

VISA PAK ISSUE 487 — 01 NOVEMBER 2021

Talent (Accredited Employer), Long Term Skill Shortage List and Silver Fern Practical Experience Work Visa Categories Closed to Most Applicants

On 4 July 2022, the new Accredited Employer Work Visa will replace a suite of existing employer-assisted work visas. As part of the transition to this new visa and system, some of the existing work visa categories closed on 31 October 2021. The purpose of this Visa Pak is to give an overview of the changes.

Talent (Accredited Employer) and Long Term Skill Shortage List work to residence visas closed to most applications on 31 October 2021

The Talent (Accredited Employer) (TAE) and Long Term Skill Shortage List (LTSSL) work to residence visas closed to most applications on 31 October 2021. This was announced in May this year. Applications remain open for some existing and previous work to residence visa holders who make an application for a further visa, in order to maintain their pathway to residence.

Applicants that are waiting for their residence from work application to be processed

Applications for a subsequent TAE or LTSSL work visa remain open after 31 October 2021 for applicants waiting for their residence from work application to be processed. Residence instructions require the applicant to *hold* the relevant work to residence visa for a resident visa to be granted, so keeping work visa applications open for these people is required to maintain their pathway to residence. These applicants must:

- hold a TAE or LTSSL work visa at the time they apply for a further work to residence visa, and
- have made an application for residence under the TAE or LTSSL residence from work instructions, and a decision on that application has yet to be made.

See immigration instructions WR1.30.1 and WR3.15.1 for further details. The amended instructions are in Amendment Circular 2021-47 and will be updated in the operational manual in due course.

Applicants that have been unable to return to New Zealand to complete 24 months of employment

Some TAE and LTSSL work visa holders began employment in New Zealand, before departing and then have been unable to return to New Zealand because of border closures. Applications for a subsequent TAE or LTSSL work visa remain open after 31 October 2021 to allow these people to restart their pathway to residence and complete the 24 months of employment in New Zealand that is required. These applicants must:

- have started employment in New Zealand while holding a TAE or LTSSL work visa, and
- have departed New Zealand before 19 March 2020 and returned after 31 October 2021, and
- be in New Zealand when they apply.

See immigration instructions WR1.30.5 and WR3.15.5 for further details. The amended instructions are in Amendment Circular 2021-47 and will be updated in the operational manual in due course.

Silver Fern Practical Experience visa closed to all applicants on 31 October 2021



The Silver Fern scheme is also being replaced by the new Accredited Employer Work Visa. The Silver Fern Job Search work visa closed permanently in 2019, and the Silver Fern Practical Experience work visa closed permanently on 31 October 2021.

Applications received after 31 October 2021

- Applications that are made on or before 31 October 2021 can continue to be processed and assessed under the instructions that were in place at the time the application was made.
- Paper applications received after 31 October 2021 that do not appear to meet the requirements for applying for a further visa must not be accepted.
- Note that while information on the website will clearly reflect the closure date and the requirements for applying for a further visa, some online applications that do not meet those requirements may still be received and accepted by the online system after 31 October. The usual process can be followed for these applications, that is the concern should be raised with the applicant and the application either withdrawn (at the applicant's request), or continued to be assessed under the instructions effective at the time the application was made, which the application would not meet.

Additional transitional arrangements for Talent (Accredited Employer) work visas

Applications for Employer Accreditation under the Talent (Accredited Employer) policy closed to all employers on 30 June 2021. This means that the pool of accredited employers is getting smaller. To minimise the impact of this on TAE work visa holders, the following changes have been made to immigration instructions:

- Applications for a TAE can now be approved if the employer's accreditation expired after the application was lodged. Although the TAE category closed on 31 October 2021, these instructions can be applied to on-hand applications that have not yet been decided.
- TAE work visa holders can now apply to vary the conditions of their visa to work for an employer whose accreditation expired after 31 March 2021. These instructions can also be applied to on-hand Variation of Conditions applications that have not yet been decided.

See immigration instructions WR1.10.1 and E3.26.1.10 for further details on these changes. The amended instructions are in Amendment Circular 2021-47 and will be updated in the operational manual in due course.

Residence from work instructions

Changes to residence from work instructions have been made to ensure that the pathway to residence for TAE and LTSSL work visa holders is maintained, in line with all the changes outlined above.