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**IMMIGRATION NEW ZEALAND
INTERNAL ADMINISTRATION CIRCULAR (IAC) NO: 11/06**

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| To: | Immigration New Zealand, all Managers | Date: 18 July 2011 |
| | Immigration New Zealand, all Staff | |
| | MFAT Posts | |

**SKILLED MIGRANT CATEGORY: 25 JULY 2011 CHANGES TO
IMMIGRATION INSTRUCTIONS**

Please **READ** this information and ensure that all staff members who process Skilled Migrant Category (SMC) Expressions of Interest (EOI) and residence applications are aware of what is required of them.

It is recommended that this IAC be read in conjunction with Amendment Circular 11/12

Part A – Introduction

1. The purpose of this IAC is to advise staff and managers of changes to the EOI system and provide guidance on how to:
 - a. manage EOIs that are under process or where an invitation to apply (ITA) has been issued as at 24 July 2011; and
 - b. manage SMC applications submitted (i.e. lodged in the prescribed manner) on and after 25 July 2011 to which the grand-parenting provisions apply.

Background

2. Immigration instructions to come into effect on 25 July 2011 were announced by amendment circular 11/12 on 8 July 2011. These changes relate to:
 - a. greater points differentiation between high-level and low-level qualifications for principal and secondary applicants; and
 - b. only awarding bonus points for New Zealand qualifications to applicants who have studied in New Zealand for a minimum duration and have obtained a bachelor degree or higher; and
 - c. removing the ability of dependents of SMC Job Search visas (formally known as SMC Work to Residence visas) to automatically be granted work, student, or visitor visas; and
 - d. removing the ability of applicants with qualifications on the Long-Term Skill Shortage List (LTSSL) to automatically qualify for residence without an offer of skilled employment.

Recognised qualification points changes

3. The following changes will be made to points awarded for recognised qualifications:

a. Principal applicant's qualification

| Qualification on the NZ Qualification Framework (NZQF) | Current | From 25 July 2011 |
|--|---------|-------------------|
| Levels 3–6* | 50 | 40 |
| Levels 7–8 | 50 | 50 |
| Levels 9–10 | 55 | 60 |

*Level 3 must be on the List of Qualifications Recognised as an Exception.

b. Partner's qualification

| Qualification (NZQF) | Current | From 25 July 2011 |
|----------------------|---------|-------------------|
| Levels 3-6* | 20 | 10 |
| Levels 7 -10 | 20 | 20 |

*Level 3 must be on the List of Qualifications Recognised as an Exception.

c. New bonus points and requirements (existing requirements have been replaced)

| Bonus points awarded for New Zealand qualifications | Points |
|--|--------|
| 2 years of full-time study in New Zealand completing a recognised bachelor degree (level 7) New Zealand qualification | 10 |
| 1 year of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification (levels 8 – 10) | 10 |
| 2 years of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification (levels 9-10) | 15 |

Grand-parenting provisions

4. To ensure that the transition to the new instructions is managed smoothly and no current students are disadvantaged, Cabinet agreed that transitional instructions be put in place.

5. New provisions at *SM14.10.1 New Zealand qualifications* and *SM17.5 Bonus points for a partner's recognised qualifications* will come into effect on 25 July 2011 (see Appendix One). These provisions will allow for the award of 50 and 20 points respectively for New Zealand qualifications at levels three, four, five or six on the New Zealand Qualification Framework if:

- the qualification would have met the requirements for the award of points under the Skilled Migrant Category instructions that were in effect on 24 July 2011; and
- the principal applicant or partner of the principal applicant had:

- a. completed the qualification before 25 July 2011, or
 - b. commenced the course of study, resulting in the qualification for which they are claiming points, before 25 July 2011.
6. Evidence of commencement of the course of study before 25 July 2011 must align with student instructions. This means an applicant cannot claim the higher amount of points if they did not hold a valid student visa to undertake that specific course on 24 July 2011. Evidence that the course itself (not a pre-requisite for the course or English language course) had commenced must also be provided.
 7. Transitional instructions at SM15.5.1 for the award of bonus points for New Zealand qualifications will also come into effect on 25 July 2011 (see Appendix two). This will allow for the award of points under the previous instructions for any qualifications completed before 25 July 2011 or commenced on 24 July 2011.

Current EOI and Invitations to Apply (ITA) as at 25 July 2011

8. Any person with an EOI under consideration (from 'submitted' through to 'ITA Pending') or holding a valid ITA as at 25 July 2011 will not be affected by the qualification points changes under the new instructions. This means if they are invited to submit an application and do so after 25 July 2011 their qualifications will be assessed under the previous immigration instructions. Any points claimed for qualifications, partner qualifications, and/or bonus points for New Zealand qualifications will be, subject to credibility and/or verification checks, retained and carried through to application stage.
9. Applicants will not be required to make any adjustments to their EOI as system changes to sections F and M have been made and will come into effect on 25 July 2011. Applicants will be contacted and advised the points changes will not affect them and if they intend making an amendment under sections F or M to read the directions carefully to avoid losing points.
10. The EOI system changes will also allow anyone who submits an EOI **on or after 25 July 2011** and falls within the New Zealand qualification grand-parenting provisions noted above to claim the correct amount of points. For example, if a person submits an EOI on 30 November 2012 after having commenced a level 6 diploma at a New Zealand polytechnic on 1 March 2011 and completing it on 31 October 2012, then the EOI system would allow them to claim 50 points for their qualification (SM14.10.1).

Management of SMC applications

11. Due to the current AMS system settings it is not possible to provide two concurrent fully functioning versions of the qualifications, partner qualifications, and NZ qualification bonus points determination questions. Therefore, when answering these determination questions for applications made on or after 25 July 2011 the qualification points awarded will reflect the amended instructions that come into effect on 25 July 2011. For example, if a level 6 qualification is selected in the drop down box for 'recognised qualifications', the system will award 40 points. This will affect applicants who submit an application on or after 25 July 2011 to whom the New Zealand qualification grand-parenting provisions apply and those who have an EOI under consideration or a valid ITA as at 24 July 2011. While the system will incorrectly allocate lower points for these affected applicants this will not affect whether they proceed directly to residence (tier one) or be considered under tier two.
12. To ensure that the correct points are recognised for these applicants the process below must be followed:

| If the principal applicant | and... | then add the following note to 'application notes' |
|---|-----------------------------|---|
| has a level 3- 6 qualification | AMS awards 40 points | <i>"50 points should be awarded given that the instructions in effect prior to 25 July 2011 allow for the award of 50 points for the PA's recognised qualification – see IAC 11/06".</i> |
| has a partner included in the application and who has a level 3-6 qualification | AMS awards 10 points | <i>"20 points should be awarded given that the instructions in effect prior to 25 July 2011 allow for the award of 20 points for the partner's recognised qualification – see IAC 11/06".</i> |
| has claimed 5 bonus points for two years study in NZ towards a recognised qualification and/or 10 points for a level 4-6 NZ qualification | No points awarded under AMS | <i>"5/10/15 points [select correct total] should be awarded given that the instructions in effect prior to 25 July 2011 allow for the award of 5/10/15 NZ qualification bonus points– see IAC 11/06".</i> |

13. It is important that this aspect is noted and taken into consideration when determining whether an applicant has a sufficient points total to have their application approved [by satisfying SM4.5(b)(i) or (b)(ii) or SM4.5(c)].

14. Note that for any SMC application raised and accepted on AMS **before** 25 July 2011 the determination questions will not change and reflect the instructions that were in effect up to and including 24 July 2011.

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Appendix one: SMC instructions

SM14.10 Points for recognised qualifications

Qualifications are recognised and qualify for points as follows:

- a. Qualifications assessed as occupying levels nine and ten on the NZQF qualify for 60 points.
- b. Qualifications assessed as occupying levels seven, or eight on the NZQF qualify for 50 points.
- c. Qualifications assessed as occupying level five or six on the NZQF qualify for 40 points.
- d. Qualifications assessed as occupying level four on the NZQF qualify for 40 points by inclusion in the List of Qualifications Exempt from Assessment (see [Appendix 3](#)) if they meet the requirements specified in that list.
- e. Qualifications assessed as occupying level four on the NZQF qualify for 40 points if they are assessed by the NZQA and are:
 - i. relevant to an occupation listed at part B or part C of the List of Skilled Occupations (see [Appendix 6](#)); and
 - ii. not included on the list of Excluded Qualifications (see SM14.10.5).
- f. Qualifications assessed as occupying level three on the NZQF that are included on the List of Qualifications Recognised as an Exception (see SM14.10.10), and meet the requirements specified in that list, qualify for 40 points.
- g. Points are provided for:
 - i. one qualification only; or
 - ii. two or more qualifications assessed in combination.

Note: Points for recognised qualifications are not cumulative. A principal applicant may qualify for only 40, 50, or 60 points. For example, if an applicant has two level nine qualifications on the NZQF they may still only qualify for 60 points.

Note: A qualification will not be recognised if gained while in a country where the principal applicant was either an unlawful resident or required authority to study, but did not have such authority.

SM14.10.1 New Zealand qualifications

Despite SM14.10, SM14.10.5 and SM14.10.10, a New Zealand qualification at levels three, four, five or six on the NZQF qualifies for 50 points if:

- a. it would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and
- b. the principal applicant completed the qualification before 25 July 2011 or the principal applicant had commenced a course of study, resulting in the qualification for which they are claiming points, on 24 July 2011.

SM14.10.5 Excluded qualifications

The qualifications listed below are excluded from recognition under the Skilled Migrant Category and do not qualify for points. This list may be amended by the deletion or addition of qualifications from time to time, as approved by the Minister of Immigration.

- Level four qualifications that are not a New Zealand National Certificate (or compared to a New Zealand National Certificate by the NZQA).
- Any English for Speakers of Other Languages (ESOL) qualification.

Note: Immigration officers must ensure that the qualification is a National Certificate or comparable to a National Certificate and may refer to the following for confirmation:

- ~ the www.nzqf.govt.nz website,
- ~ written confirmation provided by the New Zealand Qualifications Authority (NZQA) to the Tertiary Education Provider confirming the qualification is a National Certificate,
- ~ a NZQA International Qualification Assessment (IOA); or
- ~ a NZQA Qualifications Assessment Report (QAR).

SM14.10.10 Qualifications recognised as an exception

The qualifications included in the list held at [Appendix 8](#) are recognised for the award of points as an exception under the Skilled Migrant Category.

Qualifications in this list, awarded by an institution included in this list, do not require assessment by the New Zealand Qualifications Authority.

SM17 BONUS POINTS: PARTNER'S RECOGNISED QUALIFICATIONS

SM17.1 Aim and intent

The aim of providing bonus points for a partner's recognised qualification(s) is to recognise such qualifications as an indicator of the likely contribution of the whole migrating family.

SM17.5 Bonus points for a partner's recognised qualifications

- a. Recognised qualifications (see SM14.5) held by the partner of a principal applicant qualify for the following points:

| Level on the New Zealand Qualification Framework | Points |
|--|--------|
| three – must be on the List of Qualifications Recognised as an Exception (SM14.10.10) four - must be recognised in SM14.10 (e) five, or six. | 10 |
| seven to 10 | 20 |

- b. A partner's recognised qualification only qualifies for points under this provision if:
- the partner is included in the application; and
 - the partner meets the English language requirements for principal applicants (see SM5.5); and
 - an immigration officer is satisfied that the principal applicant and their partner have been living together for 12 months or more in a partnership that is genuine and stable (see F2.10.1) and otherwise meets Partnership Instructions (see F2.15).
- c. Despite (a), if a partner of a principal applicant holds a recognised New Zealand qualification at levels three, four, five, and six on the NZQF, they will be eligible for 20 points if:
- the qualification would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and
 - the qualification was completed before 25 July 2011 or they had commenced a course of study, resulting in the qualification for which they are claiming points, on 24 July 2011.

Appendix Two

SM15.5 Bonus points for New Zealand qualifications

- a. A recognised New Zealand bachelor degree (level seven on the NZQF) (see SM14.5) requiring a minimum of two years of full-time study in New Zealand qualifies for 10 points, providing the full-time study was over four semesters during a period of at least 16 months.
- b. A recognised post-graduate New Zealand qualification requiring a minimum of one year of full-time study in New Zealand (levels eight, nine, or 10 on the NZQF) (see SM14.5) qualifies for 10 points.
- c. A recognised post-graduate New Zealand qualification requiring a minimum of two years of full-time study in New Zealand (level nine or ten on the NZQF) (see SM14.5) qualifies for 15 points.
- d. Qualifications gained with New Zealand Aid Programme funding will not qualify for bonus points.
- e. Despite (a), (b), and (c) above, the principal applicant will be eligible for New Zealand qualification bonus points under SM15.5.1 if they:
 - i. gained the qualification before 25 July 2011; or
 - ii. had commenced a course of study towards a recognised New Zealand qualification on 24 July 2011.

SM15.5.1 Bonus points for New Zealand qualifications commenced in or completed before 25 July 2011

- a. Two years of full-time study in New Zealand towards a recognised New Zealand qualification qualifies for five points, providing the full-time study was over four semesters during a period of at least 16 months.
- b. A recognised basic New Zealand qualification from level four up to and including level eight on the NZQF qualifies for five points.
- c. A recognised post-graduate New Zealand qualification that is at level nine or ten on the NZQF qualifies for 10 points.

Note: Applicants who hold a recognised basic New Zealand qualification and a recognised post-graduate New Zealand qualification are entitled to claim bonus points for both qualifications.

SM15.5.5 Definition of 'full-time study' for the purpose of the Skilled Migrant Category

For the purposes of awarding bonus points for two years of full-time study in New Zealand towards a recognised New Zealand qualification under the SMC, study undertaken in New Zealand is defined as full-time where:

- a. an undergraduate student at a tertiary education institution was enrolled in at least three papers per semester; or
- b. a post-graduate student at a tertiary education institution was enrolled in either a course of study:
 - i. that resulted in at least 100 credits per calendar year; or
 - ii. with a workload of at least 20 hours per week; ora student at a private training establishment was enrolled in a course of study that required attendance for a minimum of 20 hours per week.