

Information Session on changes to Immigration Policy for visas – Tourism & Hospitality

Overview

- Common Issues
- Employers role
- SIC Visa
- Non Compliant Employer List



Common Issues

Temporary Work

- **Essential Skills – what we see**
 - Genuine, sustainable, full-time
 - Market rate \$
 - Advertising
 - Skill level: \$ & ANZSCO
 - Employment Agreements
 - Health
 - Police Certificates

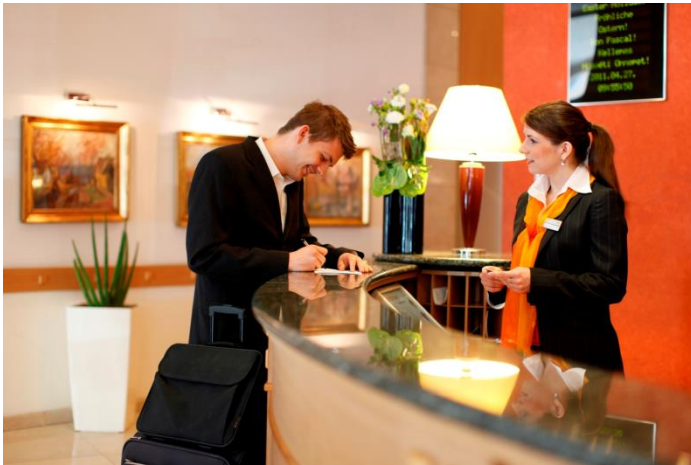


New Policy Settings?

- **No changes to labour market test**
- Advertising
 - Yes, unless on SSL
- ANZSCO 4/5 - SMR required.
- Why NZ candidates were not suitable for role?
- More info about requirements at www.immigration.govt.nz/employessentialskills

Residence

- Commonalities with Temporary, e.g. Health, PC's, Advertising etc.
- Matching Job Descriptions to ANZSCO occupations



Initial Assessment



- Potentially Prejudicial Information (PPI)
– *What does this mean?*
- PPI letter points out why the assessing officer thinks they cannot approve the application
- applicants - given the opportunity to comment *before* a decision is made on the basis of any PPI.
- PPI is factual information or material that *will or may* adversely affect the outcome of an application

Employers Role

Employers

- Provide copies of key documents to the applicant – e.g. SMR, advertising, ESF (INZ1113)
- Respond promptly to questions
- EA non-compliance
 - **Employment agreements, made easy! Go to <https://eab.business.govt.nz/employmentagreementbuilder/startscreen/>**
 - N.B. Full Time = minimum 30 hours / week
- Moving staff? Apply for VOC in timely manner

Remuneration - becomes key to visa assessment

- Clear info about pay and hours needed
- Future applications - evidence pay has stayed within the skill-band range (e.g. payslips, IRD records)
- If pay drops below level for skill-band, employer can be considered in breach of immigration law

South Island Contribution Visa

- The South Island Contribution Visa is a new time-limited policy that provides a one-off pathway to residence for long-term temporary migrants currently residing in the South Island and employed on an Essential Skills work visa
- Issues we have regularly encountered:
 - Don't meet qualifying period
 - Periods of working in breach of visa conditions
 - Over 55 years of age
 - Failure of employer to guarantee minimum 24 month tenure



Non Compliant Employer List

- From 1 April 2017, employers that have incurred a penalty for a breach of employment standards will face a set stand-down period preventing them from recruiting migrant labour for six months, one year, 18 months or two years, depending on the severity of the breach.
- Employers who receive an employment standards penalty will be included on a list provided to Immigration New Zealand by the Labour Inspectorate. Criteria for inclusion on the list will be published at Appendix 10 of the Immigration New Zealand Operational Manual.