



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	One-off Residence Pathway for Onshore Migrant Workers	Date to be published	10 December 2021

List of documents that have been proactively released

Date	Title	Author
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Information redacted

YES / NO

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Some information has been withheld for the reasons of Confidential advice to Government and International relations.

In Confidence

Office of the Minister of Immigration

Chair, Cabinet

ONE-OFF RESIDENCE PATHWAY FOR ONSHORE MIGRANT WORKERS

Purpose

- 1 I propose introducing a one-off residence pathway for migrant workers currently onshore. Eligibility would be based on the applicant having a valid work visa (excluding seasonal or short-term work visas) on the date of the announcement, plus some additional criteria. Applications would be accepted from 1 December 2021 through to 31 July 2022. Eligibility would also be available to people who are granted a Critical Purpose Visitor visa, under a critical health worker or 'other critical worker' border exception, for a period longer than six months until 31 July 2022.

Executive summary

- 2 We recently announced a rebalance of immigration settings (the Rebalance), to incentivise businesses to take productivity enhancing action that will lead to better jobs for New Zealanders, and to help us as a country reduce our reliance on migrant labour to fill low-skilled, low-paid roles. But we also want to ensure we have the workforce we need to make this transition successfully, and, given our closed borders, that means making the most of everyone onshore.
- 3 The attraction and retention of skilled workers is not just determined by border access or job opportunities: timely residence pathways play a role too, and this is something we want to preserve and enhance as part of the Rebalance.
- 4 I am proposing a one-off pathway to residence for onshore migrants, to ensure that, in the face of ongoing COVID-19 uncertainty, we can retain the many benefits these people offer to New Zealand. I have developed four options for consideration, which offer a one-off residence pathway to different subgroups of temporary migrant workers:
 - 4.1 **Option One** (broadest option, approximately 130,000 eligible applicants, representing an estimated 195,000 people): includes all onshore temporary migrant workers not in excluded visa categories; OR
 - 4.2 **Option Two** (two variations for "settled" threshold):
 - 4.2.1 **Option Two - A:** (approximately 110,000 eligible applicants, representing an estimated 165,000 people): includes onshore migrant workers who have been living in New Zealand for over three years ("settled"), as well as onshore migrant workers who have been onshore for a shorter period but meet criteria for being "skilled" or "scarce"; OR

- 4.2.2 **Option Two - B:** (approximately 100,000 eligible applicants, representing an estimated 150,000 people): includes onshore migrant workers who have been living in New Zealand for over five years (“settled”), as well as onshore migrant workers who have been onshore for a shorter period but meet criteria for being “skilled” or “scarce”; OR
- 4.3 **Option Three** (approximately 90,000 eligible applicants, representing an estimated 135,000 people): onshore migrant workers who meet criteria for being “skilled” or “scarce”; OR
- 4.4 **Option Four** (approximately 30,000 eligible applicants, representing an estimated 45,000 people): onshore migrant workers who meet criteria for being “scarce”.
- 5 All options exclude those on very short-term work visas, short-term seasonal workers and some other specific visas from eligibility – in particular, international students, investors, Working Holiday and Recognised Seasonal Employer visa holders, visitors, Specific Purpose and short-term Critical Purpose Visitor visa holders. I also do not expect all eligible applicants will take up the offer of residence.
- 6 While onshore migrants will make up the majority of eligible applicants, all options will also include critical workers entering New Zealand under a critical health worker or ‘other critical worker’ (for longer-term roles) border exception (up until 31 July 2022), even if they were not already onshore on the date of announcement. This is important because people who meet the border exception criteria are of particular value to the New Zealand workforce at this time.
- 7 All options also enable partners and dependents who are onshore and offshore to be included where relevant.
- 8 Under all options, people who have already applied for skilled residence (through the Skilled Migrant Category (SMC) or Residence from Work) would have a choice to have their application processed in the normal way, or opt instead to go through the streamlined, one-off pathway (if they meet the criteria). As people will be able to get a comparatively quicker decision through the new residence pathway, I propose not reopening SMC to new applications if we agree to either Options One, Two or Three until the one-off pathway closes on 31 July 2022. This will make the best use of processing resources. As significantly fewer people will be eligible for Option Four, I propose reopening SMC under Option Four on the same date as the new pathway opens, to enable a continued pathway for those ineligible for the new residence pathway.
- 9 Immigration New Zealand (INZ) is confident that, regardless of option chosen, it will be able to process 80 per cent of applications within 12 months of the category opening. Processing needs for this new visa will be met from existing resource, as INZ expects there will be a corresponding decline in need to process temporary work visas and Skilled Migrant applications as the would-be applicants receive residence via the one-off pathway. Applications will also be faster to process than normal skilled residence applications as there are fewer criteria to assess and verify.

- 10 Confidential advice to Government
- 11 This proposal will build on our efforts to secure the migrant workforce, by offering the stability and benefits of residence. It is expected to reduce our need for temporary migrant workers when the borders reopen, but will have some costs in the short-term: a one-off residence pathway will result in some additional burden for some government services, such as additional income support benefits and funded tertiary education. The housing and infrastructure impacts are likely to be minor given that the vast majority of the people who will receive residence are already living in New Zealand (only a small number of offshore partners and dependents will be included on the applications of onshore migrant workers).
- 12 The proposals in this paper will have some impact on demand for Managed Isolation and Quarantine (MIQ) through MIAS from 2022, because residents can travel and their offshore partners/dependents can also enter the country and will count as New Zealanders for the purpose of MIQ ring-fencing. Additional demand before Christmas would be limited, and the impact of offshore families seeking to travel would be no greater than what we could expect under the family reunification border exception which we have already agreed in principle to put in place [CAB-21-MIN-0278]. I propose to report back on any travel limitations that could be imposed for residents under this pathway, but we will want to consider fairness vis-à-vis other new resident class visa holders as well as feasibility and net impacts.
- 13 Option One will be welcomed by all sectors that employ migrant workers; Options Two and Three will support a large subset of sectors employing higher-skilled, higher-paid migrant workers as well as the primary sector; and Option Four will primarily support the areas of long-term skills shortage plus the health, education and primary sectors. Options Two, Three and Four will not streamline residence criteria or create a new residence pathway for some lower-paid workers – in particular, in tourism, hospitality, and retail. None of these groups is worse off than the status quo, but clearing the SMC queue faster ultimately benefits all future applicants.
- 14 This proposal will open up options for how we treat future residence applications. For example, with Option One, we are essentially bringing forward 4 to 5 years' worth of new residents. Given that the vast majority of residents are onshore when they apply, and with restricted inflows across the border, this gives us options for how to deal with the future applicant pool. For example, we could lower the volume for the residence programme, focus more on family residence, or seek more offshore skilled applicants. This is consistent with the Immigration Rebalance, and I will report back on this as part of my November 2021 Rebalance report back to Cabinet.
- 15 A further report back on any outstanding detailed policy and implementation decisions will follow in early September 2021, including on fees and whether any additional conditions could and should be applied to the residence visa or for subsequent eligibility for permanent residence.
- 16 I will continue to work on the longer-term review of the SMC as part of the Rebalance to ensure it meets our future needs.

COVID-19 context

Workforce and migrant uncertainty

- 17 This paper addresses a number of issues that have resulted from the tight restrictions placed on the New Zealand border as a public health response to COVID-19. In particular:
- 17.1 A significantly reduced flow of migrant workers into New Zealand that businesses previously relied on. While initially it also stemmed the outward flows considerably, departures are now easier and likely to increase.
 - 17.2 The border restrictions and COVID-19 have kept many temporary migrant workers in New Zealand for the duration of the pandemic, extending their time onshore extensively. Many who envisaged short stays have been in New Zealand for over two years now and are eligible for a further two-year visa extension. This means most onshore migrants already have the ability to live and work in New Zealand until mid-2023 at least.
 - 17.3 There have been increased application volumes for residence from onshore migrant workers, and therefore long delays for many who have submitted an application.
 - 17.4 A pause to drawing people from the SMC expressions of interest (EOI) pool for an invitation to apply for residence has added to the uncertainty of potential residence applicants.
- 18 These issues are coming to a head. There is now significant pressure from business to secure the workforce we already have onshore, given the growing tightness of the labour market, scarce spaces in MIQ and that borders will remain closed until 2022 per the *Reconnecting New Zealanders* strategy, before opening in a phased and gradual way.
- 19 We have mitigated these pressures to a degree by extending Essential Skills visas for a further two years, but the rise of the Delta variant of COVID-19 has placed more uncertainty on the border reopening timeframes, making the retention of the onshore migrant workforce even more important.
- 20 In this context, many onshore migrant workers are seeking greater certainty about their options as they consider whether to return to their home country or pursue residence in New Zealand. Many of these workers have been in New Zealand throughout the pandemic as well as their time here pre-COVID, filling critical roles in the economy. In addition, highly skilled workers who have entered New Zealand recently under a border exception are also increasingly concerned about the timing and certainty of residence options in this climate.

Accelerating the processing of existing skilled residence applications and expressions of interest

- 21 In response to these challenges, I have previously raised with Cabinet options to resume drawing applications from the SMC EOI pool, which would provide some certainty to the affected people. However, once drawn, those not prioritised for processing would still have a long wait for residence given the huge volume of applications in the queue.

- 22 This paper proposes an alternative approach to the SMC EOI pool question: a streamlined, one-off residence pathway for onshore migrant workers. This approach would be available to people already in the SMC EOI pool and skilled residence queue, as well as addressing the wider workforce issues onshore.

Alignment with the Immigration Rebalance

- 23 Recognising and providing certainty for the existing workforce through a one-off residence offer is consistent with the suite of Immigration Rebalance changes I am considering to position us for reduced flows of migrants after the border reopens.
- 24 The Rebalance is intended to incentivise businesses to take productivity-enhancing action that will lead to better jobs for New Zealanders, and to help us as a country reduce our reliance on migrant labour to fill low-skilled, low-paid roles. In delivering on this objective, we will be focusing on future flows of migrants. We are seeing a range of market adjustments already, with the current stock of migrants onshore, and I expect this will continue if incoming flows remain tight (either because of COVID-19 or tightened access from Rebalance action). The one-off residence option does not undermine that objective, given that the key issue is future growth and flows.
- 25 By increasing the size of the permanent onshore workforce, I expect demand for inflows of temporary migrant workers to be on average lower when the border reopens. It should bolster the resilience of employers in key migrant-reliant sectors ahead of a rebalance of the availability of new lower-skilled migrant workers.
- 26 A one-off residence pathway also contributes to the pool of skills that is permanently available onshore, and provides a larger pool of candidates that employers can support with training. This provides more certainty to make the adjustments needed to job attractiveness and business models for the future.

A streamlined, one-off residence pathway for onshore migrant workers

- 27 I have developed four options for a one-off residence pathway to consider, focusing on providing eligibility to different groups.
- 27.1 **Option One** (broadest option, approximately 130,000 eligible applicants, representing an estimated 195,000 people): all temporary migrant workers described in Table One below as eligible.
- 27.2 **Option Two** (two variations for “settled” threshold):
- 27.2.1 **Option Two - A:** (approximately 110,000 eligible applicants, representing an estimated 165,000 people) onshore migrant workers who:
- 27.2.1.1 have been onshore for over 3 years (“settled”); or
- 27.2.1.2 have been onshore for a shorter period but meet criteria for being “skilled” (earns above the median wage); or
- 27.2.1.3 have been onshore for a shorter period but meet criteria for being “scarce” (works in a role on the Long Term Skill Shortage List, OR holds occupational registration and works in the health or education sector, OR works in personal care or other critical health worker roles or specified roles in the primary industries [not seasonal

roles] – a full list of eligible occupations is attached at **Annex Two**).

27.2.2 **Option Two – B:** (approximately 100,000 eligible applicants, representing an estimated 150,000 people) onshore migrant workers who:

27.2.2.1 have been onshore for over 5 years (“settled”); or

27.2.2.2 have been onshore for a shorter period but meet criteria for being “skilled” (earns above the median wage); or

27.2.2.3 have been onshore for a shorter period but meet criteria for being “scarce” (works in a role on the Long Term Skill Shortage List, OR holds occupational registration and works in the health or education sector, OR works in personal care or other critical health worker roles or specified roles in the primary industries [not seasonal roles] – a full list of eligible occupations is attached at **Annex Two**).

27.3 **Option Three** (approximately 90,000 eligible applicants, representing an estimated 135,000 people) onshore migrant workers who:

27.3.1 have been onshore for a shorter period but meet criteria for being “skilled” (earns above the median wage); or

27.3.2 have been onshore for a shorter period but meet criteria for being “scarce” (works in a role on the Long Term Skill Shortage List, OR holds occupational registration and works in the health or education sector, OR works in personal care or other critical health worker roles or specified roles in the primary industries [not seasonal roles] – see **Annex Two**).

27.4 **Option Four** (approximately 30,000 eligible, representing an estimated 45,000 people): onshore migrant workers who meet criteria for being “scarce” (works in a role on the Long Term Skill Shortage List, OR holds occupational registration and works in the health or education sector, OR works in personal care or other critical health worker roles or specified roles in the primary industries [not seasonal roles] – see **Annex Two**).

28 The numbers above do not include any *offshore* partners or dependents that may be eligible as part of this pathway and which is not known. The number of eligible offshore partners and dependents would be expected to be lower under options Two, Three and Four than Option One. In the context of the broad family reunification border exception recently considered, MBIE estimated the size of this pool as follows:

28.1 around 5,500 offshore family members with current or expired visas, or with applications in the system for a visa; and

28.2 around 8,500 further temporary work visa holders without onshore family who may also be likely to sponsor partners and dependents.

Eligibility

29 The basis for eligibility for the one-off residence pathway under all options would be for onshore migrant workers with a longer-term connection to New Zealand. Applicants will be required to meet the eligibility criteria for the chosen approach at the time of announcement. This would include people on clearly work-focused visas as outlined in Table One below.

Table One: Eligibility by Visa type

Eligible	Not eligible
Essential Skills Work visas Work to Residence visas Post Study Work visas Longer-term (6+ months) Critical Purpose Visitor visas, i.e. critical health workers and other critical workers (people who have arrived since the border closed, for roles other than short-term specific purposes) Migrant Exploitation Protection visas	Working Holiday visas Recognised Seasonal Employer scheme visas Specific Purpose and short-term Critical Purpose Visitor visas <i>People who have arrived since the borders closed on eligible visa types that were issued for short-term or clearly seasonal work, such as snow groomers, shearers and rural contractors who don't normally reside in New Zealand (a list will be prepared to support clear communications and decisions)</i> Entrepreneurs and investors Visas not for the purpose of work, such as visitors and international students

30 A more detailed list of eligible and ineligible visa types is attached at **Annex One**.

31 As a rule, to be considered for the one-off residence pathway, a person must be onshore and hold an eligible visa on the date of announcement. There will be a few narrow exceptions to these requirements:

31.1 People who are granted a Critical Purpose Visitor visa for a period longer than six months and arrive before 31 July 2022 will also be eligible, even if they are not in the country at the time of this announcement. If we open to wider travellers before 31 July 2022 as part of our *Reconnecting New Zealand* strategy, they will not be able to access this one-off pathway.

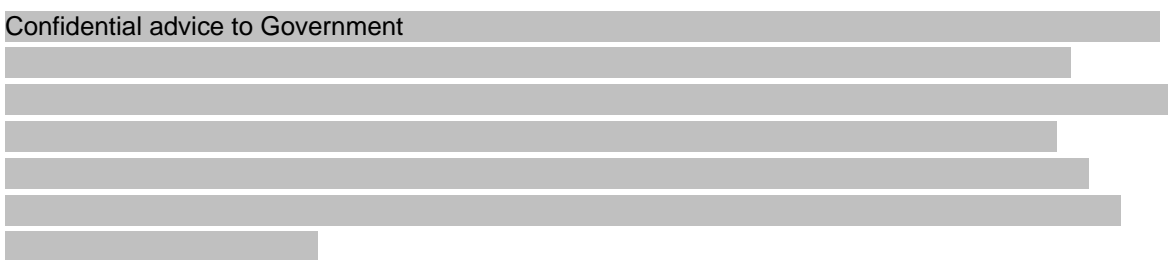
31.2 Temporary migrants who would otherwise have been eligible but are in Australia and have been unable to return to New Zealand by the announcement date will also be eligible (i.e. were only in Australia for a short visit but otherwise reside in New Zealand).

31.3 People with an application for an eligible visa that has been received by INZ before the date of announcement, which is awaiting lodgement and/or processing, would also qualify provided they are granted the eligible visa.

32 Ineligible groups would be able to apply for residence under normal channels, albeit without the benefit of a streamlined process:

- 32.1 There are a limited number of people onshore (approximately 640) with an application currently awaiting selection in the Parent Category EOI pool. Selection of these EOIs is currently suspended, and I plan to resume selection after further policy change has been made as indicated in the Labour Party 2020 Election Manifesto. These people would not be eligible for the one-off residence pathway unless they already hold a work visa.
- 32.2 There are temporary work visa holders caught offshore when the borders closed in March 2020: some of these people meet criteria to return under a border exception but have been unable to secure MIQ space, and some do not meet the border exception criteria. These people are not eligible unless they are able to secure an eligible Critical Purpose Visitor visa and enter New Zealand before 31 July 2022, as this pathway is intended as a measure for people onshore.

33 Confidential advice to Government

A series of seven horizontal grey bars of varying lengths, completely redacting the text of paragraph 33.

34 Table Two below provides estimated numbers of applicants, partners and dependents, as well as outlining the key differences, and pros and cons from various perspectives, across the four options.

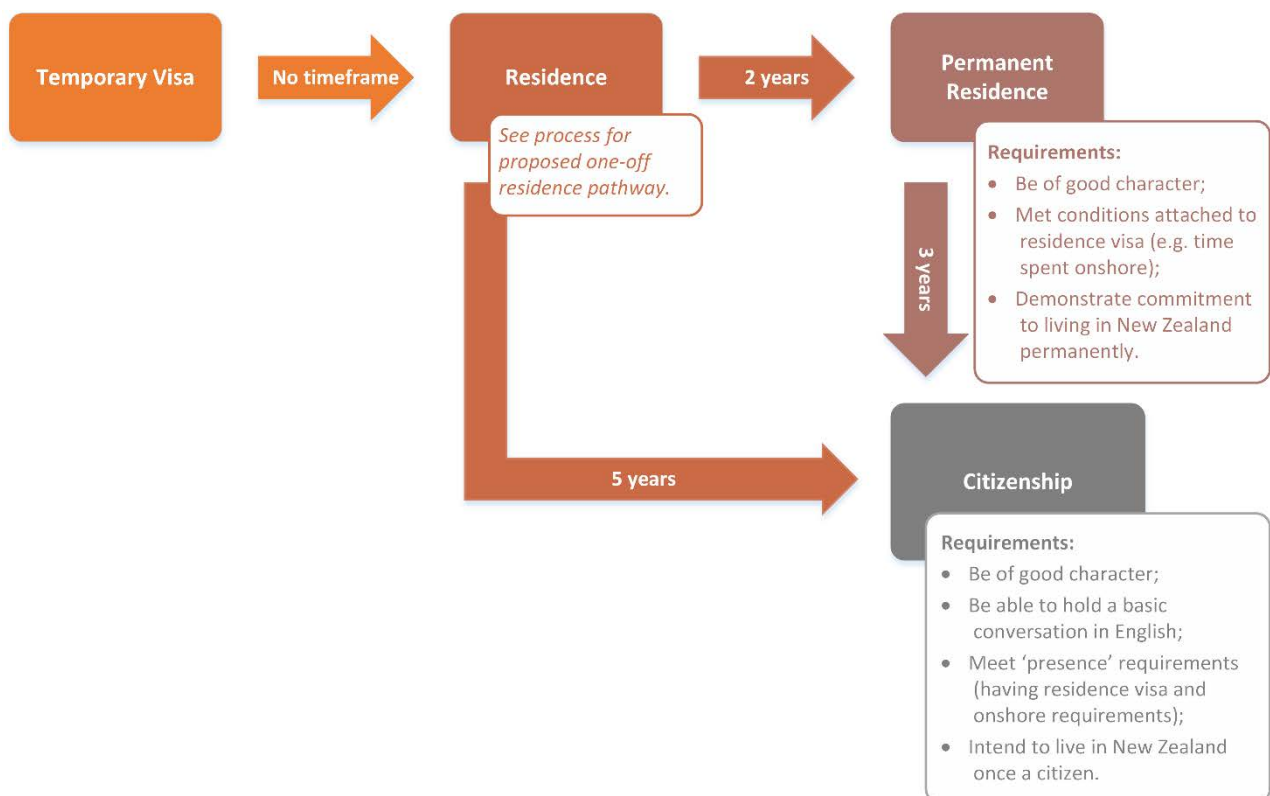
Table Two: Option Analysis (including pros and cons from various perspectives)

Option	Estimated numbers		Rationale	Workforce perspective	Migrant perspective	Alignment with Immigration Rebalance	Operational considerations
<i>Option One</i> – all eligible temporary migrant workers	130,000 applicants (representing 195,000 people - applicants + their onshore partners and dependents) + offshore partners and dependents		Recognises the contribution of temporary migrant workers who have been onshore throughout the pandemic, as well as the critical workers who entered New Zealand since borders closed, to our COVID-19 efforts	Would maintain the full onshore migrant workforce and lessen future labour shortages	Provide options and certainty to all onshore workers, including to many who had no expectation of becoming residents Fewest exclusions so reduced risk of excluded groups seeing the policy as unfair	Secures the existing low-paid, low-skilled workforce required for some sectors, a quid-pro-quo before volumes are reduced under the Immigration Rebalance	Simplest to implement per application, but greatest volume
<i>Option Two</i> – skilled, scarce or settled	<i>Under Variation A:</i> 110,000 applicants, + onshore partners and dependents (representing 165,000 people)	<i>Under Variation B:</i> 100,000 applicants, + onshore partners and dependents (representing 150,000 people)	Targeted option that provides residence to the more skilled and scarce migrant workers, but also includes more settled migrant workers	Would maintain skilled and scarce onshore migrant workforce, particularly benefiting large portions of the health, education and primary sectors Sectors reliant on low-skilled, low-paid migrant workers would not benefit as much, such as hospitality, tourism, and retail	Skilled and scarce migrants are most likely to have had residence expectations Migrants in less scarce or less skilled roles would not qualify unless they have established roots	Aligns with the direction of the Rebalance by favouring higher-skilled, higher-paid migrant workers but does not secure some of the low-paid, low-skilled workforce, before volumes are reduced under the Rebalance	Compared to Option One, more verification required to determine whether people meet the skilled, scarce or settled criteria required but smaller volume
	+ offshore partners and dependents						
<i>Option Three</i> – skilled or scarce	90,000 applicants (representing 135,000 people - applicants + their onshore partners and dependents) + offshore partners and dependents		Similar to Option Two in providing residence to skilled and scarce migrant workers, but an estimated 10,000-20,000 fewer people would be eligible (as not including 'settled' migrants)	Would maintain skilled and scarce onshore migrant workforce, particularly benefiting large portions of the health, education and primary sectors Sectors reliant on low-skilled, low-paid migrant workers would not benefit as much, such as hospitality, tourism, and retail	Skilled and scarce migrants are most likely to have had residence expectations Migrants in less scarce or less skilled roles would not qualify	Aligns with the direction of the Rebalance by favouring higher-skilled, higher-paid migrant workers but secures fewer of the low-paid, low-skilled workforce (compared to options One and Two)	Compared to Option One, more verification required to determine whether people meet the skilled or scarce criteria required but smaller volume
<i>Option Four</i> – scarce	30,000 applicants (representing 45,000 people - applicants + their onshore partners and dependents) + offshore partners and dependents		Focuses on migrant workers mainly for the education, health and primary sectors, many who have applications in the SMC process – they will have their applications sped up through the streamlined approach Does not have particular regard for lower-skilled, lower-paid migrant workers or how long they have been in New Zealand	Would maintain scarce onshore migrant workforce, mainly for the education, health and primary sectors This would not cover the remainder of the migrant-dependent sectors unless they have occupations on the Long Term Skill Shortage List	Most migrants on the “scarce” lists are likely to have had high expectations of residence The larger group of other migrant workers who miss out may see this policy as being unfair given their contribution to New Zealand since our borders closed	Aligns with the direction of the Rebalance by favouring skilled migrants in scarcity areas where migrants are likely to be an important skill source in the future Does not secure the low-paid, low-skilled workforce, before volumes are reduced under the Rebalance	Compared to Option One, more verification required to determine whether people meet the skilled, scarce or settled criteria required but smallest volume

- 35 It is possible to vary Options Two, Three and Four by changing:
- 35.1 the list of eligible occupations on the “scarce” list,
 - 35.2 the wage threshold (say to 1.5 times the median wage, which would reduce the size of the eligible pool for Options Two and Three)², or
 - 35.3 how long they have been in New Zealand for (say to 7 years).
- 36 Not all eligible persons may want to make use of the one-off residence pathway – this is not reflected in the above numbers.

Residence rights and conditions

- 37 Residence will give migrants more rights and access to government services than what they receive on temporary visas. Residence visa holders will be able to apply for Permanent Residence after two years, and/or for citizenship after five years. The pathway is as follows:



- 38 To apply for Permanent Residence, applicants must:
- 38.1 Be of good character,
 - 38.2 Have held a residence visa for at least 24 months at the time of application,
 - 38.3 Met any conditions attached to their residence visa (for example, a requirement to spend a minimum number of days onshore), and

² Very few temporary work visa holders earn more than 1.5 times the median wage, compared to numbers who earn above median wage. So applying a 1.5 times the median wage threshold means that:

- For Option Two, the estimated eligible number of applicants would be 70,000
- For Option Three, the estimated eligible number of applicants would be 35,000.

- 38.4 Demonstrate a commitment to living in New Zealand permanently: most people meet this criteria through time spent in New Zealand, which requires being in New Zealand for at least six months in each of the previous two years.
- 39 To apply for 'citizenship by grant' (as compared to citizenship by birth or descent), applicants must:
- 39.1 Be of good character,
 - 39.2 Be able to hold a basic conversation in English, and
 - 39.3 Meet the following 'presence' requirements:
 - 39.3.1 Have been living in New Zealand on a valid residence visa for at least 5 years,
 - 39.3.2 Been physically in New Zealand for a certain amount of time during the last 5 years (assessed from date of application for residence), and
 - 39.3.3 Intend to live in New Zealand once they become a citizen.
- 40 This proposal will result in a significant spike in citizenship applications to the Department of Internal Affairs (DIA) five years after this group receives residence under the one-off pathway. DIA will assess its capacity to deliver to these volumes once we know how many people will receive residence under a one-off pathway in 12 months' time.
- 41 **Table Three** below outlines examples of the key differences of the rights, access to services and travel conditions for people on temporary visas compared to people with residence. There is a wide range of criteria and caveats for various types of government services, which cannot all be captured here.

Table Three: Current Rights/Benefits Under Temporary and Residence Visas

Right, access to services or travel conditions	Temporary visa	Residence visa
Work rights	Some open work rights Some linked to specific jobs/employers (but can still change jobs relatively easily, especially under new visa extensions policy)	All open work rights
Access to benefits	By exception (mostly refugee claimants and victims of family violence)	Emergency benefit immediately (e.g. for refugees), main benefits after two years
Access to supplementary assistance	By exception, linked to benefit eligibility above	Yes
Access to public housing	Generally not but possible in exceptional circumstances, linked to benefit eligibility	Yes, generally two years after being granted residence but earlier if eligible for emergency benefit
Access to NZ superannuation	No	After ten years resident in NZ (some of this time can be on temporary visas, and there is some transferability of time from other jurisdictions)
Subsidised aged residential care	No	Access to aged care (Residential Support Subsidy) after two years; means tested
Access to publicly funded healthcare	Yes, only if hold work rights AND their visa (with previous visas) allows them to stay in New Zealand for at least two consecutive years	Yes
Publicly funded education	Early childhood education, primary and secondary school	Access to subsidised tertiary education immediately, to loans and allowances after three years (except refugees)
Ability to purchase a home	Only Australian and Singaporean nationals able to purchase	Yes

In Confidence

Right to vote	No	Yes, once normally resident in New Zealand for 12 months
Travel conditions	Multiple entry for duration of visa (student and work visas) <i>Not currently possible under COVID-19 border restrictions</i>	Multiple entry (<i>including under COVID-19 border restrictions</i>)
Border restrictions	Limited ability for partners/dependents to enter NZ (if hadn't travelled with them, i.e. split families) For critical health workers and highly skilled critical workers only at this stage <i>Cabinet agreed in principle this will be broadened to all partners/dependents of onshore temporary work visa holders but the timing & phasing is yet to be determined [CAB-21-MIN-0278]</i>	Partners and dependents on relationship-based visas able to enter NZ (except if from Very High Risk countries)
Eligible to sponsor parent visa	No	Yes (but the Parent Category is currently not open, and is capped)

- 42 Migrants on temporary visas already have some access to social assistance, healthcare and free primary and secondary education. The key immediate privileges afforded to residents over temporary visa holders are the right to vote and purchase property, to access funded tertiary education, as well as the ability to travel across the border and have family border exceptions. The remaining gains of holding a residence visa do not accrue for a period after gaining residence.
- 43 Although there may be concern about some limited additional pressure on housing demand, officials do not recommend limiting the right of people who gain residence through this pathway to purchase housing. This will make the one-off residence pathway an undesirable option to those eligible for residence under the current skilled residence pathways, limiting the benefit of introducing the one-off pathway.
- 44 If there is concern about the ability of people receiving residence from the one-off pathway to purchase property, Ministers could direct officials to investigate changing the law around when residents can purchase property (this is under the responsibility of the Overseas Investment Office). Officials do not recommend this option and it could have implications for New Zealand's international trade obligations.
- 45 Officials considered the possibility of an alternative option that would provide *'provisional' or 'conditional' residence*.³ This option is not viable as a way to meet our objectives:
- 45.1 It would provide no further certainty to onshore migrants for the next few years than they already have under our current visa extensions which mean that most migrants can already stay and work in New Zealand until at least 2023.
 - 45.2 It would not address the lack of residence rights that are a concern for many employers and migrants in terms of retaining the skilled workforce.
 - 45.3 It would also be significantly more onerous in terms of processing and timeliness, creating a hump of work in two years' time and more difficult decisions about intervening changes in circumstances.

³ This essentially means a temporary visa which leads in due course to a residence visa if certain conditions are met, and is not the same as conditions imposed on the residence visa or for subsequent applications from residence to permanent residence.

- 46 If Ministers wish to limit the impact of a one-off residence pathway on housing and social infrastructure, Option Four limits the number of eligible applicants and therefore exerts less pressure on house prices and social infrastructure.

Partners and dependents

- 47 This one-off pathway would allow applicants (who hold an eligible temporary work visa) to include partners and dependents in their residence application, regardless of whether the partners and dependents are onshore or offshore. The usual partnership tests would apply (i.e. a genuine, stable relationship and the partners have spent 12 months living together), to ensure that there is alignment with the threshold for partners of New Zealand citizens and current residents. INZ takes a pragmatic approach to applying partnership requirements, recognising that partners may be separated for genuine reasons, like the border closure, and not be currently living together as a result. In these instances, INZ considers the longer history of the relationship to see if the partners have lived together for 12+ months previously and are in a genuine, stable relationship. This pathway would not be available to people who have never not with the primary applicant for 12+ months at any point in time.
- 48 This could be difficult for applicants to demonstrate, and for INZ to verify, if the partner is currently offshore, but is consistent with the current application of partnership settings.
- 49 The standard process and rules relating to custody and adoptions would apply.
- 50 If there are children in the SMC EOI pool or SMC queue who are no longer dependents due to their age (have turned 25 since the EOI or application was lodged), I will look at ways to include them in the parent's residency application under this new pathway.

Implications for people in the SMC EOI pool or skilled residence application queue

- 51 The one-off residence pathway would be available to people who have already made a skilled residence application or submitted an SMC EOI: they will be offered the chance to apply for the one-off residence pathway, if they are eligible. I expect all who are eligible would transfer to this pathway as it would offer faster processing (as there are fewer checks to be performed compared to SMC) and greater certainty. However, any lodged applications that do remain in the SMC queue will continue to be processed under the skilled residence requirements.
- 52 Under Option One, I expect all applicants in the skilled residence application queue and SMC EOI pool to be eligible for the one-off residence pathway. I also expect the vast majority to qualify under Options Two and Three, although a number may miss out who are on a Residence from Work pathway, or have met the SMC points threshold without earning the median wage or being in a role on the 'scarce' jobs list (for example, a retail manager earning just under the median wage). Under Option Four, many SMC applicants and SMC EOI holders will not qualify, including those in highly skilled professions like accountants and lawyers.
- 53 Therefore if Option One, Two or Three is preferred, I will not resume SMC EOI selections until after the review of SMC is completed in 2022. If Option Four is preferred, it is expected that some EOI holders and applicants will not be eligible for the one-off residence pathway. In that case, I would propose resuming

selection of EOIs at the 160 point threshold at the same time as the one-off residency pathway is announced.

Impacts on the future residence programme

- 54 These proposals will impact future demand for the New Zealand Residence Programme (NZRP) over the short to medium term. The majority of applications made under the NZRP come from onshore applicants. This means that a one-off residence pathway will pull applicants from the pool of future applicants to the already-established residence.
- 55 This is particularly true for the skilled/business residence stream. Residence visas are grouped into three streams:
- 55.1 Skilled/business: the largest stream encompassing the Skilled Migrant Category, Residence from Work and similar residence pathways. Approvals for the skilled/business stream made up 58% of total residence approvals in 2019/20 (or 27,400 people approved). The vast majority (90+%) of applications are from applicants who are already onshore, so I expect application inflows to decrease significantly over the short to medium term.
 - 55.2 Family: this category covers residence visas for family of New Zealand residents or citizens (partners, parents and dependents). This is the second largest stream of the NZRP, with 15,800 people approved under this stream in 2019/20 (33% of all residence approvals in 2019/20). Visas that are dependent on a relationship to a New Zealand citizen or resident will not be eligible under the one-off pathway. However, some family members of New Zealand residents and citizens may be onshore on visas independent of their relationship status, who may be eligible for the one-off pathway on their own merits. I therefore expect some decrease in application inflows for this stream in the short term.
 - 55.3 International/humanitarian: covering the New Zealand Refugee Programme and specific bilateral programs like the Pacific Access Category and the Samoan Quota. Most visas in this stream are capped, meaning approval volumes are relatively consistent. I expect no impact on this residence stream from the one-off residence pathway.
- 56 I expect applications and approvals for the skilled/business and family streams to slowly increase again as the borders reopen and temporary migrant inflows resume: **Table Four** shows how this could look (note, these are indicative figures only, and are subject to a lot of factors). The scale and speed of future inflows can be readily controlled by policy decisions - for example:
- 56.1 setting caps on the total number of residence approvals per year, or by stream, to reflect the Government's objectives, or
 - 56.2 we could improve the residence options for skilled offshore applicants, (i.e. fewer applicants, but faster decisions so that applying offshore is also a more viable option).

Table Four: Indicative Impact of One-Off Pathway on Future Residence Programmes

Residence stream	Indicative number of people to receive residence per stream					Commentary
	Year 1	Year 2	Year 3	Year 4	Year 5	
Skilled/business - <i>status quo</i>	18,700	18,700	18,700	18,700	18,700	Based on current planning range
Skilled/business - <i>if one-off pathway implemented</i>	185,000	2,500	5,000	7,500	10,000	These figures assume: <ul style="list-style-type: none"> - Option One is chosen (as this has the most significant impact on future residence demand) - 95% of eligible people apply under Option One - stricter measures are implemented as part of the Immigration Rebalance, limiting future migrant inflows - borders will start to reopen in Q1 2022, in a gradual and phased way - there is no fixed planning range: these figures reflect anticipated demand from eligible applicants from Year 2
Family	12,000	13,900	13,900	13,900	13,900	Based on current planning range, assuming no change from status quo. These could be increased depending on policy decisions
International and humanitarian	2,000	3,000	4,000	4,000	4,000	Based on current planning range, assuming no change from status quo. These could be increased subject to policy decisions. Numbers are lower in Years 1 and 2 to reflect partially closed borders.

NB: these numbers are INDICATIVE ONLY and will change subject to policy decisions taken

57 These examples and a revised approach to future residence settings are consistent with the Immigration Rebalance, which includes making access to New Zealand easier for the genuinely higher skilled, and with the planned upcoming review of the criteria for the Skilled Migrant Category. We will make decisions on these issues later in the year. More advice will be provided report back to Cabinet in November 2021.

Streamlined requirements, process and timing

Timing

58 Applications will be open from 1 December 2021 through to 31 July 2022. To enable prioritised processing (as outlined below), I propose two waves of applications:

58.1 From 1 December 2021, accepting applications from applicants with a skilled migrant application (SMC and Residence from Work) lodged, and

from applicants with dependents 17 years or older who currently have an EOI submitted;

58.2 From 1 March 2022, accepting applications from all other eligible applicants, including remaining applicants in the EOI pool.

59 These dates are subject to change, depending on the impacts of COVID-19 outbreaks on implementation timeframes.

Streamlined process

60 In order to process the volume of applications within an optimal timeframe, processing would need to be streamlined, compared to the normal skilled residence process.

61 Normally INZ needs to assess whether applicants meet requirements for:

61.1 Points claimed (if there is a points threshold)

61.2 Age

61.3 Health

61.4 Character

61.5 Skill level (including evidence of qualifications)

61.6 A job or job offer that meets certain thresholds (this can include assessing the skill level of that job)

61.7 Work experience

62 These are often challenging to assess and verify. For the one-off residence pathway a more streamlined assessment looking at fewer criteria would be conducted. **Table Five** below outlines what criteria will be assessed for what option:

Table Five: Streamlined Processing for each Option

Criteria?	Option One	Option Two – A	Option Two – B	Option Three	Option Four
Valid eligible visa (prior to announcement)	✓	✓	✓	✓	✓
Limited health requirements	✓	✓	✓	✓	✓
Character (including a NZ Police vet)	✓	✓	✓	✓	✓
Time in New Zealand (3+ or 5+ years)	-	✓	✓	-	-
Earnings above the median wage	-	✓	✓	✓	-
In a role on 'scarce' job list	-	✓	✓	✓	✓

- 63 The primary grounds for eligibility, to be onshore on a valid and eligible visa type, would be straightforward, but there would remain a need to ensure that character and health criteria are met. These are discussed further below.
- 64 All other criteria are option dependent. INZ is confident that, irrespective of the option chosen, the majority of applications could be processed within 12 months. The overall timeframes are similar for each option: reductions in the number of applicants between options is offset by increased processing needs as more criteria need to be assessed. This is discussed further at paragraph 79, and **Annex Three** presents several diagrams showing the streamlined process, and the impacts of each option on processing. **Table Six** below outlines the estimated average time that would be taken to process applications for key options, noting that some applications (for example, those with family) will take longer to process.

Table Six: Time Required to Process Applications for Options One and Two

	Option One - 130,000 applications	Option Two - 110,000 applications
Estimated processing time*	154 minutes total <ul style="list-style-type: none"> • 100 min: Immigration Officer • 54 min: auxiliary activities 	176 minutes total <ul style="list-style-type: none"> • 122 min: Immigration officer • 54 min: auxiliary activities
Average per day per Immigration officer	3.6	3.2
Estimated Immigration officers to process 80%** of applications within 12 months	214	204
Estimated Immigration officers required to process all other visas and to maintain normal service performance***	503.5	513.5
Total immigration officers in existing INZ establishment	717	717

*These are average processing times, noting that some applications (like those also covering immediate family) will take longer, and others will be shorter

**80% is due to police vetting required for all applicants

*** Based on border settings as they currently are

- 65 Even in a streamlined process, INZ retains the ability to seek further information from applicants, for example if they hold any adverse information in relation to an applicant's character. This is in line with the approach taken recently to streamlined Essential Skills visas extensions. Nonetheless, the streamlined approach for Essential Skills visa had a significant impact on resourcing and processing requirements and therefore productivity and timeframes for applicants.
- 66 An overview of the health and character checks conducted when temporary migrants enter New Zealand or apply for their first temporary visa, and the checks usually conducted on applications for residence is attached as **Annex Four**. This demonstrates the information currently held (or received) by INZ that can be used to inform the streamlined processing, and information that may be unavailable compared to normal.

Health checks

- 67 Many onshore applicants will have already passed medical checks for their temporary visas, so rather than testing against full medicals, applications will be tested against *limited medical requirements*. This would capture serious medical

conditions which are not eligible for medical waivers (tuberculosis, haemophilia, and conditions requiring dialysis or full-time care). This is the same level of health assessment that is applied to partners and dependent children of New Zealand citizens and residents. This will allow some applicants to gain residence who would not otherwise qualify.

- 68 This approach will only identify (and disqualify) the most serious health conditions. This may result in an increased burden to health and support services (for example, special education needs) if residence visas are granted to people with more moderate health conditions. However the alternative is requiring full medical certificates for everyone who will need one (i.e. if they have not previously provided one) and this would increase processing timeframes, particularly for applicants with health issues who require additional tests and further health assessment.

Character checks

- 69 New Zealand Police Vets are usually required for residence applicants, and include information about whether a person has been convicted or is under investigation for offences, whether they have had relevant interactions with New Zealand Police that have not led to convictions, or whether there is a potentially unsafe family environment.
- 70 New Zealand Police expect that, with some upscaling to current resources, they can provide Police Vets for up to 195,000 applicants within their current level of service (i.e. completing a Vet in 20 working days). This level of servicing is reliant on requests for Vets being evenly spread over the 12-month period.
- 71 INZ estimate that, assuming New Zealand Police can deliver within 20 working days, they will be able to process 80 per cent of eligible applications within 12 months of the pathway opening. Delays with Police Vets will result in longer processing times.
- 72 To avoid delays to processing time, New Zealand Police propose hiring at least five additional staff to process the increased volume of Vets, which will be funded by an advance bulk payment of the Vet fees by INZ (based on estimated volumes of applications). For reference, Police process around 600,000 Vets each year, including Vets undertaken for INZ purposes (approximately 65,000 in 2020). Under Option One, we would be looking at up to 195,000 additional Vets: without additional funding and resourcing the high volume of Vets required for this one-off residence pathway will have significant operational impacts on New Zealand Police and the timeframes for all Police Vets currently undertaken.
- 73 Both New Zealand Police and MBIE recommend that we continue to require Police Vets for all applicants under the new pathway. There are alternative options that support more streamlined processing, but the gains are not significant and there is increased risk of giving residence to someone of undesirable character. The alternatives are:
- 73.1 *Requiring applicants to make a declaration of character (instead of a requiring a Vet):* this approach supports the fastest processing - INZ estimate 90 percent of applications could be processed within 12 months. A declaration would be checked against any information already held by INZ (for example, SMC applicants require Police Vets), and poses no additional

burden to New Zealand Police. However, INZ will not have past Vets for all applicants to check declarations against, and people with convictions, charges or with other relevant interactions with New Zealand Police that have not led to convictions may still be granted residence.

73.2 *Requiring new Vets only for applicants who have not obtained one in the last 24 months, and declarations of character from all other applicants:* this approach would require fewer new Police Vets, lessening the operational burden and allowing faster processing of applications where declarations of character are required: INZ estimates 85 percent of applications could be processed within 12 months. However, there is still a risk that people with more recent convictions, charges or with other relevant interactions with New Zealand Police that have not led to convictions may still be granted residence.

- 74 Offshore police checks would not be required. These are difficult to obtain and offer variable value. In nearly all cases, the applicant would have already provided these with a previous application and have primarily resided in New Zealand since then.
- 75 National Security Checks would be required for some applicants as per standard processes.

Permanent residence checks

- 76 Residence visa holders are generally able to apply for permanent residence after holding their residence visa for two years, provided they have met the conditions of their residence visa.
- 77 Residence visas are normally granted with travel conditions allowing visa holders to leave and re-enter New Zealand multiple times, provided they spend a certain amount of time onshore. Given the current level of MIQ demand, it may be desirable to limit the ability of these residents to re-enter New Zealand should they leave or extend the time that they are required to be onshore. The degree to which this is a concern depends largely on the number of new residents this policy will create, and when their residence applications will be approved relative to the border reopening. I will provide further options around this when reporting back on implementation details.
- 78 Further checks are conducted when someone applies for permanent residence, including National Security Checks and New Zealand Police Vets where INZ identifies areas of concern. These checks will remain for this group, but if there is continuing concern about a streamlined health and character check, I will investigate what additional requirements could be imposed at this stage (for example, the requirement to provide Police Vets with every permanent residence application). Additional requirements will have resourcing implications for INZ and New Zealand Police.

Implementation and resource implications

Overall timeframes

- 79 INZ estimates that, assuming limited medical requirements and new Police Vets for all applicants, 80 per cent of the estimated 195,000 eligible onshore people

under Option One could be processed within 12 months of the one-off residence pathway opening (i.e. by 30 November 2022).

- 80 INZ estimates that the majority of applications from those who currently have a skilled residence (SMC or Residence from Work) application lodged will be cleared by April 2022 (assumes a 1 December 2021 start date, limited medical checks and new Police Vets for all applicants, and is dependent on when people apply). These timelines are based on Option One.
- 81 These timeframes assume that processing resource will be freed up as those who are eligible for the one-off pathway will no longer be applying for temporary work visas, and there will be much less demand for SMC processing.
- 82 INZ expects any shortfall of resourcing to be small (approximately 5% increase in processing staff needed), and will be met by redistribution of staff. INZ will prioritise its resources to the delivery of this programme and therefore any additional resource demand - from changes in other settings and volumes for example - will need additional resources.
- 83 These overall timelines are the same irrespective of the option chosen. This is because any gains made from lesser volumes are offset by more complex processing and other visa demands (for instance, there will be more people still requiring work visas under Option Four as compared to Option One).

Applicant experience

- 84 For an applicant the time between submitting their application and receiving a decision will depend on when they submit in relation to when others submit: there will likely be spikes in application volumes when the policy opens and just before it closes, meaning applicants submitting at those times may face slightly longer waiting times. This is particularly the case for the second phase when volumes will be large. Overall INZ anticipates completing 80% of all the applications received under the policy within 12 months of the opening of the first phase.
- 85 Assuming Option One is selected and a steady inflow of applications, INZ expects that 90% of the applications that meet the new requirements will be completed within three months of lodgement because of the streamlined application criteria. For many applicants the period between submission and decision will be even shorter. However, this time may lengthen if an option with additional criteria is chosen, as each application will become more time consuming to assess and verify.

Fees

- 86 Work is underway to determine the appropriate fee for the one-off pathway to residence, and the implications on processing time for skilled residence applications on hand who do not opt for the new visa. Current SMC fees can be up to approximately \$2,700 per application (including an Immigration Levy). Initial estimates suggest fees around \$1,000 for the new residence pathway. Applicants would also need to pay the Immigration Levy (around \$800) as they do now. These fees and other implementation details, including arrangements for those who have already paid the SMC application fee, will be provided in a subsequent report back.

Impacts

Impacts on various groups

- 87 Owing to the different eligibility criteria of each option, the impacts on different groups varies, including for certain occupations and sectors. This is outlined in the table at **Annex Five**, which also clarifies the impact on potential applicants' families and those with a skilled residence application or EOI pending.
- 88 While we have reasonably good information for Option One about the nationalities, age groups and gender of the eligible group, it is harder to provide precise information about the demographics of the people covered in Options Two, Three and Four.

Border impacts

- 89 Demand for MIQ remains very high, and is driven by New Zealanders seeking to return home. This is unlikely to abate until early 2022.
- 90 Many of the affected migrants offered residence visas will already have partners and dependents onshore. Offshore partners and dependents (if they have relationship-based visas) of people in New Zealand on residence class visas are exempt from border restrictions - i.e. they are able to travel to New Zealand if and when they can book a place through MIAS in MIQ. Therefore speeding up and broadening residence eligibility will potentially increase demand for MIQ relative to the status quo, particularly under Option One, but not to any significant degree until 2022. It is highly unlikely that any of the proposals in this paper will impact MIQ demand in 2021 with low numbers of applications with offshore family likely to be made, assessed and approved before Christmas compared to what will happen under SMC processing.
- 91 We cannot precisely estimate the number of offshore family members that will be eligible over time. As noted above, our previous estimate (in the context of family reunification border exceptions) was that there are around 5,500 offshore family members with current or expired visas, or with applications in the system for a visa. There are also an estimated 8,500 temporary work visa holders who may be eligible to sponsor partners and dependents who have not already done so (based on pre-COVID ratios of workers sponsoring partners/dependents). Options Two, Three and Four will likely have lower impacts in terms of eligible offshore family numbers.

- 92 Confidential advice to Government
- [Redacted text block containing multiple lines of greyed-out content]

Confidential advice to Government

[Redacted text]

93 Confidential advice to Government

[Redacted text]

94 Ministers have recently agreed to ring-fencing MIAS vouchers, effectively meaning there is currently a cap on the number of vouchers that non-New Zealanders can book on MIAS (set at 30%). New residents would be included in the New Zealander ring-fence of MIAS. Therefore we need to be confident that this decision (like the family reunification border exception) does not unduly delay the return of New Zealand citizens in order not to exacerbate risks under the New Zealand Bill of Rights Act, given that any overseas family seeking to travel will be spread across 2022 (and beyond).

95 With the exception of the situation noted in paragraph 76.1, should Cabinet decide to go with Option One in this paper, the rest of the family reunification border exception is likely not needed. Further advice will follow on the next steps for this border exception subject to our decision.

96 As noted above, residence also enables travel in and out of New Zealand for residents, and officials will report back on any options around additional travel conditions or limitations that could be imposed while the borders remain largely closed to limit further MIQ impacts.

Infrastructure impacts

97 All primary applicants for the one-off residence pathway will already be onshore, as will most of their partners and dependents – however, we expect some offshore partners and dependents will be included in applications. The influx of these additional people once the application is processed is expected to create modest additional demand on housing and infrastructure. This impact was already taken into account when Cabinet agreed to allow partners and dependents of onshore temporary visa holders to enter New Zealand, although this has yet to be announced or implemented.

98 Because most of the new residents will already be in housing of some form, the proposals are not expected to generate significant additional demand for housing. Because outflow of otherwise temporary migrants will drop as a result of offering residency, the absorptive capacity of our housing and urban systems for further migrants in future will be reduced.

99 There may be marginal upward pressure on house prices, as applicants are granted residence and gain the right to buy property. The scale of this impact will depend on numbers who have the means to buy property and when residence is

granted. As outlined above, it is possible to restrict the ability for this group to buy houses, but this would remove one of the key benefits for those seeking residence.

- 100 To the extent that each option secures people from the construction workforce, this policy will support New Zealand's efforts to expand its housing and infrastructure capacity.

Labour market impacts

- 101 This policy will secure New Zealand's migrant workforce while the borders are still shut and in the process of gradually reopening, assuming eligible applicants accept the offer of residence. We understand there are onshore migrants who are considering departing, although we do not know the scale of this retention risk. Option One secures the largest volume of the current onshore migrant workforce, while the Government tightens the volume of roles that can be filled by low-skilled and low-paid temporary workers in the future.
- 102 Options Two, Three and Four offer more targeted approaches to securing migrants working in more critical roles (where long-term shortages had been identified, and in the health, education and primary sectors) and more highly paid roles. These approaches may mean lower volumes of migrant workers retained.
- 103 All options seek to secure critical workers who entered under a border exception for a role for longer than 6 months, during the pandemic period so far and attract further critical workers until July 2022.
- 104 This security is welcomed by government agencies, particularly the Ministries of Health, Education and Primary Industries, and will positively impact construction, science and other sectors as well as many businesses too. The particular impacts on sectors is illustrated in **Annex Five**.
- 105 This policy will give people greater labour mobility within New Zealand. Some temporary workers are on visas tied to particular roles working 30+ hours a week, but even these workers are already able to move location, role, employer or sector, provided they are able to secure a new work visa. New visas are contingent on no domestic workers being available to fill vacant roles, but are otherwise fairly streamlined. This one-off residence pathway has two effects:
- 105.1 There will be greater pressure on employers to offer better wages and conditions to maintain or attract staff; and
- 105.2 It allows people to move into roles without considering whether other domestic workers are available. This could limit the opportunities for some existing domestic job seekers, but this effect could be limited given the current context of a tightening labour market.
- 106 I acknowledge that a one-off residence pathway does not at an aggregate level address overall skill and labour shortages, but it does enable greater labour mobility providing for best use of our onshore workforce. This may lead to some employers or sectors losing some of their migrant workforce to other employers as workers look for more favourable roles. It is incumbent on employers to ensure that their offerings to their staff are competitive.
- 107 Limiting residence under this pathway to current roles or regions would provide less mobility than existing temporary work settings, and is not recommended. The Productivity Commission is looking at broader questions of whether visa conditions

or volume limits could or should be used to ease pressures in some regions or across the country. The Commission is currently seeking public input and has yet to make any recommendations.

International impacts

International relations

[Redacted text block]

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Financial implications

113 Costs are currently being estimated and I will report back on these, as well as implementation measures, resourcing impacts and any further policy details arising from discussion of this proposal, in September.

114 The costs of this one-off residence programme will be fully cost recovered from applicant fees. I will report back with agreement to the fee level once analysis of the work involved has been completed. Granting residence to most onshore

workers will result in a reduction in future revenue for INZ as temporary visas will no longer be renewed. Confidential advice to Government

115 As discussed above, residence status gives people additional access to some government services and the financial impacts have not been estimated:

115.1 While income support is available for temporary visa holders in exceptional circumstances, residence status triggers eligibility for various payments under a variety of circumstances. For example, main benefit eligibility is available after a person has held residence for two years, but Accommodation Supplement is available to a person once they are granted residence.

115.2 Many temporary visa holders already have access to public healthcare after being onshore for two years. The one-off residence pathway will mean that those who have not been onshore for two years yet would be able to access public healthcare once residence is granted.

115.3 Temporary visa holders already receive free access to primary and secondary education, but residence will also give them access to funded tertiary education.

Legislative implications

116 Changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 will be needed to set the fee and immigration levy for a one-off residence pathway, and to provide for any exemptions or refunds (in full or in part) considered appropriate. Regulation changes would be required before the category could open.

Regulatory Impact Statement

117 A regulatory impact statement is not required for this paper.

Human Rights and Treaty of Waitangi implications

118 The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, and with New Zealand's international commitments to enabling movement of people, bearing in mind the considerations relating to the impact on MIQ discussed above. The Immigration Act 2009 recognises that immigration matters inherently involve different treatment based on personal characteristics, but immigration policy development seeks to ensure that any changes are necessary and proportionate. The proposals put forward in this paper will operate with the same effect as existing residence visas, except if we decide to make changes as part of report backs indicated (for example, on travel conditions).

119 As most of the people currently onshore have the ability to remain living and working in New Zealand for a number of years, and many would be eligible for residence in the future, officials do not consider that there are adverse Treaty of Waitangi implications of the proposals in this paper.

Consultation

120 The following agencies were consulted in the development of this Cabinet paper: Ministry of Education, Ministry of Foreign Affairs and Trade, Ministry of Health, Ministry of Housing and Urban Development, Ministry for Primary Industries, Ministry of Pacific Peoples, Te Puni Kōkiri, Ministry of Social Development, Ministry of Business Innovation and Employment (portfolios: MIQ, Building and Construction, Science and Innovation, Economic Development, Tourism, Energy and Resources), New Zealand Police, New Zealand Security Intelligence Service, and the Treasury. The Department of Prime Minister and Cabinet and Ministry for Women were informed.

Publicity

121 I will work with the Prime Minister and relevant portfolio Ministers to develop communications to announce this policy and on timing of announcements.

Proactive release

122 I propose to release this paper proactively. Any redactions made will be consistent with the *Official Information Act 1982*.

Recommendations

I recommend that Cabinet:

- 1 **note** that there is growing pressure from temporary migrant workers for more certainty in their immigration options and from businesses to secure the current migrant workforce, while our borders are closed;
- 2 **agree** to introduce a one-off residence pathway for temporary migrant workers in New Zealand who meet the required criteria on the date of announcement;
- 3 **agree** to one of the following options for the one-off residence pathway criteria:
 - 3.1 **Option One** – available to all onshore temporary migrant workers on an eligible visa type at the date of announcement, **OR**
 - 3.2 **Option Two - A** – available to onshore temporary migrant workers who have been living in New Zealand for over 3 years (“settled”), and onshore migrant workers who have been onshore for a shorter period but meet criteria for being “skilled” or “scarce”; **OR**
 - 3.3 **Option Two - B** – available to onshore temporary migrant workers who have been living in New Zealand for over 5 years (“settled”), and onshore migrant workers who have been onshore for a shorter period but meet criteria for being “skilled” or “scarce”; **OR**
 - 3.4 **Option Three** – available to onshore migrant workers who meet criteria for being “skilled” or “scarce”; **OR**
 - 3.5 **Option Four** – available to onshore migrant workers who meet criteria for being “scarce”;
- 4 **agree** to one of the following definitions for “settled” migrants for the purposes of a one-off residency pathway under Option Two:

- 4.1 “settled” migrant workers are those who have been living in New Zealand for over 3 years; **OR**
- 4.2 “settled” migrant workers are those who have been living in New Zealand for over 5 years;
- 5 **agree** the following definitions for “skilled” and “scarce” migrants for the purposes of a one-off residency pathway under Options Two, Three and Four:
 - 5.1 “skilled” migrant workers are those who earn above the median wage;
 - 5.2 “scarce” migrant workers are those who work in a role on the Long Term Skill Shortage List, or hold occupational registration and work in the health or education sector, or work in personal care or other critical health worker roles or specified roles in the primary industries (not seasonal roles);
- 6 **agree** that under all options eligibility:
 - 6.1 *includes* all migrants entering New Zealand as a Critical Health Worker or Other Critical Worker (longer term entry threshold) if they enter and apply before 31 July 2022, but otherwise it only applies to onshore principal applicants; and
 - 6.2 *excludes* migrants on short-term work visas (including specific purpose and short-term border exceptions), international students, investors and entrepreneur visas, Working Holiday Scheme and Recognised Seasonal Employer visa holders, and visitors;
- 7 **agree** that applications will be open from 1 December 2021 to 31 July 2022, and available to eligible applicants in two waves:
 - 7.1 From 1 December 2021, applicants with a skilled migrant application (SMC and Residence from Work) lodged, and applicants with dependent children aged 17 years or older who currently have an Expression of Interest (EOI) submitted;
 - 7.2 From 1 March 2022, accepting applications from all other eligible applicants, including remaining applicants in the EOI pool;
- 8 **note** that up to 195,000 migrants (with additional offshore partners and dependents) would be eligible to apply for the one-off residence pathway, depending on the option chosen;
- 9 **note** that on getting residence, a person is then able to vote, purchase a home, access funded tertiary education, travel more freely and reunite with family, but most applicants will already be receiving publicly-funded healthcare and access to primary and secondary education;
- 10 **note** that the one-off residence pathway will speed up the process for many people seeking residence, including people who have already applied for residence through the Skilled Migrant Category (SMC) and those who have submitted an EOI but have not yet been invited to apply;
- 11 **agree** that:
 - 11.1 selections from the SMC EOI pool will continue to be paused under Options One, Two and Three, but people who have submitted an EOI can instead apply for residence through the one-off pathway (if they meet the criteria);

- 11.2 selections from the SMC EOI pool will resume at 160 points under Option Four at the same time as the new one-off pathway is announced;
- 12 **note** that MBIE estimates that 80 per cent of the applications can be processed within 12 months, irrespective of which option is chosen, as there are increased assessment and verification requirements and less available processing resource from other visa categories for options with fewer eligible applicants;
- 13 **agree** to a streamlined approach that checks applicant health against limited medical requirements only;
- 14 **note** that if you agree to recommendation 13 these checks will only screen for the most serious health conditions;
- 15 **agree** that all applicants will require a New Zealand Police Vet for character checks;
- 16 **invite** the Minister of Immigration to report back to Cabinet in October 2021 as necessary in relation to any outstanding detailed design elements of the one-off residence pathway, including fees and implementation, and on whether to add or amend conditions for the residence visa or subsequent permanent residence eligibility for this group.

Authorised for lodgement

Hon Kris Faafoi
Minister of Immigration

Annex One: detailed list of eligible and ineligible visa types

Eligible visa types	Excluded visa types
Essential Skills Work Visa	Visitor Visa
Work Visa Approval in Principle	Transit Visa
Work to Residence (all)	Student Visa
Skilled Migrant job search	Student and Trainee Work Visa
Religious Worker	Limited Visa
Post Study Work Visa	Military Visa
Work Visa – Pitcairn Islanders	Work Visa Partners of Military
Work Visa granted under Section 61 (<i>provided the applicant held another eligible visa type within 6 months of being granted a Section 61 visa</i>)	Special Visas – diplomatic, consular and official staff as well as their domestic staff
Longer-term Other Critical Workers visas (issued for 6+ months)	Domestic Staff of Senior Seconded Executives
Longer-term Critical Health Workers visa (issued for 6+ months)	Working Holiday Visa
Victims of People Trafficking	Working Holiday Maker Extension
Migrant Exploitation Protection Visa	Recognised Seasonal Employer
Work Visa Victims of Family Violence	Supplementary Seasonal Employer
Silver Fern Practical Experience	Partners of NZ citizens or residents work visa
	Partners of students
	Partners of temporary workers
	Work Exchange visas
	Entrepreneur Work Visa
<u>Note:</u> if a person has an application for one of the above visas lodged with Immigration New Zealand prior to the date of announcement, then they are eligible for the one-off residence pathway <i>provided</i> they are granted their eligible visa	International stream visas agreed as part of a free trade agreement, including: <ul style="list-style-type: none"> - Primary Sector Trainees - Interpreters from Japan - Thai Chefs - China Special Work Visa - China Skilled Workers - Indonesia Special Work Visa - Philippine Special Work Visa - Vietnam Special Work Visa - Korea Special Work Visa
	Foreign Fishing Crew
	Critical Purpose visas – short-term or seasonal work
	Specific Purpose or Event visas
	Refugee and Protection Status Claimants
	Antarctic Treaty Personnel
	Global Impact Visa
	Investor categories

Annex Two: eligible occupations for “scarce” criteria

“Scarce” occupations			
On the Long Term Skill Shortage List	Requiring occupational registration and in the health or education sector	Personal carers and other critical health workers	
Construction Project Manager	Chiropractor	Aged and disabled carers	
Project Builder (<i>including Building Project Manager and Site Foreman</i>)	Clinical dental technician	Nursing support and personal care workers	
Quantity Surveyor	Clinical dental therapist	Special care workers	
Surveyor	Dental hygienist	Workers who install, operate or maintain medical equipment	
Chemical Engineer	Dental technician	Technical and support staff working in various services including theatre, laboratories, radiology, pharmacy services, oncology, haematology, pathology, hyperbaric medicine and mortuaries	
Materials Engineer	Dental therapist	Workers delivering mental health and addictions services, aged care, respite, home care and support, child health, palliative and hospice care, forensic health, and disability support	
Civil Engineer	Dentist	Primary sector (non-seasonal) roles	
Geotechnical Engineer	Dietitian	Farmers and Farm Managers nfd	Paper and Wood Processing Machine Operators nfd
Structural Engineer	Dispensing optician	Aquaculture Farmer	Paper Products Machine Operator
Electrical Engineer	Medical laboratory scientist/technologist	Crop Farmers nfd	Sawmilling Operator
Electronics Engineer	Medical laboratory technician	Flower Grower	Other Wood Processing Machine Operator
Industrial Engineer	Medical practitioner	Fruit or Nut Grower	Textile and Footwear Production Machine Operators nfd
Mechanical Engineer	Medical radiation technologist	Grain, Oilseed or Pasture Grower	Hide and Skin Processing Machine Operator
Production or Plant Engineer	Midwives	Grape Grower	Knitting Machine Operator
Environmental Engineer	Nurse	Mixed Crop Farmer	Textile Dyeing and Finishing Machine Operator
Engineering Professionals n.e.c	Occupational therapist	Turf Grower	Weaving Machine Operator
Civil Engineering Technician	Optometrist	Vegetable Grower	Yarn Carding and Spinning Machine Operator
Electrical Engineering Technician	Osteopath	Crop Farmers nec	Textile and Footwear Production Machine Operators nec
Electronic Engineering Technician	Paramedic	Livestock Farmers nfd	Paper and Pulp Mill Operator
Telecommunications Engineer	Pharmacist	Apiarist	Agricultural, Forestry and Horticultural Plant Operators nfd
Telecommunications Network Engineer	Physiotherapist	Beef Cattle Farmer	Agricultural and Horticultural Mobile Plant Operator

In Confidence

Procurement Manager	Podiatrist	Dairy Cattle Farmer	Logging Plant Operator
Clinical Psychologist	Psychologist	Deer Farmer	Tanker Driver
Diagnostic and Interventional Radiologist	Teacher (<i>including principals and registered early childhood education teachers</i>)	Goat Farmer	Fencer
General Practitioner		Horse Breeder	Food Process Workers nfd
Medical Radiation Therapist		Mixed Livestock Farmer	Food and Drink Factory Workers nfd
Medical Laboratory Scientist		Pig Farmer	Baking Factory Worker
Obstetrician and Gynaecologist		Poultry Farmer	Brewery Worker
Physicist (Medical)		Sheep Farmer	Confectionery Maker
Physiotherapist		Livestock Farmers nec	Dairy Products Maker
Psychiatrist		Mixed Crop and Livestock Farmer	Fruit and Vegetable Factory Worker
Registered Nurse (Aged Care)		Production Manager (Forestry)	Grain Mill Worker
Sonographer		Environmental Manager	Sugar Mill Worker
Specialist Physician in Palliative Medicine		Marine Transport Professionals nfd	Winery Cellar Hand
Surgeon (General)		Master Fisher	Food and Drink Factory Workers nec
Veterinarian		Ship's Engineer	Meat Boners and Slicers, and Slaughterers nfd
Multimedia Specialist (Film Animator)		Ship's Master	Meat Boner and Slicer
ICT Project Manager		Ship's Officer	Slaughterer
Organisation and Methods Analyst		Ship's Surveyor	Meat, Poultry and Seafood Process Workers nfd
ICT Business Analyst		Marine Transport Professionals nec	Meat Process Worker
Systems Analyst		Agricultural Engineer	Poultry Process Worker
Multimedia Specialist		Environmental Engineer	Seafood Process Worker
Web Developer		Agricultural and Forestry Scientists nfd	Fruit and Vegetable Packer
Analyst Programmer		Agricultural Consultant	Meat Packer
Developer Programmer		Agricultural Scientist	Seafood Packer
Software Engineer		Forester (AUS) / Forest Scientist (NZ)	Timber and Wood Process Workers nfd
Software Tester		Chemists, and Food and Wine Scientists nfd	Paper and Pulp Mill Worker
Software and Applications Programmers n.e.c		Food Technologist	Sawmill or Timber Yard Worker
Database Administrator		Wine Maker	Wood and Wood Products Factory Worker
ICT Security Specialist		Environmental Scientists nfd	Fabric and Textile Factory Worker
Systems Administrator		Environmental Consultant	Hide and Skin Processing Worker
Computer Network and Systems Engineer		Environmental Research Scientist	Farm, Forestry and Garden Workers nfd

In Confidence

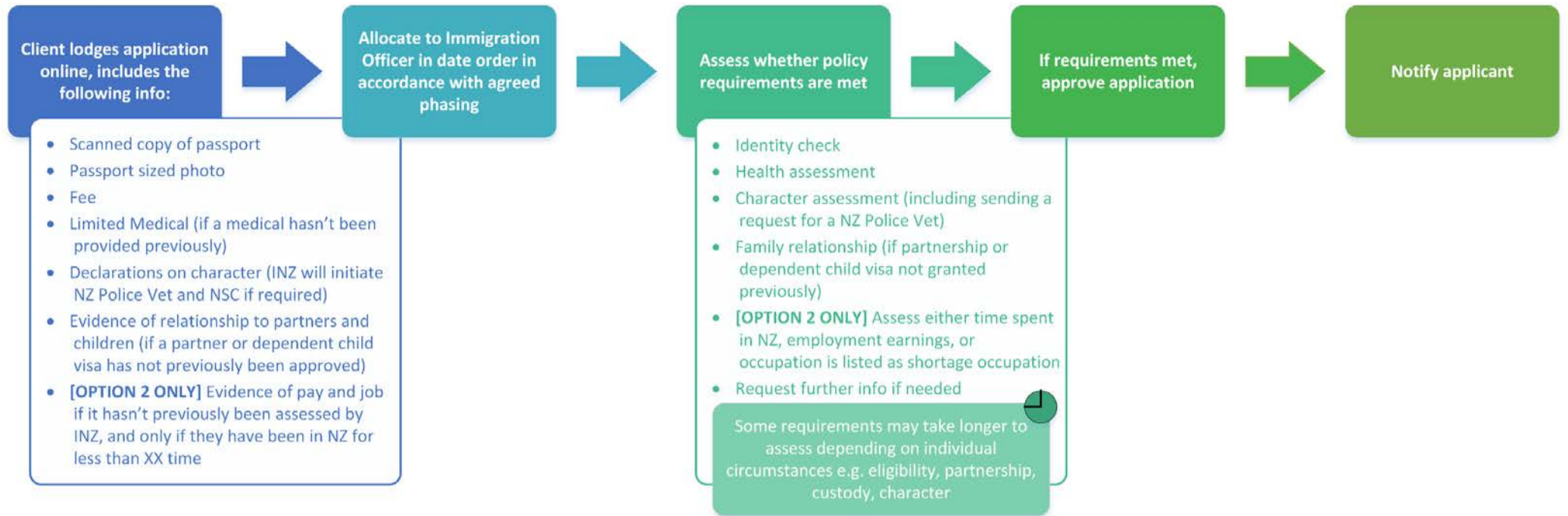
Network Administrator		Environmental Scientists nec	Aquaculture Worker
ICT Quality Assurance Engineer		Marine Biologist	Crop Farm Workers nfd
ICT Support Engineer		Veterinarian	Fruit or Nut Farm Worker
ICT Systems Test Engineer		Agricultural, Medical and Science Technicians nfd	Fruit or Nut Picker
ICT Support and Test Engineers n.e.c		Agricultural Technician	Grain, Oilseed or Pasture Farm Worker
Telecommunications Engineer		Primary Products Inspectors nfd	Vegetable Farm Worker
Telecommunications Network Engineer		Fisheries Officer	Vegetable Picker
ICT Customer Support Officer		Meat Inspector	Vineyard Worker
Chef (Chef de Partie or higher)		Quarantine Officer	Mushroom Picker
Other Spatial Scientist		Primary Products Inspectors nec	Crop Farm Workers nec
Environmental Research Scientist		Farrier	Forestry and Logging Workers nfd
Food Technologist		Saw Maker and Repairer	Forestry Worker
Automotive Electrician		Food Trades Workers nfd	Logging Assistant
Diesel Motor Mechanic (<i>including Heavy Vehicle Inspector</i>)		Bakers and Pastrycooks nfd	Tree Faller
Electrician (General)		Baker	Horticultural Nursery Assistant
Electric Line Mechanic		Pastrycook	Livestock Farm Workers nfd
		Butcher or Smallgoods Maker	Beef Cattle Farm Worker
		Skilled Animal and Horticultural Workers nfd	Dairy Cattle Farm Worker
		Animal Attendants and Trainers, and Shearers nfd	Mixed Livestock Farm Worker
		Horse Trainer	Poultry Farm Worker
		Shearer	Sheep Farm Worker
		Veterinary Nurse	Stablehand
		Horticultural Trades Workers nfd	Wool Handler
		Nurseryperson	Livestock Farm Workers nec
		Wood Trades Workers nfd	Mixed Crop and Livestock Farm Worker
		Cabinetmaker	Other Farm, Forestry and Garden Workers nfd
		Wood Machinists and Other Wood Trades Workers nfd	Hunter-Trapper
		Wood Machinist	Pest Controller
		Wood Turner	Farm, Forestry and Garden Workers nec
		Wood Machinists and Other Wood Trades Workers nec	Food Trades Assistants nfd
		Boat Builders and Shipwrights nfd	Pastrycook's Assistant

In Confidence

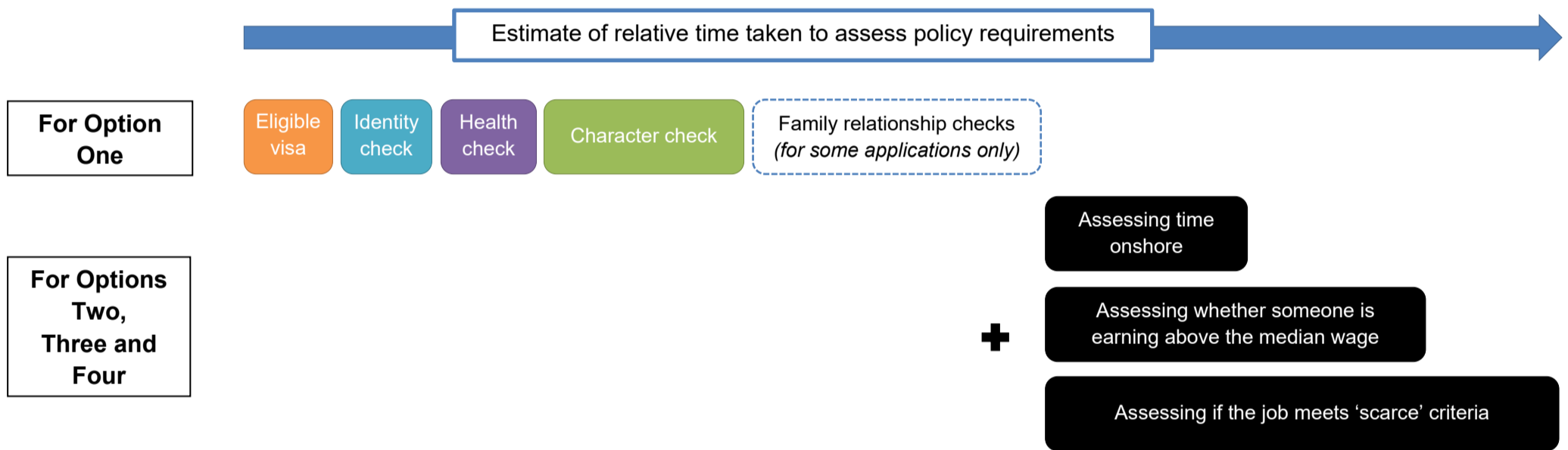
		Boat Builder and Repairer	Food Trades Assistants nec
		Shipwright	Deck and Fishing Hands nfd
		Wool Classer	Deck Hand
		Wool Buyer	Fishing Hand

Annex Three: the application process and processing timelines for different options

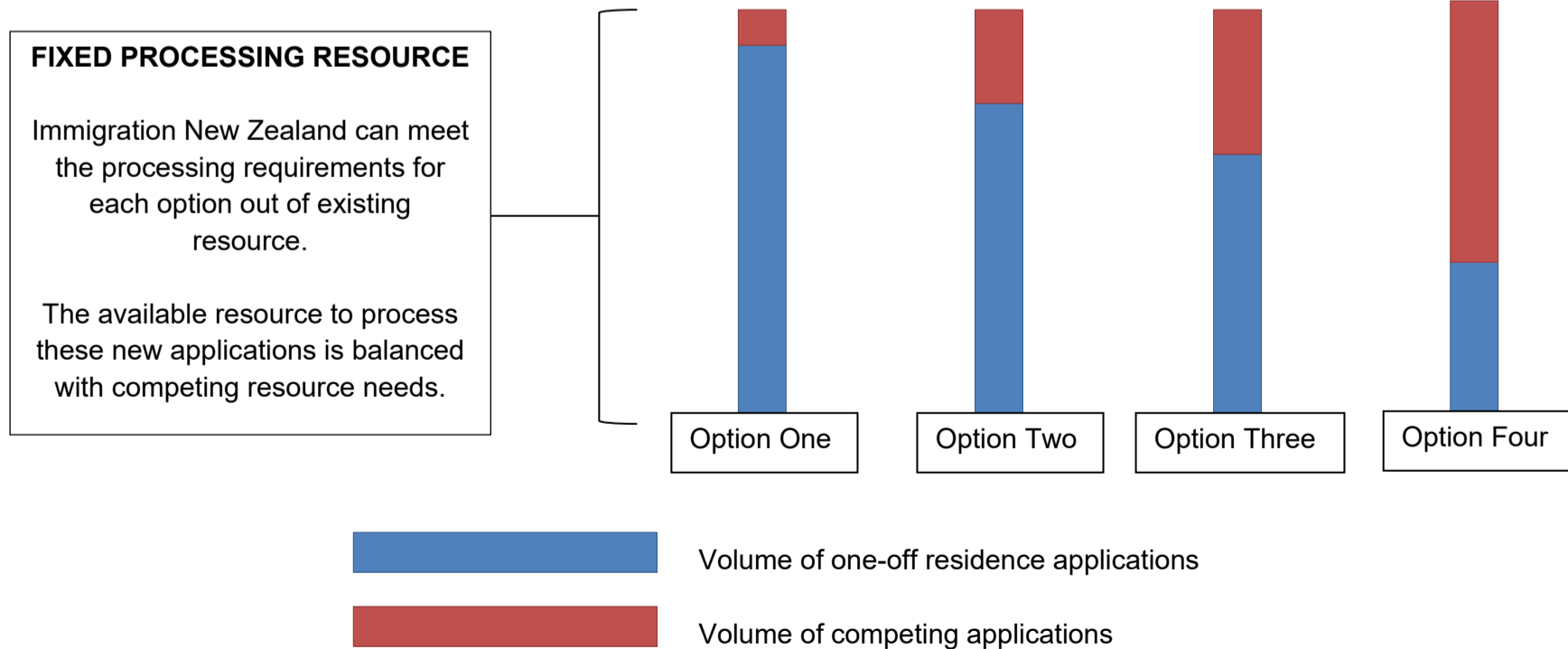
The process



Relative time taken to assess the eligibility criteria for each option



It will take 12 months to process 80 percent of application under all options, despite differences in volume



- Under **Option One** INZ expects a significant drop requests for temporary work visas and skilled migrant residence processing as all likely applicants will be eligible for the one-off pathway. This option attracts the most resource.
- Under **Options Two, Three and Four** increasing numbers of migrants will be excluded from eligibility so processing demand for other visas will be greater than that of Option One to increasing degrees.

Annex Four: Comparison of standard character and medical checks for temporary work visas and residence

Medical Certificates: Temporary and Residence		
Medical certificates that may be provided	When is it provided?	What does it generally include?
General Medical Certificate <i>Full medical exam</i>	Where intended stay is more than 12 months ^[1]	Medical history Physical examination Series of blood tests
Chest X-ray Certificate <i>X-ray to check for tuberculosis (TB)</i>	Where intended stay is more than 12 months <i>OR</i> Where intended stay is between 6-12 months and person has risk factors for tuberculosis (TB) <i>* Not required if the person is pregnant or under 11 years of age.</i>	Chest x-ray
Limited Medical Certificate <i>Limited exam to check for non-waiver conditions of:</i> <ul style="list-style-type: none"> • <i>requiring renal dialysis now or in 5 years' time;</i> • <i>severe haemophilia;</i> • <i>a physical, intellectual, cognitive and/or sensory incapacity requiring full time care, including care in the community; or</i> • <i>any form of TB.</i> 	Where intended stay is more than 12 months AND The person is: <ul style="list-style-type: none"> • the partner of a New Zealand citizen/resident and they meet residence criteria for Partnership category; or • the dependent child of a New Zealand citizen/resident and they meet the residence criteria for Dependent Child category; or • recognised as having refugee or protection status in New Zealand and is eligible to apply for a PRV; or • applying under the Refugee Quota Family Reunification Category; or • a mandated refugee selected in the Refugee quota programme; or • applying under the Christchurch Response (2019) category. 	Medical history Limited physical exam Couple of blood tests
<p>Note: Applicants are generally not required to provide a subsequent medical certificate if they have:</p> <ul style="list-style-type: none"> • provided one previously; and • have been assessed as having acceptable standard of health; and • the medical certificate was issued less than 36 months prior to the current application; and • if previously provided a Limited Medical Certificate, they still fall within relevant criteria required to provide one (otherwise they must provide a General Medical). 		

^[1] Some temporary applicants are not required to provide the General Medical, despite intending a stay of more than 12 months (e.g. fee paying foreign students)

Character Checks: Temporary and Residence				
	Temporary visa (stay of less than two years)	Temporary visa (stay of 2 to 5 years)	Temporary visa (stays of more than five years)	Residence application (elements unique to residence are in red)
New Zealand police certificates (obtained by INZ)	Not required	Not required	Required	Required if has been in NZ for ONE year or more
Offshore police certificates (applicant provides to INZ)	Not required	Required for every country* the person has stayed in for 5 years	Required for every country* the person has stayed in for 5 years	Required for every country* the person has stayed in for ONE year or more
Conviction thresholds	<ul style="list-style-type: none"> - Charged or under investigation for serious offence* (application can be declined) - Any offence for which they have received a prison sentence - Any offence for which Court has power to impose a 3 month or more prison term 			<ul style="list-style-type: none"> - Charged or under investigation for serious offence* (application can be deferred) - Any offence for which they have received a prison sentence - Any offence for which Court has power to impose a 3 month or more prison term - Offences against immigration, citizenship or passport laws of any country - Drugs, dishonesty, sexual nature, and violence offences - EBA or driving while drugged offences in last 5 years
Other character disqualifications	<ul style="list-style-type: none"> - Deportation or exclusion from another country - False, misleading or withheld information - National security risk - A risk to NZ's international reputation 			<ul style="list-style-type: none"> - Deportation or exclusion from another country - False, misleading or withheld information - National security risk - A risk to NZ's international reputation - Incitement of hatred

* Applicants must also provide PCs from their country of citizenship, even if they have not spent one or five years there. PC rules are for those 17 years old and above.

** Serious offence means one which could result in a sentence of 12 months or more

NB: There are some exceptions to the police certificate rules, such as for students under 20. Despite the general rules, immigration officers have the discretion to request police certificates if there is good reason to do so.

Annex Five: Impacts of proposed changes on various groups

Groups	Status Quo	Option One	Options Two and Three	Option Four
Particular sectors and groups not likely to be eligible	<ul style="list-style-type: none"> Skilled residence pathway limited to those who had an application in before it was closed in 2020 or on Work to Residence Many lower skilled, lower paid roles excluded from the skilled residence pathway, even if it was open 	<ul style="list-style-type: none"> Eligible migrant workers are employed across the economy The following industries would benefit most (ANZSIC): accommodation and food, 17,000; construction, 15,000; manufacturing, 12,000; retail, 10,000; health, 10,000; administration, 10,000; agriculture, forestry and fishing, 9,000; and professional, scientific and technical services, 9,000 As WHS and RSE are the biggest cohorts excluded, hospitality and horticulture and viticulture sectors may not benefit as much as other industries as these groups make up a significant proportion of their workforce 	<p>Many lower paid roles would not qualify, if earning under the median wage, such as:</p> <ul style="list-style-type: none"> Large proportion of hospitality, tourism and retail roles Basic construction roles <p>Well settled (3+ or 5+ years) workers in these roles would be eligible (Option Two only)</p>	<ul style="list-style-type: none"> As well as lower skilled, lower paid roles as described for Options Two and Three, any non-listed occupation would not be eligible, including a range of relatively high paid professional occupations such as lawyers, accountants and senior managers but SMC reopens for this group Limited benefit for scientists (only some roles on LTSSL), but no worse off All benefit from SMC queue reducing faster and SMC reopening
Impact on primary sector workforce		<ul style="list-style-type: none"> All core primary sector migrant workers on eligible work visas will be able to apply for the one-off pathway, except those here for seasonal work (e.g. RSE, seasonal shearers) 	<ul style="list-style-type: none"> Same as Option One 	<ul style="list-style-type: none"> Same as Option One
Impact on health and education workforces		<ul style="list-style-type: none"> All health and education sector migrant workers included 	<ul style="list-style-type: none"> People working in registered health and education occupations or on long-term skills shortage list included 	<ul style="list-style-type: none"> People working in registered health and education occupations or on long-term skills shortage list included

			<ul style="list-style-type: none"> Any health or education sector worker earning over median wage included Any health or education worker here for more than 3 or 5 years included (Option Two only) Some health or education workers paid less than median wage will be excluded if not on the list of eligible occupations 	<ul style="list-style-type: none"> Lower paid non-regulated occupations will not be eligible unless included on the list of eligible occupations
Impact on construction sector workforce		<ul style="list-style-type: none"> All construction sector workforce included (except those who entered for short term projects since the border closed or are on excluded visas like Working Holiday visas) 	<ul style="list-style-type: none"> Construction workers on the Long Term Skill Shortage List included Any construction sector worker earning over median wage included Any construction worker here for more than 3 or 5 years included (Option Two only) Some construction workers paid less than median wage will be excluded 	<ul style="list-style-type: none"> Construction workers on the Long Term Skill Shortage List included, e.g. quantity surveyors and surveyors, building project manager and site foremen
Current SMC applicants	<ul style="list-style-type: none"> Long wait time for processing – registered occupations are prioritised 	<ul style="list-style-type: none"> All would qualify and be able to switch pathways for faster processing 	<ul style="list-style-type: none"> Most would qualify and be able to switch pathways for faster processing Some will be better off on SMC (under median wage, not here for 3+ or 5+ years, not on LTSSL or specified occupations) 	<ul style="list-style-type: none"> A subset would qualify – note that registered occupations already have SMC priority processing. The rest would have to continue waiting for SMC processing, although the queue would reduce through the removal of registration based occupations at the front of the queue
SMC EOI pool	<ul style="list-style-type: none"> Have to wait for EOI draw to resume 	<ul style="list-style-type: none"> Would qualify and be able to apply for the streamlined pathway 	<ul style="list-style-type: none"> Most would qualify and be able to apply for the streamlined pathway 	<ul style="list-style-type: none"> A subset would qualify

			<ul style="list-style-type: none"> The rest would have to wait for EOI draw to resume (July 22) but would benefit from a smaller SMC queue in terms of wait times 	<ul style="list-style-type: none"> The rest will benefit from reopening SMC selections and from a smaller SMC queue
Onshore partners and dependents of eligible people	<ul style="list-style-type: none"> If SMC/RfW application already in, family can be included. If included, partnership will be tested against normal rule of having to have lived together for 12 months If no residence application in, family can continue to stay in NZ on temp visas based on primary applicant 	<ul style="list-style-type: none"> When application is made, family can be included. If included, partnership will be tested against normal rule of having to have lived together for 12 months (fewer checks required if previous evidence of their relationship has been provided to INZ) 	<ul style="list-style-type: none"> Same as Option One 	<ul style="list-style-type: none"> Same as Option One
Offshore partners and dependents of eligible people	<ul style="list-style-type: none"> If SMC/RfW application already in, family can be included If included, partnership will be tested against normal rule of having to have lived together for 12 months – harder to meet given current separation If residence granted, family eligible to enter NZ provided MIQ space available Until residence granted, family have to qualify to enter NZ through normal border exceptions framework (mainly health workers and highly skilled) 	<ul style="list-style-type: none"> When application is made, family can be included If included, partnership will be tested against normal rule of having to have lived together for 12 months – harder to meet given current separation If residence granted, family eligible to enter NZ when MIQ space available Until residence granted, family have to qualify to enter NZ through normal border exception framework 	<ul style="list-style-type: none"> Same as Option One 	<ul style="list-style-type: none"> Same as Option One
Non-eligible migrant workers		<ul style="list-style-type: none"> Same as status quo 	<ul style="list-style-type: none"> Same as status quo 	<ul style="list-style-type: none"> Same as status quo

Partners of New Zealanders	<ul style="list-style-type: none"> • Able to apply for relationship based visa if they have been living together in a genuine and stable relationship for any period (many culturally arranged marriages do not qualify, and visitor visas to establish relationship not available with border closed) • If partnership requirements met, able to qualify for border exception if offshore (will require MIQ place) • Can apply for residence - residence partnership will be tested against requirement to have lived together for 12 months • Visa waiver countries – light partnership test applied 	<ul style="list-style-type: none"> • Same as status quo 	<ul style="list-style-type: none"> • Same as status quo 	<ul style="list-style-type: none"> • Same as status quo
Students with work rights	<ul style="list-style-type: none"> • Do not have a pathway to residence on student visas 	<ul style="list-style-type: none"> • Same as status quo • Post-study work rights visas eligible 	<ul style="list-style-type: none"> • Same as status quo • Some post-study work rights visas may be eligible 	<ul style="list-style-type: none"> • Same as status quo • Some post-study work rights visas may be eligible