



22 October 2021

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2021-47

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

Temporary Entry Instructions

E3.26 Varying the conditions of temporary entry class visas

WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

WR1.10 Requirements for offers of employment

WR1.30 Making an application under the Talent (Accredited Employers) Work Instructions

WR3.1 Who is eligible for a work visa under the Long Term Skill Shortage List Work Instructions?

WR3.15 Making an application for a work visa under the Long Term Skill Shortage List Work Instructions

First time applications for the Talent (Accredited Employer) work visa and Long Term Skill Shortage List work visa will not be accepted after 31 October 2021.

Applications for a subsequent Talent (Accredited Employer) or Long Term Skill Shortage List work visa will remain open for people who:

- have made an application for residence under the corresponding Residence from Work instructions, and a decision on that residence application is yet to be made, or
- had commenced employment in New Zealand while holding a Talent (Accredited Employer) or Long Term Skill Shortage List work visa, but who departed New Zealand before 19 March 2020 and returned after 31 October 2021.

The conditions of a Talent (Accredited Employer) work visa may now be varied to allow work for an employer who held accreditation status after 31 March 2021, even if the accreditation has since expired.

Talent (Accredited Employer) work visas may be granted if the employer's accreditation has expired between the visa application being made and being decided, providing that certain criteria are met.

Residence Instructions

RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

RW2.10 Evidential requirements

RW4 Residence instructions for holders of work visas granted under the long term skill shortage list work instructions

RW4.5 Evidential requirements

Changes have been made to ensure that the residence pathways for Talent (Accredited Employer) and Long Term Skills Shortage List work visa holders are maintained, in response to the changes to Temporary Entry instructions outlined above.

Temporary Entry Instructions have been revoked

WL1 Objectives

WL3.1 Determining an application for a Silver Fern Practical Experience visa

WL3.5 Currency and conditions of a Silver Fern Practical Experience Visa

Applications for the Silver Fern Practical Experience work visa will not be accepted after 31 October 2021. These instructions will be revoked from 1 November 2021, and as such are not included here.

Appendix 1: Amendments to Temporary Entry instructions effective from 20 October 2021

E3.26 Varying the conditions of temporary entry class visas

See also *Immigration Act 2009 s 52*

- a. Holders of temporary entry class visas should apply for a variation of the conditions of their visa if:
 - i. they wish to work and do not have a visa that allows work in New Zealand; or
 - ii. they hold a work or visitor visa and wish to undertake a programme of study in New Zealand for longer than 3 months (unless [U2.5](#) applies); or
 - iii. they hold a work visa limited by conditions and wish to change employers, and/or occupation and/or the place of employment; or
 - iv. despite the ban on travel to New Zealand by temporary entry class visa holders in response to COVID-19, they have a critical purpose to carry-out in New Zealand ([E3.27](#)).
- b. Immigration officers may grant a variation of conditions for cases (a) (i)– (iii) above provided that the applicant completes an Application for Variation of Conditions and produces:
 - i. the appropriate fee;
 - ii. a valid passport (or a certified copy) or travel document (or a certified copy);
 - iii. documents which support the requested variation, such as:
 - iv. an offer of employment (see [W2.10.10](#)); or
 - v. an offer of place at a suitable education provider (see [U3.5](#)), and evidence of tuition fee payment or exemption (see [U3.10](#)); and
 - vi. any other documents or information requested by the immigration officer.
- c. A variation of conditions will only be granted where the varied conditions still meet the objectives of the instructions which the visa was granted under.
- d. A variation of conditions to work for a specific employer will only be granted where the employer meets requirements at [W2.10.5](#), [W2.10.6](#) and [W2.10.15](#).

E3.26.1 Varying the conditions of work visas

E3.26.1.1 Varying Essential Skills work visa conditions

- a. Essential Skills work visa holders seeking to change occupation or place of employment will not be granted a variation of conditions and must instead apply for a new work visa, unless:
 - i. their new occupation is listed on an Essential Skills in Demand list; and
 - ii. they meet the requirements of the list.
- b. Essential Skills work visa holders whose visa is based on employment paid at or above the median wage, and who are seeking to change to employment paid below the median wage ([WK3.5.1](#)), will not be granted a variation of conditions, and must instead apply for a new work visa.
- c. Essential Skills work visa holders whose visa was granted on the basis of employment assessed as higher-skilled or mid-skilled (for applications made before 27 July 2020), and who are seeking to change to employment paid below the median wage ([WK3.5.1](#)), will not be granted a variation of conditions, and must instead apply for a new work visa.

E3.26.1.5 Varying Specific Purpose or Event visa conditions

- a. Holders of a work visa granted under [WS2](#) as players or professional sports coaches may apply for a variation of conditions of their work visa to undertake additional employment. A variation of conditions may be granted if:
 - i. the terms of the existing employment have been met, and will continue to be met; and either
 - ii. the secondary employment is offered by the sports club or a company involved in the sport and the position is offered solely to this particular player or coach; or
 - iii. the secondary employment is offered by an employer other than the sports club or a company involved in the sport and an immigration officer is satisfied that there are no New Zealand citizens or residence class visa holders available to be employed in the position (see [WK3.10](#)).

E3.26.1.10 Varying Talent (Accredited Employers) work visa conditions

- a. Holders of a work visa granted under WR1 (Talent (Accredited Employers) Work Instructions) may apply for a variation of conditions of their work visa to change employers. Variation of conditions may be granted:
 - i. to undertake employment for another employer who is accredited under [WR1](#) (Talent (Accredited Employers) Work Instructions); or
 - ii. to undertake employment for another employer who is not accredited under [WR1](#) (Talent (Accredited Employers) Work Instructions) if their employment is no longer available due to reasons beyond the visa holder's control. When assessing such applications for a variation of conditions, immigration officers will consider all the circumstances of the applicant and the reasons for which the former accredited employer did not continue employment or the former employer's accreditation was not renewed or rescinded; or
 - iii. to undertake employment for another employer who held accreditation (as defined by [WR1.20](#)) under the Talent (Accredited Employer) Work Instructions after 31 March 2021 and accreditation has since expired.
- b. In order to be granted a variation of conditions under (a) above:
 - i. the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
 - ii. the offer of employment must meet the requirements of [WR1.10](#); and
 - iii. employers must meet the requirements under [W2.10.5](#), [W2.10.6](#), [W2.10.10](#) and [W2.10.15](#).
- c. Despite [E7.10\(a\)\(iii\)](#), immigration officers may apply [E3.26.1.10\(a\)\(iii\)](#) to an application to vary employer conditions of a Talent (Accredited Employer) work visa that has not been decided and was submitted before the effective date of these instructions.

Notes:

~ Where a person fails to continue employment in the circumstances described in (a) and (b) above, they will not be eligible for residence under the Residence Instructions for holders of work visas granted under the Talent (Accredited Employers) Work Instructions.

~ For the avoidance of doubt, the base salary in (b) above excludes employment-related allowances (for example overtime, tool or uniform allowances). The base salary is calculated on the basis of 40 hours work per week.

E3.26.1.15 Varying South Island Contribution work visa conditions

- a. Despite [WR7.15\(b\)](#), holders of a work visa granted under [WR7](#) (South Island Contribution work instructions) may apply for a variation of conditions of their work visa to change employers and/or regions.
- b. A variation of conditions may be granted:
 - i. to undertake employment in another industry in the same region; or
 - ii. to undertake employment in the same industry in another South Island region.
- c. In order to be granted a variation of conditions under (a) above the applicant must:
 - i. provide evidence to show they meet the requirements of [WR7.10\(b\)](#)-[WR7.10\(f\)](#); and
 - ii. demonstrate that their employment is no longer available due to reasons beyond their control.
- d. When assessing such applications for a variation of conditions, immigration officers will consider all the circumstances of the applicant and the reasons for which the former employer did not continue employment.
- e. A variation may only be granted once under these instructions.

E3.26.5 Varying the conditions of visitor visas

- a. Holders of visitor visas granted under V3.100 Guardians accompanying students to New Zealand may only be granted a variation of conditions for part time work or part time study between the hours 9:30am and 2:30pm Monday to Friday (inclusive) (see V3.100.35).
- b. Holders of visitor visas may be granted a variation of conditions for a duration of six weeks to undertake seasonal work (planting, maintaining, harvesting and packing crops) in any region where the Ministry of Social Development has identified a shortage of seasonal labour and for any employer in the horticulture or viticulture industries, provided the applicant has not been granted a variation of conditions for this purpose since their most recent entry to New Zealand.

E3.26.10 Varying the conditions of student visas

Holders of student visas may be granted a variation of conditions to allow them to work in line with the requirements at [U13](#).

WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

- a. To be granted a visa under the Talent (Accredited Employers) Work Instructions applicants must:
 - i. hold an offer of employment in New Zealand from an accredited employer as defined at [WR1.20](#) (unless [WR1.10.1](#) or [WR1.30.1](#) applies); and
 - ii. be aged 55 years or under (unless [WR1.30.1](#) applies); and
 - iii. meet the health and character requirements for Residence set out at [A4](#) and A5; and
 - iv. meet the requirements for bona fide applicants as set out at [E5](#); and
 - v. meet the requirements for lodging an application as set out in WR1.30.
- b. Work visas granted to applicants under these instructions will be subject to the condition that the applicant may undertake employment for an accredited employer (as defined at [WR1.20](#)) only, except where [WR1.10.1](#) or [WR1.30.1](#) applies.
- c. During the currency of the work visa granted the applicant may seek a variation of conditions to change employers in line with [E3.26.1.10](#) (E3.26 Varying the conditions of temporary entry class visas).

WR1.5.1 Currency and travel conditions of work visas under the Talent (Accredited Employers) Work Instructions

- a. Applicants who are in New Zealand may be granted a Talent (Accredited Employers) work visa allowing stay and multiple entry travel for 30 months.
- b. Applicants who are not in New Zealand may be granted a Talent (Accredited Employers) work visa with the following travel conditions:
 - i. first entry to New Zealand must be made within three months of the visa being granted; and
 - ii. the visa will allow stay and multiple entry travel for 30 months from first arrival.

WR1.10 Requirements for offers of employment

Offers of employment must be:

- a. from an accredited employer (as defined at [WR1.20](#)); and
- b. for employment in New Zealand in the employer's core area of business activity and where the employer will have direct responsibility for their work output; and
- c. for a period of at least 24 months; and
- d. for full-time employment, (that is it amounts to, on average, at least 30 hours per week); and
- e. current at the time of assessing the application and at the time of grant of the visa; and
- f. genuine; and
- g. for a position with a minimum base salary of NZ\$79,560 per annum; and
- h. accompanied by evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer; and
- i. compliant with all relevant employment law in force in New Zealand; and
- j. with an employer who has a history of compliance with employment law and who is not included on a list of non-compliant employers maintained by the Labour Inspectorate (see [W2.10.15](#) and [Appendix 10](#)).

Note:

~ Compliance with relevant New Zealand employment law includes but is not limited to:

- * a written employment agreement that contains the necessary statutory specified terms and conditions
- * meeting holiday and special leave requirements and other minimum statutory criteria
- * meeting health and safety obligations.

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

~ The minimum base salary requirement of NZ\$79,560 (see WR1.10 (f)) may be waived for applicants who have exceptional talent in a declared field of art, culture or sport and who hold an offer of employment in that field from an accredited employer.

WR1.10.1 Offers of employment from an employer who was accredited at the time of lodgement

- a. Despite the requirement in [WR1.5\(a\)\(i\)](#) and [WR1.10\(a\)](#), a work visa under the Talent (Accredited Employer) Work Instructions may be granted if:
 - i. the applicant holds an offer of employment in New Zealand from an employer who was an accredited employer (as defined by [WR1.20](#)) at the time the application for a visa under the Talent (Accredited Employers) Work Instructions was made (unless [WR1.30.1](#) applies); and
 - ii. the employer's accreditation under the Talent (Accredited Employer) instructions has not been rescinded; and
 - iii. subject to (b) below, the employer does not have an accreditation application under the Talent (Accredited Employer) instructions being processed.
- b. Where the employer does have an accreditation application under the Talent (Accredited Employer) instructions being processed, a decision on the work visa under the Talent (Accredited Employer) Work Instructions must be put on hold until the accreditation application is completed. When the accreditation application is completed, the work visa application:
 - i. may only be approved if the accreditation application has been approved; and
 - ii. must be declined if the accreditation application has been declined.
- c. Despite [E7.10\(a\)\(ii\)](#), immigration officers may apply [WR1.10.1](#) to any work visa application under the Talent (Accredited Employers) Work Instructions that has not been decided and was submitted before the effective date.

WR1.30 Making an application under the Talent (Accredited Employers) Work Instructions

Applications under the Talent (Accredited Employers) Work Instructions must be made on the INZ form Work Visa Application (INZ 1015), and

- a. meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at [E4](#), except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship. This requirement is met through the provision of an offer of employment (see [WR1.10](#)); and
- b. include an offer of employment from an employer that meets the requirements for offers of employment set out at [WR1.10](#); and
- c. include, where necessary:
 - i. evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer of employment (see [SM19.5](#) for the list of occupations requiring registration); or
 - ii. evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence application or a work to residence application.

- d. include, (if the offer of employment has a minimum base salary of less than NZ\$79,560 per annum), evidence that the applicant has exceptional talent in a declared field of art, sport or culture (see the Note to [WR1.10](#)); and
- e. include a completed General Medical Certificate (INZ 1007) and a Chest X-ray Certificate (INZ 1096) (except in the case of a pregnant woman) and any associated medical or laboratory reports required for the medical or chest X-ray certificates; and

Notes:

~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless [A4.25\(c\)](#) applies.

~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

- f. include police certificates from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years.

Notes:

~ Police certificates must be no more than 6 months old when the application is lodged, unless [A5.10\(d\)](#) applies.

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

WR1.30.1 Applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions

- a. Despite the requirements at [WR1.5\(a\)\(i\)](#) and (ii), [WR1.10\(a\)](#), (c) and (g) and [WR1.10.1](#), applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions may be approved if the applicant:
 - i. holds a Talent (Accredited Employers) work visa at the time they apply; and
 - ii. has made an application for residence under the Talent (Accredited Employers) residence instructions and a decision on that residence application is yet to be made; and
 - iii. has an offer of employment that:
 - o is for a period of at least 12 months; and
 - o is for the same employer that is supporting their application for residence under the Talent (Accredited Employers) residence instructions
 - o is for a position that continues to meet the minimum base salary that was in place when they applied for their initial Talent (Accredited Employers) work visa; and
 - o meets all other requirements of [WR1.10](#), except (a), (c) and (g).
- b. Visas may be granted under these instructions for the length of time required to decide the application made under Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions, up to a maximum duration of 24 months.
- c. Where the associated residence application in (a)(ii) above is declined the applicant is not eligible for further visas under this instruction unless they are granted a new work visa under [WR1](#) instructions and have submitted a new residence from work application based on holding the new work visa for at least 24 months.
- d. Despite [E7.10\(a\)\(ii\)](#) immigration officers may apply these instructions to any work visa application under the Talent (Accredited Employers) Work Instructions that has not been decided and was submitted before the effective date.

Appendix 2: Amendments to Residence instructions effective from 20 October 2021

RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

Holders of visas granted under the Talent (Accredited Employers) work instructions may be granted a residence class visa where:

- a. they have held a work visa granted under the Talent (Accredited Employers) work instructions for a period of at least 24 months; and
- b. during the currency of that visa they have been employed in New Zealand throughout a period of 24 months:
 - i. by any accredited employer as defined at [WR1.20](#); or
 - ii. by an employer who is no longer an accredited employer as defined at [WR1.20](#) but the visa was granted to allow work for that employer on the basis of the employment meeting the requirements of [WR1.10.1](#); or
 - iii. by an employer(s) who is not an accredited employer as defined at [WR1.20](#), provided that during the period of that employment the conditions of the applicant's visa were varied to allow them to work for that employer(s) in line with [E3.26.1.10](#); or
 - iv. by any accredited employer as defined at [WR1.20](#), whose accreditation is rescinded or not renewed during the currency of that visa, provided the employment continued to meet the following requirements:
 - o the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
 - o the offer of employment must meet the requirements of [WR1.10](#), except [WR1.10\(a\)](#), and (g) where (c)(i) below applies; and
 - o employers must meet the requirements under W2.10.6 and W2.10.10; and
- c. they have employment in New Zealand with a minimum base salary of:
 - i. NZ\$55,000 per annum if the associated work to residence visa application ([WR1](#)) was made before 7 October 2019; or
 - ii. NZ\$79,560 per annum if the associated work to residence visa application ([WR1](#)) was made on or after 7 October 2019; and
- d. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and
- e. they meet health and character requirements (see [A4](#) and [A5](#)).

Note:

~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a residence class visa.

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

~ The associated work to residence visa application is the application that resulted in a work visa that the applicant has held for a period of at least 24 months (RW2(a)) and on which the application for residence is based.

RW2.10 Evidential requirements

Applications for a residence class visa under the residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions must include:

- a. Evidence that during the currency of their visa granted under the Talent (Accredited Employers) work instructions, the applicant has been employed in New Zealand by **an employer** throughout a period of at least 24 months **in accordance with [RW2\(b\)](#)**; and
- b. Evidence of employment that meets the requirements set out at [RW2.5](#); and
- c. Evidence that the applicant holds full or provisional registration, if full or provisional registration is required to practice in the occupation in which they have employment.

Appendix 3: Amendments to Temporary Entry instructions effective on and after 1 November

WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

- a. To be granted a visa under the Talent (Accredited Employers) Work Instructions applicants must:
 - i. hold an offer of employment in New Zealand from an accredited employer as defined at [WR1.20](#) (unless [WR1.10.1](#) or [WR1.30.1](#) or [WR1.30.5](#) applies); and
 - ii. be aged 55 years or under (unless [WR1.30.1](#) or [WR1.30.5](#) applies); and
 - iii. meet the health and character requirements for Residence set out at [A4](#) and A5; and
 - iv. meet the requirements for bona fide applicants as set out at [E5](#); and
 - v. meet the requirements for lodging an application as set out in WR1.30 ([applications must be made on or before 31 October as set out at WR1.30\(a\)](#)).
- b. Work visas granted to applicants under these instructions will be subject to the condition that the applicant may undertake employment for an accredited employer (as defined at [WR1.20](#)) only, except where [WR1.10.1](#) or [WR1.30.1](#) or [WR1.30.5](#) applies.
- c. During the currency of the work visa granted the applicant may seek a variation of conditions to change employers in line with [E3.26.1.10](#) (E3.26 Varying the conditions of temporary entry class visas).

WR1.5.1 Currency and travel conditions of work visas under the Talent (Accredited Employers) Work Instructions

- a. Applicants who are in New Zealand may be granted a Talent (Accredited Employers) work visa allowing stay and multiple entry travel for 30 months.
- b. Applicants who are not in New Zealand may be granted a Talent (Accredited Employers) work visa with the following travel conditions:
 - i. first entry to New Zealand must be made within three months of the visa being granted; and
 - ii. the visa will allow stay and multiple entry travel for 30 months from first arrival.

WR1.30 Making an application under the Talent (Accredited Employers) Work Instructions

Applications under the Talent (Accredited Employers) Work Instructions must:

- a. be made on or before 31 October 2021 unless [WR1.30.1](#) or [WR1.30.5](#) applies; and

Note: Applications received on or before 31 October 2021 will continue to be processed. Applications received after this date will not be accepted. This does not apply to applications for a subsequent visa under [WR1.30.1](#) or [WR1.30.5](#).

- b. meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at [E4](#), except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship. This requirement is met through the provision of an offer of employment (see [WR1.10](#)); and
- c. include an offer of employment from an employer that meets the requirements for offers of employment set out at [WR1.10](#); and
- d. include, where necessary:
- evidence of full or provisional registration, or eligibility for such registration, if full or provisional registration is required by law to take up the offer of employment (see [SM19.5](#) for the list of occupations requiring registration); or
 - evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence application or a work to residence application.

- e. include, (if the offer of employment has a minimum base salary of less than NZ\$79,560 per annum), evidence that the applicant has exceptional talent in a declared field of art, sport or culture (see the Note to [WR1.10](#)); and
- f. include a completed General Medical Certificate (INZ 1007) and a Chest X-ray Certificate (INZ 1096) (except in the case of a pregnant woman) and any associated medical or laboratory reports required for the medical or chest X-ray certificates; and

Notes:

~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless [A4.25\(c\)](#) applies.

~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

- g. include police certificates from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years.

Notes:

~ Police certificates must be no more than 6 months old when the application is lodged, unless [A5.10\(d\)](#) applies.

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

WR1.30.1 Applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions for applicants who have made a residence application

- a. Despite the requirements at [WR1.5\(a\)\(i\)](#) and (ii), [WR1.10\(a\)](#), (c) and (g), [WR1.10.1](#) and [WR1.30\(a\)](#), applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions may be approved if the applicant:
- holds a Talent (Accredited Employers) work visa at the time they apply; and
 - has made an application for residence under the Talent (Accredited Employers) residence instructions and a decision on that residence application is yet to be made; and
 - has an offer of employment that:
 - is for a period of at least 12 months; and
 - is for the same employer that is supporting their application for residence under the Talent (Accredited Employers) residence instructions
 - is for a position that continues to meet the minimum base salary that was in place when they applied for their initial Talent (Accredited Employers) work visa; and
 - meets all other requirements of [WR1.10](#), except (a), (c) and (g).
- b. Visas may be granted under these instructions for the length of time required to decide the application made under Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions, up to a maximum duration of 24 months.
- c. Where the associated residence application in (a)(ii) above is declined the applicant is not eligible for further visas under this instruction unless they are granted a new work visa under [WR1](#) instructions and have submitted a new residence from work application based on holding the new work visa for at least 24 months.
- d. Despite [E7.10\(a\)\(iii\)](#) immigration officers may apply these instructions to any work visa application under the Talent (Accredited Employers) Work Instructions that has not been decided and was submitted before the effective date.

WR1.30.5 Applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions for applicants offshore at the time the work visa expired

- a. Despite the requirements at [WR1.5\(a\)\(i\)](#) and (ii), [WR1.10\(a\)](#) and [\(g\)](#) and [WR1.30\(a\)](#), applications for a subsequent work visa under the Talent (Accredited Employers) Work Instructions may be approved if the applicant:
- i. had commenced employment in New Zealand while holding a visa granted under the Talent (Accredited Employer) Work Instructions; and
 - ii. departed New Zealand before 19 March 2020 and returned to New Zealand after 31 October 2021; and
 - iii. was in New Zealand at the time the application is made; and
 - iv. has an offer of employment from an employer who:
 - o is an accredited employer (as defined by [WR1.20](#)); or
 - o supported the initial visa under the Talent (Accredited Employers) work instructions; or
 - o held accreditation (as defined in [WR1.20](#)) under the Talent (Accredited Employer) Work Instructions after 31 March 2021 that has since expired; and
 - v. has an offer of employment that:
 - o is for a period of at least 24 months; and
 - o is for a position that continues to meet the minimum base salary that was in place when they applied for their initial visa under Talent (Accredited Employers) Work Instructions; and
 - o meets all other requirements of [WR1.10](#), except (a) and (g).
- b. Visas may be granted under these instructions as set out in [WR1.5.1](#).

Notes:

~Where a visa is granted under WR1.30.5 the 24 month period will restart for the purposes of residence instructions, that is a holder of a visa granted under the Talent (Accredited Employer) Work Instructions must hold that visa and be employed in accordance with RW2(b) for a period of 24 months.

~A visa granted under WR1.30.5 does not prevent an applicant from applying for a subsequent visa under WR1.30.1 if those requirements are met.

WR3.1 Who is eligible for a work visa under the Long Term Skill Shortage List Work Instructions?

To be granted a visa under the Long Term Skill Shortage List Work Instructions applicants must:

- a. hold an offer of employment in an occupation that is included on the Long Term Skill Shortage List (LTSSL) at the time that their application is made and that meets the specifications for that occupation; and
- b. be suitably qualified by training and/or experience to undertake the offer of employment (including any specific requirements set out on the LTSSL); and
- c. be aged 55 years or under (unless [WR3.15.1](#) or [WR3.15.5](#) applies); and
- d. meet the health and character requirements for Residence set out at [A4](#) and [A5](#); and
- e. meet the requirements for bona fide applicants as set out at [E5](#); and
- f. meet the requirements for lodging an application as set out in [WR3.15](#) (applications must be made on or before 31 October 2021).

WR3.1.1 Currency and travel conditions of work visas under the Long Term Skill Shortage List Work Instructions

- a. Applicants who are in New Zealand may be granted a LTSSL work visa allowing stay and multiple entry travel for 30 months.
- b. Applicants who are not in New Zealand may be granted a LTSSL work visa with the following travel conditions:
 - i. first entry to New Zealand must be made within three months of the visa being granted; and
 - ii. the visa will allow stay and multiple entry travel for 30 months from first arrival.

WR3.15 Making an application for a work visa under the Long Term Skill Shortage List Work Instructions

Applications for visas under the Long Term Skill Shortage List Work Instructions must:

- a. be made on or before 31 October 2021 unless [WR3.15.1](#) or [WR3.15.5](#) applies; and

Note: Applications received on or before 31 October 2021 will continue to be processed. Applications received after this date will not be accepted. This does not apply to applications for a subsequent visa under [WR3.15.1](#) or [WR3.15.5](#).

- b. meet all the requirements under Generic Temporary Entry instructions for lodging an application for a temporary entry class visa as set out at [E4](#), except the requirement to provide evidence of funds for maintenance in New Zealand or evidence of sponsorship. This requirement is met through the provision of an offer of employment (see [WR3.5](#)); and
- c. include an offer of employment in an occupation on the Long Term Skill Shortage List that meets the requirements for offers of employment set out at [WR3.5](#); and
- d. provide a completed Employer Supplementary Form (INZ 1113); and
- e. include a detailed job description and ideal person specification for that offer of employment; and
- f. include evidence that the applicant is suitably qualified by training and/or experience to undertake the offer of employment; and
- g. include, where necessary
- evidence of full or provisional registration, if full or provisional registration is required by law to take up the offer of employment (see [SM10.5](#) for the list of occupations requiring registration); or
 - evidence from the New Zealand Medical or Dental Council that applicants are eligible for full or provisional registration subject only to attending a personal interview with a Council representative within one month of their arrival in New Zealand; and

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence application or a work to residence application.

- h. include a completed General Medical Certificate (INZ 1007) and Chest X-ray Certificate (INZ 1096) and any associated medical or laboratory reports required for the medical or chest X-ray certificates; and

Notes:

~ All medical and chest X-ray certificates and associated reports must be less than 3 months old at the time the application is made unless A4.25(c) applies.

~ Medical and chest X-ray certificates may be submitted directly to INZ by the physician who completes the examination.

- i. include police certificates from the applicant's country of citizenship and from any country in which they have lived for 5 or more years since attaining the age of 17 years.

Note: Police certificates must be no more than 6 months old when the application is lodged, unless A5.10(d) applies.

WR3.15.1 Applications for a subsequent work visa under the Long Term Skill Shortage List Work Instructions for applicants who have made a residence application

- a. Despite the requirements at [WR3.15\(a\)](#) applications for a subsequent work visa under the Long Term Skill Shortage Work Instructions may be approved if the applicant:
- holds a Long Term Skill Shortage work visa; and
 - has made an application for residence under the Long Term Skill Shortage List residence instructions and a decision on that residence application is yet to be made; and
 - meets the requirements at [WR3.1\(a\)](#) or, if their occupation is no longer on the LTSSL, is remaining in the same occupation listed on their current work visa; and
 - meets the requirements at [WR3.1\(b\)](#), (d), (e) and (f); and
 - has an offer of employment for a period that is at least 12 months; and
 - meets all the requirements outlined at [WR3.5](#), except (b).
- b. Visas may be granted under these instructions for the length of time required to decide the application made under Residence instructions for holders of work visas granted under the Long Term Skill Shortage List work instructions, up to a maximum of 24 months.
- c. Where the associated residence application in (a)(ii) above is declined the applicant is not eligible for further visas under this instruction unless they are granted a new work visa under [WR3](#) instructions and have submitted a new residence from work application based on holding the new work visa for at least 24 months.
- d. Despite [E7.10\(a\)\(ii\)](#) immigration officers may apply these instructions to any work visa application under the Long Term Skill Shortage List Work Instructions that has not been decided and was submitted before the effective date.

WR3.15.5 Applications for a subsequent work visa under the Long Term Skill Shortage List Work Instructions for applicants offshore at the time the work visa expired

- a. Despite the requirements at WR3.15(a), applications for a subsequent work visa under the Long Term Skill Shortage Work Instructions may be approved if the applicant:
- i. had commenced employment in New Zealand while holding a Long Term Skill Shortage work visa; and
 - ii. departed New Zealand before 19 March 2020 and returned to New Zealand after 31 October 2021; and
 - iii. was in New Zealand at the time the application is made; and
 - iv. meets the requirements at [WR3.1\(a\)](#) or, if their occupation is no longer on the LTSSL, is remaining in the same occupation listed on their initial Long Term Skill Shortage work visa; and
 - v. meets the requirements at [WR3.1\(b\)](#), (d), (e) and (f); and
 - vi. meets all the requirements outlined at [WR3.5](#).
- b. Visas may be granted under these instructions as set out in [WR3.1.1 \(a\)](#).

Notes:

~Where a visa is granted under WR3.15.5 the 24 month period will restart for the purposes of residence instructions, that is the holder of a Long Term Skills Shortage visa must hold that visa for a period of 24 months.

~A visa granted under WR3.15.5 does not prevent an applicant from applying for a subsequent visa under WR3.15.1 if those requirements are met.

Appendix 4: Amendments to Residence instructions effective on and after 1 November 2021

RW2 Residence instructions for holders of work visas granted under the Talent (Accredited Employers) work instructions

Holders of visas granted under the Talent (Accredited Employers) work instructions may be granted a residence class visa where:

- a. they have held a work visa granted under the Talent (Accredited Employers) work instructions for a period of at least 24 months; and
- b. during the currency of that visa they have been employed in New Zealand throughout a period of 24 months:
 - i. by any accredited employer as defined at [WR1.20](#); or
 - ii. by an employer who is no longer an accredited employer as defined at [WR1.20](#) but the visa was granted to allow work for that employer on the basis of the employment meeting the requirements of [WR1.10.1](#); or
 - iii. by an employer who is no longer an accredited employer as defined at [WR1.20](#) but the visa was granted to allow work for that employer on the basis of the employment meeting the requirements of [WR1.30.5\(a\)\(iv\)](#); or
 - iv. by an employer(s) who is not an accredited employer as defined at [WR1.20](#), provided that during the period of that employment the conditions of the applicant's visa were varied to allow them to work for that employer(s) in line with [E3.26.1.10](#); or
 - v. by any accredited employer as defined at [WR1.20](#), whose accreditation is rescinded or not renewed during the currency of that visa, provided the employment continued to meet the following requirements:
 - o the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
 - o the offer of employment must meet the requirements of [WR1.10](#), except [WR1.10\(a\)](#), and (g) where (c)(i) below applies; and
 - o employers must meet the requirements under [W2.10.6](#) and [W2.10.10](#); and
- c. they have employment in New Zealand with a minimum base salary of:
 - i. NZ\$55,000 per annum if the associated work to residence visa application ([WR1](#)) was made before 7 October 2019; or
 - ii. NZ\$79,560 per annum if the associated work to residence visa application ([WR1](#)) was made on or after 7 October 2019 [unless \[WR1.30.5\]\(#\) applies](#); and
- d. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and
- e. they meet health and character requirements (see [A4](#) and [A5](#)).

Note:

~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a residence class visa.

~ For the avoidance of doubt, the minimum base salary excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

~ Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

~ The associated work to residence visa application is the application that resulted in a work visa that the applicant has held for a period of at least 24 months (RW2(a)) and on which the application for residence is based.

RW4 Residence instructions for holders of work visas granted under the long term skill shortage list work instructions

Holders of visas granted under the long term skill shortage list work instructions may be granted a resident visa where:

- a. they have held a work visa granted under the long term skill shortage list work instructions for a period of at least 24 months; and
- b. they have employment with a minimum base salary of NZ\$45,000 per annum that is either:
 - i. in an occupation that was on the Long Term Skill Shortage List when they were granted a work visa under the long term skill shortage list work instructions; or
 - ii. in an occupation that is on the long term skill shortage list at the time their application for a resident visa is made; or
 - iii. in an occupation that meets the requirements of [WR3.15.5\(a\)\(iv\)](#); and
- c. they hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed in New Zealand; and
- d. they meet health and character requirements (see [A4](#) and A5).

Notes:

~ Applicants under these instructions must be in New Zealand at the time they lodge their application for a resident visa.

~ For the avoidance of doubt, the minimum base salary excludes employment related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of 40 hours' work per week.

RW4.5 Evidential requirements

Applications for residence class visas under the Residence instructions for holders of work visas granted under the long term skill shortage list work instructions must include:

- a. Evidence that the applicant has been employed in New Zealand for a period of at least 24 months in:
 - i. an occupation that was listed on the long term skill shortage list at the time their visa was granted under the long term skill shortage list work instructions; or
 - ii. an occupation that meets the requirements of [WR3.15.5\(a\)\(iv\)](#); and
- b. Evidence of employment that meets the requirements set out at [RW4 \(b\)](#) and [RW4.1](#); and
- c. Evidence that the applicant holds full or provisional registration, if full or provisional registration is required to practice in the occupation in which they have employment.