



immigration law™ by lane neave.

MAY 2017

www.laneneaveimmigration.co.nz

Immigration Policy Amendments – What you Need to Know in a Nutshell

It has been a busy month for Immigration New Zealand (INZ).

In addition to the Government's announcement regarding changes to the Skilled Migrant Category, a new "South Island Contribution" visa, and a review of work visa policies (more information - <https://www.laneneave.co.nz/significant-immigration-policy-reforms-tweaks-will-actually-major-impact/>), an Amendment Circular has been released implementing some changes to INZ Instructions. We note a general trend of "tightening up" of temporary and resident visas alike, and summarise some of the key changes below which will come into effect from 8 May 2017.

Dependant Children and Partners Included in a Residence Application

Dependant children who hold, or have applied for temporary visa based their status as a dependant child of the principle applicant are now required to be included in that principle applicant's residence application. Once the dependant child is included in the residence application, they cannot be removed unless circumstances change so that they are no longer a dependant child of the principle applicant.

Similarly, partners who hold, or have applied for temporary visa based their relationship with the principle applicant are now required to be included in that principle applicant's residence application. Once the partner is included in the residence application, they cannot be removed unless circumstances change so that they are no longer a partner.

The introduction of these changes will pose issues where the dependant child or



partner in question has a serious medical or character issue. Main applicants will no longer be able to exclude or withdraw them from applications when they are onshore to allow the rest of the family to qualify. Any family with a partner or child with a serious medical or character issue should seek specialist immigration advice prior to coming to New Zealand.

'Partnership Deferral' Policy

INZ has discontinued its "partnership deferral" policy, which allowed it to accept partnership-based residence applications where the applicants had not yet been living together for 12 months, as required by INZ policy. INZ would defer the application until such time as the 12 month period was reached. This was (practically) a nice policy because you could submit a temporary partnership based work visa and residency at the same time (prior to living together 12 months), so avoided duplication in paperwork/process.

From 8 May 2017, applicants submitting a partnership-based residence application will need to provide evidence that they have been living in a genuine and stable relationship with their partner for a minimum of 12 months prior to the application being submitted. If they cannot provide sufficient evidence of living together over this period, INZ will not simply defer the application, but may instead decline it.

Removal of Seven Year Limit for Domestic Violence or Sexual Offences Committed by New Zealanders

New Zealand citizens or residents supporting a partnership-based applicant must not have had any conviction in any country for domestic violence or sexual offences since aged 17 (previously this was limited to the prior seven years). This policy is most likely designed to protect migrants who may be at risk from their partner. Notably however, INZ cannot take into consideration any convictions subject to the New Zealand Criminal Records (Clean Slate) Act 2002.

Original Passports may not be Required

Applicants may now provide a certified copy of their passport or certificate of identity in lieu of their original document. This change is reflective of INZ's transition into electronic visa processing, and is a welcome change; although in practice we have been doing this for a number of years, but we no longer require a second document (such as a birth certificate) to evidence identity with the certified copy, so this is well received.

If you think that any of these changes may affect you, you may wish to seek our advice and assistance.

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





CANTERBURY
EMPLOYERS'
CHAMBER OF
COMMERCE

Your First Source For Business Advice

Not just a day off work: public holidays in New Zealand

New Zealand has a total of eleven statutory public holidays, giving most people a day off work and school. New Year is the first public holiday celebration of the year, with New Year's Day and 2 January being public holidays. Soon after, Waitangi Day on 6 February commemorates the signing of the Treaty of Waitangi in 1840. Protests are held at the marae (meeting house) at Waitangi on this day each year by some who dispute that Maori ceded sovereignty to the British Crown. For many New Zealanders however, this holiday is a time for reflecting on the Treaty and its place in modern New Zealand. This day is also increasingly a day to celebrate New Zealand's multi-cultural society, with many citizenship ceremonies taking place around the country.

Easter holidays land in March or April, with the date changing each year. While Good Friday and Easter Monday are public holidays, Easter Sunday is not, although most businesses legally have to be closed on this day. Debate has raged over this issue for years in New Zealand, with many employers wanting to trade, and some employees and unions advocating for a day off work for everyone. Until 2016, only some tourist towns (like Queenstown) had exemptions but it is now up to local councils to decide whether shops can open on this day. For many, Easter is simply a great long weekend off work and school, a chance to spend time with family, enjoy sales at the shops, or the opportunity to take a quick trip out of town. For others however, there is still a celebration of the religious significance of the holiday, and church services are well-attended.

Anzac Day on 25 April is the anniversary of the landing of New Zealand and Australian troops at Gallipoli (in modern-day Turkey) during WW1. It is a time to honour New Zealanders who served in all wars and conflicts overseas, and well-attended services and parades are held at war memorials around the country.

Other public holidays include: Queen's birthday (celebrated on the first Monday in June -not the actual birthday of Queen Elizabeth II), a recognition of New Zealand's Commonwealth ties and the Queen's position as Head of State; Labour Day that is celebrated on the fourth Monday in October, commemorating the struggle for an eight-hour working day; and Christmas Day and Boxing Day.

The final public holiday is a local one where provincial anniversary days are held on different days in each region. Other days, while not considered public holidays, are



celebrated as special days in New Zealand; Matariki (Maori New Year) in late May or early June, and starting in 2017, an annual commemoration marking the 19th century New Zealand Wars on 28 October.

If a public holiday falls on a weekend the holiday becomes 'Mondayised' (Monday becomes the day off work instead). When a public holiday falls on a day someone would usually work, they are entitled to be paid for the day. If they choose to work, they will be paid at least time and a half (1.5 times of the usual pay), and get another paid day off later (a day in lieu).

Public holidays like Christmas and Easter reflect New Zealand's Christian heritage, although four out of ten New Zealanders now declare themselves non-religious. For New Zealanders and new migrants who practice a faith that is not recognised with public holidays, there are options. Some employment agreements have provisions for cultural or religious leave, and since April 2011, employees and employers can agree in writing to the transfer of public holidays to another working day. The transfer must be made in good faith, and holds conditions under the Holidays Amendment Act, 2010.

New Zealanders look forward to, and appreciate, the public holidays available to them. Depending on the significance of the day, there is an opportunity for celebration, reflection, prayer, dissent, honour, and a recognition of the uniqueness of this country.

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.



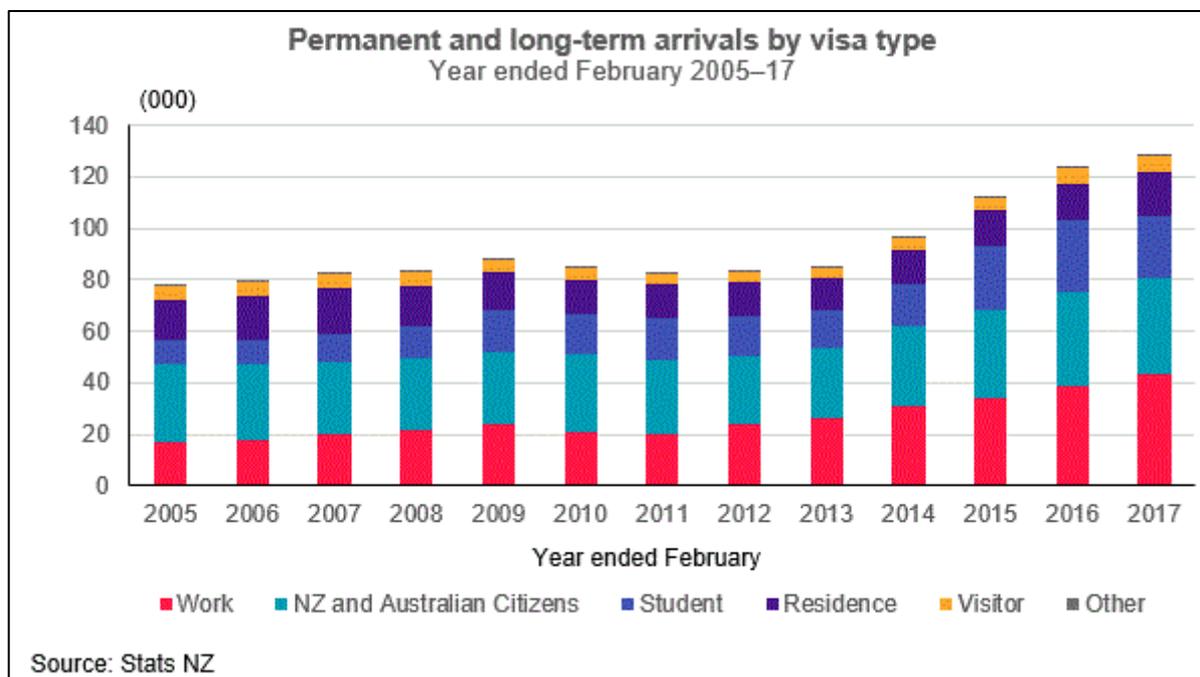
Record 128,000 migrants come to NZ

In the February 2017 year, 71,300 more migrants arrived in New Zealand than left, Statistics NZ reported recently. This equalled the previous annual record set in



January 2017.

Migrant arrivals numbered 128,800 in the February 2017 year, a new annual record, reinforcing New Zealand's growing reputation as a destination of choice.



"About a third of all migrant arrivals for the year were people coming to New Zealand on work visas. Just over a quarter of all work-visa migrants were from the United Kingdom and France."

According to Statistics NZ, the next largest source of migrants coming to New Zealand to work were from Germany, Australia, South Africa, and the United States.

Visa types contributing most to the migrant arrivals were:

- Work visas (43,000 – up 4,400)
- New Zealand and Australian citizens (38,100 – up 1,700)
- student visas (23,800 – down 4,300)
- residence visas (16,800 – up 2,400)

Immigration Minister Michael Woodhouse has also announced a package of changes designed to better manage immigration and improve the long-term labour market contribution of temporary and permanent migration.

Changes to permanent immigration settings are proposed to collectively improve the skill composition of the Skilled Migrant Category and ensure NZ is attracting migrants who bring the most economic benefits to New Zealand.

The Government is also proposing a number of changes to temporary migration



settings to manage the number and settlement expectations of new migrants coming to New Zealand on Essential Skills work visas.

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. Steve Baker Group Workforce Sourcing Manager: steve.baker@enterprise.co.nz: 00 64 3 3530680 / 00 64 27 2125483



Bank of New Zealand

Will immigration changes make much of a dent in the record net migration gain for New Zealand?

On April 18 the New Zealand Immigration Minister announced a number of changes to New Zealand's migration rules, the aim of which is fairly much in line with changes announced only one to two days earlier in Australia and the United States. The Western world is facing an increasing flood of migrants from poorer parts of the world using whatever means are available to get away from where they are into already developed nations.

Brexit and the election of Donald Trump have been partly driven by a desire of people to regain some greater degree of control over their borders in a world where seemingly rampant liberalism has made free speech on a range of topics a thing of the past, and labelled those concerned about jobs lost to migrants as racists.

There is little evidence overall to suggest that migrants do in fact detract from growth in employment of those already in a country. But there is equally no clear evidence – as in blindingly obvious for all to see – their presence boosts employment and growth either. This problem with a lack of evidence one way or the other has left plentiful scope for both sides of the border debate to claim logic to their views.

But the global drift is toward greater border control, and as we have warned on a number of occasions over the past year would happen, the NZ government has taken steps aimed, in their minds at least, at maximising opportunities for low skilled and ultimately perhaps lowly motivated people to be coaxed into meaningful employment by employers now less able to source staff offshore.



But in the case of Auckland and Australia's three big cities there is also the problem of declining housing affordability for young people caused by population growth pressures exceeding dwelling supply growth. In addition strong population growth has placed immense strains on Auckland's transport infrastructure.

Additionally, in common with almost all other countries post-GFC, wages growth in New Zealand has been unusually muted and high net immigration may be a contributing factor.

Will the changes make much of a dent in the record net migration gain for New Zealand over the past year of over 71,000 people? That is hard to say given the complete lack of any decent model able to forecast migration flows in and out of the country. But at the margin the change in the points system will deter some people.

No points now accrue for any job not above the median NZ wage of \$48,859 per annum. Points only accrue for those earning 1.5 times the median – or over \$73,299 – and they accrue irrespective of whether the profession is on the skilled shortage list. Points have been removed for areas of expected future growth.

Spouses and children of people granted work visas will no longer be able to work unless they themselves qualify for a work visa. A three year limit on the visa of someone not earning above the median wage has been introduced.

Full details can be found on the immigration website www.immigration.govt.nz

Chances are that the changes will cause an easing in the net migration inflow. However the effect is likely to be relatively small and count for little given the strong fundamentals which have been driving the migration surge. These are a strong NZ labour market and economy at a time of weakness off shore. Kiwis are choosing to stay at home, Kiwis offshore are choosing to come back, and more foreigners have been taking up work visas. The rule changes only affect actual migrants and not Kiwis and Aussies who account for 40% of gross flows in and out of New Zealand.

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



Contact Lane Neave

Lane Neave Immigration

Auckland – Wellington – Christchurch – Queenstown

T (New Zealand): 0800 802 800

T (International): +64 3 353 0620

E liveinnewzealand@laneneave.co.nz

F + 64 3 3798 370

Mark Williams, BA, LLB

Immigration Partner

T +64 3 3793 720

M + 64 21 222 2363

E: mark.williams@laneneave.co.nz

Rachael Mason, LLB, BCom

Immigration Partner

T +64 3 372 6323

M +64 21 1306 540

E rachael.mason@laneneave.co.nz

Disclaimer: The content of this newsletter is general in nature and not intended as a substitute for specific professional advice on any matter and should not be relied upon for that purpose.

