



26 October 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-59

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

SM2.1.5 Submission into the Pool

SM4 English Language Requirements

Changes have been made to immigration instructions to update the Skilled Migrant Category (SMC) to allow:

- people submitting an Expression of Interest (EOI), before the first EOI selection occurs on 9 November 2022, to make a declaration of meeting qualification points and English language requirements ahead of receiving assessment results from providers, and
- applicants to submit a residence application using an English language test older than two years as evidence of demonstrating that they have an acceptable standard of English.

Appendix 1: Amendments to Residence instructions effective from 25 October 2022

SM2.1.5 Submission into the Pool

EOIs submitted in the prescribed manner may be entered into a Pool of EOIs (the Pool) if the person expressing interest:

- a. has confirmed that health and character requirements for entry to the Pool have been met because none of the people included in their EOI are people who:
 - i. are described in sections 15 or 16 of the Immigration Act 2009 (see A5.20); or
 - ii. would be ineligible for a medical waiver (see A4.60); and
- b. has confirmed that they meet the minimum standard of English (see SM4) or, if that is not possible for entry into the Pool by 9 November 2022, have confirmed that they have:
 - i. booked an acceptable English language test (SM4.5.5); or
 - ii. requested an International Qualification Assessment or a Qualifications Assessment Report from the New Zealand Qualifications Authority for the purposes of SM4.5; and
- c. has claimed a minimum of 100 points for employability and capacity building factors (see SM5 to SM9); and
- d. has claimed points for either recognised qualifications (see SM8) or, if that is not possible for entry into the Pool by 9 November 2022, have confirmed that they have requested an International Qualification Assessment or a Qualifications Assessment Report from the New Zealand Qualifications Authority (SM8.15); and
- e. has claimed points for skilled work experience (see SM7); and
- f. is less than 56 years of age at the time the EOI is submitted.

SM2.1.10 Currency of Expressions of Interest

- a. An EOI is current for a period of six months from the date of initial submission to the Pool unless no selection of EOIs from the Pool has occurred within that six-month period. Where this is the case, an EOI is current until such time as a selection from the Pool has occurred.
- b. An EOI that is no longer current will be withdrawn from the Pool.
- c. An EOI will also be withdrawn from the Pool if it is rejected after selection because it does not meet prerequisites for entry to the Pool and as a result no invitation to apply has been issued.

SM4 English Language Requirements

SM4.5 Minimum standard of English language for principal applicants

- a. Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide acceptable English language test results no more than two years old at the time the application is lodged, as set out at SM4.5.5.
- c. Other evidence that a principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. **a recognised qualification (SM8) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or**
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a principal applicant to provide an English language test result in terms of paragraph SM4.5 (b). In such cases, the English language test result will be used to determine whether the principal applicant meets the minimum standard of English.
- e. Despite (b) above, if a principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 8 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged.

SM4.10 English language requirements for non-principal applicants

- a. Unless SM4.15 applies, partners and dependent children aged 16 and older who are included in a Skilled Migrant Category application must:
 - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
 - ii. pre-purchase ESOL tuition (see SM4.20).
- b. Non-principal applicants meet the minimum standard of English if they provide English language test results, no more than 2 years old at the time the application is lodged, as set out at SM4.10.5.
- c. Other evidence that a non-principal applicant meets the minimum standard of English is:
 - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
 - ii. a recognised qualification (SM8) **comparable to a New Zealand level 7 bachelor's degree and** gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
 - iii. a recognised qualification (SM8) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a non-principal applicant to provide an English language test result in terms of paragraph SM4.10 (b). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.
- f. **Despite (b) above, if a non-principal applicant can provide acceptable English language test results (as set out at SM4.5.5) and their EOI was in the Pool as at 8 November 2022, they are considered to have met the minimum standard of English requirement even if the test results are more than two years old at the time their application is lodged.**