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**German Chamber of
Commerce**

Immigration Workshop

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August 2019**



Agenda

- Immigration landscape
- Common visa categories:
 - Business Visitor
 - Electronic Travel Authority
 - Specific Purpose Work visa
 - Essential Skills Work visa
 - Talent Work to Residence Work visa
- Common pitfalls/red flags
- Top tips
- Compliance reminder
- Q&A



Immigration: The Landscape

- Tougher processing approach
- Major policy changes in the last few years and more coming
- Significant application processing delays – on and offshore
- Two types of migrants:
 - Here for a short time only
 - Goal is to gain residence



Business Visitors

- (Deliberate) grey area
- Risk area for employers and business travellers
- Business visitors: Not undertaking employment and less than three months in any one year
- Length of visit irrelevant, depends entirely on duties to be undertaken
- Visa Waiver Nationals: Need an Electronic Travel Authority (ETA) from 1 October onwards
- Non Visa Waiver Nationals: Apply for business visit visa via INZ



Business Visitors

- Not considered to be undertaking employment:
 - *“representatives on official trade missions recognised by the New Zealand Government;*
 - *sales representatives of overseas companies in New Zealand for a period or periods no longer than a total of 3 months in any calendar year;*
 - *overseas buyers of New Zealand goods or services for a period or periods no longer than a total of 3 months in any calendar year;*
 - *people undertaking business consultations or negotiations in New Zealand on establishing, expanding, or winding up any business enterprise in New Zealand, or carrying on any business in New Zealand, involving the authorised representatives of any overseas company, body or person for a period or periods no longer than a total of 3 months in any calendar year.”*
- If in doubt, get a work visa
- Indicators suggesting work visa needed:
 - Duration of visit
 - Frequency of visits



Electronic Travel Authority (ETA)

- From 1 October 2019, visitors and tourists will need either a visa or NZeTA to travel to/transit New Zealand
- Most European countries are on the Visa Waiver list
- Apply via mobile app or via INZ website
- Processing time: Up to 72 hours
- Cost: \$9/\$12 (+ IVL \$35)
- Valid for two years, multiple entries



Specific Purpose Work Visa

- Intended for multi-national companies – to enable exchange of senior/experienced staff
- Other “special projects”
- Work should be time-bound
- Meet health and character requirements
- Partner and children: Open work visa and domestic student visas



Specific Purpose Work Visa

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Applies to	Job role	Duration	Extension
Senior or specialist business people*	Short term secondment/ job offer in substantial New Zealand company/ New Zealand subsidiary of overseas company	Up to 12 months	Further visa up to total stay of 24 months
Executive*/ senior manager*/ specialist personnel*	Seconded to New Zealand as transferee to take up position in multi-national company	Up to 36 months	Further visa up to total stay of 72 months
Business people wishing to undertake business activities	Genuine reasons	Up to 12 months	Not available
Any other specific purpose or event	Must meet the objectives of policy	Duration of engagement	At discretion

** Specific definitions and experience/previous employment history required*



Essential Skills Work Visa

- INZ must be satisfied that no suitable New Zealanders “available or readily trainable”:
 - On one of the shortage lists and meets list criteria
 - Employer must demonstrate genuine attempt to recruit New Zealand citizen/resident (list position with the Canterbury Skills & Employment Hub or Work & Income, AND advertise the position ‘nationally’ elsewhere, e.g. Seek, TradeMe
- ‘Tied’ to the particular employer and particular job role
- Partner and children eligible for open work visa and domestic student visas



Work to Residence (Talent) Work Visa

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- For employees of **Accredited Employers** who:
 - Are aged less than 56 years
 - Hold an offer of full-time employment for a period of at least 24 months
 - Will be paid a base salary of at least \$55,000*p.a. for a 40-hour week
 - Will be employed in your core business area
- No need to demonstrate attempts to recruit New Zealanders
- 30-month work visa
- Partner and children eligible for open work visa and domestic student visas

**Likely to increase in near future (\$78,000?)*



Employer Accreditation

- Employer Accreditation Scheme for ‘trusted’ employers who can demonstrate:
 - Sound financial position
 - HR policies and processes of a high standard
 - Commitment to recruiting and training New Zealand citizens or residents
 - History of compliance with immigration and employment laws
- Provides employees with a path to residence – market perception of ‘more desirable employer’



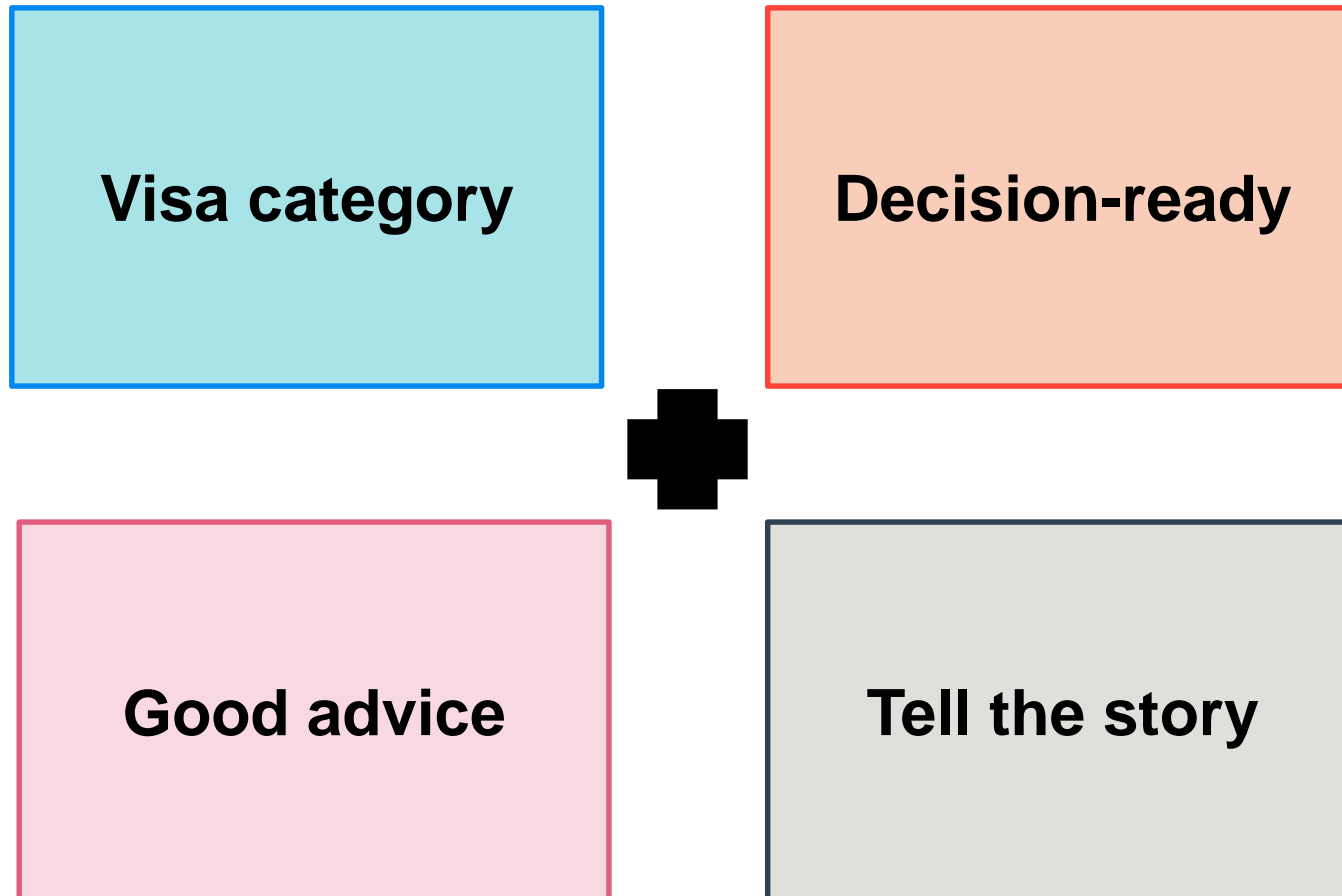
Common Pitfalls/Red Flags

- Advertising – genuineness/adequacy
- Health and/or character issues
- Meeting requirements of ANZSCO
- Expiry of police and medical certificates
- Interim visas not permitting work
- Internal promotions
- Moving to a new employer



Top Tips

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Compliance Reminder

- Growing number of instances of non-compliance in the market
- Examples:
 - Employees working in roles or locations that differ from visa
 - Students working more than 20 hours
- Policies give wide-ranging power to review employer's current and historical compliance with employment and immigration law:
 - Audit powers
 - List of non-compliant employers
 - Mandatory stand-down from supporting visa applications
 - Revocation of accredited employer status
 - Potential for \$50,000 or \$10,000 fine, per employee



Compliance Reminder

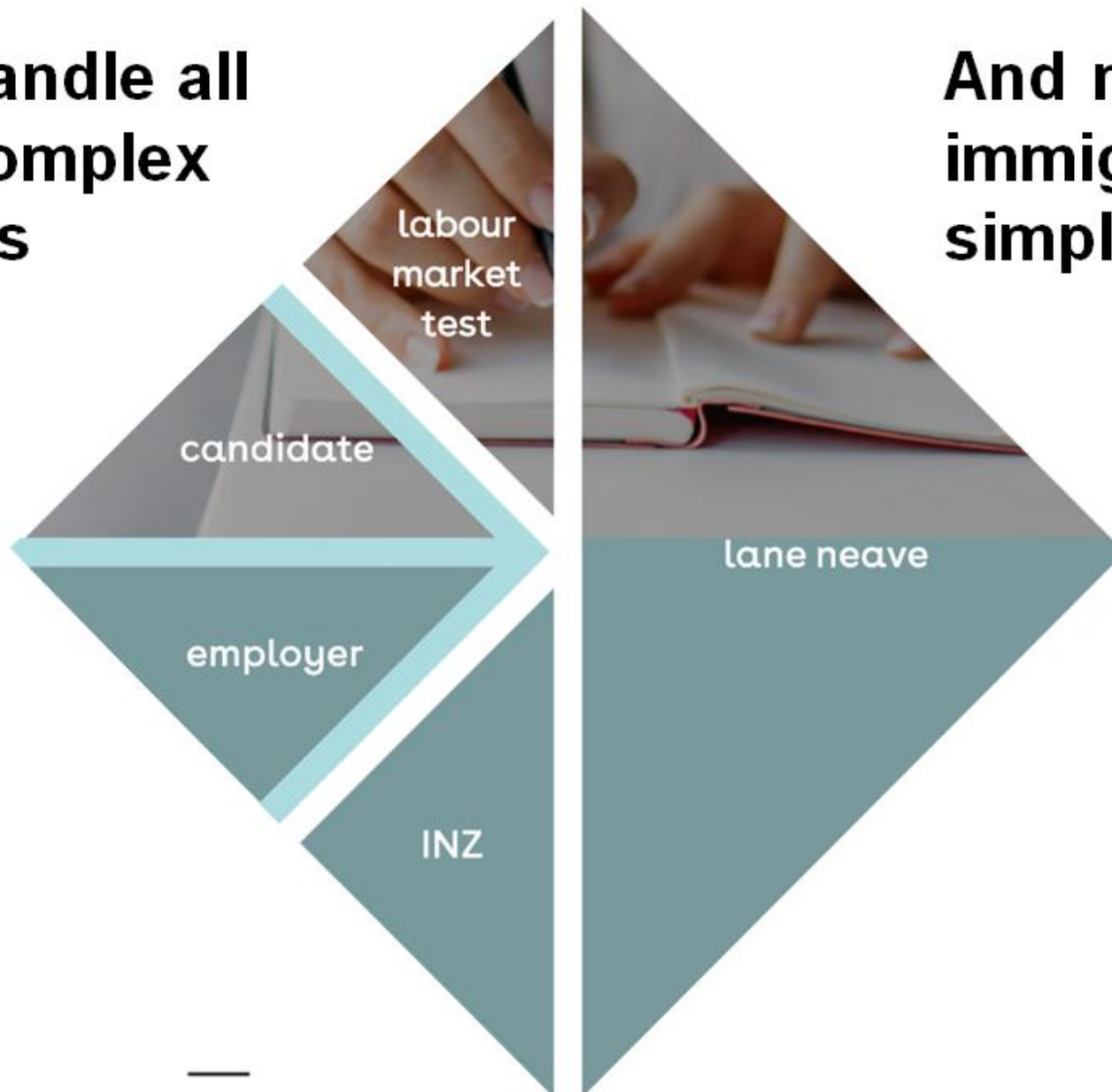
- Ensure good systems and processes for managing compliance in the following areas:
 - Recruitment
 - Checking for and maintaining right to work (due diligence)
 - Providing immigration advice
 - Storage of information
 - Tracking changes to terms and conditions of employment
 - Tracking expiry dates (visas and passports)
- Tougher stance from INZ on employers giving unlicensed immigration guidance to employees



Questions



**We handle all
the complex
issues**



**And make
immigration
simple**



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