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SIGNIFICANT CHANGES TO NEW ZEALAND IMMIGRATION SETTINGS

New Zealand Immigration Minister, Hon Erica Stanford, announced wide sweeping immigration changes to New Zealand Immigration settings on Sunday, 7 April 2024. The changes will impact migrants in traditionally 'low skilled' roles and employers working in related industries. Higher skilled roles are not expected to be impacted by these changes.

Migrants currently holding valid Accredited Employer Work Visas or who have a submitted application in process are not immediately impacted but will need to meet the stricter requirements in subsequent applications or be required to depart New Zealand.

Migrants applying for an Accredited Employer Work Visa from today will need to meet the stricter requirements regardless of whether the Job Check was approved prior to the Minister's announcement.

The changes are explained in further detail below.

ACCREDITED EMPLOYER WORK VISA (AEWV) CHANGES

Reduced visa validity

From today, AEWV applicants in level 4 or 5 occupations, as dictated by the Australian and New Zealand Standard Classification of Occupations (ANZSCO) relied on by Immigration New Zealand, will receive shorter visas and have a reduced maximum length of time they can stay in New Zealand on an AEWV.

For roles paying at or above the AEWV median wage (currently \$29.66/hour) in ANZSCO level 4 or 5 occupations:

- The duration has been reduced to 2 years, with the ability to apply for a further 1-year visa with a new job check, and
- The maximum continuous stay duration has been reduced from 5 years to 3 years.

The reduced maximum continuous stay will also apply to some current AEWV holders working in ANZSCO level 4 or 5 occupations. Their current visa length will not change; however, they will no longer be able to apply for the balance of the five-year AEWV introduced last year if they have not already done so.

Once the maximum continuous stay duration is reached, a migrant must leave New Zealand for 12 months before they can return to New Zealand on a further AEWV for a Level 4 or 5 occupation, unless they meet the requirements for a longer duration or New Zealand Residence.

Workers in ANZSCO level 4 or 5 occupations who earn at least 1.5x the Skilled Migrant Category median wage (currently \$31.61/hour base rate) or who are in an occupation on the Green List or Sector Agreement Residence pathways are exempt from these changes due to their residence pathway.

Heightened requirements for AEWV applicants and Employers

Increased requirements for employers

Employers have always been expected to determine whether a migrant worker is suitably qualified and experienced for a role prior to hiring, as part of good business practices. However, to date, there has been no immigration requirement to this effect. Effective immediately, employers must take reasonable steps to ensure migrant workers are suitably qualified and meet a minimum skills and experience threshold before supporting an AEWV application.

If the vacancy is in an occupation at ANZSCO level 4 or 5, and is not paid 2x the median wage or on the Green List which would negate the need for labour market testing, employers will:

1. Need to advertise the vacancy for 21 calendar days, an increase from 14 days, on a suitable national listing website or advertising channel, and
2. Engage with Work and Income and provide confirmation from them of the results of that engagement, and
3. Require a minimum skills and experience threshold of 3 years' relevant work experience or a relevant Level 4 qualification or above, and take reasonable steps to ensure a person meets these requirements and is suitably qualified to do the job offered, and
4. Require a minimum standard of English (further detail below), and
5. Declare whether any suitable and available New Zealand workers were found, including any New Zealand workers who can readily be trained to do the work on offer, and provide reasons why New Zealand applicants (if any) were not suitable and/or available.

An employer is considered to have taken reasonable steps to ensure a person meets the minimum skills and experience threshold to do the job if they, or a third party such as a recruitment agency, have sighted one or more of the below:

- Evidence of relevant work experience from a third-party such as work references, payslips, tax certificates, or certificates of employment.
- A qualification certificate awarded to a person that is a bachelor's degree or higher specifying the qualification type and awarding institute.
- A relevant qualification certificate awarded to a person that specifies the qualification type and awarding institute and the employer reasonably believes it to be at least a Level 4 qualification. An NZQA Assessment must be provided with the applicant's Work Visa application.

If an employer utilises a third party to recruit on their behalf, they must ensure that party is completing these checks and keeping records of the steps taken.

New Employer Reporting Obligations

Accredited Employers must now notify Immigration New Zealand within 10 working days if an AEWV holder's employment ends if their last day of employment is more than a month before their visa expires.

Non-compliance with this new requirement can result in the suspension of an employer's Accreditation status, a decline of their renewal application and/or penalties including fines introduced by the new infringement scheme effective 11 April 2024.

This change will not apply to existing Accredited Employers until they renew or upgrade their Accreditation, meaning those employers who have not reported employee terminations to date are not adversely affected.

Increased requirements for migrants

All new AEWV applicants will be required to meet a minimum skill and experience threshold, as described above, and provide evidence of relevant qualifications and work experience to do the job applied for, with their application.

The only exceptions to this requirement are where the employment offered is for a Green List occupation (and the applicant meets the requirements as noted on the Green List), or where the employment offered includes remuneration to be paid at least twice the median wage rate.

Any migrants in ANZSCO level 4 or 5 occupations will now also need to meet a minimum standard of English.

A migrant meets the minimum standard of English language for an AEWV application if they meet one of the following requirements:



- Citizenship of Canada, the Republic of Ireland, the United Kingdom, or the USA, provided they have spent at least 5 years in work or education in one or more of those countries or Australia or New Zealand; or
- A qualification comparable to a New Zealand Level 7 bachelor's qualification gained in one of the countries above as a result of study undertaken for at least two academic years, or
- A qualification comparable to a New Zealand Level 8 qualification or above gained in one of the countries above as a result of study undertaken for at least one academic year, or
- An acceptable English language test result no more than two years old meeting the minimum test results below.

| Acceptable Test | Minimum Score Required |
|---|--------------------------------------|
| IELTS General or Academic | Overall Score of 4 or more |
| TOEFL iBT | Overall Score of 31 or more |
| Pearson Test of English (PTE) Academic | Overall Score of 29 or more |
| B2 First (First Certificate in English) or B2 First for Schools (First Certificate in English) (formerly Cambridge English) | Overall Score of 142 or more |
| Occupational English Test (OET) | Grade D or higher in all four skills |

The new requirements to meet the minimum standard of English language and minimum skills and experience threshold do not apply to Job Change (Variation of Conditions) applications.

RESIDENCE CHANGES

Green List Changes

Nine new occupations have been added to the Green List together with other minor changes. Previous plans to add roles such as Welders, Fitter and Turners, Panel Beaters, Drillers Assistants, Machine Operators and Vehicle Painters, among others, have been cancelled and will not be added to the Green List.

Eight of the nine new occupations on the Green List have been added to Tier 1 of the Green List, meaning they are eligible for Residence under the Straight to Residence: Green List pathway. The new additions include Aviation Engineers, Naval Architects, Mechanical Engineering Technicians, ICT Database and Systems Administrators. Corrections Officers have been added to Tier 2 of the Green List, known as the Work to Residence pathway, which allows migrants to apply for residence after 2 years of employment in the role.

Secondary School Teachers will also move from Tier 2 to Tier 1 of the Green List in May to help fill shortages in the industry.

Many migrants are likely to look at the role of Mechanical Engineering Technician as a pathway to Residence given its broad definition. Occupations synonymous with the role of Mechanical Engineering Technician, as dictated by ANZSCO, include Air Conditioning Technician, Heating and Ventilation Technician, Mechanical Technician and Hydraulic Controls Technician. However, it will be critical that migrants wishing to pursue this pathway can evidence their role is a substantial match to the definition of a Mechanical Engineering Technician of someone who “conducts tests of mechanical systems, collects and analyses data, and assembles and installs mechanical assemblies in support of Mechanical Engineers and Engineering Technologists” and aligns with the key tasks and responsibilities listed by ANZSCO.

Migrants will also need to hold one of the following qualifications or hold an overseas qualification comparable to the standard of the New Zealand qualification listed.

- A Bachelor of Engineering Technology in Mechanical Engineering (Level 7)
- A Diploma at Level 6 or higher qualification, with a minimum equivalent of 240 credits, which includes the knowledge requirements of the New Zealand Diploma in Engineering (Mechanical Engineer) (Level 6)
- A Washington Accord or Sydney Accord accredited undergraduate Engineering degree in Mechanical Engineering
- A qualification at Level 7 or higher, with a letter from Engineering New Zealand certifying that the degree, and further learning, meets the benchmark requirements towards Chartered Professional Engineer professional status in New Zealand
- New Zealand registration in the field of Mechanical Engineering as a Chartered Professional Engineer or as an Engineering Technologist by Engineering New Zealand

Transport Sector

The Work to Residence pathway for bus and truck drivers and some other occupations under the transport sector agreement is now closed to people who are not already working, or who have already applied for a Work Visa, in a qualifying role.

Care Workforce

The ability for applicants to claim work experience at \$27 per hour between 29 September 2021 and 30 June 2022 has been reinstated under the Care Workforce Work to Residence category.

Dependent Children High School Leavers

Migrant high school leavers who are waiting on the outcome of a family Residence application, will be granted work rights in approximately mid-2024. Further information is yet to be released.

If you have any questions, please either email your current New Era adviser or contact the team through enquiries@neweraconsulting.co.nz