

VISA PAK ISSUE 484 — 01 OCTOBER 2021

ESSENTIAL SKILLS WORK VISA APPLICATIONS: REMOVAL OF OVERSUPPLY AND UNDERSUPPLY LISTS

The Ministry of Social Development (MSD) is removing the oversupply lists with effect from 1 October 2021 and will remove the undersupply lists in late 2021 (further information will follow on the removal of the undersupply lists once the date for this change is known).

The oversupply and undersupply lists were introduced in October 2020 in response to COVID-19 as a temporary measure, to streamline MSD's advice to INZ on the availability of New Zealand jobseekers for job vacancies. This advice forms part of the assessment of the labour market test (LMT) for Essential Skills work visa applications, where a labour market is required.

The presence of an occupation on the oversupply list constituted advice from MSD (Work and Income) that there are New Zealand jobseekers available for the role, whereas the presence of an occupation on the undersupply list indicates that there are no New Zealand jobseekers available.

For roles not on either list, employers, MSD and INZ continued with the normal SMR process as part of the Labour Market Test.

As per WK1.5.10, a labour market test is not required if the applicant is remaining in their current full time employment and not changing their role, employer or region of work.

Removal of the Oversupply List from 1 October 2021

If a labour market test is required, Immigration Officers will still need to consider advice from Work and Income for jobs paying below the median wage.

For occupations that were on the oversupply list, MSD will now provide their advice in the form of a Skills Match Report (SMR), as they currently do for other occupations.

If a labour market test is needed, employers are still required to make genuine attempts to attract and recruit New Zealanders before the job is offered to a migrant. Removing the oversupply list restores the ability of an employer to obtain an SMR for roles that were previously on the oversupply list.

As is current practice, Immigration Officers will need to consider the information provided by MSD in the Skills Match Report in conjunction with the employer's wider attempts to recruit New Zealanders to determine if the LMT has been met.

Removal of the undersupply list later in 2021

Removal of the undersupply list in late 2021 will reinstate the requirement on employers to obtain a Skills Match Report for all roles paid below the median wage where a labour market test is required

Until the undersupply list is removed, employers do not need to provide an SMR to support an Essential Skills Work Visa application for these roles.



Applications lodged prior to 1 October 2021

Applications lodged prior to the removal of the Oversupply List are not likely to have a Skills Match Report from MSD.

Immigration Officers will need to consider all of the information available to determine if the LMT has been met, including but not limited to:

- i. the employer's case in support of an individual worker's application;
- ii. evidence of a genuine attempt on the part of the employer to recruit New Zealand workers by way of advertising and/or use of other appropriate avenues of recruitment likely to attract New Zealand workers;
- iii. advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered; and
- iv. advice from relevant stakeholders within the particular industry, including unions.

Immigration Officers will need to continue to weigh and balance all of the above factors and consider the specific evidence provided with each application.