



Immigration guide for employers

JULY 2011



IMMIGRATION GUIDE FOR EMPLOYERS

This guide will help you decide the right category for workers you may need to support through the immigration process. It explains the application process and provides some advice on recruiting offshore and settling new migrants and their families into their new life in New Zealand. More detailed explanation of the instructions is available at www.immigration.govt.nz or you can phone 0508 55 88 55 to request copies of guides and application forms.



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INTRODUCTION

A skilled workforce is essential to New Zealand's economic growth. Immigration is one of the levers Government has to help business gain and retain the skills it needs. The Department of Labour is actively promoting our country as a great place to live and work to both migrants and expat Kiwis.

Businesses hire people from overseas for a variety of reasons, mainly when they cannot find suitable staff in New Zealand. Employers tell us that hiring a migrant benefits their business in a variety of ways, many which were unexpected. Some employers find the international connections of a migrant employee help their business expand. Others say the introduction of new ways of doing things can provide efficiency gains and stimulate innovation in their businesses.

The New Zealand Residence Programme aims to match people coming to New Zealand with the skills required by our workplaces. We also want to ensure that migrants and their families settle well and stay in New Zealand. There are multiple work and residence instructions that allow foreign passport holders to live and work in New Zealand.

ANSWERS TO COMMON IMMIGRATION QUESTIONS

Can I hire a worker from another country who is already in New Zealand?

If you want to offer a job to a foreign national in New Zealand you must check that they are legally able to work here. Citizens of New Zealand (including the Cook Islands, Niue and Tokelau) and Australia do not need a work visa to legally work here. Residents of New Zealand and Australia do not need a work visa to legally work here.

A New Zealand passport; birth certificate or citizenship certificate with photograph identification; residence class visa, or endorsement in a foreign passport indicating New Zealand citizenship show that a person is able to work here. An Australian passport, Australian Permanent Residence Visa or Australian Resident Return Visa is also proof that they are able to work here.

Most foreign passport holders eligible to work in New Zealand will have a New Zealand residence class visa or New Zealand work visa label or stamp in their passport. Some people may have electronic visas and they will be able to show you a print out of the letter received from the Department. Some foreign passport holders may have an endorsement in their foreign passport stating that they are a New Zealand citizen.

Holders of student visas, who are able to work in New Zealand, will have their work conditions noted in their visa or may have a letter from Immigration New Zealand called a 'Variation of Conditions' attesting to their entitlement to work.



You can check visa details and whether a foreign national can legally work for you using Immigration New Zealand's online VisaView system. VisaView allows registered New Zealand employers to access records held by Immigration New Zealand and to check whether a person who is not a New Zealand citizen is entitled to work in New Zealand. It also allows registered employers to confirm New Zealand passport information provided by job seekers. The sharing of information through VisaView is authorised by legislation.

If you don't use VisaView you must check the expiry date of the visa and the conditions listed on that visa. Many visas that are granted only allow a person to work for a specific employer in a specific location, or for a limited number of hours. If the person changes employer or location they must go through another immigration visa process to change their visa conditions.

If a person you want to hire does not have a visa valid for the job you are offering they may be able to get one with your support. If someone who is not legally entitled to work in New Zealand works for you, you are committing a criminal offence.

For more information see *A Guide to Help Employers Check Work Entitlement*, available from the Department of Labour.

DID YOU KNOW?

If you use VisaView to check a foreign national's work entitlement, a positive response will include the visa expiry date and any work-related conditions of that visa.

Can I hire a worker from another country who does not have a work or residence class visa?

You can make a job offer to someone who does not have a work or residence class visa but this should be conditional on them getting a work or residence class visa. They may not start working for you until they have the relevant visa, as described above.

Most work and residence class visa categories require a person to have a job offer before they can get a New Zealand visa. To support someone in their application, you need to establish that they are eligible and there are no New Zealanders available to do the work. This largely depends on the type of job they are being offered, and their skills and experience in doing that job. They must also meet the Government's health and character requirements, and their qualifications and work experience must be verified.

DID YOU KNOW?

All work visas are issued on a fixed-term, temporary basis. The only permanent way to live and work in New Zealand is if you are a New Zealand citizen or residence class visa holder.

DID YOU KNOW?

An Inland Revenue (IR) number alone is not proof of a person's legal ability to work in New Zealand. They must have New Zealand citizenship, a work or residence class visa, or a temporary visa that specifically allows them to work.

Which immigration category is appropriate to my potential employee/s?

There are various immigration categories designed to ensure that people migrating to New Zealand have the skills that are really needed here. They also ensure that no New Zealanders are disadvantaged by foreign workers entering the labour market.

To work out if the position you need to fill meets immigration requirements you need to answer these questions:

1. Is the job considered skilled according to immigration instructions? Does it require experience and qualifications?
2. Does it appear on the Long Term Skill Shortage List?
3. Does it appear on the Immediate Skill Shortage List?
4. Are there no New Zealanders available to do the job?
5. Is it a short- or long-term role?

If it is a skilled, permanent position a potential employee should check their eligibility for residence under the Skilled Migrant Category. This works on a points system with the majority of points being earned for a job offer in a skilled occupation. People who are accepted under the Skilled Migrant Category will usually be granted residence and can stay and work in New Zealand permanently. See the detailed Skilled Migrant Category information on page 12.

If the role is on the Long Term Skill Shortage List (www.immigration.govt.nz/ltssl), and the candidate has the work experience and qualifications listed specifically for that position, they may get a work visa through the Talent Work Category. A work visa will be granted for the length of the employment contract, up to a maximum of three years. Although the visa is a temporary option, people who come to New Zealand on this type of visa can apply for residence through the Residence from Work programme after working here for two years. Once here they cannot work for another employer or in another location without applying for a variation to their visa conditions, in essence going through another application process. Once they have been granted residence, they may work for any employer.

A person who has skills listed on the Immediate Skill Shortage List (www.immigration.govt.nz/issl) is able to apply for a temporary work visa if they have a relevant job offer and the work experience and qualifications listed for that position.

If the role you are seeking to fill is not on one of the skill shortage lists or is not considered skilled according to immigration instructions, you need to be able to demonstrate that you cannot find suitably skilled or qualified New Zealand workers or New Zealand workers who could be trained to do the work. The Department of Labour will undertake a labour market test to confirm this. The process is detailed on page 14.

To go through the labour market test before you have found a candidate you should apply for Approval in Principle. This means that you are pre-approved to hire people in the positions specified within the time specified, typically six to twelve months. You can apply for Approval in Principle to hire many people and this is valid until you have filled the number of positions specified in your application, or until the expiry date.

If you have already found someone you wish to employ, and you can meet the labour market test, you can assist the candidate to apply for an Essential Skills work visa. You will have to supply information for the labour market test in support of their application. It is better to apply for and be granted an Approval in Principle in advance as this provides more certainty for employer and employee.

If you need to employ someone for a specific purpose or event (such as intra-corporate secondment, senior level transfer, sports referee or judge, performing artist, specialist machinery installer) you may be able to support that person's work visa application through a Specific Purpose category.

People with exceptional talent in the fields of art, culture or sport may, with the support of a recognised New Zealand organisation in that field, be eligible for a Talent work visa.

Several industries have been recognised by the Department of Labour as experiencing shortages of labour. Seasonal labour schemes are being tested and developed to help in these areas. Talk to business organisations in your industry to find out what is going on in your area or visit www.immigration.govt.nz to see the latest information.

People holding work visas that have been granted due to a job offer, can only work for that employer, in that location, and only for the term specified on their visa. Before their visa expires they must go through the work visa process again and must meet the immigration requirements that are current at that time. They may qualify for another category by that time. For example, many people with New Zealand work visas may later be eligible for residence under the Skilled Migrant Category.

People who hold a current Australian Permanent Resident visa or a current Australian Resident Return visa can get New Zealand residence at the border provided they meet our standard immigration character and health requirements. These can be found at www.immigration.govt.nz.

DID YOU KNOW?

Holders of an open work visa can work for anyone in New Zealand. Open work visas are often issued to the partners of people on more restrictive visas or young people on a working holiday.

Is there a special category if I frequently need to hire skilled people from offshore?

By becoming an accredited employer you can channel prospective employees through the Talent work visa category. This is a good option when you'd like to be able to hire several staff over a period of time. This category allows people to gain a resident visa after working here for two years under the Residence from Work Category.

The Talent (Accredited Employer) work instructions require that prospective employees meet any occupational registration requirements in their industry, are aged 55 years or under, will be paid a salary of at least NZ\$55,000, have a job offer of at least 30 hours a week for two years or more, and meet our standard immigration health and character requirements.

To become an accredited employer you need to apply to the Department of Labour and show that your business is in a sound financial position, has a high standard of human resources policies and processes, is committed to employing and training New Zealanders, that you comply with immigration and employment law and are a good employer. Employers are accredited for twelve months at a time.

Once accredited and when you have found staff, you need to make them a job offer that complies with the conditions as above to support their application.

To find out more about employer accreditation visit www.immigration.govt.nz/employ.

What is a visa?

A visa allows a person to travel to the New Zealand border and, provided they meet entry requirements, to stay in New Zealand in accordance with the conditions of their visa.

Visas expire when a person leaves the country unless they have travel conditions allowing multiple entry to New Zealand. A person who is in New Zealand may apply for a further visa if they wish to stay past their visa expiry date. They may also apply to vary the conditions of their visa.

What is the difference between a residence class visa holder and a citizen?

A residence class visa holder is legally and permanently allowed to live in New Zealand although they do not have all of the rights and privileges of a New Zealand citizen. These include being able to hold a New Zealand passport, receive some educational

scholarships, or represent New Zealand in some international sports. Owning rural land is also difficult for those people who are not New Zealand citizens.

People who have been resident in New Zealand for five years, and meet conditions set by the Department of Internal Affairs, are able to apply for New Zealand citizenship. For more information visit www.dia.govt.nz.

Does someone with New Zealand residence need a work visa?

No. All New Zealand residence class visa holders are entitled to work in New Zealand for any employer.

How does a person get permanent residence in New Zealand?

There are two options for skilled workers to apply for New Zealand residence: the Skilled Migrant Category and the Residence from Work Category.

For workers, the Skilled Migrant Category is the most direct pathway to residence in New Zealand. It is designed to make sure that those migrating to New Zealand have the skills that the country needs.

This category works on a points system. Points are earned on the basis of an applicant's qualifications, work experience, age, and job or job offer in New Zealand. Bonus points can be earned if their job, job offer, or experience is in an industry which has been identified as having a skills shortage or growth potential.

The Skilled Migrant Category is explained in more detail on page 12.

People who have held a work visa under the Talent work instructions may apply for New Zealand residence under the Residence from Work Category after they have been working here for two years. Some people who hold a Talent work visa may also earn enough points to apply for residence under the Skilled Migrant Category. They could apply under the Skilled Migrant Category if they didn't want to wait the two-year period to qualify for residence under the Residence from Work Category.

People who wish to invest in New Zealand or establish a business here can apply for work visas under the Long-Term Business Category and residence under the Entrepreneur and Investor categories.

People who have close family in New Zealand may be able to get residence through one of the Family categories. New Zealand also grants residence to a limited number of refugees and people from certain Pacific island nations each year.

See our website for more information on each of these residence categories.

How do I support someone to work in New Zealand and are there any conditions?

Immigration instructions allow for an employer to support a potential employee's application for a work or residence visa by providing a job offer. However, this is only applicable if the employee and/or employer meet the criteria of one of the current immigration instructions. The word 'support' is used, rather than 'sponsor' in such applications.

Employers may act as 'sponsors' under the Talent (Arts/Culture/Sports) work instructions for both Work to Residence and Residence from Work categories.

More information on what is required of an employer to support a work or residence application can be found on page 21.

What does a job offer need to include if it is part of an immigration application?

An offer of employment should include full contact details for the employer and prospective employee, and an employment agreement including a job description and person specification. These documents should specify the type of work offered, qualifications and experience required plus details of pay and working conditions. You may also be asked to provide evidence that you are offering the appropriate market rate to the person you wish to employ. For more detailed information on making a job offer see page 27.

How is skilled work defined?

Skilled employment is work that uses specialist, technical or management expertise. This expertise may have been gained through recognised relevant qualifications or previous work experience.

Skill level is primarily determined by the occupation's placement on the Australian and New Zealand Standard Classification of Occupations (ANZSCO), an independent list of occupations compiled by Statistics New Zealand and the Australian Bureau of Statistics. Skill level one occupations are the highest skilled and skill level five occupations are the lowest skilled. To access the ANZSCO, see our website www.immigration.govt.nz/anzsco.

How can I get a job onto the Long Term or Immediate Skill Shortage lists?

The Immediate Skill Shortage List (ISSL) and the Long Term Skill Shortage List (LTSSL) are instructions instruments through which Government seeks to utilise immigration as part of the solution to meet skill shortages and skill gaps.

The ISSL and LTTSL are reviewed twice a year with submissions considered from industry representatives and employers. The review process includes checking research on international skill shortages, New Zealand labour market reports, consultation with

industry organisations, unions, other government departments and, in the case of additions to the LTSSL, Ministerial approval.

More information on making a submission can be found at www.immigration.govt.nz.

Can a foreign-born worker bring their family with them?

Yes, they can bring their partner and dependent children if they meet health, character and, in some cases, English language requirements.

Where a prospective employee is applying for a work visa, their partner may be eligible for an open work visa and their school-age children eligible for student visas.

Where the prospective employee is applying for New Zealand residence the partner and children would ordinarily be part of that application and may also be granted residence if the application is successful.

The partner of an applicant must be legally married to, or in a civil union or de facto relationship with, the applicant. They must be able to show that their relationship is genuine and stable. A partner will only be granted residence if both people in the partnership have been living together for at least 12 months.

Dependent children can be aged up to 19 years in the case of people applying for work visas and 24 years for residence class visas. To be considered dependent, children need not live with an applicant but must be able to prove that the dependant relies mainly on the applicant or their partner for financial support. They must not have children of their own.

Does someone working for food and board need a work visa?

Yes. Any activity undertaken for gain or reward is regarded as employment. This includes any work done in return for money, goods or services such as board, transport, food or clothing. People undertaking employment in New Zealand must be legally allowed to work here in that role, which means having the correct work or residence class visa or citizenship.

What is the New Zealand Residence Programme?

The New Zealand Residence Programme (NZRP) contains residence goals set by Government to meet New Zealand's ongoing skills requirements and humanitarian commitments. The number of places available to migrants under the NZRP is reviewed by Cabinet periodically.

Currently the overall NZRP is set at 135,000 to 150,000 approved places between July 2011 and June 2014. This includes:

- The Skilled/Business stream (approximately 80,700 to 89,925 places),
- The Uncapped Family Sponsored stream, including Partner and Dependent Child categories (approximately 29,700 to 32,100 places, for the planning purposes of Immigration New Zealand),
- The Capped Family Sponsored stream, including Parent, Siblings and Adult Child categories (approximately 14,850 to 16,500 places), and
- The International/Humanitarian stream (approximately 9,750 to 11,475 places).

Can someone with a criminal conviction work in New Zealand?

All people entering New Zealand must meet our character requirements. People who have serious criminal convictions will not be allowed into the country. For more specific information go to our website and see the information on character requirements.

Is there any type of work not allowed on a temporary visa?

A person with a temporary visa cannot provide commercial sexual services, or operate or invest in a business of prostitution in New Zealand. People with open work visas can work in any other job. It is up to the employer to check the work visas of employees and make sure their work meets any restrictions that are noted in the visa.

DID YOU KNOW?

New Zealand employers may offer employment to any foreign national but the prospective employee cannot start work until they have the appropriate work or residence class visa.

RESIDENCE AND WORK VISA INSTRUCTIONS

New Zealand residence instructions are geared towards attracting those migrants who have the skills that are in demand in New Zealand. This not only contributes to the growth and prosperity of New Zealand businesses, but ensures that migrants can find decent work and a place to fit into.

The instructions which define to whom work visas can be granted, aim to address specific, more immediate, skill shortages and employer needs. While an industry's or employer's needs are important in work visa decisions, these must be balanced with the security needs of our country and the need to ensure that the entry of workers from offshore does not undermine the wages and conditions of New Zealand workers.

Work visas are granted on a temporary basis. However, people who have worked legally in New Zealand may be able to apply for New Zealand residence if they subsequently meet the criteria in our residence instructions.

The Skilled Migrant Category

The Skilled Migrant Category is designed to make sure that those migrating to New Zealand have the skills that the country needs and is the main pathway to residence in New Zealand.

The application and selection process for the Skilled Migrant Category works on a points system. Points are earned on the basis of a migrant's qualifications, work experience, age, close family in New Zealand, and job (or job offer) in New Zealand. For example, an offer of skilled employment in New Zealand is worth 50 points. Six years relevant work experience earns 20 points, a recognised tertiary or trade qualification 50 points. Bonus points can be earned if the applicant's offer of employment, work experience or qualification is in an area or industry which has been identified, by the Department of Labour, as having a skills shortage or growth potential.

A score of 100 points or more is required to begin the four-stage Skilled Migrant Category application process.

Step 1

The applicant fills in and submits an Expression of Interest (EOI) form, either online or on paper. This includes information on things such as their skills, work experience, job offer and family circumstances. If the applicant has a partner and dependent children they should be included in the EOI.

Step 2

Submitted EOIs go into a pool where they are ranked according to the number of points claimed. Every fortnight EOIs are selected from the pool using criteria set by the Minister of Immigration. This criteria is reviewed every six months. Current selection criteria means:

- EOIs that have 140 points or more will be selected automatically from the pool.
- Other EOIs which include a New Zealand job, or job offer, will be ranked and selected in sufficient numbers to meet New Zealand Residence Programme numbers for skilled migrants.
- If enough places are available, other EOIs may be selected on the basis of additional specific criteria which the Minister of Immigration sets every six months.

Step 3

When an EOI is selected, the information it contains will be verified and the applicant may be invited to apply for residence. The applicant then has four months in which to collect all their required documentation (including job offer documentation) together and submit their residence application.

If an EOI is not immediately selected, it remains in the pool for six months and may be selected within that time depending on the number of places available under the New Zealand Residence Programme. If an applicant's situation changes and they are able to earn more points, for example if they get a job offer, they are able to amend their EOI while it is in the pool.

Step 4

Once a residence application has been received the applicant's supporting documentation is checked and their application assessed. They may be asked to attend an interview at this stage.

If successful in their residence application, the applicant, and all eligible family members included in their application, will be issued with a New Zealand residence class visa. In some instances the applicant may be issued with a work visa and be able to apply for residence at a later date.

To work out how many points a potential employee would score go to www.immigration.govt.nz/pointsindicator, or see the *Self-Assessment Guide for Residence in New Zealand (INZ 1003)* available on our website or from branch offices.

Steps in the Skilled Migrant Category application process

Worker calculates their points using the *Self-Assessment Guide for Residence in New Zealand (INZ 1003)* or online points indicator



Worker completes and submits their Expression of Interest (EOI) into the pool



EOIs in the pool are ranked and selected according to current immigration selection criteria



EOI information is verified by an immigration officer



Worker is invited to apply for residence



Migrant completes and submits the residence application (including job offer documentation)



Residence application information is checked and the application assessed by an immigration officer



Successful applicant is issued with a residence class visa

Talent categories

A Talent work visa is appropriate for people who either have a job offer from an accredited employer, a job offer in an occupation on the Long Term Skill Shortage

List (LTSSL), or an exceptional talent in the arts, culture or sports. A Talent work visa can be issued for 30 months and after two years working in New Zealand the holder is eligible to apply for New Zealand residence under the Residence from Work instructions.

A Talent (Accredited Employer) work visa requires the candidate to have a job offer from an employer accredited with the Department of Labour. The job must be for at least two years, full time, and paying a salary of at least NZ\$55,000 (based on a 40-hour week). The applicant must be aged 55 years or under. For occupations where professional registration is a requirement to practise, the applicant must meet those registration requirements.

A Talent (LTSSL) work visa requires the candidate to have a job offer in an occupation on the Long Term Skill Shortage List for which they are suitably skilled and qualified. The job must be for at least two years, full time and paying a salary of at least NZ\$45,000 (based on a 40-hour week). For those occupations where professional registration is a requirement to practise, the applicant must meet those requirements.

A Talent (Arts, Culture, Sports) work visa requires the candidate to have an exceptional talent in the arts, culture or sports and a job offer requiring that expertise. They should be prominent in their field and must be supported by a New Zealand organisation nationally recognised in that field. The applicant must be aged 55 years or under. The applicant must also have a sponsor. The organisation may choose to act as sponsor, or the applicant may be sponsored by an individual.

See an example of the application process for a Talent (LTSSL) work visa on page 16.

Notes
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Steps in the Talent (Long Term Skill Shortage List) work visa application process

Employer checks if job vacancy is on the Long Term Skill Shortage List



Employer ensures job meets appropriate criteria
(24 months, minimum 30 hours per week, etc)



If so, employer locates an appropriately skilled overseas worker



Worker fills out *Work Visa Application (INZ 1015)*



Employer supplies a job offer to the overseas worker that meets the criteria



Employer fills out designated sections of the *Employer Supplementary Form Work Visa Application (INZ 1113)* and provides this to the worker to send in



Worker submits application to nearest Immigration New Zealand branch



Successful worker granted visa by Immigration New Zealand



Worker to notify employer of success of application



Employer to check work visa before overseas worker starts work



Worker can apply for residence under the Residence from Work Category after two years

Residence from Work Category

People who receive a New Zealand Work to Residence visa under a Talent category may apply for residence after working for two years in New Zealand.

People applying for Residence from Work, who have held a Talent (Arts, Culture, Sports) work visa, must have been actively involved in their specialist field during their last two years in New Zealand and still be prominent in that field. The applicant must be supported by a nationally recognised organisation in their field, sponsored by that organisation or an individual, and must not have sought welfare aid during their time in New Zealand.

People applying for Residence from Work, who have held a Talent (LTSSL) work visa, must:

- still be working in an occupation on the LTSSL or that was on the LTSSL at the time they obtained their work visa
- be receiving a salary of at least NZ\$45,000
- be aged 55 years or under
- meet the professional registration requirements of their occupation.

People applying for Residence from Work who have held a Talent (Accredited Employer) work visa must have worked for an accredited employer for two years and have current full-time employment. They should be receiving a salary of at least NZ\$55,000.

The salary requirements above are based on a 40-hour week. Applicants must also meet the professional registration requirements of their occupation.

Essential Skills work visas

Employers who are unable to find suitable workers in New Zealand and have roles that do not meet Skilled Migrant or Talent work visa criteria may be able to assist an employee to get an Essential Skills work visa. An employer must be able to demonstrate that they cannot find suitably skilled or qualified New Zealand workers, or New Zealand workers who could be readily trained to do the work. The Department of Labour will undertake a labour market test to confirm this.

An employer meets the labour market test by proving that there are no suitable employees in New Zealand and that they have made genuine attempts to attract and recruit New Zealand workers for the positions at the current market salary. This could include evidence of advertisements placed, responses received, industry statistics on vacancies, or training in place to address shortages. The Department may also consult with Work and Income or industry organisations to ensure that the labour market test is met. The Department will always seek advice from Work and Income when conducting

a labour market test for workers in lower-skilled occupations (those at skill level four or five on the ANZSCO – see page 9 for more information on the ANZSCO).

If you are employing overseas workers to work in lower-skilled work the processing time may be longer, as the Department will be seeking advice from Work and Income in every case. To speed this process up, we recommend that employers approach Work and Income themselves to try to fill the lower-skilled vacancies before offering employment to overseas workers. If Work and Income already knows these positions cannot be filled, it will be able to provide this advice to the Department sooner, reducing the processing time of the application.

To go through the labour market test before you have found a candidate, you should apply for Approval in Principle. This means that you are pre-approved to hire people in the positions specified within the time specified, typically six to twelve months. You can apply for Approval in Principle to hire many people and this is valid until you have filled the number of positions specified in your application, or until the expiry date.

If you have already found someone you wish to employ, and you can meet the labour market test (by proving that there are no suitable employees in New Zealand and that you have made genuine attempts to attract and recruit New Zealand workers) you can assist the candidate to apply for an Essential Skills work visa. You will have to supply information to meet the labour market test, as described above, to support their application.

If you have a vacancy in an occupation listed on the Immediate Skill Shortage List (ISSL) in your region, or the Long Term Skill Shortage List (LTSSL), you will need to make a job offer to the person who you wish to employ so that they can satisfy the work visa requirements. The prospective employee must be able to demonstrate their skills and experience relevant to the job as described on the skill shortage lists and meet immigration health and character requirements.

Specific purpose visas

A special category exists for people who need to employ someone for a specific purpose or event. Applicants under this category might include corporate secondments, senior-level transfers, sports players and professional sports coaches, performing artists, specialist machinery installers, film crews, and others.

In this category there must be proof of the special need for such an employee and proof of the employee's ability and experience in doing that job. The Department of Labour must be satisfied that no New Zealand workers will be disadvantaged by the specialist being employed. Most visas under this category are issued for three to twelve months.

Students

Some students are able to work for up to 20 hours a week during the academic year and some may work full-time over the summer holidays. Students studying in some fields are eligible for work visas to enable them to fulfil practical course requirements. All students who are legally allowed to work in New Zealand will have an endorsement in their passports, or a letter from us (variation of conditions) stating their entitlement to work and the limitations on such work.

After a student has completed their studies they may be able to get a work visa under the Study to Work instructions. They must be either fulfilling practical training requirements that are part of their course requirements, have passed and completed a qualification in New Zealand which took three years or more to complete, or gained a qualification which would earn them points under Skilled Migrant Category criteria.

For specific criteria for students and graduates go to www.immigration.govt.nz/study.

Working holidays

New Zealand has reciprocal agreements with more than 20 countries allowing people aged 18 to 30 years to work temporarily while on holiday in New Zealand. The conditions of work visas for working holidaymakers vary according to the country they come from. Working holidaymakers from most participating countries can stay in New Zealand for up to a year. Citizens of the United Kingdom can stay for 23 months.

Working holidaymakers can't take a permanent job but they can have several jobs with different employers. Some are only allowed to work for each employer for three months, and some are able to work for up to a year. Conditions are noted on the work visa granted.

Young citizens of most qualifying countries can apply from anywhere in the world. Some working holidaymakers must apply from their home country. Online applications are generally processed in a couple of days and an electronic visa will be issued. For more detailed information on working holiday schemes offered by New Zealand go to www.immigration.govt.nz/whs.

Family Category for residence

People may apply to live in New Zealand if they are supported or sponsored by a family member who is already a New Zealand citizen or residence class visa holder. People applying through the Family Residence Category must be the partner, dependent child, parent, brother, sister or adult child of a New Zealand citizen or residence class visa holder. For more detailed information on go to www.immigration.govt.nz.

General information on applications

All people applying for New Zealand residence and work visas must meet our standard immigration health, character and, in most cases, English language requirements. These are explained in detail on the immigration website.

Each application must be submitted on the appropriate application form, and be accompanied by the relevant fee, applicant's passport, passport-sized photographs and additional information as specified on each form. Information on current fees, branch locations and processing times can be found at www.immigration.govt.nz.

For more detailed information on the immigration instructions above, and to download forms and guides, go to www.immigration.govt.nz or call free (within New Zealand) 0508 55 88 55.

Interim visas

If you have an employee who is applying for a further work visa then they may be granted an interim visa that allows them to stay in New Zealand lawfully while their application is processed. They may be eligible to continue working on an interim visa if the job is in the same position, for the same employer and in the same location as their current visa.

Immigration New Zealand will make a decision on whether to grant a person an interim visa close to the day their current visa expires and will inform them by email or letter. A person cannot apply for an interim visa and there is no guarantee that one will be granted. There are also no fees or forms. Interim visas are valid for a maximum of six months or until a decision is made on the person's temporary visa application – whichever is earlier.

Quick guide to residence and work visa instructions

Your employment need	Your best option	What you need to do
I need skilled, permanent workers from overseas.	Employ people under the Skilled Migrant Category (SMC).	Check that the job meets immigration skill level requirements. Provide a job offer to assist the SMC application.
I have a long-term need to regularly employ skilled workers from overseas.	Employ people under the Talent (Accredited Employer) Work Category. They can then Work to Residence.	Apply to become an accredited employer. Once accredited provide job offer to facilitate applicant's Talent work visa application.
I need to employ an artist, performer, sports person, sports coach or someone with an exceptional talent.	Employ people under the Talent (arts, culture, sports) Work Category. They can then Work to Residence.	Assist the applicant to prove their talent is exceptional and provide a job offer.
I'm seeking to fill a long-term vacancy in an occupation on the Long Term Shortage Skill List.	Employ someone under Talent (LTSSL) Work Category. They can then Work to Residence.	Provide a job offer to assist candidate's application.
I have a temporary skill shortage in an occupation on the Immediate Skill Shortage List.	Employ people under the Essential Skills work instructions (temporary).	Provide a job offer to assist candidate's application.
I need to fill a temporary position or positions for which I'm unable to find suitable workers in New Zealand.	Employ people with a work visa under the Essential Skills work instructions (temporary).	Apply for Approval in Principle and prove that you have been unable to find staff in New Zealand.
I need to employ someone from overseas for a specific purpose or event, eg for a tournament, show, or specialist installer.	Employ someone with a work visa under the Specific Purpose or Event instructions (temporary).	Prove the employee is suitably qualified, their skills will benefit New Zealand and they are needed for the period of time requested. Provide a job offer.
I want to employ a student or a trainee to provide them with work experience.	Employ someone with a work visa under the Study to Work instructions (temporary).	Provide a job offer to assist candidate's application.
I want to employ a young person from overseas who's here on a working holiday.	Employ someone on a working holiday scheme.	Use VisaView to check they have a valid visa.

HOW DO I FIND STAFF OVERSEAS?

Hiring staff from overseas can be more complex, costly, and time-consuming than hiring a New Zealander from within the country. This section will help you think through the issues particular to offshore recruitment and will draw your attention to considerations that may not be part of your everyday recruitment activities. It is not intended as a general recruitment guide.

The Department of Labour publishes a *How to Hire Guide for Employers* which guides employers through the general recruitment process and relevant employment laws. It does not cover immigration issues but complements the information contained in this guide. The *How to Hire Guide for Employers* can be downloaded from www.ers.dol.govt.nz or ordered by calling 0800 20 90 20.

Planning for the recruitment process

In deciding to recruit offshore you need to check that people you may want to hire will be able to get New Zealand work or residence class visas. This largely depends on the role you have to offer them. The first section of this booklet along with information on the immigration website will direct you to the immigration category most appropriate to your situation.

When planning offshore recruitment you should consider which country or countries you are likely to find suitable candidates in.

- Which countries have skilled workers in the field you need?
- Which countries are known as leaders in your industry?
- Are the standards for workers similar, are the jobs similar? Are the projects smaller scale or larger scale?
- Are the qualifications for workers similar? Check the List of Recognised Qualifications on the immigration website or contact the New Zealand Qualifications Authority (NZQA) to see which countries' qualifications they consider comparable.

How long will it take to get someone started?

- How long will it take to advertise, receive CVs, shortlist, interview, check references and make the job offer?
- Do you know how long it will take for an applicant to get police and medical checks, lodge their application and receive a visa?
- How long will it take them to pack their old life and plan their new one?

- Do they have a family to move? Will they wait until the end of year or term to move their children to new schools?

Who within your staff will manage the process?

- Who will interview?
- How will you interview?
- Can you travel to interview people?
- Will you use a recruitment agent who specialises in offshore recruitment?

What will you do if you get a huge response?

- Do you have more than one vacancy?
- Could you refer a good candidate to another company?

Can you partner with anyone else to minimise costs?

- Does your local Economic Development Agency promote lifestyle opportunities in your region overseas?
- Can the Chamber of Commerce, Employers Association or your industry association put you in touch with others who recruit overseas?
- Does your industry have a cluster of employers with similar skill needs who may wish to partner?
- Does your industry have offshore forums, conferences, etc?

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Describing the job

When writing the job description you need to be honest in describing the role and the work.

- Check that terminology used in the job description is used in the country you are looking in. For example a roading engineer in New Zealand would be known as a highway engineer in the United States. Check such details with a resident of the country you are recruiting in or visit job websites in that country.
- Does the job description reflect reality? If the job description isn't realistic the applicant will be disappointed and may be less likely to stay.
- Provide details of leave and other benefits as the basics may be different to what is standard in other countries.
- How specialised is the role? New Zealand roles are usually broader, more generalist roles than offshore positions in larger companies where people are in more specialised roles.
- Be specific, especially in describing niche roles compared to generalist roles.
- Consider the relevance of the job title. Look on overseas job websites and see what similar occupations are described as in other countries.
- How is the industry structured in the country you are hiring in – does this differ from New Zealand?

Qualifications

- Check with NZQA or industry bodies as to what the equivalent qualification is in the country from which you are hiring.
- Check that the qualification names are the same in that market. Different qualifications have different titles depending on the country in which they are awarded.
- Check any professional or occupational registration requirements with your industry organisations to make sure candidates can meet these. Do they have to sit exams, work supervised for a period, etc? Make sure the candidate knows these conditions, can meet them, and is willing to do so.

Pay packages

- Are you paying a fair market rate for the position? Can you demonstrate the market rates in New Zealand to someone offshore so they have context for the market rates here?

- What is the same job paying in the country you are targeting?
- What other benefits might someone from overseas expect? Health insurance, retirement savings, childcare, 35-hour working week? What do you offer?
- Do you offer bonuses, stock options or similar that people may expect overseas?
- What ongoing training do you provide?
- What opportunities for advancement are there?
- Will you pay relocation costs? Can you offer financial assistance with airfares, freight for household goods, etc?

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Finding and interviewing candidates

Advertising

- Where will you advertise your position – websites, trade publications, migration or recruitment expos?
- When will you advertise and interview? Check this is not before our summer holidays when New Zealand closes down, or during overseas holidays when you may not get a good response.
- Are there events within your industry where you can meet people or migration shows in the country you are recruiting from? Check the immigration website for upcoming events.

Your website

- Does it have a section for international applicants?
- Can you post the job description in its international format?
- If there are online application forms, are these suitable for offshore applications? For example is there space for a foreign address with country and zip code fields?
- Check site content does not exclude those people who do not have a work visa from applying.

Interviews

- How will you conduct interviews – in person, phone, teleconference, video conference, webcam?
- Where and when will you interview? Will you travel to meet them or invite them over to meet you? Will you pay for them to come to New Zealand for an interview?
- Do you have an agent, adviser, or representative overseas who can interview for you?
- Can you interview several candidates for several positions in one trip if you are travelling?
- Can you involve applicants' partners in discussions where appropriate? Often the decision to migrate will rest on the partner's expectations and support so talking with them can be worthwhile.
- How will you check references? Telephone calls (check time-zone differences), email or fax?

Expectations

- Be realistic and make sure the migrant's expectations are as close to reality as possible. If they get here and things are not as they expected, or the job isn't what you told them, they may leave.
- Working practices differ in many countries, though the fundamentals may be the same. Be aware of the differences. Ask what the working day is like in their current job.
- Can you provide local information so they get a flavour for your town or city?

Making an offer

You can make a job offer to someone who does not have a work visa but that offer should be conditional on the applicant getting the appropriate work or residence class visa. This is similar to making the offer conditional on reference checks or medical tests. They must not start working for you until they have a work or residence class visa.

To support a migrant's immigration application you need to provide a job offer, supporting documentation and an *Employer Supplementary Form – Work Visa Application (INZ 1113)*.

Job offer documentation should include:

- the employer's name, address and contact details
- the prospective employee's name and address
- an employment agreement including a job description and person specification, detailing:
 - the job title or designation
 - the address of the place of employment
 - the type of work, duties and responsibilities of the job
 - the pay and employment conditions such as holidays and sick leave
 - qualifications and experience required
 - confirmation of whether or not registration in New Zealand is required
 - the duration of the job, and
 - how long the job offer is open for.

The offer must meet the requirements of New Zealand employment laws and pay an appropriate market rate.

The job offer must be current when we assess the migrant's application.

WELCOMING AND SETTLING MIGRANTS

Moving to a new country requires considerable adjustment, even for migrants from countries with whom we share a language and ancestry, such as the United Kingdom. Many of the issues faced by skilled migrants that determine whether they settle happily into New Zealand life relate to their expectations and the way their families settle into their new location.

Employers can play a big part in smoothing the way for long-term, successful migration. Providing help and time to encourage migrants' families to put down roots in New Zealand can help you to retain migrant staff. After all, employing anyone requires time and financial investment on the part of an employer, and it should be in your best interest to ensure that the migrant stays with your company and in New Zealand for the long term.

Setting expectations

Doing as much as you can to manage an employee's expectations of life in New Zealand by providing them with helpful and honest information can help them avoid surprises and settle successfully. The key to helping people have realistic expectations is to be honest with them from the interview stage. It may also help to include their partner in discussions early on.

People like to know what their standard of living will be like when they move to a new country. The Department of Labour provides settlement packs to people whose residence application is accepted. This contains information on topics such as buying a house, the health and education systems, tax and driving in New Zealand. This information is also published on the settlement part of our website.

Some useful information you could provide to people before they leave their home country

- A contact in New Zealand for the employee's partner. Can you provide someone who can help answer some of their questions? This is particularly helpful with family issues when the migrant does not have friends or family in New Zealand.
- A contact or buddy in your workplace to answer any questions the new employee may have which will help them to feel welcome when they arrive.
- A local real estate magazine or website to give them an idea of local housing options. Our housing can be very different to what people expect. Things like central heating and double-glazing are not as common here as they are in cooler climates overseas and, as a result, our houses can require lots more heating.

- Information on the local area, climate, maps and guides to help them get familiar with their new home. See your local information centre, Settlement Support New Zealand coordinator or Economic Development Agency.
- Contact details for schools and universities if they have children.
- Can you advise them how to set up a bank account? Many overseas banks have contacts in New Zealand who can help.

Further information about many aspects of the New Zealand lifestyle including housing, education, work and culture can be found at www.newzealandnow.info.

Preparing the workplace

People from countries with the same language and similar culture to New Zealand can have noticeable differences in the way they do things. This can cause conflict when manners and customs are misunderstood.

Kiwis may find some European cultures rude if they speak bluntly, when in fact there is no offence intended. People from some Asian cultures will say yes when they mean no because they do not wish to offend.

Do some research and educate your employees to expect some differences.

- Are your staff aware and accepting of different ways of doing things, different ways of saying things? Are they prepared to welcome and support foreign workers?
- Perhaps you could organise a work barbeque to introduce them and their family to other employees.
- Migrants bring different skills and new ways of doing things. Be open to new ideas and ensure your staff are too.

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Cultural differences

In the workplace you may notice some obvious or subtle cultural differences. While you might expect people from a culture with a different language to have more noticeable differences, English-speaking countries can have different attitudes and ways of doing things too.

New Zealanders tend to be less formal than other cultures and this often takes new migrants by surprise. We also work hard and can have different expectations about the length of the working day and overtime. We tend to expect all employees to show initiative whereas in some cultures this is frowned upon, so this needs to be clearly explained.

- How do you refer to each other? Is the boss Mr Forbes or Jim?
- Are workplace policies that you may take for granted clearly explained to the new employee? E.g. break times, clothing, smoking, etc.

Settlement courses covering things like how Kiwis think, attitudes, acceptable behaviours in New Zealand and so on contribute to helping people fit in to their working and social environments. Language courses are valuable for speakers of English as a second language and their partners. You can pay for these courses or help an employee locate them in your area.

Review

Once your new employee has been in their job in New Zealand for a few weeks it is advisable to discuss how they are settling in.

- Make some time to sit down and review how the work is going and identify any issues to resolve.
- Is the job meeting their expectations? Is their work meeting your expectations?
- How is their life outside of work? Have they developed social networks? Joined a club? Explored the area?
- Check how the family is getting on. Can you help?

Remember that people who have moved across the world away from their friends and family may take some time to feel welcome and at home here. The more you can do to help them and their families adjust and feel welcome, the greater likelihood that they will stay and contribute to your business.

Encouraging residence

If the person you employ has a work visa rather than New Zealand residence it is good to track their immigration status and encourage them to apply for residence. Many employers keep track of the visa expiry dates of all staff work visas to ensure renewals

relationship manager in your industry or area. They can also put you in touch with offshore branch staff. To contact a relationship manager call the Immigration Contact Centre on freephone 0508 55 88 55; they will direct you to the relevant relationship manager.

Support from your industry or region

Do you know any other employers in a similar line of work who have recruited from overseas? They may be able to offer advice or support.

Some industry organisations band together companies in their industries to recruit offshore. This presents cost savings and increases the reach of employers through increased profiling of New Zealand in offshore markets.

Settlement Support New Zealand

Settlement Support New Zealand has coordinators in many New Zealand cities who help new migrants to find their way about and make social connections. They can provide valuable contacts for a migrant's partner who may be feeling homesick and lonely in their new country. They can also assist by providing local information packs for employers to give to new staff.

See our website for contact details or check with your local city council or Economic Development Agency to locate a Settlement Support coordinator in your area.

New Zealand Qualifications Authority

The New Zealand Qualifications Authority (NZQA) can provide advice on the relevance of overseas qualifications. Visit www.nzqa.govt.nz.

CONTACT THE DEPARTMENT OF LABOUR

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For employment, work and labour market information www.dol.govt.nz.

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For immigration information www.immigration.govt.nz or **freephone (within New Zealand) 0508 55 88 55**.

.....
For work and work-related subjects in New Zealand www.worksite.govt.nz.
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The Department of Labour recommends it is good practice to confirm all prospective employees are entitled to work in New Zealand and in the jobs offered, and to keep good records of this.

The easiest way to check is to use VisaView – our online tool at www.immigration.govt.nz/visaview.

WORK ENTITLEMENT CHECKLIST

Employer obligations under the Immigration Act 2009

It is an offence under the Immigration Act 2009 to allow, or continue to allow, someone to work for you who is not entitled to do so.

This checklist is designed to help you meet your obligations under the Act. A more comprehensive work entitlement guide is available at www.immigration.govt.nz/visaview.

Is the person you are checking a New Zealand citizen?

- Yes. Go to 'Checking New Zealand citizens'.
- No. Go to 'Checking non-New Zealand citizens'.

Checking a New Zealand citizen's work entitlement

- Sight a New Zealand passport, OR
- Confirm New Zealand passport information at www.immigration.govt.nz/visaview AND sight the passport or other photo identification, OR
- Sight a New Zealand birth certificate AND photo identification, OR
- Sight a New Zealand citizenship certificate AND photo identification.
- Retain copies.**

A New Zealand birth certificate can be ordered online at www.bdmonline.dia.govt.nz by anyone who has an igovt ID. Processing time is up to eight days plus delivery. Payment is by credit card. Birth certificates may also be ordered by phone, post or in person.

Checking a non-New Zealand citizen's work entitlement

- Check work entitlement at www.immigration.govt.nz/visaview, OR
- Sight a passport with a New Zealand residence class visa, OR
- Sight a passport with a valid New Zealand visa with conditions that allow the person to work for you, OR
- Sight an Australian passport, OR
- Sight a passport with an Australian permanent residence visa or a current returning resident's visa.
- Retain copies.**

A tax code declaration IR330 form is not a reasonable excuse for employing someone who is not entitled to work for you.

Did VisaView confirm that this person is entitled to work for you?

- No. You may not be able to employ this person.
- New Zealand citizens will need to provide evidence of their citizenship. Non-New Zealand citizens should contact the nearest Immigration New Zealand office to apply for a visa to work in New Zealand.
- Yes. You can employ this person until the date specified and in accordance with any conditions stated.
- 'Refer to Immigration Contact Centre' – call the Immigration Contact Centre on 0508 967 569 (0508 WORKNZ). Note that this contact number is for employer enquiries only. General visa enquiries should be directed to 0508 55 88 55.

When checking documents for proof of work entitlement and identity, the Department of Labour recommends sighting original copies and retaining a photocopy or scan for your records.



