

PLEASE NOTE : The immigration instructions for the New 2021 Residence Visa category are still being finalised and therefore the answers below are tentative only and are subject to enhancement.

1. *If a person held a job paying \$27 on 29 September or was employed in job on scarce list on 29 September but has subsequently left that job, are they still eligible to apply for residence on 1 March 2022?*

The person must meet the requirements on day of announcement and date of application.

2. *If person working in a role on the LTTSL, are they eligible only if they meet the criteria for that role in LTTSL or is sufficient for them to be employed in that role alone?*

No, there requirement is only to be working in the role. There are no work experience / qualification requirements in the policy.

3. *Holder of Post Study work visa in NZ for 3 years- do they need to be working or can they meet the settled criteria?*

They need to meet one of the criteria – if they meet the settled criteria, they do not need to meet either of the other two. They do not need to be working.

4. *For the \$27 per hour criteria, does the person need to be working full-time or is it just that they have to be paid \$27p/h?*

Yes, they must be in full time work e.g., 30 hours per week. The employment must also be genuine and credible.

5. *What will the impact on priority processing for other residence visas?*

We will continue to process residence visas under the priority matrix stipulated at A16.1. In some instances, applicant may have two applications under assessment

concurrently. In this situation, their New 2021 Resident Visa will be prioritised.

6. Will SMC cases currently under assessment be decided under current instructions pending 01/12? It would seem harsh if they were declined but met the new policy.

We will continue to assess on hand residence applications against the instruction in force at the time of lodgement. Some applicants may be declined residence under SMC, however, be eligible under the New 2021 Resident Visa. Applicants will still have a right of appeal with the IPT.

7. What will assessment criteria be i.e., Character, Health, English?

The full criteria will be set out in the immigration instructions. But the basic criteria are:

- No English language requirement
- No age requirements/age cap
- Standard character requirements, but no need to provide offshore police certificates
- Limited medical requirements (i.e., the same as for residence applications for partners and dependent children)

8. Can applicants leave NZ if here on 29/09 and return before they apply?

People must be in New Zealand on 29/09 and be in New Zealand to apply. We can't force people to remain in New Zealand in the meantime, but if they can't get back to New Zealand they may lose their opportunity.

9. What is the process for phase 1. Applicants who have already applied for SMC/RFW (and paid a fee). Will they need to apply again and if so, pay a further fee 2. Those who are in the EOI pool.

Applicants will need to apply for the New 2021 Resident Visa. We cannot convert their existing residence application as this category did not exist when they made their application.

Phase 1 applicants may apply on 1 December 2021.

Phase 1 applicants are eligible applicants who, on 29 September 2021, had submitted with Immigration New Zealand:

- A Skilled Migrant Category application; or
- Residence from Work application; or
- Expression of Interest for the Skilled Migrant Category which included a dependent child aged 17 years or older.

10. ***Is there any indication of fees?***

Rules about fees need to be set out in Regulations – Cabinet will shortly consider decisions about what changes to Regulations about fees will be required.

11. ***The Minister has stated that he is satisfied that INZ has the resources to process within 12 months. What steps have been taken to ensure this will happen?***

12. Modelling has been undertaken to forecast what resources are needed and a plan is in place.

13. ***Can they provide clarity to the eligible work visa type: Work Visa granted under Section 61 (provided the applicant held another eligible visa type within 6 months of being granted a Section 61 visa).***

The following are considered eligible visas:

Visas granted under the following immigration instructions:

- WK Essential Skills work instruction
- WR Work to Residence instructions
- WD Post-study work instructions
- WI20 Migrant Exploitation Protection work visa
- WR5 Skilled Migrant Category Job Search instructions
- WM Religious Worker instructions
- WI16 Special work visa for victims of people trafficking
- WI7 Special work visas for victims of family violence
- WL3 Silver Fern Practical Experience

14. ***Does this mean that on 29 September they are eligible if they held the s61 work visa on 29 September, but that the person then later applies for and obtains another eligible work visa type?***

Yes, if they held a work visa granted under section 61 on 29 September, they must have held an eligible visa in the 6 months preceding when they were granted that s61 (i.e., they were not unlawful long term).

Note: applicants must continue to hold an eligible visa when they apply for the New 2021 Resident Visa.

15. ***If an applicant who has applied for SMC/RFW decides to apply for Residence under the 2021 RV can they get a refund of the RFW/SMC lodgement fee?***

16. Rules about fees need to be set out in Regulations – Cabinet will shortly be considering decisions about what changes to Regulations about fees will be required.

17. ***For those SMC/RFW applications that have been lodged since late 2019/early 2020 should they now apply under the new category or wait for their existing residence visa application to be processed and 'wait it out' so to speak.***

It will be up to them - they can choose whether to wait it out or to apply under the new category. S MC/RFW applications will continue to be processed.

18. ***Persons on Scarce list (specified sector jobs and Long Term Skill Shortage) do applicants need to meet ANZCO or Long Term Skill Shortage List requirements?***

No, Job description needs to reflect experience and skills.

Should you have any queries regarding the above, please contact me on 0275 - 706 540 or by email on jpeter@terranovaconsultancy.co.nz .

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