



# Changes to employer-assisted temporary work visas

– What does this mean for foreign workers?







The New Zealand Government is making a number of changes that will affect foreign workers wanting to work in jobs with visas supported by employers in New Zealand.

The new visa application process will be more straightforward for foreign workers because the employer and the job will need to have been approved before the foreign worker is able to apply for a visa.

Under the changes, there will only be one type of employer-assisted temporary work visa, regardless of the type of job the foreign worker is coming to do. That visa is called the Temporary Work Visa.



- › Essential Skills
- › Approval in Principle
- › Work to Residence – Talent (Accredited Employer)
- › Work to Residence – Long Term Skills Shortage List Occupations
- › Silver Fern Job Search
- › Silver Fern Practical Experience



**TEMPORARY WORK VISA**

## What do the changes mean for me as a foreign worker?

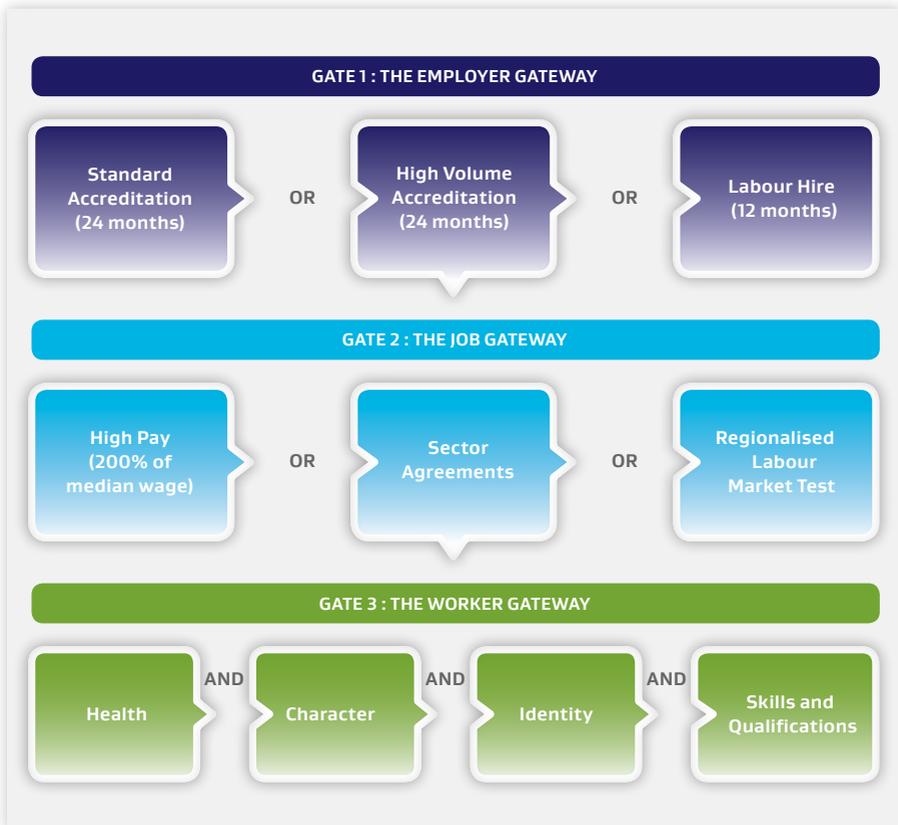
### ■ New visa application process

The application process for the new Temporary Work Visa will be based on a new process that requires all employers to be accredited (meet certain standards) before they can recruit a foreign worker and prove the job they want to fill cannot be filled by a New Zealander.

Requiring all employers to be accredited reduces the risk of workers being exploited by providing you with more assurance that the employer you are coming to work for is compliant with New Zealand's immigration and employment law. This will happen at the beginning of the process followed by a check of the job, which will give you confidence about the employer you are coming to work for and the job you are coming to do, including the pay being offered.

There are three steps to the application process under the new system – the employer check, the job check and the worker check.





As a foreign worker, you will only be able to apply for a visa once the employer has completed the employer and job checks. This will make the application process cheaper and more straightforward for you.

The last check, on you as a foreign worker, will largely remain as it is at the moment, with checks on your identity, health and character carried out by Immigration New Zealand. You will also need to meet the skills and experience requirements as stated by your employer during the job check.

As an applicant you must be of good health and character, not pose a security risk and not threaten New Zealand's international reputation.

Where Immigration New Zealand has serious concerns about an individual's character they won't be granted any visa or entry permission, except in very special circumstances.

Individuals with other character issues must have the good character requirement waived by Immigration New Zealand before they can be granted a temporary visa.

**Your work visa will be tied to an individual employer and location (as is currently the case). The new accreditation system will help to ensure that only good employers are able to hire foreign workers. As part of work to tackle migrant exploitation, the Government is looking into how to:**

- › prevent the occurrence of workplace (and other) migrant exploitation
- › protect temporary foreign workers in New Zealand and enable them to leave exploitative employment; and
- › enforce immigration and employment law through a better offence and penalty regime.

### ■ Replacing existing skills bands with a simple remuneration threshold aligned to the median wage

The Government will remove the Australian and New Zealand Standard Classification of Occupations (ANZSCO) from the assessment of skill level for the new Temporary Work visa and will instead use a remuneration threshold to determine lower-paid and higher-paid jobs.

The remuneration threshold will be set at the New Zealand median wage, which is currently \$25 an hour. Jobs that are paid at or above this level will be defined as higher-paid jobs and jobs that are paid below the median wage will be defined as lower-paid jobs.

This change is being made in order to simplify business processes and make rules clearer and more transparent for users of the immigration system. The duration of the visa granted and other visa conditions will be linked to whether a job is higher-paid or lower-paid, which will help encourage employers to pay higher wages.



### ■ Pathway to residence for highly-paid foreign workers

If you are being paid more than double the New Zealand median wage, you will have a pathway to residence once you have worked in your highly-paid job in New Zealand for two years.

### ■ Bringing your family with you to New Zealand

You will be able to support your partner and children to come to New Zealand for the length of your visa, provided that you continue to meet a minimum income threshold. This income threshold is designed to ensure that your income is sufficient to support you and your family while in New Zealand.

This ability for lower-paid foreign workers to bring their partners and children to New Zealand was removed in 2017 but is being reinstated under these changes.

Your partner will be granted a visitor visa unless they are able to obtain a work visa in their own right. Partners of highly-paid workers (those being paid above the New Zealand median wage) will still be able to be granted an 'open' work visa.

If you have dependent children, they will be able to access primary and secondary education as subsidised domestic students. However, they are only be able to access tertiary education as full fee-paying international students.

## ■ 12 month stand down period for lower-paid workers

If you are a lower-paid foreign worker, you will only be able to work in New Zealand for a maximum of three years. After this you will need to leave the country for at least 12 months before being able to apply for another visa (unless during the three years you are approved a visa for a job that pays above the median wage).

## ■ Increasing the remuneration threshold for the Work to Residence – Talent (Accredited Employer) visa category, as a transitional measure until this visa is closed

The Work to Residence – Talent (Accredited Employer) visa category will be disestablished when the new visa application process is introduced in 2021. In the interim period, the remuneration threshold for this category will increase from \$55,000 to 150 per cent of the New Zealand median income (currently \$38.25 per hour or \$79,560 per annum).

If you are already on this pathway you will continue to be able to apply for residence under the settings that were in place when your current visa was approved.

## When will all these changes come into effect?



- › The changes will be implemented in stages.
- › The changes to the Work to Residence – Talent (Accredited Employers) visa category will be implemented in October 2019.
- › Replacing existing skill bands with a simple remuneration threshold and reinstating the ability for lower-skilled migrants to bring their family will come into effect mid-2020.
- › Implementation of the new visa and application process is planned for 2021.
- › In the meantime, you should continue using the same process for applying a visa and your current visa conditions will remain in place for the duration of that visa.
- › More information on all these changes can be found at:  
[www.immigration.govt.nz/work-visa-changes](http://www.immigration.govt.nz/work-visa-changes)







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