

# RESIDENCE FROM WORK

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# What will we learn today?

- The different types under Residence from Work category
  1. Talent – Accredited Employers
  2. Long Term Skills Shortage List (LTSSL)
  3. Talent – Arts, Culture and Sports
- The specific instructions that applies to each type
- Working on a case

## WR1.5 Who is eligible for a work visa under the Talent (Accredited Employers) Work Instructions?

- ❑ To be granted a visa under the Talent (Accredited Employers) Work Instructions applicants must:
  - Hold an offer of employment in New Zealand from an accredited employer; and
  - Be aged 55 years or under; and
  - Meet the health and character requirements for Residence set out at [A4](#) and [A5.15](#) to [A5.25](#);
  - Meet the requirements for bona fide applicants as set out at [E5](#); and
  - Meet the requirements for lodging an application as set out in [WR1.30](#).

# RW2 Holders of visas granted under the Talent (Accredited Employers) work instructions may be granted a residence visa where:

- ❑ They have held a work visa granted under the Talent (Accredited Employers) work instructions for a period of at least 24 months; and
- ❑ During the currency of that visa they have been employed in New Zealand throughout a period of 24 months:
  - By any accredited employer; or
  - By an employer(s) who is not an accredited employer, provided that during the period of that employment the conditions of the applicant's visa were varied to allow them to work for that employer(s) in line [E3.26.1.10](#) and
  - By any accredited employer, whose accreditation is rescinded or not renewed during the currency of that visa, provided the employment continued to meet the following requirements:
    - the base salary offered must be no less than the base salary that was required at the time the initial work visa application was made; and
    - the offer of employment must meet the requirements of [WR1.10](#); and
    - employers must meet the requirements under [W2.10.6](#) and [W2.10.10](#)

- ❑ They have employment in New Zealand with a minimum base salary of NZ\$55,000 per annum if the associated work to Residence visa application ([WR1](#)) was made before 7 October 2019; or
- ❑ They have employment in New Zealand with a minimum base salary of NZ\$79,560 per annum if the associated work to Residence visa application ([WR1](#)) was made on or after 7 October 2019
- ❑ They hold full or provisional registration, if full or provisional registration is required to practice in the occupation in which they are employed; and
- ❑ They meet health and character requirements (see [A4](#) and [A5](#)).

# RW2.1 Eligibility for a Permanent Resident Visa

- ❑ A permanent resident visa may be granted to an applicant under Talent (Accredited Employers) work instructions who:
  - Meets all the requirements to be granted a residence class visa; and
  - At the time of their application for a residence class visa, has employment in New Zealand with a minimum base salary of NZ\$90,000.
  - Made the application for the associated Talent (Accredited Employers) work visa before 7 October 2019

# RW2.5 Requirements for employment

- ❑ In New Zealand
- ❑ Full-time (at least 30 hours per week)
- ❑ Ongoing (with a single employer  
Permanent, Indefinite or for at least a  
period of 12 months and sustainable)
- ❑ Genuine
- ❑ Compliant with all relevant employment  
laws in force in New Zealand, and has a  
history of compliance

# RW2.10 Evidential Requirements

- ❑ Evidence that during the currency of their visa granted under the Talent (Accredited Employers) work instructions, the applicant has been employed in New Zealand by any accredited employer throughout a period of at least 24 months; and
- ❑ Evidence of employment that meets the requirements set out at [RW2.5](#); and
- ❑ Evidence that the applicant holds full or provisional registration, if full or provisional registration is required to practice in the occupation in which they have employment.

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# RW5 English Requirements for Secondary Applicants

- **To be granted a resident visa, partners and dependent children aged 16 and older, who are included in any Residence from Work Category application, must either:**
  - Show that they meet a minimum standard of English to ensure their English language ability is sufficient to assist them to successfully settle in New Zealand (see [RW5.1](#)); or
  - Pre-purchase ESOL training.

# RW5.1 Minimum Standard of English

- They provide acceptable English language test results, as set out at RW5.1.1 (no more than 2 years old at the time the application is lodged); or
- They provide evidence that they have an English-speaking background (see [RW5.5](#)) which is accepted by an immigration officer as meeting the minimum standard of English; or
- They provide other evidence which satisfies an immigration officer that, taking account of that evidence and all the circumstances of the application, the person meets the minimum standard of English. These circumstances may include but are not limited to:
  - the country in which the applicant currently resides;
  - the country(ies) in which the applicant has previously resided;
  - the duration of residence in each country;
  - whether the applicant speaks any language other than English;
  - whether members of the applicant's family speak English;
  - whether members of the applicant's family speak any language other than English;
  - the nature of the applicant's current or previous employment (if any) and whether that is or was likely to require skill in English language;
  - the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in English language.
- In any case under (a) (ii) or (iii), an immigration officer may require an applicant to provide an English language test result in terms of paragraph (a)(i). In such cases, the English language test result will be used to determine whether the applicant meets the minimum standard of English.

**QUESTIONS?**