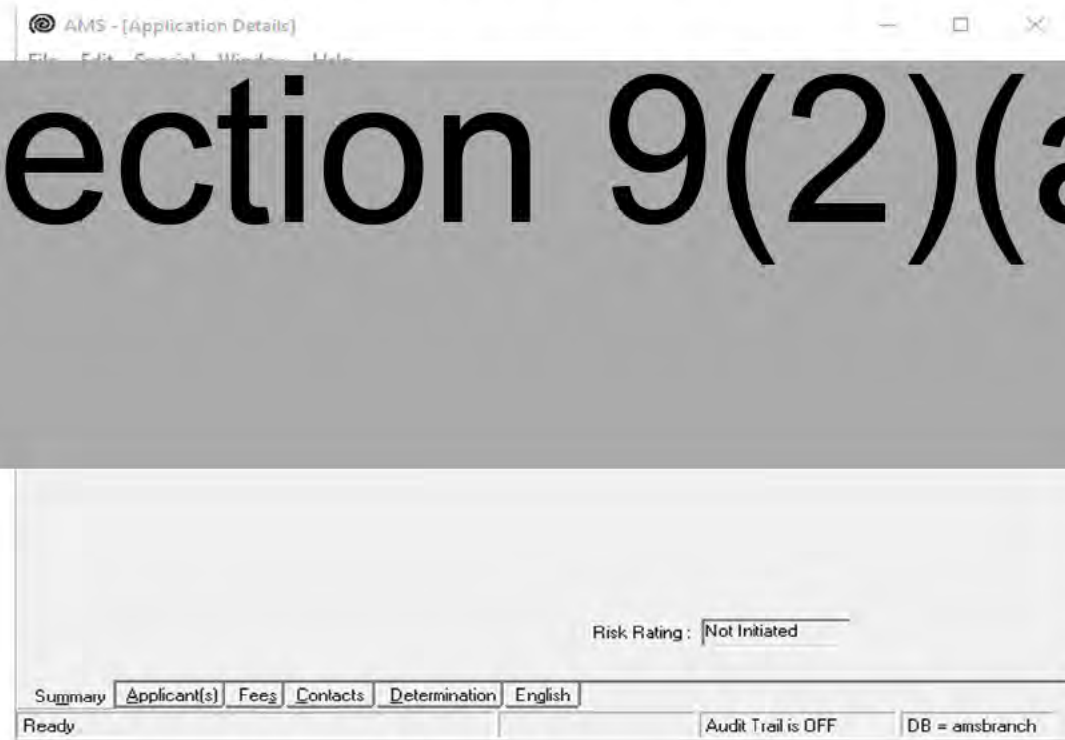
- When you have been assigned a case. All notes to do with the application you are assessing (such as assessments) need to go in application notes by selecting the notes function on the application page



Section 9(2)(a)

- This includes but is not limited to:

- Your assessments (initial assessments and final assessments)
- Any and all communication with the client or their representative (emails)



AMS - [Application Details]

Risk Rating :

Summary Applicant(s) Fees Contacts Determination English

Ready Audit Trail is OFF DB = amsbranch



Application Management System



Things you are NOT to record in AMS notes

- Any internal emails (this includes email correspondence with TA's, VO's, Legal and/ or Ops Support)
- Your 'intentions' for the application
 - i.e. your plan for the application ('Will PPI after my annual leave')
- Your suspicions
 - i.e. "I have a feeling that the client has provided a fraudulent job offer"

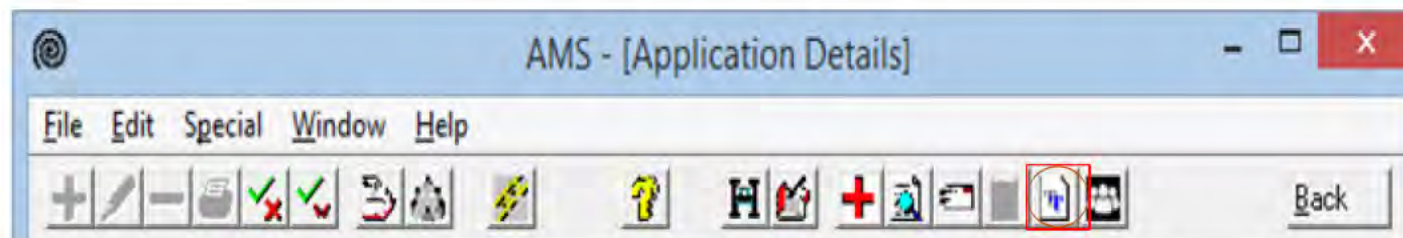


Application Management System



Template Letters (TLS)

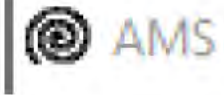
- AMS has a storage of template letters that you can create when communicating with your client. These are stored in AMS for future reference so you are able to view them



Section 9(2)(a)

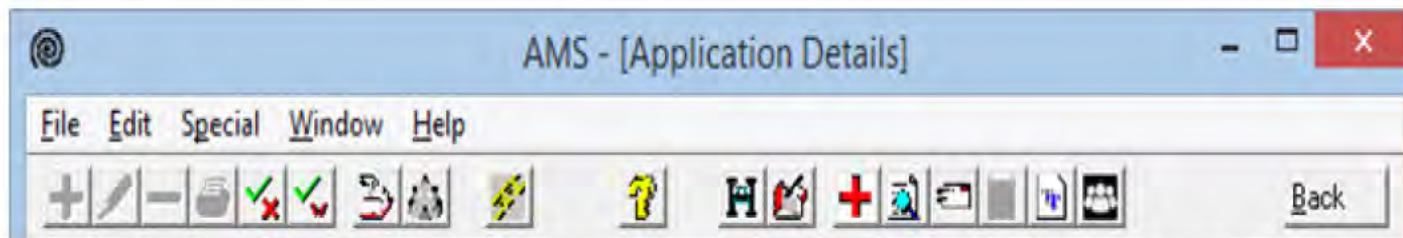


Application Management System



AMS Locations

The Location and the Case Manger for the application should reflect the physical location and the status of the application.



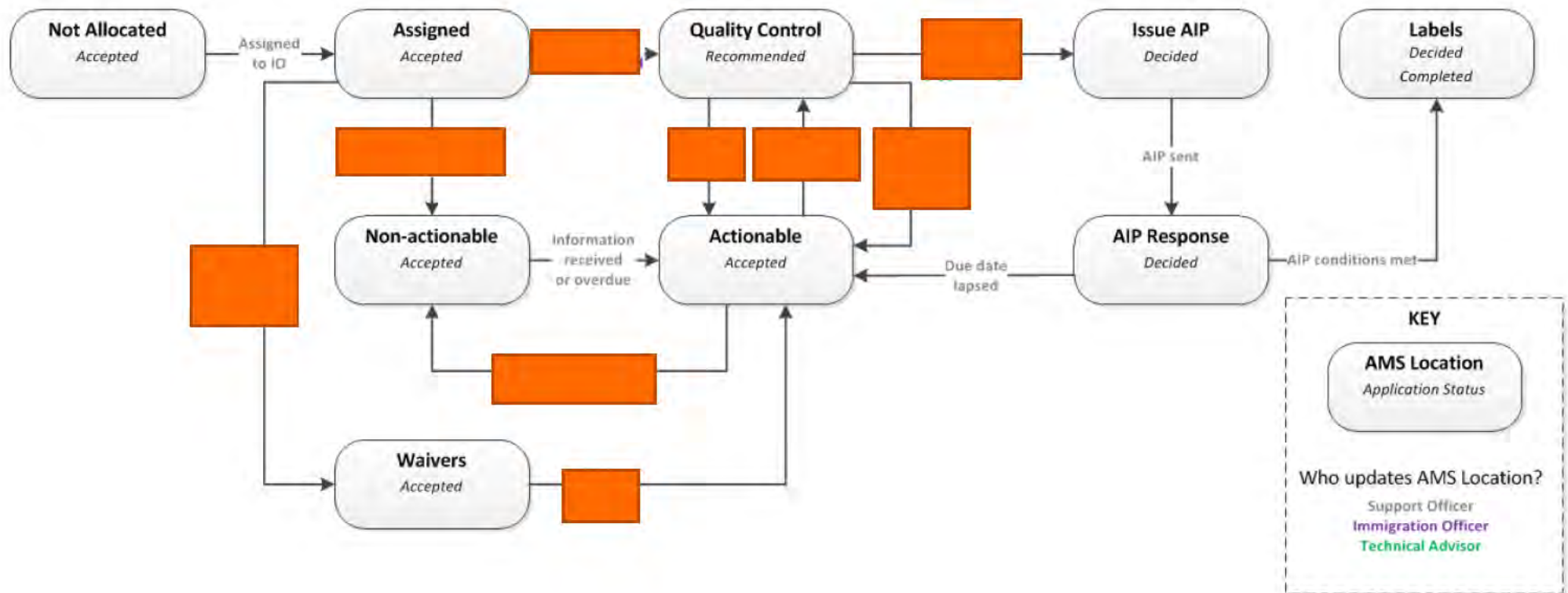
Section 9(2)(a)



Application Management System | AMS

AMS Locations

When should you update the AMS Location?



Advanced Digital Employer-led Processing and Targeting

How does ADEPT work?



- Different aspects of the application is assigned to different teams for example the medicals go to HAT
- New Zealand Police check is completed
- NSC Check is completed
- Relevant assessment activities are available for IO to process
- You only assess the activity that you have pulled/is assigned to you

Common Immigration Officer assessment activities

- Eligibility
- Character
- Risk
- Secondary assessment
- Request Further Information (RFI)/Potentially Prejudicial Information (PPI)
- Quality Concern Activity (QC Return)



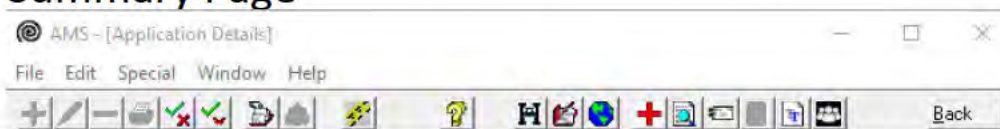
Expression of Interest (EOI) - SMC

- A person who is interested in applying for a resident visa under the Skilled Migrant Category(SMC) must complete an EOI in the prescribed manner (either paper or online)
- They must complete the EOI form and pay the appropriate fee
- EOI's that have a total points of 180 or more will be selected from the pool.
- Information in an EOI submission are taken at face value at EOI Assessment stage.
- The details provided in the EOI by client are assessed against Immigration Instructions in Operations Manual and ANZSCO.
- Three Possible outcomes of an EOI Assessment:
 1. Invitation to Apply (ITA) – Applicant meets 160 points. SMC application needs to be lodged within 3 months of ITA email.
 2. Returned to Pool (RTP) – Applicant does not meet 160 points but has 100 points or more. Here applicants are given 6 months to update the EOI information to be eligible for more points.
 3. Decline – Applicants don't meet 100 points and their EOI is declined. They will need to submit a new EOI and pay again for the process.

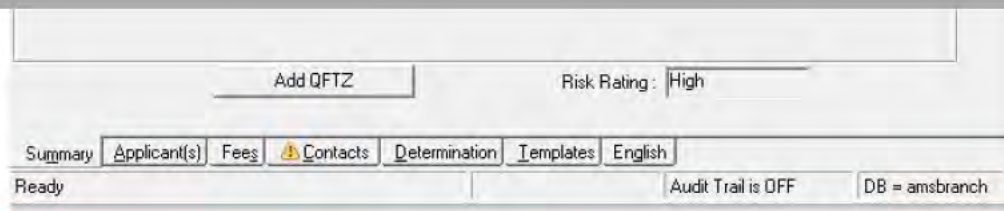


EOI Management System – KM Tool

- The EOI details submitted by the applicants can be viewed on the KM Tool.
- Each EOI is assigned a EOI Number which is used to look up on KM Tool
- For SMC Application the EOIs are linked to the application on AMS and can be accessed by the Globe icon on the Summary Page



Section 9(2)(a)



EOI Management System – KM Tool

Section 9(2)(a)



EOI Assessment System – EOI Assessment Tool

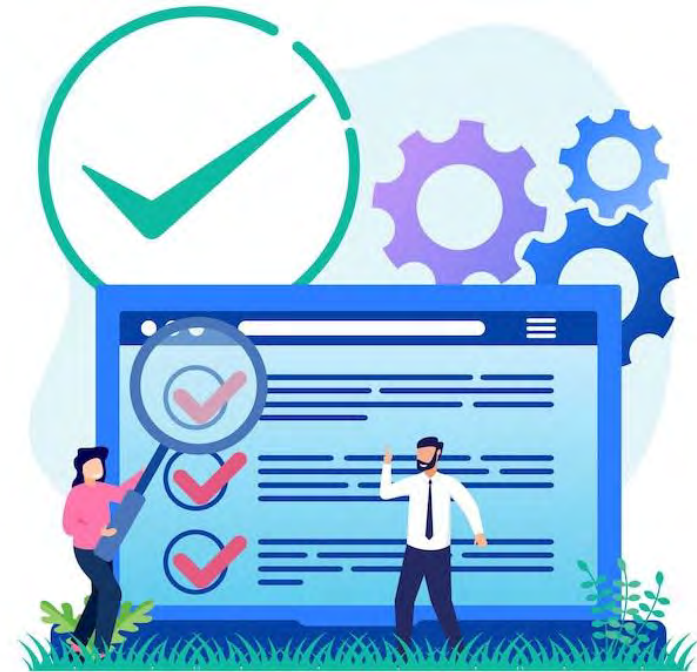
- IO enters relevant information of EOI points claimed and how the applicant meets these. EOI Assessment populates total points claimed and awarded at EOI stage
- ITA Letters are generated by EOI Assessment Tool

Section 9(2)(a)



Quality Check (QC) Tool

- All Residence application need to be Quality Checked (QC / 2PC) by Technical Advisors (TA)
- The Quality Check Tool (QC Tool) is used by TA to check over IOs assessment of all paper applications and some online applications which are not on ADEPT.
- If TA is not satisfied with IOs work they will generate rework for IO to complete
- The QC Tool generates the outcome of the QC process in an email which TA forwards to IO with manager copied in
- TA can make relevant notes in the Tool as well so make sure you check the link



Quality Check Tool

Cycle 1

All Domains



Select Subdomains



Select Semidomains



All Stages



Clear Filter And Reload

Show Unanswered Questions

Section 6(c)

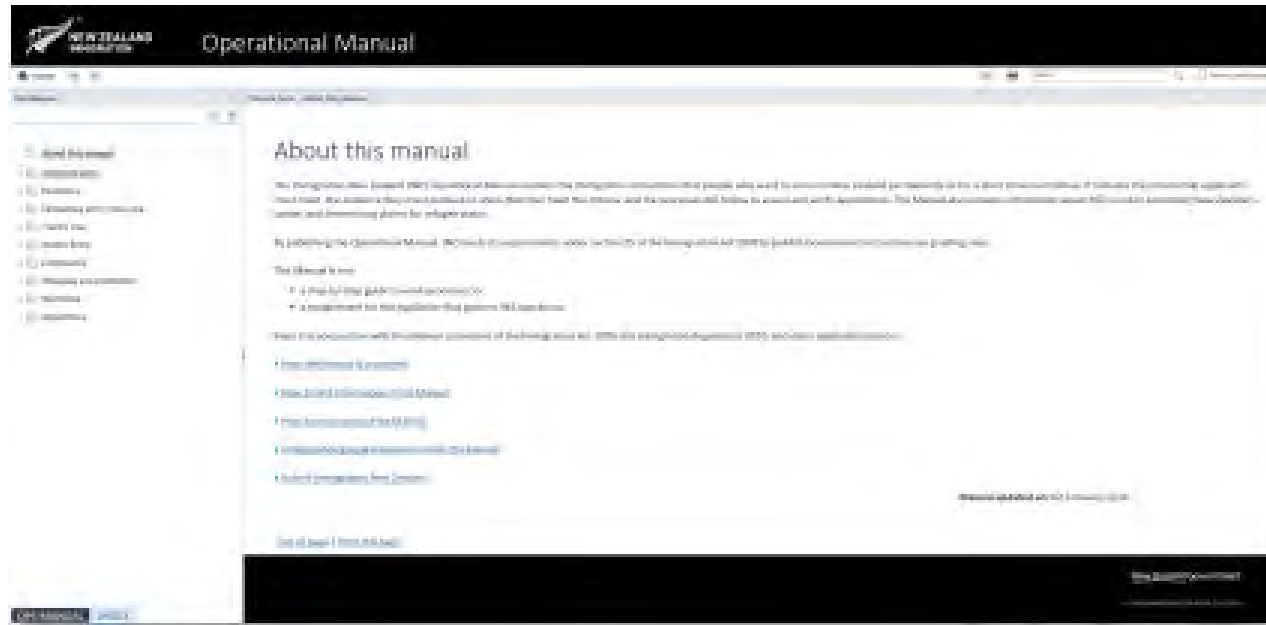




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POLICY STORAGE SYSTEMS

A decorative graphic consisting of several overlapping geometric shapes. On the left, there is a grey rectangle. Below it, there are three overlapping trapezoidal shapes: a light blue one on the left, a green one in the middle, and a teal one on the right. The shapes are arranged in a way that they appear to be part of a larger, abstract design.



Operations Manual

<http://inzkit/publish/opsmanual/#35439.htm>



Global Process Manual (GLOPRO)

What is GLOPRO?

- GLOPRO provides detailed, step by step guidance on how to process different application types, and how to complete other visa processing activities

Why we use GLOPRO?

- We use it to ensure processing is consistent across INZ by following the correct steps and ensuring the most efficient steps are taken when processing visa applications

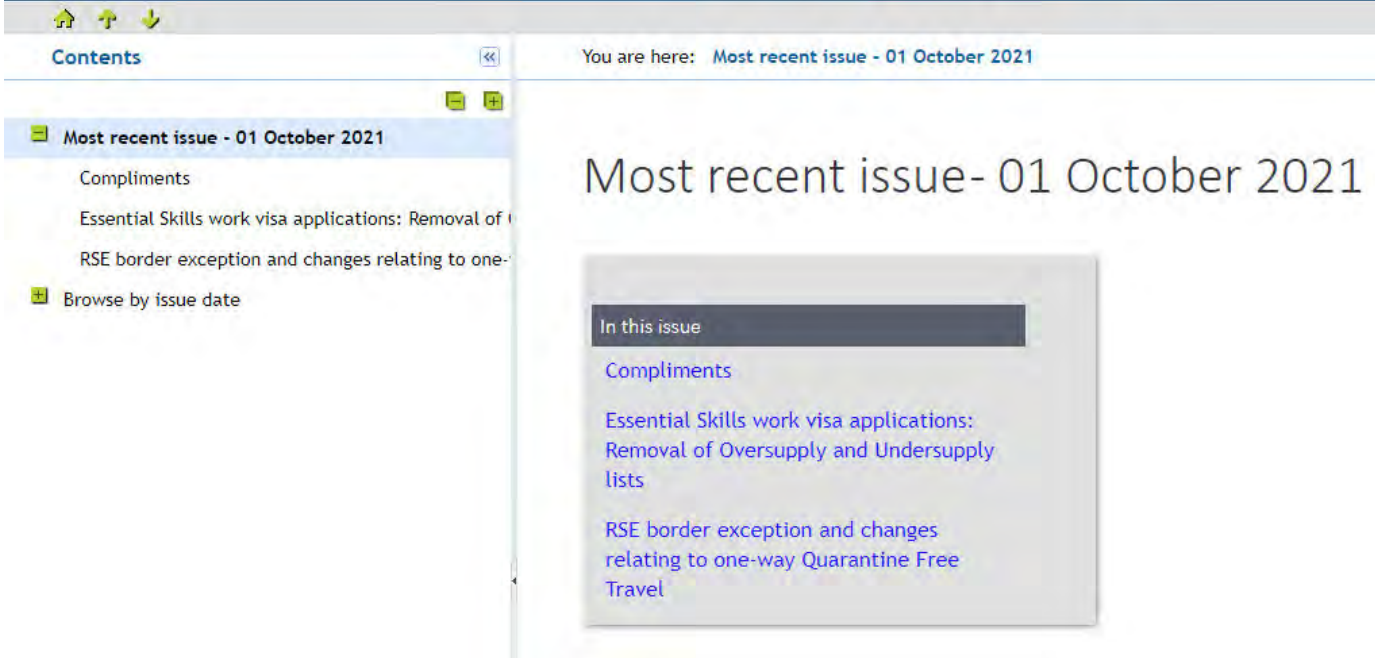
When do I use GLOPRO?

- For some visa types (such as Skilled Migrant Category) you will need to use GLOPRO as it includes specific instructions you need to follow
- For other visa types, GLOPRO may be used at different stages in the visa application assessment process

Can be found in the INZKIT under Processing Applications:

<http://thelink/content/inzkit/Pages/processing-applications.aspx>





The screenshot shows the VisaPak Database interface. At the top left is the New Zealand Immigration logo. The main header is 'VisaPak Database'. Below the header is a navigation bar with a home icon, an up arrow, and a down arrow. The 'Contents' section is visible, with a breadcrumb trail: 'You are here: Most recent issue - 01 October 2021'. The main content area displays 'Most recent issue- 01 October 2021' and a list of items under the heading 'In this issue':

- Compliments
- Essential Skills work visa applications: Removal of Oversupply and Undersupply lists
- RSE border exception and changes relating to one-way Quarantine Free Travel

VisaPak Database

<http://inzkit/publish/visapak/visapak/#44181.htm>

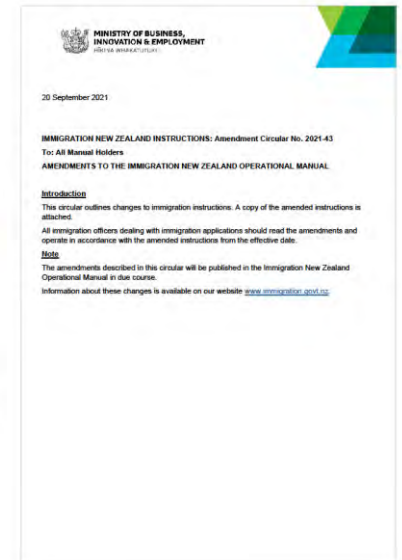


Services ▾ IT ▾ HR ▾ Belong ▾ News About us ▾

Administration Circulars (IAC)

INZ Amendment Circulars [IAC]

<http://thelink/teamsites/immi/circulars/iac/Forms/AllItems.aspx>





Australian and New Zealand Classification of Occupations [ANZSCO]

<https://www.abs.gov.au/AUSSTATS/abs@.nsf/Previousproducts/1220.0Search02013,%20Version%201.2?opendocument&tabname=Summary&prodno=1220.0&issue=2013,%20Version%201.2&num=&view>





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VERIFYING AND ASSESSING

A decorative graphic at the bottom of the slide consisting of several overlapping geometric shapes. On the left is a grey rectangle. To its right is a blue trapezoid. Further right is a green trapezoid, and to its right is a teal trapezoid. Above the green trapezoid is a light green trapezoid. The shapes are arranged in a way that they appear to be part of a larger, abstract design.

Session Overview: Verifying and Assessing Tools

- **INTERNAL**
 - Verification Tool Kit
- **EXTERNAL**
 - Companies Office
 - Employers Stand-Down List
 - New Zealand Police Check [NZPC]
 - National Security Check [NSC] Portal
 - New Zealand Qualifications Authority [NZQA]
 - IELTS
 - Charities Register
 - Verification of Registration

NOTE: All systems covered in earlier slides can be used part of verification and assessing tools.

Section 6(c)

Section 6(c)



Companies Register

Enter a company name, number, or NZBN



Companies Directors & shareholders Help & updates

Companies Office

<https://companies-register.companiesoffice.govt.nz/>

EMPLOYMENT
NEW ZEALAND

Employers Stand-Down List

<https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/employers-who-have-breached-minimum-employment-standards/>



Section 6(c)



Section 6(c)





New Zealand Qualifications Authority [NZQA]

- <https://www.nzqa.govt.nz/nzqf/search/results.do>



Home

TRF Query

Update My Profile

FAQs

IELTS.org

Please enter the Test Report Form (TRF) number below.

It is important to note the following:

- Reports for tests taken recently may not be available yet
- Reports for tests taken before 1-Jan-2003 are not held in the system
- You must only attempt to verify a TRF where you have been presented with
- If no match is found for the TRF you are checking, you will be directed to a s
- We will be unable to verify a result that you cannot find on the site that is m located on www.ielts.org

Test Report Form (TRF) number:

Verify

IELTS

<https://ielts.ucles.org.uk/ielts-trf/welcome.html>





The Charities Register

<https://www.charities.govt.nz/charities-in-new-zealand/the-charities-register/>



Verification of Registration

- <https://www.mcnz.org.nz/registration/register-of-doctors/>



- https://www.nursingcouncil.org.nz/NCNZ/Public_Register/NCNZ/Public_Register.aspx



- <https://kete.mbie.govt.nz/EW/EWPRSearch/>



QUESTIONS?



Waivers Training

June 2022






**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

Waivers

How to complete PC, Character and Medical Waivers

A decorative graphic at the bottom of the slide consisting of three overlapping trapezoidal shapes. The leftmost shape is light blue, the middle one is green, and the rightmost one is teal. They are arranged in a staggered, overlapping fashion.

Session Overview:

- Police Certificate (PC) Waivers
- Character Waivers (CW)
- Medical Waivers (MW)



Unobtainable Police Certificates

In some cases, a foreign Police Certificate (PC) may not be obtainable by the applicant.

A5.10.1(a) states that the only exception to PC requirements are cases where an Immigration Officer who holds Schedule 3 delegations or above is satisfied that such certificates are **not available** or would be **unduly difficult to obtain**.

(b) States that evidence of undue difficulty in obtaining PCs may include:

- i. Information indicating that the country's governmental infrastructure is no longer functioning
- ii. Circumstances beyond the applicant's control which prevent them from obtaining the PC

A common example of a Foreign PC which is considered to be “unobtainable” is the Saudi Arabian PC, which is not available to non-citizens who no longer live in that country.





Saudi Arabia

Information for non-citizens residing outside the country. [Change filters](#) | [Remove](#)

Police certificates are not available

Authorities in this country do not currently issue police certificates. For this reason, you must provide a statutory declaration as proof of your good character.

Your statutory declaration must detail your attempts to get a police certificate. If you live outside Saudi Arabia and are not a citizen, you may instead declare that you have not attempted to gain a Saudi Arabian police certificate because it is impossible to get one. All statutory declarations must also state whether you, or any family members travelling with you, have been charged with or convicted of any offences in Saudi Arabia.

You should also include any other information you think supports your good character.



PC Waivers

If we have determined that a required PC is unobtainable, we will need to draft a PC Waiver.

This is to be completed using a template and pasted in TLS template V141 “Blank memo”.

Your role is to outline the evidence provided, the surrounding circumstances, and any other relevant information.

Once your draft is complete, please get in touch with an available TA who will complete the PC Waiver for you



Tips for Writing a PC Waiver

Make sure that you address all supporting evidence provided by the applicant, including the content of any statutory declarations.

Don't follow the template blindly, but don't overthink it either

Stick to the facts!



Character Issues and the Character Waiver Process

A5.25 outlines the different character issues which would normally make an applicant ineligible for a residence class visa **unless** granted a character waiver.

If it is identified that an applicant has a character issue which falls under one of these instructions, we will need to follow the steps of the Character Waiver process.

In most cases, we will follow a two-step process



First Step Character PPI

To begin with, we must give the applicant an opportunity to comment on any character issues we have identified.

The purpose of this letter is to explain to the applicant what character issues we have identified, and giving the applicant a chance to respond to this.

This letter should outline which character instructions are triggered, and why, and offer the applicant time to respond to this.

- Use TLS template V319 “Character issue PPI Residence”



Mens Rea

Are you assessing an applicant who triggers character instructions A5.25(i), (j), (k) or (l)?

If so, you will need to pause after the applicant has responded to your first-stage character PPI.

The note to instruction A5.25 states that we must establish whether, on the balance of probabilities, it is more likely than not that the applicant committed such an act. We must conduct this assessment before we can proceed any further.

e.g. When we consider the evidence as a whole, is it more likely than not that the applicant intended to mislead INZ by withholding material information?

If not, we should not proceed to the next step of the character waiver process. Instead, we can paste our mens rea rationale in the character section of the case summary and continue processing the application



Second Step Character PPI

If the applicant has responded to our first letter and it appears that they still fall under A5.25 instructions we will need to prepare to conduct a character waiver.

We will send a second-stage character PPI explaining why we are still not satisfied they meet character requirements and allowing the applicant an opportunity to provide evidence towards a character waiver assessment.

- Use TLS template V320a “Character waiver PPI Residence”



Conceded Character PPI

While in most cases, we will follow the two-stage process outlined above, there are exceptions to this rule.

If the applicant has acknowledged that they do not meet character instructions, **and** has requested that we consider a character waiver, we may proceed to send a single PPI letter, giving the applicant opportunity to provide evidence towards a character waiver assessment.

- Use TLS template V319a “Conceded character issue Residence”



Character Waivers

Once the applicant responds to our Character Waiver PPI/Conceded Character issue PPI, we can proceed to drafting a Character Waiver.

Please keep in mind that at this stage, all other requirements of the application should already be met and the Character Waiver should be the last outstanding issue.

- Use TLS template V317 “Character Waiver Assessment Residence”

Once your draft is completed, please complete the following steps:

1. Change the AMS case manager to “Not Allocated, Waivers”
2. Change the AMS location to “Waivers”
3. Place the physical file in the Waivers cabinet

The TA will return the file to you when the Character Waiver assessment is completed. You can then proceed to recommend your decision.



Tips for Writing a Character Waiver

Your CW draft should include all of the information covered in the PPI Letters and the content of the applicant's responses to those.

As with the PC Waiver, please stick to the facts, you do not need to weigh or balance the applicant's character yourself – this is the TA's role.



Medical Issues and the Medical Waiver Process

A4.10 outlines the different medical issues which would normally make an applicant ineligible for a residence class visa **unless** granted a medical waiver.

If it is identified that an applicant does not meet our health requirements (i.e. they have been assessed as “Not ASH”), we will need to follow the steps of the Medical Waiver process.



First Step Medical PPI

As with character issues, we must give the applicant an opportunity to comment on any health issues we have identified.

The purpose of this letter is to explain to the applicant what health issues we have identified, and giving the applicant a change to respond to this.

This letter should outline which medical instructions are triggered, and why, and offer the applicant time to respond to this.

Use TLS template V156 “PPI Medical Medical Assessor”



Disputing Info

In most cases, when responding to your first-step PPI, the applicant will provide information to dispute our “Not ASH” outcome.

We must upload this information to the applicant’s health case in IHS for consideration by the medical assessor.

The medical assessor will consider the disputing information, and will either change the medical outcome to “ASH” or re-affirm the “Not ASH” outcome.

If the outcome is changed to “ASH” we can stop the medical waiver process here and continue our assessment.

If the outcome remains “Not ASH” we will proceed to sending the second-step medical PPI.



Non-Waivable Conditions

A4.60(a) outlines the conditions which are non-waivable. This means we are unable to consider a medical waiver for an applicant who is found to suffer any of these conditions.

If your applicant is assessed as having a non-waivable condition, we will need to let the applicant know that we cannot consider them for a medical waiver.

Use TLS template V326 “Medical Waiver Ineligibility PPI”

Once again, we will give the applicant a chance to respond to our concerns and provide disputing information, which we will again forward to HAT for assessment.

If the medical assessor re-affirms the “Not ASH” outcome, we can proceed to decline the application



Second Step Medical PPI

If the medical assessor re-affirms the “Not ASH” outcome after reviewing the disputing information, but the conditions are not considered “non-waivable” we will need to prepare to conduct a medical waiver.

We will send a second-stage medical PPI explaining why we are still not satisfied they meet health requirements and allowing the applicant an opportunity to provide evidence towards a medical waiver assessment.

Use TLS template V325b “Medical Waiver PPI residence”

***Note – We will proceed using this same template immediately if no disputing information is provided**



Medical Waivers

Once the applicant responds to our Medical Waiver PPI, we can proceed to drafting a Medical Waiver.

Please keep in mind that at this stage, all other requirements of the application should already be met and the Medical Waiver should be the last outstanding issue.

- Use TLS template V60 “Medical Waiver Assessment”

Once your draft is completed, please complete the following steps:

1. Change the AMS case manager to “Not Allocated, Waivers”
2. Change the AMS location to “Waivers”
3. Place the physical file in the Waivers cabinet

The TA will return the file to you when the Medical Waiver assessment is completed. You can then proceed to recommend your decision.



Tips for Writing a Medical Waiver

Your MW draft should include all of the information covered in the PPI Letters and the content of the applicant's responses to those.

As with the other Waiver types, please stick to the facts, you do not need to weigh or balance the applicant's character yourself – this is the TA's role.



QUESTIONS?

