

Approval in Principle to Recruit Overseas Workers

If you are an employer wanting to recruit overseas workers you need to complete this form to obtain approval in principle from Immigration New Zealand (INZ). New Zealand employers who can establish that there are no New Zealand citizens or residents suitably qualified by training and experience available, or readily able to be trained to do the work, may request approval in principle from INZ to temporarily employ non-New Zealand citizens or resident workers.

Note: No approval in principle will be granted for recruitment of workers to plant, maintain, harvest, or pack crops in the horticulture or viticulture industries.

You do not need to complete this form if:

- you have previously received approval in principle to recruit overseas workers – contact INZ to see whether your previous request is still valid; or
- the positions you are having difficulty filling are listed on the Immediate Skill Shortage List or the Long Term Skill Shortage List issued by INZ; or

The Immediate Skill Shortage List (ISSL) is a list of identified occupations for which there is a shortage of skilled workers in New Zealand. It is centrally maintained and reviewed bi-annually by INZ. In compiling the list INZ uses a range of information sources and takes into account regional variations where appropriate. The current ISSL is published on the INZ website www.immigration.govt.nz.

The Long Term Skill Shortage List (LTSSL) is a list of identified occupations for which there is an ongoing and sustained shortage of skilled workers both globally and in New Zealand. The current LTSSL is held at Appendix 6 of the INZ Operational Manual that is published on the INZ website www.immigration.govt.nz.

- you have already offered a position to an overseas person who is applying for work visa or permit. (You may need to complete an *Employer Supplementary Form* (NZIS 1113)).

Please refer to the *Guide for Employers in New Zealand* (INZ 1031) for further details.

A fee is payable. Please see our leaflet *Fees Guide* (INZ 1028) or our website www.immigration.govt.nz.

(Please do NOT submit ORIGINAL documents as they will NOT be returned to you. Please submit photocopies only. If we need to see an original document you will be asked to produce it at a later time).

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007, anyone giving immigration advice will have to be licensed (unless they are exempt). From 4 May 2009, all immigration advisers working in New Zealand must be licensed. From 4 May 2010, all immigration advisers, whether working onshore or offshore, must be licensed. It is an offence to provide immigration advice without holding a licence from these dates.

If your immigration adviser is not licensed when they should be, INZ will return your registration.

For more information and to view the Register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz, or email info@iaa.govt.nz, or write to them at PO Box 6222, Wellesley Street, Auckland 1141, New Zealand.

Section 1

Business Details

Please complete the following questions relating to the type of company or business you operate.

1 Full name of the person offering employment

Family/last name

Given/first name(s)

Address	Phone number
	Fax
	Email
	Mobile

2 Full name of your company or business

Site address	Phone number
	Fax
	Email
	Mobile

3 Please state the type of business you operate (eg restaurant)

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4 How many people does your company or business currently employ?

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5 How long has your company or business been in operation?

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6 Do you have any employees who are on temporary permits? If so please supply names, nationalities, dates of birth, positions held, and details on when their permits expire in the table below.

Name of employee	Nationality	Date of birth	Position held	Permit expiry date
		DD/MM/YY		DD/MM/YY
		DD/MM/YY		DD/MM/YY
		DD/MM/YY		DD/MM/YY
		DD/MM/YY		DD/MM/YY
		DD/MM/YY		DD/MM/YY
		DD/MM/YY		DD/MM/YY

7 Is your business a registered company? Yes No
(If yes, please attach a copy of the Certificate of Incorporation)

8 Is the company or business currently GST registered? Yes No
(If yes, please provide GST number)

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9 Please list the names and addresses of the company directors (if applicable)

10 Please state the names of any other companies or businesses you operate

11 All offers of employment must be **genuine and sustainable**. Please attach supporting evidence to demonstrate your ability to sustain the proposed employment.
Evidence may include GST returns, and/or statements of financial performance and position (including a breakdown of sales, wages, expenses, net profit/loss).

12

Name and address for communication about this application.

 Same as address at question 1.
 Same as address at question 2.
 Other

Family/last name	Given/first name(s)
Company name (if applicable) and address	Phone number (daytime)
	Phone number (evening)
	Fax
	Email

13

Do you authorise the person stated at question 12 to act on your behalf?

 Yes No
14

Have you received immigration advice on this application?

 Yes Please make sure that your immigration adviser completes Section 5. Immigration Adviser's Details.
 No

Section 2

Position Details

Please provide details of the position(s) you have available that you wish to recruit a person(s) from overseas to fill. You may use one form for more than one person if the position you want to fill is exactly the same with regard to duties, pay, qualifications and experience required.

Please attach the job description (and employment contract if available) to this form.

For more information on employment relations matters, see the Department of Labour's website www.dol.govt.nz.**15**

How many overseas workers are you requesting and what is their nationality (if known)?

Number of workers	Nationality

16

How do you intend to source and recruit the overseas workers from the nominated countries?

17

Job title

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18

ANZSCO occupation title (if known), occupation code (if known), and skill level (if known).

(ANZSCO is the Australian and New Zealand Standard Classification of Occupations. Most New Zealand occupations are listed in the ANZSCO, with a six-digit occupation code and a skill level. For more information see www.immigration.govt.nz/anzsco.)

ANZSCO occupation title ANZSCO occupation code ANZSCO skill level (if known)

- e. Please provide information relating to any arrangements in place to assist the settlement of the overseas workers into the New Zealand workplace.

22 Hours of work

23 Duration of the job

24 Qualification(s) required

25 Experience

Type of experience required

Length of experience required

New Zealand Registration

26 Does the worker require occupational registration in New Zealand?

Yes No

(Note: If registration is required, the applicant will need to produce evidence that this has been obtained at the time of submitting the work visa or permit application).

Section 3

Overseas Recruitment Based On Non-Availability of New Zealand Residents

To obtain approval in principle to recruit overseas workers you must establish that there are no New Zealand citizens or residents suitably qualified by training and experience available, or readily able to be trained to do the work.

When New Zealand citizens or residents are not considered to be 'available'

New Zealand citizens or residents are not considered to be 'available' if the circumstances described in either (a) or (b) below apply.

- a. If, as a result of a labour market test, a visa or immigration officer establishes that there are no suitable New Zealand citizens or residents who can:
 - i take up the work on offer; or
 - ii readily be trained to do the work on offer.
- b. The position is for an occupation which is included on the current Long Term Skill Shortage List or Immediate Skill Shortage List.

In either case it is not relevant to the determination of availability of New Zealand citizens or resident workers whether those New Zealand citizen or resident workers are prepared to do the work on the terms and conditions proposed by the employer.

As part of a labour market test, an immigration officer must be satisfied that an employer has made a genuine attempt to recruit suitable New Zealand citizen or resident workers.

For the purposes of work policy an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residents if:

- i any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
- ii the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
- iii the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:
 - listing the vacancy with Work and Income
 - advertising the vacancy in a national newspaper and/or website
 - contracting a recruitment company appropriate to the industry.

Please detail the attempts you have made to recruit New Zealand citizens or residents to fill the position by answering the questions set out below.

27

Please provide details of the advertising medium used (eg national newspaper, internet, etc). Include dates, duration, and frequency of advertising. Please provide copies of advertising and evidence of receipts for paid advertising.

28

What was the advertising audience?

Tick one or more of the following options:

- Local
- National
- International.

29

Did you use a recruitment agency?

Yes No

If yes, please provide evidence such as a letter from the recruitment agency.

30

Have you listed the vacancy with the Ministry of Social Development (MSD) – Work and Income?

Yes No

If 'yes', please provide information regarding the outcome of that listing (eg number of Work and Income clients referred, percentage of those referred who took up employment, and duration of employment of those who took up employment). Please also provide the contact name and phone number of the Work and Income work broker.

Listing the vacancy with Work and Income will speed up the processing of your request. For more information about your regional Work and Income office, see the website www.workandincome.govt.nz.

31 Please explain and provide full details why any New Zealand applicants were unsuitable or unable to be trained.

32 Please detail the efforts you have made as an employer to train New Zealanders to fill the positions available. Include details of the type of training provided and outcome of the training.

33 Please detail your future plans regarding the training and upskilling of New Zealanders to fill the positions available in the longer term.

34 Have you contacted your relevant industry organisation/union? Yes No

If 'Yes' please provide a copy of the comment received from the industry organisation/union. This comment should provide recent information on the terms and conditions of employment being offered and any other relevant information concerning the stated need for foreign labour, including comment on the availability of New Zealanders for the position(s) and whether your request is supported.

Contacting your relevant industry organisation/union will speed up the processing of your request. For information on trade unions you can contact the New Zealand Council of Trade Unions. See www.union.org.nz.

Important – please read

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

I understand that if I make any false statements, or provide any false or misleading information, or have changed or altered this form in any way, this request for approval in principle to recruit overseas workers may be declined.

I understand that I am required to inform Immigration New Zealand (INZ) about any relevant changes to the circumstances of my business that occur after I submit this request.

I agree to liaise and co-operate with the Department of Labour as appropriate and required.

I agree to comply with all relevant employment law in force in New Zealand. This includes, but is not limited to, meeting holiday and special leave requirements or other minimum statutory criteria, eg occupational health and safety obligations.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, Immigration New Zealand will return my application.

If you are found to breach New Zealand employment law this will adversely affect your ability to obtain approval in principle to recruit overseas workers in the future.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as an employer holding an approval in principle to recruit overseas workers granted under the Essential Skills Work Policy.

I authorise INZ to make any enquiries it deems necessary in respect of the documents or information provided in respect of this request, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for an approval in principle to recruit overseas workers under the Essential Skills Work Policy. **Note:** Where any information is identified by the employer as commercially sensitive and is provided in confidence to INZ, and INZ considers that disclosure of that information is necessary for the processing of this request, it will consult the employer for the disclosure of that information.

I accept that any advice given to me by INZ before submitting this request was intended to assist me, and that acting on that advice does not mean that this request for approval in principle to recruit overseas workers under the Essential Skills Work Policy will be approved.

Signature

Name

Position held within company

Date

This section must be completed by the applicant's immigration adviser. If the employer does not have an immigration adviser, this section does not have to be completed.

35 Have you been lawfully present in New Zealand for more than 183 days in the last 12 months? Yes No

36 Tick the one option that applies to you.

- I am a licensed immigration adviser under the New Zealand Immigration Advisers Licensing Act 2007. **Go to question 37**
- I am exempt from licensing under the New Zealand Immigration Advisers Licensing Act 2007. **Go to question 38**
- I am an unlicensed immigration adviser. **Go to Section 6. Declaration By Person Assisting the Employer to Complete This Form.**

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence, unless you are exempt.

37 Licensed advisers. Please provide your licence details.

Licence type full provisional limited. List conditions specified in the Register.

Licence number

2	0								
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Go to Section 6. Declaration By Person Assisting the Employer to Complete This Form.

38 Exempt from licensing. Tick one box below to show why you are exempt from licensing.

- I provided immigration advice in an informal or family context only, and I did not provide the advice systematically or for a fee.
- I am a New Zealand member of Parliament or member of their staff and I provided immigration advice as part of my employment agreement.
- I am a foreign diplomat or consular staff.
- I am an employee of the New Zealand public service and I provided immigration advice within the scope of my employment agreement.
- I am a lawyer and I hold a current practising certificate as a barrister or as a barrister and solicitor of the High Court of New Zealand.
- I am employed by, or I am working as a volunteer for, a New Zealand community law centre where at least one lawyer is on the employing body of the community law centre or is employed by or working as a volunteer for the community law centre in a supervisory capacity.
- I am employed by, or I am working as a volunteer for, a New Zealand citizens advice bureau.
- I provided immigration advice offshore in relation to applications or potential applications for student visas or student permits only.

Go to Section 6. Declaration By Person Assisting the Employer to Complete This Form.

Section 6

Declaration By Person Assisting the Employer to Complete This Form

This section must be completed and signed by the employer's immigration adviser, or by any person who has assisted the employer by providing immigration advice, explaining, translating, or filling in the form for the employer. If the employer does not have an immigration adviser, and no one helped the employer to fill in this form, this section does not have to be completed.

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence.

For more information, go to the Immigration Advisers Authority website www.iaa.govt.nz, or email info@iaa.govt.nz or write to them at PO Box 6222, Wellesley Street, Auckland 1141, New Zealand.

Name and address of person assisting employer. Same as address given at Question 12, or as below.

Name (include company name if applicable) and address	Telephone (day)
	Telephone (night)
	Email (if any)
	Fax (if any)

I understand that after the employer has signed this form it is an offence to change or add further information, change any documents attached to the form, or attach any further documents to the form.

I note that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to seven years. However, if changes are needed, the person making the changes must state on the form what information or documents have been changed and give reasons for the changes.

I certify that the employer asked me to help them complete this form and any additional forms. I certify that the employer agreed that the information provided was correct before signing the declaration.

I have assisted the employer as an interpreter/translator

I have assisted the employer with filling in the form

I have assisted the employer in another way. Please specify

I have provided immigration advice (as defined in the Immigration Advisers Licensing Act 2007) and my details in Section 5. Immigration Adviser's Details are correct.

Signature of person assisting

Date
Day Month Year

Privacy Act

The information about you on this form is collected to determine your request to recruit overseas workers.

The main recipient of the information is Immigration New Zealand, Department of Labour, but it may also be shared with other government agencies which are entitled to this information under applicable legislation, or with other agencies in accordance with an authority in the form.

The address of Immigration New Zealand is PO Box 3705, Wellington, New Zealand. **This is not where your request should be sent.**

The collection of the information is authorised by the Immigration Act 1987 and the Immigration Regulations made under that Act. The supply of the information is voluntary, but if you do not supply it your request is likely to be declined.

If you are in New Zealand, you have a right to access the information about you held by Immigration New Zealand and to ask for any of it to be corrected if you think that is necessary.

Your request should be sent to the nearest Immigration New Zealand office.

More Information and Advice

You can get more information and advice from any of our branch offices in New Zealand, which are located in Auckland, Henderson, Manukau, Hamilton, Palmerston North, Wellington, Christchurch and Dunedin. All of our forms, leaflets, and fee information can be downloaded from our website www.immigration.govt.nz.

Payment Details

I am paying (amount)

Preferred methods of payment

Bank cheque/Bank draft EFTPOS* Credit card**

Credit card (specify type) Mastercard Visa

Name of cardholder Card number Expiry date

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Signature Date

The following methods of payment can be used but are not recommended for the noted reasons

Personal cheque Your application will be held for 10 working days to ensure the cheque has cleared before it will be processed.

Cash **Cash should not be sent through the mail for security reasons.**

*Note: the EFTPOS option is not available if lodging by mail.

Note: Please see our leaflet *Fees Guide* (INZ 1028). All current fees and specific payment instructions for offshore branches can be found on our website www.immigration.govt.nz.

To be removed and securely destroyed after credit card transaction is processed.

**Your CVC/CW number is required if you are paying by electronic credit card and your application is being lodged at Immigration New Zealand's Bangkok branch or London branch, or the MFAT post in The Hague.

If your application will be lodged in one of these three branches, please provide your CVC/CW number here

Note: Your CVC/CW number is the three-digit number found on the back of your credit card next to the signature strip.

