IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2017/09

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments in Appendix 1 and operate in accordance with the amended instructions on and after 21 June 2017.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).
Change to residence instructions effective on and after 21 June 2017

SM2 Overview of Skilled Migrant Category
SM3.15 Selection of Expressions of Interest

Skilled Migration Category residence instructions have been amended to include the last date of selection from the current Skilled Migrant Category pool, which will be 19 July 2017.
APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER 21 June 2017
SM2 Overview of Skilled Migrant Category

a. A person who is interested in applying for a resident visa under the Skilled Migrant Category must complete an Expression of Interest (EOI) form in the prescribed manner.

b. EOIs which meet prerequisites for health, character, English language and age, and have a point score of 100 or more points are entered into the Pool of EOIs.

c. Points for employability and capacity building factors are claimed by a person expressing interest in accordance with the requirements set out in the Skilled Migrant Category.

d. EOIs in the Skilled Migrant Category Pool are selected from that Pool on the Government’s behalf by the Ministry of Business, Innovation and Employment.

e. EOIs that have total points of 160 or more are selected automatically from the Pool. Selections of EOIs will cease after 19 July 2017.

f. The automatic selection mark for EOIs may be adjusted as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP), by the Minister of Immigration certifying amended instructions.

g. A selected EOI may result in an invitation to apply for a resident visa under the Skilled Migrant Category being granted, subject to an assessment of the credibility of the information provided in the EOI and whether the EOI indicates the presence of any health or character issues that may adversely affect the ability of the person expressing interest to be granted a resident visa under the Skilled Migrant Category.

h. Whether, in any particular case, an EOI has been selected from the Pool, it may not result in an invitation to apply for a resident visa under the Skilled Migrant Category.

i. Only a person invited to apply may apply for a resident visa under the Skilled Migrant Category.

j. If a person is invited to apply, information provided in the EOI, and any further evidence, information and submissions provided by the applicant (including information concerning ability or potential to successfully settle in and contribute to New Zealand), will form the basis for determination of a subsequent application for a resident visa under the Skilled Migrant Category.

k. Applications for a resident visa, resulting from an invitation to apply, must include:

i. information and evidence to support the claims made in the EOI; and

ii. information concerning any relevant fact (including any material change in circumstances that occurs after the EOI was selected) if that fact or change in circumstances may affect the decision on the application. Such a relevant fact or change in circumstances may relate to the principal applicant or another person included in the application, and may relate to any matter relevant to Skilled Migrant Category.

l. Applications will be assessed against instructions set out in sections SM4 to SM21 of the Skilled Migrant Category.

m. Principal applicants under the Skilled Migrant Category will be assessed against:

i. health, character and English language requirements; and

ii. employability and capacity building requirements; and

iii. settlement and contribution requirements.

n. Assessment against settlement and contribution requirements (see SM21) will take into consideration the application as a whole including information gained at interview, if an interview is conducted. The assessment concerning settlement and contribution may result in:

i. the grant of a resident visa; or

ii. deferral of the decision on the resident visa application and the grant of a work visa to enable a principal applicant to obtain an offer of ongoing skilled employment in New Zealand; or

iii. decline of the resident visa application.

o. If a decision is deferred on the resident visa application and the principal applicant becomes established in ongoing skilled employment in New Zealand, the application for a resident visa will be approved.
SM3.15 Selection of Expressions of Interest

a. As Expressions of Interest (EOI) are entered into the Pool they will be ranked on the basis of total points claimed for employability and capacity building factors in accordance with the Skilled Migrant Category. The ranking of EOIs relative to each other will change as EOIs enter, or are withdrawn from, the Pool.

b. EOIs in the Skilled Migrant Category Pool are selected from that Pool on the Government’s behalf by the Ministry of Business, Innovation and Employment.

c. EOIs that have total points of 160 or more are selected automatically from the Pool. Selections of EOIs will cease after 19 July 2017.

d. The automatic selection mark for EOIs may be adjusted as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP), by the Minister of Immigration certifying amended Residence instructions.