

New Zealand

Executive Summary

With the current unemployment in New Zealand transferring of employees has to be justified by either being international transfers of key people and skills in order that it can be seen that the vacant position is not disadvantaging a New Zealand resident or citizen.

New Zealand does have skill shortages but these are not numerous currently. International employers who have a company or subsidiary registered in NZ do consider joining an elite group known as accredited employers to overcome difficulties with Immigration. Business owners have good opportunities of gaining Residence in NZ. Investors are also welcomed with a number of different categories available.

Key Government Agencies

Immigration New Zealand under the Department of Labour is the Government department responsible for migration and entry into New Zealand. NZ Customs also have a role to play with some strict criteria relating to the movement of migrant household goods into the country.

Warning: Total lack of consistency of information provided by Immigration New Zealand between case officers and branches. Care needs to be taken that the right path is taken to avoid declines.

Inland Revenue is the Government tax department.

The Department of Internal affairs handles citizenship and the registration of births deaths and marriages.

Current Trends

The New Zealand Government has put emphasis on attracting migrants with the right qualification and experience to fill the skill shortage. In a country growing as quickly as New Zealand, there is an ongoing need for highly skilled and educated workers. As a way of encouraging such workers to make New Zealand their new long-term home and place of employment, New Zealand has streamlined the application and acceptance procedures for individuals and families that meet the criteria of what is called the “Skilled Migrant Category”.

The number of people approved for residence in the 2009/10 financial year to date was 41,466 compared with 41,588 for the same period in 2009. Immigration NZ is on target to meet the NZ Residence Policy Programme at the lower end of the 45,000 – 50,000 range. 81% of skilled Migrant Category principal migrants were approved with a skilled job or offer, while 86% were approved onshore.

Work approval numbers in the financial year to date were down 5% on last year. The number of applications through the labour market tested Essential Skills policy is down 27% compared to the same period last year. However, the decline rate for people applying through the Essential Skills Policy has leveled out so more applicants are being approved.

Net migration is expected to continue rising over the next twelve months, providing positive support to the domestic economy, particularly housing and construction activity.

New Zealand’s Immigration department has also combined the Long Term Skills Shortage List (LTSSL) with the Immediate Skills Shortage List (ISSL) to create the Essential Skills in Demand List, through which LTSSL categories and ISSL categories can be viewed together or separately. The lists help potential migrants determine which visa entry category is most applicable, based on experience and skills relevant to particular industries and regions.

Business Travel

People from some countries do not need a visa to enter New Zealand for business trips, however they can only attend meetings or be visiting on a look see visit to fall under this category. Short visits are visiting for 3 months or less and are from a country in the list below, other requirements may apply.

Andorra	Argentina	Austria
Bahrain	Belgium	Brazil
Brunei	Bulgaria	Canada
Chile	Cyprus	Czech Republic
Denmark	Estonia	Finland
France	Germany	Greece
Hong Kong	Hungary	Iceland
Ireland	Israel	Italy
Japan	Korea (South)	Kuwait
Latvia	Liechtenstein	Lithuania
Luxembourg	Malaysia	Malta

Mexico	Monaco	Netherlands
Norway	Oman	Poland
Portugal	Qatar	Romania
San Marino	Saudi Arabia	Singapore
Slovak Republic	Slovenia	South Africa
Spain	Sweden	Switzerland
United Arab Emirates	United States of America	Uruguay
Vatican City		

Employment Assignments

Limited Purpose

An individual who does not meet all the requirements for a specific purpose or visit can, at the indulgence of Immigration NZ, be issued a Limited Purpose visa. The limited time would be for twelve months or under. The individual would have to leave the country on conclusion of the specified period without eligibility to extend.

Specific Purpose

An individual is required in the country for a period of limited time to work on a specific job within the company's employment. The

limited time depends on the time frame of the project. This permit can be extended if extra time is required to complete the specific reason they are being brought in for or changed to another visa once they are in NZ. Commonly used as inter-company transfers

Essential Skills

Essential Skills will differentiate between occupations on the basis of skill level. For an individual to gain a permit under this category, it must be proven that:

- there must be no New Zealand workers available before an employer is allowed to recruit an overseas worker; and
- the terms and conditions of employment, including the paid hours of work, meet those of the New Zealand market and NZ Labour Laws.

Work to Residence Visa/Permit

The Work to Residence category provides a temporary work visa and/or permit as a step towards gaining permanent residence. Applicants may be qualified in occupations that are in demand in New Zealand, or may have exceptional talent in sports culture or the arts.

Talent (Accredited Employers)

The objective of the Talent (Accredited Employers) Work Policy is to allow Accredited Employers to supplement their own New Zealand workforce in their core area of business activity through (1) the recruitment of workers who are not New Zealand citizens or residents whose talents are required by the employer and (2) the accredited employer having direct responsibility for those employees and their work output.

Talent (Arts, Culture and Sports)

This category is for individuals with an exceptional talent in a declared field of art, culture or sport. It requires proof of:

- An international reputation and record of excellence in the declared field,
- Prominence in the declared field; and
- That the individual's presence in New Zealand will enhance the quality of New Zealand's accomplishments and participation in the declared field of art, culture or sport.

Long Term Skills Shortage List (LTSSL)

The Long Term Skill Shortage List (LTSSL) is a list of occupations in which Immigration New Zealand, in consultation with Industry New Zealand, relevant industry groups and unions, has identified an absolute (sustained and ongoing) shortage of skilled workers.

Long Term Business (LTBV)

With the exception of two categories under the Investor, this is the only policy leading to permanent Residence that has no age limit.

The Long Term Business Visa and Permit (LTBV) category caters for self-employed business people who are interested in either: applying for residence under the Entrepreneur category, or establishing a business in New Zealand but without living permanently in New Zealand.

The Work to Residence category allows for a temporary work visa and/or permit as a step towards gaining permanent residence. Applicants may be qualified by experience in occupations that are in

demand in New Zealand, or may have exceptional talent in sports or the arts.

Entrepreneur Plus

Originating from the Long Term Business Visa, proving you have successfully established a business in NZ, investing at least NZ\$0.5 million in the business, working in the business and creating 3 full time positions for NZ Residents or Citizens – residence can be obtained more quickly.

Residence Visa/Permit

New Zealand is looking for skilled migrants with the right qualifications and experience, and English language proficiency, to fill skill shortages and to help the country grow and prosper in the future.

Skilled Migrant Category

The Skilled Migrant Category for residence allows skilled migrants to become permanent residents. It is the main path to residence in New Zealand. Approximately 70% of places under the New Zealand Government's residence programme are allocated to Skilled Migrant applicants.

Additional Paths to Residence

- Investor 1 Or Investor Plus. Investing NZ\$10 million for 3 years, spending 20% of your time in each year or 73 days in NZ – residence path.
- Investor 2. Prove you have a minimum of 3 years business experience, provide evidence of NZ\$1 million to invest over a 4 year period, plan on spending 146 days or more of each

calendar year in NZ, be 65 years of age or younger – path to residence.

- Extend your Visit. if 66 years of age or over.
- Temporary Retirement Category. Visitors who want to stay longer in NZ can apply for a 2 year multiple entry visitor's visa. This approach is for applicants aged 66 and over. Required to hold comprehensive travel and/or health insurance for the duration of the stay.

Other Comments

A new Immigration Act is coming into force with core provisions applicable from 29 November 2010. Other sub sections coming into force from mid 2011 and beyond.

It is most common that travelers to New Zealand do not understand the difference between immigration visas and permits. A visa is given to an approved person so they can travel to New Zealand. A permit allows a person to enter and remain in New Zealand and can either be stamped on your passport upon arrival or a label printout. A person can stay in New Zealand until the expiry date on their permit. All permits expire when the person leaves New Zealand and a valid visa is required to come back to New Zealand.

The New Zealand Government has recognized the need and importance of migrants receiving expert and professional immigration advice and has, specifically for this purpose, enacted legislation that requires all immigration advisers practicing or giving New Zealand Immigration advice and/or assistance with completion of documentation to be licensed (unless exempt) from May 2009. Licensing for Immigration Advisers. This new law is defined in the Immigration Advisers Licensing Act (IALA) which is managed by the Immigration Advisers Authority (IAA).

Similar to United Kingdom and Australia, Working Holiday Visas are available to nationals of certain countries and permit the holder to work for periods of 6 to twelve months depending on your country of citizenship while on holiday in New Zealand. Applicants must be under the age of thirty.

All Migrants entering NZ are subject to health and character checks.

An offence occurs should a migrant be employed in NZ beyond the period of the permit or should the migrant change employers or job or location without applying for a variation of conditions.

NZ employers are subject to large fines for employing a person without a valid work permit.

Accompanying Family Members

For any accompanying family members of the principal applicant:

- The partner of the principal applicant is entitled to an open work permit to work in any occupation; and
- for any tertiary education undertaken by family members, they will be subject to the payment of International fees until such time as the permanent residence is granted.