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FEBRUARY 2017

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Employer Compliance: Impacting Your Immigration Status

If you are wishing to secure an employment based visa you should be aware that in addition to you providing the appropriate documentation, your employer must also have their “ducks in a row” in order for you to be successful with your application.

Your employer must be able to demonstrate to Immigration New Zealand (INZ) that it maintains compliance with all New Zealand employment and immigration laws. Although this may seem straightforward, it sometimes creates problems where employers may have either miscalculated entitlements such as holiday pay, leave, or remuneration in their employment agreements, or simply provided inconsistent information to INZ regarding hours of employment for example.

We are increasingly seeing INZ request a range of employment information from employers during processing of visa applications. Where remuneration/leave calculations by the employer are incorrect, this can create serious issues for an application. At worst, INZ will determine an employer is not compliant and decline the applicant’s visa application. In addition, employers who have a warning in the system about their workplace practices can mean that is difficult for applicants to renew or secure new visas.

A recent example of the type of issue that INZ is picking up on includes comparing the terms and conditions in employees’ agreements as compared to information recorded in the Employee Monthly Schedules. This has highlighted a number of instances where employees had either not been paid according to their agreement or not worked their contracted hours. Apart from the evident issue of the employee



not being paid or working the number of hours guaranteed in their employment agreement, INZ have also raised concerns that employers are not complying with their obligations under employment law with regard to keeping accurate and correct information about the hours their employees are working.

If you are making an application, where employment is a key factor, you should ensure that all application documentation, particularly your Individual Employment Agreement and PAYE records (if you are extending or applying for residence while working) are reviewed carefully to confirm that your employer is compliant with the applicable legislation. If you identify any issues you should seek professional advice or assistance to resolve the issue, before responding or providing that information to INZ.

For further information or assistance with emigration please contact the Lane Neave Lawyers on + 64 3 379 3720 or email liveinnewzealand@laneneave.co.nz.



Your First Source For Business Advice

Healthcare in New Zealand

New Zealand's healthcare system is unique in the world. A large public healthcare service, growing private healthcare facilities, and a government-owned Accident Compensation Corporation (ACC) provide quality and affordable healthcare to most residents of New Zealand.

The public health care system is founded on the Kiwi ideals of fairness and equality; everyone should have equal and equitable access to high quality medical care, regardless of their income, status, and age. It is heavily subsidised by the government: free hospital and emergency treatment, subsidised visits to the General Practitioner (GP), reduced prescription fees (\$5), and part-funded specialist visits and acute services.

All citizens and permanent residents, as well as those on work visas of two years or longer, are eligible to access the public health system. The Ministry of Health has compiled this Guide to Eligibility for public health services. Eligible new migrants should enrol with a GP as soon as possible after arrival to access the full range of services. Visitors and visa holders of less than 2 years should obtain comprehensive health insurance from their home country before arrival.



The cost of some, less common, medical treatments can be prohibitively expensive for a small country to publicly fund, so while most New Zealanders find the public system covers their needs, private healthcare offers additional cover. This complements the public system, with a focus on specialist services and private hospitals providing non-urgent and elective treatments.

In New Zealand, establishing and maintaining a good relationship with a GP is vital. All referrals to specialist services must be made via the doctor, and health screening, blood tests and vaccinations are often carried out by practice nurses in the medical practice. The cost of a standard GP visit ranges from \$40 to \$60 for an adult, and is free for children under 13 years of age. There is a wide selection of GPs with different cultural values and approaches to health so people often 'shop around' to find one that suits their health perspective and is close in location to work or home.

ACC is a scheme to assist all people in New Zealand recover from injuries caused by accidents. This includes visitors and short-term visa holders. Whether the accident occurred in the workplace, on the rugby or ski field, or at home, ACC provides subsidised visits to GPs, physiotherapists, and other specialists during the recovery period. Other ACC entitlements include payments towards lost wages, death and disability compensation for the injured or their family, and repatriation of the body of the deceased to any country. As a no-fault accident scheme, ACC does not allow for any person or company to be sued for compensatory damages for an injury in New Zealand.

Preventive healthcare underpins New Zealand's healthcare funding strategy. A large amount of government funding is poured into initiatives designed to improve the health of New Zealanders. Some of these include:

- promoting healthy eating and physical activity to avoid obesity and related health risks
- education about the effects of alcohol and reducing harmful drinking
- mental health services: awareness campaigns, and a range of clinical services
- child health programmes: [Plunket](#), healthy eating guidelines, and extensive sporting programmes in schools
- reducing smoking rates: programmes to assist with quitting, and high taxes on cigarettes
- free dental services for under-18 year olds

These initiatives, combined with comprehensive public services and the option of world-class private care, ensure that New Zealand's robust and fair healthcare



system benefits all.

Lisa Burdes is the Skilled Migrant Business Advisor at the Canterbury Employers' Chamber of Commerce. The Chamber offers free settlement support and resources to employers of migrants in Canterbury. This service is fully funded by Immigration New Zealand (INZ). If you have questions about living and working in New Zealand, you can visit <http://www.newzealandnow.govt.nz>, email your query to newmigrantinfo@mbie.govt.nz or ring the INZ Contact Centre on +64 9 914 4100.



New Zealand's monthly migration was strong for December, coming in at 6010, the fourth consecutive month it was been above 6000. Migration looked to be slowing a little through the middle of last year, with monthly inflows falling back to around 5500, although it has increased again since September. The last three months of 2016 was the strongest calendar quarter for migration in history, and this trend is showing little sign of slowing down anytime soon. Again the main drivers here were the Auckland and Christchurch and now Wellington markets. The investment in infrastructure in these three cities is extreme and the local markets in each case can't supply the skills sets required.

Unfortunately the New Zealand unemployment rate has risen, driven by stronger participation. The unemployment rate increased to 5.2% in the December quarter, up from 4.9% in the previous three months. This was contrary to economist forecasts, which suggested unemployment would fall further to 4.8%. However, despite the headline the labour market remains strong and the underlying detail reflects a solid economy. More people are entering the labour force and looking for work, a reflection of higher optimism about their prospects for finding a job and the economy in general.

Retail trade, accommodation and food services were the largest contributors to employment growth, with construction and the professional services also seeing solid gains.

"Enterprise Recruitment and People" through our network of nationwide branches is always on the search world wide for quality skilled candidates.



We offer an obligation free assessment for any candidates wishing to get a realistic overview of their employment chances in New Zealand.

Enterprise Recruitment and People has a national presence. We remain interested in providing obligation free advice to offshore candidate's about their chances of securing employment in New Zealand.



Bank of New Zealand

Around the world people are marching in the streets because of their concerns about words used by the new US President Mr Trump. Not marching are the people who voted for him and that strong underlying level of support for his coming policy actions is what tends to be missed by the media.

How is this relevant to our ongoing discussion in this column about migration to New Zealand? Simply that it would be unwise to assume that expressions of concern by people offshore will lead to a huge surge in the number of people, Americans, applying to live in New Zealand – or Australia, or Botswana.

Most Americans do not have passports and their world view is restricted to differences between America's east and west coasts rather than the country with the rest of the world. On the ground in New Zealand increased hits on migration websites following the November election outcome made for interesting headlines in the media – largely because New Zealand is so small any indication that people elsewhere are thinking about us tends to garner a lot of attention.

But if you are reading this in the UK or some other part of the world, don't think that your hopes of securing a place in New Zealand have suddenly diminished because a wave of Americans is heading down south. They won't. However it is likely that New Zealand's overall net migration numbers will potentially rise and almost certainly stay at high levels throughout 2017. Why?

Kiwis staying in New Zealand. In the year after the official start of the Global Financial Crisis in September 2008 the net migration flow for New Zealand jumped from +4,400 to +17,000. Gross inflows only rose by 1,800. The surge was attributable to Kiwis choosing not to go overseas because of the woe they were witnessing.



Currently it would be wrong to claim that there is woe offshore. In fact economic growth rates and things like measures of retail spending and confidence of businesses and consumers are tracking above expectations in the UK, US, and China. However the perception from New Zealand is that there are some difficult times ahead for parts of the world we have tended to shift to when we want an overseas experience.

In the year ahead the overall net migration flow for New Zealand of just over 70,000 is likely to rise as more Kiwis stay home – while perhaps a few more of the million offshore come back. Given that neither of these flows can be affected by migration policy settings how is this relevant for those contemplating shifting to New Zealand?

First, even with strong net immigration there are not enough people in New Zealand for the jobs on offer, especially with booming conditions in construction and tourism plus rising infrastructure spending. Employment opportunities abound and this is positive for migrants.

However, a general election is likely in November this year, and at the forefront of policy debate will be the pressures in housing markets throughout the country though mainly in Auckland. House construction has not and cannot keep up with demand. Prices have soared and home ownership has moved out of the reach of many young people. A desire to address this issue is likely to lead to deepening debate about immigration policy settings.

Chances are that ahead of the election and almost certainly after it as part of a package to secure a coalition agreement we will see migration rules tightened up. But it pays to note the high strength of labour demand in New Zealand and worsening shortages of skilled workers. If and when the migration policy tightenings occur they are likely to focus on things like higher English speaking requirements, less ability to bring in relatives (already enacted for elderly parents), cutbacks in student working visas, and reduced access all up for those without badly needed skills in areas like health, construction, teaching, engineering, and technology generally.

Tony Alexander, Chief Economist, Bank of New Zealand

BNZ Migrant Banking can assist you with opening an account pre arrival via a simple online application at www.bnz.co.nz/movingtonewzealand or contact the team on +64 9 976 6318 or email bnzmigrant.banking@bnz.co.nz



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