

SOP – Assess overall eligibility (Work to Residence)

Date Published: 25 October 2023

Classification: Unclassified

When to use

When assessing a residence application under the Work to Residence Category (WTR).

Role

- Immigration Officer (IO)
- Technical Advisor (TA)

Context and guidelines

This SOP sets out the overall assessment criteria for an application under the WTR Category.

To complete a full assessment of an applicant's overall eligibility for residence under WTR category for applicants as part of the Green List, Care workforce and transport sector.

- Follow this SOP and any associated/linked SOPs, and
- Use the WTR Visa Assessment Templates to document the assessment and decision-making process.

Assessment Template

- [WTR Visa Assessment Template individual](#)
- [WTR Visa Assessment Template family](#)

Prerequisites

- Assess overall eligibility (Skilled residence general)

Steps

1. Confirm the principal applicant (PA) meets the WTR age requirements

| If the PA was... | Then... |
|---|--|
| Under 56 when the application was lodged | <ul style="list-style-type: none"> • Requirement met. • Go to next step. |
| 56 or older when the application was lodged | <p>The application cannot be approved. Do not complete full assessment, go to PPI.</p> <p>Note: If a full assessment of the remaining application is not undertaken, this should be communicated to the applicant when the decision is made. The case summary should also</p> |

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|--|---|
| | <p>clearly outline which aspects of the application have been fully assessed.</p> <p>See SOP – Communicate Potentially prejudicial information (PPI)</p> <p>END.</p> |
|--|---|

2. Confirm the visa type the applicant held for the 24 months of work experience

- In AMS, check the previous visa types held

| If for the 24 months of work in New Zealand, the PA has held... | Then... |
|---|--|
| <ul style="list-style-type: none"> • any work visa; or • a critical purpose visitor visa with work conditions; or • an interim visa granted while the applicant held a work visa or a critical purpose visitor visa with work conditions and had applied for a further work visa. • Or any combination of the above | Requirement met. Note and continue to next step. |
| A different visa type to those listed above. | <ul style="list-style-type: none"> • The application cannot be approved. • Note the concern • Go to next step |

3. Assess the principal applicant's Job offer or ongoing employment

See SOP – Assess offer of employment WTR

4. Assess the principal applicant's work experience

See SOP – Assess work experience WTR

5. Assess the employer

[See SOP – check employer accreditation in ADEPT](#)

| If the employer is ... | Then... |
|---|--|
| Accredited | Requirement met. Note and continue to next step. |
| Accredited but the accreditation is suspended | <p>The application must be put on hold.</p> <ul style="list-style-type: none"> • Note the concern • Go next step. <p>Refer to a TA/VO for what information can be released in the PPI letter</p> |

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|----------------|---|
| | Note: WA2.55(a) states a suspension of an employer's accreditation may be up to 3 months at a time until there is an outcome of the investigation. |
| Not accredited | The application cannot be approved. <ul style="list-style-type: none"> Note the concern Go next step. |

6. Determine overall eligibility and next steps

| If... | Then... |
|--|---|
| The application has completed assessment pending only return of NSC Check, NZPC, foreign PC, ^{(c) of the} [redacted] or completion of deferred medical requirements | Transfer the application into Queue, Pending SMC |
| The application requires consideration of a Waiver by a TA | Transfer the application into Not Allocated, Waivers |
| Any concerns have been noted during the assessment of the application | See SOP – communicate potentially prejudicial information (PPI) <ul style="list-style-type: none"> If any concerns require escalation, consider a No Surprises process. See VisaPak 497 No Surprises Fact Sheets. <p>Note: All applications are to be quality checked, transfer to Not Allocated, Res Review</p> |
| No concerns have been noted and all requirements are met | <ul style="list-style-type: none"> Make sure all questions under the Determination and English tabs in AMS have been completed, then Manually triage the application again to ensure all potential risks have been appropriately identified. Undertake appropriate action to mitigate any additional risks identified, if applicable, before finalising the application. Transfer the application to Not Allocated, Res SMC QC See SOP – Approve in principle. |

END.

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SOP – Assess dependent children (residence)

Date Published: 10 August 2023

When to use

When a dependent child is included as a secondary applicant on an application for residence.

Role

- Immigration Officer

Guidelines

- The definition of 'dependent child' for the purpose of lodging a residence application is set out at [R2.1.30](#).
- Be aware that the definition of a dependent child for the purposes of temporary entry as set out in immigration instructions is slightly different, as are the requirements to be considered a dependent child for the purposes of residence under the Dependent Child Category (i.e. with a New Zealand citizen or resident parent or parents).
- Any correspondence relating to a minor child's (under 18 years old) eligibility for a visa should be addressed to their parent/legal guardian.
- If unsure whether supporting evidence meets the requirements in immigration instructions, seek the advice of a technical advisor.

Related Resources

Relevant VisaPak articles:

| Date | Reference | Title and link |
|---------------|-----------|--|
| May 2022 | 508 | Residence Applications Involving Family Members |
| February 2019 | 389 | VisaPak 389 (February 2019) Communicating decline decisions relating to minor children |
| January 2018 | 341 | Visas based on a relationship |
| August 2017 | 323 | Newborn children of residence class visa holders |
| May 2017 | 308 | Inclusion of dependants in residence applications |
| October 2012 | 86 | Assessment of dependent children for residence |

Related immigration instructions:

- [R2.46 DNA testing for verifying claimed relationships](#)
- [R3 Generic Adoptions](#)
- [R5.15 Explaining discrepancies in family details](#)

Steps

1. Review information held in AMS and documents provided with the application

- If applicable, take note of any previous applications made by the applicant as a dependent child which demonstrate that the relationship has previously been assessed and recognised.
- If applicable, note any other relevant information or warnings.
- Note the evidence (e.g. birth certificate or adoption papers) provided to show the relationship between the dependent child and their parent(s), that is:
 - the principal applicant on the residence application and/or

- the principal applicant's partner.
- Note the applicant's age and any evidence of dependence that has been provided, if applicable.
- Note any other relevant information provided, for example additional documentation related to custody of children under 16, where required.
- Check the **Family** and **Contacts** tabs in AMS have been correctly updated.
- If the child was born in New Zealand and their client status in AMS is showing as **NEWC** this should be updated (to **IN** or **UNLI**) by a technical advisor after considering their status in accordance with [A17.1 Persons born in New Zealand on or after 1 January 2006](#).

2. Determine whether the definition of 'dependent child' (as set out in [R2.1.30](#)) is met

- a) Note the dependent child's age at the time the application was made and the requirements to be considered a dependent child at that age, i.e.:

| Age | Requirements |
|---------------|--|
| 17 or younger | <ul style="list-style-type: none"> ● Single (not living with a partner in a genuine and stable relationship of any duration). |
| 18 to 20 | <ul style="list-style-type: none"> ● Single (not living with a partner in a genuine and stable relationship of any duration) ● No children of their own |
| 21 to 24 | <ul style="list-style-type: none"> ● Single (not living with a partner in a genuine and stable relationship of any duration) ● No children of their own ● Totally or substantially reliant on the principal applicant and/or the principal applicant's partner for financial support (whether living with them or not). |

- b) Confirm that the requirements are met (see also [R2.1.35](#)), considering any evidence provided, if applicable.

| If... | Then... |
|--|--|
| Satisfied dependent child requirements are met | Go to next step. |
| The applicant was older than 24 at the time the application was made | Note the concern and go to next step. |
| Insufficient evidence of dependence provided (if required) OR Other concerns | <ul style="list-style-type: none"> ● Consider whether the relevant information required to meet instructions is reasonably easy to obtain. ● Note the concern and go to next step. |

3. Determine whether the relationship evidence meets the requirements of [R2.1.40](#)

One of the following must be provided:

- Birth certificate showing the names of the parent(s)
- Legal adoption papers or declaration of adoption by custom

Cross-check the details on the paperwork (e.g. name and date and place of birth of dependent child and parent(s) on a birth certificate) to ensure the relationship is established.

| If... | Then... |
|--|---|
| Satisfactory evidence is provided | Go to next step. |
| Insufficient evidence OR Evidence does not meet the requirements OR There are other concerns | <ul style="list-style-type: none"> • Consider whether the information is reasonably easy to obtain (for example a longer form birth certificate with the names of both parents where a short form one has been provided vs. a legal adoption process that has not started or is ongoing). • Note the concern and go to next step. |

4. Determine whether further evidence of custody or right to remove the child from their country of residence is needed

| If the dependent child is... | Then... |
|--|---|
| <ul style="list-style-type: none"> • 16 or older or • Under 16 and both parents are included on the application | No further information is needed. Go to step 7 . |
| <ul style="list-style-type: none"> • Under 16 and • their parents <u>are</u> separated or divorced and • only one of their parents is included on the application for residence | Further information is needed. Go to step 5 . |
| <ul style="list-style-type: none"> • Under 16 and • their parents <u>are not</u> separated or divorced but • only one parent is included on the application for residence | Further information is needed. Go to step 6 . |

5. Where the applicant is a child under 16 whose parents are separated or divorced, confirm that the parent who is applying for residence has the right to include the child on their application
Such children cannot be included on the application unless the parent produces satisfactory evidence of either:

- Their right to remove the child from the country in which rights of custody or visitation have been granted, or (where no such rights have been granted):
- Their right to remove the child from their country of residence.

The type(s) of evidence required are set out at [R2.1.45](#).

| If... | Then... |
|---|---|
| Evidence provided meets the requirements of the relevant immigration instructions | No further information is needed. Go to step 7 . |
| Insufficient evidence provided or there are other concerns | Note concern and go to step 7 . |

6. Where the applicant is a child under 16 with only one parent included in the application, confirm that that parent has the right to include the child on their application

Such children cannot be included on the application unless the parent produces satisfactory evidence of their right to remove the child from their country of residence.

The type(s) of evidence required is set out at [R2.1.50](#).

| If... | Then... |
|---|---|
| Evidence provided meets the requirements of the relevant immigration instructions | No further information is needed. Go to step 7 . |
| Insufficient evidence provided or there are other concerns | Note concern and go to step 7 . |

7. Detail in the application case summary the evidence provided as well as the conclusion and reasoning

| If after a full assessment... | Then... |
|---|---|
| All relevant dependent child requirements are met | Continue assessing the application according to the relevant SOPs. |
| There are outstanding concerns | These should be addressed through requesting further information (RFI) or requesting comment on potentially prejudicial information (PPI) after assessing the other aspects of the application. |

END

SOP – Assess offer of employment (WTR)

Date Published: 25 October 2023

Classification: Unclassified

When to use

When assessing employment in any of the Work to Residence (WTR) categories:

- Tier 2 Green List
- Care Workforce Sector
- Transport Sector

Role

- Immigration Officer (IO)
- Technical Advisor (TA)

Context and guidelines

This SOP outlines how to assess the offer of employment, or ongoing current employment for WTR categories.

To complete a full assessment of an applicant's offer of employment or ongoing current employment,

- follow this SOP and any associated/linked SOPs, and
- use the below visa assessment templates to document the assessment and decision-making process.
 - [WTR Visa Assessment Template individual](#)
 - [WTR Visa Assessment Template family](#)

Prerequisites

- Assess Overall Eligibility (Skilled Residence General)
- Assess Overall Eligibility WTR

Other resources

- [VisaPak 508](#)
- SOP – Assess work experience WTR
- SOP – Communicate Potentially prejudicial information (PPI)
- SOP – Decide and finalise application.
- [SOP - Make and monitor third party checks.](#)
- [SOP - Assess identity](#)
- [Assess character](#)
- SOP – Assess health (residence)
- SOP – Assess English (PA)
- Assess English (SAs)
- [SOP – Assess partnership \(Residence\)](#)
- [SOP – Assess dependent children \(Residence\)](#)

- [SOP - Assess risk and conduct verification](#)

Steps

1. Check the evidence provided

a. Check whether evidence of employment has been submitted with the current application

- Employment may be either an offer of employment or current ongoing employment in New Zealand.
- Evidence provided can include an employment agreement or letter from the employer, that specifies, the occupation, hours, and remuneration of the employment.

| If evidence of employment... | Then... |
|------------------------------|----------------------|
| has been provided | Go to Step 2 |
| has not been provided | Go to Step 1b |

b. Check whether evidence has been submitted with a previous application

- In the **Application tab** in AMS go to the applicant's most recently approved application
- Depending on where the application was processed, open IGMS or ADEPT
- For application in ADEPT
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of employment

| If evidence of employment... | Then... |
|---|--|
| Has been provided and is sufficient to establish a current offer of employment And Applicant has provided evidence to confirm they are still employed in the role | <ul style="list-style-type: none"> • Proceed to process the application using this evidence • Go to Step 2 |
| Some evidence has been provided but is not complete | Continue assessing offer of employment with the information available by following this SOP but ensure that the required information is requested and assessed before making the final decision. |
| Has not been provided or is not sufficient to establish a current offer of employment | <ul style="list-style-type: none"> • Note the concern • Go to Step 11 END. |

2. Determine whether employment is full-time

| If the employment... | Then... |
|--|---|
| Is full-time, i.e., amounts to at least 30 guaranteed hours per week for every week worked | Go to next step. |
| Is not full-time, as described above | <ul style="list-style-type: none"> Note the concern Go to next step |

3. Determine length of employment contract

| If the employment... | Then... |
|---|---|
| Is permanent or at least 12 months fixed term from when the application was made and the reasons for fixed term re genuine, as per employment law | Go to next step. |
| Is not permanent or at least 12 months fixed term | <ul style="list-style-type: none"> Note the concern Go to next step |

4. Determine whether the employment offer or continued employment meets policy requirements

| If the role is for... | Then determine whether the applicant's occupation matches an occupation in..... |
|-----------------------|---|
| Tier 2 Green List | Appendix 13. |
| Care Workforce | Appendix 14. |
| Transport Sector | SR7.10(a)(i) |

See [ANZSCO website](#) for a breakdown of ANZSCO codes and duties

Note: Dairy cattle farmers are not part of ANZSCO version 1.2, see [Visapak 461](#) for advice.

| If ... | Then... |
|--------|---------|
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| Satisfactory evidence that the role is an acceptable occupation has been provided. | Go to Step 6 |
| Evidence has been provided but the occupation is not on a current list | Go to next step |
| No evidence was provided in this or previous applications, or the evidence is not satisfactory | Note the concern Go to Step 6 |

5. Determine if the employment was on the relevant list at the beginning of the applicant's 24-month period.

| If the role is for... | Then... |
|-----------------------|--|
| Tier 2 Green List | <ul style="list-style-type: none"> Go to Appendix 13 that was live at the beginning of the applicant's 24-month period. |
| Care Workforce | <ul style="list-style-type: none"> Go to Appendix 14 that was live at the beginning of the applicant's 24-month period. |
| Transport Sector | <ul style="list-style-type: none"> Go to the previous instructions, that were live at the beginning of the applicant's 24-month period. |

| If the role was ... | Then... |
|--|---|
| On the list at the start of the applicant's 24-month work experience. and The applicant remains in the same role | <ul style="list-style-type: none"> Go to next step |
| Not on the list at the start of the applicant's 24 months work experience. | Note the concern. Go to Next step. |

6. Determine remuneration requirements for job offer
a. Identify which remuneration criteria applies

| If the occupation ... | Then ... |
|--|--|
| Is in the Tier 2 Green List And There is a specific remuneration requirement for the occupation in that list | <ul style="list-style-type: none"> Use the appendix that was current when the residence application was submitted See SR3.15.1 for the occupations that have remuneration requirements. Go to next step |
| is in the Care Workforce | <ul style="list-style-type: none"> The applicant must be paid at or above \$28.25 Go SR6.5 for current pay rate Go to next step |

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|---|---|
| has a specified hourly rate and is in the Transport Sector | <ul style="list-style-type: none"> • See SR7.10(a)(i) for pay rate • Go to next step |
| Is in Tier 2 of the Green List And There are no specific remuneration requirements for the occupation | <ul style="list-style-type: none"> • Check if the job offer meets the median wage requirement at the time of application. • Go to Step 6b |

b. Determine whether the applicant meets the remuneration requirement for employment offer

See [SR5.5](#) Calculating remuneration

| If the applicant... | Then the applicant ... |
|--|---|
| Meets the remuneration requirement | Go to next step |
| Does not meet the remuneration requirement | <ul style="list-style-type: none"> • Note the concern • Go to next step |

7. Determine if the requirements specified in the relevant list are met

a. Check whether the role requires registration

| If the role is ... | Then... |
|--|--|
| on the Tier 2 Green List | <ul style="list-style-type: none"> • Go to Appendix 13 that was live at the beginning of the applicant's 24 month work in NZ period or, for new job offers, the current requirements • Check the registration requirements |
| In the care workforce Or Transport sector | <ul style="list-style-type: none"> • Go to Step 8 |

| If the role ... | Then... |
|--------------------------------|----------------------|
| does not require registration. | Go to Step 8 |
| Requires registration | Go to Step 8b |

b. Check whether evidence of registration has been provided

| If evidence of registration... | Then... |
|---------------------------------------|---------------------|
| has been provided | Go to Step 9 |

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|------------------------|----------------------|
| and is satisfactory | |
| Has not been provided | Go to Step 7c |

c. Check whether evidence of registration has been provided in a previous application

- In the **Application tab** in AMS go to the applicant’s most recently approved application
- Depending on where the application was processed, open IGMS or ADEPT
- For applications in ADEPT
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of registration

| If evidence of registration... | Then... |
|--|---|
| Has been provided And is valid | <ul style="list-style-type: none"> • Proceed to process the application using this evidence • Go to Step 9 |
| Has not been provided Or Is unsatisfactory | <ul style="list-style-type: none"> • Note the concern • Go to Step 9 |

8. Consider completing a substantial match assessment if required

For roles that require occupational registration, go to **Step 9**

For all other roles, if concerns have been noted, speak to TA and discuss whether a substantial match assessment is required.

If a substantial match assessment is required,

- Check the duties listed in the Job description, or letter from the employer, match the overarching ANZSCO description for the role (=6 digit level description) and the tasks listed at the 4-digit level description.

See [ANZSCO website](#) for more details

| If, after a substantial match assessment... | Then... |
|--|---|
| There is satisfactory evidence to be satisfied that the applicant’s role matches the description | requirement met. Go to next step |
| There is not enough evidence to be satisfied that the applicant’s role matches the | <ul style="list-style-type: none"> • Note the concern • Go to next step |

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| | |
|-------------|--|
| description | |
|-------------|--|

9. Assess other role specific requirements

a. Check whether the role has other specific requirements – qualification, work experience etc

| If the role is ... | Then... |
|--------------------------|---|
| on the Tier 2 Green List | <ul style="list-style-type: none"> Go to Appendix 13 that was live at the start of the 24 month work experience period, or, for new job offers, the current requirements Check the other requirements – such as qualification, or length of time in a previous role |
| In the care workforce | <ul style="list-style-type: none"> Go to SR6.5 for a summary of requirements |
| In the transport Sector | <ul style="list-style-type: none"> Go to the previous SR7.10 instructions, was live at the start of the 24 month work experience period, or, for new job offers, the current requirements Check other requirements – such as qualification, or (for bus drivers) whether the employer is on the specified MoE or NZTA lists |

| If the role ... | Then... |
|--------------------------------------|---|
| Does not have any other requirements | Requirement met Go to Step 10 |
| Has other requirements | Go to next step |

b. Check whether evidence of other requirements has been provided with current application

| If evidence of requirements... | Then... |
|--|--|
| Has been provided and is satisfactory | <ul style="list-style-type: none"> Requirements met Go to Step 10 |
| Has not been provided or is not satisfactory | Go to Step 9c |

c. Check whether evidence of other requirements have been provided in a previous application

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- In the **Application tab** in AMS go to the applicant’s most recently approved application
- Depending on where the application was processed, open IGMS or ADEPT
- For application in ADEPT
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of other requirements

| If evidence of other requirements... | Then... |
|--|---|
| has been provided and those requirements remain valid i.e., qualification or time in previous role | Requirements met. Go to Step 10 |
| has not been provided | <ul style="list-style-type: none"> • Note the concern. • Go to step 10 |

10. Determine whether the employment is genuine.

| If there are... | Then... |
|--|---|
| No concerns identified and the employment appears to be genuine | Requirements met. Go next step |
| Concerns the employment is not genuine | <ul style="list-style-type: none"> • Note the concern. • Go next step |

11. Update visa assessment template with the outcome of the offer of employment assessment

Then proceed with other relevant SOP(s) to continue assessing the application.

| If... | Then... |
|-----------------------------|---|
| No concerns were identified | Offer of employment requirements are considered met. |
| Concerns were identified | These should be addressed through requesting further information (RFI) or requesting comment on potentially prejudicial information (PPI) after assessing the other aspects of the application. |

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END.

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SOP – Assess offer of employment (WTR)

SOP – Assess partnership (residence)

Date Published: 10 August 2023

When to use

When a principal applicant's partner has been included on an application for residence. Follow this SOP to assess whether the partnership requirements are met.

Role

- Immigration Officer

Guidelines

- A 'partner' (under immigration instructions) is either legally married or in a civil union or de facto partnership with the supporting partner (SP) or principal applicant (PA) (see [R2.1.10](#)).
- Applicants for both temporary entry class visas and residence on partnership grounds must provide evidence that their partnership is genuine (entered into with the intention of being maintained on a long-term and exclusive basis) and stable (likely to endure) (see [R2.1.15](#)), but applicants for residence must (also) be able to demonstrate that they have been living with their partner in such a partnership for at least 12 months.
- When assessing a partnership-based visa application, always refer to the relevant immigration instructions. Consider both the information submitted with the application as well as information gathered during previous applications that may be relevant.
- In each case the onus of proving that a partnership is genuine and stable lies with the couple involved (see note under [R2.1.20](#)); however further information, documents or an interview can be requested if needed to make a decision – see [R5.20.1](#).

Related Resources

| Date | Reference | Title and link |
|--------------|-----------|--|
| May 2022 | 508 | Residence Applications Involving Family Members |
| January 2018 | 341 | Visas based on a relationship |
| March 2019 | 392 | Partnership Interviews for Residence Visa Applications |
| May 2017 | 308 | Inclusion of dependants in residence applications |

Steps

1. Review information held in AMS and provided by the applicant

- If applicable, take note of any previous partnership applications which demonstrate that the relationship has previously been assessed and recognised.
- If applicable, note any information or warnings suggesting any changes since the previous assessment of the relationship.
- Note relevant information to gain an overall understanding of the partnership such as:
 - when and how the parties met;
 - the duration of the relationship;
 - how long the couple have been living together;
 - any recent periods of separation (if applicable).

2. Assess whether the couple comply with the minimum requirements for the recognition of partnerships

Refer to [R2.1.15\(a\)\(iii\)](#) to determine whether the partnership complies with the minimum requirements for the recognition of partnerships.

| If... | Then... |
|---|--|
| The applicant and SP meet the requirements | Continue to the next step. |
| There are concerns that the partnership does not comply with the minimum requirements for recognition | Note the concern(s) and go to next step. |

3. Determine whether the applicant and their partner have been living together for 12 months or more in a partnership that is genuine and stable

Refer to [R2.1.15](#) *When may partners included in an application be granted a residence class visa?*, including [F2.10.1](#) *Definition of 'genuine and stable' partnership* when assessing the partnership.

As set out in [F2.10](#), a partnership is genuine and stable if it:

- Has been entered into with the intention of being maintained on a long-term and exclusive basis (genuine), and
- Is likely to endure (stable).

Note: If an applicant and their partner have lived apart for periods during their partnership, the application should not be automatically declined. Instead, a determination should be made as to whether there are genuine and compelling reasons for any period of separation – see [F2.30.1](#) and [F2.20.15](#).

| If... | Then... |
|---|--|
| Sufficient evidence has been provided to demonstrate that the couple have been living together in a genuine and stable partnership for 12 months or more | Partnership requirements are met. Continue to next step. |
| The couple are in a polygamous marriage or relationship (i.e. with more than one partner) but, apart from the exclusivity requirement of 'genuine partnership', sufficient evidence has otherwise been provided to demonstrate that the couple have been living together in a genuine and stable relationship for 12 months or more | Only one partner may be included or supported - see R2.1.25 . Continue to next step. |

| Insufficient evidence is provided to demonstrate that the applicant and their partner are living together in a genuine and stable partnership | Note the concern and continue to next step. | | | | | | |
|---|--|---------|---------|---|---|--|---|
| The partnership is assessed as genuine and stable but the couple have been living together for less than the 12 months required | Refer to R2.1.15.5 to determine whether the application must be declined or deferred. | | | | | | |
| | <table border="1"> <thead> <tr> <th>If...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>The application relies on the secondary applicant as described in R2.1.15.5</td> <td>Note the concern and go to the next step.</td> </tr> <tr> <td>The application does not rely on the secondary applicant as described in R2.1.15.5</td> <td>Continue assessing the application according to the relevant SOP(s) and defer the secondary applicant's application for residence – see SOP – Defer partner.</td> </tr> </tbody> </table> | If... | Then... | The application relies on the secondary applicant as described in R2.1.15.5 | Note the concern and go to the next step. | The application does not rely on the secondary applicant as described in R2.1.15.5 | Continue assessing the application according to the relevant SOP(s) and defer the secondary applicant's application for residence – see SOP – Defer partner . |
| | If... | Then... | | | | | |
| The application relies on the secondary applicant as described in R2.1.15.5 | Note the concern and go to the next step. | | | | | | |
| The application does not rely on the secondary applicant as described in R2.1.15.5 | Continue assessing the application according to the relevant SOP(s) and defer the secondary applicant's application for residence – see SOP – Defer partner . | | | | | | |

4. Outline in the application case summary the evidence provided as well as the conclusion and reasoning

| If after a full assessment of the partnership... | Then... |
|--|--|
| All relevant partnership requirements are met | Continue assessing the application according to the relevant SOPs. |
| There are outstanding concerns | <p>These should be addressed through requesting further information (RFI), through interview, or requesting comment on potentially prejudicial information (PPI) after assessing the other aspects of the application.</p> <p>If the concerns are not able to be mitigated, the secondary applicant partner will not be granted a resident visa - see R2.1.15.1 and SOP – Decline a secondary applicant partner included in a residence application.</p> |

END

SOP – Assess Work experience (WTR)

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When to use

When assessing work experience in any of the Work to Residence (WTR) categories:

- Tier 2 Green List
- Care Workforce
- Transport Sector

Role

- Immigration Officer (IO)
- Technical Advisor (TA)

Context and guidelines

This SOP sets out how to assess work experience undertaken for the WTR categories.

The applicant must have completed at least 24 months' work experience in the 30-month period before applying for residence. This work experience does not need to be undertaken consecutively and can be in multiple periods i.e., two 12-month periods with a 6-month gap.

Work experience can be made up of different types of work in New Zealand. For example 6 months in a Tier 2 Green List role, 6 months in the Care Workforce and 12 months in a role paid twice the median wage.

Any parental leave taken during this time counts towards the 24-month work period
Any ACC leave will also be included in application made after 9 October 2023

To complete a full assessment of an applicant's work experience

- Follow this SOP and any associated/linked SOPs, and
- Use the below visa assessment templates to document the assessment and decision-making process.
 - [WTR Visa Assessment Template individual](#)
 - [WTR Visa Assessment Template family](#)

Related Resources

- [Waka Kotahi \(New Zealand Transport Authority\) 'All Parties Memorandum of Understanding](#)
- [Ministry of Education Active Supplier list](#)

Prerequisites

Prior to assessing work experience, ensure the below SOPs have been followed.

- Assess Overall Eligibility (Skilled Residence General)
- Assess Overall Eligibility WTR
- SOP – Assess offer of employment

Other resources

- [VisaPak 508](#)
- SOP – [communicate potentially prejudicial information \(PPI\)](#)
- SOP – Decide and finalise application.
- [SOP - Make and monitor third party checks.](#)
- [SOP - Assess identity](#)
- [Assess character](#)
- SOP – Assess health (residence)
- SOP – Assess English (PA)
- Assess English (SAs)
- [SOP – Assess partnership \(Residence\)](#)
- [SOP – Assess dependent children \(Residence\)](#)
- [SOP - Assess risk and conduct verification](#)

Steps

1. Check the evidence provided

a. Check whether evidence has been submitted with the current application

- Evidence provided can include an employment agreement or letter from the employer, that includes the job description and specifies, the occupation, hours, and remuneration of the employment.

| If evidence of work experience ... | Then... |
|------------------------------------|----------------------|
| Has been provided | Go to Step 2 |
| Has not been provided | Go to Step 1b |

b. Check whether evidence has been submitted with a previous application

- In the **Application tab** in AMS go to the applicant's previous applications
- Depending on where the application was processed, open IGMS or ADEPT
- For application in ADEPT
 - Search the client
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of work experience

| If evidence of employment... | Then... |
|------------------------------|---------|
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|---|--|
| Has been provided and is sufficient to establish a current offer of employment | <ul style="list-style-type: none"> • Proceed to process the application using this evidence • Go to next step |
| Some evidence has been provided but is not complete | Continue assessing offer of employment with the information available by following this SOP but ensure that the required information is requested and assessed before making the final decision. |
| Has not been provided or is not sufficient to establish a current offer of employment | <ul style="list-style-type: none"> • Note the concern • Go to Step 10 END. |

2. Determine whether employment was full-time

| If the employment... | Then... |
|---|---|
| Is full-time, i.e. amounts to at least 30 guaranteed hours per week for every week worked | Go to next step. |
| Is not full-time as described above | <ul style="list-style-type: none"> • Note the concern • Go to next step |

3. Determine the length of the work experience

- Applicants must have worked at least 24 months, within the 30-month period directly before submitting the residence application,
- this can be accrued in multiple periods, for example two 12-month periods, and
- can begin accruing on and after 29 September 2021, or, if there is a remuneration requirement once the applicant is earning at or above this amount.

| If the applicant has ... | Then... |
|--|--|
| Accrued the required amount of work experience | Go to next step |
| Not accrued the required amount of work experience | <ul style="list-style-type: none"> • Note the concern, • Go to next step |

Note: The work period starts to be counted from when the applicant is paid at or above the required remuneration rate. This is either the hourly rate described in the relevant appendix or instructions, or if a rate is not specified in those lists, the median wage at the time.

For offers of employment on the Tier 2 Green List, applicants may not need to meet the median wage requirements for the work period to commence. See **SR3.15(i)**

See [SR3.15\(g\)](#), for instructions on when the work period stops

4. Determine whether the applicant has completed work experience in multiple occupations

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- Work experience can be accrued in any of the work to residence occupations or in a role paid twice the median wage
- The applicant does not need to complete all 24 months in the same occupation. For example, they are eligible to apply with 18 months in the transport sector and 6 months in a role paid twice the median wage.

| If the applicant has ... | Then... |
|------------------------------------|---|
| Worked across multiple occupations | <ul style="list-style-type: none"> • Ensure each period of work experience is checked against the requirements for the relevant sector, steps 5-8 of this SOP. • Go to next step |
| Only worked in one occupation | Go to next step |

5. Determine whether the employment is an acceptable occupation

| If the role is... | Then... |
|--------------------------|---|
| Tier 2 Green List | check whether the occupation was in Appendix 13 at the beginning of the 24 month work experience period. |
| Care Workforce | check whether the occupation was in Appendix 14 at the beginning of the 24 month work experience period. |
| Transport Sector | check whether the occupation was in SR7.10(a)(i) at the beginning of the 24 month work experience period. |
| Any other sector | applicants may still be eligible for residence if they have not maintained a role as part of work to residence, if the work they have undertaken in New Zealand was paid at twice the median wage. See SR4.15 to determine whether the balance of the work experience meets the criteria for highly paid resident. Go to Step 6 |

| If ... | Then... |
|---|--|
| Satisfactory evidence of employment has been provided and matches the listed occupation | Go to next step |
| No evidence was provided, or the evidence is not satisfactory | <ul style="list-style-type: none"> • Note the concern • Go to next step |

6. Determine whether remuneration requirements apply and were met for the duration of the work experience

a. Identify which remuneration criteria applies

| If the occupation ... | Then ... |
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| Has a specified hourly rate and is on the Green List | <ul style="list-style-type: none"> • Use the appendix that was current when the at the start of the 24-month work period. |

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| | <ul style="list-style-type: none"> See Appendix 13 for the occupations that have minimum hourly wage. Go next step |
| Is in the Care Workforce | <ul style="list-style-type: none"> The applicant must have been paid at or above \$28.25 Go New Zealand legislation for previous rates. Go next step |
| Has a specified hourly rate and is in the Transport Sector | <ul style="list-style-type: none"> See SR7.10(a)(i) for pay rate Go next step |
| Must meet median wage requirements | <ul style="list-style-type: none"> Check when the applicant applied for their visa If the applicant holds or held a work visa or CPVV with work conditions (other than AEWV) that was applied for before 29 September 2023, they are not required to be paid at or above the median wage for any work in New Zealand gained on and after 29 September 2021 Otherwise, check the applicant met the median wage requirements at the time the work experience began. Go to next step <p>Note: If a rate isn't specified, the applicant must be paid the median wage</p> |
| Must meet highly paid resident remuneration requirements | <ul style="list-style-type: none"> Check if the applicant met twice the median wage requirement at the time the work experience was undertaken. Go next step |

b. Determine whether the applicant meets the remuneration requirement

See [SR5.5](#) Calculating remuneration

| If the applicant... | Then the applicant... |
|--|-----------------------|
| Met the required rate for the duration of the work experience. | Meets requirements. |
| Met the required rate at the start of the work experience. and they stayed in the same role and their salary did not decrease but fell below the required rate during the work experience. | |
| Undertook work experience in an occupation on the Tier 2 Green List that has no specified remuneration requirements and | |

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| held a visa that was applied before 29 September 2023 and did not meet the required rate throughout work experience. | |
| Does not meet any of the above scenarios. | <ul style="list-style-type: none"> • Does not meet requirements. • Note the concern |

Note: Where remuneration requirements apply, work in New Zealand will not stop being counted if the specified hourly rate in immigration instructions increases, as long as the applicant's income does not decrease, and they have not changed employment. For example, a crane operator must be paid an hourly rate of 1.3 times the median wage to count towards residence. An applicant can start counting work experience from 29 September 2021 if they earn \$35.10 an hour (1.3 times the median wage in effect at the time). When the wage requirement increases to \$35.96 an hour on 4 July 2022, they can keep counting their work if they are still in the same job earning \$35.10 an hour.

7. Determine if the requirements specified in the relevant list are met
 a. Check whether the role requires registration

| If the role is... | Then... |
|--|---|
| On the Tier 2 Green List | <ul style="list-style-type: none"> • Go to Appendix 13 that was live at the start of the 24 month work period • Check the registration requirements |
| In the Care Workforce Or In the Transport Sector | There are no registration requirement, go to Step 8 |

| If the role ... | Then... |
|--------------------------------|---------------------|
| does not require registration. | Go to Step 8 |
| Requires registration | Go to next step |

- b. Check whether evidence of registration has been provided

| If evidence of registration... | Then... |
|--------------------------------|---------------------|
| has been provided | Go to Step 8 |

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| and the applicant met the requirements for the duration of the 24-month period. | |
| has been provided But the applicant does not meet registration requirements | Go to Step 7c |
| has not been provided | |

c. Check whether evidence of registration has been provided in a previous application

- In the **Application tab** in AMS go to the applicant’s most recently approved application
- Depending on where the application was processed, open IGMS or ADEPT
- For application in ADEPT
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of registration

| If evidence of registration... | Then... |
|--|---|
| has been provided and is satisfactory. | <ul style="list-style-type: none"> • Proceed to process the application using this evidence • Go to next step |
| has not been provided or is unsatisfactory | <ul style="list-style-type: none"> • Note the concern, • Go to next step |

8. Assess other role specific requirements

a. Check whether the role has other specific requirements – qualification, work experience etc

| If the role is ... | Then... |
|---------------------------|---|
| on the Tier 2 Green List | <ul style="list-style-type: none"> • Go to Appendix 13 that was live at the start of the 24 month work period • • Check the other requirements – such as qualification, or length of time in a previous role |

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| In the care workforce | <ul style="list-style-type: none"> Go to SR6.5 that was live at the start of the 24 month work period Check the requirements – such as length of time in the workforce |
| in the transport Sector | <ul style="list-style-type: none"> Go to the previous SR7.10 instructions, live on the date the work experience commenced Check other requirements – such as qualification, or (for bus drivers) whether the employer is on the specified MoE or NZTA lists |

| If the role ... | Then... |
|--------------------------------------|---------------------------------|
| does not have any other requirements | Requirements met END. |
| Has other requirements | Go to next step |

b. Check whether evidence of other requirements has been provided with current application

| If evidence of requirements... | Then... |
|--|----------------------------------|
| has been provided and is satisfactory | Requirements met. END. |
| has not been provided or is not satisfactory | Go to Step 8c |

c. Check whether evidence of other requirements have been provided in a previous application

- In the **Application tab** in AMS go to the applicant’s most recently approved application
- Depending on where the application was processed, open IGMS or ADEPT
- For application in ADEPT
 - Search the client
 - Select the Visa application
 - Select **documents** tab
- Open the supporting documents and check for evidence of other requirements

| If evidence of other requirements... | Then... |
|---|----------------|
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| has been provided and those requirements remain valid i.e., qualification or time in previous role | Requirements met. END. |
| has not been provided | Note the concern. END. |

9. Determine whether the work experience is genuine.

| If there are... | Then... |
|--|----------------------------------|
| No concerns identified and the employment appears to be genuine | Requirements met. END. |
| Concerns the employment is not genuine | Note the concern. END. |

10. Update visa assessment template with the outcome of the offer of employment assessment

Then proceed with other relevant SOP(s) to continue assessing the application.

| If... | Then... |
|-----------------------------|---|
| No concerns were identified | Offer of employment requirements are considered met. |
| Concerns were identified | These should be addressed through requesting further information (RFI) or requesting comment on potentially prejudicial information (PPI) after assessing the other aspects of the application. |

END.

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