



IMMIGRATION NEW ZEALAND
INTERNAL ADMINISTRATION CIRCULAR NO: 13/04

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| To: | Immigration New Zealand, all Managers | Date: 3 May 2013 |
| | Immigration New Zealand, all Staff | |

OCCUPATIONS REQUIRING NEW ZEALAND REGISTRATION BY LAW IN ORDER TO
UNDERTAKE EMPLOYMENT IN NEW ZEALAND

Please **read** this information and ensure that all staff members who may be affected are aware of what is required of them.

Purpose

1. The purpose of this Internal Administration Circular (IAC) is to clarify how the New Zealand occupational registration requirements for people applying to work in New Zealand apply to temporary entry class work visa instructions, the Skilled Migrant Category (SMC) and the Long Term Business Visa Category (LTBVC).
2. This IAC replaces "IAC 07/20 Occupations requiring New Zealand registration by law in order to undertake employment in New Zealand" issued on 28 September 2007.

Background

3. The aim of requiring occupational registration is to ensure that applicants seeking employment in New Zealand in occupations for which registration is required by law have the ability to undertake that employment (see *SM19.1 Aim and intent*).
4. Temporary entry class work visa instructions, SMC and LTBVC require that applicants obtain registration if they are seeking employment in New Zealand in occupations for which registration is required. See *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements*.
5. A person applying to enter New Zealand to work in an occupation listed at *SM19.5 Occupations requiring registration* requires full or provisional registration with the appropriate New Zealand body in order to undertake the employment offered.
6. Provisional registration allows a person to undertake the employment offered but usually in a restricted way, sometimes by way of supervision. People with provisional registration do, however, have the lawful ability to undertake the employment offered in New Zealand.

Occupational registration (full or provisional)

7. Provided an applicant is registered with the appropriate New Zealand registration body, they are lawfully able to undertake the employment offered, and would meet the requirements of *SM19.5 Occupations requiring registration*.
8. The term used to describe the type of registration is irrelevant to the decision as to whether a person is appropriately registered (i.e. full registration, provisional registration, provisional licence, limited certificate, limited licence, notification of exemption under supervision).
9. The decision as to whether a person is appropriately registered is dependent on whether the type of registration enables the person to work in that employment lawfully in New Zealand for any period of time (when registration is required in New Zealand for that employment).
10. Registration demonstrates that the person has the ability to undertake the employment in New Zealand and that their skills can be transferred to New Zealand.
11. A person with provisional registration of any type can provide services but usually in a restricted way, sometimes by way of supervision. People with provisional registration do however have the lawful ability to undertake the employment offered in New Zealand. They are therefore considered to meet the registration requirements of *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements*.

Certificates of Exemption under Supervision

12. A person who holds an “Exemption under supervision” has the lawful ability to undertake the employment offered in New Zealand, with the condition of supervision. They are therefore considered to meet the registration requirements of *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements*.

Employer registration

13. Individual occupational registration is not necessary to meet the immigration instructions at *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants*. There are instances where an employer holds an “Employer Licence” (i.e. for Electrical registration). In such instances, an employee who is offered employment with an employer who holds an “Employer Licence” is not required to hold individual registration to undertake the employment offered.
14. An employee who is not registered but who is employed with an employer who holds an “Employer Licence or Registration” meets the immigration instructions at *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants*
15. Public registers are available to search for employers that hold an Employer Licence.
 - For electrical class workers at:
<http://ewr.dbh.govt.nz/PublicRegister/EmployerSearch.aspx>
 - For plumbers, gasfitters and drainlayers at:
<https://www2.pgdb.co.nz/PGDB/PublicRegister.aspx>

Provisional registration issued for a specific period of time

16. Current temporary entry class work and LTBV visa instructions provides for work visas to be granted for the period for which employment is offered, up to three years.
17. A person who holds provisional registration and meets all other immigration instructions may be granted a work visa for up to three years, regardless of the length of period for which that provisional registration has been issued.

18. Similarly, a person who holds provisional registration and meets all other immigration instructions for SMC, may be granted a residence class visa, regardless of the length of period for which that provisional registration has been issued.
19. This is because people with provisional registration have the lawful ability to undertake the employment offered in New Zealand (see paragraphs 9 – 14 above on *Occupational Registration*).

Registration not required

20. If the employer/applicant claims that registration is not required and staff are unsure of the requirements, staff may request that the applicant/employer provide a letter from the relevant Registration body advising that registration is not required for that particular position in order to undertake the work lawfully in New Zealand.

Checking with the relevant Registration body

21. Staff should check with the relevant Registration body if they are unsure whether the evidence of registration presented by the applicant allows the person to work in that employment lawfully in New Zealand.

Practising certificates

22. Practising certificates are issued in New Zealand for specific occupations (e.g. Nurse, Lawyer and Teacher) and are generally issued on an annual basis. For the purposes of *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements*, a practising certificate does not affect registration status.
23. It is the responsibility of the employer to have procedures to regularly check the validity of practising certificates for their staff, not just on first appointment but throughout their employment.
24. A practising certificate is not relevant to the decision on whether registration requirements have been met. Therefore, a person who has full or provisional registration and does not hold a practising certificate or holds a practising certificate for a specific period of time may be granted a work visa for up to three years or a residence class visa, regardless of the length of period for which that practising certificate has been issued.

Allocation of points for Skilled Migrant Category (SMC)

25. Where a person is assessed as meeting the registration requirements of *SM19.5 Occupations requiring registration* and therefore has the legal authority to undertake the employment, this does not then determine that points can be awarded for skilled employment, qualifications, work experience or the requirements of the Long Term Skill Shortage List (LTSSL) under SMC. The award of points for these factors is determined by the relevant immigration instructions.

Essential Skills in Demand (ESID) lists

26. The ESID lists specify the particular New Zealand registration requirements (and qualifications and work experience) required to fill skill shortages in New Zealand.
27. When determining whether an applicant meets the registration requirements of the ESID list, the rules for assessing whether the applicant holds full or provisional registration used for *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements* (see paragraphs 9 - 14 above on *Occupational Registration*) do not apply. The applicant must hold the particular New Zealand registration specified on the relevant ESID list.
28. For example, the current LTSSL (dated February 2013) requires that an Electric Line Mechanic holds “New Zealand registration as a Line Mechanic with the Electrical

Workers Registration Board (EWRB)". The EWRB has a number of classes of registration. This includes (but is not limited to):

- Electrician;
- Line Mechanic;
- Limited Certificate.

29. To meet the LTSSL requirements as a Line Mechanic, an applicant must therefore hold registration as a Line Mechanic. A Limited Certificate does not meet this requirement as although it enables the applicant to lawfully undertake the employment offered as required by *SM19.5 Occupations requiring registration* and *W2.10.1(b)(ii) Requirements for applicants* and *BC3(c) Summary of requirements*, it does not meet the LTSSL requirements of "New Zealand registration as a Line Mechanic with the EWRB".

Further examples

30. An Electrician working for an employer with an "Employer Licence" is not required to hold individual electrical registration and the applicant would be able to legally work in New Zealand. The registration requirements of *SM19.5* and *W2.10.1(b)(ii)* would be met.
31. A Plumber with a "Limited Licence" issued for a 12 month period would be legally able to work in New Zealand. The registration requirements of *SM19.5* and *W2.10.1(b)(ii)* and *BC3(c)*, would be met.
32. A Nurse with full registration holds an annual practising certificate. The registration requirements of *SM19.5* and *W2.10.1(b)(ii)* and *BC3(c)* would be met.

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Disclaimer

Every care has been taken to ensure the information in this circular is accurate and current as at the date of this circular. The information on this circular is to assist you; however applications will be assessed by Immigration New Zealand according to the published Operational Manual. This circular is not a substitute for the Operational Manual.