



**NEW ZEALAND  
IMMIGRATION**

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# Essential Skills work visa



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

[New Zealand Government](#)

# Agenda

## Day 1

Understanding Essential  
Skills Work visas  
Case study one

## Day 2

Case studies two and  
three

## Day 3

Live applications

## Day 4

Live applications

# What is the ESWV?

Instructions for accessing ESWV information:

- Go to <https://www.immigration.govt.nz/new-zealand-visas>
- Type “**esse**” in the ‘Apply for’ field and click on **Essential Skills Work Visa**
- Click on **VIEW DETAILS & APPLY**
- What are the goals of this pathway?
- What are three things to note about this pathway?
- How long can you be NZ under this visa type?
- What activities can you do under this visa type?
- What are the conditions around work?
- What do we mean by ‘median wage’?

# How an applicant knows which visa to apply for

- Approach an immigration advisor
- Call the Immigration Contact Centre (ICC)
- Look on the immigration website

Instruction for finding information on the INZ website:

- Go to <https://www.immigration.govt.nz/new-zealand-visas>
- Click **Work**
- Click **1. I'm thinking about New Zealand for work**
- Click **job market and key industries**
- From the 'Skills in demand' table, click on an occupation (eg 'Engineering')
- Scroll down and click **Visas to work** under 'Visa options'
- Click **Work visas**

# Overview of ESWV requirements

- Need an offer of employment
- ESWV may only be granted if:
  - the employment is acceptable (WK3.5); and
  - no NZ citizens or residents are available for the work (WK3.10); and
  - the employer meets requirements (WK3.15); and
  - the applicant meets requirements (WK3.20).
- The remuneration (WK3.5.1) determines the currency of ESWV granted and ability of ESWV holder to support temporary visas for family members.

# Employers responsibilities

- Checking visa status (VisaView)
- Providing evidence of a job offer (written employment agreement)
- Meeting rights and obligation under employment and immigration law
- Providing an Employer Supplementary Form, if required

Instructions for accessing Employer information:

- Go to <https://www.immigration.govt.nz/new-zealand-visas>
- Type “Esse” in the ‘Find a visa factsheet’ field and click on **Essential Skills Work Visa**
- Click on **EMPLOYERS**

# Difference between ESWV and other visa types

Instructions for comparing visa types:

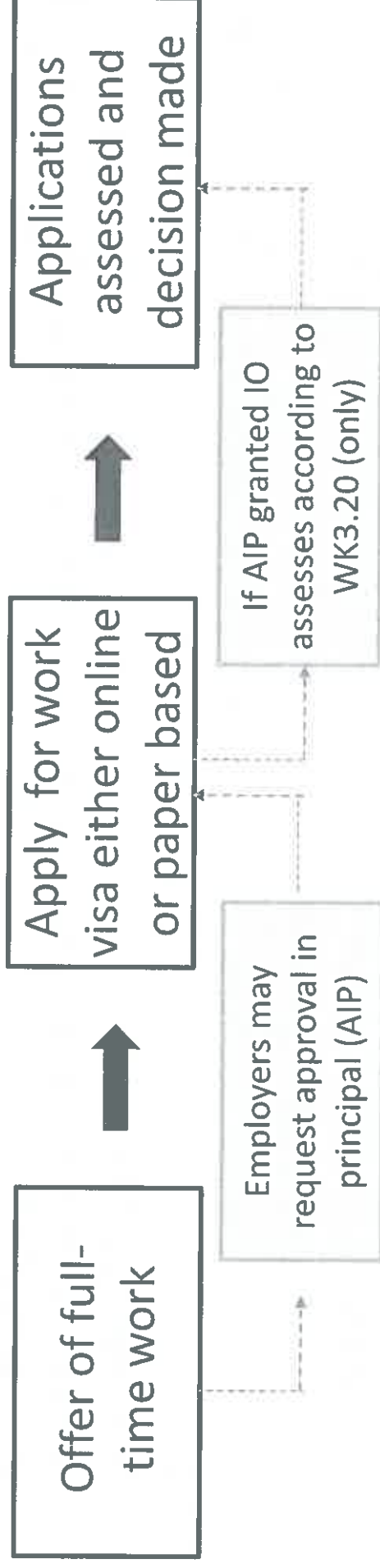
- Go to <https://www.immigration.govt.nz/new-zealand-visas>
- Click **Work**.
- Click **2. Explore visa options to work**.
- Enter the criteria that you *have* a job offer, you're from the *Bahamas* and you're *35* years old.
- Click **DISPAY OPTIONS**
- Compare **Skilled Migrant Category Resident Visa** to **Essential Skills Work Visa**, then click **VIEW & COMPARE**.



# Overview of ESWV visa process

See WK1.5 Overview

**Note:** Can grant Interim visa to allow applicants to stay in NZ while applications assessed



- Go to <https://www.immigration.govt.nz/new-zealand-visas>
- Type “**Esse**” in the ‘Find a visa factsheet’ field and click on **Essential Skills Work Visa**
- Click on **PROCESS** and select a ‘Nationality on passport’ and a ‘Location when you apply’ and whether to ‘Include others on application’
- Click **VIEW PROCESS**



# Assessing an ESWV application

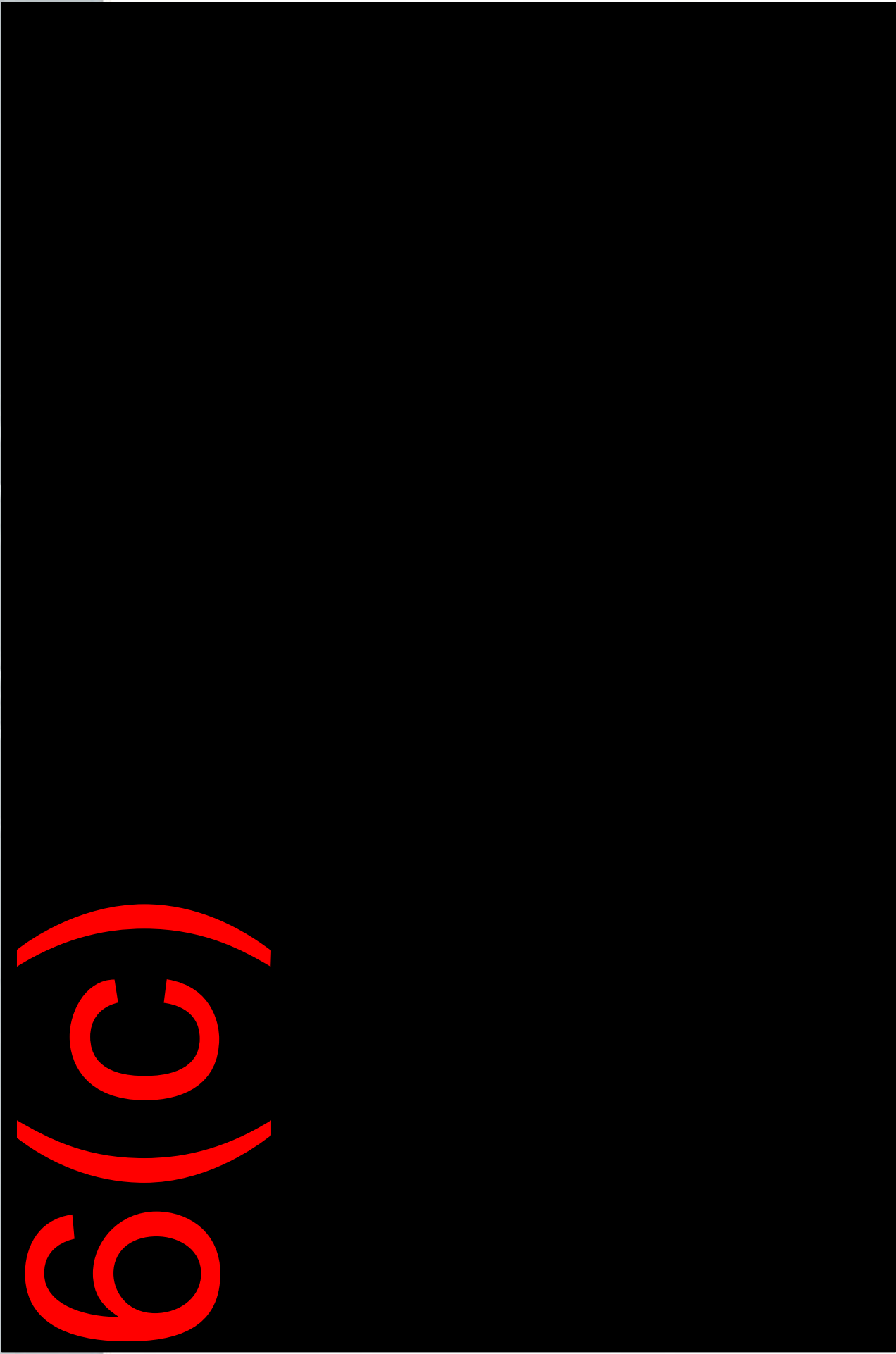
Once you have received an application:

1. Check all the documents are present as outlined in the Global Process Manual
2. Use the Visa Assessment Tool (VAT), and the
3. Operations Manual

On The Link go to **MBIE groups**, select **Immigration New Zealand**, then click **INZkit** to access the following:

1. Click **Processing applications** , click on **View** under 'Global Process Manual', click **Temporary visa**
2. Click **Verifying and assessing**, scroll down and click **Essential Skills Visa Assessment Tool**
3. Click **Operations Manual**, click **Temporary entry class visas**, then **Work visas**, the **WK Essential Skills work instructions**

6(c)





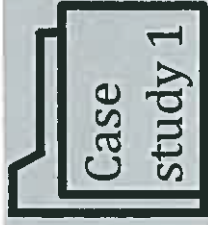
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# Case study one



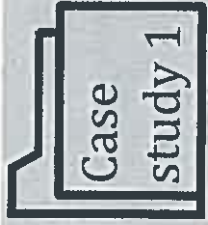
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# Identity, health and character

## Question:

- Has **9(2)(a)** provided all the required information in relation to identity, character and health?



# Acceptable employment overview

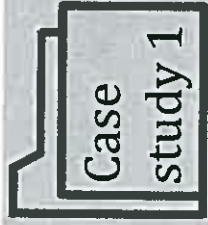
- Offer of employment meets requirements; and
- Employment offered is genuine, sustainable and full-time; and
- Payment is by wages or salary
- Rate of pay is not less than the market rate for that occupation
- Remuneration rate
- Conditions under which applications are declined



# Acceptable employment Offer of employment

## Questions:

- Does **9(2)(a)**'s offer of employment contain all of the required information?
- Does the EA meet the minimum requirements?
- How would you assess if the employer is compliant W2.10.15?



# Acceptable employment

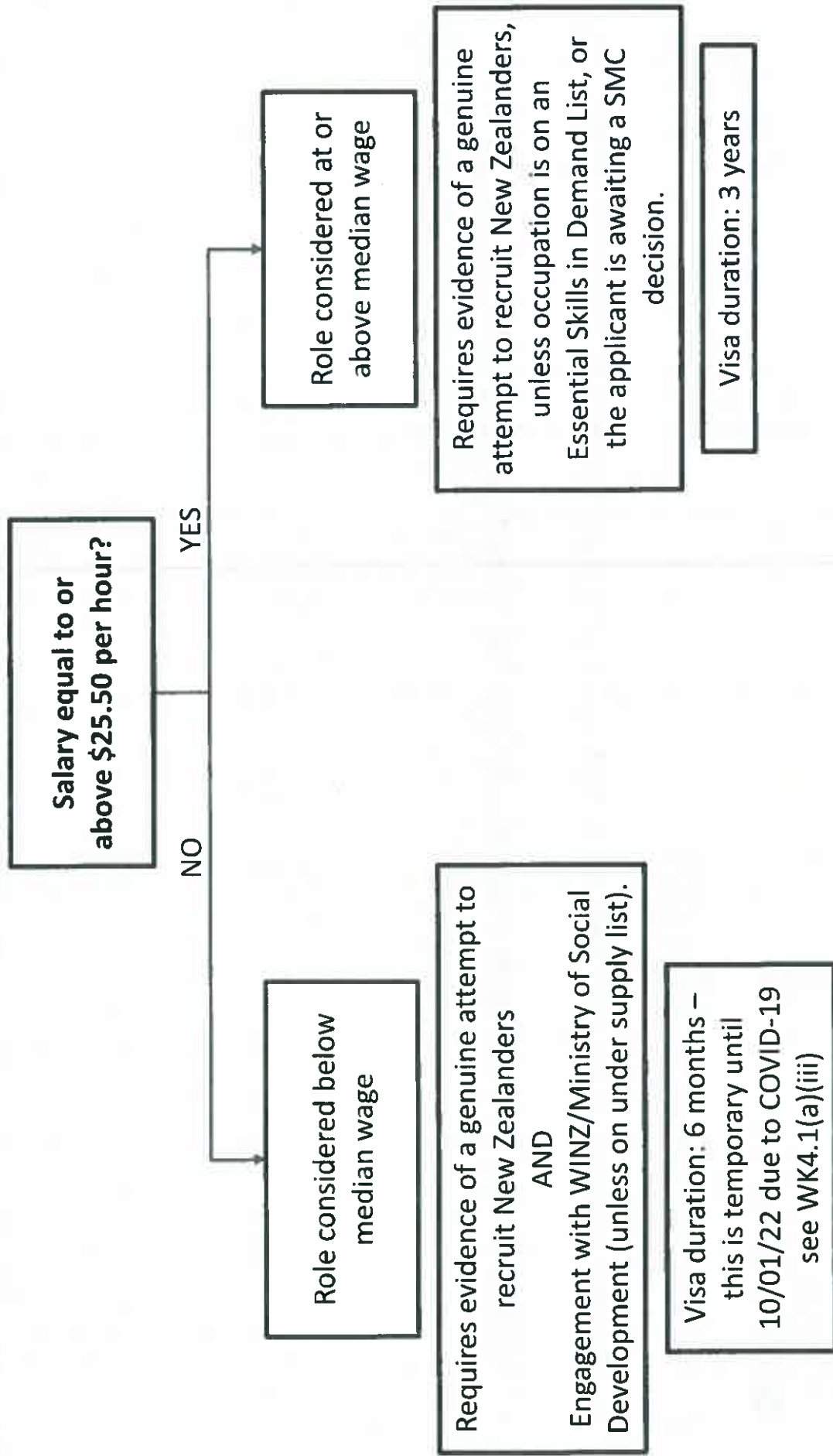
## Genuine, sustainable and full-time

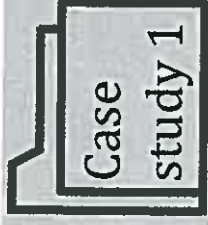
### Questions:

- What is the definition of full-time?
- From the information you have at hand can you determine the employment offered to **9(2)(a)** to be genuine, sustainable and fulltime?



# Median Wage skill band – WK3.5.1



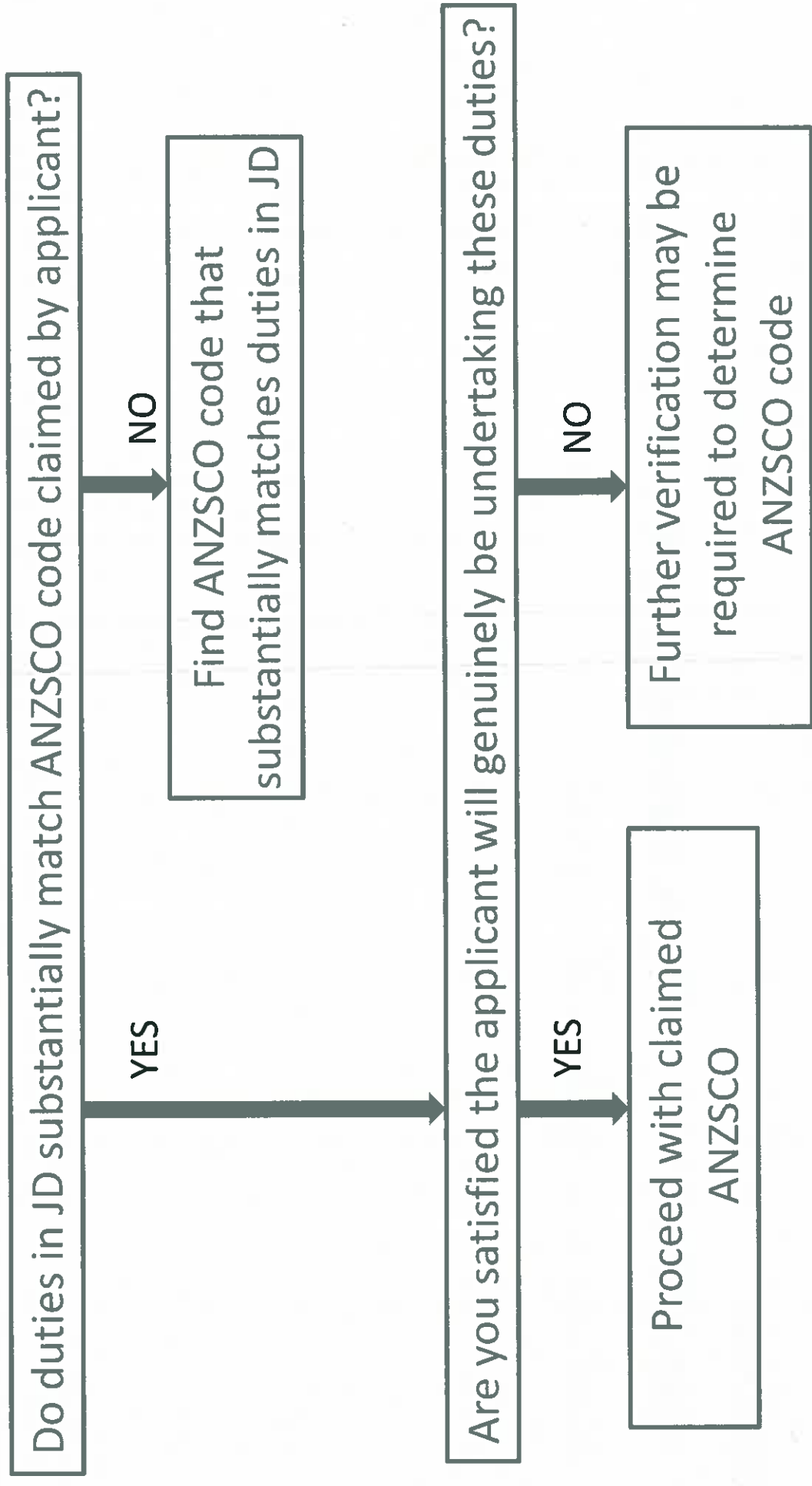


# Acceptable employment Remuneration Rate

## Questions:

- What is **9(2)(a)**'s hourly rate?
- Based on the pay per hour, what is the remuneration rate for the role?
- What is the maximum visa duration for this remuneration level?

# ANZSCO substantial match



# ANZSCO level and substantial match

Case  
study 1

## Questions:

- What ANZSCO level is the role that **9(2)(a)** has been offered?
- Is **9(2)(a)**'s role a substantial match?

# Acceptable employment - Market rates

Case  
study 1

You may consider the following factors:

- typical rate of pay a New Zealander receives for equivalent work
- rates of pay for collective agreements for the relevant industry
- level of training and experience required for position
- experience of applicant
- size and location of the business

# Acceptable employment - Market rates

Case  
study 1

## Question:

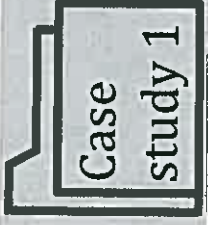
Does **9(2)(a)**'s hourly rate meet the market rate for the role?

# Requirements to be suitably qualified

Must be satisfied that the applicant:

- is suitably qualified by training and experience (refer to ANZSCO)





# Requirements to be suitably qualified

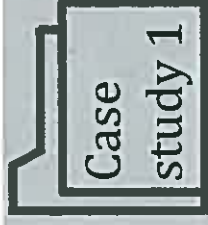
## Activity

Use the LQEA table to check:

1. Bachelor (BSc) i (Biology), Aalborg Universitet Denmark”; 2007
2. Bachelor of Arts. Shahid Beheshti University Iran, 1997
3. Bachelor of Business, Charles Darwin University Australia, 2007

## Questions:

- Is **9(2)(a)** suitably qualified for the role on offer?
- If not, which requirements have not yet been met?



# Availability of NZ citizens or residents

Do a labour market test to see if there are suitable New Zealanders who can:

- take up the work on offer; or
- be trained to do the work on offer

When undertaking a Labour market test an IO must be satisfied that:

- genuine attempts made to recruit New Zealanders (WK3.10.5)
- NZ citizens or residents not available

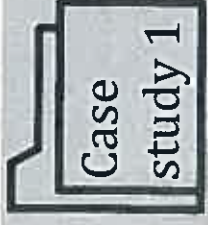
Two criteria should generally be assessed:

- Employer’s advertising efforts
- WINZ engagement

Accept that no New Zealanders available if the:

- occupation is included on the Skill Shortage Lists, and
- qualification/work experience meets requirements on the lists

SSL requirements relate to qualifications, work experience, or registration.



# Availability of NZ citizens or residents

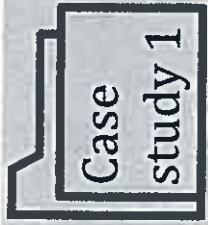
## Questions:

- What are the skill shortage lists and what are that key things about each of these lists?
- Is **9(2)(a)**'s job on any of the skill shortage lists?

Go to <https://skillshortages.immigration.govt.nz>

# Labour Market Test - Advertising

<b>Type</b>	<ul style="list-style-type: none"> <li>• Large website like Seek, TradeMe etc. always acceptable (employer’s own website not sufficient)</li> <li>• For roles below the median wage, local advertising may be sufficient</li> </ul>
<b>Duration</b>	<ul style="list-style-type: none"> <li>• For roles above the median wage: at least 2 weeks</li> <li>• For roles below the median wage: at least 1 week</li> </ul>
<b>Validity</b>	<ul style="list-style-type: none"> <li>• Advertising can be used to support a visa application within <b>three months</b> of when the ad ran</li> <li>• Same ad can be used to support more than one visa application for the position within that period</li> </ul>
<b>Contents</b>	<ul style="list-style-type: none"> <li>• Must accurately describe job and skills required for the role</li> <li>• Must align with job description</li> </ul>



# Labour Market Test - SMR

## Employer Engagement

<b>Suitable candidates referred</b>	No	<b>Number of candidates referred</b>	0
<b>Suitable candidates hired</b>	0	<b>Unsuccessful candidates</b>	0

Reasons Unsuccessful

<b>Trainable candidates referred</b>	No	<b>Number of candidates referred</b>	0
<b>Trainable candidates hired</b>	0	<b>Unsuccessful candidates</b>	0

Reasons Unsuccessful

# Availability of NZ citizens or residents cont..

Case  
study 1

## Question:

Does the advertising for **9(2)(a)**'s role meet the definition of a genuine attempt to advertise?

Go to <https://skillshortages.immigration.govt.nz>

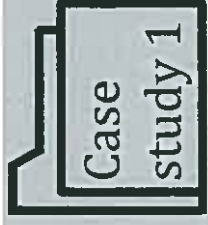
# Bona Fides

Case  
study 1

## Question:

Based on the information in the application, do you have any concerns about **9(2)(a)** being a “bona fides applicant”?





# Determining an application

## Questions:

- Have all the requirements for the ESWV been met?
- If not, list these requirements and the reasons for not having been met?



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# Review



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# Case study two



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# Identity, health and character

Case  
study 2

## Question:

Has **9(2)(a)** provided all the required information in relation to identity, character and health?



# Acceptable employment Offer of employment

## Questions:

- Does **9(2)(a)** s offer of employment contain all of the required information?
- From the information you have at hand, would you assess the employer as compliant?
- If not, why not?



# Acceptable employment Genuine, stable and full-time

## Questions:

- From the information you have at hand can you determine the employment offered to **9(2)(a)** to be genuine, stable and fulltime?
- If not, why not?

# Acceptable employment

Case  
study 2

## Questions:

- What is **9(2)(a)**'s hourly rate?
- Is it above or below median wage for this role?
- What is the maximum visa duration **9(2)(a)** can be granted?

# Calculating remuneration (Dairy Industry)



- Must be paid the minimum wage for every hour they work
- Salary or wages cannot be averaged over a season
- Many workers do not work standard hours - difficult to calculate remuneration
- When calculating minimum wage:
  - accommodation only taken into account when deducted from salary and employee has agreed to deductions in writing.
  - accommodation not taken into account if provided in addition to base salary
- Agreed value of accommodation can be taken into account when determining market rate, even when it is not deducted from the base salary
- Ensure accommodation is not overvalued
- Where range of hours given, use max hours to calculate remuneration (WK3.5.5)
- In dairy industry, use maximum peak season hours when calculating remuneration



# ANZSCO level and substantial match

## Questions:

- What ANZSCO level is this role that **9(2)(a)** has been offered?
- Is **9(2)(a)**'s role a substantial match?



# Acceptable employment - Market rates

## Question:

Does **9(2)(a)**'s hourly rate meet the market rate for the role?

# Requirements to be suitably qualified

## Questions:

- Is **9(2)(a)** suitably qualified for the role on offer?
- If not, which requirements have not yet been met?

# Availability of NZ citizens or residents

Case  
study 2

**Question:**

Is **9(2)(a)** s job on any of the skill shortage lists?

# Labour Market Tests

## Question:

Does the advertising for  
attempt to advertise?

**9(2)(a)**'s role meet the definition of a genuine

# Bona Fides

Case  
study 2

## Question:

Based on the information in the application, do you have any concerns about **9(2)(a)** being a bona fides applicant?

# Determining an application

## Questions:

- Have all the requirements for the ESWV been met?
- What instructions have not yet been met and what are the reasons for your concerns?
- What further information do you want the applicant or their employer to provide?
- What do you think the next steps would need to be?



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# Case study three



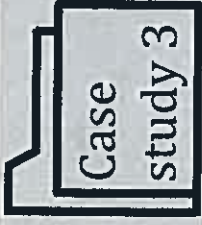
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# Identity, health and character

## Question:

Has **9(2)(a)** provided all the required information in relation to identity, character and health?



# Acceptable employment Offer of employment

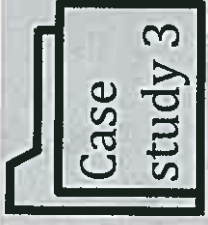
## Questions:

- Does **9(2)(a)**'s offer of employment contain all of the required information?
- From the information you have at hand, would you assess the employer as compliant?
- If not, why not?

# Acceptable employment Genuine, stable and full-time

## Questions:

- From the information you have at hand can you determine the employment offered to **9(2)(a)** to be genuine, stable and full-time?
- If not, why not?



# Acceptable employment

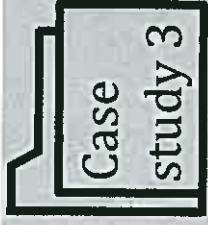
## Questions:

- What is **9(2)(a)**'s hourly rate?
- What is the maximum visa duration?

# ANZSCO level and substantial match

## Questions:

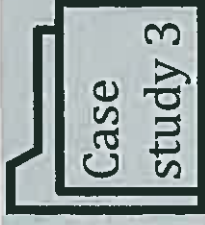
- What ANZSCO level is this role that **9(2)(a)** has been offered?
- Is **9(2)(a)**'s role a substantial match?



# Acceptable employment - Market rates

## Question:

Does **9(2)(a)**'s hourly rate meet the market rate for the role?



# Requirements to be suitably qualified

## Questions:

- Is **9(2)(a)** suitably qualified for the role on offer?
- If not, which requirements have not yet been met?

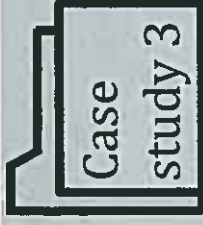
# Availability of NZ citizens or residents

Case  
study 3

## Question:

Is **9(2)(a)**'s job on any of the skill shortage lists?





# Labour Market Tests

## Question:

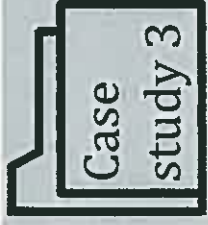
Does the advertising for **9(2)(a)**'s role meet the definition of a genuine attempt to advertise?

# Bona Fides

Case  
study 3

## Question:

Based on the information in the application, do you have any concerns about **9(2)(a)** being a bona fides applicant?



# Determining an application

## Questions:

- Have all the requirements been met so far?
- What do you think needs to happen next?

