



## BRIEFING

### Options to increase visa processing capacity

<b>Date:</b>	3 March 2022	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-2916

Action sought		
	Action sought	Deadline
Hon Kris Faafoi Minister of Immigration	<b>Agree</b> to extend the processing timeline for the 2021 Residence Visa  <b>Agree</b> to issue two Special Directions effectively extending some onshore temporary work visas  <b>Discuss</b> priorities and trade-offs associated with bringing forward step 5 visas with officials	4 March 2022

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andrew Craig	Manager, Immigration Policy (Skills and Residence)	04 901 1245	s 9(2)(a)	✓
Rachel Carruthers	Senior Policy Advisor	04 830 7379		

The following departments/agencies have been consulted

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



# BRIEFING

## Options to increase visa processing capacity

<b>Date:</b>	3 March 2022	<b>Priority:</b>	High
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### Purpose

To seek your agreement to proposals to address Immigration New Zealand's processing capacity shortfall to deliver the activity required to support the Reconnecting New Zealanders strategy announced on 3 February 2022 and outline options and trade-offs needed to bring forward step 5 phasing (ie visitors and students).

### Executive summary

To meet the increased resourcing demands as a result of Reconnecting NZ (RCNZ), Immigration New Zealand needs to revisit how resources are prioritised to mitigate the impacts of the increased volumes. We recommend some changes to allow existing resources to be reallocated to better support RCNZ processing demands:

- Extending the timeline to process the majority of 2021 Resident Visa (RV21) applications from 12 months to 18 months: this, combined with some estimated productivity savings, will free up approximately 110 FTEs (currently 210 FTEs are allocated to process RV21).
- Issuing two Special Directions to effectively extend onshore visas to reduce demand for visa renewals, by:
  - o automatically extending onshore Work to Residence visas expiring before 31 December 2022 for six months, from the date of expiry, and
  - o automatically issuing a two-year open work visa to onshore Essential Skills, Post Study Work and Partner of a New Zealander work visas expiring before 31 December 2022 on the date of expiry.

Combined these measures will free up 125 FTE, which is sufficient to have some visa products processed with no increase of queue time, except family residence and Skilled Migrant Category as both have large backlogs to process. This will allow (before any further shifts of resources):

- work visas would develop queues in the opening months with new applications, but INZ expects to have this back to normal processing time within a month or two from 4 July (assuming approximately 4,000 applications for accreditation, job gate or migrant per month)
- visitor visas to be processed within 25 days by December from opening in October (assuming volumes between approximately 15,000 and 20,000 a month).

Reopening other visa categories earlier than planned will present additional resourcing challenges and require trade-offs to ensure timely processing of priority visa types. Bringing forward opening to Australian citizens and permanent residents, and visa waiver holders can be managed within resourcing with the above changes.

Bringing forward visitor visas or students to April or July will require further prioritisation of resources away from some visa products, and streamlining of assessments (or other productivity improvements). With no other changes, opening visitor visas in April could mean an wait of up to 70 days for visitor visas due to building queues. In contrast, by October the removal of processing requirements for border exceptions mean this situation won't arise.

MBIE is continuing to explore options to address this situation and clarify the resourcing and productivity improvements or trade-offs needed to manage an earlier opening of visitor visas

without these queues developing. The business information needed to fully develop and quantify the impacts of options is still being sourced. Options being looked at include:

- Prioritising work and visitor visas over other visa products such as:
  - s 9(2)(f)(iv)
  - Slowing processing and allowing larger queues to build for family residence;
  - Resource reductions for other visas such as permanent residence.
- Increasing resourcing in some products by deploying roles such as risk and verification officers into processing roles;
- Further refinement of the new processing models for visitor visas under ADEPT and the new AEWV to improve on assumed productivity (noting training time for the new work visa); and
- Shifting to higher-trust models for processing with less in-depth scrutiny of evidence for medium and higher risk visas for products including partnership, student and work visas.

You are meeting with officials on Friday 4 March to discuss these further options, and your priorities for bringing forward some RCNZ steps or prioritising some visa products over others. Following that meeting we will provide talking points to support any discussion on these topics at Cabinet on 7 March, and provide advice for any further decisions on phase 5 phasing on 14 March.

## Recommended action

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The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that Immigration New Zealand has a resourcing capacity shortfall to deliver the activity required to support the Reconnecting New Zealander strategy announced on 3 February 2022  

*Noted*
- b **Agree** to extend timeline to process the majority of 2021 Resident Visa applications from 12 months to 18 months, to free up processing resource otherwise dedicated to the 2021 Residence Visa  

*Agree / Disagree*
- c **Agree** to issue a Special Direction under section 78A of the Immigration Act to automatically extend by six months, from the date of expiry of their current visa, onshore Work to Residence visas that expire before 31 December 2022, and any supported visas by the same duration  

*Agree / Disagree*
- d **Agree** to issue a Special Direction under section 61A of the Immigration Act to automatically issue a new two-year open work visa, from the date of expiry of their current visa, to:
  - a. Onshore holders of an Essential Skills visa that expires before 31 December 2022, and any of their partners or dependents
  - b. Onshore holders of a Post Study Work visa that expires before 31 December 2022, and of their partners or dependents
  - c. Onshore holders of a Partner of a New Zealander work visa that expires before 31 December 2022, and any of their dependents

*Agree / Disagree*

- e **Note** that further work to develop options to streamline processing across all visa types  
Noted
- f **Discuss** your visa processing priorities and further options and trade-offs to develop in order to manage any accelerated reopening of the border with officials at 9am on Friday 4 March  
Agree / Disagree



Andrew Craig  
**Manager, Immigration (Skills and Residence) Policy**  
Labour, Science and Enterprise, MBIE

3 / 3 / 22

Hon Kris Faafoi  
**Minister of Immigration**

..... / ..... / .....



Catriona Robinson  
**Associate Deputy Chief Executive**  
Immigration New Zealand, MBIE

3 / 3 / 22

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## Context

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1. We recently provided information on upcoming visa processing capacity shortfalls (2122-2882: *Visa processing capacity update*). This note showed that, based on current demand and without any processing efficiencies or operational shifts, Immigration New Zealand has an average shortfall of 180 FTE Immigration Officers for the period of March to June 2022.
2. This will mean extended wait times across key visa categories such as work visas are likely (subject to prioritisation decisions) even on the announced Reconnecting New Zealanders (RCNZ) path.
3. We understand that further changes are being considered by Cabinet in the coming two weeks that could bring forward the border entry for:
  - a. Australian citizens and permanent residents, visa waiver holders, and for existing visitor visa holders to 12 April,
  - b. visitor visa holders and possibly students, to either April or July.
4. Compared to the 3 February RCNZ plan, the proposed changes for Australians, visa waiver and existing visitor visa holders will have minimal added impact for Immigration New Zealand (INZ). However, changes to visitor or student visa timing will increase the scale of resourcing, volume or productivity changes needed to manage the reopening without significant queues developing in key visa products.

## Options to increase available processing capacity

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5. We are recommending extending the processing timelines for the 2021 Resident Visa (RV21) and issuing two Special Directions to effectively extend classes on visas for onshore migrants. These changes will meet the current processing shortfall allowing INZ to improve and maintain timely processing of most visa categories for the current RCNZ phasing.
6. The ICT implementation timing for the special directions is currently being assessed.

### Prioritising work visas

7. In developing these recommendations and the scenarios that follow, we have prioritised issuing work visas for any freed up resources (but more could be done to actively move resources away from other non-work visa products). If further processing pressures develop, due to RCNZ changes or higher than anticipated volumes, then there will be trade-offs for both family and visitor visas which will experience longer wait times.

### Extending the processing timeline for 2021 Resident Visa applications

8. We recommend extending the processing timeline for RV21, from 12 months to process 80% of applications to 18 months to process the same. To be clear, the category would still close on 31 July 2022.
9. Some RV21 applicants will face longer wait times and there have been clear communications to the public that most will be processed in 12 months. However, RV21 applicants will still have the certainty provided by a residence path (a prospect some would not have had otherwise), just on a slightly longer timeframe.

### *Impact on processing capacity and other INZ processes*

10. This, combined with estimated productivity savings from shifting processing to ADEPT, will reduce the resource demand for RV21 by 110 FTEs (currently 165 FTEs are needed). These resource gains are owed approximately 70:30 to productivity gains and the timeline

extension. Assuming no major changes to RCNZ, which we understand is unlikely, this would allow INZ to bring most visa processing in flow, except for the Skilled Migrant Category (SMC) and family residence categories where there are backlogs of applications to process.

11. Further decisions are needed about reopening the Skilled Migrant Category (SMC), currently expected to happen once the RV21 closes on 31 July. While demand for the category should be a lot lower than previous years, given the impact of RV21, this is still a big processing demand.

s 9(2)(f)(iv)

### **Use of Special Directions to effectively extend onshore visas**

12. We recommend you issue two Special Directions, one to extend onshore Work to Residence visas (WTR) by 6 months, and one to issue two-year open work rights visas to onshore Essential Skills, Post Study, and Partners of New Zealanders work visa holders. Doing so should remove most requests to renew work visas from the system in the short term and limit the expected surge of Essential Skills applications ahead of the AEWV opening in July. This change frees up some planned FTEs, but its main effect is to reduce volumes and therefore the forecast resource deficit on current planning for processing onshore visas. It will also eliminate VOC and new visa delays for those eligible.
13. The use of Special Directions requires that they be necessary to manage COVID-19 impacts (like the border closure) and that those affected are not materially disadvantaged. We consider these tests are satisfied as the Special Directions are necessary to support the reopening of the border, which was closed to contain the spread of COVID-19, and all affected migrants receive an equal or better offer than if they were to renew their current visa or seek a new work visa.

#### *Automatic extension of onshore WTR visas under section 78A Immigration Act 2009*

14. We recommend that an automatic six-month extension be given to all onshore WTR visas (and any associated partner or dependent visas) that are expiring before 31 December 2022. This extension would apply from the current visa's date of expiry and will affect up to 3,216 WTR visa holders and their partners/dependents.
15. This is a low-risk step, as this is a high approval category (97%) and is expected to lessen the rate of renewals significantly. We understand that even WTR holders who have lodged a RV21 application are renewing their WTR visas, to keep their WTR pathway until they are certain their RV21 is successful. This provides affected migrants the same conditions as their current visa but delays and possibly removes the need to renew it.

#### *Automatically issue a new visa to selected onshore temporary work visa holders under s 61A Immigration Act 2009*

16. The purpose of this step is to remove demand for visa renewals from the system and to limit the expected surge in Essential Skills applications ahead of the AEWV opens in July, from applicants who are concerned about meeting the criteria under the new system. To achieve this, the automatic visa needs to be more attractive than what could be obtained by renewal. We therefore recommend the new visa give holders open work rights for two years from the date of expiry of their current visa.
17. We recommend that a new visa be issued on expiry of their current visa to the following visa holders, provided their current visa is expiring before 31 December 2022:
  - a. Essential Skills work visa holders (and their partners and dependents):
    - o approx. 4,800 visa holders plus family):

- most Essential Skills visa holders are expected to qualify for RV21 and will receive open work rights in the near future anyway;
  - the smaller number who do not qualify for RV21 will be able to stay in low-paid roles for two years, though this helps some employers transition to the Rebalance settings, and is similar to attracting working holiday makers to return early. Clear communication will be needed that people will need to leave if they cannot get a median wage or higher job after this period.
- b. Post Study Work visa holders (and their partners and dependents)
- would apply to an estimated 7,900 applicants (plus their partners and dependents);
  - most of these visa holders likely qualify for RV21 (an estimated 70-80%) anyway;
  - for those who do not qualify for RV21 and whose visas expire before 31 December 2022), this is a very favourable offer that grants them open work right for a further two years that they would not have otherwise received
- c. Partner of a New Zealander temporary work visa holders
- would apply to an estimated 3,700 applicants (and their dependents).
  - A low risk step as this is a very high approval category (95%), and offer is equivalent to what these applicants would receive on a new temporary visa.

*Impact on processing capacity and other INZ processes*

18. These Special Directions will free up 70 FTEs over the period of March to June. This, combined with the RV21 extension, will allow INZ to clear the Essential Skills application backlogs by end of September, six months earlier than previously expected, or free up resources to meet further RCNZ demands.

**Streamlining assessment processes**

19. [REDACTED] s 6(c), s 9(2)(g)(i)  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

20. We have not been able to source the necessary business information in the time available to provide advice in this briefing. The impact of ADEPT automation also remains uncertain, and we are working to further quantify this.

**Cumulative impact on processing capacity of proposed changes**

21. Extending the RV21 processing timeline and issuing the two Special Directions will free up 125 FTE to process other visa products, meaning the majority INZ's visa processing could be in flow from 1st January 2023 (the with exception of SMC and family residence owing to backlogs). This are necessary measures to meet current processing needs for RCNZ as announced on 3 February 2022.

22. In the current operating model, the complexity of moving the visa processing workforce between different visa types depends on a variety of factors including the complexity and associated time to competency, submission channel (paper vs online) and location of the resource. Training staff on different visa products impacts on wider network productivity. The ADEPT platform will allow a more agile operating model in the future.
23. There also remains considerable uncertainty about actual visa volumes, and the potential disruption of COVID on INZ capacity. Work continues to refine forecasts (including observing Australia's experience as it reopens) and identify where officers can be redeployed quickly as volumes deviate from forecast.

## **Processing impact of possible RCNZ changes**

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24. We have modelled three scenarios for different RCNZ outcomes:
  - a. That New Zealand will reopen to new visitors from July,
  - b. That New Zealand will reopen to new visitors from April, and
  - c. That New Zealand will reopen to new visitors and students from April.
25. For each of these scenarios we have assumed visitor visa demand be 40% of 2019 levels, owing to low interest from the Chinese market due to their own domestic quarantine requirements. Where relevant, we have assumed demand for student visas will be 75% of 2019 levels.
26. Workforce capacity for each scenario are demonstrated in Annexes Two, Three and Four. To note, a green status does not indicate staff are necessarily available to work on other products – they may need to work through backlogs in some cases. The main takeaways are:
  - a. Visitor visas will place a lot of burden on the processing system in the first two months regardless of when they open. INZ would be best able to manage these if the reopening were in October, as staff dedicated to border exceptions work would become increasingly available from July. If visitors enter New Zealand earlier, there are trade-offs required as, with no further processing changes, volumes of visitors visas on-hand would not be at a manageable level until October. Applicants would face wait times up to 70 days (longer if the border reopens to students at the same time).
  - b. Students visa applications would only be manageable if productivity levels for processing offshore applications (which are more onerous) matched those for onshore applications. Achieving this would be challenging and likely require a much higher risk tolerance with limited checks on new student funds or bone fides.
  - c. Other Critical Worker and Border Exceptions work is managed out of the same resource pool as visitor visas, and there would be added delays for this work if visitor visas reopen in April or July.
27. Regardless of changes to RCNZ, there will be delays for processing Accredited Employer Work Visa elements in June and July owing to the volume surge when the system opens and suppressed productivity as the staff familiarise themselves with the new policy. The potential impact of Omicron on workforce availability and increasing workforce size through extra recruitment has not been accounted for in these models.
28. While we have prioritised work visas for freed up resources, further decisions could be taken to actively remove resources from some visa products slowing or stopping processing. For example, there is a considerable resource commitment to processing family resident visas that could, in principle, be redeployed to address work or visitor processing at the cost of



longer wait times. The potential for this or other redeployments depends on how easily staff can be moved to new products without substantive productivity loss; and the impact on wait times depends on both reduce levels and any assessment streamlining introduced. We can further explore options to slow some products if you wish.

## Next steps

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29. You are meeting with officials on Friday 4 March to discuss your preferences for possible RCNZ changes and the options for creating processing capacity presented in this paper. Following that discussion, we will draft some talking points for you for Cabinet on Monday 7 March on the impacts of bringing forward the reopening to Step 5 groups (particularly visitors and students). We understand that this may be raised as part of Monday's discussion on reopening to Australians and visa waiver travel from April, and that a paper may be requested to confirm Step 5 timing decisions at Cabinet on 14 March.

## Annexes

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Annex One: FTE resource allocation by visa product (*assuming no policy or process changes and reflecting RCNZ as at 3 February 2022*)

Annex Two: resourcing pressures if we open to visitors in July

Annex Three: resourcing pressures if we open to visitors in April

Annex Four: resourcing pressures if we open to students and visitors in April

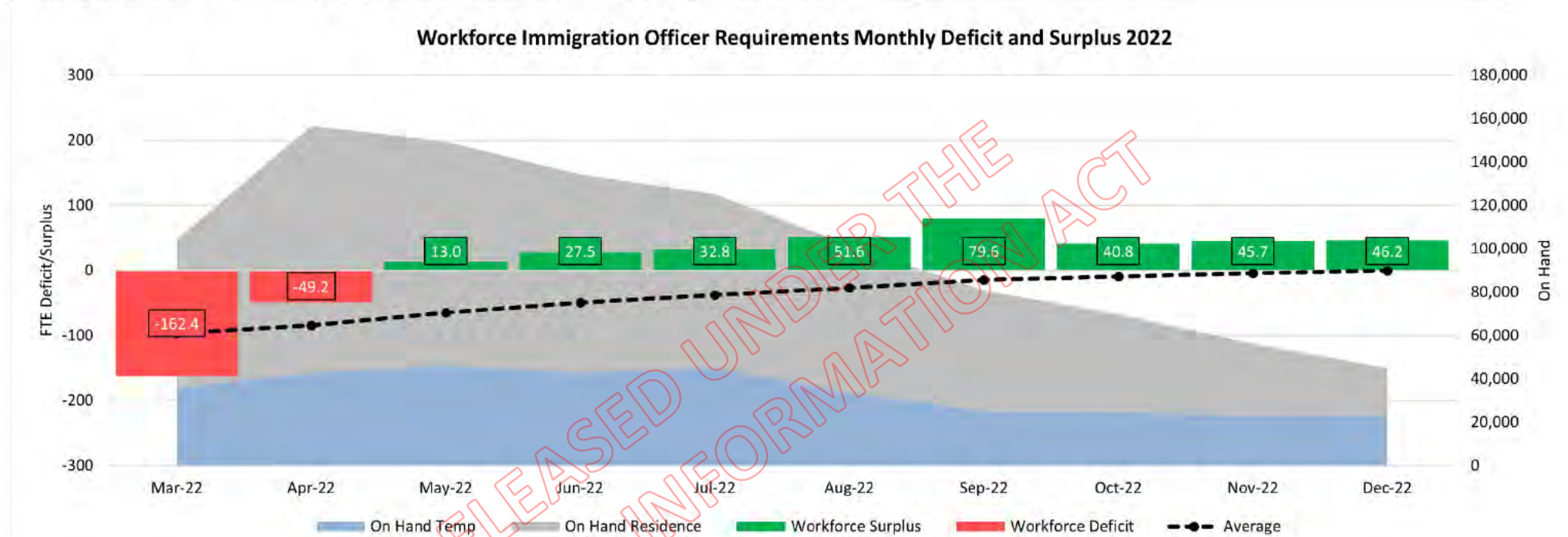


**Appendix One: FTE resource allocation by visa product (assuming no policy or process changes and reflecting RCNZ as at 3 Feb 2022)**

Product	Planned FTE		Ave FTE Variance		Monthly FTE Variance												Impact Based on Current Policy settings and resourcing levels	Comment	
	Jan to Jun	Jul to Dec	Jan to Jun	Jul to Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
Fully resourced visa products detailed in the comments column	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	81	Timely processing of applications.	This includes Section 61 – 6 FTE, Specialist Assessment – 12 FTE, Seasonal Employer – 15 FTE, Refugee Family – 12 FTE, Specific Purpose – 1 FTE, Health Assessment – 11 FTE, Investor – 15 FTE, Entrepreneur – 3 FTE and Post Study Work visa – up to 6 FTE.
Residence Family	52.7	65.0	-40.3	-24.9	-37.5	-42.4	-39.8	-41.1	-44.0	-36.7	-28.9	-27.1	-22.1	-31.2	-23.6	-16.4	Without intervention, on hand is expected to almost double to eight months of work by December.	Residence Family is currently one of the more complex products processed and therefore requires a large resource investment to process.	
Essential Skills	35.5	25.0	-37.7	21.2	-7.8	-9.7	-34.8	-35.6	-57.7	-89.3	13.7	13.7	25.0	25.0	25.0	25.0	The Essential Skills visa category closes in July 22 and on hand could remain until the first half of 2023.	Significant Essential Skills processing resource has been redirected to the top priority 2021 Resident Visa.	
Permanent Resident Visa	7.5	8.0	-9.9	-3.2	-9.4	-15.0	-7.2	-10.4	-8.7	-8.7	-2.9	-2.9	-2.9	-4.0	-2.9	-3.5	On hand is projected to grow to over eight months of work by the end of the year.	Processing resource was redirected to Variation of Conditions work due to employer need. New application volumes have been increasing.	
Accredited Employer Work Visa	10.0	46.7	-45.8	3.7					-22.2	-89.5	-53.7	3.4	17.3	18.6	20.2	16.4	Large upfront volumes are projected.	Resourcing allocated for AEWV will be initially based out of the new Christchurch site, making this a critical asset in managing this new category. Productivity is expected to be build over time as staff become familiar with the Policy.	
Work to Residence	19.5	0.0	-6.5	0.0	-12.0	-1.0											This will have a slight impact on 2021 Resident Visa resourcing for March.		
Working Holiday Scheme	1.6	2.0	-10.2	-9.1	0.2	-0.4	-19.1	-19.6	-13.3	-9.3	-8.8	-8.8	-8.8	9.8	8.7	-9.7	Only 1.0 to 2.0 FTE has been allocated to WHS since the closure of the border. Large upfront volumes are expected from mid-March.	It is hard to predict volumes for WHS. For the purposes of identifying resourcing needs, 2019 volumes have been assumed with a large amount of interest in the initial two/three months as has been seen overseas (200% for the first two months and 150% for the third month).	
Students	25.7	19.2	-7.1	-6.2	-13.3	6.8	8.2	-1.1	-33.2	-10.0	10.3	-3.6	1.0	-8.1	-12.5	-24.5		Prior to COVID-19, Student visa processing was managed across Beijing, Mumbai and Palmerston North. Since the closure of offshore sites, Palmerston North has been processing predominantly onshore applications. Planning assumptions are the current onshore expected volume with an increase of 5,000 offshore applications spread over the months of April to June. 50 per cent of 2019 volumes have been used for the months of October to December. Productivity is increased during peaks in accordance with 2020 and 2021 rates.	
Border Exceptions and Other Critical Worker	55.0	55.0	-19.6	44.9	-0.4	-4.4	-15.5	-45.9	-35.4	-15.8	34.9	34.9	34.9	55.0	55.0	55.0	Both are currently managed by the Henderson processing office.	Between July and September border exception volumes are decreased by 50 per cent and then no further volume from October onwards. Productivity remains at current rate. For Other Critical Worker an increase on currently average monthly volumes by 175% between March and June. Between July and September volumes are decreased by 50% and then no further volume from October onwards.	
Visitors	8.8	8.0	3.2	-12.4	8.3	3.4	1.4	1.7	2.4	2.3	2.0	1.3	1.2	-29.3	-28.2	-21.4		It is hard to predict volumes. Planning is based on the assumption of 25 per cent of 2019 numbers, but this is dependent on traveller confidence, isolation requirements both NZ and in travellers home countries, and market competition.	
Residence 21	163.4	203.3	-16.5	65.6	-8.6	0.5	-118.0	-64.4	44.3	44.4	44.1	44.2	44.3	45.1	45.8	170.0	Resource based on IGMS productivity rates in order to process 80 per cent of applications by December 2022. ADEPT should bring further efficiency and staff can be moved to service other peaks.	Substantial resourcing has been pulled from other products in order to manage the 2021 Resident Visa. 210 FTE (Immigration Officers) are allocated for the majority of 2022 (approx. 30 per cent of the workforce).	
Variation of Conditions	26.0	27.0	9.2	9.7	11.2	7.2	11.0	7.3	9.3	9.4	10.1	10.1	10.1	8.5	10.3	8.6	Timely processing of applications.	Variation of Conditions has been processed across multiple sites in order to ensure the system can respond to large and unpredictable changes in volume.	
Partnership - Work	44.8	35.0	4.0	-1.8	9.1	7.0	10.0	9.7	-5.4	-6.2	-1.8	-1.9	-2.1	-5.7	-3.0	2.6	On hand is expected to continue to decrease.		



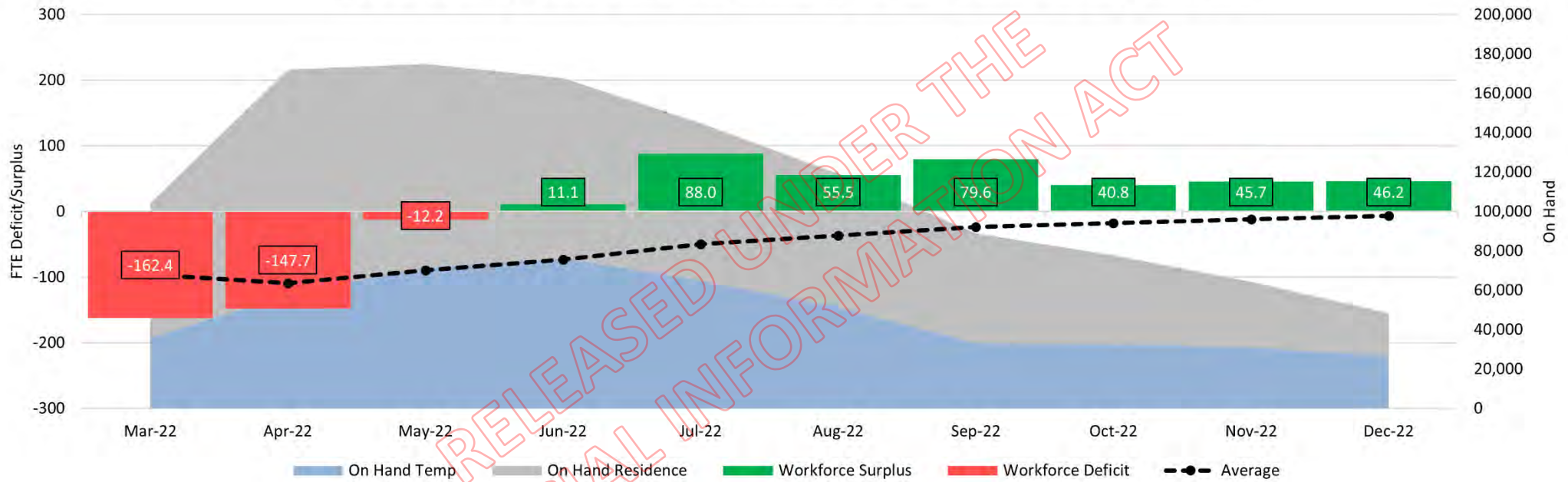
## Annex Two: resourcing pressures if we open to visitors in July



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# Annex Three: resourcing pressures if we open to visitors in April

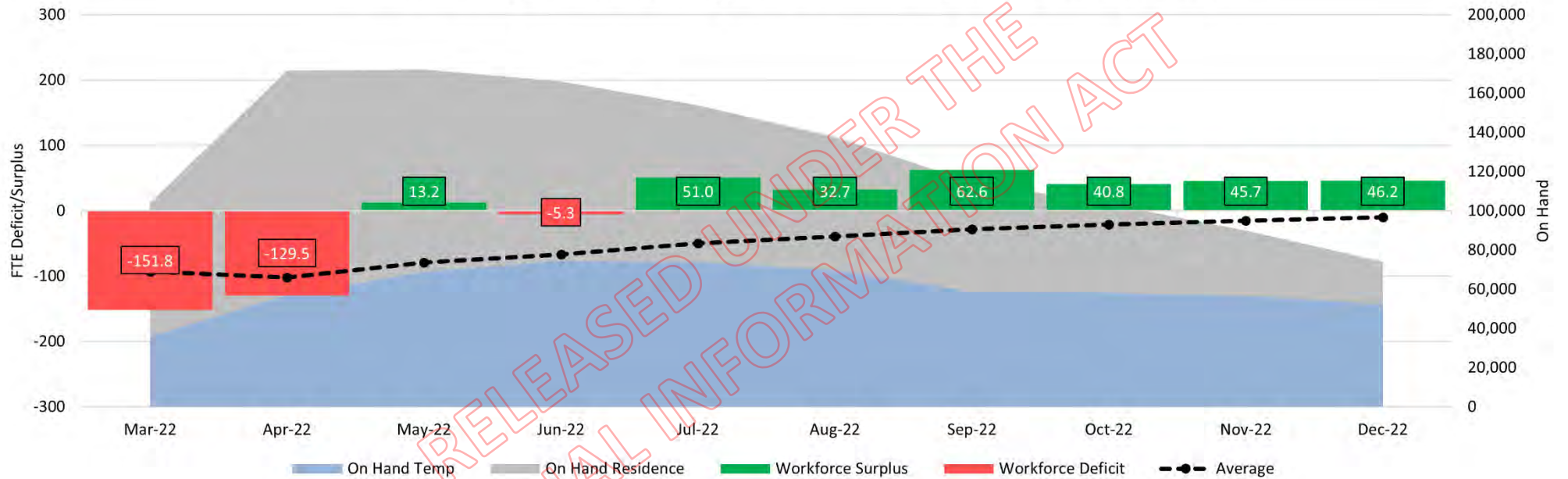
## Workforce Immigration Officer Requirements Monthly Deficit and Surplus 2022





# Annex Four: resourcing pressures if we open to students and visitors in April

## Workforce Immigration Officer Requirements Monthly Deficit and Surplus 2022



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## BRIEFING

### Immigration Rebalance – qualification levels for green list occupations and Job Check and Accredited Employer Work Visa Instructions

<b>Date:</b>	5 May 2022	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-4269

Action sought		
	Action sought	Deadline
Hon Kris Faafoi <b>Minister of Immigration</b>	Agree to the recommendations	9 May 2022
Hon Phil Twyford <b>Associate Minister of Immigration</b>	Copy for your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Alejandra Mercado	Manager, Operational Policy	04 896 5196	s 9(2)(a)	✓
Karl Woodhead	Policy Director, Immigration Policy	04 901 1458	s 9(2)(a)	✓
Nick Aldous	Director, Policy Integration, Enablement	04 896 5208	s 9(2)(a)	
Lena Groenendijk	Senior Business Analyst, Operational Policy	04 901 1503		
Rachel Carruthers	Senior Policy Advisor, Immigration (Skills and Residence) Policy	04 830 7379		

**The following departments/agencies have been consulted:**

*On qualification levels only:* the Ministry of Education, the Ministry of Health, the Ministry of Housing and Urban Development, the Ministry of Transport, Waka Kotahi, the Ministry for Primary Industries, the New Zealand Qualifications Authority. The Tourism Policy, Building System Performance and Construction Accord teams within the Ministry of Business, Innovation, Employment were also consulted.

**Minister's office to complete:**

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

**Comments**

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# BRIEFING

## Immigration Rebalance – qualification levels for green list occupations and Job Check and Accredited Employer Work Visa Instructions

<b>Date:</b>	5 May 2022	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-4269

### Purpose

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On 19 April 2022 Cabinet agreed to detailed proposals for the Immigration Rebalance [CAB-22-MIN-0145]. This paper presents further policy recommendations and instructions changes needed to give effect to the agreed Immigration Rebalance proposals.

This paper seeks:

- your agreement to proposed qualification thresholds for occupations on the Immigration Rebalance green list, as agreed by Cabinet on 19 April 2022,
- your agreement to the proposed qualification threshold for chef roles that migrants will need to meet to qualify for an Accredited Employer Work Visa (AEWV) as a chef, as noted by Cabinet on 19 April 2022, and
- your agreement to and certification of proposed changes to immigration instructions needed to implement parts of the Immigration Rebalance within the Job Check and Accredited Employer Work Visa components of the Accredited Employer policy.

Other agencies were consulted to develop the proposed qualification thresholds for the green list and chef occupations. Changes proposed in this paper are being incorporated into communications material which will support the announcement of the Rebalance package on 11 May 2022. We have referred to the green list in this document for drafting purposes and recognise that this name may change for communications purposes.

### Recommended action

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The Ministry of Business, Innovation and Employment recommends that you:

- a **note** that on 19 April 2022 you certified immigration instructions for the Job Check and Work Visa steps of the Accredited Employer Work Visa (AEWV) system [BR 2122-3290], which will be effective on 20 June 2022 and 4 July 2022 respectively

*Noted*

- b **note** that on 19 April 2022, Cabinet agreed the following as part of the Immigration Rebalance package [CAB-22-MIN-0145]:
- i. implementing the green list (which exempts jobs for occupations on the list from advertising at the Job Check [BR 2122-2326]) with selected occupations, including some health practitioners, engineers, construction and infrastructure roles and IT professionals;
  - ii. including dairy farm manager roles on the green list as a means of providing them a work to residence pathway;



- iii. as a transitional measure until final sector agreements are implemented, allowing employers to recruit migrants on an AEWV at or above 90 per cent of the median wage (approximately \$25 per hour) for selected construction roles, and at or above \$25.39 for selected care roles, and that a 2-year stand down will apply;
- iv. providing the Tourism and Hospitality sector a transitional arrangement to April 2023, which allows for recruitment of migrant workers on an AEWV at a lower wage threshold of \$25 per hour in a number of roles;
- v. requiring migrants employed in chef roles to have a relevant qualification deemed equivalent to an NZQA qualification in order to be eligible for an AEWV

*Noted*

- c **agree** to the qualification requirements for occupations on the green list as set out in Appendix One to this paper

*Agree / Disagree*

- d **note** that refinements have been made in Appendix One to enable alignment with the Australian and New Zealand Standard Classification of Occupations (ANZSCO) for implementation to the following green list occupations: 'other medical practitioners', 'psychologists', 'all registered nurses', 'plumbers', and 'dairy farm managers'

*Noted*

- e **note** that the specialisations required for secondary school teachers to access the green list pathway have been identified as a job offer in a science, mathematics, technology, or Pacific language role

*Noted*

- f **agree** that to be eligible for an AEWV, chefs will be required to hold a New Zealand Qualifications Framework Level 4 qualification, which includes the credit and knowledge requirements of a New Zealand Certificate in Cookery (Level 4), or an equivalent overseas qualification

*Agree / Disagree*

- g **agree** that the two-year stand-down that applies to the transitional arrangements for the Carer, Construction and Infrastructure sectors means that migrants hired under these arrangements need to depart New Zealand for 12 months after two years on a visa for a role paid below the median wage

*Agree / Disagree*

- h **agree** that the stand-down as described in recommendation g above also applies to migrants hired into roles paid below the median wage under the tourism and hospitality transitional arrangement

*Agree / Disagree*

i **agree** that, in addition to the rebalance changes and specific criteria previously agreed to, the following changes will be made to Employer Accreditation, the Job Check, and the AEWV:

- i. Employer Accreditation and Job Check applications that are approved before the AEWV opens on 4 July 2022 will be granted for a longer duration, so that employers are not disadvantaged by submitting applications early

*Agree / Disagree*

- ii. where an AEWV application has been declined but the applicant is eligible to have their application reconsidered, employers will be unable to use that same approved job to support another AEWV application until the reconsideration is determined

*Agree / Disagree*

- iii. Job Check applications will not be approved where the employment is for foreign crew of fishing vessels, to ensure that the objectives of the Foreign Crew of Fishing Vessels immigration instructions are met

*Agree / Disagree*

- iv. immigration instructions will enable processing and approval of Employer Accreditation and Job Check applications to be automated by an electronic system that will apply the predetermined criteria set out in the immigration instructions

*Agree / Disagree*

j **agree** to the proposed changes to Temporary Entry immigration instructions, which give effect to the changes noted at recommendations b, d and e, and agreed to at recommendations c, f, g, h and i above, as well as additional minor clarifications by signing the ministerial certificates attached at the end of Appendix Two, Three and Four

*Agree / Disagree*

k **note** that other aspects of the Immigration Rebalance agreed by Cabinet will be implemented after the AEWV policy opens on 4 July 2022, or will be implemented through other visas, and immigration instructions to give effect to those aspects will be submitted for your certification later in 2022

*Agree / Disagree*



Stephen Dunstan  
**General Manager**  
Enablement  
Ministry of Business, Innovation and Employment

Hon Kris Faafoi  
**Minister of Immigration**

5 May 2022

..... / ..... / .....



Karl Woodhead  
**Policy Director, Immigration Policy**  
Labour, Science and Enterprise  
Ministry of Business, Innovation and Employment

5 May 2022

## Background

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- 1) In August 2019, Cabinet agreed to implement a gateway system that employers will need to pass through in order to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228]. The new system requires employer accreditation and then a Job Check before a migrant can be granted an Accredited Employer work visa (AEWV). On 24 March 2022 you certified immigration instructions to give effect to the accreditation step of this new policy [BR 2122-3138], and on 19 April 2022 you certified immigration instructions to give effect to the Job Check and Work Visa steps [BR 2122-3290].
- 2) In December 2021, Cabinet agreed to the Immigration Rebalance package for temporary workers and partners [CAB-21-MIN-0554], which included the following settings related to the AEWV policy:
  - a) a wage threshold set at the median wage (unless exempted by another setting);
  - b) a green list which facilitates easier access for some roles (and that you subsequently agreed would be used to determine which jobs are exempt from the advertising requirement [2122-2326]);
  - c) a restricted occupation list which requires a higher wage threshold to be met; and
  - d) a new framework for sector agreements.
- 3) Cabinet considered the detailed proposals on 19 April 2022 and agreed the following related to the Job Check and AEWV [CAB-22-MIN-0145]:
  - a) The specific occupations on the green list will include some health practitioners, engineers, construction and infrastructure roles, as well as IT professionals and dairy farm managers.
  - b) Transitional arrangements for the Care Workforce and Construction and Infrastructure sectors will be in place until final sector agreements are implemented. The transitional arrangements allow employers to recruit migrants on an AEWV at or above 90 per cent of the median wage (approximately \$25 per hour) for selected occupations in the Construction and Infrastructure sector, and at or above \$25.39 per hour for selected occupations in the Care Workforce sector. After holding an AEWV based on these arrangements for two years, migrants will be subject to a stand-down period.
  - c) [REDACTED] s 9(2)(f)(iv)  
[REDACTED]  
[REDACTED]
  - d) The Tourism and Hospitality sector will have a transitional sector agreement to April 2023, which allows for recruitment of migrant workers into certain roles on an AEWV at a lower wage threshold of \$25 per hour.
  - e) Migrants employed in chef roles will be required to have a relevant qualification deemed equivalent to an NZQA qualification to be eligible for an AEWV.
- 4) This paper presents recommended qualification or skill thresholds for occupations on the green list and chefs, clarification on the stand-down policy, and amended immigration instructions to implement the above Immigration Rebalance decisions. Additional minor clarifications to immigration instructions, including the accreditation instructions, are also proposed. Instructions to implement other Rebalance decisions, including the residence options for green-list occupations and settings for the Foreign Fishing Crew visa, will be submitted to you separately for certification.



## Qualification thresholds for green list occupations and chefs

### Green list occupations

5) Cabinet agreed the following list of occupations would be included on the green list:

Fast Track 'Straight to Residence'	
Construction project manager Project builder Quantity surveyor Surveyor Chemical Engineer Civil Engineering Technician Civil Engineer Electrical Engineer Electronics Engineer Electrical Engineering Technician Electronic Engineering Technician Environmental Engineer Geotechnical Engineer Industrial Engineer Materials Engineer Mechanical Engineer Production or Plant Engineer Structural Engineer Engineering Professionals (not elsewhere classified) Telecommunications engineers Telecommunications network engineers Where they are paid \$120,000 or higher (indexed to the median wage on ongoing basis): <ul style="list-style-type: none"> <li>- ICT Managers</li> <li>- Software Engineer</li> <li>- ICT Security Specialist</li> </ul> Multimedia Specialists where they are paid \$95,000 or higher (indexed to the median wage on ongoing basis)	A group of medical practitioner roles, including: <ul style="list-style-type: none"> <li>General Practitioner</li> <li>Anaesthetist</li> <li>Psychiatrist</li> <li>Specialist Physicians not elsewhere classified</li> <li>Surgeons (including General Surgeons, Cardiothoracic Surgeon, Neurosurgeon, Orthopaedic Surgeon, Otorhinolaryngologist, Urologist and Vascular Surgeon)</li> <li>Other Medical Practitioners (including Dermatologist, Obstetrician and Gynaecologist, Ophthalmologist, Diagnostic and Interventional Radiologist, and Radiation Oncologist)</li> <li>Resident Medical Officer</li> <li>Medical Laboratory Scientist</li> <li>Clinical Psychologists &amp; Psychologists</li> <li>Physicist (Medical)</li> <li>Orthoptist</li> <li>Veterinarian</li> <li>Other Spatial Scientist</li> <li>Environmental Research Scientist</li> <li>Food Technologist</li> </ul>
Work to Residence	
Anaesthetic Technician Medical Laboratory Technician Medical Imaging Technologist Medical Radiation Therapist Occupational Therapist Sonographer Podiatrist Audiologist	Midwife All Registered Nurses (including but not limited to Aged Care) Teachers - Secondary with specialisations and ECE Automotive Electrician Diesel Motor Mechanic (including Heavy Vehicle Inspector) Electrician (General) – registered Plumber – registered Dairy farm managers

6) Some further definition of the above roles is needed to make them compatible with ANZSCO and implementable in instructions, and the Ministry of Health and Ministry of Primary Industries informed where relevant:

- a) *'Other Medical Practitioners'*: in addition to the listed examples in the table above, this ANZSCO group also includes emergency medicine specialists, pathologists, and medical practitioners not elsewhere classified. We have only included the listed examples and have drafted instructions on this basis, as these were directly considered by Cabinet, the fast-track green list is intended to have a high bar to entry, and we have no evidence of shortage in additional roles. It should be noted that while there are a large number of health practitioner roles included on the green list, some are not included – like

the examples we have specifically outlined here. Health practitioners are well paid, and those not included on the green list will still be able to be recruited on an AEWV and the Skilled Migrant Category for residence will be available to them.

- b) *'Psychologists'*: there are numerous types of psychologists in this ANZSCO group – educational psychologist, organisational psychologist, psychotherapist, and psychologists not elsewhere classified. Unlike 'surgeons' and 'other medical practitioners', no specialisations were presented to Cabinet, and we are advised by the Ministry of Health that these psychologist roles are in long-term shortage. We have interpreted 'psychologist', as agreed by Cabinet, to include all of these roles, which supports the Government's mental health priorities, and we have drafted instructions on this basis.
- c) *'All registered nurses'*: we have included all registered nurses regardless of specialisation (e.g., aged care, mental health, medical, disability). Nurse practitioners also fall under the 'registered nurse' category of ANZSCO but were not presented to Cabinet as part of the green list. Nurse practitioners were not included as they have advanced education, clinical training and the demonstrated competence and legal authority to practise beyond the level of a registered nurse. Under the Rebalance these are the roles we want to see employers investing in New Zealanders for, by training and promoting domestic talent. Note that nurse managers are also not listed on the green list because they are similarly a career progression opportunity and not a specified 'registered nurse' role under ANZSCO, even though this role is filled by registered nurses in New Zealand. Instructions have been drafted on this basis.
- d) *'Plumbers'*: under the ANZSCO 'plumber' group there are several specialisations of plumber, including plumber (general), air conditioning and mechanical services plumber, drainer/drainlayers, and gasfitters. We have only included 'Plumber (General)' on the green list at this time, which is consistent with 'Electrician (General)', the other trade role on the work to residence green list. Instructions have been drafted on this basis.
- e) *'Dairy farmer manager'*: Cabinet agreed to provide dairy farm manager roles paid median wage or above a work to residence pathway through the green list. There are several types of dairy farm manager roles – dairy farmer, dairy farm manager, assistant dairy farm manager, and dairy herd manager – and we have included all of them to deliver on Cabinet's intent. Instructions have been drafted on this basis.

## Qualifications for green list occupations

- 7) The green list is intended to support the attraction of migrants to highly skilled roles which are globally in-demand. A minimum level of qualifications or other relevant skills and experience is needed to ensure applicants entering New Zealand through this pathway are genuinely skilled and eligible for this pathway. Cabinet was informed that we would work with agencies to develop relevant thresholds that a migrant must meet to qualify for the green list residence pathway. The proposed qualification or skills thresholds for the green list roles is attached as **Appendix One**. Where appropriate, requirements have been carried over from the Long-Term Skill Shortage List (LTSSL), with some edits.
- 8) The following agencies were consulted in developing the green list qualifications list: the Ministry of Education, the Ministry of Health, the Ministry of Housing and Urban Development, the Ministry of Transport, Waka Kotahi, the Ministry for Primary Industries, and the New Zealand Qualifications Authority. The Building System Performance and Construction Accord teams within the Ministry of Business, Innovation, Employment were also consulted.
- 9) Key points to note, from proposals and agency feedback:
  - a) **Construction, infrastructure, and trade roles**: qualification requirements have been retained from the LTSSL, and the minimum years of experience requirement removed in recognition of the shortage at all levels in this sector. For the electrician and plumber roles,

which were not on the LTSSL, registration with the relevant body is the requirement. No issues were raised by interested agencies.

- b) **Health roles:** we have required that all health roles require registration with the relevant regulating or governing body in order to be eligible for the green list. Most of these roles are regulated and registration is required under the Health Practitioners Competence Assurance Act 2003. For those roles that are not regulated, the Ministry of Health has recommended consistency be maintained and registration with relevant bodies be required.
- c) **Education roles:** Cabinet agreed that early childhood teachers and secondary school teachers in certain specialisation areas would be eligible for the green list.
- i. *Early childhood teachers* ('early childhood (pre-primary school) teacher' under ANZSCO): we have required migrant applicants be registered with and have a provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand. The Ministry of Education supports this.
  - ii. *Secondary school teachers:* we have required that migrant applicants under this pathway be registered with and have a provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand, and have a job offer in a science, mathematics, or technology role. The Ministry of Education's position is that all secondary school teachers should be included in this pathway (i.e., no specialisation be required), as all roles are in shortage. However, recognising this may not be possible given Cabinet decided on secondary teachers' inclusion in the green list 'with specialisations', they agree with our specialisations and request Pacific language teachers and teachers taking up hard-to-fill roles (in lower decile or remote schools) be included. We have included the Pacific language roles, but not the 'hard-to-fill' roles - while we understand the desire to fill shortage areas, the purpose of the green list is to attract migrants to roles that are in global and long-standing shortage, and regional variation in attraction of teachers to a role is a matter for the education system to resolve, not the immigration system. However, this should be an area for specific consideration in the first green list review.
- d) **Digital roles:** there is an extensive list of qualifications for digital roles in the LTSSL but we are aware that qualifications are not always a good indicator of skill in the digital space. We have required that, instead of qualifications, applicants just be required to meet the higher wage threshold agreed by Cabinet. This also acknowledges that employers are better placed to know what they need in this varied and fast changing sector. NZQA and MBIE Digital Policy supported the transition to assessment based on wage and further work is underway by the sector to better assess skills in for digital roles. This work could be incorporated into future settings once completed and is found to be fit for this purpose.
- e) **Science roles:** on the advice of NZQA, the requirement for an environmental research scientist was raised from Level 7 (Bachelor's degree) to Level 8 (Bachelor's degree with Honours or a Postgraduate Diploma or Certificate) or higher. MPI support this approach.
- f) **Dairy manager roles:** we and the Ministry for Primary Industries agree that an experience requirement is more appropriate for these roles than a qualification, as qualifications are not always an indicator of skill in the agriculture sector. Given Cabinet's direction that this pathway be available to managers, which suggests a higher degree of experience and expertise, we have required three or more years' experience on a commercial farm in a relevant role for migrants to access this pathway. MPI supports this approach.

### Qualification requirement for chefs

- 10) Cabinet noted on 19 April that migrants employed in chef roles will be required to have a relevant qualification equivalent to an NZQA qualification to be eligible for an AEWV. This is to ensure that migrants entering New Zealand as chefs are genuinely skilled and suited for the

roles they are filling, and not using the occupation as a pathway to residence. This is an alternative measure to placing chefs on the list of jobs that will be subject to a higher wage threshold.

- 11) We recommend that applicants be required to hold a qualification equivalent to a New Zealand Qualifications Framework Level 4 qualification, which includes the credit and knowledge requirements of a New Zealand Certificate in Cookery (Level 4). Instructions have been drafted on this basis. This qualification requirement would be a baseline the applicant would need to meet to qualify for an AEWV in a chef role, but there can also be additional requirements that were set by the employer at the Job Check stage. This will be made clear to employers so that they will only be able to recruit migrant chefs with the requisite qualifications to fill chef roles through the AEWV.
- 12) We have discussed the level of chef qualifications required with MBIE's Tourism Policy team (which cover hospitality concerns), NZQA, and sector stakeholders from the Restaurant Association, Hospitality New Zealand and Tourism Industry Aotearoa. There is general agreement that Level 4 qualifications would be acceptable, although a preference for a higher qualification level was expressed by some government agencies to limit access for those who are less highly skilled. We believe a Level 5 requirement (the next highest level) would prevent genuinely skilled chefs from being able to work in New Zealand, even though there is a higher degree of risk of fraudulent use of the AEWV pathway with a Level 4 qualification. We understand from industry stakeholders that qualifications beyond Level 5 is uncommon because a chef's development beyond a Level 4 standard often relies on on-the-job experience, rather than further formal study for qualifications. We understand from industry engagement that a Level 4 qualification is what that most apprentices finish a three-year apprenticeship with – this seems an appropriate level of skill to be targeting.
- 13) On implementation – NZQA will assess international qualifications for equivalency with this standard and provide an International Qualification Assessment (IQA) to determine if the qualification is comparable, unless the overseas qualification is listed on the Immigration New Zealand List of Qualifications Exempt from Assessment (which already exists in the Immigration New Zealand operational manual).

## **Clarification of stand-down requirements**

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- 14) Cabinet has agreed to a transitional arrangement that allows employers to hire migrants for specified Carer, and Construction and Infrastructure roles at rates below the median wage, to which a two-year stand-down would apply. It was intended in the drafting of the Cabinet paper that this means that migrants employed under this arrangement will be required to leave New Zealand for a 12-month period (a 'stand-down') after being in a role paid below the median wage on an AEWV for two years. Instructions have been drafted on this basis and we are seeking your agreement to this clarification. Migrant workers who move on to a role paid above the median wage will be able to remain in New Zealand and receive a further AEWV.
- 15) It was also intended that migrants hired under the transitional arrangement for the tourism and hospitality sector that was agreed by Cabinet would also be subject to this stand-down, and, while Cabinet did not agree to this specific point, instructions have been drafted on this basis. This arrangement allows employers to hire migrants for specified tourism and hospitality roles at a rate below the median wage between 4 July 2022 and April 2023. The stand-down requirement is being imposed on the Carer and Construction and Infrastructure sectors where they hire into roles paid below the median wage, to ensure overreliance on migrants in lower paid roles does not grow. To avoid inconsistency, we seek your agreement to apply the stand-down requirements to the tourism and hospitality transitional arrangements as well.



## Amendments to immigration instructions

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### Green list occupations

- 16) Amendments are proposed to exempt employers who are applying for a Job Check from the requirement to provide proof of advertising as part of the Job Check if their vacancy matches an occupation on the green list. In order to be exempt from advertising requirement, the employer's minimum requirements for the job (for example minimum qualification requirements) must match or exceed the requirements of the green list, which are set out in Appendix One. If the employer's minimum requirements for the job do not match the requirements of the green list, the Job Check can still be approved, but the employer will be required to provide proof of advertising the job. AEWV applicants must meet the minimum requirements that were set by the employer at the Job Check.
- 17) The green list is proposed to be set out in an appendix of the Operational Manual. The list includes the occupational group, the occupation (along with the Australian and New Zealand Standard Classification of Occupations code), and the green list requirements. For the purpose of the Job Check instructions, the differentiation between occupations that are eligible for a 'straight to residence' or 'work to residence' pathway is not relevant, however the list still makes this differentiation (by having two tiers of occupations) to provide clarity for migrants and employers, as these pathways have already been announced.

### Transitional arrangements for proposed sector agreements

- 18) The Job Check instructions include a requirement for the proposed employment to be paying at or above the median wage of \$27.76 per hour. To implement Cabinet's decisions, we have drafted amendments that would exempt jobs from this requirement where they are for an occupation that is part of a transitional sector agreement (described in instructions as occupations that are exempt from the median wage threshold). These listed occupations must instead meet the specific remuneration requirement for that occupation, as per Cabinet's agreement [CAB-22-MIN-0145]:
- a) **Construction and Infrastructure:** construction roles must be paid at or above 90 per cent of the median wage, represented in instructions as \$25 per hour.
  - b) **Care Workforce:** carer roles must be paid at or above \$25.39 per hour.
  - c) **Tourism and Hospitality:** tourism and hospitality roles must be paid at or above \$25 per hour.
- 19) The list of occupations that are part of this exemption are proposed to be set out in an appendix of the Operational Manual.
- 20) Proposed amendments to the AEWV instructions re-introduce a stand-down period for applicants paid below the median wage, as described in paragraphs 14 and 15. Applicants are subject to a stand-down period when they have held AEWVs based on employment paid below the median wage for two years. Applicants subject to a stand-down period are not eligible for a further AEWV based on employment paid below the median wage until they have spent 12 consecutive months outside New Zealand.
- 21) To ensure that the stand-down period requirements are met, where the visa is based on employment paid below the median wage, amendments to the AEWV instructions are also proposed to limit the duration of an AEWV to two years (to align with the maximum two-year period that applicants can hold the visa for before being subject to a stand-down period).

### **Additional qualification requirement for chefs**

- 22) To be suitably qualified for the job offered, an AEWV applicant must meet the minimum requirements that were set by the employer at the Job Check stage. Amendments to the AEWV instructions are proposed to add an additional requirement for applicants that have been offered a job as a chef.

### **Duration of Employer Accreditation and Job Checks approved before 4 July 2022**

- 23) On 29 April 2021 you agreed to implement a transitional AEWV approach before all aspects of the new policy opened. This included agreement to open applications for employer accreditation and job checks ahead of the AEWV migrant check opening on 4 July (a 'pre-accreditation period') [BR 2021-1519]. To ensure employers are not disadvantaged by submitting an application prior to the AEWV opening, officials recommended that any employer accreditation granted during the pre-accreditation period would expire 12 months from the date the AEWV opens, rather than 12 months from when accreditation is granted. The same was recommended for early job check applications. Amendments to the employer accreditation and job check instructions are proposed to ensure that this approach is maintained in line with the new implementation dates. Any accreditation granted before 4 July 2022 will expire on 4 July 2023 (12 months from when the AEWV opens), and any Job Check approved before 4 July 2022 will expire on 4 January 2023 (6 months from when the AEWV opens).

### **When an AEWV applicant submits a reconsideration request**

- 24) Amendments to the job check instructions are proposed to ensure that two visas are not approved for one job, and that AEWV applicants are unable to apply for (rather than be declined) an AEWV where the approved job is potentially still being used for another application. When a job is approved as part of a Job Check application, the employer is issued a 'job token' that can be used by a migrant to apply for an AEWV. If an AEWV application is declined and the approved Job Check is still valid, the employer can send the token to another applicant who may use it to apply for an AEWV. However, where a temporary work visa application is declined, applicants may be eligible to have their application reconsidered. Proposed amendments ensure that the job token cannot be used for another AEWV application while the previously declined applicant is eligible to have their application reconsidered or is in the process of having their application reconsidered.

### **Ensuring that employers cannot recruit foreign crew of fishing vessels on an AEWV**

- 25) To ensure that the objectives of the Foreign Crew of Fishing Vessels (FCFV) instructions are met, work visas for foreign fishing crew will only be granted where immigration officers are satisfied the New Zealand employer will comply with the requirements specified for such activity. Those requirements are set out in the FCFV instructions. Proposed amendments to the job check instructions prevent a job check from being approved where the employment is for foreign crew of a fishing vessel, so that work visas for such employment are submitted under the FCFV instructions instead. This is not a change in Immigration New Zealand's current approach, however making this explicit in the AEWV instructions makes it clearer for employers. This is consistent with the policy for roles covered by the Recognised Seasonal Employer scheme.

### **Enabling automation of employer applications**

- 26) Amendments to employer accreditation and job check instructions are proposed to enable processing and decision making on applications made under these instructions to be automated by an electronic system that will apply the predetermined criteria set in immigration instructions. Automated decision making of employer applications is broadly provided for under the Immigration Act 2009 as employer accreditation and job checks are third party checks that make up part of a visa application process (but in this case are separate steps that occur before the visa application is made). The automated electronic system (Immigration New Zealand's enhanced Immigration Online system, internally known as ADEPT) may determine

whether an employer meets the requirements set out in the immigration instructions and can approve the application if it determines that the requirements are met. The proposed instructions do not enable a decision to *decline* an application to be made by an automated electronic system.

- 27) Immigration New Zealand is undertaking further work to determine which processes and decisions will be automated (for example some employer accreditation applications will be automated, likely extended to job check applications in future). If automation were to further extend to AEWV applications, amendments to instructions will be submitted for your certification.
- 28) Changes to the administration section of the Operational Manual are also being made to reflect automated processing and decision making. These do not form part of immigration instructions and do not require your certification, but are included in Appendix 5 for your information.

### **Other minor amendments to Accredited Employer work visa policy instructions**

- 29) Other minor amendments are proposed to the accreditation, job check and AEWV instructions for clarity and to reflect other changes described in this briefing, including updating cross-references.

### **Communications**

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- 30) These changes have been reflected in the communications material prepared to support the announcement of the Rebalance package on 11 May. Changes to immigration instructions will be communicated to licensed immigration advisers, immigration lawyers, all staff and the general public through the release of an amendment circular shortly after the immigration instructions have been certified.
- 31) Plain-English guidance will be amended on the INZ website and will support stakeholders to understand the amended immigration instructions. Broader public information activities to promote the AEWV more widely are underway, including delivering a proactive paid marketing campaign to reach onshore migrant communities and employers. The changes set out in this paper will be included in these activities. Webinars about the AEWV immigration instructions are scheduled throughout May and June, and invitations have already been circulated to stakeholders. These will take place after amended instructions have been released.
- 32) Website guidance specific to migrant workers is also available, which supports migrants to understand how they apply for the AEWV and the checks that INZ will perform after receiving their application.

## Appendix 1 – Proposed qualification requirements for green list and chef occupations

Occupation Occupations are listed by ANZSCO code	Proposed requirements
<b>Green list occupations – ‘fast track’ straight to residence</b>	
Construction Project Manager (133111)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (NZQF Level 8)</li> <li>- Bachelor of Engineering Technology (NZQF Level 7)</li> <li>- Bachelor of Construction (NZQF Level 7)</li> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of construction management, civil engineering, or highway engineering</li> <li>- A Graduate Diploma at NZQF Level 7, or a higher qualification which includes the knowledge requirements of a New Zealand Graduate Diploma in the focus areas of construction management, highway engineering, civil engineering or construction project management</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of a New Zealand Diploma in the focus areas of civil engineering, highway engineering, construction or construction management</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Civil Engineering</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of civil engineering as a Chartered Professional Engineer or an Engineering Technologist by Engineering New Zealand</li> </ul>
Project Builder (including Building Project Manager and Site Foreman) (133112)	<p>One of the following qualifications:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in quantity surveying or construction economics</li> <li>- A Graduate Diploma at NZQF Level 7, or a higher qualification, which includes the knowledge requirements of a New Zealand Graduate Diploma in the focus areas of construction, construction management or construction project management</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of a New Zealand Diploma (Level 6) in the focus areas of quantity surveying, construction economics, construction management or building</li> </ul>
Quantity Surveyor (233213)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in quantity surveying or construction economics</li> <li>- Student or Affiliate Membership, or MNZIQS, of the New Zealand Institute of Quantity Surveyors (with an overseas degree approved by NZIQS)</li> </ul>
Surveyor (232212)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Surveying (NZQF Level 7)</li> <li>- Bachelor of Surveying with Honours (NZQF Level 8)</li> <li>- Registration as a Professional Surveyor with the New Zealand Institute of Surveyors</li> <li>- Professional Associate Membership or an Overseas Member of the New Zealand Institute of Surveyors (with an overseas degree approved by NZIS)</li> </ul>
Chemical Engineer (233111), Materials Engineer (233112), Civil Engineer (233211), Geotechnical Engineer (233212), Structural Engineer (233214), Electrical Engineer (233311), Electronics Engineer (233411), Environmental Engineer (233915), Industrial Engineer (233511), Mechanical Engineer (233512), Production or Plant Engineer (233513),	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A Washington Accord accredited (initial) engineering degree (listed - see Note 3)</li> <li>- A Bachelor of Engineering with Honours (NZQF Level 8)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration as a Chartered Professional Engineer by Engineering New Zealand.</li> </ul>

Engineering Professionals not elsewhere classified (233999)	
Civil Engineering Technician (312212)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering Technology (Civil Engineering) (NZQF Level 7)</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of the New Zealand Diploma in Engineering (Civil) (Level 6)</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Civil Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer status in New Zealand</li> <li>- NZ registration in the field of Civil Engineering as a Chartered Professional Engineer or as an Engineering Technologist by Engineering New Zealand</li> </ul>
Electrical Engineering Technician (312312)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (Electrical and Electronic Engineering) (NZQF Level 8)</li> <li>- Bachelor of Engineering Technology (Electrical Engineering) (NZQF Level 7)</li> <li>- Bachelor of Engineering Technology (Electrical and Electronic Engineering) (NZQF Level 7)</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Electrical Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of Electrical Engineering as a Chartered Professional Engineer or as an Engineering Technologist by Engineering New Zealand</li> </ul>
Electronic Engineering Technician (312412)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in electronics</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the credit and knowledge requirements of the New Zealand Diploma in Engineering (Level 6) Electronic Engineering</li> <li>- Bachelor of Engineering Technology (Electronic Engineering) or (Electrical and Electronic Engineering) (NZQF Level 7)</li> <li>- Bachelor of Engineering with Honours in Electronic Engineering, or Electrical and Electronic Engineering (NZQF Level 8)</li> <li>- A Washington Accord or a Sydney Accord accredited undergraduate (initial) engineering degree in Electronic Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of Electronic Engineering or Electrical and Electronic Engineering as a Chartered Professional Engineer or an Engineering Technologist by Engineering New Zealand</li> </ul>
Telecommunications Engineer (263311), Telecommunications Network Engineer (263312)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (Network Engineering) (NZQF Level 8)</li> <li>- Bachelor of Engineering (NZQF Level 7)</li> <li>- Bachelor of Engineering Technology (NZQF Level 7)</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) degree (listed - see Note 3)</li> <li>- A qualification comparable to NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration as a Chartered Professional Engineer by Engineering New Zealand</li> </ul>
General Practitioner (253111)	NZ registration within a relevant provisional general, general, provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Anaesthetist (253211)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand



Psychiatrist (253411)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Specialist Physicians not elsewhere classified (253399)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Surgeon (General) (253511), Cardiothoracic Surgeon (253512), Neurosurgeon (253513), Orthopaedic Surgeon (253514), Vascular Surgeon (253521)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Urologist (253518)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Otorhinolaryngologist (253515)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Dermatologist (253911)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Obstetrician and Gynaecologist (253913)	NZ registration within a relevant provisional general or general scope of practice with the Medical Council of New Zealand
Ophthalmologist (253914)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Diagnostic and Interventional Radiologist (253917)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Radiation Oncologist (253918)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Resident Medical Officer (253112)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Medical Laboratory Scientist (234611)	NZ registration in the scope of practice as a Medical Laboratory Scientist by the Medical Sciences Council of New Zealand
Clinical Psychologist (272311)	NZ registration with the New Zealand Psychologists Board
Educational Psychologist (272312), Organisational Psychologist (272313), Psychotherapist (272314), Psychologists not elsewhere (272399)	NZ registration within a relevant scope of practice with the New Zealand Psychologists Board, or with the Psychotherapists Board of Aotearoa New Zealand
Physicist (Medical) (234914)	One of the following: <ul style="list-style-type: none"> <li>- Certification by the Australasian College of Physical Scientists and Engineers (ACPSEM) in Medicine as a Medical Physicist</li> <li>- Registration or eligibility for registration on the ACPSEM Register of Qualified Medical Physics Specialists</li> <li>- Registration as a Clinical Scientist with the Health and Care Professions Council, United Kingdom and Membership of the Institute of Physics and Engineering Medicine, United Kingdom</li> <li>- Certification as a Medical Physicist by the American Board of Radiology in Medical Physics</li> <li>- Certification of Competence in Clinical Medical Physics as a Member of the Canadian College of Physics in Medicine</li> </ul>
Orthoptist (251412)	NZ registration with the New Zealand Orthoptics Society Inc.

Veterinarian (234711)	NZ registration with the Veterinary Council of New Zealand (A qualification in this area of absolute skill shortage is: Bachelor of Veterinary Science (NZQF Level 7) – see Note 5)
Other Spatial Scientist (232214)	A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of computer science or geography
Environmental Research Scientist (234313)	A NZQF Level 8 or higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of environmental studies, environmental management, or environmental engineering
Food Technologist (234212)	One of the following qualifications: <ul style="list-style-type: none"> <li>- Bachelor of Food Technology with Honours (Food Product Technology) or (Food Process Engineering) (NZQF Level 8)</li> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of nutrition or food science</li> </ul>
Chief Information Officer (135111), ICT Project Manager (153112), ICT Managers nec (135199), Software Engineer (261313), ICT Security Specialist (232112)	Remuneration for the employment must be \$57.69 per hour or above, or the equivalent annual salary
Multimedia Specialist (261211)	Remuneration for the employment must be \$45.67 per hour or above, or the equivalent annual salary
<b>Green list occupations – Work to Residence</b>	
Anaesthetic Technician (311211)	NZ registration in the scope of practice as an Anaesthetic Technician by the Medical Sciences Council of New Zealand
Medical Diagnostic (Medical Imaging Technologist) (251211)	NZ registration in the scope of practice as a Medical Imaging Technologist with the Medical Radiation Technologists Board
Medical Laboratory Technician (311213)	NZ registration in the scope of practice as a Medical Laboratory Technician by the Medical Sciences Council of New Zealand
Medical Radiation Therapist (251212)	NZ registration in the scope of practice as a Radiation Therapist with the Medical Radiation Technologists Board
Occupational Therapist (252411)	NZ registration with the Occupational Therapy Board of New Zealand
Sonographer (251214)	NZ registration in the scope of practice as a Sonographer with the Medical Radiation Technologists Board
Podiatrist (252611)	NZ registration with the New Zealand Podiatry Board
Audiologist (252711)	NZ registration with the New Zealand Audiological Society
Registered Nurse (Aged Care) (254412), Registered Nurse (Child and Family Health) (254413), Registered Nurse (Community Health) (254414), Registered Nurse (Critical Care and Emergency) (254415), Registered Nurse (Developmental Disability) (254416), Registered Nurse (Disability and Rehabilitation) (254417), Registered Nurse (Medical) (254418), Registered Nurse (Medical	NZ registration in the relevant scope of practice with the Nursing Council of New Zealand

Practice) (254421), Registered Nurse (Mental Health) (254422), Registered Nurse (Perioperative) (254423), Registered Nurse (Surgical) (254424), Registered Nurse (Paediatrics) (254425), Registered Nurses not elsewhere classified (254499)	
Midwife (254111)	NZ registration in the relevant scope of practice with the Midwifery Council of New Zealand
Secondary School Teacher (241411) (with required specialisations)	NZ registration with the Teaching Council of Aotearoa New Zealand AND A provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand AND Hold a job offer in one of the following subjects: <ul style="list-style-type: none"> <li>- Science (including chemistry, biology, physics, agricultural and horticultural science, and earth and space science)</li> <li>- Mathematics (including statistics and calculus)</li> <li>- Technology (including digital technologies, computer science, construction and mechanical technologies, materials technologies, and processing technologies)</li> <li>- Pacific languages (including languages of Tokelau, Niue, Cook Islands, Sāmoa, Tonga, Tuvalu, Fiji, Rotuma, and Kiribati)</li> </ul>
Early Childhood (Pre-primary School) Teacher – registered (241111)	NZ registration with the Teaching Council of Aotearoa New Zealand AND A provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand
Automotive Electrician (321111)	A certificate at NZQF Level 4, or a higher qualification, which includes the credit and knowledge requirements of one of the strands of the New Zealand Certificate in Automotive Electrical Engineering (NZQF Level 4)
Diesel Motor Mechanic (including Heavy Vehicle Inspector) (321212)	A certificate at NZQF Level 4, or a higher qualification, which includes the credit and knowledge requirements of the New Zealand Certificate in Heavy Automotive Engineering (NZQF Level 4)
Electrician (General) (341111)	NZ registration as an electrician or a limited certificate as an electrician from the Electrical Workers Registration Board
Plumber (General) – registered (334111)	NZ registration as either a certifying plumber, tradesman plumber; or journeyman plumber with the New Zealand Plumbers, Gasfitters and Drainlayers Board
Dairy Cattle Farmer (121313) (including Dairy Farm Manager, Assistant Dairy Farm Manager, Dairy Herd Manager)	A minimum of three years' experience working on a commercial farm in a relevant role.
<b>Chef roles</b>	
Chef (351311)	A certificate at NZQF Level 4 or higher, which includes the credit and knowledge requirements of a New Zealand Certificate in Cookery (Level 4). Overseas qualifications must be comparable to the standard of the New Zealand qualification.

**Appendix 2 – Proposed amendments to Temporary Entry instructions effective on and after 23 May 2022**

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## WA2.1 Overview

- a. There are two types of employer accreditation:
  - i. Standard Accreditation; and
  - ii. High Volume Accreditation.
- b. All employers must meet the generic requirements for employer accreditation set out at WA2.10 and the requirements for subsequent accreditation set out at WA2.30. These include requirements for the employer as **an entity, as well as for key people (as defined at WA2.60.10) within the employer's organisation.**
- c. Employers who place Accredited Employer work visa holders in triangular employment arrangements (as defined at WA2.60.15), including labour hire employers, must meet the additional requirements set out at WA2.20.
- d. Employers who are franchisees (as defined at WA2.60.20) must meet the additional requirements set out at WA2.25.
- e. All other employers who want to have more than 5 jobs associated to them (WA3.50.1) at any one time, must apply for High Volume Accreditation.

Note: If an employer accreditation application is approved for employers specified in (c) and (d), they will be granted High Volume Accreditation.

### WA2.1.5 Automated processing and granting

- a. An automated electronic system may determine whether an employer meets one or more of the requirements for employer accreditation under these instructions.
- b. An automated electronic system may grant employer accreditation to an employer who meets the requirements under these instructions.
- c. Where a decision is made by way of an automated electronic system that decision must for all purposes be treated as a decision of an immigration officer who is authorised to make the decision under the Immigration Act 2009.

## WA2.10 Requirements for all employers

- a. For an employer accreditation application to be approved, the employer must:
  - i. be a genuinely operating business or organisation, as set out at WA2.10.1; and
  - ii. complete the settlement support activities set out at WA2.10.5; and
  - iii. be compliant with the specific immigration, employment and business standards set out at WA2.10.10.
- b. If the employer is a sole trader, partners in a partnership or trustees in a trust, New Zealand must be the primary place of established residence for the sole trader (person), or at least one partner or trustee.
- c. The generic work visa requirements set out at W2.10 do not apply to employer accreditation applications made under these instructions.

### WA2.10.1 Viable and genuinely operating business or organisation

- a. A viable and genuinely operating business or organisation is one where:
  - i. it is registered as an employer with the Inland Revenue Department; and
  - ii. if the employer is a general partnership or sole trader, the partners or sole trader must not be bankrupt or subject to a No Asset Procedure; or
  - iii. if the employer is a limited partnership, the general partners must not be bankrupt or subject to a No Asset Procedure.

Note: A general partner is defined in section 19 of the Limited Partnerships Act 2008

- b. The employer must:
  - i. have not made a loss (before depreciation and tax) over the last 24 months; or
  - ii. have a positive cash flow for each of the last 6 months; or
  - iii. have sufficient capital and/or external investment (for example funding from a founder, parent company or trust) to ensure the employer's business remains viable and ongoing; or
  - iv. have a credible, minimum two-year plan (for example by having contracts for work) to ensure the employer's business remains viable and ongoing.
- c. "Viable and ongoing" includes being able to:
  - i. meet financial obligations such as paying wages or salaries and all other operating costs and expenses; and
  - ii. purchase inventory (if relevant).
- d. Evidence of meeting the requirements set out at (a) to (c) above may include, but is not limited to:
  - i. financial statements such as an annual report and profit and loss statements;
  - ii. evidence of start-up capital and/or funding;
  - iii. a cash-flow statement and/or credible revenue forecast;
  - iv. contracts for work;
  - v. GST returns;
  - vi. income tax returns;
  - vii. PAYE returns;
  - viii. bank statements;
  - ix. stock lists/orders;
  - x. lease agreements for business premises or space.

### WA2.10.5 Settlement support activities

- a. The employer must provide the following information about the local community and services and employee work-related matters to their Accredited Employer work visa holder employees:
  - i. accommodation options;
  - ii. transportation options (including driving and driver licence information, and public transportation options);
  - iii. the cost of living;
  - iv. how to access healthcare services;
  - v. Citizens Advice Bureau services;
  - vi. relevant community groups;
  - vii. how to obtain an IRD number from Inland Revenue; and
  - viii. any industry training and qualification information and options; and
  - ix. specific job or industry hazards.
- b. The employer must provide sufficient time during paid work hours for Accredited Employer work visa holder employees to complete all of Employment New Zealand's online employee modules.
- c. The settlement support activities must be completed within one month of the employee beginning their employment as an Accredited Employer work visa holder.

Note: For the avoidance of doubt, the settlement activities do not need to be completed multiple times by the employer for the same Accredited Employer work visa holder employee if the information initially provided has not changed.

- d. Evidence of meeting the requirements set out at (a) and (b) above may include, but is not limited to:
  - i. copies of the settlement information;
  - ii. communications to Accredited Employer work visa holder employees with the settlement information;
  - iii. on-boarding or induction policies, guidelines or plans for new employees;
  - iv. **confirmation of completed Employment New Zealand's** employee online modules.

#### WA2.10.10 Compliance with specific employment, immigration and business standards

- a. The employer and any of its key persons (as defined at WA2.60.10) must not currently be included on a list of non-compliant employers for breaches of employment standards, maintained by the Labour Inspectorate. The rules for inclusion on the list are set out in Appendix 10.
- b. The employer and any of its key persons must not be subject to a stand-down period for an offence under sections 342(1)(a), 343(1)(d), 344(d), 347 or 350(1)(a) of the Immigration Act 2009, where the penalty was a fine only. The fines and corresponding stand-down periods for immigration offences are set out in Appendix 12.
- c. If the employer or any of its key persons have previously been subject to a stand-down period for an immigration offence or have previously been convicted for immigration offences listed in (b) and the penalty was a fine, the issue must have been rectified and the employer must have taken sufficient steps to prevent it from happening again.
- d. The employer or any of its key persons must not have:
  - i. employed someone who is not entitled, under the Immigration Act 2009, to work in the role; or
  - ii. provided false or misleading information to INZ, or withheld relevant information from INZ that is prejudicial to the approval of an application (including the application being applied for), or to the outcome of any verification, investigation or compliance activities.
- e. **Where any of the employer's key persons are not New Zealand citizens or residents, and who are not employed by the employer, that key person must not be:**
  - i. in New Zealand without a valid visa; or
  - ii. **acting as the employer's key person in breach of the conditions of their New Zealand visa.**
- f. The employer and its key persons must not have received a prison sentence for an offence under sections 343(1)(d) or 344(d) of the Immigration Act 2009, regardless of when the offence occurred.
- g. The employer and its key persons must not have been convicted at any time of an offence under:
  - i. sections 343(1)(a), 345, 348, 342(1)(b), 351 of the Immigration Act 2009; or
  - ii. sections 98, 98C or 98D of the Crimes Act 1961.
- h. **Where any of the employer's key persons have a history of immigration non-compliance** in one or more other organisations that they have acted as a key person in, an immigration officer must be satisfied that the employer seeking accreditation has taken sufficient steps to prevent the same non-compliance happening in their organisation. For the purpose of this instruction, a history of immigration non-compliance:
  - i. means two or more instances of the non-compliance set out at (b) to (f) above; and
  - ii. includes where it was only carried out by the other organisation rather than the individual, or where the other organisation was penalised rather than the individual, provided that the individual was acting as a key person in the organisation when the non-compliance occurred.
- i. **The employer's key persons must not:**
  - i. be prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated company or unincorporated body, within New Zealand or overseas, by:
    - o being issued a prohibition notice by the Registrar of Companies (who have this power under section 385 of the Companies Act 1993); or
    - o virtue of section 382 of the Companies Act 1993; or
    - o being disqualified by a court (who have this power under section 233 of the Companies Act 1993); or
  - ii. have been convicted in the last five years of any offences listed in section 382 of the Companies Act that prohibit a person from managing a company, or any equivalent offence in any other country.
- j. Where the employer or any of its key persons have an active investigation or case pending for any non-compliance that, if proven, would result in the employer not meeting the requirements set out at (a) to (i) above but where they have not yet been prosecuted, the application may be put on hold and any existing accreditation suspended (WA2.55(a)) for up to 3 months at a time or until there is an outcome of the investigation, whichever occurs first. This decision must be approved by an Immigration Manager, and may take into account:
  - i. how long it is expected to take to reach an outcome of the investigation; and
  - ii. the seriousness of the alleged offending and possible ineligibility period if the offending is proven; and
  - iii. the likelihood of further harm occurring before an outcome is reached; and

- iv. where the employer is not aware of the investigation, whether the investigation will be jeopardised by putting the application on hold or by suspending any existing accreditation (WA2.55(a)).
- k. Where the employer or any of its key persons is being prosecuted for any non-compliance that, if proven, would result in the employer not meeting the requirements set out at (a) to (i) above, the application for accreditation must be put on hold and any existing accreditation suspended (WA2.55(b)), until there is an outcome of the prosecution. This decision must be approved by an Immigration Manager.
- l. The employer must not pass on recruitment, training or equipment costs, in New Zealand and outside of New Zealand, to Accredited Employer work visa holders, including, but not limited to:
  - i. advertising costs; and
  - ii. recruitment agency fees; and
  - iii. employer accreditation and Job Check application fees, and any other associated costs such as immigration adviser fees; and
  - iv. compulsory training and induction costs related to the job (including on-the-job training); and
  - v. health and safety equipment required to undertake employment safely; and
  - vi. branded uniforms; and
  - vii. trade testing (including testing centre, tester accommodation and salary costs); and
  - viii. tools where the ownership of the tools is retained by the employer.
- m. The employer must not charge fees to Accredited Employer work visa holders outside of New Zealand, that would be unlawful in New Zealand, including, but not limited to:
  - i. any payment to secure or retain an employment relationship; and
  - ii. bonding agreements for an unlawful purpose; and
  - iii. deductions from wages or salaries for accommodation, travel or food that are unreasonable or have not been consented to in writing by the worker and included in the employment agreement.
- n. **Everyone who makes recruitment decisions within the employer's organisation (for example hiring managers, human resource managers, sole traders, and partners), must complete Employment New Zealand's online employer modules once within every accreditation period.**

#### WA2.10.15 Employers that are substantially the same as another organisation

- a. An immigration officer may decline an application if they are satisfied that the employer is substantially the same as another organisation that does not meet the requirements for accreditation, and has been re-established as a new legal entity (the employer applying for accreditation).
- b. In determining whether an employer is substantially the same as another organisation, an immigration officer may consider, among other things, whether the organisations:
  - i. have the same key people, or share a large proportion of their key people (as defined at WA2.60.10); and
  - ii. are operating in the same sector or providing the same goods or services; and
  - iii. have the same telephone number, email addresses, trading location, website or social media site; and
  - iv. have the same fixed assets.



## WA2.45 Currency and approval specifications of employer accreditation

- a. Employer accreditation may be granted for a duration of 12 months where the employer is being granted accreditation:
  - i. for the first time under these instructions; or
  - ii. as an employer who places Accredited Employer work visa holders in triangular employment arrangements; or
  - iii. as a franchisee employer; or
  - iv. where the previous accreditation has lapsed for 12 months or more.
- b. Employer accreditation may be granted for a duration of 24 months where:
  - i. the employer has previously been granted accreditation under these instructions; and
  - ii. the previous accreditation has not lapsed for 12 months or more; and
  - iii. the employer is not being granted accreditation as an employer who places Accredited Employer work visa holders in triangular employment arrangements, or as a franchisee employer.
- c. Where an employer's accreditation is upgraded from Standard to High Volume Accreditation under WA2.5(e), the expiry date of the initial accreditation remains the same.
- d. An accreditation approval will specify the:
  - i. **employer's** legal name; and
  - ii. **employer's New Zealand Business Number; and**
  - iii. employer accreditation type, that is:
    - o Standard Accreditation or High Volume Accreditation; or
    - o High Volume Accreditation – Triangular Employment, and/or
    - o High Volume Accreditation – Franchisee; and
  - iv. employer accreditation commencement date; and
  - v. employer accreditation expiry date.
- e. An employer may only place an Accredited Employer work visa holder in a triangular employment arrangement (as defined at WA2.60.15), if they hold High Volume Accreditation – Triangular Employment.
- f. **Despite (a) above, employer accreditation granted before 4 July 2022 will be granted with an expiry date of 4 July 2023.**

### WA2.45.1 Interim employer accreditation

- a. Subject to (b) and (c) below, interim accreditation may be granted to an employer who:
  - i. has submitted a subsequent application for accreditation that has been accepted for processing before their current accreditation has expired; and
  - ii. continues to meet the requirements for the accreditation they hold, as set out in these instructions.
- b. Where the subsequent application is for Standard Accreditation, interim accreditation will only be granted where an employer does not have more than 5 jobs associated to them (WA3.50.1).
- c. Where the subsequent application is for franchisee accreditation, interim accreditation will only be granted where an employer currently holds franchisee accreditation.
- d. The interim accreditation will start when the current accreditation expires.
- e. The interim accreditation will be valid for three months or until the subsequent application has been decided, whichever occurs first.
- f. The type of interim accreditation granted will be:
  - i. Standard Accreditation, where either the current accreditation or the accreditation applied for is Standard Accreditation; or
  - ii. High Volume Accreditation, where both the current accreditation and the accreditation applied for is High Volume Accreditation; and
  - iii. High Volume Accreditation – Triangular Employment, where the current accreditation and the accreditation applied for is High Volume Accreditation – Triangular Employment; and
  - iv. High Volume Accreditation – Franchisee, where the current accreditation and the accreditation applied for is High Volume Accreditation – Franchisee.

Note: Where the interim accreditation granted is different to the accreditation applied for, an employer must adhere to the requirements of the interim accreditation.

## Appendix 12 – Employer accreditation stand down periods

The table below sets out the rules for stand down periods due to breaches of the Immigration Act 2009, for the purpose of the WA2 Employer accreditation instructions.

### Immigration Act 2009 fines and relevant stand down periods where accreditation will be declined (or revoked)

<i>Fine imposed on the employer or key persons (as determined by the courts)</i>	<i>Stand down period where accreditation will not be granted (or will be revoked) by INZ</i>
Up to and including \$999.99	6 months from the time the penalty is imposed
\$1,000.00 - \$9,999.99	12 months from the time the penalty is imposed
\$10,000 - \$24,999.99	18 months from the time the penalty is imposed
\$25,000.00 and above	24 months from the time the penalty is imposed

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**TEMPORARY ENTRY INSTRUCTIONS  
MINISTERIAL CERTIFICATE**

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix Two of the submission dated 5 May 2022 are part of temporary entry immigration instructions on and after 23 May 2022.

Hon Kris Faafoi  
Minister of Immigration

\_\_\_\_\_  
(day)                      \_\_\_\_\_  
(month)                      \_\_\_\_\_  
(year)

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**Appendix 3 – Proposed amendments to Temporary Entry instructions effective on and after 20 June 2022**

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### WA3.1 Overview

- a. Employers who are accredited may make a Job Check application.
- b. If a job is approved as part of a Job Check application, it will be associated to the employer. Employers with Standard Accreditation can have a maximum of 5 jobs associated to them at any one time. There is no maximum number of jobs that can be associated to employers holding High Volume Accreditation.
- c. If a job is approved as part of a Job Check application, a non-New Zealand citizen or resident visa holder can apply for an Accredited Employer work visa. The details of the job offered to the worker must be the same as the job approved in the Job Check application.
- d. Despite [E7.7](#), where these instructions refer to the ANZSCO, any assessment must be based on the Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand in their Aria classification management system.

**Note:** The Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand is available here:

<http://aria.stats.govt.nz/aria/#ClassificationView:uri=http://stats.govt.nz/cms/ClassificationVersion/hqbOw1q89dLcxOHS>

### WA3.1.5 Automated processing and approval

- a. An automated electronic system may determine whether an employer meets one or more of the requirements for a Job Check under these instructions.
- b. An automated electronic system may approve a Job Check for an employer who meets the requirements under these instructions.
- c. Where a decision is made by way of an automated electronic system that decision must for all purposes be treated as a decision of an immigration officer who is authorised to make the decision under the Immigration Act 2009.

### WA3.15 Acceptable employment

- a. The employer applying for the Job Check must be:
  - i. an accredited employer; and
  - ii. the direct employer for the proposed employment (as defined at [WA2.60.5](#)).
- b. The remuneration for the proposed employment must be at or above the median wage, unless the proposed employment is for an occupation that is exempt from the median wage threshold (Appendix 14). For the purpose of WA instructions, the median wage is \$27.76 per hour, or the equivalent annual salary.
- c. Where the proposed employment is for an occupation that is exempt from the median wage threshold (Appendix 14), the remuneration for the proposed employment must meet the requirements for that occupation set out at [WA3.15.1](#).
- d. The proposed employment must be full time (at least 30 guaranteed hours per week for every week worked) for the duration of the employment period.
- e. The terms and conditions specified for the proposed employment must not be less than those of the New Zealand market for that occupation, including rate of pay ([WA3.30](#)) and notice periods.
- f. Payment for the proposed employment must be by wages or salary, except for any goods or services that are specified in the proposed employment agreement and are determined by an immigration officer to be reasonable deductions from the wage or salary as per [WA3.30\(g\)](#).
- g. The pay period for the proposed employment must not be longer than one month.
- h. The proposed employment must not include the employer passing any recruitment, compulsory training or equipment costs or fees to the employee, as per the requirements for employer accreditation set out at [WA2.10.10\(l\)](#).
- i. The proposed employment must be for a single accredited employer only, unless:
  - i. the employment is for a Resident Medical Officer job; and
  - ii. the employers are all New Zealand District Health Boards who hold High Volume Accreditation; and
  - iii. the employment is covered by one proposed employment agreement; and
  - iv. if a labour market test is required, the employment is advertised as one role.
- j. The proposed employment must not involve the employee being placed in a triangular employment arrangement with another organisation, as defined at [WA2.60.15](#), unless the employer holds High Volume Accreditation – Triangular Employment.
- k. The proposed employment must be compliant with all the relevant New Zealand employment laws in force.
- l. The proposed employment must be genuine.
- m. If travel or changing locations is part of the proposed employment (not to take up the employment, but as part of the job, for example an employer requiring a worker to complete a project in another location), the terms and conditions of that travel or change of locations must:
  - i. be set out in the proposed employment agreement; and
  - ii. not have the potential to disadvantage the employee.
- n. Factors an immigration officer may take into account when determining whether there is the potential for disadvantage caused by the terms and conditions of travel or change of locations include, but are not limited to:
  - i. the notice period employees are given when being required to change location; and
  - ii. compensation provided to employees when being required to travel or change location, including for travel and accommodation; and
  - iii. what the process or outcome is when an employee is unable to change locations or undertake the travel.
- o. The proposed employment must not be for:
  - i. self-employment; or
  - ii. planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries; or
  - iii. foreign crew of fishing vessels ([WJ4.15](#)).

#### Notes:

- Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions ([WH1](#)) or the Supplementary Seasonal Employment Instructions ([WH3](#)).
- Applications for work visas for foreign crew of fishing vessels ([WJ4.15](#)) must be made under the Foreign Crew of Fishing Vessels Instructions ([WJ](#)).

- p. Evidence that the employment is acceptable must include, but is not limited to:
  - i. a proposed employment agreement (see [\(q\)](#) below); and
  - ii. information about the minimum qualifications, work experience, skills or other specifications required for the job.

q. The proposed employment agreement must:

- i. include all mandatory clauses required by employment law, such as:
  - o the name of the employer; and
  - o the job title; and
  - o a detailed job description; and
  - o the hours of work; and
  - o the duration and type of agreement (fixed term or permanent); and
  - o details of pay and conditions of employment; and
  - o the place of work; and
- ii. include details about paid leave entitlements; and
- iii. only include clauses that comply with employment law; and
- iv. include the maximum number of hours that the employee may be asked to work before being paid additional overtime rates, and details of the overtime rate of pay; and
- v. include the maximum number of hours that the employee may be asked to work, including any hours paid at overtime rates; and
- vi. include the pay period.

**Notes:**

- The purpose of assessing the proposed employment agreement is to determine whether the employment is acceptable. The terms and conditions offered to an Accredited Employer work visa applicant will be checked to confirm they are consistent with the proposed employment agreement provided as part of the associated Job Check application.

- Accredited Employer work visa applicants must have the qualifications, work experience, skills or other specifications that the employer has specified, as part of the Job Check application, as the minimum requirements for the job.

**WA3.15.1 Requirements for occupations that are exempt from the median wage threshold**

- a. The remuneration for the proposed employment must be \$25.00 per hour or above, or the equivalent annual salary, where the proposed employment is for an occupation that is listed in Appendix 14 as part of the:
  - i. Construction and Infrastructure sector; or
  - ii. Tourism and Hospitality sector.
- b. The remuneration for the proposed employment must be \$25.39 per hour or above, or the equivalent annual salary, where the proposed employment is for an occupation that is listed in Appendix 13 as part of the Care Workforce sector.

**Note:** The proposed employment is exempt from the median wage threshold if it is for an occupation listed in Appendix 14, regardless of the actual sector the employment is in.

## WA3.20 Labour market test

- a. The labour market test must be met for all jobs, except where:
  - i. the remuneration for the proposed employment is \$55.52 per hour or above, or the equivalent annual salary (WA3.30); or
  - ii. the proposed employment is for an occupation included on the Green List, and the minimum requirements for the job include the requirements on the list for that occupation (Appendix 13).
- b. The labour market test is met if:
  - i. the employer has made genuine attempts to attract and recruit suitable New Zealand workers by advertising the job (WA3.20.1); and
  - ii. the employer did not find suitable and available New Zealand workers for the job.
- c. Evidence that the labour market test is met must include:
  - i. evidence of the advertising required by WA3.20.1 below including the content, dates, duration and platform of the advert(s); and
  - ii. a declaration from the employer about whether they found any suitable and available New Zealand workers for the job.

### WA3.20.1 Genuine attempts to attract and recruit suitable New Zealand workers by advertising

- a. The job must have been advertised:
  - i. on a general national job listing website where suitable New Zealand citizen or resident class visa workers are likely to apply; or
  - ii. by other means, if those means are more likely to attract suitable New Zealand citizen or resident workers, for example on an industry-specific job listing website.
- b. The job advert must have:
  - i. been listed for at least 14 calendar days; and
  - ii. closed prior to the Job Check application being submitted.
- c. The end date of the advertising must be within the 90 days prior to the Job Check application being submitted.
- d. The advert must include:
  - i. a job description detailing the key tasks and responsibilities; and
  - ii. the key terms and conditions of the employment, which are consistent with the proposed employment agreement and other information included with the Job Check application, including:
    - o the minimum and maximum rate of pay or salary; and
    - o where a significant portion of the actual earnings are not guaranteed, the estimated actual earnings (for example what the piece rates or commission rates are, or what the average bonuses are); and
    - o the minimum guaranteed hours of work; and
    - o the location of the job; and
  - iii. the minimum qualifications, work experience, skills or other specifications required for the job (see (e) below).
- e. The minimum qualifications, work experience, skills or other specifications required for the job must:
  - i. only include those necessary to perform the work on offer (WA3.20.5); and
  - ii. be the same as those stated in the application form.

### WA3.20.5 Determining whether the minimum requirements for the job are necessary to perform the work on offer

- a. To determine whether the minimum qualifications, work experience, skills or other specifications identified by the employer as requirements for the job are necessary to perform the work on offer, an immigration officer may refer to the qualifications described for the closest matching occupation in the Australian and New Zealand Standard Classification of Occupations (ANZSCO), or the work experience that the ANZSCO indicates may substitute the required qualification.
- b. For qualifications, work experience, skills or other specification that are not described in the ANZSCO for the matching occupation, an immigration officer may make an assessment of whether the requirement is reasonably necessary to perform the work on offer, taking into account such factors as:
  - i. the roles and responsibilities of the job; and
  - ii. whether the specification is likely to result in suitable and available New Zealand citizens or residents not applying for the job.

Note: As an example, requiring foreign language skills for a café or restaurant worker job is unlikely to be acceptable, but requiring foreign language skills for a job as a tour guide catering for non-English speakers may be acceptable, as the skills are necessary to perform the work on offer.



- c. Where qualifications, work experience, skills or other specifications are needed to perform the job that are not described for the matching occupation in the ANZSCO, the remuneration offered must reflect those requirements by being above what would otherwise be the market rate for that job.
- d. Requiring a driver licence or vehicle cannot be a minimum requirement for the job unless operating a vehicle is necessary to perform the work on offer. Being able to commute to the workplace is not part of performing the work on offer, so requiring a driver licence or vehicle for this purpose is not acceptable.

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### WA3.30 Calculating remuneration

- a. The proposed remuneration must meet the minimum pay threshold(s) required under these instructions (including at [WA3.15](#) and [WA3.20\(a\)](#)).
- b. Remuneration will be calculated on the basis of guaranteed payment per hour.
- c. For employment to be assessed as meeting a minimum pay threshold, the average guaranteed remuneration for each hour of work within a pay period, including any paid leave, must be at or above that threshold.
- d. Remuneration will be calculated according to the hours of work stated in the Job Check application and the proposed employment agreement.
- e. If all or part of the payment is proposed to be by annual salary, the payment per hour for the salary portion will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week. If the payment is by salary, but not annual salary, then the relevant number of weeks will be used instead.
- f. Where the remuneration is not yet confirmed but will be within a range, the calculation will be based on the lowest rate.
- g. Subject to (h) below, for the purposes of these instructions, remuneration includes:
  - i. the value of any reasonable deduction from salary or wages for goods or services that is specified in the proposed employment agreement; and
  - ii. in the case of accommodation provided in connection to the employment:
    - o the value of any reasonable deduction from salary or wages for that accommodation, that is specified in the proposed employment agreement; or
    - o if an accommodation allowance is provided, the amount of that allowance that is specified in the proposed employment agreement.

Note: In relation to WA3.30(g)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- h. For the purposes of these instructions, remuneration excludes:
  - i. other employment-related deductions or allowances (for example tool, or uniform allowances); and
  - ii. piece rates, commissions or bonuses which are dependent on performance and not guaranteed, even if these are considered reasonable.

#### WA3.30.1 Variable hours

- a. Hours of work per week will be considered variable where the proposed employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- b. If the hours of work are variable and the proposed employment agreement specifies payment other than by hour (including payment by salary), an immigration officer may request evidence of the range of hours to be worked, including the maximum, in order to calculate the remuneration of the employment.
- c. Where evidence of the range of hours is provided in terms of (a) above or where the Job Check application or proposed employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.

#### WA3.30.5 Overnight hours

Where the proposed employment requires the employee to work overnight, but allows them to sleep during this time, any hours spent sleeping may be excluded from WA3.30(f) above, provided that:

- a. for any hours the employee is sleeping, they are paid at or above the minimum wage; and
- b. for any hours the employee is required to perform their duties, they are paid at least their normal rate; and
- c. the employee is guaranteed a minimum of 30 hours per week at their normal rate required by any minimum pay threshold under these instructions; and
- d. the proposed employment is for a job in the Aged, Residential Care or Disability Care industry.

### WA3.50 Currency and approval specifications of a Job Check

- a. A Job Check may be approved for a duration of 6 months.
- b. An approved Job Check will expire after **6 months, or when the employer's accreditation lapses or is revoked, whichever occurs first.**
- c. Throughout any period that **the employer's accreditation is suspended, any** current Job Checks the employer holds will be unable to be used to support an Accredited Employer work visa application.
- d. An approved Job Check will specify:
  - i. the occupation; and
  - ii. the minimum and maximum remuneration for the employment; and
  - iii. the location of the employment; and
  - iv. the number of jobs approved; and
  - v. the Job Check start date; and
  - vi. the Job Check expiry date.
- e. If an employer applies for a Job Check for multiple jobs, an immigration officer may approve the Job Check for the same or fewer number of jobs requested, depending on whether each job meets the requirements set out at [WA3.10](#).
- f. **Despite (a) and (b) above, a Job Check application approved before 4 July 2022 will expire on 4 January 2023, unless the employer's accreditation is revoked earlier.**

#### WA3.50.1 Associating a job to an employer

- a. A job is associated to an employer when it is approved as part of a Job Check application. The job remains associated to the employer until:
  - i. in the case of an Accredited Employer work visa being granted on the basis of the approved Job Check, that work visa:
    - o expires; or
    - o is cancelled; or
    - o is varied to allow the visa holder to work for a different employer; or
  - ii. in the case of the approved Job Check not being used to support an Accredited Employer work visa application, or the work visa application being decided without a visa being granted, the approved Job Check:
    - o expires; or
    - o is cancelled.
- b. If a(i) or (ii) above occurs, the job is no longer associated to the employer.

#### WA3.50.5 Using a Job Check to support an Accredited Employer work visa

- a. When a job is approved as part of a Job Check application and is associated to the employer, a non-New Zealand citizen or resident visa holder can use it to apply for an Accredited Employer work visa.
- b. The approved job may only be used to apply for an Accredited Employer work visa while the relevant Job Check is current, and only for one Accredited Employer work visa application. **While** the Job Check is still current, the approved job can be used for another Accredited Employer work visa application ([WA4.10\(a\)\(iv\)](#)):
  - i. **as soon as the previous Accredited Employer work visa application is withdrawn; or**
  - ii. **from 14 days after the date on which the applicant received notice of the decision to decline the Accredited Employer work visa application, where the applicant for that visa has not applied for a reconsideration; or**
  - iii. **as soon as the reconsideration of the previous Accredited Employer work visa application is withdrawn or declined, where the applicant for that visa has applied for a reconsideration.**

Appendix 13 – Green List

This Appendix is part of Government immigration instructions as described in section 22 of the Immigration Act 2009 (WA instructions).

Tier 1		
Occupational Group	Occupation	Green List Requirements
	<i>Occupations are listed by ANZSCO (Australian and New Zealand Standard Classification of Occupations) code</i>	<i>Qualifications must be comparable to the standard of the New Zealand qualification listed. Also see Note 1 at the end of this list</i>
Construction	Construction Project Manager (133111)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (NZQF Level 8)</li> <li>- Bachelor of Engineering Technology (NZQF Level 7)</li> <li>- Bachelor of Construction (NZQF Level 7)</li> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of construction management, civil engineering, or highway engineering</li> <li>- A Graduate Diploma at NZQF Level 7, or a higher qualification which includes the knowledge requirements of a New Zealand Graduate Diploma in the focus areas of construction management, highway engineering, civil engineering or construction project management</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of a New Zealand Diploma in the focus areas of civil engineering, highway engineering, construction or construction management</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Civil Engineering</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of civil engineering as a Chartered Professional Engineer or an Engineering Technologist by Engineering New Zealand</li> </ul>
Construction	Project Builder (including Building Project Manager and Site Foreman) (133112)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in quantity surveying or construction economics</li> <li>- A Graduate Diploma at NZQF Level 7, or a higher qualification, which includes the knowledge requirements of a New Zealand Graduate Diploma in the focus areas of construction, construction management or construction project management</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of a New Zealand Diploma (Level 6) in the focus areas of quantity surveying,</li> </ul>



		construction economics, construction management or building
Construction	Quantity Surveyor (233213)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in quantity surveying or construction economics</li> <li>- Student or Affiliate Membership, or MNZIQS, of the New Zealand Institute of Quantity Surveyors (with an overseas degree approved by NZIQS)</li> </ul>
Construction	Surveyor (232212)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Surveying (NZQF Level 7)</li> <li>- Bachelor of Surveying with Honours (NZQF Level 8)</li> <li>- Registration as a Professional Surveyor with the New Zealand Institute of Surveyors</li> <li>- Professional Associate Membership or an Overseas Member of the New Zealand Institute of Surveyors (with an overseas degree approved by NZIS)</li> </ul>
Engineering	Chemical Engineer (233111), Materials Engineer (233112), Civil Engineer (233211), Geotechnical Engineer (233212), Structural Engineer (233214), Electrical Engineer (233311), Electronics Engineer (233411), Environmental Engineer (233915), Industrial Engineer (233511), Mechanical Engineer (233512), Production or Plant Engineer (233513), Engineering Professionals nec (233999)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A Washington Accord accredited (initial) engineering degree (listed - see Note 3)</li> <li>- A Bachelor of Engineering with Honours (NZQF Level 8)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration as a Chartered Professional Engineer by Engineering New Zealand.</li> </ul>
Engineering	Civil Engineering Technician (312212)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering Technology (Civil Engineering) (NZQF Level 7)</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the knowledge requirements of the New Zealand Diploma in Engineering (Civil) (Level 6)</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Civil Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer status in New Zealand</li> <li>- NZ registration in the field of Civil Engineering as a Chartered Professional Engineer or as an Engineering Technologist by Engineering New Zealand</li> </ul>
Engineering	Electrical Engineering Technician (312312)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (Electrical and Electronic Engineering) (NZQF Level 8)</li> <li>- Bachelor of Engineering Technology (Electrical Engineering) (NZQF Level 7)</li> <li>- Bachelor of Engineering Technology (Electrical and Electronic Engineering) (NZQF Level 7)</li> </ul>

		<ul style="list-style-type: none"> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) engineering degree in Electrical Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of Electrical Engineering as a Chartered Professional Engineer or as an Engineering Technologist by Engineering New Zealand</li> </ul>
Engineering	Electronic Engineering Technician (312412)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- A bachelor's degree at NZQF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in electronics</li> <li>- A diploma at NZQF Level 6, or a higher qualification, with the minimum equivalent of 240 credits, which includes the credit and knowledge requirements of the New Zealand Diploma in Engineering (Level 6) Electronic Engineering</li> <li>- Bachelor of Engineering Technology (Electronic Engineering) or (Electrical and Electronic Engineering) (NZQF Level 7)</li> <li>- Bachelor of Engineering with Honours in Electronic Engineering, or Electrical and Electronic Engineering (NZQF Level 8)</li> <li>- A Washington Accord or a Sydney Accord accredited undergraduate (initial) engineering degree in Electronic Engineering (listed - see Note 3)</li> <li>- A qualification at NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration in the field of Electronic Engineering or Electrical and Electronic Engineering as a Chartered Professional Engineer or an Engineering Technologist by Engineering New Zealand</li> </ul>
Engineering	Telecommunications Engineer (263311), Telecommunications Network Engineer (263312)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Engineering with Honours (Network Engineering) (NZQF Level 8)</li> <li>- Bachelor of Engineering (NZQF Level 7)</li> <li>- Bachelor of Engineering Technology (NZQF Level 7)</li> <li>- A Washington Accord or Sydney Accord accredited undergraduate (initial) degree (listed - see Note 3)</li> <li>- A qualification comparable to NZQF Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree and any further learning meet the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand</li> <li>- NZ registration as a Chartered Professional Engineer by Engineering New Zealand</li> </ul>
Health and Social Services	General Practitioner (253111)	NZ registration within a relevant provisional general, general, provisional vocational or vocational scope of practice with the Medical Council of New Zealand

Health and Social Services	Anaesthetist (253211)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Psychiatrist (253411)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Specialist Physicians nec (253399)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Surgeon (General) (253511), Cardiothoracic Surgeon (253512), Neurosurgeon (253513), Orthopaedic Surgeon (253514), Vascular Surgeon (253521)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Urologist (253518)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Otorhinolaryngologist (253515)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Dermatologist (253911)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Obstetrician and Gynaecologist (253913)	NZ registration within a relevant provisional general or general scope of practice with the Medical Council of New Zealand
Health and Social Services	Ophthalmologist (253914)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Diagnostic and Interventional Radiologist (253917)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Radiation Oncologist (253918)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Resident Medical Officer (253112)	NZ registration within a relevant provisional vocational or vocational scope of practice with the Medical Council of New Zealand
Health and Social Services	Medical Laboratory Scientist (234611)	NZ registration in the scope of practice as a Medical Laboratory Scientist by the Medical Sciences Council of New Zealand
Health and Social Services	Clinical Psychologist (272311)	NZ registration with the New Zealand Psychologists Board
Health and Social Services	Educational Psychologist (272312), Organisational Psychologist (272313), Psychotherapist (272314), Psychologists nec (272399)	NZ registration within a relevant scope of practice with the New Zealand Psychologists Board, or with the Psychotherapists Board of Aotearoa New Zealand
Health and Social Services	Physicist (Medical) (234914)	One of the following: <ul style="list-style-type: none"> <li>- Certification by the Australasian College of Physical Scientists and Engineers (ACPSEM) in Medicine as a Medical Physicist</li> </ul>

		<ul style="list-style-type: none"> <li>- Registration or eligibility for registration on the ACPSEM Register of Qualified Medical Physics Specialists</li> <li>- Registration as a Clinical Scientist with the Health and Care Professions Council, United Kingdom and Membership of the Institute of Physics and Engineering Medicine, United Kingdom</li> <li>- Certification as a Medical Physicist by the American Board of Radiology in Medical Physics</li> <li>- Certification of Competence in Clinical Medical Physics as a Member of the Canadian College of Physics in Medicine</li> </ul>
Health and Social Services	Orthoptist (251412)	NZ registration with the New Zealand Orthoptics Society Inc.
Health and Social Services	Veterinarian (234711)	NZ registration with the Veterinary Council of New Zealand
Other: (Primary Industries, Science)	Other Spatial Scientist (232214)	A bachelor's degree at NZOF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of computer science or geography
Other: (Primary Industries, Science)	Environmental Research Scientist (234313)	A NZOF Level 8 or higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of environmental studies, environmental management, or environmental engineering
Other: (Primary Industries, Science)	Food Technologist (234212)	<p>One of the following:</p> <ul style="list-style-type: none"> <li>- Bachelor of Food Technology with Honours (Food Product Technology) or (Food Process Engineering) (NZOF Level 8)</li> <li>- A bachelor's degree at NZOF Level 7, or a higher qualification with the minimum equivalent of 360 credits, which includes the requirements of a New Zealand major in the focus areas of nutrition or food science</li> </ul>
ICT, Electronics and Telecommunications	Chief Information Officer (135111), ICT Project Manager (153112), ICT Managers nec (135199), Software Engineer (261313), ICT Security Specialist (232112)	Remuneration for the employment must be \$57.69 per hour or above, or the equivalent annual salary
ICT, Electronics and Telecommunications	Multimedia Specialist (261211)	Remuneration for the employment must be \$45.67 per hour or above, or the equivalent annual salary
<b>Tier 2</b>		
Occupational Group	Occupation	Green List Requirements
	<i>Occupations are listed by ANZSCO (Australian and New Zealand Standard Classification of Occupations) code</i>	<i>Qualifications must be comparable to the standard of the New Zealand qualification listed. Also see Note 1 at the end of this list</i>
Health and Social Services	Anaesthetic Technician (311211)	NZ registration in the scope of practice as an Anaesthetic Technician by the Medical Sciences Council of New Zealand
Health and Social Services	Medical Diagnostic (Medical Imaging Technologist) (251211)	NZ registration in the scope of practice as a Medical Imaging Technologist with the Medical Radiation Technologists Board
Health and Social Services	Medical Laboratory Technician (311213)	NZ registration in the scope of practice as a Medical Laboratory Technician by the Medical Sciences Council of New Zealand

Health and Social Services	Medical Radiation Therapist (251212)	NZ registration in the scope of practice as a Radiation Therapist with the Medical Radiation Technologists Board
Health and Social Services	Occupational Therapist (252411)	NZ registration with the Occupational Therapy Board of New Zealand
Health and Social Services	Sonographer (251214)	NZ registration in the scope of practice as a Sonographer with the Medical Radiation Technologists Board
Health and Social Services	Podiatrist (252611)	NZ registration with the New Zealand Podiatry Board
Health and Social Services	Audiologist (252711)	NZ registration with the New Zealand Audiological Society
Health and Social Services	Registered Nurse (Aged Care) (254412), Registered Nurse (Child and Family Health) (254413), Registered Nurse (Community Health) (254414), Registered Nurse (Critical Care and Emergency) (254415), Registered Nurse (Developmental Disability) (254416), Registered Nurse (Disability and Rehabilitation) (254417), Registered Nurse (Medical) (254418), Registered Nurse (Medical Practice) (254421), Registered Nurse (Mental Health) (254422), Registered Nurse (Perioperative) (254423), Registered Nurse (Surgical) (254424), Registered Nurse (Paediatrics) (254425), Registered Nurses nec (254499)	NZ registration in the relevant scope of practice with the Nursing Council of New Zealand
Health and Social Services	Midwife (254111)	NZ registration in the relevant scope of practice with the Midwifery Council of New Zealand
Health and Social Services	Secondary School Teacher (241411)	NZ registration with the Teaching Council of Aotearoa New Zealand AND A provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand AND Employment must be for a position as a teacher in one of the following subjects: - Science (including chemistry, biology, physics, agricultural and horticultural science, and earth and space science) - Mathematics (including statistics and calculus) - Technology (including digital technologies, computer science, construction and mechanical technologies, materials technologies, and processing technologies) - Pacific languages (including languages of Tokelau, Niue, Cook Islands, Sāmoa, Tonga, Tuvalu, Fiji, Rotuma, and Kiribati)
Health and Social Services	Early Childhood (Pre-primary School) Teacher - registered (241111)	NZ registration with the Teaching Council of Aotearoa New Zealand AND



		A provisional practising certificate issued by the Teaching Council of Aotearoa New Zealand
Trades	Automotive Electrician (321111)	A certificate at NZQF Level 4, or a higher qualification, which includes the credit and knowledge requirements of one of the strands of the New Zealand Certificate in Automotive Electrical Engineering (NZQF Level 4)
Trades	Diesel Motor Mechanic (including Heavy Vehicle Inspector) (321212)	A certificate at NZQF Level 4, or a higher qualification, which includes the credit and knowledge requirements of the New Zealand Certificate in Heavy Automotive Engineering (NZQF Level 4)
Trades	Electrician (General) (341111)	NZ registration as an electrician or a limited certificate as an electrician from the Electrical Workers Registration Board
Trades	Plumber (General) (334111)	NZ registration as either a certifying plumber, tradesman plumber; or journeyman plumber with the New Zealand Plumbers, Gasfitters and Drainlayers Board
Agriculture	Dairy Cattle Farmer (Dairy Cattle Farm Manager) (121313) including Dairy Farm Manager, Assistant Dairy Farm Manager and Dairy Herd Manager	A minimum of three years' experience working on a commercial farm in a relevant role

Note 1: Qualifications listed (unless an exception is stated) are New Zealand awarded qualifications on the New Zealand Qualifications Framework (NZQF). Overseas qualifications must be comparable to the standard of the New Zealand qualification listed. Unless an overseas qualification is listed on the Immigration New Zealand List of Qualifications Exempt from Assessment (Appendix 3), an International Qualification Assessment (IOA) from the New Zealand Qualifications Authority stating the comparable NZQF qualification is required.

Note 2: Where a Washington Accord accredited undergraduate engineering degree is a requirement, the engineering degree has to be awarded from or after the date the country became a signatory, and must be on the list of accredited programmes of the signatory country. To determine if an engineering degree awarded is Washington Accord accredited, please refer to the links from the International Engineering Alliance on their website: [www.ieagrements.org/accords/washington/signatories/](http://www.ieagrements.org/accords/washington/signatories/).

Where a Sydney Accord accredited undergraduate engineering degree is a requirement, the engineering technology degree has to be awarded from or after the date the country became a signatory, and must be on the list of accredited programmes of the signatory country. To determine if an engineering technology degree awarded is Sydney Accord accredited, please refer to the links from the International Engineering Alliance on their website: [www.ieagrements.org/accords/Sydney/signatories/](http://www.ieagrements.org/accords/Sydney/signatories/).

Note 3: A letter, certificate or registration from the Institution of Professional Engineers New Zealand Incorporated (IPENZ), as Engineering New Zealand was formerly known, may be used to meet the requirement for a letter, certificate or registration from Engineering New Zealand. A letter from IPENZ may also be used to meet an applicable requirement instead of a letter from IT Professionals New Zealand. IPENZ's name changed to Engineering New Zealand in October 2017.

## Appendix 14 – Exemptions to the median wage threshold

This Appendix is part of Government immigration instructions as described in section 22 of the Immigration Act 2009 (WA3.15).

Sector	Occupation <i>Occupations are listed by ANZSCO (Australian and New Zealand Standard Classification of Occupations) code</i>
Construction and Infrastructure	Metal Fabricator (322311)
Construction and Infrastructure	Welder (322313)
Construction and Infrastructure	Fitter (General) (323211)
Construction and Infrastructure	Fitter-Welder (323213)
Construction and Infrastructure	Painting Trades Worker (332211)
Construction and Infrastructure	Fibrous Plasterer (333211)
Construction and Infrastructure	Solid Plasterer (333212)
Construction and Infrastructure	Wall and Floor Tiler (333411)
Care Workforce	Kaiāwhina (Hauora) (Māori Health Assistant) (411512)
Care Workforce	Disabilities Services Officer (411712)
Care Workforce	Residential Care Officer (411715)
Care Workforce	Aged or Disabled Carer (423111)
Care Workforce	Nursing Support Worker (423312)
Care Workforce	Personal Care Assistant (423313)
Care Workforce	Therapy Aide (423314)
Care Workforce	Child or Youth Residential Care Assistant (423411)
Tourism and Hospitality	Hotel Service Manager (431411)
Tourism and Hospitality	Hotel or Motel Manager (141311)
Tourism and Hospitality	Accommodation and Hospitality Managers nec (141999)
Tourism and Hospitality	Licensed Club Manager (141411)
Tourism and Hospitality	Conference and Event Organiser (149311)
Tourism and Hospitality	Travel Consultant (451612)
Tourism and Hospitality	Travel Agency Manager (142116)

Tourism and Hospitality	Tour Guide (451412)
Tourism and Hospitality	Caravan Park and Camping Ground Manager (141211)
Tourism and Hospitality	Diving Instructor (Open Water) (452311)
Tourism and Hospitality	Hunting Guide (452213)
Tourism and Hospitality	Gallery or Museum Technician (399311)
Tourism and Hospitality	Trekking Guide (452216)
Tourism and Hospitality	Waiter (431511)
Tourism and Hospitality	Commercial Housekeeper (811411)
Tourism and Hospitality	Kitchenhand (851311)
Tourism and Hospitality	Barista (431112)
Tourism and Hospitality	Hotel or Motel Receptionist (542113)
Tourism and Hospitality	Bar Attendant (431111)
Tourism and Hospitality	Fast Food Cook (851111)
Tourism and Hospitality	Food Trades Assistants nec (851299)
Tourism and Hospitality	Hospitality Workers nec (431999)
Tourism and Hospitality	Cafe Worker (431211)
Tourism and Hospitality	Pastrycook's Assistant (851211)
Tourism and Hospitality	Doorman or Luggage Porter (431912)
Tourism and Hospitality	Gaming Worker (431311)
Tourism and Hospitality	Travel Attendants nec (451799)

**TEMPORARY ENTRY INSTRUCTIONS  
MINISTERIAL CERTIFICATE**

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix Three of the submission dated 5 May 2022 are part of temporary entry immigration instructions on and after 20 June 2022.

Hon Kris Faafoi  
Minister of Immigration

\_\_\_\_\_  
(day)

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(month)

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(year)

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**Appendix 4 – Proposed amendments to Temporary Entry instructions effective on and after 4 July 2022**

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## WA4.10 Determining an Accredited Employer work visa

- a. An immigration officer may grant an Accredited Employer work visa if they are satisfied that the applicant:
  - i. meets the generic work visa requirements for applicants at [W2.10.1](#); and
  - ii. holds an offer of employment that meets the requirements at [WA4.10.1](#); and
  - iii. is suitably qualified by training and experience to do the job they have been offered, as set out at [WA4.10.5](#) and [WA4.10.10](#); and
  - iv. where the employment is paid below the median wage (WA3.15(b)), is not subject to the stand-down period as set out at [WA4.10.10](#).
- b. If there is information that indicates the employer may no longer meet the requirements of their accreditation, an immigration officer may postpone making a decision on the application until the employer is determined to meet the requirements, or until the employer's accreditation is revoked ([WA2.55](#)).
- c. If the employer's accreditation is suspended, an immigration officer may postpone making a decision on the application until the suspension ends.
- d. **If the employer's accreditation expires or is revoked, an immigration officer may decline the application.**
- e. Applicants who hold a work visa with remuneration as a condition of that visa, may be required to provide evidence of their remuneration payment, such as an Inland Revenue income summary and bank statements.

### WA4.10.1 Requirements for the employment offered

- a. The offer of employment must be genuine and include the following information:
  - i. name, address, telephone number of the employer; and
  - ii. name and address of the person to whom the job is offered; and
  - iii. a full job description including:
    - o the job title or designation; and
    - o the address of the place of employment if different from that in (i) above; and
    - o the type of work, duties and responsibilities involved; and
    - o details of pay and conditions of employment; and
    - o the hours of work; and
    - o the duration of the job; and
    - o how long the job offer is open.
- b. The offer of employment must be from an accredited employer (as defined at [WA2.60.1](#)).
- c. The following details of the employment offered must be the same as those approved as part of the Job Check application:
  - i. the location of the job; and
  - ii. the occupation; and
  - iii. the hours of work (the minimum guaranteed hours of work must not be less, and the maximum hours must not be more, than those approved as part of the Job Check application); and
  - iv. the remuneration (the remuneration must be within the range approved as part of the Job Check application); and
  - v. the direct employer (as defined at [WA2.60.5](#)).
- d. All other terms and conditions of the employment offered (for example leave entitlements and notice periods) must be the same as, or more favourable to the applicant than, those provided as part of the Job Check application.
- e. The employment must continue to meet all other requirements for acceptable employment as specified at [WA3.15](#), including the remuneration thresholds in effect at the time the Accredited Employer work visa application is made.
- f. INZ will decline an application for a work visa where it considers that the employment was offered as a result of payment made or promised by the applicant (or their agent) to the employer (or their agent) in exchange for securing that offer of employment.

### WA4.10.5 Determining whether an applicant is suitably qualified to do the job they have been offered

- a. An applicant is suitably qualified to do the job they have been offered if they have the qualifications, work experience, skills and other specifications that were listed by the employer, in the Job Check application, as the minimum requirements for the job.
- b. If the employment offered is for a job as a Chef, the applicant must also have a certificate at NZQF Level 4 or higher, which includes the credit and knowledge requirements of a New Zealand Certificate in Cookery (Level 4). Overseas qualifications must be comparable to the standard of the New Zealand qualification. Unless an overseas qualification is listed on the Immigration New Zealand List of Qualifications Exempt from Assessment ([Appendix 3](#)), an International Qualification Assessment (IOA) from the New Zealand Qualifications Authority stating the comparable NZQF qualification is required.

- c. Despite [W2.10.1\(b\)\(i\)](#), an immigration officer may accept that an applicant has the minimum qualifications, work experience, skills or other specifications required for the job, without the applicant providing evidence of those specifications, where:
- i. an immigration officer has already assessed and accepted them as part of a previous application; or
  - ii. the applicant holds evidence of full or provisional occupational registration for the job they have been offered, where the specifications were required to obtain that registration.

**WA4.10.10 Applicants who are required to spend time outside New Zealand (subject to a 'stand-down period')**

- a. A person may hold Accredited Employer work visas based on employment paid below the median wage (WA3.15(b)) for a maximum period of 2 years before they are subject to a stand-down period.
- b. A person subject to a stand-down period is not eligible for a further Accredited Employer work visa based on employment paid below the median wage until they have spent 12 consecutive months outside New Zealand.
- c. Applicants who have spent 12 consecutive months outside New Zealand are no longer subject to a stand-down period (the maximum period referred to in (a) begins again) and may be granted further Accredited Employer work visas for the duration allowed by WA4.15.

WA4.10.15 Minimum income requirement for dependent children of Accredited Employer work visa holders

*See also Immigration Act 2009 s 49(1)(b)*

- a. Accredited Employer work visa holders who wish to support their dependent child's visitor or student visa application, must meet a minimum income threshold specified at [V3.10.10](#) or [U8.20](#). The visa holder's dependent child will be assessed against criteria set out in [V3.10](#) or [U8.20](#).
- b. Parents holding Accredited Employer work visas may be liable for deportation if the dependent child's visa application is declined under these instructions and the dependent child becomes unlawful.
- c. It will be a condition of the dependent child's visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child's visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

Note: Where both parents hold Accredited Employer work visas (or Accredited Employer and Essential Skills work visas), their incomes may be combined to meet the minimum income threshold. The minimum income threshold excludes employment-related allowances (for example tool or uniform allowances) and must be calculated on the basis of no more than 40 hours' work per week.

#### WA4.15 Currency and conditions of Accredited Employer work visas

- a. An Accredited Employer work visa may be granted for the period for which the employment is offered, up to a maximum of:
  - i. 3 years for employment paid at or above the median wage (WA3.15(b)); or
  - ii. 2 years for employment paid below the median wage (WA3.15(b)), unless a 2 year visa would result in the holder exceeding the maximum period allowed under WA4.10.10.
- b. Where the grant of a 2 year visa for employment paid below the median wage would result in the holder exceeding the maximum period allowed under WA4.10.10, the visa may only be granted for the remainder of the maximum period.
- c. Accredited Employer work visas will be subject to conditions that the holder:
  - i. may only work in a specified occupation; and
  - ii. may only work for a specified employer; and
  - iii. may only work in a specified location; and
  - iv. must be paid at or above a specified remuneration level; and
  - v. must provide evidence of the payment of remuneration if requested by an immigration officer; and
  - vi. unless (d) below applies, may not be placed in a triangular employment arrangement with a controlling third party ([WA2.60.15](#)).
- d. An Accredited Employer work visa holder may be placed with a controlling third party if the job approved as part of the employer's Job Check application involved the employee being placed in a triangular employment arrangement.

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**TEMPORARY ENTRY INSTRUCTIONS  
MINISTERIAL CERTIFICATE**

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix Four of the submission dated 5 May 2022 are part of temporary entry immigration instructions on and after 4 July 2022.

Hon Kris Faafoi  
Minister of Immigration

\_\_\_\_\_  
(day)                      \_\_\_\_\_  
(month)                      \_\_\_\_\_  
(year)

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**Appendix 5 – Proposed amendments to the administration section of the Operational Manual effective on and after 23 June 2022**

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## A21 Automated electronic decision making

*See also Immigration Act 2009 s 28*

- a. An automated electronic system that applies criteria predetermined in accordance with immigration instructions may be used to:
  - i. rank an expression of interest
  - ii. process, grant, or refuse to grant an invitation to apply for a visa
  - iii. process an application for, grant (with or without conditions), or refuse to grant a visa
  - iv. process an application for, grant, or refuse to grant entry permission.
- b. An automated electronic system may be used to:
  - i. process, accept or refuse a request for an Electronic Travel Authority ([E12](#))
  - ii. process, grant (with or without conditions), or refuse to grant an interim visa (I1 or I2)
  - iii. determine that requirements are met and grant a visitor visa ([V2](#) or [V3](#))
  - iv. determine that requirements are met and grant a 2021 Resident Visa ([S6](#))
  - v. determine that requirements are met and grant employer accreditation ([WA2](#))
  - vi. determine that requirements are met and approve a Job Check ([WA3](#)).
- c. For applications being processed in accordance with (b) above, where an immigration instruction specifically mentions an immigration officer an automated electronic system may meet that instruction instead.
- d. For applications being processed in accordance with (b) above, where an instruction mentions a specific paper form being provided, the equivalent online form can be submitted instead.

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