



**BRIEFING**

**Immigration New Zealand Operational Manual:  
Amendments Requiring Ministerial Certification**

<b>Date:</b>	7 October 2016	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	1076 16-17

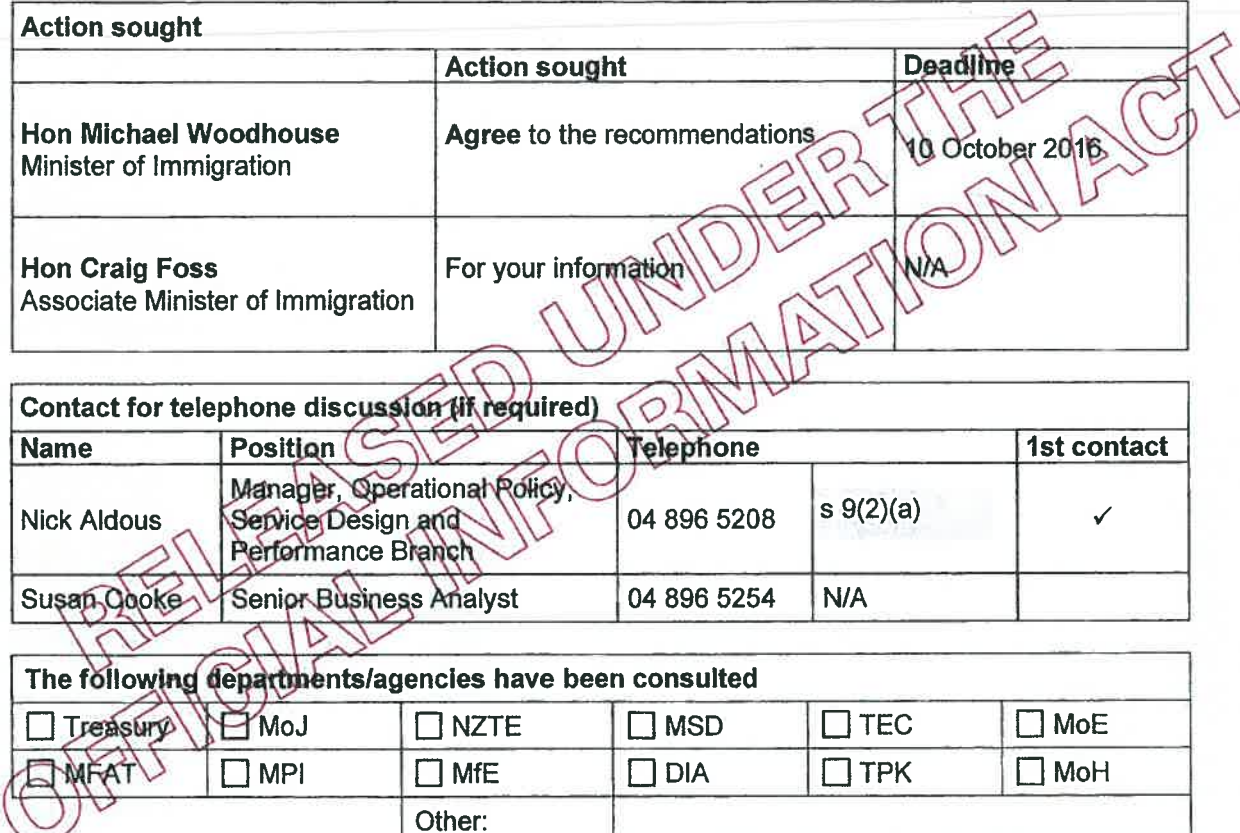
Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to the recommendations	10 October 2016
Hon Craig Foss Associate Minister of Immigration	For your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Nick Aldous	Manager, Operational Policy, Service Design and Performance Branch	04 896 5208	s 9(2)(a)	✓
Susan Cooke	Senior Business Analyst	04 896 5254	N/A	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input checked="" type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input checked="" type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
Other:					

- Minister's office to complete:**
- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

**Comments:**





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<b>Date:</b>	7 October 2016	<b>Priority:</b>	Medium
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**Purpose**

The Immigration New Zealand (INZ) Operational Manual contains immigration instructions, which are the rules and criteria for determining the eligibility of persons for visas and entry permission. INZ publishes changes to the Operational Manual on a regular basis. This paper seeks your certification of two minor amendments to Residence instructions.

**Recommended action**

The Ministry of Business, Innovation and Employment recommends that you:

- a Tick the boxes below each proposed change in Appendix 1

*Agree / Disagree*

- b Note that the immigration instructions in Appendix 2 have been initialled by the Deputy Chief Executive – Immigration New Zealand

*Noted*

- c Agree to the proposed changes to immigration instructions by signing the associated ministerial certificates for immigration instructions attached at the end of Appendix 2.

*Agree / Disagree*

Stephen Dunstan  
General Manager, Service Design  
and Performance Branch  
Ministry of Business, Innovation and  
Employment

Hon Michael Woodhouse  
Minister of Immigration

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## Background

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1. Section 22 of the Immigration Act 2009 (the Act) enables the Minister of Immigration to certify changes to immigration instructions. This paper seeks your agreement to proposed changes to immigration instructions.

## Proposed changes to immigration instructions

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2. On 28 September, you certified changes to Residence instructions to implement Government decisions regarding the New Zealand Residence Programme (NZRP) and to adjust English language requirements for Skilled Migrant Category (SMC) applicants [0907 16-17]. These changes will come into effect on 12 October 2016. Two further amendments are now required. The first is a consequential amendment arising from the removal of the additional selection criteria; the second provides additional clarity about the circumstances in which an applicant can meet English language criteria by having a recognised qualification.

## Notes

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3. Details of the proposed changes are set out as follows:
  - Appendix 1 contains a summary of the proposed changes to immigration instructions.
  - Appendix 2 contains proposed amended *Residence instructions* effective on and after 12 October 2016.
4. Proposed additions to immigration instructions are highlighted for ease of reference. Highlighting will not appear in the published versions of the amended Operational Manual. References within the Operational Manual to other associated or relevant immigration instructions have been amended wherever this is necessitated by the amendment of another provision, but have not been highlighted. Deletions have not been highlighted.
5. Changes will be communicated to staff, licensed immigration advisers and the general public through the release of an Amendment Circular.

## **Appendix 1 – Summary of proposed changes**

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### **1 SM4.15 Employability and capacity building requirements**

Immigration instructions at SM4.15 reference instructions *SM3.15.1 Additional selection criteria*, which were removed in recent amendments (to become effective on 12 October 2016). As instructions SM3.15.1 have been removed, this reference has also been deleted.

Approve

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### **2 SM5.5 Minimum standard of English for principal applicants**

#### **SM5.10 English language requirements for non-principal applicants**

It is proposed that these provisions be amended to provide greater clarity that for any applicants the qualifications that can be used as evidence of English language ability must have been gained either:

- after at least two years of study in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America, if the qualification is a level 7 bachelor's degree (or equivalent) or
- after at least one year of study in one of those countries, if the qualification is at postgraduate level (equivalent to a New Zealand level 8 qualification or above).

Approve

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**Appendix 2 - Proposed amendments to Residence instructions  
effective on and after 12 October 2016**

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**SM4.15 Employability and capacity building requirements (SM7 to SM20)**

- a. Employability and capacity building factors are assessed using a points system.
- b. An application for a resident visa under the Skilled Migrant Category will be declined if a principal applicant does not qualify for the points for employability and capacity building factors on the basis of which their Expression of Interest was selected from the Pool, unless [SM4.5\(c\)](#) applies.
- c. An application for a resident visa under the Skilled Migrant Category will be declined if the principal applicant does not qualify for points for either work experience (see [SM11](#)) or qualifications (see [SM14](#)).

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### SM5.5 Minimum standard of English language for principal applicants

- a. Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from the International English Language Testing System (IELTS), showing they achieved an overall band score of at least 6.5 in the IELTS General or Academic Module.
- c. Other evidence that a principal applicant meets the minimum standard of English is:
  - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
  - ii. a recognised qualification (SM14) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
  - iii. a recognised qualification (SM14) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a principal applicant to provide an IELTS certificate in terms of paragraph SM5.5 (b). In such cases, the IELTS certificate will be used to determine whether the principal applicant meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.5 (d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

#### SM5.5.1 Transitional provisions for principal applicants invited to apply on or before 11 October 2016

For principal applicants whose invitation to apply was issued on or before 11 October 2016 an immigration officer may, on a case by case basis, also consider the following as evidence of the principal applicant meeting the minimum standard of English if:

- a. they provide evidence that their recognised qualification(s):
  - i. was gained as a result of a course or courses of study in which English was the only medium of instruction; and
  - ii. (if that qualification was gained in New Zealand) the qualification had a minimum completion time of at least two years and is at least a bachelor degree or it is a post-graduate qualification and the applicant has an undergraduate qualification that qualifies for points; or
- b. they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see SM7); or
- c. they provide other evidence which satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:
  - i. the country in which the applicant currently resides;
  - ii. the country(ies) in which the applicant has previously resided;
  - iii. the duration of residence in each country;
  - iv. whether the applicant speaks any language other than English;
  - v. whether members of the applicant's family speak English;
  - vi. whether members of the applicant's family speak any language other than English;
  - vii. the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
  - viii. the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language.
- d. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph SM5.5 (b). In such cases, the IELTS certificate will be used to determine whether the principal applicant meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.5.1(d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

### SM5.10 English language requirements for non-principal applicants

- a. Unless SM5.15 applies, partners and dependent children aged 16 and older, who are included in Skilled Migrant Category applications, must:
  - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
  - ii. pre-purchase ESOL training.
- b. Non-principal applicants meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from IELTS, showing they achieved an overall band score of at least 5 in the IELTS General or Academic Module.
- c. Other evidence that a non-principal applicant meets the minimum standard of English is:
  - i. citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
  - ii. a recognised qualification (SM14) comparable to a New Zealand level 7 bachelor's degree and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least two academic years in one or more of those countries; or
  - iii. a recognised qualification (SM14) comparable to a New Zealand qualification at level 8 or above and gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America as a result of study undertaken for at least one academic year in one or more of those countries.
- d. In any case, an immigration officer may require a non-principal applicant to provide an IELTS certificate in terms of paragraph SM5.10(b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

#### SM5.10.1 Transitional provisions for non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016

For non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016 an immigration officer may, on a case by case basis, also consider the following as evidence of the applicant meeting the minimum standard of English if:

- a. (if they are the partner of a principal applicant), they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see SM10); or
- b. they provide evidence of one of the following:
  - i. completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
  - ii. completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
  - iii. completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
  - iv. that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);
  - v. that the applicant holds International Baccalaureate – full Diploma in English Medium;
  - vi. that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
  - vii. that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
  - viii. that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;
  - ix. that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;
  - x. that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
  - xi. that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
  - xii. that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form.



- c. In any case, an immigration officer may require a non-principal applicant to provide an IELTS certificate in terms of paragraph SM5.10 (b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.
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**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (e) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

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**RESIDENCE INSTRUCTIONS  
MINISTERIAL CERTIFICATE**

I hereby certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 2 of the submission dated 7 October 2016 are part of Residence instructions on and after 12 October 2016.

Hon Michael Woodhouse  
Minister of Immigration

\_\_\_\_\_  
(day)

\_\_\_\_\_  
(month)

\_\_\_\_\_  
(year)

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**BRIEFING**

**Immigration New Zealand Operational Manual:  
Amendments Requiring Ministerial Certification**

<b>Date:</b>	27 September 2016	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0907 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to the recommendations.	28 September 2016
Hon Craig Foss Associate Minister of Immigration	For your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Nick Aldous	Manager, Operational Policy, Service Design and Performance Branch	04 896 5208	s 9(2)(a)	✓
Susan Cooke	Senior Business Analyst	04 896 5254	N/A	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input checked="" type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input checked="" type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
Other:		NZQA			

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:



**BRIEFING**

**Immigration New Zealand Operational Manual:  
Amendments Requiring Ministerial Certification**

Date:	27 September 2016	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0907 16 - 17

**Purpose**

The Immigration New Zealand (INZ) Operational Manual contains immigration instructions, which are the rules and criteria for determining the eligibility of persons for visas and entry permission. INZ publishes changes to the Operational Manual on a regular basis.

This paper proposes a range of amendments to immigration instructions to become effective on 12 October 2016. These amendments implement Government decisions regarding the New Zealand Residence Programme for the 2016/17 and 2017/18 years and decisions taken by you on 13 September 2016 regarding changes to English language requirements [English language testing package; additional decisions' 0608 16-17].

**Recommended action**

The Ministry of Business, Innovation and Employment recommends that you:

- a Tick the boxes below each proposed change in Appendix 1

*Agree / Disagree*

- b **Note** that the immigration instructions in Appendix 2 have been initialled by the Deputy Chief Executive – Immigration New Zealand

*Noted*

- c **Agree** to the proposed changes to immigration instructions by signing the associated ministerial certificate for immigration instructions attached at the end of Appendix 2.

*Agree / Disagree*

Stephen Dunstan  
General Manager, Service Design  
and Performance Branch  
Ministry of Business, Innovation and  
Employment

27, 9, 16

Hon Michael Woodhouse  
Minister of Immigration

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## Background

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1. Section 22 of the Immigration Act 2009 (the Act) enables the Minister of Immigration to certify immigration instructions. This paper seeks your agreement to proposed changes to immigration instructions.
2. The proposed amendments to instructions arise from Cabinet decisions made on 26 September 2016 regarding the New Zealand Residence Programme and changes to English language requirements for Skilled Migrant Category applicants agreed by you on 13 September 2016.

## Proposed changes to immigration instructions

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3. On 26 September 2016 Cabinet agreed to:
  - a New Zealand Residence Programme (NZRP) planning range of 85,000 to 95,000 for the two year period from 2016/17 to 2017/18;
  - an increase in the automatic selection mark for Expressions of Interest (EOIs) to be drawn from the Skilled Migrant Category (SMC) pool from 140 to 160 points; and
  - a reduction in the cap for the capped family categories to 2,000 per year (from 5,500 in the last NZRP)
  - the temporary closure of the Parent category to new applications.

## Notes

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4. Details of the proposed changes are set out as follows:
  - Appendix 1 contains a summary of the proposed changes to immigration instructions.
  - Appendix 2 contains proposed amended Residence instructions effective on and after 12 October 2016.
5. Proposed additions to immigration instructions are highlighted for ease of reference. Highlighting will not appear in the published versions of the amended Operational Manual. References within the Operational Manual to other associated or relevant immigration instructions have been amended wherever this is necessitated by the amendment of another provision, but have not been highlighted. Deletions have not been highlighted.
6. Changes will be communicated to staff, licensed immigration advisers and the general public through the release of an Amendment Circular. Advice about the change will also be provided on the Immigration New Zealand website. A communications plan is being developed in consultation with your office concerning the provision of advice about the changes to key stakeholders.

## Appendix 1 – Summary of proposed changes

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### 1. R6.1 New Zealand Residence Programme

#### R6.5 Allocation of places within the New Zealand Residence Programme

Amendments are proposed to R6.1 and R6.5 to give effect to Cabinet agreement on 26 September 2016 to a New Zealand Residence Programme (NZRP) planning range of 85,000 to 95,000 for the two year period from 2016/17 to 2017/18. This includes a reduction in the cap for the capped family categories to 2,000 per year (from 5,500 in the last New Zealand Residence Programme).

Approve

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### 2. SM2 Overview of Skilled Migrant Category

#### SM3.15 Selection of Expressions of Interest

#### SM3.25 Invitation to apply for a resident visa under the Skilled Migrant Category

#### SM4.5 Approval of applications under the Skilled Migrant Category

Amendments are proposed to SM2 and SM3.15 to give effect to Cabinet agreement on 26 September 2016 to the increase in the automatic selection mark for Expressions of Interest (EOIs) to be drawn from the Skilled Migrant Category (SMC) pool to 160 points.

A further provision has been inserted to state that the automatic selection mark for EOIs may be adjusted as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP), by the Minister of Immigration certifying amended Residence instructions.

To enable selections to be suspended at any time, should this be required, references to selections being made 'periodically' have been removed.

Provisions at SM3.15(d) and SM3.15.1 Additional selection criteria which enable further selections based on set criteria should the requirements of the NZRP not be met have been removed, as these additional selection criteria expired on 31 August this year, and are not currently required in order to meet the NZRP.

As the additional selection criteria have been removed, consequential amendments have been made to SM2 (m) (iii), SM3.25 (a) (ii) and SM4.5 (b) and (c) to remove references to the selection criteria.

SM4.5(c) has also been amended to correct a technical error, in order to clarify that if a principal applicant does not qualify for the points on the basis of which their EOI was selected from the Pool, an immigration officer may, on a case by case basis, approve the application if the applicant qualifies for the points on the basis of which a subsequent selection was made, while their EOI would still have been current. (For example if the automatic selection point is lowered during the currency of the EOI.)

Approve

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3. *SM5.5 Minimum standard of English language for principal applicants*

*SM5.5.1 Transitional provisions for principal applicants invited to apply on or before 11 October 2016*

*SM5.10 English language requirements for non-principal applicants*

*SM5.10.1 Transitional provisions for non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016*

Amendments are proposed to *SM5.5 Minimum standard of English for principal applicants* and *SM5.10 English language requirements for non-principal applicants* to give effect to new English language requirements agreed by you on 13 September 2016 including:

- removal of instructions under which applicants can be considered to have an English-speaking background if they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months, and
- removal of existing instructions that allow for a wide range of qualifications undertaken in English as evidence of meeting English language requirements, and
- removal of instructions which provide for Immigration Officers to otherwise be satisfied through other evidence that an applicant is a competent user of English.

Instructions have also been amended to specify that evidence of English language that will be accepted in place of an English language test will include:

- citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America, provided the applicant has spent at least five years in work or education in one or more of those countries or in Australia or New Zealand.
- a qualification equivalent to a level 7 Bachelor degree or higher (involving at least three years' study) from Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America.

Transitional provisions have been inserted which allow applicants invited to apply on or before 11 October 2016 to also meet the minimum English language requirements in place at the time they were invited to apply.

Cross references to *SM5.5* have been amended in *SM5.15* and *SM17.5* as necessitated by the introduction of transitional requirements at *SM5.5.1*.

Approve

4. *F4.10.15 Selection of Expressions of Interest*

To give effect to Cabinet agreement on 26 September 2016 to the temporary closure of the Parent category to new applications, it is proposed that F4.10.15 be amended to state that, despite the provision allowing for selections from the Parent category Pool at F4.10.15 (a), with effect from 12 October 2016, no selections will be made from the Pool.

Immigration New Zealand has received legal advice that, as the submission of Expressions of Interest is governed by Immigration (Visa, Entry Permission and Related Matters) Regulations 2010, and a Parent category Expression of Interest fee is included in Schedule 4 of those Regulations, immigration instructions cannot be amended to prevent submission in the absence of an amendment to those Regulations. Information will however be provided for potential applicants regarding the cessation of selections from the Pool and advice that they may therefore wish to reconsider submission of an Expression of Interest at this time.

Approve

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5. *F4.15 English language requirements for the Parent Category*

*F4.15.1 Minimum standard of English*

The English language requirements for applicants under the Parent Category reference the English language provisions within the Skilled Migrant Category (SMC). As the SMC English language provisions are to be amended with effect from 12 October 2016, the Parent category provisions have been changed to replace those references with substantive English language requirements. This does not represent a change to Parent category English language requirements.



## Appendix 2 - Proposed amendments to Residence instructions effective on and after 12 October 2016

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### R6.1 New Zealand Residence Programme

- a. The New Zealand Residence Programme (NZRP) consists of all persons approved for residence class visas in the two years beginning 1 July 2016 and ending 30 June 2018.
- b. The NZRP is set for the duration of the two year period, unless a review is directed by the Minister of Immigration. Any changes will be advised by an amendment to these instructions.
- c. The NZRP for the two year period is 85,000 to 95,000 approved places.

**Note:** Permanent resident visas granted to holders of resident visas or second or subsequent resident visas granted to former holders of resident visas are not counted towards the NZRP.

### R6.5 Allocation of places within the New Zealand Residence Programme

- a. There are three streams within the New Zealand Residence Programme (NZRP):
  - i. The Skilled/Business stream;
  - ii. The Family stream;
  - iii. The International/Humanitarian stream.
- b. The Government may, from time to time, reallocate places for approvals within the three streams and/or add places to the three streams.
- c. The allocation of places for each stream across the two-year NZRP period is as follows:
  - i. The Skilled/Business stream is allocated approximately 50,500 to 57,500 places.
  - ii. The Family stream is allocated approximately 27,000 to 29,000 places.
  - iii. The International/Humanitarian stream is allocated approximately 7,500 to 8,500 places.
- d. For the places available under the Family stream, 4,000 places in total are available for approvals under the Capped Family categories.
- e. These places for Capped Family category approvals include places for approvals under the Parent, Sibling and Adult Child categories for applications lodged on or before 16 May 2012 and approvals under the Parent Category for applications lodged after 16 May 2012.

## SM2 Overview of Skilled Migrant Category

- a. A person who is interested in applying for a resident visa under the Skilled Migrant Category must complete an Expression of Interest (EOI) form in the prescribed manner.
- b. EOIs which meet prerequisites for health, character, English language and age, and have a point score of 100 or more points are entered into the Pool of EOIs.
- c. Points for employability and capacity building factors are claimed by a person expressing interest in accordance with the requirements set out in the Skilled Migrant Category.
- d. EOIs in the Skilled Migrant Category Pool are selected from that Pool on the Government's behalf by the Ministry of Business, Innovation and Employment.
- e. EOIs that have total points of 160 or more are selected automatically from the Pool.
- f. The automatic selection mark for EOIs may be adjusted as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP), by the Minister of Immigration certifying amended Residence Instructions.
- g. A selected EOI may result in an invitation to apply for a resident visa under the Skilled Migrant Category being granted, subject to an assessment of the credibility of the information provided in the EOI and whether the EOI indicates the presence of any health or character issues that may adversely affect the ability of the person expressing interest to be granted a resident visa under the Skilled Migrant Category.
- h. Whether, in any particular case, an EOI has been selected from the Pool, it may not result in an invitation to apply for a resident visa under the Skilled Migrant Category.
- i. Only a person invited to apply may apply for a resident visa under the Skilled Migrant Category.
- j. If a person is invited to apply, information provided in the EOI, and any further evidence, information and submissions provided by the applicant (including information concerning ability or potential to successfully settle in and contribute to New Zealand), will form the basis for determination of a subsequent application for a resident visa under the Skilled Migrant Category.
- k. Applications for a resident visa, resulting from an invitation to apply, must include:
  - i. information and evidence to support the claims made in the EOI; and
  - ii. information concerning any relevant fact (including any material change in circumstances that occurs after the EOI was selected) if that fact or change in circumstances may affect the decision on the application. Such a relevant fact or change in circumstances may relate to the principal applicant or another person included in the application, and may relate to any matter relevant to Skilled Migrant Category.
- l. Applications will be assessed against Instructions set out in sections SM4 to SM21 of the Skilled Migrant Category.
- m. Principal applicants under the Skilled Migrant Category will be assessed against:
  - i. health, character and English language requirements; and
  - ii. employability and capacity building requirements; and
  - iii. settlement and contribution requirements.
- n. Assessment against settlement and contribution requirements (see SM21) will take into consideration the application as a whole including information gained at interview, if an interview is conducted. The assessment concerning settlement and contribution may result in:
  - i. the grant of a resident visa; or

- ii. deferral of the decision on the resident visa application and the grant of a work visa to enable a principal applicant to obtain an offer of ongoing skilled employment in New Zealand; or
  - iii. decline of the resident visa application.
- o. If a decision is deferred on the resident visa application and the principal applicant becomes established in ongoing skilled employment in New Zealand, the application for a resident visa will be approved.

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### SM3.15 Selection of Expressions of Interest

- a. As Expressions of Interest (EOI) are entered into the Pool they will be ranked on the basis of total points claimed for employability and capacity building factors in accordance with the Skilled Migrant Category. The ranking of EOIs relative to each other will change as EOIs enter, or are withdrawn from, the Pool.
- b. EOIs in the Skilled Migrant Category Pool are selected from that Pool on the Government's behalf by the Ministry of Business, Innovation and Employment.
- c. EOIs that have total points of 160 or more are selected automatically from the Pool.
- d. The automatic selection mark for EOIs may be adjusted as necessary to manage the achievement of the overall New Zealand Residence Programme (NZRP), by the Minister of Immigration certifying amended Residence Instructions.

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**SM3.25 Invitation to apply for a resident visa under the Skilled Migrant Category**

- a. People whose Expressions of Interest (EOIs) have been selected from the Pool may be issued with an invitation to apply for a resident visa under the Skilled Migrant Category if:
  - i. the information provided does not indicate the presence of any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category; and
  - ii. an immigration officer considers that the person's claims in regard to points for employability and capacity building factors and English language which were the basis for selection from the Pool are credible.
- b. An immigration officer may seek further evidence, information and submissions from a person who's EOI has been selected from the Pool, for the purpose of determining whether their claims are credible and whether there are any health or character issues which may adversely affect their ability to be granted a resident visa under the Skilled Migrant Category.
- c. Whether, in any particular case, an EOI has been selected from the Pool, it may not result in an invitation to apply for a resident visa under the Skilled Migrant Category.

**Note:** An immigration officer's decision to invite a person to apply for a resident visa under the Skilled Migrant Category (based on information evidence and submissions provided prior to application) does not guarantee:

- ~ the points claimed by the applicant; or
- ~ a positive assessment against health, character or English language requirements;

in any subsequent application for a resident visa.

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#### SM4.5 Approval of applications under the Skilled Migrant Category

- a. Principal applicants under the Skilled Migrant Category are assessed against:
  - i. health, character and English language requirements; and
  - ii. employability and capacity building requirements; and
  - iii. settlement and contribution requirements.
- b. An application under the Skilled Migrant Category will be approved if:
  - i. the principal applicant and family members included in the application meet health and character, and English language requirements where required; and
  - ii. the principal applicant qualifies for the points for employability and capacity building factors on the basis of which their Expression of Interest was selected from the Pool; and
  - iii. the principal applicant is less than 56 years of age; and
  - iv. the principal applicant is assessed as having the ability to successfully settle in and contribute to New Zealand; and
  - v. all necessary verification of the application has been completed.
- c. Despite SM4.5(b)(ii) above, if a principal applicant does not qualify for the points for employability and capacity building factors on the basis of which their Expression of Interest was selected from the Pool, an immigration officer may, on a case by case basis, determine that the application may nevertheless be approved, where:
  - i. the principal applicant has satisfied the immigration officer that there was a reasonable basis for making the claim for points in the Expression of Interest and that in making that claim there was no fraud or intent to deceive; and
  - ii. the principal applicant qualifies for the points for employability and capacity building factors on the basis of which a subsequent selection was made, within the period that their Expression of Interest would have been current.

**Note:** Where SM4.5 (c) applies, officers may defer a decision on the application until such time as an Expression of Interest's currency (had it remained in the SMC Pool) expires.

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### SM5.5 Minimum standard of English language for principal applicants

- a. Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from the International English Language Testing System (IELTS), showing they achieved an overall band score of at least 6.5 in the IELTS General or Academic Module.
- c. Other evidence that an applicant meets the minimum standard of English is:
  - i. Citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
  - ii. A recognised qualification (SM14) equivalent to a level 7 Bachelor degree gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America.
- d. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph SM5.5 (b). In such cases, the IELTS certificate will be used to determine whether the principal applicant\* meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.5 (d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

#### SM5.5.1 Transitional provisions for principal applicants invited to apply on or before 11 October 2016

For principal applicants whose invitation to apply was issued on or before 11 October 2016 an immigration officer may, on a case by case basis, also consider the following as evidence of the principal applicant meeting the minimum standard of English if:

- a. they provide evidence that their recognised qualification(s):
  - i. was gained as a result of a course or courses of study in which English was the only medium of instruction; and
  - ii. (if that qualification was gained in New Zealand) the qualification had a minimum completion time of at least two years and is at least a bachelor degree or it is a post-graduate qualification and the applicant has an undergraduate qualification that qualifies for points; or
- b. they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see SM7); or
- c. they provide other evidence which satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:
  - i. the country in which the applicant currently resides;
  - ii. the country(ies) in which the applicant has previously resided;
  - iii. the duration of residence in each country;
  - iv. whether the applicant speaks any language other than English;
  - v. whether members of the applicant's family speak English;
  - vi. whether members of the applicant's family speak any language other than English;
  - vii. the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
  - viii. the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language.

d. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph SM5.5 (b). In such cases, the IELTS certificate will be used to determine whether the principal applicant\* meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.5.1(d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

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### SM5.10 English language requirements for non-principal applicants

- a. Unless SM5.15 applies, partners and dependent children aged 16 and older, who are included in Skilled Migrant Category applications, must:
  - i. show that they meet a minimum standard of English to enable successful settlement in New Zealand; or
  - ii. pre-purchase ESOL training.
- b. Non-principal applicants meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from IELTS, showing they achieved an overall band score of at least 5 in the IELTS General or Academic Module.
- c. Other evidence that a non-principal applicant meets the minimum standard of English is:
  - i. Citizenship of Canada, the Republic of Ireland, the United Kingdom or the United States of America provided the applicant has spent at least five years in work or education in one or more of those countries or Australia or New Zealand; or
  - ii. A recognised qualification (SM14) equivalent to a level 7 Bachelor degree gained in Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom or the United States of America.
- d. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph SM5.10 (b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (d) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

#### SM5.10.1 Transitional provisions for non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016

For non-principal applicants included in applications for which the invitation to apply was issued on or before 11 October 2016 an immigration officer may, on a case by case basis, also consider the following as evidence of the principal applicant meeting the minimum standard of English if:

- a. (if they are the partner of a principal applicant), they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see SM10); or
- b. they provide evidence of one of the following:
  - i. completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
  - ii. completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
  - iii. completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
  - iv. that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);

- v. that the applicant holds International Baccalaureate – full Diploma in English Medium;
  - vi. that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
  - vii. that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
  - viii. that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;
  - ix. that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;
  - x. that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
  - xi. that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
  - xii. that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form.
- e. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph SM5.10 (b). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

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Note: Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under SM5.10 (e) is made. If an IELTS certificate is requested the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

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**SM5.15 English language requirements for partners where bonus points are claimed for the partner's skilled employment or recognised qualifications**

A partner's skilled employment in New Zealand (see SM10) or recognised qualifications (see SM17), only qualify for points if the partner meets the English language requirements for principal applicants (see SM5.5 or SM5.5.1).

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### SM17.5 Bonus points for a partner's recognised qualifications

- a. Recognised qualifications (see SM14.5) held by the partner of a principal applicant qualify for the following points:

Level on the New Zealand Qualification Framework	Points
three – must be on the List of Qualifications Recognised as an Exception (SM14.10.10) four - must be recognised in SM14.10 (d) or (e) five, or six	10
seven to 10	20

- b. A partner's recognised qualification only qualifies for points under this provision if:
- the partner is included in the application; and
  - the partner meets the English language requirements for principal applicants (see SM5.5 or SM5.5.1); and
  - an immigration officer is satisfied that the principal applicant and their partner have been living together for 12 months or more in a partnership that is genuine and stable (see F2.10.1) and otherwise meets Partnership instructions (see F2.15).
- c. Despite (a), if a partner of a principal applicant holds a recognised New Zealand qualification at levels three, four, five, and six on the NZQF, they will be eligible for 20 points if:
- the qualification would have met the requirements for the award of points under the Skilled Migrant Category that was in effect on 24 July 2011; and
  - the qualification was completed before 25 July 2011 or they had commenced a course of study, resulting in the qualification for which they are claiming points, on 24 July 2011.

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## **F4.10 Expressions of Interest and applications under the Parent Category**

### **F4.10.1 Expressing interest in being invited to apply for residence under the Parent Category**

- a. A person notifies that they are interested in being invited to apply for a resident visa under the Parent Category by submitting an Expression of Interest (EOI) to Immigration New Zealand (INZ) in the prescribed manner. In order to submit an EOI in the prescribed manner, a person must submit to an immigration officer:
  - i. a completed prescribed Parent Category EOI form; and
  - ii. the appropriate fee (if any).
- b. By completing an EOI, a person provides a declaration about their and any potential secondary applicant's:
  - i. identity, health and character; and
  - ii. English language ability or an intention to agree to pre-purchase English for Speakers of Other Languages (ESOL) tuition [F4.15](#)); and
  - iii. relationship to their sponsoring adult child and any other children the applicants have (see [F4.20](#)); and
  - iv. adult child's eligibility to sponsor them for New Zealand residence under the Parent Category (see [F4.25](#)); and
  - v. guaranteed lifetime minimum income, settlement funds, or the income of their sponsor, or of their sponsor and their sponsor's partner [F4.30](#) and [F4.35](#)).
- c. It is the responsibility of the person submitting the EOI to ensure that the information given is correct in all material respects.

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**Note:** For the purposes of [F4.10.1\(b\)\(v\)](#), people submitting EOIs under tier two will only be required to declare their sponsor and/or their sponsor's partner's income.

### **F4.10.5 Implications of providing false or misleading information**

See *Immigration Act 2009*, ss 93 and 158

- a. The Immigration Act 2009 provides that there is sufficient grounds to decline an application for a resident visa and for the holder of a resident visa granted under the Parent Category to become liable for deportation in cases of:
  - i. the provision of false or misleading information as part of an EOI or associated submission; or
  - ii. the withholding of relevant potentially prejudicial information from an EOI or associated submission; or
  - iii. failure to advise an immigration officer of any fact or material change in circumstances that occurs after an EOI is submitted that may affect a decision to invite the person to apply for a resident visa or to grant a resident visa.
- b. Information relating to a claim made in an EOI that is factually inaccurate and is relevant to the issuing of an invitation to apply or the assessment of a resident visa application will be considered misleading unless the principal applicant can demonstrate that there is a reasonable basis for making that claim.

### **F4.10.10 Submission of Expressions of Interest to the Pool**

- a. EOIs submitted in the prescribed manner may be entered into a pool of Expressions of Interest (the Pool).
- b. A person may only have one EOI in the Pool at any time (regardless of the tier of the EOI).
- c. Each EOI will be entered into the Pool in either tier one or tier two as indicated in the EOI form.
- d. Despite (c) above, if permission is given by the person expressing interest, an EOI may be entered into the alternative tier of the Pool (see [F4.10.10\(e\)](#) and [\(f\)](#)).

- e. If a person with an EOI in the Pool under tier two updates their information and becomes eligible to be entered into the Pool under tier one, their EOI will be entered into the Pool under tier one based on the original date the EOI was previously entered under tier two.
- f. If a person with an EOI in the Pool under tier one updates their information and is no longer eligible under tier one, but is eligible under tier two, their EOI will be entered into the Pool under tier two based on the original date the EOI was previously entered under tier one.
- g. Where a person with an EOI already entered into the Pool updates their information and no longer meets the requirements of the Parent Category under either tier, their EOI will be withdrawn from the Pool and lapsed.

#### **F4.10.15 Selection of Expressions of Interest**

- a. EOIs will be selected from the pool in the following order:
  - i. Tier one EOIs will be selected first and in order based on the date the EOIs were entered into the Pool; and
  - ii. Residence applications lodged under the Parent and Sibling and Adult Child categories before 16 May 2012 will be selected second, in date order; and
  - iii. Tier two EOIs will be selected third and in order based on the date the EOIs were entered into the Pool, only if there are no tier one EOIs and no applications that were lodged before 16 May 2012.
- b. The ranking of EOIs will change as EOIs enter, or are selected from, the Pool or any given tier of the Pool.
- c. EOIs will be selected in sufficient numbers to meet the requirements of the New Zealand Residence Programme (NZRP) at the time of selection (subject to any adjustment to the number or distribution of places in the NZRP determined by the Government) (see R6).
- d. EOIs are selected from the Pool periodically on the Government's behalf by the Ministry of Business, Innovation and Employment.
- e. Despite F4.10.15 (a) above, with effect from 12 October 2016, no selections will be made from the Pool.

#### **F4.10.20 Invitation to apply for a resident visa under the Parent Category**

- a. People whose EOIs have been selected from the Pool may be issued an invitation to apply for a resident visa under the Parent Category.
- b. An immigration officer may decline an EOI if they are not satisfied claims made within the EOI are:
  - i. credible; or
  - ii. sufficient to meet the requirements of the Parent Category.
- c. An immigration officer may, but is not required to, seek further evidence, information and submissions from a person whose EOI has been selected from the Pool, for the purpose of determining whether their claims are credible and whether there are any health or character issues that may adversely affect their ability to be granted a resident visa under the Parent Category.
- d. If an immigration officer is not satisfied the claims made in an EOI selected from the Pool under tier one would be sufficient to meet the requirements of the Parent Category under tier one, but believes the EOI would meet the requirements under tier two, the EOI will be re-entered into the Pool under tier two. Despite F4.10.10(d), an immigration officer is not required to gain permission from the person expressing interest in order to do this. The EOI's place in the Pool will be based on the date the EOI was first entered into the Pool under tier one.
- e. In any particular case, the selection of an EOI from the Pool may not result in an invitation to apply for a resident visa under the Parent Category.

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**Note:** A decision to invite a person to apply for a resident visa under the Parent Category does not guarantee in any subsequent application for a resident visa a positive assessment of any requirements for the Parent Category or generic residence (including health, and character).

- f. For the purposes of [F4.10.20\(d\)](#), re-entry into the Pool does not guarantee a person will be invited to apply once their EOI is selected from the Pool under tier two.

**F4.10.25 Assessing Parent Category applications**

- a. A person who is sent an invitation to apply for residence under tier one of the Parent Category may only apply for residence using tier one requirements (see [F4.30](#)).
- b. A person who is sent an invitation to apply for residence under tier two of the Parent Category may make a Parent Category application using the requirements for either tier one or tier two (see [F4.30](#) and [F4.35](#)).
- c. Applications received under tier one of the Parent Category:
- will be assessed against the requirements for tier one at [F4.30](#) and the generic requirements for the Parent Category (sections [F4.15](#) to [F4.25](#)); and
  - despite [R5.20\(c\)](#), cannot be assessed against the requirements for tier two at [F4.35](#).
- d. Applications received under tier two of the Parent Category:
- will be assessed against the requirements for tier two at [F4.35](#) and the generic requirements for the Parent Category (sections [F4.15](#) to [F4.25](#)); and
  - may be assessed against tier one requirements at [F4.30](#) in accordance with [R5.20\(c\)](#).
- e. Applications received under the Parent Category before 16 May 2012 will be processed using the requirements in force at the time they were accepted for processing.
- f. Applications under the Parent Category will be approved if the applicants included in the application meet:
- health and character requirements applicable at the time their residence application was lodged; and
  - the additional requirements for the particular tier (see [F4.30](#) or [F4.35](#)) on the basis of which they were invited to apply for residence or, in the case of tier one applications, the alternative requirements listed at [F4.30](#) (a), (b) or (c) that were applicable at the time their residence application was lodged; and
  - the other criteria on the basis of which they were invited to apply for residence.

#### F4.15 English language requirements for the Parent Category

##### F4.15.1 Minimum standard of English

- a. Applications under the Parent Category must be declined if any applicant included in the application has not met the minimum standard of English or the requirements to pre-purchase English for speakers of other languages (ESOL) tuition.
- b. Applicants under the Parent Category meet the minimum standard of English if they provide:
- i. a Test Report Form (no more than two years old at the time the application is lodged) from the International English Language Testing System (IELTS) that shows they meet at least two competencies of level 4 or above or shows they achieved an overall band score of at least 5 in the IELTS General or Academic Module; or
  - ii. other evidence that satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:
    - the country in which the applicant currently resides;
    - the country(ies) in which the applicant has previously resided;
    - the duration of residence in each country;
    - whether the applicant speaks any language other than English;
    - whether members of the applicant's family speak English;
    - whether members of the applicant's family speak any language other than English;
    - the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
    - the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language, or
  - iii. evidence of one of the following:
    - completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction;
    - completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction;
    - completion of a course of at least 3 years duration leading to the award of a tertiary qualification at institutions using English as the language of instruction;
    - that the applicant holds General Certificate of Education (GCE) "A" Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English);
    - that the applicant holds International Baccalaureate – full Diploma in English Medium;
    - that the applicant holds Cambridge Certificate of Proficiency in English – minimum C pass;
    - that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English;
    - that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature;



- that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper;
  - that the applicant holds South African Matriculation Certificate, including a minimum D pass in English (Higher Grade);
  - that the applicant holds South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words 'matriculation exempt';
  - that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completing the seventh form; or
- iv. are citizens of Samoa who have applications assessed under the Parent Category at the Apia Immigration New Zealand (INZ) branch and, after an interview, satisfy an immigration officer that they have sufficient English language ability.
- c. When applying (b) (IV) above, the interviewing Immigration officer determines if applicants meet the minimum English language requirement by assessing whether they are able to:
- i. read English; and
  - ii. understand and respond to questions in English; and
  - iii. maintain an English language conversation about themselves, their family or their background.
- d. In any case in terms of (b) (I) above, an Immigration officer may require any or each applicant to provide an IELTS certificate. In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

**Note:** Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under F4.15.1 (c) is made. If an IELTS certificate is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

**F4.15.5 Pre-purchase of English for Speakers of Other Languages (ESOL) tuition**

- a. Instead of meeting the minimum standard of English, any applicant may pre-purchase ESOL tuition. ESOL tuition must be pre-purchased from the Tertiary Education Commission (TEC) by paying the required charge to INZ (who collect this charge on behalf of TEC).
- b. Applicants must pay any ESOL charge due, sign the ESOL Agreement and return it to INZ within the time specified by INZ before a resident visa is able to be granted (see F4.15.20).

**F4.15.10 The amount of ESOL tuition to be pre-purchased by applicants**

For the purposes of the Parent Category, the amount of ESOL tuition to be paid is NZ\$1,735 per applicant, which gives an ESOL entitlement of NZ\$1,533.33 per applicant.

**F4.15.15 TEC to arrange ESOL tuition**

- a. The applicant is entitled to tuition to the value of the ESOL entitlement of the ESOL tuition charge. This does not include the INZ and TEC administration costs.
- b. TEC advises the applicant of the list of suitable ESOL tuition providers in New Zealand, from which the applicant may nominate one of their own choice.
- c. TEC will manage the contract between the ESOL tuition provider and the applicant.
- d. The applicant must advise TEC of their New Zealand address.

**F4.15.20 Applicant's agreement with TEC**

- a. Each applicant who pre-purchases ESOL tuition must sign an Agreement with TEC by which they agree, among other things, that they understand the rules for taking up ESOL tuition in New Zealand and the refund provisions.
- b. The content of the Agreement is determined by INZ and TEC.
- c. Included with the Agreement is a Schedule that sets out the personal details of the applicant and the amount of tuition to be purchased.

**F4.15.25 Completion of Agreement**

- a. When an application for a resident visa is approved in principle, applicants will be given two copies of the Agreement to complete for each person in the application undertaking ESOL tuition.
- b. After completion of the Agreement, one copy is retained by the applicant, and the other copy is returned to the relevant INZ processing office with the tuition fee(s).
- c. If the Agreement is not signed and returned to INZ within the time specified by INZ, the resident visa application must be declined.
- d. The INZ copy of the Agreement should be sent to the TEC.

**F4.15.30 Failure to pre-purchase ESOL tuition**

Any ESOL tuition fee must be paid before a resident visa may be granted. If the tuition fee is not paid to the INZ within the specified time, the resident visa application must be declined.

**F4.15.35 Limited period to use ESOL tuition**

- a. If ESOL tuition is purchased, the applicant must complete the tuition within five years from the date of payment.
- b. ESOL tuition will not be available without further payment, nor will refunds be given, to applicants who do not take up ESOL tuition within the time limits specified at F4.15.35 (a).

**F4.15.40 Refund of ESOL tuition fees**

- a. If ESOL tuition fees are paid but the applicant does not take up residence by being a residence class visa holder in New Zealand, a refund of the ESOL tuition fee may be granted upon request to INZ. The request must be made in writing.
- b. Requests for refunds must be declined if they are made more than six months after the expiry of the travel conditions allowing travel to New Zealand.
- c. Immigration officers considering requests for refunds must be satisfied that none of the applicants included in the application have:
  - i. entered New Zealand as residents; or
  - ii. hold resident visas with current travel conditions.
- d. The person who paid the ESOL tuition fee will only be refunded the ESOL entitlement. INZ and TEC administration costs will not be refunded.

**RESIDENCE INSTRUCTIONS**

**MINISTERIAL CERTIFICATE**

I hereby certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 2 of the submission dated 27 September 2016 are part of Residence instructions on and after 12 October 2016.

Hon Michael Woodhouse  
Minister of Immigration

\_\_\_\_\_  
(day)

\_\_\_\_\_  
(month)

\_\_\_\_\_  
(year)

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**BRIEFING**

**Implementing proposed New Zealand Residence Programme and English language requirements: further advice**

<b>Date:</b>	22 September 2016	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0915 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to the recommendations	23 September 2016
Hon Craig Foss Associate Minister of Immigration	For your information	

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Nick Aldous	Manager, Operational Policy, Service Design and Performance, Immigration New Zealand	04 896 5208	s 9(2)(a)	✓
Susan Cooke	Senior Business Analyst, Operational Policy, Immigration New Zealand	04 896 5254	N/A	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:			N/A		

Minister's office to complete:

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| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
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| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:



**BRIEFING**

**Implementing proposed New Zealand Residence Programme and English language requirements: further advice**

<b>Date:</b>	22 September 2016	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0915 16-17

**Purpose**

This paper provides options for implementing new English language requirements for Skilled Migrant Category applications.

**Recommended action**

The Ministry of Business, Innovation and Employment recommends that you:

**EITHER**

- a **Agree** that changes to English language requirements for the Skilled Migrant Category be implemented in November 2016, as per advice provided on 14 September 2016 [Briefing 0811 16-17]

*Agree / Disagree*

**OR**

- b **Agree** that changes to English language requirements for the Skilled Migrant Category be implemented in September 2016 and made applicable only to people who have not been invited to apply as at the date of implementation

*Agree / Disagree*

- c **Note** that option (b) above increases the number of people who will need to meet the new English language requirements

*Noted*

- d **Note** that there is s 9(2)(h) and a more significant risk of complaints, associated with option (b).

*Noted*

Stephen Dunstan  
Assistant General Manager,  
Service Design and Performance  
INZ, MBIE

Hon Michael Woodhouse  
Minister of Immigration

..... / ..... / .....

..... / ..... / .....



## Background

1. On 14 September we provided advice to you regarding, among other things, the implementation of new English language requirements [0811 16–17 refers].
2. That advice recommended that changes to the English language requirements for the Skilled Migrant Category (SMC) be announced on 29 September 2016, with an effective date of 21 November 2016, and that:
  - i. for applicants invited to apply prior to the date of announcement, the current English language rules apply regardless of the date their application is made; and
  - ii. for SMC applicants invited to apply after the announcement is made, the current English language requirements apply only if their application is made after 21 November.
3. You have requested further advice on whether the changes to English language can be implemented earlier than November 2016.

## Options for implementation of new English language requirements

### Implementation in September 2016

4. It is proposed that if new English language requirements are implemented in September, these be made applicable only to future SMC applicants who have not yet been issued with an Invitation to Apply (ITA) at the date of implementation. We are proposing that the change to instructions be applied in this way because those who have already been invited to apply have a legitimate expectation that the evidence they have been asked to provide in their ITA will be sufficient to meet immigration instructions.
5. Although the Immigration Act allows for retrospective application of instructions to people who have not yet made an application, there is some reputational risk associated with this option. Complaints are likely to be received from people who have submitted Expressions of Interest (EOIs) based on the current English language requirements and who would then be subject to the amended instructions.
6. s.9(2)(h)
7. Implementing the new English language requirements in September for those who have not yet been invited to apply will mean that a larger group of potential applicants will need to meet the strengthened evidential requirements for English language, than would be the case with implementation in November. As at today's date 683 potential principal applicants have been selected from the EOI Pool but not yet invited to apply. These people would be required to meet the new English language instructions.
8. Introduction of new English language requirements in advance of the introduction of a wider range of English test providers in November this year is likely to put pressure on the International Development Programme (IDP), (the organisation offering International English Language Testing System (IELTS) tests) as only a limited number of tests will be available before the end of this calendar year.

### Implementation in November 2016

9. Implementation of English language changes in November 2016 reduces the number of people who will be subject to the strengthened evidential requirements, as this group of

potential applicants includes those who may be invited to apply prior to 21 November and are able to submit their applications before this date.

10. A November implementation date would also align with the availability of a wider range of English language tests, thereby making it easier for applicants to provide a test result as evidence they meet English requirements.
11. Reputational s 9(2)(h) risks are lessened if new requirements are announced in September but not implemented until November this year, as potential applicants will have a longer period in which to undertake an English language test, should this be required.

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## BRIEFING

### Additional information for the New Zealand Residence Programme Cabinet discussion

<b>Date:</b>	22 September 2016	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0913 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to lodge the attached information with Cabinet Office for consideration by Cabinet on 26 September 2016	23 September 2016
Hon Craig Foss Associate Minister of Immigration	For your information	n/a

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Immigration Policy	04 901 8618	n/a	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:					

Minister's office to complete:

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| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:



# BRIEFING

## Additional information for the New Zealand Residence Programme Cabinet discussion

<b>Date:</b>	22 September 2016	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0913 16-17

### Purpose

At your request the briefing provides:

- additional information in relation to the New Zealand Residence Programme (NZRP), and
- seeks your agreement to lodge the attached additional information on the NZRP with Cabinet Office so it can be considered alongside the NZRP paper by Cabinet on Monday 26 September 2016.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that Cabinet Economic Growth and Infrastructure (EGI) considered the NZRP Cabinet paper on Wednesday 21 September 2016

*Noted*

- b **Agree** to lodge the attached additional information requested by EGI with Cabinet Office so it can be considered alongside the NZRP paper by Cabinet on Monday 26 September 2016

*Agree / Discuss*



Andy Jackson  
Manager, Skills and Employment Policy  
Labour, Science and Enterprise, MBIE

22.9.16

Hon Michael Woodhouse  
Minister of Immigration

..... / ..... / .....

## Background

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1. On 21 September 2016, EGI considered the paper *The New Zealand Residence Programme 2016/17 – 2017/18*. The paper was deferred for discussion at Cabinet on Monday 26 September 2016 and additional information was requested to clarify some of the options and their impacts.

## The additional information requested by EGI

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2. The attached additional information provides:
  - a comparison of Immigration New Zealand's (INZ) forecast residence approvals against the options in the NZRP paper
  - further information on how Option C in the Cabinet paper could be achieved, i.e. what approvals would need to be made in the first and second year under the three NZRP streams
  - the likely impacts of Option C on the Skilled Migrant Category (SMC), i.e. how much would the selection mark need to go up and what the impact would be on occupations
  - the impact of the NZRP changes on approximate stream proportions, including whether the family stream be reduced further
  - the impacts of the SMC changes on the ICT sector
  - the implementation timelines for the wider SMC changes, and
  - key messages to migrants about family reunification.

## Information on how the NZRP relates to the wider economic impacts of immigration

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3. Previous New Zealand research on the economic impacts of immigration found that the effects were positive, but modest. The impact tends to be larger on GDP growth than on GDP per capita. This conclusion is consistent with the OECD's findings on migration. These macroeconomic impacts relate mainly to changes in population which are driven by both temporary and permanent migration. No research has been undertaken in New Zealand that attempts to assess the economic impact of the NZRP (excluding other types of migration).
4. Migrants have a positive impact on the Government's finances. The recent report on the fiscal impacts of migrants found that in the 2013 year non-New Zealand born people were significantly more fiscally positive than the New Zealand born, largely because they tend to be more likely to be of working age.
5. However, the A3 prepared for the Cabinet strategy discussion noted that high-levels of net migration have and will continue to contribute to housing and infrastructure pressures. Little information is available, however, on the actual impacts on housing demand of specific groups of migrants, residents or temporary. As noted in the NZRP paper the NZRP has relatively small impacts on the overall net migration figures, which are largely driven by migration patterns of New Zealanders and temporary migrants.

## **Information on Expressions of Interest (Eoi)**

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6. You have requested information on at what point we are legally obliged to consider an SMC application or Eoi. INZ has an obligation to consider an Eoi or an application under the relevant immigration instructions by meeting the requirements set out in the *Immigration (Visa, Entry Permission and Related Matters) Regulations 2010*. In administrative law there is a general obligation to process an "application" (in the broader sense) once it is made.
7. The key difference between an Eoi and a SMC residence application is that the *Immigration Act 2009* (the Act) specifies that any decision of a residence application must be made in terms of the immigration instructions in place at the time it was legally made (and any discretion exercised must be in terms of those instructions). Eois, on the other hand, are not an application for a visa. The relevant decision to be made on an Eoi is whether or not to issue an invitation to apply (ITA) which enables the person to make an application for residence.
8. The Act allows Eois to be considered against the immigration instructions in force at the time the decision to issue an ITA is made. Where instructions change between the date of issue of an ITA for a residence class visa and the date on which a person's application for the relevant visa is made in response to that invitation, the decision on the application must be made in terms of the immigration instructions applicable at the time the application for the visa was made (and not at the time the ITA was issued).
9. In practice INZ is not obliged to consider a SMC application under previous immigration instructions from a person who has made an Eoi, been selected, or invited to apply if the immigration instructions have changed since their Eoi was considered. While there is minimal legal risk in requiring people with Eois who have not lodged an application to meet any new immigration instructions there are some reputation risks. As a result previous SMC changes have often provided some grandparenting provisions for people who have been selected or invited to apply.

### **Next steps**

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10. The Department of Prime Minister and Cabinet has recommended that the additional information requested by EGI be lodged with Cabinet Office (CABNET) as an addendum to the NZRP Cabinet paper. If you agree your office will ensure that the attached note is uploaded into CABNET for consideration alongside the NZRP Cabinet paper by Cabinet on Monday 26 September.

This attachment, "Additional Information for the New Zealand Residence Programme 2016/17 - 2017/18" is refused under section 18(d)

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## AIDE MEMOIRE

### Information to support the New Zealand Residence Programme discussion

<b>Date:</b>	19 September 2016	<b>Priority:</b>	High
<b>Security Classification:</b>	In Confidence	<b>Tracker number:</b>	0784 16-17

<b>Information for Minister</b>	
Hon Michael Woodhouse Minister of Immigration	

<b>Contact for telephone discussion</b>				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Immigration Policy	04 901 8618	n/a	

<b>The following departments/agencies have been consulted</b>					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:		N/A			

**Minister's office to complete:**

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| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

**Comments:**

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## AIDE MEMOIRE

### Information to support the New Zealand Residence Programme discussion

Date:	19 September 2016	Priority:	High
Security Classification:	In Confidence	Tracker number:	0784 16-17

#### Purpose

1. This note provides information and talking points on the paper *The New Zealand Residence Programme 2016/17 – 2017/18* to support you at the Cabinet Economic Growth and Infrastructure Committee (EGI) on 21 September 2016. The following officials from the Ministry of Business Innovation and Employment will be present at EGI:
  - Stephen Dunstan, General Manager, Service Design and Performance
  - Andy Jackson, Manager, Skills and Employment
  - Hayden Fenwick, Manager, Immigration Policy
  - Sam Foley, Principal Advisor, Immigration Policy.

#### Context

2. On 10 August 2016, Cabinet Economic Growth and Infrastructure Committee considered the paper *The New Zealand Residence Programme 2016/17 – 2017/18*. As a result the paper was withdrawn and you were invited to resubmit the paper as soon as practicable following further discussion with relevant Ministers.
3. On Monday 29 August you met with the Prime Minister, and the Ministers of Finance, Tertiary Education, Skills and Employment, Associate Finance and Social Development to discuss an A3 on the future NZRP. The Cabinet paper to be considered by EGI reflects the decisions taken by these senior Ministers.

#### Summary of the proposals in the NZRP paper

4. The NZRP paper proposes the following in relation to the overall planning range and stream proportions:
  - a planning range of 85,000 to 95,000 for the two years from 1 July 2016 to 30 June 2018 (a reduction of 5,000 places over two years on the previous NZRP)
  - that Immigration New Zealand will manage the planning range to an upper limit of approximately 50,000 in the current year and 45,000 for 2017/18
  - that the stream proportions stay largely the same as in previous years with 60 per cent Skilled / Business, 32/33 per cent Family and 7/8 per cent International / Humanitarian

- that the Minister of Immigration be authorised to vary the stream proportions if necessary.
5. As the NZRP is not a hard cap, changes to the constituent visa categories will be needed in order to achieve the lower NZRP planning range over the next two years. The following changes are proposed:
- raising the points level for selection under the Skilled Migrant Category (SMC) immediately to stabilise numbers for the current year (the points level will then be reviewed in light of the wider changes to SMC proposed for 2017)
  - clarifying the proxies for meeting the English language requirements under the SMC
  - amending the SMC by realigning the points system  
s 9(2)(f)(iv)
  - reducing the cap for the capped family categories to 2,000 per year (from 5,500 in the last NZRP) and temporarily closing the Parent Category for new applications while it is reviewed.

### **Implementation of the changes**

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6. The new NZRP, the increase in SMC selection mark and the temporary closure of the Parent Category are expected to be implemented on 29 September 2016, after the next Expression of Interest draw. Changes to the proxies for meeting English language requirement will be disseminated at the same time but would not come into force until November. The wider SMC changes, subject to further Ministerial decisions, are likely to be implemented in the first half of 2017.

### **Annexes**

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Annex 1: Talking points for *The New Zealand Residence Programme 2016/17 – 2017/18* paper.

**Talking points for The New Zealand Residence Programme 2016/17 – 2017/18**

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Pages 4-7 are withheld under section 9(2)(g)(i)

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## AIDE MEMOIRE

### Further detail on NZRP proposals

Date:	19 September 2016	Priority:	Urgent
Security Classification:	In Confidence	Tracker number:	0865 16-17

Information for Minister(s)	
Hon Bill English Minister of Finance	Hon Steven Joyce Minister of Economic Development Minister for Tertiary Education, Skills and Employment
Hon Michael Woodhouse Minister of Immigration	

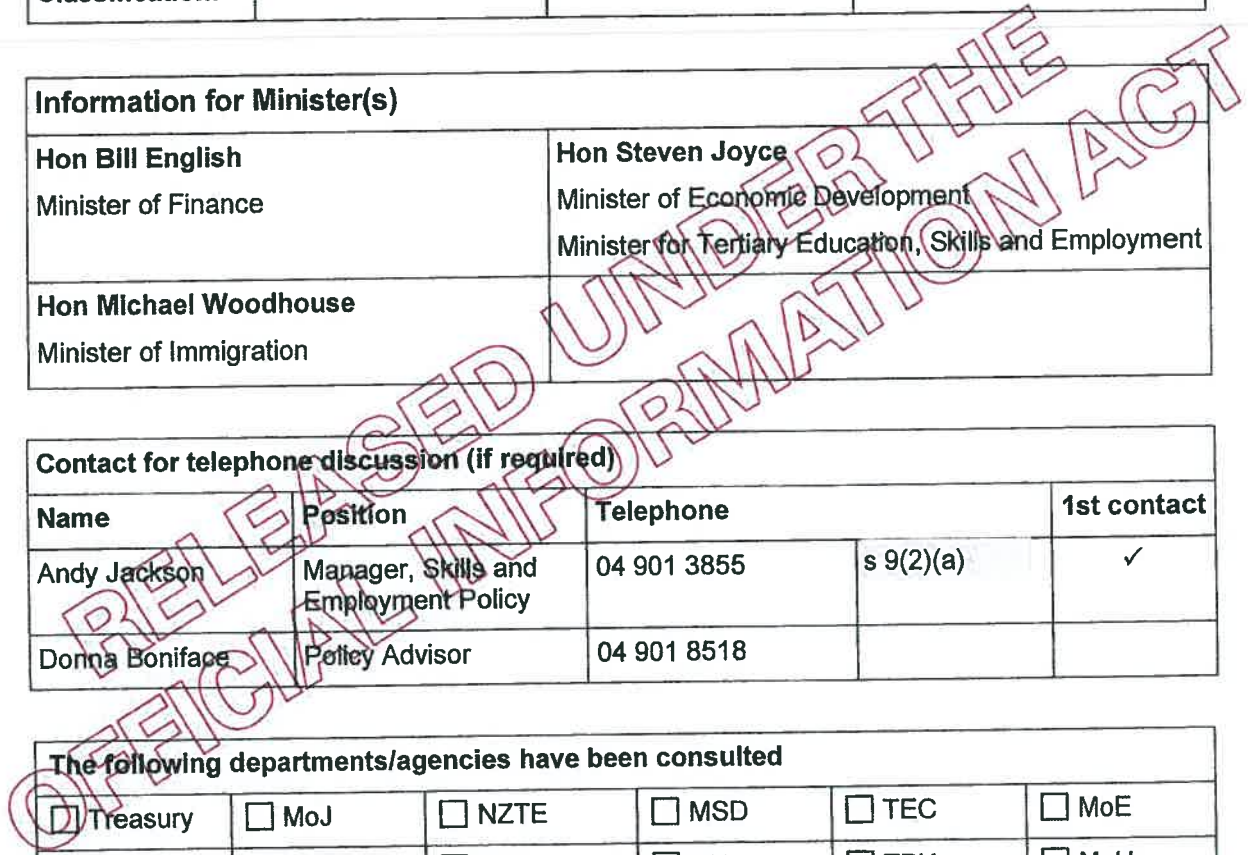
Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Donna Boniface	Policy Advisor	04 901 8518		

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:			N/A		

Minister's office to complete:

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| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:





## AIDE MEMOIRE

### Further detail on NZRP proposals

Date:	19 September 2016	Priority:	Urgent
Security Classification:	In Confidence	Tracker number:	0865 16-17

#### Purpose

1. This aide memoire provides information on the impact increasing the automatic selection mark for the Skilled Migrant Category (SMC) to 160 points would have on skilled ICT occupations.

#### Context

2. The paper the *New Zealand Residence Programme 2016/17 to 2017/18* will be considered by Cabinet Economic Growth and Infrastructure Committee on Wednesday 21 September. The paper proposes a New Zealand Residence Programme (NZRP) of 85,000 to 95,000 people over the next two years (a 5,000 reduction on the previous NZRP).
3. As the NZRP is not a hard cap, changes to the constituent visa categories are needed to achieve the lower NZRP planning range over the next two years. The paper therefore proposes to restrict the number of approvals under the Skilled Migrant Category (SMC) by raising the number of points needed for automatic selection immediately. The selection mark will need to remain high for a sufficient period to ensure that immediate demand on the NZRP is managed for the remainder of 2016/17. For the 2017/18 year, it is likely that the points level may be lowered, as by then we expect to have implemented changes to SMC to lift the bar on what are considered "skilled" jobs for SMC purposes.

#### The impact on skilled ICT occupations of raising the selection mark

4. The table below is included at paragraph 28 of the Cabinet paper *New Zealand Residence Programme 2016/17 – 2017/18*. It shows the top ten ANZSCO occupations for approved SMC applications which were awarded less than 160 points in the 2015/16 financial year.
5. While it is not possible to directly model the impacts on applications in the 2016/17 – 2017/18 NZRP, based on full year 2015/16 approvals it appears that the main occupations that are likely to be affected by the increased points mark, would be chefs, retail managers and café and restaurant managers. However, skilled roles such as software engineers and developer programmers were also in the top ten occupations with approvals at below 160 points in 2015/16.

Top 10 ANZSCO Occupations (6 digit classification)	Number of approved principal migrants that scored below 160 points	Proportion of approved principal migrants in that occupation that scored below 160 points	Number of approved principal migrants that scored 160 points or more
Chef	778	90%	82
Retail Manager (General)	525	78%	149
Cafe or Restaurant Manager	481	81%	117
ICT Customer Support Officer	269	72%	103
Carpenter	263	94%	18
Registered Nurse (Aged Care)	257	49%	263
Software Engineer	235	73%	88
Baker	201	94%	12
Developer Programmer	163	61%	104
ICT Support Technicians nec	155	75%	51
<b>Total across all occupations</b>	<b>9664</b>	<b>74%</b>	<b>3430</b>

6. The actual number of ICT jobs directly affected will be considerably smaller than the numbers in table because:
- the table includes full year statistics (approx. 13,000 principal applicants) whereas the number of principal applicants that are expected to be affected by this change in 2016/17 is around 2660 (due to the number of applications which have already been approved or are in progress)
  - most migrants are already working in New Zealand when they apply for residence, those people in skilled ICT roles are likely to be able to stay here on temporary visas
  - a significant proportion (more than half) of the migrants in skilled ICT occupations approved in 2015/16 with less than 160 points did not have jobs or job offers in New Zealand when they were approved – this means most people supported by a New Zealand employer will meet the new criteria as explained below.

### The effect on ICT occupations

Modelling based on 2015/16 data suggests an annualised total of 235 (Software Engineer) and 163 (Developer Programmer). The largest total affected is the lower skilled occupation of ICT Customer Support Officer. As stated above, the criteria will be in place for less than one year.

8. The 2015/16 data shows that a significant proportion Software Engineer and Developer Programmers who scored under 160 points did not have current employment or an offer of employment in New Zealand. These migrants met the current criteria because they had qualifications and work experience in an occupation included on the Long Term Skills Shortage List (LTSSL).

Top 10 ANZSCO Occupations (6 digit classification)	Number of approved principal migrants that scored below 160 points with a job or job offer	Number of approved principal migrants that scored below 160 points without a job or job offer	Number of approved principal migrants that scored 160 points or more
Chef	778	1	82
Retail Manager (General)	525	0	149
Cafe or Restaurant Manager	481	0	117
ICT Customer Support Officer	14	14	103
Carpenter	263	0	18
Registered Nurse (Aged Care)	257	1	263
Software Engineer	71	164	88
Baker	201	0	12
Developer Programmer	125	38	104
ICT Support Technicians nec	155	1	51
<b>Total across all occupations</b>	<b>8662</b>	<b>994</b>	<b>3430</b>

9. Only 71 Software Engineers and 125 Developer Programmers who had current skilled employment, or an offer of skilled employment scored below 160 points. When we take into account the impact this would have over the short period that the criteria will be raised to 160 points, this will affect only a small number of people who are supported by New Zealand employers.

#### Points available to ICT workers

10. Most skilled ICT workers will be able to get 160 points. Applicants with a skilled job offer in the ICT industry, and a degree in ICT or a related area such as engineering, would be able to claim at least 100 points on this basis alone. If they have three years of post-qualification work experience (as required for LTSSL points) they will be eligible for a further 40 points. If they are under 45 they will be eligible for at least 20 points for age.
11. If they are older than 45 (and meet the requirements of the LTSSL) but have more than three years of work experience, the reduction in points for age will be offset by increased points in work experience. They will then also be able to pick up a range of other points for NZ work experience, a skilled partner, a job offer outside Auckland, or close family living in New Zealand.
12. In 2015/16, eight per cent of SMC applications (around 1000) were approved without current skilled employment or an offer of skilled employment in New Zealand. This included over 700 ICT professionals who were awarded between 140 and 160 points (who would not be eligible under the raised selection criteria). However, if offered employment, they would be eligible for up to 200 points.

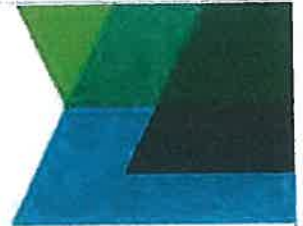
#### Supporting the ICT industry

13. During the period that the criteria are raised to 160 points, we can offer employers additional support. INZ also support ICT employers to ensure people who meet the criteria for Essential Skills are supported to access those visas, in the event that there is a risk of people leaving the industry because of the SMC changes. We will also be able to manage communications

with ICT employers to help ensure they understand the intent of the changes, including through the Digital Technology Skills Forum.

14. By the time SMC applications in 2016/17 are assessed, we hope to have introduced the revised system (set out in principle in the cabinet paper) which includes a number of changes including the introduction of salary thresholds. Initial modelling suggests the skilled ICT occupations that are an area of concern will almost entirely come in above the likely salary threshold. We will be able to provide further modelling when the detailed changes are provided to ministers for decision.

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## BRIEFING

### Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

<b>Date:</b>	14 September 2016	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0769 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree, to lodge the paper with the Cabinet Office by 10am on 15 September 2016, so that it can be considered by the Cabinet Economic Growth and Infrastructure Committee on 21 September 2016	15 September 2016
Hon Craig Foss Associate Minister of Immigration	For your information	n/a

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Immigration Policy	04 901 8618	n/a	

The following departments/agencies have been consulted					
<input checked="" type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input checked="" type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input checked="" type="checkbox"/> MoE
<input checked="" type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input checked="" type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input checked="" type="checkbox"/> MoH
<input checked="" type="checkbox"/> Other:			Education New Zealand		

- Minister's office to complete:
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| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:

# BRIEFING

## Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

Date:	14 September 2016	Priority:	High
Security classification:	In Confidence	Tracking number:	0769 16-17

### Purpose

This briefing provides the final Cabinet paper *The New Zealand Residence Programme 2016/17 – 2017/18* and seeks your agreement to lodge the paper with the Cabinet Office

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that the attached draft Cabinet paper has been updated based on your feedback and feedback from government agencies

*Noted*

- b **Agree** to lodge the paper with the Cabinet Office by 10am on Thursday 15 September 2016 so it can be considered by the Cabinet Economic Growth and Infrastructure Committee (EGI) on Wednesday 21 September 2016

*Agree / Discuss*

Andy Jackson  
Manager, Skills and Employment Policy  
Labour, Science and Enterprise, MBIE

Hon Michael Woodhouse  
Minister of Immigration

14/9/16

..... / ..... / .....

## Background

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1. On 9 September 2016 you were provided with an updated draft of the paper *The New Zealand Residence Programme 2016/17 – 2017/18* and this version of the paper was circulated among key government agencies.

## The draft Cabinet paper

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2. The attached draft Cabinet paper proposes:
  - a recommended overall planning range of 85,000 – 95,000 people for the 2016/17 – 2017/18 New Zealand Residence Programme (NZRP). This will allow Immigration New Zealand (INZ) to plan for 45,000 – 50,000 approvals in the first year, and 40,000 – 45,000 in the second year, and
  - changes to reduce Parent numbers, strengthen English language testing requirements and raise the bar for the Skilled Migrant Category.

## Summary of changes from the last version

3. We have incorporated changes to reflect your feedback on the paper. Changes have also been made to clarify the impact of raising the automatic selection mark to 160 points and to reflect comments from government agencies. The key changes are highlighted in the attached paper.

*Tables to show how the SMC will be affected by an increase in the automatic selection criteria*

4. Tables have been added to show the estimated impact of the proposed increase in the SMC selection criteria. 'Table Three: Estimated reduction to SMC visas in 2016/17...' at paragraph 25 shows the estimated impact on the overall numbers expected to be approved during 2016/17 under the current and proposed selection criteria, based on the 2015/16 distribution of points for EOIs selected under the SMC. 'Table Three: main occupations for approved principal skilled migrants that scored below 160 points in 2015/16' at paragraph 28 shows which occupations would have been most affected by this change in the previous financial year. It should be noted that the November 2015 changes which significantly increased the points awarded for skilled jobs outside Auckland, mean that the proportions for 2015/16 may not be directly applicable to 2016/17.

*Minor changes have been incorporated after feedback from government agencies*

5. The following government agencies were consulted: Treasury, the Ministries of Education, Foreign Affairs and Trade, Health, and Social Development; Education New Zealand; the Department of Internal Affairs; and the Office of Ethnic Affairs. The Department of the Prime Minister and Cabinet was informed.
6. In general, government agencies supported the proposals in the paper. Some changes have been incorporated in the paper, including:
  - additional context linking the NZRP to the Business Growth Agenda
  - making it clear that the minimum level of English required under the SMC will not be changing, only the proxies
  - making it clearer that no changes are anticipated to uncapped family categories or the International / Humanitarian Stream, and
  - noting that some external stakeholder engagement is anticipated prior to Ministers making detailed decisions on changes to the SMC.



## Next steps

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### Cabinet process

7. We recommend that the papers be lodged with Cabinet office by 10am on 15 September, to be considered by EGI on 21 September, and by Cabinet on 26 September 2016.
8. In order for the Cabinet paper be lodged on 15 September 2016, we would work to the following timelines:

Process	Timing
Final paper provided to the Minister of Immigration	14 September
Paper lodged with Cabinet Office	15 September
Paper considered by EGI	21 September
Paper considered by Cabinet	26 September
New Zealand Residence Programme instructions updated	As soon as is practicable following Cabinet agreement
New SMC EOI selection criteria applied	5 October

### Implementation and communication

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9. If Cabinet agrees to the proposals in the paper, the NZRP will be implemented through immigration instructions as soon as possible.
10. Your office is working with the Ministry on a communications plan which could to include the proactive release of the Cabinet paper. You will be briefed on proposed redactions before a proactive release takes place. You will receive further advice on the implementation of the changes including the effect of the temporary closure of the Parent Category on those who have already submitted EOIs prior to the decisions in this Cabinet paper being made public.

### Annexes

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Annex 1: Cabinet paper: *The New Zealand Residence Programme 2016/17 – 2017/18*

Annex 1 is not provided. Some sections are withheld under section 9(2)(g)(i), some sections are refused under section 18(d), and the remaining sections are out of scope.

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**BRIEFING**

**Implementing proposed New Zealand Residence Programme and English language requirements**

<b>Date:</b>	14 September 2016	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0811 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to the recommendations	22 September 2016
Hon Craig Foss Associate Minister of Immigration	For your information	

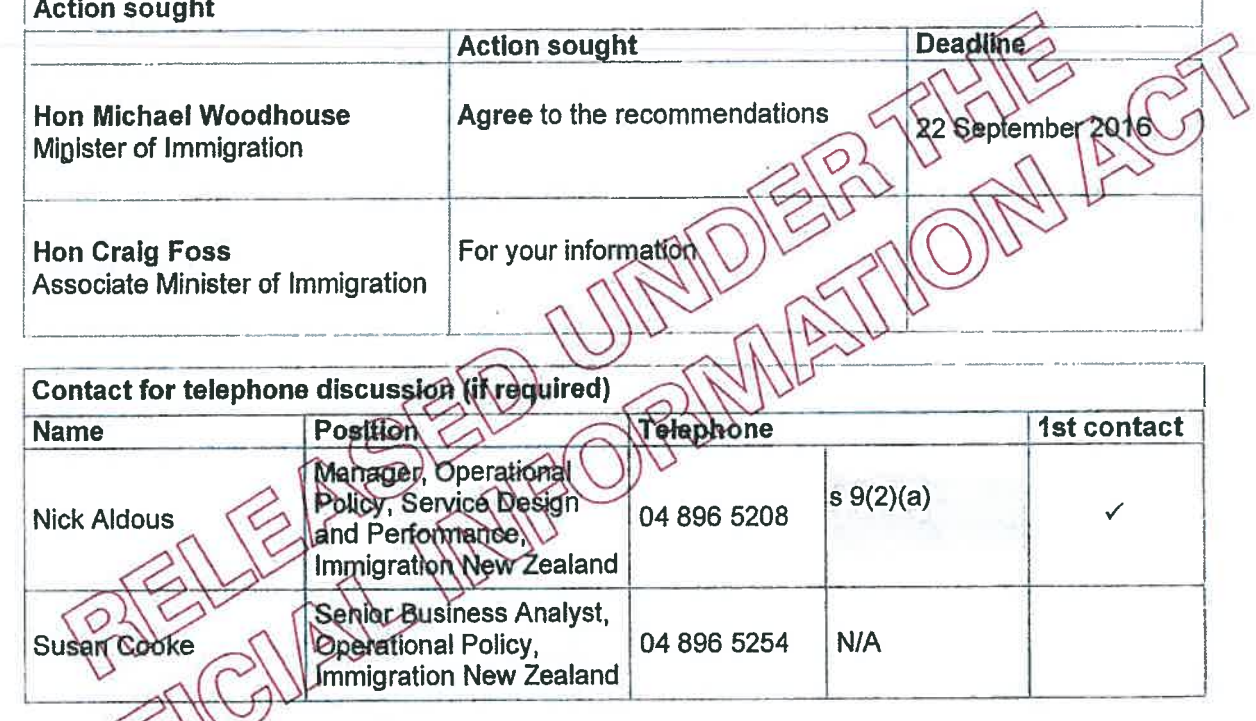
Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Nick Aldous	Manager, Operational Policy, Service Design and Performance, Immigration New Zealand	04 896 5208	s 9(2)(a)	✓
Susan Cooke	Senior Business Analyst, Operational Policy, Immigration New Zealand	04 896 5254	N/A	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
<input type="checkbox"/> Other:			N/A		

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:





## BRIEFING

### Implementing proposed New Zealand Residence Programme and English language requirements

Date:	14 September 2016	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0811 16-17

#### Purpose

You are asked to agree to proposals for the implementation of decisions about the New Zealand Residence Programme, which are expected to be made by Cabinet on Monday 26 September, and to proposals for the implementation of changes to English language requirements. The proposals relate in particular to the timing of implementation and the communication of the changes to people who have expressed interest in applying for residence.

#### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a Agree that changes to the New Zealand Residence Programme (if agreed by Cabinet on Monday 26 September) and to English language requirements for applicants under the Skilled Migrant Category (SMC) be announced on Thursday 29 September  
*Agree / Disagree*
- b Agree that, subject to Cabinet agreement, the increase in the automatic selection point for the SMC Pool be made effective from 29 September 2016  
*Agree / Disagree*
- c Agree that, subject to Cabinet agreement, the overall target range of 85,000 to 95,000 for the 1 July 2016 to 30 June 2018 New Zealand Residence Programme (NZRP) and the reduction in the cap for the Capped Family categories to 2,000 per year be made effective from 29 September 2016  
*Agree / Disagree*
- d Agree that, subject to Cabinet agreement, the temporary closure of the Parent Category be given effect through the closure of the Parent Category Pool (the non-acceptance of new Expressions of Interest) and the cessation of selections from that Pool from 29 September 2016  
*Agree / Disagree*
- e Agree that changes to the English language requirements for the Skilled Migrant Category be announced on 29 September 2016, with an effective date of Monday 21 November 2016  
*Agree / Disagree*
- f Agree that, for SMC applicants invited to apply prior to the date of announcement, the current English language rules will apply regardless of the date their application is made  
*Agree / Disagree*

g **Agree** that, for SMC applicants invited to apply after the announcement, the current English language requirements will apply only if their application is made prior to 21 November

*Agree / Disagree*

h **Note** that immigration instructions to give effect to these decisions will be provided to you for certification immediately after Cabinet consideration on 26 September

*Noted*

i **Note** that further advice regarding the implementation of new English language requirements for categories other than the SMC will be provided to you prior to November 2016.

*Noted*



Stephen Dunstan  
Assistant General Manager, Service Design  
and Performance  
INZ, MBIE

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Hon Michael Woodhouse  
Minister of Immigration  
..... / ..... / .....

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## **Background**

1. The Cabinet paper 'New Zealand Residence Programme 2016/17 – 2017/18' [Briefing paper 0769 16-17] proposes the following:
  - the planning range for the New Zealand Residence Programme for the two-year period 2016/17 to 2017/18 be set at 85,000 to 95,000 people approved residence
  - the automatic selection mark for Expressions of Interest (EOIs) to be drawn from the Skilled Migrant Category (SMC) Pool be raised from 140 to 160 points.
  - the cap for the Capped Family categories be reduced to 4,000 over two years (from 11,000 in the last NZRP)
  - the Parent Category be temporarily closed to new applications.

## **Certification and implementation of amended immigration instructions**

2. It is proposed that, subject to agreement by Cabinet to the above proposals, amended immigration instructions to give effect to the above proposals will be submitted to you for certification immediately after Cabinet's consideration on Monday 26 September. It is also proposed that the amended instructions have an effective date of Thursday 29 September and that the changes be announced on that date. The Ministry of Business, Innovation and Employment will liaise with your office concerning communications and the announcement of the changes on 29 September.

### **Change to the auto-selection point**

3. An effective date of 29 September will allow for a draw from the SMC Pool of EOIs scheduled for Wednesday 28 September to be made using the current selection criteria (all EOIs with a point score of 140 and above, and EOIs that score between 100 and 135 that include points for skilled employment).
4. Applying the new auto selection point of 160 after this Pool draw will ensure that people about to be drawn from the Pool are not disadvantaged by the change, and that people who are about to submit EOIs to the Pool have timely notice of the increase.

### **Changes to the Capped Family categories**

5. The next Parent Category Pool draw is not scheduled until Wednesday 15 November 2016. It is intended that the temporary closure of the Parent Category be given effect by the immediate closure of the Parent Category Pool (no further EOIs will be accepted) and the cessation of selections from that Pool. Those people who have already been selected from the Pool and invited to submit residence applications will be unaffected by the change. EOIs that are in the Pool at the time of announcement will remain there until a decision is made to resume Pool draws or make other amendments to the Parent Category. Sufficient EOIs can be drawn if necessary over the remainder of 2016/17 and during 2017/18 to meet the proposed cap of 2,000 people approved residence in each of those years.

### **English language changes**

6. On Tuesday 13 September 2016, you agreed to changes in English language requirements proposed in the paper 'English language testing package; additional decisions' [0608 16-17].
7. Those changes include the removal of instructions that enable SMC applicants to be considered to have an English-speaking background if they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months, and instructions that

provide for immigration officers to otherwise be satisfied through other evidence that an applicant is a competent user of English.

8. You also agreed to the introduction of instructions under which citizens of Canada, the Republic of Ireland, the United Kingdom, and the United States (who have also resided in those countries) are considered to be proficient in English through having an English-speaking background, and that only degree or higher qualifications gained as a result of study undertaken in those countries are otherwise considered to demonstrate high levels of English language proficiency.
9. SMC applicants who are unable to demonstrate they meet the English language standard under these new provisions will need to provide test results from IELTS or from one of the new English language test providers to be introduced in November 2016<sup>1</sup>.
10. It is proposed that you certify these amendments to instructions on 26 September, with an effective date for the new Instructions of 21 November, and that the changes to instructions be announced on 29 September, along with other changes to the New Zealand Residence Programme and the Parent Category.
11. Additionally, it is proposed that the new English language requirements be given effect in the following manner:
  - For SMC applicants invited to apply prior to the date of announcement (on the basis of the current requirements), those current English language rules will apply regardless of the date their application is made.
  - For SMC applicants invited to apply after the announcement, the current English language requirements will apply only if their application is made prior to 21 November.
12. An effective date of 21 November will allow time for those who have not yet been selected from the SMC Pool to undertake a required English language test, if necessary.
13. Further advice will be provided to you prior to November 2016 regarding the implementation of new English language requirements for categories other than the SMC.

#### Advice to people affected by the changes

14. People who have EOIs in the SMC and Parent Category Pools at the date of announcement, who have EOIs that have already been selected from either of the Pools, or who have been invited to make a residence application, will be sent emails about the changes and, in the case of the Parent category, how the temporary closure of the Parent Pool will affect them.

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<sup>1</sup> The new tests that INZ will accept are: Test of English as a Foreign Language Internet Based Test (TOEFL iBT); Occupational English Test (OET); Cambridge English: First (FCE) and FCE for Schools; Pearson Test of English: Academic (PTE: Academic)



## BRIEFING

### Updated Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

<b>Date:</b>	9 September 2016	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0741 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree, subject to further feedback and Ministerial consultation, to lodge the Cabinet papers with Cabinet Office by 10am on 15 August 2016, so that the papers can be considered by the Cabinet Economic Growth and Infrastructure Committee on 21 August 2016	Provide feedback to officials by Tuesday 13 September
Hon Craig Foss Associate Minister of Immigration	For your information	n/a

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Immigration Policy	04 901 8618	n/a	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
		<input type="checkbox"/> Other:			

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:



# BRIEFING

## Updated Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

Date:	9 September 2016	Priority:	High
Security classification:	In Confidence	Tracking number:	0741 16-17

### Purpose

This briefing provides the updated draft Cabinet paper *The New Zealand Residence Programme 2016/17 – 2017/18* following your feedback to policy officials.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that the attached draft Cabinet paper has been updated based on the feedback you provided to policy officials on 8 September 2016. *Noted*
- b **Note** that your office has forwarded the attached draft Cabinet paper to the Ministers of Finance and Tertiary Education, Skills and Employment on Friday 9 September 2016. *Noted*
- c **Note** that the paper has been provided to senior officials at the Ministries of Education and Social Development, Treasury, and the Department of Prime Minister and Cabinet. *Noted*
- d **Agree** to provide any further feedback on the draft Cabinet Paper to officials by Tuesday 13 September 2016. *Agree / Discuss*
- e **Note** that you will be provided with a final version of the paper on Wednesday 14 September 2016 following interagency consultation. *Noted*
- f **Agree** to lodge the paper with the Cabinet Office by 10:00am on Thursday 15 September 2016 so it can be considered by the Cabinet Economic Growth and Infrastructure Committee (EGI) on Wednesday 21 September 2016. *Agree / Discuss*



Andy Jackson  
Manager, Skills and Employment Policy  
Labour, Science and Enterprise, MBIE

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Hon Michael Woodhouse  
Minister of Immigration

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## Background

1. On 10 August 2016, Cabinet Economic Growth and Infrastructure Committee considered the paper *The New Zealand Residence Programme 2016/17 – 2017/18*. As a result the paper was withdrawn and you were invited to resubmit the paper as soon as practicable following further discussion with relevant Ministers.
2. On Monday 29 August you met with the Prime Minister, and the Ministers of Finance, Tertiary, Education Skills and Employment, Associate Finance and Social Development to discuss an A3 on the future NZRP.
3. On 7 September 2016 you were provided with an updated draft of the of the paper *The New Zealand Residence Programme 2016/17 – 2017/18* and you provided feedback to officials on 8 September 2016.

## The draft Cabinet paper

4. The attached draft Cabinet paper is based on your feedback. The draft paper proposes:
  - a recommended overall planning range of 85,000 – 95,000 for the 2016/17 – 2017/18 New Zealand Residence Programme (NZRP). This will allow Immigration New Zealand (INZ) to plan for 45,000 – 50,000 approvals in the first year, and 40,000 – 45,000 in the second year, and
  - changes to reduce Parent numbers, strengthen English language testing requirements and raise the bar for the Skilled Migrant Category.
5. The paper also provides options for maintaining the average annual planning range at 45,000 – 50,000 (90,000 – 100,000 over two years) or reducing the planning range further to 80,000 – 90,000 over two years. A sharper reduction is not recommended as it would require significant overcorrection including the closure of the SMC for the remainder of year, and restricting the approval of the partners and children of New Zealanders.
6. Changes to the Skilled Migrant Category and the reduction of the cap on the Parent Category are required under all three Options. These changes must be implemented as soon as possible as continuing EOI selections under current rules will make the management of these categories increasingly problematic. SMC Expression of Interest (EOI) selections are scheduled for 14 and 28 September 2016. If Cabinet confirms decisions on the 26 September, Immigration New Zealand will apply the new rules from the next EOI selection on 5 October 2016.

*A table to show the top ten occupations affected by increasing the automatic selection point*

7. The table below estimates the impact that raising the selection criteria to 160 points would have on individual occupations under the SMC. The table below has not yet been included in the Cabinet paper (there is a placeholder for Table Two) because the methodology is still in development and we would like to undertake more rigorous checks before including it in the paper. We expect to be able to confirm the inclusion of the table early next week.
8. As the table shows, most of the total expected SMC approvals for 2016/17 are currently in train (have submitted an application, been invited to apply, or have an EOI selected from the pool) or have been approved already. The estimated reductions in approvals for individual occupations expected from the increased the selection mark therefore only relate to those SMC applicants who are yet to be selected.

9. These numbers have been estimated by extrapolating from the percentages of SMC applicants approved in 2015/16 in each occupation, and applying that percentage to the numbers that:

- are already in train or approved and
- would be selected under the current selection criteria and
- would be selected if the selection mark were 160.

Estimated outcomes for SMC in 2016/17	Already in train or approved	Current selection criteria		Impact of raising selection to 160 points		
		To be selected	Total	to be selected	Total	Decrease at 160
<b>Total expected volumes (including dependants)</b>	<b>23,985</b>	8800	32,785	3,556	27,541	-5244
Top 10 occupations of principal applicants based on 2015/16  (excluding dependants)	Chef	852	1,164	47	898	-268
	Retail Manager (General)	667	912	85	752	-160
	Cafe or Restaurant Manager	592	809	67	689	-151
	Registered Nurse (Aged Care)	515	704	149	664	-39
	ICT Customer Support Officer	388	503	59	427	-77
	Software Engineer	320	437	50	370	-67
	Carpenter	278	380	10	288	-92
	Developer Programmer	264	361	59	323	-38
	Baker	211	288	7	218	-71
	ICT Support Technicians nec	204	279	29	233	-46

### Next steps

#### Consultation

10. The paper has been provided to senior officials at the Ministries of Education and Social Development, Treasury, and the Department of Prime Minister and Cabinet. Standard agency consultation will be undertaken from Monday.

#### Cabinet process

11. We recommend that the papers be lodged with Cabinet office by 10am on 15 September, to be considered by EGI on 21 September, and by Cabinet on 26 September 2016.
12. In order for the Cabinet paper be lodged on 15 September 2016, we would work to the following timelines:

Process	Timing
Updated paper provided to the Minister of Immigration, forwarded by your office to the Ministers of Finance and Tertiary Education, Skills and Employment	9 September
Feedback received from other Ministers	By 13 September

Final paper provided to the Minister of Immigration	14 September
Paper lodged with Cabinet Office	15 September
Paper considered by EGI	21 September
Paper considered by Cabinet	26 September
New EOI rules applied	
New Zealand Residence Programme instructions updated	As soon as is practicable following Cabinet agreement

### **Implementation**

13. If Cabinet agrees to the proposals in the paper, the NZRP will be implemented through immigration instructions as soon as possible.

### **Annexes**

Annex 1: Cabinet paper: *The New Zealand Residence Programme 2016/17 – 2017/18*

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Annex 1 is not provided. Some sections are withheld under section 9(2)(g)(i), some sections are refused under section 18(d), and the remaining sections are out of scope.

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## BRIEFING

### English language testing package: additional decisions

<b>Date:</b>	8 September 2016	<b>Priority:</b>	Medium
<b>Security Classification:</b>	Unclassified	<b>Tracker number:</b>	0608 16-17

	Action sought	Deadline
<b>Hon Michael Woodhouse</b> Minister of Immigration	Approve the additional decisions sought for the November English language testing package	15 September 2016
<b>Hon Craig Foss</b> Associate Minister of Immigration	For your information	

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Hayden Fenwick	Acting Manager, Immigration Policy	04 896 5479	s 9(2)(a)	✓
Christine Hyndman	Principal Policy Advisor, Immigration Policy	04 901 8575		

The following departments/agencies have been advised					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input checked="" type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
		<input type="checkbox"/> Other:	N/A <input type="checkbox"/>		

**Minister's office to complete:**

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|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

**Comments:**



## BRIEFING

### English language testing package: additional decisions

Date:	8 September 2016	Priority:	Medium
Security Classification:	Unclassified	Tracker number:	0608 16-17

#### Purpose

You are asked to agree to a set of changes to Immigration Instructions to strengthen English language provisions for residence, through clarifying the means by which applicants can demonstrate that they meet relevant English language standards. If you agree, the changes will be incorporated in the November quarterly release, along with the expansion of English language testing providers you have already agreed to (1684 14-15).

#### Summary

This briefing recommends that, following discussions by Ministers in late August 2016 and their agreement to the stricter application of English language provisions for residence, you agree to changes to Immigration Instructions, for implementation in the November release. The paper briefly describes the choices available around establishing whether visa applicants meet language requirements, and the advantages and disadvantages of different approaches.

The proposed changes do not alter current standards that applicants are expected to meet but clarify how the attainment of those standards can be demonstrated and remove the option of case-by-case consideration, for the purposes of skilled, business and family migration. They complement the expansion of English language testing providers you agreed in 2015 and are broadly congruent with your recent decisions on Immigration Advisers' English proficiency (0463 16-17).

They will:

- specify the nationalities considered to be English-speaking
- adjust the amount and level of study in an English-speaking country by which an applicant can be considered to be competent in English, including removing some study in foreign countries which currently qualifies holders as having an English-speaking background, and specifying that study in New Zealand must be for a degree or higher qualification
- remove the current Instructions which
  - state that an applicant can be considered to have an English-speaking background if they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months
  - enable an applicant to otherwise claim they have an acceptable standard of English.

It is proposed that acceptance into the Edmund Hillary Fellowship be recognised as evidence of meeting English language requirements for applicants for temporary visas under the Global Impact Visa category.

A communications plan targeted at potential applicants, the international education sector, advisers, employers and the wider New Zealand community (including family members of potential applicants under family categories) will be developed. The messaging will emphasise that the standards required have not altered, that the changes both will improve transparency for applicants and their advisers, and may slightly improve the average level of English of people approved for skilled residence, and that they form part of a package which also includes increases to the range of tests available. The changes may lead to more English language study being undertaken in New Zealand. Annex 1 sets out the text of relevant current Instructions for reference.

## Recommended Actions

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The Ministry of Business, Innovation and Employment recommends that you:

1. **Agree** that citizens of Canada, the Republic of Ireland, the United Kingdom (UK), and the United States (US) (who have resided in those countries) are considered to be proficient in English through having an English-speaking background

*Agree / Discuss*

2. **Agree** that only degree or higher qualifications gained as a result of study undertaken in New Zealand, Australia, Canada, Ireland, the UK or the US are otherwise considered to demonstrate English language proficiency

*Agree / Discuss*

3. **Note** that these changes are congruent with changes you have recently approved for Immigration Advisers (0463 16-17)

*Noted*

4. **Agree** to remove the ability for an applicant to be considered to have an English-speaking background if they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months

*Agree / Discuss*

5. **Agree** to the removal of Immigration Instructions which provide for Immigration Officers to otherwise be satisfied through other evidence that an applicant is a competent user of English

*Agree / Discuss*

6. **Agree** that applicants for visas under the Global Impact Visa policy can also demonstrate that they have an acceptable standard of English through acceptance into the Edmund Hillary Fellowship

*Agree / Discuss*

7. **Note** that an immigration officer may in any case require an applicant to provide evidence, through an approved English language test, that they meet the minimum standard of English required

*Noted*

8. **Note** that the range of English language tests recognised by Immigration New Zealand (INZ) will increase from November 2016

*Noted*

9. **Note** that these changes will be implemented in the November 2016 quarterly release, and that INZ will develop a communications plan targeted at potential applicants, the international education sector, advisers, employers and the wider New Zealand community, including family members of potential applicants under family categories

*Noted*



10. **Forward** a copy of this briefing to the Minister for Tertiary Education, Skills and Employment, for his information.

Yes / No



Hayden Fenwick  
**Acting Manager, Immigration Policy**  
Labour, Science and Enterprise, MBIE

Hon Michael Woodhouse  
**Minister of Immigration**

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## **Ministers have agreed to make changes to improve skilled migrant outcomes**

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1. The Prime Minister met with you and the Ministers of Finance, Social Development and Tertiary Education, Skills and Employment on Monday 29 August 2016 to discuss proposals concerning the New Zealand Residence Programme (NZRP) and residence policy settings, including mechanisms to improve outcomes from skilled migrants. Ministers agreed to the stricter application of English language requirements to strengthen the assessment of English language proficiency (0596 16-17).
2. A set of consequential changes to Immigration Instructions is proposed in this paper, for inclusion in the November quarterly release. The proposals do not require further Cabinet confirmation, as the actual English standards are not changing. (You will receive advice on proposals for Cabinet decisions on the NZRP and residence policy settings separately.)
3. It is proposed that the changes to assessment of English language proficiency be implemented for all categories where English language standards apply (including the business categories and some family categories), to reduce administrative complexity and the possibility for confusion by applicants and their advisers.

## **Current mechanisms for demonstrating proficiency are not transparent**

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4. Immigration Instructions stipulate that applicants for certain skilled and business visas must demonstrate that they meet the required minimum English language standards. Secondary applicants – partners and dependent children – and principal applicants for Parent category visas must either meet English language standards or pre-purchase English language training. The standards are currently defined in terms of IELTS<sup>1</sup> levels.
5. Instructions currently state that applicants who have gained a recognised qualification in an overseas English-medium institution, or a qualification in New Zealand which has a minimum completion time of at least two years and is at least a bachelor degree, or is a post-graduate qualification where the applicant has an undergraduate qualification that qualifies for points, can be considered, on a case-by-case basis, to meet the minimum standard of English.
6. In addition, applicants from English-speaking backgrounds, or who have worked in New Zealand for a year, may use these circumstances as evidence that they meet English language requirements. Under Instructions, Immigration New Zealand (INZ) may, nonetheless, require an IELTS test of any applicant subject to an English language standard requirement. Annex 1 sets out the text of relevant current Instructions for reference.
7. INZ reports that increasing numbers of onshore applicants for skilled residence are claiming to meet English standards through the "employment in New Zealand" criterion but not meeting the IELTS requirement if formally tested. Staff also report that people claiming to have been educated in English-medium systems in countries which do not have English as their main language (see Annex 1), when tested, frequently also do not meet the minimum requirement. INZ is therefore moving towards requesting more applicants in these situations to undergo IELTS testing, which can lead to unexpected costs and delays for the applicants and is not transparent or particularly facilitative. More English proficiency tests will be available from the end of November; this will introduce more consumer choice and make timely testing easier – see paragraph 20.

## **Mechanisms for demonstrating proficiency were assessed**

8. As you will recall from the briefing you recently received concerning English language standards for Advisers (0463 16-17), there are a range of considerations around the issue of assessing English language competency. In general, indicators should be transparent, equitable, reasonably accurate, and easy to administer. Mechanisms range from high levels

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<sup>1</sup> International English Language Testing System <https://www.ielts.org/>

of discretion on the part of the determining agency (such as an educational institution or immigration department) to requiring all applicants to undertake a test (the current Canadian approach). Assessment can take into account English-medium schooling at various levels or lengths or time, and nationality of / residence in an English-speaking country.

9. A brief assessment of the options indicates that reducing the ways in which applicants can claim that they meet the required English language standards, while maintaining a core list of English-medium nationalities and qualifications, would improve transparency, reduce uncertainty for applicants and their advisers and, through improving the overall accuracy of assessment, likely slightly improve the average level of English of people approved for skilled residence.

**Table One: Assessment of options to improve the assessment of English language proficiency**

<i>Options (from more discretion to all sit tests)</i>	<i>Transparent ?</i>	<i>Equitable ?</i>	<i>Accurate?</i>	<i>Ease? (applicants)</i>	<i>Ease / cost? (NZ)</i>	<i>Score</i>
<i>Increased discretion to consider applications on a case-by-case basis</i>	-	-	-	✓✓✓	-	3
<i>Broader list of qualifications deemed to meet requirements</i>	✓✓✓	✓	✓✓	✓✓✓	-	8
<i>Status quo</i>	✓✓	✓	✓✓	✓✓✓	✓	8
<i>Less discretion (proposal)</i>	✓✓✓	✓✓✓	✓✓✓	✓✓✓	✓✓✓	15
<i>Mandatory English test</i>	✓✓✓	✓✓	✓✓✓	✓	✓✓✓	12

### **The proposed changes will simplify mechanisms to demonstrate proficiency**

#### ***A set of countries will be recognised as English-speaking***

10. It is recommended that certain countries be identified as English-speaking for the purposes of applicant nationality, as long as those citizens have resided in the country for a minimum length of time. The list proposed is Canada, the Republic of Ireland, the UK and the US. (Australian nationals do not need to formally apply for residence to live here). It is further recommended that applicants who have gained higher qualifications through study in those four countries or Australia or New Zealand are recognised as competent in English.

11. These countries have predominantly native English speaking populations and are commonly regarded as English-speaking countries for the purpose of assessing English competency amongst tertiary institutions (which are based on New Zealand Qualifications Authority guidelines) and occupational regulatory regimes. We considered excluding qualifications from Quebec province (as per the Immigration Advisers changes) but decided against it, noting that more than a quarter of Quebec's population is Anglophone and it has a number of English-language universities. Immigration officers will continue to be able to request a test where there are doubts that an applicant meets the required English language standard.

12. This list aligns with Australia's list of countries from which English schooling is accepted for migrants, although the Australian Office of the Migration Agents Registration Authority also recognises South Africa when licensing immigration agents. As you were advised in briefing 1664 16-17, we do not have confidence that the level of English fluency is reliable in South Africa. Only about ten percent of South Africans are native English speakers.

#### ***The list of qualifications proposed as indicating proficiency is briefer than the current list but lower than the requirement for Advisers***

13. The current list of qualifications which can be accepted as providing evidence of an English-speaking background is relatively long (including for example "completion of all primary

education and at least 3 years of secondary education" and "the applicant holds General Certificate of Education (GCE) 'A' Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English)". It has the issues associated with both long lists (including the difficulty and expense of keeping them up to date) and qualifications gained or schooling undertaken decades before (applicants may no longer have the relevant documentation to hand, and paperwork can be very difficult to verify). It is therefore proposed that the list be removed.

14. You have recently agreed that Advisers (who must achieve a minimum IELTS band score of 7, higher than the 6.5 required for applicants for skilled migration), and who are seeking to demonstrate English proficiency through higher education, must be able to show they have completed a total of six years' education in an English-language country, comprising
- a completed bachelor degree (or equivalent tertiary qualification) of at least three years duration and a further three years comprising any combination of*
- secondary schooling equivalent to year 12 prior to commencing the course of study referred to above; or*
  - another completed bachelor degree (or equivalent tertiary qualification) undertaken at a different time to the course of study referred to above; or*
  - a completed postgraduate qualification.*
15. This mechanism for demonstrating English proficiency would raise the bar considerably, which is not the intention of these changes. It would also be unlikely to be used very much by applicants for visas. Given the wide range of tests which will be available, and the ongoing ability of Immigration officers to request that applicants take a test if they do not consider they do speak English to the standard required, it is not recommended that this option be mirrored.

***More people will need to take tests and there may be more demand for English language courses***

16. We do not have complete information about the numbers of principal applicants for Skilled Migrant Category (SMC) who are currently meeting English language requirements through IELTS versus other proxies for English language competence. We do know that over the past four financial years, between 14 per cent and 19 per cent of principal applicants under the SMC have been nationals of Canada, Ireland, the UK or the US.
17. A recent sample of 105 SMC applications (from Auckland offices only) indicated that no applicants were from those English-speaking countries. It also indicated that a small number (15 of the applicants) had undertaken an IELTS test to provide that they met the required language standard. Of the remaining 90, around 24 appeared likely to be able to demonstrate proficiency through the level of their study in New Zealand. However, an estimated 66 who had not undertaken a test would probably be required to do so under the proposed changes. Two-thirds of that 66 had claimed skilled employment in New Zealand as full or partial evidence of meeting English language requirements, while the remainder were assessed as likely to have studied in New Zealand at lower than a full bachelor's degree. This implies that there is likely to be considerable demand for English language tests once the changes are announced.
18. INZ will work with test providers to ensure that people intending to submit Expressions of Interest (EOIs) or applications for residence are able to access tests in a timely manner. Some people who consider that it is likely that they would not meet the required standard if formally tested may seek to undertake more English language training in New Zealand, while others may not apply at all. The changes may therefore slightly reduce the numbers of people seeking to express interest for the remainder of 2016/17, although the likely impact is difficult to assess given other changes proposed to SMC settings.

***An exception is proposed for applicants for work visas under the Global Impact Visa policy***

19. Cabinet agreed to the Global Impact Visa (GIVs) policy in April 2016 [EGI 16 Min 0071]. GIVs participants will be chosen by a private sector partner and will be accepted into the Edmund Hillary Fellowship. The design of final detailed policy decisions was delegated to you as Minister of Immigration, in consultation with the Minister for Economic Development. Ministers were briefed in August 2016 (0321 16-17) with proposals for the final detailed design, including a recommendation that English language proficiency requirements be aligned with those for SMC. It is recommended that, given the extensive screening and interviewing planned as part of the selection process, applicants for visas under the GIVs also be able to demonstrate that they meet the requirement to have an acceptable standard of English through acceptance into.

**Next steps**

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20. You will receive a submission setting out the proposed package of English language changes and consequential changes to Immigration Instructions for your certification. This will include the implementation of the changes you agreed in June 2016 (1664 14-15), which will expand the English language tests that INZ will be able to accept, from one (IELTS) to five<sup>2</sup>.
21. It is proposed that the new provisions will apply to people who are in the EO1 pool but have not yet been invited to apply for residence as at Thursday 29 September (assuming you agree to the recommendations in this briefing by Thursday 15 September). They will be emailed to advise them of the new requirements, which will apply from Monday 21 November, when the quarterly release goes live.
22. INZ will develop a communications plan targeted at potential applicants, the international education sector, advisers, employers and the wider New Zealand community (including family members of potential applicants under family categories). The messaging will emphasise that the standards required have not altered, and that the changes both will improve transparency for applicants and their advisers, and may slightly improve the average level of English of people approved for skilled residence, and that they form part of a package which also includes increases to the range of tests available.
23. Annex 1 sets out the text of relevant current Instructions for reference.

**Annex 1**

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Annex 1: Current text of relevant Instructions

<sup>2</sup> Test of English as a Foreign Language Internet based test (TOEFL IBT), and Pearson Test of English Academic (PTE Academic), for all visa categories that require proof of English language competence; plus in some instances Cambridge English First (Cambridge First) or the Occupational English Test (OET).

## **Annex 1: Current text of relevant Instructions**

### **Minimum standard of English language for principal applicants**

- a. Applications under the Skilled Migrant Category must be declined if the principal applicant has not met the minimum standard of English.
- b. Principal applicants under the Skilled Migrant Category meet the minimum standard of English if they provide a Test Report Form (no more than 2 years old at the time the application is lodged) from the International English Language Testing System (IELTS), showing they achieved an overall band score of at least 6.5 in the IELTS General or Academic Module.
- c. Notwithstanding (b) above, an Immigration officer may, on a case by case basis, consider the following as evidence of the principal applicant meeting the minimum standard of English if:
  - i. they provide evidence that their recognised qualification(s):
    - o was gained as a result of a course or courses of study in which English was the only medium of instruction; and
    - o (if that qualification was gained in New Zealand) the qualification had a minimum completion time of at least two years and is at least a bachelor degree or it is a post-graduate qualification and the applicant has an undergraduate qualification that qualifies for points; or
  - ii. they have current skilled employment in New Zealand for a period of at least 12 months that qualifies for points (see SMZ); or
  - iii. they provide other evidence which satisfies an Immigration officer that, taking account of that evidence and all the circumstances of the application, they are a competent user of English. These circumstances may include but are not limited to:
    - o the country in which the applicant currently resides;
    - o the country(ies) in which the applicant has previously resided;
    - o the duration of residence in each country;
    - o whether the applicant speaks any language other than English;
    - o whether members of the applicant's family speak English;
    - o whether members of the applicant's family speak any language other than English;
    - o the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
    - o the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in the English language.
- d. In any case, an immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph (b). In such cases, the IELTS certificate will be used to determine whether the principal applicant\* meets the minimum standard of English.

### **Evidence of an English-speaking background**

Evidence of an English-speaking background is documentation showing:

- a. completion of all primary education and at least 3 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 5 or years 9 to 11) at schools using English as the language of instruction; or
- b. completion of at least 5 years of secondary education (that is, the equivalent of New Zealand Forms 3 to 7 or years 9 to 13) at schools using English as the language of instruction; or

- c. completion of a course of at least 3 years' duration leading to the award of a tertiary qualification at institutions using English as the language of instruction; or
- d. that the applicant holds General Certificate of Education (GCE) 'A' Levels from Britain or Singapore with a minimum C pass (the passes must specifically include the subjects English Language or Literature, or Use of English); or
- e. that the applicant holds an International Baccalaureate – full Diploma in English Medium; or
- f. that the applicant holds a Cambridge Certificate of Proficiency In English – minimum C pass; or
- g. that the applicant holds Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English; or
- h. that the applicant holds STPM 920 (Malaysia) – A or B pass in English Literature; or
- i. that the applicant holds University of Cambridge in collaboration with University of Malaya, General Certificate of English (GCE) "A" levels with a minimum C pass. The passes must specifically include the subjects English or General Paper; or
- j. that the applicant holds a South African Matriculation Certificate, including a minimum D pass in English (Higher Grade); or
- k. that the applicant holds a South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words "matriculation exempt"; or
- l. that the applicant holds a New Zealand Tertiary Entrance Qualification gained on completion of the seventh form.

#### **Employment in New Zealand**

An applicant is also considered to have an English-speaking background if:

- a. they have been lawfully employed full-time in an occupation in New Zealand for a minimum of 12 months; and
- b. English was the language of employment.

'Employment' in the context of English language requirements does not include self-employment.



## BRIEFING

### Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

<b>Date:</b>	7 September 2016	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	0624 16-17

Action sought		
	Action sought	Deadline
Hon Michael Woodhouse Minister of Immigration	Agree to discuss the attached draft Cabinet paper with officials	For discussion on 8 September

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andy Jackson	Manager, Skills and Employment Policy	04 901 3855	s 9(2)(a)	✓
Sam Foley	Principal Advisor, Immigration Policy	04 901 8618	n/a	

The following departments/agencies have been consulted					
<input type="checkbox"/> Treasury	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> TPK	<input type="checkbox"/> MoH
		<input type="checkbox"/> Other:			

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:



# BRIEFING

## Cabinet paper: The New Zealand Residence Programme 2016/17 - 2017/18

Date:	7 September 2016	Priority:	High
Security classification:	In Confidence	Tracking number:	0624 16-17

### Purpose

This briefing provides the updated draft Cabinet paper *The New Zealand Residence Programme 2016/17 – 2017/18* in advance of your meeting with policy officials at 4pm on Thursday 8 September 2016.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

a **Note** that the attached draft Cabinet paper has been updated based on your conversations with your senior Ministerial colleagues *Noted*

b **Agree** to discuss the attached draft Cabinet paper with officials at your officials' policy meeting at 4pm on Thursday 8 September 2016 *Agree / Discuss*

  
Andy Jackson  
Manager, Skills and Employment Policy  
Labour, Science and Enterprise, MBIE  
..... / ..... / .....

Hon Michael Woodhouse  
Minister of Immigration  
..... / ..... / .....

## Background

1. On 10 August 2016, Cabinet Economic Growth and Infrastructure Committee considered the paper *The New Zealand Residence Programme 2016/17 – 2017/18*. As a result the paper was withdrawn and you were invited to resubmit the paper as soon as practicable following further discussion with relevant Ministers.
2. On Monday 29 August, you met with the Prime Minister, and the Ministers of Finance, Tertiary, Education Skills and Employment, Associate Finance and Social Development to discuss the future NZRP.

## The draft Cabinet paper

3. The attached draft Cabinet paper is based on your feedback on Tuesday 6 September following a further discussion you had with the Prime Minister. The draft paper proposes:
  - a planning range of 45,000 – 50,000 in year one and options to maintain the same range for year two or reduce it to 40,000 – 45,000 in year two (reducing the range in year two is recommended making an overall NZRP number of 85,000 – 95,000 over two years), and
  - changes to reduce Parent numbers, strengthen English language requirements and raise the bar for the Skilled Migrant Category.

## Next steps

4. Officials will discuss the draft paper with you at the regular policy meeting at 4pm Thursday 8 September 2016. An updated paper can be provided to you and other key Ministers following the meeting.
5. We recommend that Cabinet decisions be sought by the end of September and changes to the SMC selection market be implemented immediately afterwards to limit the number of EOI selections under the current rules. We recommend taking the paper direct to Cabinet or to Cabinet Business Committee (with power to act) on Monday 26 September. This would allow time for further consultation with key Ministers and agencies before the paper would need to be lodged on Thursday 22 September.

## Annexes

Annex 1: Cabinet paper: *The New Zealand Residence Programme 2016/17 – 2017/18*

Annex 1 is not provided. Some sections are withheld under section 9(2)(g)(i), some sections are refused under section 18(d), and the remaining sections are out of scope.

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