



BRIEFING

Initial advice on immigration settings for *Boosting the Tech Sector*

Date:	31 July 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2425-0458

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to your preferred approach to progressing immigration-focused commitments for <i>Boosting the Tech Sector</i>	5 August 2024

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Polly Vowles	Manager, Immigration (Skills and Residence) Policy	04 978 3106	✓
Rachel Carruthers	Senior Policy Advisor, Immigration (Skills and Residence) Policy	04 830 7379	
Cassandra Liu	Policy Advisor, Immigration (Border and Funding) Policy	04 901 1598	

The following departments/agencies have been consulted

Minister's office to complete:

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 Withdrawn |

Comments



BRIEFING

Initial advice on immigration settings for *Boosting the Tech Sector*

Date:	31 July 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2425-0458

Purpose

To provide you with initial advice on progressing the manifesto commitments *Boosting the Tech Sector*, including on the Digital Nomads, International Graduates and Global Growth Tech visas.

Executive summary

The National Party manifesto and 100 day plan sets out commitments on *Boosting the Tech Sector* commitments, including proposing three new visas to support New Zealand's tech sector ('tech visas'):

- **Digital Nomad Visa** - a 12-month visa to attract skilled, highly-mobile people to come to New Zealand while working remotely for an overseas-based company;
- **International Graduates Visa** – a three-year open work visa for highly educated people who have graduated with a bachelor's degree or higher within the last five years from one of the top 100 universities in the world; and
- **Global Growth Tech Visa** - a residence visa for people with highly specialised skills who have worked at a top global tech company earning at least NZ\$400,000.

We are seeking your direction on how you would like to progress work on these commitments and have identified two options:

- **Option one:** proceed with work on the three bespoke 'tech visas'. This will take significant policy and operational resources to deliver. Policy work could progress throughout 2025, with implementation and delivery from late 2025 (subject to design and competing priorities); or
- **Option two:** deliver a marketing campaign that promotes the visa pathways that are already available for highly-skilled tech workers, and an amended Visitor Visa for Digital Nomads.

MBIE recommends the second option. Promoting existing visa pathways in combination with a minor change to Visitor Visa settings can support most of the *Boosting the Tech Sector* objectives, as we understand them. Previous marketing campaigns have been successful in attracting international tech sector talent, and this approach could be implemented more quickly and is less resource intensive than developing three bespoke tech visas.

We note there is a spectrum of scope, scale, reach, and budget of the marketing campaigns. A marketing campaign could also precede work on bespoke visas and insights gained from the campaign could inform design.

s 9(2)(f)(iv)

Recommended action

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

- a **Note** that the *Boosting the Tech Sector* aims to support the growth of the tech sector and outlines commitments for three bespoke visas:
- a. Digital Nomad Visa - a 12-month visa to attract skilled, highly-mobile people to come to New Zealand while working remotely for an overseas-based company;
 - b. International Graduates Visa – a three-year open work visa for highly educated people who have graduated with a bachelor’s degree or higher within the last five years from one of the top 100 universities in the world; and
 - c. Global Growth Tech Visa - a residence visa for people with highly specialised skills who have worked at a top global tech company earning at least NZ\$400,000.

Noted

- b **Note** that most high-skilled tech workers can come to New Zealand under existing immigration pathways (including via the Green List, Skilled Migrant Category, or Accredited Employer Work Visa).

Noted

- c **Agree** to address the *Boosting the Tech Sector* commitments by:

EITHER

Option 1: Implementing the bespoke visas, which will require significant resources and time to implement, with policy being developed in 2025 and implemented from late 2025

Agree / Disagree / Discuss

OR

Option 2 (recommended): implementing a marketing campaign that promotes the modified Visitor visa pathway and existing pathways for highly-skilled tech workers and amending Visitor visa instructions to allow holders to work for an offshore employer.

Agree / Disagree / Discuss

s 9(2)(f)(iv)

- e **Agree** to forward a copy of this briefing to the Minister of Science, Innovation and Technology.

Agree / Disagree



Polly Vowles
**Manager, Immigration (Skills and Residence)
Policy**
Labour, Science and Enterprise, MBIE

Hon Erica Stanford
Minister of Immigration

..... / /

31 / 07 / 2024

Background

Work on commitments for ‘Boosting the Tech Sector’

1. The National Party manifesto and 100 day plan sets out commitments on ‘*Boosting the Tech Sector*’, including proposing three new visas:
 - a. “Digital Nomad Visa” – a 12-month visa to attract skilled, highly-mobile people to come to New Zealand while working remotely for an overseas-based company. The visa would provide the option to apply for a work or residence visa later. To be eligible, applicants must have earned at least NZ\$20,000 a month over the previous six months and must hold health insurance for the duration of their stay.
 - b. “International Graduates Visa” – a three-year open work visa for highly educated people who have graduated with a bachelor’s degree or higher within the last five years from one of the top 100 universities in the world.
 - c. “Global Growth Tech Visa” – a residence visa for people with highly specialised skills who have worked at a top global tech company earning at least NZ\$400,000.
2. You have previously received advice on these commitments (2324-0904 and 2324-2493 refers, which was forwarded by Hon Judith Collins KC in her capacity as the Minister of Science, Innovation and Technology).
3. You met with Minister Collins on 27 March 2024 to discuss the next steps for this work, noting the competing priorities in the immigration work programme. You agreed that the progressing the Global Growth Tech Visa would be a priority (Minister Collins has indicated a desire for work to progress this year), and for work on the Digital Nomad Visa and International Graduates Visa to follow as capacity allows.

Labour market demand for the New Zealand tech sector

4. Industry has indicated there is a mismatch between demand and supply for technology skills in New Zealand’s economy. Senior specialists are identified as the area of greatest shortage.
5. A lack of graduate roles in the tech sector is impacting the pipeline of talent into the industry. Employers can be reluctant to take on entry-level staff due to the amount of time and training that they perceive needs to be invested before those workers can contribute productively. There may also be an increased ability in the tech sector to automate lower-skilled tasks. This, combined with few reskilling opportunities available while working and a contractor-heavy industry structure, has led to a lack of career development opportunities in the tech sector.
6. Broader issues in the technology sector include a falling number of students studying STEM, an unclear alignment between students’ skills and industry needs, participation barriers for demographic groups (including Māori and Pacific people), and a general lack of workforce diversity.
7. This briefing provides advice on:
 - a. our understanding of what the Government is trying to achieve with the *Boosting the Tech Sector commitments*;
 - b. the labour market demands these visas are proposing to meet;
 - c. what is currently offered to the target demographic via existing pathways, and their gaps; and
 - d. options for short-term and long-term action.

‘Boosting the Tech Sector’ commitments are intended to facilitate growth of the tech sector

8. As noted in 2324-1493, we understand that the key objectives of the immigration-focused tech sector proposals are to attract highly-skilled workers to New Zealand to:
 - a. support the tech sector to fill its immediate capability gaps;
 - b. contribute to New Zealand’s longer-term tech economy; and
 - c. use migrants’ connections, knowledge and skills to help New Zealand firms scale up and innovate.
9. We understand that each of the proposed visas seek to support these objectives in different ways:
 - a. **Digital Nomad Visa:** This is a Visitor visa intended to attract highly-skilled tech workers for longer temporary stays, by enabling them to continue working in their tech roles remotely. The intention is that during their stay they may choose to make New Zealand their home and use their skillsets locally. This visa option may also be used to support tourism objectives, by maximising the consumption benefits of people visiting, who would not do so otherwise due to their inability to work remotely. It also reduces the risk of visitors working in breach of visa conditions.
 - b. **International Graduates Visa:** This is a work visa intended to attract graduates from the world’s top institutions, where their education credentials will act as a signal of high skill, to come to New Zealand to fill immediate capability gaps. The intention is that at the end of their work visa they seek to remain in New Zealand permanently and continue to contribute to the growth of the sector.
 - c. **Global Growth Tech Visa:** This is a residence class visa intended to attract highly-skilled tech workers to live in New Zealand, with the hope that they will use their connections, knowledge and skills to help New Zealand firms scale up and innovate, creating a multiplier effect on economic growth (i.e., the high-level talent needed to become frontier firms) and attracting investors.

The majority of ‘Boosting the Tech Sector’ objectives can be supported through existing pathways, with a few limitations

10. There are existing visitor, work and residence visas available to tech workers, as well as migrant workers in other fields. This section will briefly discuss the existing settings, identifying the gaps with proposals, and indicate where amendments are possible to existing settings to address these gaps.

Visitor visas

11. The Visitor visa (General) is the main visa for people not eligible for a visa waiver to enter New Zealand. It enables them to visit New Zealand for up to six or nine months and study for up to three months, provided they are travelling here for a lawful purpose (such as holidaying, family and social visits, or participating in amateur sport),¹ have sufficient funds or an acceptable sponsor, and intend to leave New Zealand at the end of their stay. Working while holding this visa is not permitted.²

¹ Per ‘V2.1.1 Definition of ‘lawful purpose’ for visitors’ in the Immigration Instructions:

<https://www.immigration.govt.nz/opsmanual/#44919.htm>

² Per ‘W2.2.1 Definition of ‘work’ in the Immigration Instructions:

<https://www.immigration.govt.nz/opsmanual/#46191.htm>

12. By comparison, the proposed Digital Nomad Visa (DNV) would be made available to a narrower group of people who are highly skilled and have high incomes. It would also enable holders to work for overseas employers or for their own location-independent business.
13. There is an option to amend existing Visitor Visa instructions to enable holders to work for offshore employers, instead of pursuing a bespoke DNV. This would be done by amending the definition of 'work' (the prohibited activity) to exclude activity where:
 - a. It is for an overseas-based employer;
 - b. It is remote (i.e., does not require them to be physically present at a premises in New Zealand); and
 - c. only a portion of their total visit could be spent working.
14. Amending existing Visitor visa requirements would be relatively low risk and meet most of the objectives for this visa. As well as tech workers, other remote workers would be able to take advantage of this change and travel New Zealand, which supports the Government's tourism objectives by attracting tourists who may not have considered New Zealand as a destination otherwise. Ensuring visitors work wholly for an offshore employer would mitigate displacement risks and ensure domestic labour is still prioritised by New Zealand employers.
15. Amending current settings addresses a key problem raised by many stakeholders since remote work has become more prevalent. We consider that allowing visitors to work remotely for a portion of their stay is appropriate. Additionally, Visitor visa holders can search for work in New Zealand while on this visa.
16. Assuming that many people in this group will also want to holiday as well as work, our view is that a bespoke visa would be resource-intensive without offering significant value. Further work would be needed to understand the tax implications for visitors working for an offshore employer.

Work visas

17. Most migrants who are looking to work in New Zealand would seek an Accredited Employer Work Visa (AEWV), which allows visa holders to stay in New Zealand for up to five years. Eligible applicants can apply for residence while onshore on this visa.
18. The AEWV requires holders to have a job offer from an accredited employer which pays at least NZD\$29.66 per hour or the salary equivalent. Applicants must meet minimum skill requirements (either three years or more relevant work experience or a Level 4 or higher qualification on New Zealand Qualifications and Credentials Framework), and in some cases minimum English language standards.
19. Those who are looking to start their own business in New Zealand may also come on an Entrepreneur Work Visa, which allows them to stay for up to three years. Eligibility requirements include having NZD\$100,000, a business plan and 120 points on the points scale (points are awarded based on the applicant's age, capital investment, business experience and nature of proposed business). Visa holders may have a pathway to residence through the Entrepreneur Resident Visa.
20. By comparison, the International Graduates Visa (IGV) would be an open work visa which would be available to a targeted group of people and uses education credentials as a signal of high skill. The key differences compared to the AEWV are that the IGV offers more generous work rights and a job offer is not required.
21. Again, a new visa would be required to provide these benefits. The proposed design of the IGV (basing eligibility on the education institution) means that people with desirable tech skillsets from other institutions would not be able to use of the pathway. Additionally,

graduates with any qualification from these institutions could access this visa, allowing access for a wider group of highly-educated people. However, their skill sets may not necessarily align with New Zealand's labour market needs. Many of New Zealand's skill shortages are for senior specialists, and there is a lack of entry-level tech roles available for graduates.

22. Amending the AEWV to meet the gaps with the proposal is not recommended – as the main temporary work visa, changes will affect all sectors. However, the AEWV is an accessible pathway that is open to applicants from who get a job offer in New Zealand and given that tech-sector workers are likely to be highly skilled, they would generally face few issues qualifying.
23. International graduates would also be eligible for Green List Straight to Residence (STR) pathway if they receive a job offer in roles such as analyst programmer, software engineer and systems administrator.

Skilled Residence visas

24. Applicants who would be eligible for the Global Growth Tech Visa (GGTV) are likely to be also eligible for the Green List and Skilled Migrant Category (SMC) residence pathways. The key difference between existing skilled residence pathways and the proposed visas is the requirement of applicants to have a job offer from an accredited employer.

Eligibility under the Green List

25. The Green List has many tech roles included on the STR pathway (e.g. analyst programmer, software engineer, ICT project manager) which receive priority processing and more streamlined eligibility criteria than SMC applications. The Green List is regularly reviewed, and further roles can be added to facilitate the needs of the tech sector (the next review is scheduled to be in 2025).
26. To be eligible for residence under the Green List tech roles, applicant must have a job offer from, or be currently working for an accredited employer, in a role with a salary ranging from at least NZ\$130,000 to NZ\$150,000 (depending on the specific role). Applicants must also be aged 55 or younger, and meet standard identity, health, and character requirements. Partners and dependents can be supported on these applications. We expect a potential GGTV applicant, for example, a Chief Technology Officer who has worked at Google earning the equivalent of NZ\$450,000, would likely meet these criteria.
27. By comparison, under the GGTV proposal, applicants do not need a job or job offer but do need to have previously worked for a top 200 tech firm with a salary of more than NZD\$400,000. Notably, this approach would enable non-tech specific roles to qualify for residence (e.g., inhouse lawyers or executive administrative staff at Google may qualify), dependent on detailed decisions on the eligibility criteria. The key differences are that the GGTV is not limited to occupations, while the Green List is occupation specific but does not require work experience from specific employers and has a different salary threshold. The Green List would also not forgo the requirement of a job offer, although this may not be a weakness as it could confirm applicants are engaging with New Zealand's technology and innovation sector.

Eligibility under the SMC

28. The SMC is another pathway which applicants for a proposed GGTV may be already eligible for. It is a points-based system which uses proxies such as degree qualification, registered occupations, or earning at least 1.5 times the median wage to measure the skill of an applicant. As with the Green List, the SMC also requires a job offer from an accredited employer. Those that do not have enough points to immediately qualify for residence may accrue more by working onshore for a period before applying (likely while on an AEWV),

although we consider that most applicants for the GGTV would likely score the points needed to apply immediately.

29. There is an opportunity to further understand these issues during the SMC review, which is due to take place in 2025. Work will need to be undertaken to understand why GGTV applicants would not meet existing SMC straight to residence options. Further advice can be provided as the skilled residence review progresses, but it may be that the objectives of the GGTV are more appropriately addressed by amending roles on the Green List STR pathway.
30. Amending the SMC or the Green List to facilitate high-skilled workers to support the tech industry would be easier to implement and require fewer resources than creating a bespoke visa such as the GGTV. Using points to measure skill also mitigates the risk of using work experience alone as the eligibility criteria, as those who worked in a top 200 global tech firms may not necessarily have the skills needed by New Zealand's tech sector (especially if they previously worked in a non-tech specific role).

Options for progressing work to meet tech sector objectives

Option One: Developing bespoke tech visas

31. Bespoke visas can be designed to complement the characteristics of the tech sector (e.g., placing less emphasis on formal qualifications and using other proxies to measure skill). It would also enable immigration gaps in the tech sector to be directly addressed.
32. The key difference between the proposed visas and current settings is that existing visas are open to all sectors (i.e., not bespoke), do not target as high a skillset as most of the proposed visas, do not provide open work rights in the case of the AEWV, and require a job offer. There are outstanding design questions to consider for the bespoke visas which would need to be worked through as part of their development, including:
 - a. whether proposed targeting of skillsets could be adjusted to better meet the domestic tech sector's needs,
 - b. whether they should also require a job offer noting that open work rights mean that applicants for the IGV or GGTV do not actually contribute to the New Zealand tech sector, and
 - c. how the top firms and educational institutions are identified.
33. Additional tech sector roles will also be considered as part of Green List review in 2025.
34. Delivering any or all bespoke tech visas will take considerable policy resource, noting the intensive nature of the existing immigration work programme. Currently, policy work is planned for 2025, with implementation tentatively scheduled from late 2025 (subject to competing priorities). Options for shorter-term action that will support most of the Government's objectives are outlined below. These options could be pursued instead of, or prior to, longer-term more significant changes such as the bespoke 'tech visas'.

Option Two: A marketing campaign and minor changes to Visitor visas (preferred option)

35. Marketing campaigns have previously experienced success in attracting international tech sector talent. See *Tomorrow First*, a global campaign to build awareness of New Zealand's tech industry capability, was funded under the Digital Technologies Industry Transformation Plan (ITP) and delivered in partnership with New Zealand Trade and Enterprise, New Zealand Story and NZ Tech. Funding for the *See Tomorrow First Campaign* expired in June 2024; however, the campaign had a broad reach with almost 600,000 "work here" page views and an active presence in South America, South Asia and Australia.

36. We could develop and/or support a marketing campaign that promotes a modified Visitor visa for Digital Nomads, the existing work visa options for highly-skilled tech workers and the possible pathways to residence. While this approach may not as thoroughly support Government objectives for Boosting the Tech Sector, it could be leveraged to better understand the barriers prospective migrants are facing and the gaps in current immigration settings, prior to implementation of a bespoke visa or similar in future.
37. There is a spectrum of marketing campaigns that could be implemented, with differing reach, cost, and scale, as outlined below:
- Medium size:** this would consist of search engine marketing and paid video and social media content, with a reach of three to four countries and 100,000+ audience. Campaign preparation would take four to six weeks, and a budget of s 9(2)(i) would be required. An example of a campaign similar to this scale would be *Migrant Exploitation Awareness* campaigns.
 - Large size:** this would consist of search engine marketing, paid video and social media content, and partner marketing with Digital Nomad community websites. Its reach would span multiple countries and an audience of 1,000,000+, and would take six to eight weeks to prepare with a budget of s 9(2)(i). The *Working Holiday Visa Awareness* campaigns would be of a similar scale.
 - Extra-large size:** this would additionally include a PR campaign led by an external provider, offshore advertising and sponsorships. This would take three months to prepare for and would require a budget of s 9(2)(i). A campaign similar to his scale would be the *100% Pure New Zealand Summer Season* campaign.
38. Immigration New Zealand (INZ) would require net new budget to deliver these campaigns. However, the scenarios outlined above would leverage existing marketing infrastructure wherever possible, including:
- INZ's existing database of over 1.5 million skilled migrant prospects; and
 - Leads from a registered database, that will be nurtured using a series of automated emails and encourage customers to apply or advance through a pre-defined process.
39. We can also explore collaborating with other agencies and existing efforts in this space such as the *See Tomorrow First* campaign / International 'Tech Story'. Marketing campaigns could be delivered to promote bespoke visas as well, but would target different demographics and would require different channels, preparation, reach and budget. Further advice can be provided should you decide to pursue this option.
40. As part of a campaign, we could also consider:
- providing additional pastoral support to tech workers, such as providing information to support migrating to and settling in New Zealand. This could include help understanding our taxation system and housing practices, both of which are areas that tech workers have experienced issues in the past; and
 - prioritising processing of AEWV, Green List and SMC applications for tech sector workers (noting that Green List applications are already prioritised over SMC).
41. Alongside this, you could amend Visitor visas to enable work for offshore employers for a portion of their time in New Zealand, although it would not facilitate fulltime work for the visa's duration. We believe this could achieve the same objectives as the DNV, as well as supporting wider tourism goals by being available to a wider group of people. This can be done by amending the Immigration Instructions, although we suggest seeking Cabinet approval given it would be a substantive change in approach from the status quo (enabling digital nomads to work while in New Zealand). Amendments could be implemented within

four months of a policy decision, noting that it requires changes to the ADEPT system and would be subject to other delivery priorities. There is a regular ICT change freeze over the late December-early January period, which may further impact timing.

We recommend addressing the objectives of the Boosting the Tech Sector by delivering a marketing campaign to highlight existing visa options to highly skilled tech workers, and amended Visitor visa settings

42. This would be more efficient and effective than progressing the bespoke 'tech visas' for the following reasons:
- a. DNV – the objectives of this proposed visa can be addressed with less effort and time by amending Visitor visa changes to enable working for an offshore employer, provided you and the Minister for Science, Innovation and Technology are comfortable that work only makes up for a portion of their time in New Zealand;
 - b. IGV – this visa as proposed does not target tech sector needs, there is a lack of information about the shortages for graduate tech roles, and those with work experience are likely to qualify through other pathways such as the AEWV. We would not recommend prioritising this work in light of these limitations; and
 - c. GGTV – this visa would not be resource or time-effective as there is already a pathway for these applicants to come to New Zealand, by looking for work on a Visitor visa and subsequently holding an AEWV, SMC or Green List STR (as long as they have a job offer from an accredited employer). However, given that some shortages experienced by the tech sector, a marketing campaign and pastoral support could help attract high-skilled tech workers.

s 9(2)(f)(iv)

Next steps

45. You may want to discuss this briefing with the Minister of Science, Innovation and Technology. Subject to your preferred approach and the outcome of any discussions, we will provide more detailed advice outlining how a programme of work could be delivered.



BRIEFING

Remote work for visitor visa holders

Date:	11 October 2024	Priority:	Low
Security classification:	In Confidence	Tracking number:	0004360

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to allow visitor visas holders to work remotely for offshore employers Forward a copy of this briefing to interested Ministers for their comment	4 November 2024

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Polly Vowles	Manager, Immigration (Skills and Residence) Policy	04 978 3106	
Andrew Craig	Policy Director	s 9(2)(a)	✓

The following departments/agencies have been consulted
Inland Revenue

Minister's office to complete:

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

Comments



BRIEFING

Remote work for visitor visa holders

Date:	11 October 2024	Priority:	Low
Security classification:	In Confidence	Tracking number:	0004360

Purpose

To seek your agreement to allow Visitor Visa holders to work remotely for overseas-based companies while in New Zealand, to address the commitment for a Digital Nomad visa to attract skilled, highly-mobile people to come to New Zealand while working remotely for an overseas-based company.

Executive summary

You previously agreed to amend visitor visa instructions to allow holders to continue working for an overseas company while in New Zealand [briefing 2425-0458]. This would enable 'digital nomads' to operate in New Zealand, and clarifies rules for regular visitors.

We recommend allowing visitor visa holders (which includes visa waiver nationals who have entered with an NZeTA) to work for an overseas employer while in New Zealand if:

- they work for an overseas-based employer in a role that does not require them to be physically present in New Zealand or involve selling goods or services to New Zealanders;
- they are coming to New Zealand for a lawful visitor purpose, rather than to work here for a New Zealand employer (noting some visitor visa purposes already allow their holders to work).

This will allow people to continue working remotely while holidaying or visiting family (as long as carrying out remote work is not the primary purpose of their visit). This includes residing somewhere in New Zealand for several months while working full time as a lifestyle holiday. It will capture the self-employed, including people who are contractors, as long as their sources of revenue are outside New Zealand.

This change will apply to all visitor visa holders, including tourists and people visiting family, as well as partners and guardians on longer-term visitor visas. Introducing a maximum stay duration condition (such as six months) was considered but is not recommended, as this would introduce a small, but potentially cumulatively, significant step into visitor visa processing. This was a somewhat known impact to consider against uncertain risks of allowing longer-term visitors to work (such as non-compliance with tax resident obligations).

We have only carried out 'desktop' consideration of the potential impacts. There may be some small benefits in encouraging longer-term tourists or some higher skilled digital nomads to test the New Zealand lifestyle or share experience. There should be no job displacement risk for New Zealanders, and retaining the requirements on having another legal purpose for being in New Zealand and intention of departing should mitigate other immigration risks (such as overstaying).

s 6(c)

These efforts could require more processing attention where detected to generate a decline, but any volume increase is likely to be small relative to visitor visa volumes.

We recommend consulting interested Ministers such as the Ministers of Science, Innovation and Technology, Tourism and Hospitality, Workplace Relations and Safety, and Revenue on this change. You may also want to inform Cabinet on how you have delivered this change to address the digital nomad commitment.

Instructions are attached for your information, noting that we recommend that certification take place alongside an announcement. Immigration New Zealand (INZ) will provide advice in October on potential implementation dates for system changes across competing priorities (s 9(2)(f) () and investor changes). This advice can inform the timing of an announcement.

Recommended action

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

- a **Note** that you previously agreed to address the commitments on immigration tech sector by promoting amended visitor visa instructions to allow holders to work remotely for an offshore employer
Noted
- b **Agree** to allow visitor visa holders to work for an overseas employer while in New Zealand if:
- a. they work for an overseas-based employer (or offshore based self-employment) in a role that does not require them to be physically present in New Zealand
 - b. they are not selling goods or services to New Zealanders or New Zealand businesses;
 - c. they are coming to New Zealand for a lawful visitor purpose.
- Agree / Disagree*
- c **Agree** that, to limit processing impacts, the new work condition will apply to all visitor visa holders rather than putting a limit on duration of stay (noting that visitor visas have built in limitations on duration of stay in any case);
Agree / Disagree / Discuss
- d **Agree in principle** to the attached immigration instructions;
Agree / Disagree
- e **Note** that Immigration New Zealand will provide advice in October on implementation timing for this and other priority changes, and this can inform an announcement date;
Noted

f **Agree** to forward a copy of this briefing to the Ministers of Science, Innovation and Technology, Tourism and Hospitality, Workplace Relations and Safety, and Revenue, and to the Associate Ministers of Immigration.

Agree / Disagree



Polly Vowles
**Manager, Immigration Policy Skills and
Residence**
LSE, MBIE

11 / 10 / 2024

Hon Erica Stanford
Minister of immigration

..... / /

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Working while visiting New Zealand – current rules

1. People who come to New Zealand on visitor visas are generally not able to work for a New Zealand or foreign employer (unless on some special category visitor visas – see paragraph 5 below). This is primarily to protect New Zealanders' access to New Zealand employment opportunities, and also to make it clear that visitors should generally be intending a genuine visit.
2. To be granted a visitor visa, the applicant must be coming to New Zealand for a 'lawful purpose', which includes holidaying and sightseeing, visiting family or friends, or competing in amateur sports. Partners without work rights and some other specific groups are also on visitor visas.
3. The visa applicant must not be intending to undertake employment or a programme of study while visiting New Zealand. Employment or 'work' is defined in the Immigration Act 2009 as "any activity undertaken for gain or reward", unless specifically excluded by immigration instructions. This includes work undertaken for a non-New Zealand resident or employer. The same rules apply to visitors who have travelled here visa waiver, with an NZETA, and have been granted a visitor visa at the border.
4. Visitor visa holders may look for work in New Zealand, but cannot start working. An immigration officer may decline a visitor application if they do not believe the applicant is visiting for genuine holiday or visit reasons, or if the officer considers that the person may work illegally or not depart.
5. People coming for the purpose of carrying out business on behalf of their employer can do so as a business visitor for up to 90 days in any year to carry out some forms of work, including sales to business, negotiations or attending a conference. (This reflects international trade commitments.) People coming for business purposes who require a longer period would normally apply for a Specific Purpose Visa. Other special categories of visitor visas that allow some forms of work associated with the purpose of the visit include visiting academics, international tour group escorts, crew of super yachts, live entertainment acts, visiting media under an NZTE programme, staff of international sports events, and visiting academics.
6. There was guidance on the Immigration New Zealand website outlining a flexible approach to people occasionally doing work tasks for their overseas employer while they are in New Zealand on a visitor visa. This was removed as it did not comply with the Immigration Act or instructions, which has led to more queries about the current rules. Policy work was planned in 2023 to clarify that incidental work was allowed, but it was not completed before the change of Government.
7. Visa holders with open work rights (eg students or working holiday makers) are able to work for foreign employers at the moment. Accredited Employer Work Visa holders can only work for the employer specified on their visa, in the specified role.
8. Australia's tourist visas prohibit working, but guidance from Home Affairs states that people can carry out incidental work, like responding to emails or reading market reports. The United Kingdom has recently allowed people on a visitor visa to work remotely for a foreign company (but not self-employed unless a permitted activity).
9. Some visitors will be carrying out remote work while on holiday. It is not an INZ priority to detect this or undertake compliance activities for these types of breaches of visa conditions.

Allowing visitors to continue working for an overseas employer

10. You previously agreed [2425-0458 refers] to amend the visitor visa work rules to clarify that people can work for a foreign employer while in New Zealand to visit. This would provide most of the flexibility of the proposed Digital Nomad Visa and would clarify the situation of regular travellers who may have reasons to work, without the complication of implementing a new visa type.
11. We recommend allowing visitor visa holders to work if:
 - a. they are working for an overseas-based employer or are self-employed and remunerated from outside New Zealand;
 - b. they are doing remote work that does not require them to be physically present in New Zealand;
 - c. they are not offering goods or services in New Zealand in exchange for gain or reward from either New Zealand businesses or New Zealand persons;
 - d. the primary purpose of their visit to New Zealand is lawful.
12. We have only undertaken a “desk based” assessment of this change, but consider it effectively balances flexibility for visitors with very limited new immigration risk. Compliance costs should be low^{s 6(c)}, but there is potential for organised attempts to exploit the change that could see a comparatively small visa volume spike or more upfront assessment effort, either at the point of initial visa application or when applications are made to extend a person’s stay in New Zealand (see below).
13. The changes should meet your **Government’s objectives** of allowing highly skilled and mobile people to work remotely as digital nomads, share their skills in New Zealand and potentially stay (if they meet the skilled work and residence criteria). It will also apply to a broader group, potentially extending the duration of stay of some tourists and providing certainty on the rules for the people who have work situations arise that need to be addressed. We have not attempted to quantify the potential uptake by any of these groups.
14. The type of work allowed is designed to create **no displacement risk for New Zealand workers**. Visitors would be continuing roles in which they are employed offshore and their role is not New Zealand focused so they would not have been competing with someone in New Zealand for the role. It would not cover someone being hired to be the New Zealand representative or work in the New Zealand office for sales or consultancy purposes where that the role is New Zealand based and could potentially be filled locally (and so should be subject to work visa tests).
15. It also excludes people selling goods and services in New Zealand where they could be in direct competition with New Zealand companies or individuals (eg an actor or photographer). The Business Visitor Visa allows people to come to New Zealand for this purpose, but limits time to three months, after which a work visa would be required. (Paragraph 31 below sets out some examples of the kinds of work allowed and not.)
16. The flexibility would cover **self-employed people** continuing to run their business where their business is based offshore. This could include coders or consultants.

The opportunity will be provided to all visitors, no matter the duration of their stay

17. We recommend this condition **apply to all visitor visa holders** as this is the easiest setting to implement, operationalise and communicate. This will capture tourists and other short-term visitors, but also longer-term visitor visa holders like partners and dependents or

workers (where they don't have work rights). It will also capture special visitor categories like super yacht crew, grandparents and people undertaking medical treatment.

18. Negative impacts of applying this is a longer-staying group appear low, but are uncertain on the level of analysis. There is likely to be no New Zealand job displacement risks from people working remotely for any duration of stay, and no obviously increased immigration risks of working illegally or overstaying from applying this condition to a longer staying group.
19. People in New Zealand for more than 183 days in a year (does not need to be consecutive) become tax resident and should pay income tax on their worldwide income their time in New Zealand. The fact that visitors may work for an overseas employer for more than six months will mean a heightened risk of non-compliance, although this remains the visitor's responsibility. New Zealand employment law such as meeting the minimum wage applies when a role is substantively based in New Zealand.
20. We considered limiting it to a visit duration of up to six months (based on tax resident thresholds) or nine months (normal maximum duration of a general visitor visa, which must be balanced by nine months outside New Zealand). This would create an additional step in visa processing where an officer needed to select and confirm the appropriate conditions based on visa duration, potentially adding up to a minute to the ten-minute average processing time for low and medium risk visas. While individually negligible, this time would add up given the high volumes.
21. Most visa waiver and low risk visitor visas are granted to enable a three-month stay (UK visitors get six months) although most people remain in New Zealand for shorter periods. Higher-risk applicants may be granted shorter visas to align with their planned time in New Zealand, and requests for longer periods are considered on a case by case basis. Most visitors are limited to nine months in 18 (single entry) or 6 in 12 (multi-entry) stays, either at the initial grant, or via subsequent visa grants, to ensure they are not effectively residing here.
22. The condition could also be restricted to general visitor visas and a few of the approximately 30 special categories, such as the business visa, excluding groups who are likely to be staying longer such as partners and guardians of foreign students. This is slightly harder to communicate, and the risks of a broad approach seem low. There is no obvious harm in groups like parents and those here for medical treatment being able to work remotely, even if they are unlikely to use the facility. The condition is unlikely to be relevant to groups like children or groups like visiting academics who already have tailored work conditions. Partners with work rights can already work remotely for foreign employers, so extending this to other partners or guardians is deemed unlikely at this point to increase the risks of non-bona fide applications.
23. We can revisit the operational impacts of applying the condition to a smaller group of short-term visitors if you wish.

Applicants must have a bona fide reason to be in New Zealand, and intention to leave

24. This is not a new visa and does not create a new "remote work" reason to come to New Zealand. The visitor must be coming to New Zealand for a **non-work purpose** such as a holiday, family visit or joining a partner.
25. We do not recommend setting a real or illustrative maximum threshold for the amount of time a person can be working while holidaying. No limit allows people to continue to work full time while remaining in a location as a lifestyle holiday or while visiting family. Given the stay is not taking jobs from New Zealanders, we consider this is preferable to creating an unclear demarcation line that would not be enforced.

26. Bona fides checks would still apply to the intention to leave, not work unlawfully in New Zealand, and support themselves, so people presenting higher **immigration risks** should be declined where concerns are detected. There is a risk that people will work unlawfully, but this is not new, nor exacerbated by these changes.
27. At the moment, an officer may make a judgement about likely intent, based on the strength of factors connecting the applicant to their home and including presence of family, assets and genuine employment to return to. If the officer is not satisfied the ties to home outweigh the risk of overstaying, or the applicant can't plausibly explain their reason for being in New Zealand, then the visa may be declined. While applicants can now potentially point to remote work to fund travel, officers can still consider whether the employment is genuine and whether the applicant has strong connections to home.
28. This change is likely to prompt some organised efforts to test the visitor pathway and reasons for coming to New Zealand as part of this change, creating some more work to assess and decline. We are not able to assess the size of this risk or impact on processing, though it is likely to be small compared to the overall visitor visa volumes. s 9(2)(g)(i)

s 9(2)(g)(i)

Work scenarios covered by the change

31. The below table contains a list of situations where people may want to work in New Zealand, and indicates whether they would be able to do so on a visitor visa with the proposed changes:

Scenario	Possible under this proposal?	Reasoning
Influencers who are travelling to New Zealand for an influence event, e.g., a brand event, or have arranged for free accommodation or activities in exchange for promoting a venue.	x	Their reason for travelling to New Zealand is for a specific work-related event and they are being 'paid' for it, meaning a Specific Purpose Work Visa is more appropriate

Scenario	Possible under this proposal?	Reasoning
Photographer or videographer coming to New Zealand to work an event	x	Their reason for travelling to New Zealand is for a specific work-related event, meaning a Specific Purpose Work Visa is more appropriate
People who have to join a few online meetings while in New Zealand	✓	The primary purpose of their travel to New Zealand is holidaying, their work activities are incidental and not for a New Zealand employer or customer
People who spend a small part of their holiday (e.g., a few days at the beginning) wrapping up a project by working remotely	✓	The primary purpose of their travel to New Zealand is holidaying, their work activities are incidental and not for a New Zealand employer
Logging on to check emails in the evenings or on an as needed basis while holidaying	✓	The primary purpose of their travel to New Zealand is holidaying, their work activities are incidental and not for a New Zealand employer
Digital nomads or fully remote workers (people who work full time) while staying in Queenstown	✓	While they are working in New Zealand full time, their reason for being in New Zealand is effectively a holiday. Would need to satisfy INZ that they intend to leave if they have no fixed home offshore.
People residing in New Zealand on a partner visitor visa (without work rights) for several years while working for a foreign company.	✓	Have a legal reason to be in New Zealand. They would be responsible for paying tax on remote income.

Next steps and implementation

32. Officials are working through the implementation needs of this proposal. Given constraints on implementation and ICT resources, further work is needed to consider the prioritisation and implementation timeframes of these proposals alongside other high priority policy items. We will provide you with further advice in October on implementation across upcoming policy proposals.
33. There is a risk associated with implementation in December as it would coincide with INZ's busiest period for processing visitor visas. Introducing new visa conditions at this time may impede processing efficiency through the need for staff to undertake training and other change preparation. Implementation will have less impact on processing from March 2025, after the peak processing period has concluded.
34. Instructions are attached for in principle agreement. Certification can take place alongside an announcement. We can support either a Ministerial announcement, or just a website update and news item. Illustrative examples of what is allowed will be used to provide clarity, manage expectations and provide assessment guidance to immigration officers. An announcement date can precede implementation changes, but would ideally be close to the implementation date.
35. We recommend that you consult with the Ministers of Science, Innovation and Technology, Tourism and Hospitality, Workplace Relations and Safety, and Revenue. We also recommend forwarding this paper to the Associate Ministers of Immigration. Given the limited impacts, you may choose not to take this to Cabinet if you want to advance a quick change. You may wish to update Cabinet later alongside other changes as having met the intent of the Digital Nomad commitment.

36. INZ will update you on potential marketing activity promoting the opportunities for top technology and other skills.

Annex

Annex One: Amended instructions for agreement in principle

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BRIEFING

Immigration New Zealand Operational Manual: Working remotely on a visitor visa

Date:	11 December 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0004637

Action sought		
	Action sought	Deadline
Hon Erica Stanford Minister of Immigration	Agree to the recommendations and sign the associated Ministerial Certificate. Forward to Associate Ministers of Immigration for their information	18 December 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Simon Barrett	Team Leader, Operational Policy	04 901 3885	s 9(2)(a) [REDACTED]	✓
Rachel Squire	Senior Business Analyst	04 901 1420	N/A	

The following departments/agencies have been consulted

Minister's office to complete:

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



BRIEFING

Immigration New Zealand Operational Manual: Working remotely on a visitor visa

Date:	11 December 2024	Priority:	Medium
Security classification:	In Confidence	Tracking number:	0004637

Purpose

This briefing seeks your agreement to, and certification of, proposed changes to temporary entry instructions to reflect your decision to allow visitor visa holders to work remotely for overseas-based employers or undertake overseas-based self-employment while in New Zealand.

Recommended action

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

- a **Note** that on 21 August 2024, you agreed to amend the visitor visa work rules to clarify that people can work for a foreign employer while in New Zealand as a visitor [2425-0458 refers]
Noted
- b **Note** that on 13 October 2024 you [0004360 refers]:
- agreed to amend visitor visa instructions to allow visitor visa holders to work for an overseas-based employer or in overseas-based self-employment while in New Zealand, and
 - agreed that the new work condition will apply to all visitor visa holders, regardless of intended duration of stay, and
 - agreed in principle to the proposed immigration instructions changes.
Noted
- c **Note** that the proposed amendments to immigration instructions in this briefing have not substantially changed since you agreed to them in principle
Noted
- d **Note** that the new remote work condition will apply to all visitor visas applied for on and after the date the immigration instructions become effective, and will not be extended to current visitor visa holders
Noted
- e **Agree** that holders of visitor visas granted before the immigration instructions take effect will need to apply for a new visitor visa should they wish to undertake remote work while in New Zealand

Agree / Disagree

f **Agree** to the proposed amendments to Temporary Entry instructions by signing the Ministerial Certificate attached in Appendix 1.

Agree / Disagree



Alejandra Mercado
**General Manager, Service Design and
Implementation (Acting)**
Immigration New Zealand

10 December 2024

Hon Erica Stanford
Minister of Immigration

..... / / 2024

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Background

1. On 21 August 2024, you agreed [2425-0458 refers] to amend the visitor visa work rules to clarify that people can work for a foreign employer while in New Zealand as a visitor.
2. On 13 October 2024, you agreed to allow visitor visa holders to work for an overseas employer while in New Zealand [0004360 refers] where they:
 - a. work for an overseas-based employer (or in overseas-based self-employment) in a role that does not require them to be physically present in New Zealand; and
 - b. they are not selling goods or services to New Zealanders or New Zealand businesses; and
 - c. they are coming to New Zealand for a lawful visitor purpose.
3. You also agreed [0004360 refers] that the new remote work condition will apply to all visitor visa holders.

Proposed amendments to immigration instructions

4. The proposed amendments to immigration instructions make all visitor visas subject to a condition that allows the holder to undertake remote work while visiting New Zealand.

Longer-term visitor visa holders and self-employed visitors are included

5. This visa condition will apply to all visitor visas and is not limited by duration of intended stay in New Zealand. This means that it will apply to visa waiver nationals who travel to New Zealand with an electronic travel authority (NZeTA) and apply for their visitor visa on arrival, as well as longer-term visitor visas granted under a special category of visitor instructions, such as partners of New Zealand citizens, residents, and work visa holders, parents and grandparents of New Zealand citizens and residents, and guardians of student visa holders.
6. This visa condition will also allow self-employed visitors to work remotely while in New Zealand.

Remote work is not a lawful purpose to visit New Zealand

7. Visitor visa applicants must continue to meet bona fide requirements for generic temporary entry, satisfying an immigration officer that they genuinely intend a temporary stay in New Zealand for a lawful purpose and have sufficient funds or sponsorship.
8. Lawful purposes for visitors include holidaying, sightseeing, visiting family, and business consultation, among others. Intending to work remotely in New Zealand, in and of itself, will not be considered a lawful purpose to visit. The person must otherwise have a lawful purpose for visiting New Zealand.

Influencers

9. Many social media influencers are likely to be able to work remotely while visiting New Zealand. Influencers who receive inducements from local businesses or people (e.g. being paid to promote a bungy jump or being offered free accommodation to promote a hotel) would however not be considered to be working remotely under the proposed immigration instructions. They would need to apply for an appropriate visa.
10. Larger scale influencers who may be accompanied by persons under their employ while visiting New Zealand (such as security, drivers, managers etc.), are also unlikely to meet the remote work visitor visa conditions if, for example, they are receiving payment from a New Zealand business in exchange for their advertising services or they are required to be physically present in New Zealand for a particular event. Influencers who wish to work remotely in New Zealand but do not meet the conditions set out in instructions should consider applying for a visa appropriate to their circumstances, such as a Specific Purpose or Event Work Visa. Any detected breach of the new visa condition may be subject to compliance action.

Existing visitor visa holders unable to vary their conditions to work remotely

11. The proposed amendments to immigration instructions do not enable existing visitor visa holders to apply for a variation of conditions (VOC) should they wish to undertake remote work in New Zealand. They would instead need to apply for a new visitor visa¹.
12. Officials do not recommend implementing the ability for existing visitor visa holders to apply for a VOC to allow remote work, as the demand for a visa condition allowing remote work will steadily diminish over time as existing visitor visas expire, and all new visitor visas granted will be subject to the condition allowing remote work. The effort required (specifically changes to ICT systems) to enable this, is unlikely to yield long-term value as the need for it will eventually become redundant.
13. The types of long-term visitors most likely to require remote work rights include partners of New Zealand citizens, residents, or work visa holders. These cohorts are in many cases already eligible for a work visa with open work rights which allow the holder to work remotely. This provides an alternative to applying for a new visitor visa in order to work remotely, though it comes with a higher application fee².
14. Should demand emerge from visitors who wish to vary their existing visas to be able to work remotely for an overseas-based role, officials are able to provide advice on further immigration instructions and implementation options.

Certification of proposed changes

15. Appendix 1 includes proposed amended Temporary Entry immigration instructions for your consideration followed by a Ministerial Certificate. Subject to your signature of the Certificate, the amended instructions will become effective on 27 January 2025.
16. Proposed additions to immigration instructions are highlighted for ease of reference. Deletions have not been highlighted. Highlighting will not appear in the published versions of the amended Operational Manual.

Communication

17. Instructions changes will be communicated to all staff, licenced immigration advisers and the general public through the release of an amendment circular in line with the agreed communications plan.

Remote work marketing campaign

18. To cost effectively reach an executive-level audience (typically an expensive group to reach) Immigration New Zealand recommends using video platforms such as YouTube and Instagram to target people engaging with New Zealand travel-related content. Video cost-effectively communicates multiple key messages in an engaging way within a single communication package. The campaign is expected to receive millions of user impressions and hundreds of thousands of video views.
19. Campaign market selection and timing will be coordinated with Tourism New Zealand to ensure NZ Inc. agencies do not compete for the same audiences, thereby driving up costs. The campaign will also avoid seasonal processing peaks. Officials will provide your office with more information on the marketing campaign in the new year.

¹ The fee for a visitor visa applied for in New Zealand is \$441 (includes immigration and International Visitor Conservation and Tourism levy). The fee for a variation of conditions for a temporary entry class visa applied for in New Zealand is \$325.

² The fee for a partnership work visa is \$1,630 (includes immigration levy).

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Appendix 1: Proposed amendments to Temporary Entry instructions, effective on and after 27 January 2025

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**TEMPORARY ENTRY INSTRUCTIONS
MINISTERIAL CERTIFICATE**

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 1 of the submission dated 11 December 2024 are part of Temporary Entry instructions on and after 27 January 2025.

Hon Erica Stanford
Minister of Immigration

(day) _____
(month) _____
(year)

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