

VISA PAK ISSUE 490 — 19 NOVEMBER 2021

## **ESSENTIAL SKILLS WORK VISA APPLICATIONS: REMOVAL OF UNDERSUPPLY LISTS**

The Ministry of Social Development (MSD) is removing the undersupply lists with effect from 22 November 2021.

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, for roles paying below the median wage (currently \$27 per hour as defined at WK3.5.1).

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

For roles not on either list, MSD will provide a 'Skills Match Report' (SMR) to indicate the availability of NZ jobseekers.

The oversupply list was removed on 1 October 2021 and the need for employers to engage with MSD and obtain an SMR was reinstated for occupations that were previously on the oversupply list, where the job is paying below the median wage and an LMT is required.

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

The removal of the undersupply list from 22 November will reinstate the need for employers to provide an SMR to support an Essential Skills work visa application, for jobs paying below the median wage where an LMT is required.

The labour market test requires employers to demonstrate that they have made genuine attempts to attract and recruit New Zealanders before the job is offered to a migrant, and this includes the employer's wider attempts to recruit New Zealanders (in addition to any engagement with MSD).

Applications lodged prior 22 November do not need a Skills Match Report from MSD, if the occupation was included on the undersupply list. As is current practice, the advice from MSD can be considered to indicate that there were no New Zealand jobseekers available for the role at the time of lodgement.



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

1. The employer's case in support of an individual worker's application;
2. 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;
3. Advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered; and
4. 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.