

Immigration information for employers of temporary migrants

The COVID-19 pandemic is presenting New Zealand employers with extraordinary economic and labour market challenges. Immigration New Zealand is working with businesses, helping them navigate an environment where more New Zealanders are available to work, while continuing to uphold the rights of migrant workers.

Changing visa conditions for employees in NZ

If you provided an essential business or service at Alert Level 4, you can apply for a short-term change in work visa conditions on behalf of your employees. This short term Variation of Conditions ends at 11.59PM, Wednesday, 24 June. After this, the conditions set out in the original visa – including the role, employer and hours of work or study – apply.

To find out if you fit the definition of an essential business or service, see [covid19.govt.nz/businesses-and-employees/businesses-and-services/essential-businesses-and-services/](https://www.covid19.govt.nz/businesses-and-employees/businesses-and-services/essential-businesses-and-services/).

Other work visa holders can apply to vary the conditions of their work visa if they are changing the employer they work for, the job they are doing, the location they are working in, or how long they can study for while they work.

See www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/general-information/variation-of-conditions-temporary-visas/varying-a-work-visa/.

Meeting visa conditions

Migrants and employers must continue to meet the conditions set out in existing visas. These include the region, the role, and the 30-hour per week requirement for full-time work.

Immigration New Zealand is aware of departures from visa conditions – such as failing to meet the required 30 hours of work per week – during COVID-19.

The Government is working with employers and stakeholders to develop options for employers and temporary work visa holders affected by COVID-19.

See www.immigration.govt.nz/about-us/covid-19/coronavirus-update-inz-response/.

Eligibility for residence

The conditions in a work-to-residence work visa or a job offer associated with a skilled migrant category visa application must be met for the applicant to be eligible for residence.

Redundancies

Regular employment law applies to all employment relationships – regardless of the circumstances.

See www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/terminate-employment-agreement-covid-19/.

Advice for employers

For more information, talk to a licenced immigration adviser or lawyer or contact your regional Immigration New Zealand Relationship Manager.

Licensed immigration advisers and lawyers
www.iaa.govt.nz/for-migrants/who-can-give-advice/

Immigration NZ Relationship Managers & specialists
See following page for contact details

Immigration Contact Centre
Tel: 0508 55 88 55

Essential Skills Visas for migrants in NZ

For an Essential Skills work visa to be granted, Immigration New Zealand must be satisfied that there are no New Zealanders available to do the work offered at the time the visa application is made.

In normal circumstances, the labour market would be unlikely to change significantly between the time an employer attempts to recruit New Zealanders and the time an application is assessed. However, COVID-19 has led to rising unemployment.

Immigration New Zealand must consider the current employment environment. Employers may be asked to provide further evidence to show that at the time the application is assessed the availability of New Zealanders to undertake the work remains unchanged, the employment offer is still valid, and the employment is sustainable.

These conditions also apply if you wish to employ a new migrant from overseas.

See www.immigration.govt.nz/employ-migrants/hire-a-candidate/.

Employees who are overseas

The New Zealand border is currently closed to almost all travellers to help stop the spread of COVID-19. The circumstances in which a person who is not exempt from the border restrictions will be permitted to travel to New Zealand are extremely limited.

See www.immigration.govt.nz/about-us/covid-19/border-closures-and-exceptions/.

Anyone entering New Zealand must undergo a period of quarantine or isolation.

If your employee is unable to return to New Zealand, you may wish to explore other options, such as employing someone currently in New Zealand who is a New Zealand citizen or resident or has a current visa with appropriate work rights.

See www.immigration.govt.nz/about-us/covid-19/border-closures-and-exceptions/.

Temporary migrants unable to leave NZ

Temporary migrants enquiring about assistance or flights home should contact their embassy or consulate. See www.mfat.govt.nz/en/embassies/. They should also register with a local travel agency to be contacted when the appropriate international flights become available.

Personal circumstances will be taken into account when assessing visa applications.

However, employers must show that there are no New Zealanders available to do the work offered before an Essential Skills work visa can be granted.

Migrants who find themselves without a visa, but unable to leave the country, may attempt to regularise their situation by making a request under Section 61 of the Immigration Act.

See www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/general-information/if-you-do-not-leave-new-zealand-before-your-visa-expires/.