



09 June 2021

Artur
fyi-request-15280-df9601b4@requests.fyi.org.nz

Ref: DOIA 2021-2145

Dear Artur,

Thank you for your email of 25 April 2021 requesting under the Official Information Act 1982 (the OIA), the following information:

"1) How many nonpriority SMC/RFW onshore applications are currently on hand and awaiting allocation to an Immigration Officer for a time period from July 2019 to the time you reply to this request (monthly breakdown).

2) What is the lodgement date of applications from non-priority onshore SMC/RFW queue are you currently allocating to the case officers?

3) How many applications from non-priority onshore SMC/RFW queue were allocated to the case officers from 1 January 2021 to 1 May 2021 (weekly breakdown)?

4) How many priority applications were allocated to the case officers for the period from 1 January 2021 to 1 May 2021 (weekly breakdown)?

5) What are the reasons that manager of Manukau brach has stopped updating applicants about lodgement date of applications being allocated to the case officers?

6) Have you received any directions, instructions from the Minister of immigration regarding non-priority onshore SMC/RFW queue for the time period from 1 January 2021 to 1 May 2021? If yes, I would request you to release this communication under the OIA 1982.

7) You are processing SMC/RFW applications as per previous NZRP which expired in 2020. As per last NZRP, INZ is allowed to grant anywhere between 25,500 to 30,600 residence visas for skilled / business applicants. Within those brackets, is INZ targeting for the lower number or upper limit? Are you allowed to grant less the lower limit or exceed the upper limit?

8) Do you have any instructions, directions from the Minister of Immigration or the management of INZ as to what particular number of SMC/RFW applicants can be granted resident visas for the current period?

9) What advice (if any) was given to the Minister of Immigration regarding SMC/RFW non-priority queue from INZ management for the period from 1 January 2021 to 1 May 2021? What advice (if any) was given to the Minister of Immigration from INZ regarding EOI pool for the same time period?

10) When INZ started informally prioritising SMC applicants based on salary, occupational registration and other criteria from 2018, had INZ consulted with the Minister of Immigration about making that move?

11) Why INZ chose not to publicly announce those priority criteria for SMC applicants at the time of introduction of these criteria back in 2018?

12) Did INZ receive any legal advice before introduction of the informal priority criteria back in 2018? If yes, I would request you to release those papers under the OIA 1982.”

Our Response

Question One: “How many nonpriority SMC/RFW onshore applications are currently on hand and awaiting allocation to an Immigration Officer for a time period from July 2019 to the time you reply to this request (monthly breakdown).”

As you may be aware, Immigration New Zealand (INZ) has one queue for skilled residence applications. The applications in this queue include Skilled Migrant Category (SMC) and Resident from Work (RFW), and are not split into two separate queues based on the application category.

Please see table one below which provides the number of SMC and RFW applications in the onshore non-priority queues as at 4 May 2021, that were accepted for processing by INZ from 1 July 2019 to 4 May 2021 (inclusive). This has been broken down by the accepted month and visa type.

Table One:

Month accepted	Onshore Non Priority applications		Total
	RFW	SMC	
Jul-19	0	0	0
Aug-19	6	180	186
Sep-19	2	575	577
Oct-19	8	614	622
Nov-19	62	656	718
Dec-19	79	671	750
Jan-20	37	531	568
Feb-20	73	854	927
Mar-20	193	745	938
May-20	17	71	88
Jun-20	325	1,214	1,539
Jul-20	612	479	1,091
Aug-20	124	74	198
Sep-20	514	183	697
Oct-20	327	59	386
Nov-20	355	66	421
Dec-20	220	40	260
Jan-21	343	35	378
Feb-21	183	1	184
Mar-21	366	0	366
Apr-21	520	0	520
May-21	70	0	70
Total	4,436	7,048	11,484

Question Two: What is the lodgement date of applications from non-priority onshore SMC/RFW queue are you currently allocating to the case officers?

As at 31 May 2021, INZ is allocating non prioritised SMC and RFW applications received on 10 September 2019. This is the date that all information required for the acceptance of the application was received by INZ.

It is important to note that, skilled residence queue data is not static due to the complex nature of visa processing operations. Applications move between queues and this needs to be taken into account when comparing data over time. The data changes over time for reasons such as, but not limited to:

- Applicants arriving into New Zealand on critical purpose visas result in their applications moving from the offshore queue to one of the onshore queues;
- A change in an applicant's circumstances resulting in their application meeting the priority criteria and being moved to the priority queue;
- Applications being escalated via the Employment Visa Escalation (EVE) process - <https://www.immigration.govt.nz/about-us/media-centre/newsletters/korero/korero-july-2019/employment-visa-escalations-eve>;

Question Three: How many applications from non-priority onshore SMC/RFW queue were allocated to the case officers from 1 January 2021 to 1 May 2021 (weekly breakdown)?

Question Four: How many priority applications were allocated to the case officers for the period from 1 January 2021 to 1 May 2021 (weekly breakdown)?

Please see table two below which provides the number of skilled residence applications that were allocated from the onshore non priority and priority queues, between the allocation weeks 04 January 2021 to 31 May 2021.

Please note that allocations of applications to immigration officers occur weekly and the number of applications that are allocated is dependent upon processing capacity. The Government is currently reviewing its approach to the NZRP. In the meantime, INZ will continue to process applications at the same volume and with the same level of resourcing as the previous NZRP allowed for. This has an impact on the number of applications that can be allocated and the timeliness of application processing.

Also note that in February 2021, the Auckland region moved into Alert Level 3 twice which had an impact on the processing of skilled residence applications, and the capacity for immigration officers to be allocated new applications. With reduced processing capacity and reduced ability for some staff to access INZ offices during the COVID-19 response, for several weeks the INZ Manukau office had limited numbers of staff processing skilled residence applications from the office and reduced productivity for those working from home.

Table Two:

Allocation week	Priority Queue	Non Priority Queue
4-Jan-21	47	104
11-Jan-21	16	97
18-Jan-21	49	114
25-Jan-21	58	92
1-Feb-21	41	129
8-Feb-21	17	177
15-Feb-21	60	17
22-Feb-21	21	49
1-Mar-21	35	30
8-Mar-21	52	0

15-Mar-21	73	49
22-Mar-21	16	118
29-Mar-21	26	80
5-Apr-21	47	20
12-Apr-21	37	31
19-Apr-21	79	4
26-Apr-21	45	39
3-May-21	41	46
10-May-21	69	83
17-May-21	68	101
24-May-21	57	197
31-May-21	43	150

Question Five: What are the reasons that manager of Manukau branch has stopped updating applicants about lodgement date of applications being allocated to the case officers?

The INZ Manukau office did have a practice of informally advising requestors the approximate date as to where INZ had reached in the allocation of skilled residence applications from the onshore non-priority queue. However, a number of requestors have asked for further data which is complex and resource intensive for the Manukau office to obtain. In addition the volume of requests has increased significantly and processing offices need to focus their resources on their core work, which is assessing and deciding these applications.

INZ provides skilled residence information on our website. Clients and advisors can also call the Immigration Contact Centre if they have particular queries about an application for a visa. INZ is currently in the process of reviewing the skilled residence information published on the website, to provide further information and data which will be updated more regularly. Any updates in regards to the allocation of applications can be found via the following link: www.immigration.govt.nz/about-us/media-centre/news-notifications/how-we-prioritise-resident-visa-applications/smc-and-rfw-timeframe-information

Question Six: Have you received any directions, instructions from the Minister of immigration regarding non-priority onshore SMC/RFW queue for the time period from 1 January 2021 to 1 May 2021? If yes, I would request you to release this communication under the OIA 1982.

During time period 01 January 2021 to 01 May 2021, INZ has not received any directions or instructions from the Minister of Immigration, in relation to the onshore non-priority skilled residence queue.

Question Seven: You are processing SMC/RFW applications as per previous NZRP which expired in 2020. As per last NZRP, INZ is allowed to grant anywhere between 25,500 to 30,600 residence visas for skilled / business applicants. Within those brackets, is INZ targeting for the lower number or upper limit? Are you allowed to grant less the lower limit or exceed the upper limit?

Question Eight: Do you have any instructions, directions from the Minister of Immigration or the management of INZ as to what particular number of SMC/RFW applicants can be granted resident visas for the current period?

The NZRP for the 18 month period from 1 July 2018 to 31 December 2019 is 50,000 to 60,000 approved places. INZ's role as a regulator is to process and approve applications in line with immigration instructions and the NZRP planning range set by the Government of the day. The volume of approved residence applicants has been within the NZRP planning range every year.

The Government is currently reviewing its approach to the NZRP. In the meantime, INZ will continue to process applications at the same volume and with the same level of resourcing as the previous NZRP allowed for.

Question Nine: What advice (if any) was given to the Minister of Immigration regarding SMC/RFW non-priority queue from INZ management for the period from 1 January 2021 to 1 May 2021? What advice (if any) was given to the Minister of Immigration from INZ regarding EOI pool for the same time period?

One document dated 26 March 2020, titled 'Options to resume selection of Expressions of Interest for the Parent and Skilled Migrant Categories' has been identified as being within scope of your request. Some elements of this paper are still under active consideration, and other content will soon be made publically available. We are therefore withholding this document in full under:

- section 9(2)(f)(iv) of the OIA, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- section 18(d) of the OIA, as the information requested is or will soon be publically available.

I do not consider that the withholding of this information is outweighed by public interest considerations in making the information available.

Question 10: When INZ started informally prioritising SMC applicants based on salary, occupational registration and other criteria from 2018, had INZ consulted with the Minister of Immigration about making that move?

Question 11: Why INZ chose not to publicly announce those priority criteria for SMC applicants at the time of introduction of these criteria back in 2018?

Question 12: Did INZ receive any legal advice before introduction of the informal priority criteria back in 2018? If yes, I would request you to release those papers under the OIA 1982.

The informal prioritisation criteria was implemented in July 2018. While the prioritisation criteria was not formalised through the General Instruction or available on INZ's website, it was known by some stakeholders and members of the public.

The informal prioritisation criteria was implemented to ensure that applicants who are of clear significant value to New Zealand, such as doctors, nurses and teachers were prioritised and this reflected demand from employers and applicants. Legal advice was not received by INZ prior to the introduction of the informal prioritisation criteria.

INZ provided information to the Minister of Immigration's Office in September 2019 about the prioritisation criteria and an Aide Memoire was sent to the Minister's Office in October 2019 noting INZ's intention to formalise the criteria through the General Instruction (not immigration instructions, authority to change sits with the Deputy Chief Executive of Immigration New Zealand). The formalised prioritisation criteria below was implemented and reflected in the General Instruction in February 2020:

- a. Applications where the principal applicant is paid twice the median wage or higher (currently NZD \$51 an hour or NZD \$106,080 a year), or
- b. Applications where the principal applicant works in an occupation where registration is required by immigration instructions and holds that registration.

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

If you wish to discuss any aspect of your request or this response, please contact Lautalie Leausa Vaa, Senior Business Advisor, Operations Support, Immigration New Zealand at Lautalie.Leausavaa@mbie.govt.nz.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'N. Hogg', is centered below the closing text.

Nicola Hogg
General Manager - Border and Visa Operations
Immigration New Zealand