

VISA PAK ISSUE 228 — TYPE FULL DATE HERE

ASSESSING ESSENTIAL SKILLS APPLICATIONS FOLLOWING AN APPROVAL IN PRINCIPLE REQUEST

Employers who have applied for an Approval in Principle (AIP) may support Essential Skills work visa applications lodged outside of the AIP criteria. If there has been a recent AIP request (approved or declined) the immigration officer must read the notes and letters associated with the AIP application to see if there are any outstanding issues that need to be addressed in the current work visa application.

Under Essential Skills instructions, an immigration officer must be satisfied three key requirements relating to the employer and job offer are met. The requirements can be assessed either as a part of an AIP or part of an individual Essential Skills work visa application. They can be found in full at WK2.1(b) i-ii for AIPs and WK2.5(b) ii-iv for individual work visa applications, but in summary are:

- there are no New Zealanders available
- the job offer is genuine, sustainable and full-time
- the employer has a history of compliance with immigration and employment law.

When an AIP is declined or granted with restrictive conditions, such as a short term visa or specific work experience, due to concerns about any of the above key requirements the same concerns are likely to be relevant to any individual Essential Skills work visa application. Therefore, the immigration officer should consider whether these concerns are still relevant and address them as part of the individual work visa assessment.

Examples

Some common scenarios are outlined below:

1. **AIP is declined and applications are submitted as individual Essential Skills work visas.** In this case, the immigration officer will need to review the declined AIP to assess whether or not the issues that led to the declined AIP are still relevant in the current Essential Skills application. If they are still relevant the immigration officer will need to address them as part of their assessment.
2. **AIP is approved but no places are filled as work visa applications are being submitted as individual Essential Skills work visas.** Before proceeding with the application the immigration officer should look at the AIP approval letter in AMS to see if there are any conditions on the approval (for example, a maximum visa validity of 12 months is specified). If these conditions have been imposed due to concerns about any of the three requirements above, the immigration officer should consider whether these concerns are still relevant.
3. **AIP is approved, places are filled and more applications are being submitted for the employer under Essential Skills instructions.** The immigration officer should check why the employer was not approved more places under their AIP. This may be mentioned in the AIP assessment notes or the approval letter. If the employer requested more places but they were not approved (for example, because there were New Zealanders available), the immigration officer should address this as part of their assessment.