



11 June 2021

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-18

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 and operate in accordance with the amended instructions from the effective date.

Note

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

Information about these changes is available on our website www.immigration.govt.nz.

Description of changes

Changes effective on and after 10 June 2021

WK3.20 Requirements for applicants

A change has been made to further delay the earliest date at which applicants for Essential Skills work visas may become subject to a 'stand-down' to 30 June 2022.

WK4.1 Currency of Essential Skills work visas

The maximum duration of an Essential Skills work visa that can be granted to a person earning below the median wage has increased from six to twelve months. The longer duration will be granted even if a person applied before these instructions took effect.

Changes effective on and after 19 July 2021

SM1.10 Points for employability and capacity building factors

SM6.10 Skilled Employment

SM6.20 Calculating remuneration

SM6.60 Bonus points for high remuneration

WK3.5 Acceptable employment

The 2020 median wage rate of \$27.00 per hour will be used to calculate thresholds throughout immigration instructions from 19 July 2021.

Skilled Migrant Category:

- Remuneration required for a job to be considered skilled will be updated to \$27.00 per hour for occupations at skill level 1-3 of the ANZSCO or listed in Appendix 7
- Remuneration required for a job to be considered skilled will be updated to \$40.50 per hour (1.5 times the median wage) for occupations at skill level 4-5 of the ANZSCO or not listed on the ANZSCO
- Remuneration required to be awarded bonus points for high remuneration will be updated to \$54.00 per hour (twice the median wage)

Essential Skills work visa policy has been updated to reflect that people in roles earning less than \$27.00 an hour will be considered to be paid below the median wage from 19 July 2021.

Appendix 1: Amendments to Temporary Entry instructions effective on and after 10 June 2021

WK3.20 Requirements for applicants

To grant an Essential Skills work visa, an immigration officer must be satisfied that the applicant:

- a. is suitably qualified by training and experience to do the work offered; and
- b. if the Essential Skills work visa applied for is based on employment paid below the median wage ([WK3.5.1.c](#)), is not subject to a stand-down period – see WK3.20.5.

WK3.20.1 Determining that an applicant is suitably qualified

- a. When assessing whether an applicant is suitably qualified by training and experience to do the work offered, immigration officers will consider the qualifications and work experience required by the occupation in the ANZSCO which substantially matches the applicant's proposed employment (see WK3.20.2 below).
- b. Immigration officers must consider whether:
 - i. the applicant holds a relevant qualification that is comparable to the qualification described for that occupation in the ANZSCO; or
 - ii. the applicant has the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an occupation included on the Essential Skills in Demand Lists and the applicant meets the relevant requirements specified for that occupation.
- c. Immigration officers must be satisfied that the qualifications and/or work experience provided by the applicant are relevant to their proposed employment in New Zealand.

WK3.20.2 Assessment that employment substantially matches an ANZSCO occupation

- a. When assessing whether an offer of employment substantially matches a particular occupation in the ANZSCO, an immigration officer must be satisfied that the duties and responsibilities in the employment offer match the description of that occupation as set out in the ANZSCO.
- b. Where related occupations are described by the same task list in the ANZSCO, an immigration officer may disregard tasks not relevant to the occupation that most closely matches the employment offered.

WK3.20.5 Applicants who are required to spend time outside New Zealand (subject to a 'stand-down period')

- a. An Essential Skills work visa holder may hold visas based on employment that is paid below the median wage (as defined in [WK3.5.1](#)) for a maximum period of 3 years before they are subject to a stand-down period (see (d) below).
- b. For the purposes of (a) above, an Essential Skills work visa based on employment that is paid below the median wage includes an Essential Skills work visa based on lower-skilled employment (for which an application was made before 27 July 2020).
- c. The maximum 3 year period referred to in (a) above only includes time during which the Essential Skills work visa holder held visas based on employment that is paid below the median wage since the most recent period during which the visa holder spent 12 consecutive months outside New Zealand.
- d. Applicants subject to a stand-down period are not eligible for an Essential Skills work visa based on employment paid below the median wage until they spend 12 consecutive months outside New Zealand.
- e. A person who has spent 12 consecutive months outside New Zealand is no longer subject to a stand-down period and may be granted further Essential Skills work visas for the duration allowed by [WK4.1\(a\)\(iii\)](#).
- f. Essential Skills work visas applied for before 28 August 2017 are not considered when calculating the 3 year maximum period.

WK3.20.6 One-off deferral of the stand-down period for essential health workers to support the response to COVID-19

- a. Despite WK3.20.5(a), an Essential Skills work visa holder may hold a visa based on employment that is paid below the median wage (as defined in [WK3.5.1](#)) for a maximum period of 4 years before they are subject to a 'stand-down' period (see WK3.20.5(d)) if:
 - i. they held an Essential Skills work visa (or an interim visa immediately after holding an Essential Skills work visa) and were employed in an occupation listed in WK3.20.7 on 23 March 2020; and
 - ii. they have continued to hold visas allowing work in an occupation listed in WK3.20.7; and
 - iii. they have continued to be employed in an occupation listed in WK3.20.7; and
 - iv. the Essential Skills work visa applied for is based on employment in an occupation listed in WK3.20.7.
- b. For the purposes of (a) above, an Essential Skills work visa based on employment that is paid below the median wage includes an Essential Skills work visa based on lower-skilled employment (for which an application was made before 27 July 2020).
- c. Essential Skills work visas applied for before 28 August 2017 are not considered when calculating the 4 year maximum period.

WK3.20.7 Essential Health Worker Occupations

The occupations referred to in WK3.20.6 are:

- Medical Doctors
- Nurses
- Midwives
- Psychologists
- Physiotherapists
- Technical and support staff working in:
 - Theatre
 - Laboratory
 - Radiology
 - Cardiology Blood service
 - Nuclear medicine
 - Oncology
 - Haematology
 - Pathology
 - Hyperbaric medicine
 - Mortuary
 - Research Staff
- People employed in the following sectors:
 - Aged care
 - Palliative/hospice care
 - Mental health
 - Child health
 - Forensic care workers

WK3.20.9 Deferral of the stand-down

- a. Despite WK3.20(b), WK3.20.5(d) and WK3.20.6(a), an applicant may be granted an Essential Skills work visa based on employment paid below the median wage, valid for up to 12 months, if their application is made before or on 30 June 2022.

WK3.20.10 Determining an Essential Skills work visa application where an applicant is awaiting a Skilled Migrant Category decision

- a. Despite WK3.1 (a)(ii), an applicant may be granted an Essential Skills work visa, valid for 1 year without an immigration officer being satisfied that there are no New Zealand citizens or residence class visa holders available to do the work offered if:
- i. they currently hold a temporary work visa; and
 - ii. they have applied for an Essential Skills work visa to continue working in the role they currently hold; and
 - iii. they meet all other requirements of Essential Skills work visa instructions; and
 - iv. they have been issued an Invitation to Apply under the Skilled Migrant Category and retain the ability to apply (see SM3.1), or have made an application for residence under the Skilled Migrant Category and that application has not yet been completed; and
 - v. their Expression of Interest was selected in part on the basis of points claimed for skilled employment in the role they currently hold.
- b. One further Essential Skills work visa, valid for six months, may be granted in exceptional circumstances to an applicant who continues to meet the requirements of (a) above.

WK3.20.15 Determining an Essential skills work visa application for Filipino dairy workers who have provided false documents

- a. The intent of this section of Essential Skills instructions is:
- i. to recognise that the dairy industry is of particular importance to the New Zealand economy, particularly in regional and rural New Zealand;
 - ii. to acknowledge significant levels of false and misleading information have been identified in previous work visa applications to work in the dairy industry; and
 - iii. to acknowledge that declining a large number of work visa applications for failing to meet the requirement to be of good character would have a detrimental effect on the dairy industry.

- b. These instructions apply to people who:
 - i. are nationals of the Philippines;
 - ii. are in New Zealand holding an Essential Skills work visa (or an interim visa based on holding an Essential Skills work visa at the time they made an application);
 - iii. are subject to [A5.45\(b\)](#) as an immigration officer has established that, on the balance of probabilities, in the course of applying for a New Zealand visa they provided any statement, information, evidence or submission that was false, misleading or forged;
 - iv. were granted an Essential Skills work visa to work on a dairy farm before 1 September 2015; and
 - v. are applying for a further Essential Skills work visa to work on a dairy farm.
- c. Despite the character requirement set out at [A5.45\(b\)](#) a person to whom (b) above applies may be granted an Essential Skills work visa if they:
 - i. have not subsequently withheld information or provided further false information to INZ, in particular with regard to the application in which they originally supplied false information; and
 - ii. meet all other criteria for the grant of an Essential Skills visa.

WK3.20.20 Minimum income requirement for dependent children of Essential Skills work visa holders

See also Immigration Act 2009 s 49(1)(b)

- a. Essential Skills visa holder workers who wish to support their dependent child's visitor or student visa application, must meet a minimum income threshold specified at [V3.10.10](#) or [U8.20.5.b](#). The visa holder's dependent child will be assessed against criteria set out in [V3.10.5](#) or [U8.20.5](#).
- b. Parents holding Essential Skills work visas may be liable for deportation if the dependent child's visa application is declined under these instructions and the dependent child becomes unlawful.
- c. It will be a condition of the dependent child's visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child's visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

Note: Where both parents hold Essential Skills work visas, their incomes may be combined to meet the minimum income threshold.

The minimum income threshold excludes employment-related allowances (for example tool or uniform allowances) and must be calculated on the basis of no more than 40 hours' work per week.

WK4.1 Currency of Essential Skills work visas

- a. An Essential Skills work visa may be granted for the period for which the employment is offered, up to a maximum of:
 - i. 3 years for employment paid at or above the median wage; or
 - ii. 12 months for employment paid below the median wage, unless a 12 month visa would result in the holder exceeding the relevant maximum period allowed under [WK3.20.5](#) or [WK3.20.6](#); or
 - iii. 3 years for employment for an accredited labour hire company; or
 - iv. 1 year or 6 months if the applicant meets the requirements at [WK3.20.10](#) for people also applying under the Skilled Migrant Category for a resident visa.
- b. Where the grant of a 6 month or 1 year visa, for employment paid below the median wage, would result in the holder exceeding the relevant maximum period allowed under [WK3.20.5](#) or [WK3.20.6](#), the visa may be granted for the remainder of the relevant maximum period.
- c. Despite (a) above, if an application for a work visa is approved on the basis of approval in principle issued prior to 27 July 2020, the duration of that work visa may be consistent with the duration stated in that approval in principle.
- d. Despite (b) above, a visa may be granted for up to 12 months in accordance with [WK3.20.9](#).
- e. Despite the normal requirement that applications must be determined in accordance with the instructions in force at the date an application is made (E7.10(a)(ii)), people who applied for an Essential Skills work visa before 10 June 2021 based on employment paid below the median wage may be granted a visa for 12 months, even if the instructions on the date they applied specified a 6 month duration.

Note: The maximum periods allowed under [WK3.20.5](#) are based on the total period that the applicant held Essential Skills work visas to work in employment assessed as paid below the median wage (and/or lower-skilled employment for applications made prior to 27 July 2020), and applies regardless of whether the holder was inside or outside New Zealand while holding the visa.

Appendix 2: Amendments to Temporary Entry instructions effective on and after 19 July 2021

WK3.5 Acceptable employment

- a. To grant an Essential Skills work visa, an immigration officer must be satisfied that:
 - i. the offer of employment meets the requirements set out at [W2.10.10](#); and
 - ii. the employment offered is genuine, sustainable and full-time for the duration of the employment period specified in the employment agreement; and
 - iii. payment is by wages, or salary; and
 - iv. the rate of pay is not less than the market rate for New Zealand workers in that occupation (regardless of whether the occupation is on one of the Essential Skills in Demand Lists).
- b. An immigration officer will assess the employment offered to determine the remuneration level of that employment (WK3.5.1).
- c. Applications for visas under Essential Skills instructions for self-employment must be declined.
- d. Applications for visas under Essential Skills instructions related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be declined.

Note: Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions (see [WH1](#)) or the Supplementary Seasonal Employment Instructions (see [WH3](#)).

WK3.5.1 Determining the remuneration level of employment

- a. An immigration officer will assess the employment offered to determine whether the remuneration offered, as calculated under WK3.5.5, will be either 'paid at or above the median wage' or 'paid below the median wage'.
- b. Employment will be assessed as being 'at or above the median wage' if the remuneration offered is at or above **\$27.00** per hour.
- c. Employment will be assessed as being 'below the median wage' if the remuneration offered and paid is below **\$27.00** per hour.

Note: The remuneration requirements set out in WK3.5.1 will be updated in November each year based on New Zealand income data.

WK3.5.5 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. Remuneration will be calculated according to the hours of work stated in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary), and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked in order to calculate the remuneration.
- e. Hours of work per week will be considered variable where the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (d) above or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.
- g. Each hour of work must be paid at or above **\$27.00**, for employment to be assessed as paid at or above the median wage (see WK3.5.1.b), except for hours described at WK3.5.10 below.
- h. For the purposes of WK3.5.5, remuneration includes:
 - i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - ii. in the case of accommodation provided in connection to the employment:
 - o the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - o if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - o if an accommodation allowance is provided, the amount of that allowance.

Note: In relation to WK3.5.5(h)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- i. For the purposes of WK3.5.5, remuneration excludes other employment-related allowances (for example tool, or uniform allowances), and bonuses which are dependent on performance.

WK3.5.10 Overnight hours

- a. Where an applicant is required to work overnight, but allowed to sleep during this time, any hours spent sleeping may be excluded from WK3.5.5(g) provided that:
 - i. for any hours an applicant is sleeping, they are paid at or above the minimum wage; and
 - ii. for any hours an applicant is required to perform their duties, they are paid at least their normal rate; and
 - iii. the applicant works a minimum of 30 hours per week at their normal rate required by WK3.5.1; and
 - iv. the applicant works in the Aged, Residential Care or Disability Care industry.
- b. Despite E7.10(a), these instructions may be applied to any work visa application under Essential Skills work instructions that has not been decided and was submitted before the effective date.

Appendix 3: Amendments to Residence instructions effective on and after 19 July 2021

SM1.10 Points for employability and capacity building factors

Factors		Points	Criteria
Age (20 to 55 years)	20-39	30	SM5
	40-44	20	
	45-49	10	
	50-55	5	
Skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand	50	SM6
Bonus points for skilled employment	Current skilled employment in New Zealand or an offer of skilled employment in New Zealand in an area of absolute skills shortage	10	SM6.40
	Current skilled employment or an offer of skilled employment outside the Auckland region	30	SM6.50
	Current skilled employment or an offer of skilled employment with remuneration of least \$54.00 per hour, or the equivalent annual salary	20	SM6.60
Skilled work experience	2 years	10	SM7
	4 years	20	
	6 years	30	
	8 years	40	
	10 years	50	
Additional bonus points if skilled work experience is in New Zealand	1 year or more	10	SM7.25
Additional bonus points for skilled work experience in an area of absolute skills shortage	2 to 5 years	10	SM7.30
	6 years or more	15	

Qualifications	Recognised level 3 qualification if included on the List of Qualifications Exempt from Assessment (LQEA)	40	SM8
	Recognised level 4-6 qualification (e.g. trade qualification, diploma)	40	
	Recognised level 7 or 8 qualification (e.g. bachelor's degree, bachelor's degree with Honours)	50	
	Recognised level 9 or 10 post-graduate qualification (Master's degree, Doctorate)	70	
Bonus points for qualifications gained in New Zealand	2 years of full-time study in New Zealand completing a recognised bachelor degree (level 7) New Zealand qualification; or	10	SM8.25
	1 year of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification; or	10	
	2 years of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification	15	
Bonus points for partner's skilled employment	Partner's current skilled employment in New Zealand or offer of skilled employment in New Zealand.	20	SM9.5
Bonus points for partner's qualification (either)	Recognised qualification at level 7 or 8; or	10	SM9.10
	Recognised qualification at level 9 or above		

SM6.10 Skilled Employment

- a. Skilled employment is employment that meets a minimum remuneration threshold and requires specialist, technical or management expertise obtained through:
 - i. the completion of recognised relevant qualifications; or
 - ii. relevant work experience; or
 - iii. the completion of recognised relevant qualifications and/or work experience.
- b. Assessment of whether employment is skilled for the purposes of the Skilled Migrant Category is primarily based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO) which associates skill levels with each occupation, and the level of remuneration for the employment (see [R5.7](#)).

Note: Version 1.2 of the ANZSCO is available at www.immigration.govt.nz/anzsco.

For the purposes of assessing Dairy Cattle Farmer occupations with the ANZSCO six digit level code 121313, immigration officers must make an assessment based on the Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand on their website (refer [R5.7](#))

SM6.10.5 Skilled employment in an occupation included in the ANZSCO

Current employment in New Zealand or an offer of employment in New Zealand will be assessed as skilled if:

- a. the occupation is:
 - i. a skill level 1, 2 or 3 occupation and the remuneration for that employment is **\$27.00** per hour or above (or the equivalent annual salary); or
 - ii. a skill level 4 or 5 occupation and the remuneration for that employment is **\$40.50** per hour or above (or the equivalent annual salary); or
 - iii. listed at Appendix 7 and the remuneration for that employment is **\$27.00** per hour or above (or the equivalent annual salary); and
- b. the principal applicant can demonstrate that their employment substantially matches the description for that occupation as set out in the ANZSCO (see SM6.10.5.1); and
- c. the employment is full-time (employment is full-time if it amounts to, on average, 30 hours per week over an agreed pay period); and
- d. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.20 or SM6.10.25; and
- e. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see SM6.30.10).

SM6.10.5.1 Assessment of 'substantial match'

- a. For the purpose of SM6.10.5 (b) above, assessment of 'substantial match' involves a determination of whether the applicant's employment is substantially consistent with the ANZSCO 'Occupation' (6-digit) level description for that occupation and with the tasks listed at the ANZSCO 'Unit Group' (4-digit) level description for that occupational group, excluding any tasks which are not relevant to the 'Occupation' description.
- b. To be considered a substantial match to an occupation, the tasks that are relevant to the applicant's employment role must comprise most of that role.

For example: An applicant's employment in the occupation 'Disabilities service officer' (411712) is not required to include the task set out at the ANZSCO Unit Group (4-digit) classification level for 'Welfare support workers' of "supervising offenders on probation and parole". Other listed tasks that are relevant to the role of a "Disabilities services officer" must comprise most of their role.

Note: Where no description is stated at the ANZSCO Occupation (6-digit) level, an immigration officer should refer to the ANZSCO Unit Group (4-digit) description or higher ANZSCO group (3-digit or 2-digit) level as necessary to determine a substantial match with the stated occupation. Similarly, where no ANZSCO core tasks are listed at the ANZSCO Unit Group (4-digit) level, an immigration officer should refer to a higher ANZSCO group (3-digit or 2-digit) level as necessary to locate core tasks ANZSCO associates with the stated occupation.

Note: Determining whether an applicant's employment substantially matches an ANZSCO occupation description may require consideration of the scope and scale of the employer's organisation and operation (the size of the operation, the number of staff and managers, and whether management functions are centralised at a head office or undertaken by other managers).

SM6.10.15 Occupations not included in the ANZSCO

Where an immigration officer is satisfied that an applicant's employment has no corresponding description in the ANZSCO, the employment may be assessed as skilled if:

- a. the remuneration for that employment is **\$40.50** per hour or above (or the equivalent annual salary); and
- b. the employment is full-time because it amounts to, on average, at least 30 hours per week over an agreed pay period; and
- c. the applicant is suitably qualified by training and/or experience for that occupation, as set out in SM6.10.25; and
- d. an immigration officer is satisfied that the employment is:
 - i. genuine; and
 - ii. ongoing; and
 - iii. sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).

SM6.10.20 Suitably qualified by training and/or experience: skill level 1, 2 and 3 occupations

- a. Where the applicant's employment is in an occupation described in the ANZSCO as at skill level 1, 2 or 3 the applicant will be assessed as being suitably qualified by training and/or experience if:
 - i. they hold a relevant recognised qualification that is at, or above, the qualification level on the New Zealand Qualifications Framework (NZQF) (see [SM8.10](#)) that corresponds to the indicative skill level described for their skill level 1, 2 or 3 occupation in the ANZSCO; or
 - ii. they have the relevant work experience that the ANZSCO indicates may substitute for the required qualification; or
 - iii. the employment is in an occupation included on the Long Term Skill Shortage List (LTSSL) (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
 - iv. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at [SM10.5](#) and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.
- b. Despite (a) (ii) above, applicants in skill level 1 occupations may substitute the required qualification with five years of relevant work experience.
- c. Despite (a)(i) and (ii) and (b) above, applicants employed as 'Pharmacy technicians' (ANZSCO 311215) will only be awarded points for skilled employment in New Zealand in that occupation if they hold the required New Zealand qualification (a National Certificate in Pharmacy (Technician), or the New Zealand Certificate in Pharmacy (Pharmacy Technician) Level 4 or 5 or the New Zealand Certificate in Pharmacy (Specialist Technician) Level 6), as required by the Director-General of Health.

SM6.10.25 Suitably qualified by training and/or experience: other occupations

Where the applicant's employment is in an occupation described in the ANZSCO as a skill level 4 or 5 occupation, (including occupations listed at [Appendix 7](#)), or their employment is assessed under the provisions of SM6.10.15, they will be assessed as being suitably qualified by training and/or experience if:

- a. they hold a relevant recognised qualification which is at, or above, the level of a NZQF Level 4 Certificate (see [SM8.10](#)); or
- b. they hold a relevant recognised NZQF level 3 qualification included on the List of Qualifications Exempt from Assessment (see [Appendix 3](#)); or
- c. they have three years of relevant work experience; or
- d. the employment is in an occupation included on the LTSSL (see [Appendix 4](#)) and the applicant meets the relevant requirements specified in column three of the LTSSL for that occupation; or
- e. the employment is in an occupation that requires New Zealand registration by law to be undertaken and is included at [SM10.5](#) and the applicant holds evidence of full or provisional registration in that occupation in New Zealand.

SM6.20 Calculating remuneration

- a. Remuneration will be calculated on the basis of payment per hour.
- b. For the purpose of determining whether remuneration meets the requirements of [SM6.10.5\(a\)\(i\) and \(ii\)](#) or [SM6.10.15 \(a\)](#) and [SM6.60](#), evidence must be provided of hours of work in the employment agreement.
- c. If the employment agreement specifies payment by salary, the payment per hour will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week.
- d. If the employment agreement specifies payment other than by hour (including payment by salary) and the hours of work are variable, an immigration officer may request evidence of the range of hours to be worked to determine whether the variance in the hours worked would result in the per hour rate of pay being below the applicable remuneration threshold.
- e. Hours of work per week will be considered variable if the employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- f. Where evidence of the range of hours is provided in terms of (d) above, or where the employment agreement specifies a range of hours, the maximum hours will be used to calculate whether the relevant remuneration threshold is met.
- g. Each hour of work must be paid at or above the applicable per hour remuneration threshold, except for hours described at SM6.20.10 below.
- h. For the purposes of [SM6.10.5\(a\)\(i\) and \(ii\)](#) and [SM6.10.15\(a\)](#) and [SM6.60\(a\)](#) 'remuneration' includes:
 - i. the agreed value of any reasonable deduction from the applicant's salary or wages for goods or services; and
 - ii. in the case of accommodation provided in connection with the employment:
 - iii. the agreed value of any reasonable deduction from the applicant's salary or wages for that accommodation; or
 - iv. if accommodation is provided by the employer, and there is no deduction from the applicant's salary or wages for that accommodation, the market rental value of the accommodation provided; or
 - v. if an accommodation allowance is provided, the amount of that allowance.
- i. 'Remuneration' excludes any other employment-related allowances (for example tool or uniform allowances) and bonuses which are dependent on performance.

Note: In relation to SM6.20 (h) (ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.

- j. The remuneration requirements set out in [SM6.10.5\(a\)\(i\) and \(ii\)](#) and [SM6.10.15\(a\)](#) and [SM6.60\(a\)](#) will be updated in November each year based on New Zealand income data.

SM6.20.5 Payment on a per activity basis

- a. Despite SM6.20 (g) above, an applicant with employment in a position that is not an ANZSCO skill level 1, 2 or 3 occupation whose employment agreement specifies an hourly rate of pay that is below the remuneration threshold set out at [SM6.10.15 \(a\)](#) may be assessed as meeting that remuneration threshold if they are additionally paid on a per activity basis and if:
 - i. they provide evidence, taking into account their payment on a per activity basis, that they were paid at or above \$40.50 per hour, on average, for prior work undertaken in the same occupation in New Zealand for at least two years; and
 - ii. that work on average amounts to at least 30 hours per week in each of those two years.
- b. For the purposes of this provision 'payment on a per activity basis' excludes:
 - i. payment based on the time taken to complete a task or the number of hours worked
 - ii. payment on commission (a commission is where an employee is paid based on sales they have made or other targets they have met)
 - iii. payment on an incentive or productivity basis (where remuneration is reliant on the variable rate of production of a good or the variable rate of sale of a service)
 - iv. payment based on a piece rate (piece rate is a commission where the employee is paid for the number of pieces they worked on, for example, being paid for the number of bins of fruit picked, or the number of garments sewn).

SM6.20.10 Overnight hours

- a. Where an applicant is required to work overnight, but allowed to sleep during this time, any hours spent sleeping, may be excluded from SM6.20(g) provided that:
- b. for any hours an applicant is sleeping, they are paid at or above the minimum wage; and
- c. for any hours an applicant is required to perform their duties, they are paid at least their normal rate; and
- d. the applicant works a minimum of 30 hours per week at their normal rate required by [SM6.10.5](#) or [SM6.10.15](#); and

- e. the applicant works in the Aged, Residential Care or Disability Care industry.

SM6.60 Bonus points for high remuneration

- a. Recognised current skilled employment or an offer of skilled employment qualifies for 20 bonus points if the remuneration for that employment is \$54.00 per hour or above (or the equivalent annual salary); and
- b. the assessing officer is satisfied that the employment is genuine; and the assessing officer is satisfied that the employment is sustainable by the employer at the specified level of remuneration (see [SM6.30.10](#)).