



UB

fyi-request-7205-468ccb0f@requests.fyi.org.nz

File No: DOIA 1718 – 0969

Dear UB

Thank you for your email of 2 February 2018, requesting the following information under the Official Information Act 1982 (the Act):

1) What is the decision process of granting Post Study Work Visa - Employer Assisted, specifically for study's subjects relevancy criteria?

For Example, Adam has studied, let say Graduate Diploma, Level 7 with subjects into marketing, strategies, consumer behavior and industry project with the same company he has got the job offer from. However, the job offer is for ICT Sales Assistant (ANZSCO 621211) in a Telecommunication company, job duties as mentioned in ANZSCO. On what decision model, the Work Visa - Employer Assisted, will be approved or disapproved, taking single criteria of the relevancy of the job with the studies into consideration and ignoring other criteria for now?

2) As per the clause on the website of INZ, (Source:

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/visa-factsheet/post-study-work-visa-employer-assisted#criteria>)

"If you have more than one acceptable qualification, your job can be relevant to any one of them."

Assessed overseas qualification - level 7 can be considered as an acceptable qualification?

If YES, then relevancy of job with the studies could be with either of two (New Zealand level 7 qualification and Overseas assessed qualification level 7) or both?

Asking above questions under information act, to know about immigration officers eligibility criteria specifically for studies relevancy with the job.

Our response

I have attached copies of the relevant information as appendices. This information is publically available on the Immigration New Zealand website. The full INZ Operational Manual can be found at the following link - <https://www.immigration.govt.nz/opsmanual/>.



Appendix 1 – Excerpt from INZ Operational Manual: WD1.5 Relevance of qualification(s) to employment

Appendix 2 – Excerpt from INZ Operational Manual: WD1.10 Qualification requirements

Appendix 3 – Guidance on assessing applications under WD1 Post-study Employer Assisted work visas – ‘Relevance’.

You have the right to contest the decision on this request by seeking an investigation and review of that decision by the Ombudsman, whose address for contact purposes is:

**The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143**

If you wish to discuss any aspect of your request or this response, please contact Matt Burden, Senior Business Advisor, Operations Support, Immigration New Zealand at Matt.Burden@mbie.govt.nz or +64 4 8965526.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Scott', written in a cursive style.

**Geoff Scott
Assistant General Manager – Visa Services
Immigration New Zealand**

Ministry of Business, Innovation Employment

Appendix 1 – Excerpt from INZ Operational Manual: WD1.5 Relevance of qualification(s) to employment

WD1.5 Relevance of qualification(s) to employment

Qualifications are relevant to employment if:

- a. the major subject area and level of the principal applicant's recognised qualification is directly applicable to the employment; and
- b. the immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

Appendix 2 – Excerpt from INZ Operational Manual: WD1.10 Qualification requirements

WD1.10 Qualification requirements

- a. Applicants must have successfully completed a New Zealand qualification(s) that would qualify for points under the Skilled Migrant Category (see SM14) and meet one of the requirements set out in (b) below.
- b. Applicants must have completed:
 - i. a programme of study that results in a qualification at level seven or above on the New Zealand Qualifications Framework (NZQF) that they have studied for at least 30 weeks in New Zealand; or
 - ii. a programme of study that results in at least one qualification at levels four to six on the NZQF that they have studied for at least 60 weeks in New Zealand; or
 - iii. two programmes of study that result in at least two qualifications (at least one for each programme) at levels four to six on the NZQF provided each programme of study has involved at least 30 weeks study in New Zealand (60 weeks in total) and the final qualification is at a higher level.

Appendix 3 – Guidance on assessing applications under WD1 Post-study Employer Assisted work visas – 'Relevance'.

WD1 Post-study Employer Assisted work visas – 'Relevance'

There has been some confusion and inconsistent approaches as to when qualifications are considered relevant to a job offer under WD1.g. and WD1.5. This advice is reiterated and updated from previous advice to staff *WD1 – Graduate Work Experience – 'Relevance'* (26 October 2012).

WD Study to work instructions

Objective

The Study to Work instructions contribute to the overall work instructions objective (see W1) by facilitating and retaining access of New Zealand employers and industry to global skills and knowledge. This is achieved by providing a pathway to skilled employment and residence in New Zealand for highly skilled graduates and matching these workers to the needs of the economy.

WD1 Graduate Work Experience Visa

g. A work visa will only be granted where an immigration officer is satisfied that the offer of full-time employment is one which will provide practical experience relevant to the applicant's course or qualification.

WD1.5 Relevance of qualification(s) to employment

Qualifications are relevant to employment if:

- a. the major subject area and level of the principal applicant's recognised qualification is directly applicable to the employment; and
- b. the immigration officer is satisfied that the qualification was a key factor in the employer's decision to employ the principal applicant in that position.

Assessment of 'relevance'

Immigration Officers should consider the following factors when assessing whether a job offer under WD1 is relevant to the applicant's qualification:

1. **Pathway to skilled employment:** WD work visa instructions provide a pathway to skilled employment. Therefore the offer of employment does not have to meet the definition of skilled employment under the Skilled Migrant Category (SMC).
2. **'Stepping Stone':** Despite the 'pathway' residence in the objective of the instructions, there must be a direct link between the qualification and the offer of employment. An offer of employment that is not relevant to the qualification but that could be used as a potential 'stepping stone' to relevant skilled employment under a future SMC application **does not** meet this requirement.
3. **Relevance:** When assessing whether an applicant's qualification is relevant to the offer of employment, Immigration Officers should –
 - a. Consider whether the applicant will actually make use of the qualification and if necessary ask the applicant and the employer to provide examples of how the applicant uses the information learnt from obtaining the qualification in their day to day work.
 - b. Look at the portion of time they spend on particular tasks
i.e. how long they spend doing tasks related to their qualification. Applicants should spend a significant part of their day undertaking tasks directly applicable to their qualification.
 - c. Compare the job description to the subject areas of the qualification – look at core/major subject areas.
 - d. Consider whether the job can be done competently by someone without the qualification. This will provide an indication as to whether the qualification was a key factor in the employer's decision to employ the applicant as per WD1.5(b).
 - e. Find out whether the job advertisement required the qualification. This may assist when

determining whether WD1.5(b) is met. This visa type is not labour market tested, so this may not be available in all cases.

4. **Wages/Salary:** Pay rates on their own are not determinative of whether a job is relevant, but are an indication of the level of qualification or experience required for the position. If an applicant is required to use the skills gained from a qualification in the performance of the offer of employment, this should be reflected in the pay rate. If an offer of employment is an entry level position, this should be considered when assessing the pay rate.
5. **Skill Shortage Lists:** Information from the skill shortage lists should not be used to determine whether the qualification is relevant to the job offer.

It is important to remember that each application needs to be assessed on a case by case basis and particular occupations or industries should not automatically be excluded.

Examples

1. **Clearly relevant** – Applicant has completed a Diploma in Accounting and has an offer of employment as a Bookkeeper. The qualification is directly applicable and relevant to the position offered.
2. **Maybe relevant** – Applicant has completed a Diploma in Management and has an offer of employment as a department manager or supervisor in the retail or hospitality industry. Immigration officers should look beyond the job title and consider the actual tasks included in the job description, as well as asking for actual examples of how they use their qualification in their day to day work. Consider the points above in determining relevance e.g. was there a qualification requirement listed in the job vacancy?
3. **Not relevant** – Applicant has completed a Post Graduate Diploma in Information Technology and has an offer of employment as a Receptionist at a hotel. The applicant may be required to use basic computer functions in their position, such as making reservations, however this is not a direct link to the subject areas of the qualification.