



File Ref: SDE-32

IMMIGRATION NEW ZEALAND
INTERNAL ADMINISTRATION CIRCULAR NO: 11/02

To:	All Immigration New Zealand Managers	Date: 7 February 2011
	All Immigration New Zealand Staff	
	MFAT Posts	

Specific Purpose or Event Work Instructions (WS3.1)

Purpose

1. The purpose of this Internal Administration Circular (IAC) is to clarify the procedures for processing applications under the Specific Purpose or Event work instructions (WS) for entertainers, performing artists and associated support personnel, film and video production and post-production crew, producers, and directors.

Context

2. The process that has emerged over time for these instructions involves employers, production companies or promoters seeking guild or union approval (via a letter of non-objection) prior to the applicant lodging their visa application with Immigration New Zealand. However, the original intention of the instructions wording was a 'silent approval' process under which there is no obligation to attach a letter of support to a visa application.
3. On 7 February 2011 new forms and guides will be introduced to make it clear that a 'silent approval' process should be followed for professional association/union/guild involvement. The onus is on an industry professional association, union or guild to object to a visa application (they have three working days to do so after they receive the information from the employer, production company or promoter), rather than the onus being on the employer, production company or promoter to seek prior guild or union approval through a letter of non-objection.

Instruction Amendment

4. WS3.1 has been amended to clarify the intent of these instructions. Producers, promoters, or employers are now required to demonstrate that the applicant meets **one** of the criteria under WS3.1 (a).

a. Employers, promoters, agents or producers must provide, and immigration officers must be satisfied with, the following evidence and information:

- i. that the applicant is of international distinction or merit, or particular ethnic significance, or is manifestly essential to the presentation or production; **or***
 - ii. that the applicant's employment does not put at risk the employment of New Zealand entertainers or professionals in equivalent work unless the wider benefits to be obtained from the applicant's employment outweigh the loss of job opportunities for New Zealanders; **or***
 - iii. that they have given appropriate consideration to employing available New Zealand entertainers or professionals.*
5. WS3.1.1 requires producers, promoters, or employers to demonstrate that they have submitted the evidence required under WS3.1 (a) to the relevant professional association, union, or guild.

New work visa application form

6. A new work visa application form - *Performing Artists, Entertainers and Entertainment Industry Personnel Work Visa Application (INZ 1187)* is now available and can be downloaded from the INZ website. This form is divided into two parts. The applicant has to complete the Work Visa application (sections A to J) and the employer/production company/promoter must complete the supplementary form (sections K and L). Guides to completing both the application form and the supplementary form are located after each form. Examples of the documentation required are provided in the supplementary guide.
7. A copy of the completed supplementary form along with supporting documentation must be provided by the employer/production company/promoter to the relevant professional association, union, or guild (as well as to Immigration New Zealand). Within the form, the applicant will also be required to confirm the date they have provided the required evidence to the relevant professional association, union or guild. No further confirmation of receipt of the form from the union or guild is required.

Objection

8. The instructions allow the relevant professional association, union or guild three working days (New Zealand working days) to object to the application. The three working days are calculated from the date the required evidence is provided to the relevant professional association, union or guild by the applicant's production company or promoter (as indicated on the application form). For example, if it is indicated on the application form that the required evidence has been provided to the relevant union or guild more than three working days before the application is submitted and no objection is received in the mailbox, then the application can be processed on the day it is received.
9. A mailbox has been set up by Operations Support to field objections from the professional associations, guilds or unions (union&guild.objection@dol.govt.nz). London Branch will also have access to the mailbox. While Operations Support will monitor the mailbox on a daily basis, it is important for the branch in receipt of an application to contact Operations Support when an application is received and again after three working days.
10. Should an objection be received within the three working day timeframe the respective Immigration Officer is required to send a case summary via email to ReaLM (the Residence and Labour Market team at Operations Support) that contains the following information:

- Name, date of birth and client/application number of applicant
 - Details of the offered position or role, including the proposed start and end dates
 - A summary of the two opposing positions
 - Supporting evidence provided by the employer/production company/promoter
 - The objection letter/email from the union/guild.
11. Should an objection be received before an application is submitted and it is clear where the application will be submitted, Operations Support will contact the respective branch and advise them to send a case summary once the application is received. If it is not clear where the application will be submitted an email will be sent to the Technical Adviser network.
12. If the issue cannot be resolved through consultation, Operations Support will forward the case summary to the Minister of Immigration for a decision.

Letter of support

13. Notwithstanding the objection provisions in the instructions, if a letter of support from the relevant union or guild is submitted with the application, the application can be processed immediately.

Simon Smith
Manager – Operations Support
Visa Services