### **Getting your critical workers to New Zealand – information for employers**

There is a four-step process to meeting the requirements to travel to New Zealand. Border restrictions are currently in place and a border exception is the only way to bring workers into New Zealand. New Zealand citizens, permanent residents and some residence class visa holders do not need to apply for a border exception or visa. The criteria sets a high bar to ensure that New Zealanders are the first in line for jobs and to limit the number of people seeking to enter New Zealand due to Managed Isolation and Quarantine (MIQ) constraints.

**Approx** 

2 weeks

Granted

#### Step 1: Request border exception

Request border exception for an 'other critical worker'

As an employer, you or your agent can apply for a border exception to bring a worker into New Zealand, if they meet the criteria as an 'other critical worker'. Employers must request the exception on behalf of the worker by completing the 'Employer request for critical worker exception' form on the Immigration New Zealand (INZ) website.

You can request a border exception for one or more workers (as you require) and may also include their partners/dependent children.

Border exception requests must demonstrate the worker meets the following border exception criteria:

- has unique experience and technical or specialist skills that are not readily obtainable in New Zealand; or
- is undertaking a time-critical role for a government-approved programme or event, or an approved major infrastructure project (see list of approved projects <a href="here">here</a>)<sup>1</sup>; or
- is undertaking a time-critical role<sup>2</sup> for work with signficant wide benefit to the national or regional economy.

You can read more information on the border exception criteria in the 'Guidance on Other Critical Worker applications for employers' on Page 2

Critical workers for roles longer than six months have to meet the following additional requirements:

- earn at least NZD \$106,080 a year, OR
- have a role essential for the completion or continuation of a science programme under a government funded or partially government-funded contract, and have the support of the Science, Innovation and International Branch at MBIE to travel to New Zealand to carry out their work, OR
- have an essential role for the delivery or execution of a governmentapproved programme or event, or an approved major infrastructure project

Visit <u>Bringing workers to New Zealand</u> on INZ's website for more information.

#### Step 2: Apply for visa

Approx Apply for a visa 2 weeks If the border exce

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If the border exception for the worker is approved, INZ will email them directly with an 'Invititation to Apply' for a Critical Purpose visitor visa to allow them to travel to New Zealand. Australian citizens and permanent residents are able to travel to New Zealand on their invitation to apply. They receive a resident visa on arrival, and do not need to submit a visa application.

The worker will need to apply for the Critical Purpose visa. They must also meet the visa requirements of any countries they will transit through on their way to New Zealand.

When applying for the Critical Purpose visitor visa, the worker will need to:

- Prove their identity
- Meet health and character checks
- Show their genuine intentions to come to New Zealand for a lawful purpose

Once the worker has received a Critical Purpose visitor visa, they will be able to travel to New Zealand. They will need to travel to New Zealand within 9 months of their visa being granted.

Workers' partners and <u>dependent children</u> (19 years of age and under) can be included in the application (unless explicitly not allowed), but they will not have work rights. The partner can apply for a further visa with work rights once onshore. Children are eligible to study as domestic students to the end of secondary school under the Dependent Child Student visa which can be applied for and granted also once onshore.

Note that workers coming to New Zealand on a Critical Purpose visitor visa for roles longer than six months can apply for the one-off 2021 Resident Visa, once onshore, until 31 July 2022.

# Step 3: Confirm a place in a managed isolation facility

Secure a Managed Isolation Allocation Voucher
All travellers to New Zealand, except those eligible for quarantine-free travel, must adhere to the requirements for Managed Isolation and Quarantine (MIQ) or other arrangements as outlined here.

Workers travelling to New Zealand must create a registration and get a voucher confirming their place in managed isolation before boarding their flight.

The primary pathway to secure a voucher is from the online <u>Managed Isolation Allocation System</u>. There are weekly voucher releases.

It may take multiple attempts to secure a room. MIQ announces room releases at least 24-48 hours beforehand.

There is currently high demand for managed isolation and capacity is limited. Workers might not be able to enter New Zealand and begin managed isolation on their preferred date. We recommend you plan your projects months in advance.

- See the <u>Managed Isolation and Quarantine</u>
   (<u>MIQ</u>) <u>website</u> for more information about how the voucher system works.
- Go to <u>Managed Isolation Allocation System</u> <u>online portal</u> to get a voucher.

<u>Time sensitive allocation requests</u> are for workers who are travelling to New Zealand to undertake time sensitive tasks in specified areas of work that will have significant consequences if not completed. You can apply if you meet the eligibility criteria and have an endorsement from a government agency. Note that applications for this allocation are considered two months in advance of travel date and it is a competitive process so even if you meet the criteria you are not guaranteed a space in MIQ.

<u>Emergency allocation requests</u> are available if there is urgent and exceptional travel required at short notice.

There are bespoke allocations for certain sectors:

- NZTE is managing a two month pilot of an <u>exporter MIQ allocation</u> for November and December 2021.
   Enquiries can be submitted to NZTE.
- The Construction Sector Accord Allocation sets aside 60 MIQ places per month for workers whose work is essential for infrastructure and building projects of national and regional significance. More information and how to apply can be found <a href="here">here</a>.
- The Ministry of Health manage a monthly allocation of 300 places for Critical Health and Disability workers. Visit the <u>Ministry of Health website</u> for more information.

Availability extremely limited, travel may be delayed

Granted

# Step 4: Get a COVID-19 test and provide proof of vaccination

Provide proof of vaccination and get a negative COVID-19 test prior to departure

As of 1 November 2021, all non-New Zealand citizens arriving into the country are required to be fully vaccinated.

Travellers will be required to declare their vaccination status when registering in the Managed Isolation Allocation System as well as presenting proof of vaccination or a relevant exemption to their airline and to Customs Officers once they land. For the most current information on the vaccination requirements, click here.

A pre-departure negative COVID-19 test result is required for travellers to New Zealand, except those from most Pacific Islands and Antarctica.

When checking in for their flight, workers need to provide evidence of a negative COVID-19 test taken no more than 72 hours before the scheduled departure time of their first international flight.

Workers should check the airline and country predeparture testing requirements for every country they are going through on their journey to New Zealand. They will need to comply with requirements for all countries en route, not just New Zealand's.

 See <u>Pre-departure testing</u> on the MIQ website for more information.

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<sup>&</sup>lt;sup>1</sup> If your project is not on the list you can apply to the Infrastructure Commission to have your project included. This option is for infrastructure projects over \$100 million.

<sup>&</sup>lt;sup>2</sup> This includes if the person does not come to New Zealand, the project, work or event will cease or be severely compromised, or significant costs will be incurred

# **Guidance on Other Critical Worker applications for employers**



### Demonstrate that the experience and skills in the role are not readily obtainable in New Zealand

There is a high threshold for the border exception compared to previous pre-COVID visa categories. This is to ensure that New Zealanders are the first in line for jobs and to limit the number of people seeking to enter New Zealand due to Managed Isolation and Quarantine (MIQ) constraints.

Before you submit a request for border exception, you will need to demonstrate that the unique experience or technical/specialists skills required in the role are not readily obtainable in New Zealand.

**Unique experience...** not readily obtainable could be evidenced by the worker having particular knowledge and capabilities and/or proven excellence in their field being unparalleled to what can be found domestically. An example is a highly experienced international supply chain logistics coordinator with extensive networks to New Zealand's top export markets.

**Technical/specialist skills... not readily obtainable** can be specialised training at an institution or working in a highly specialist firm, that may only be obtainable overseas. An example is a Boeing-authorised aircraft safety assessor.

To demonstrate that the experience or skills are not readily obtainable in New Zealand it helps to provide clear and comprehensive evidence that proactive steps have been taken to fill in the role within New Zealand and state the outcome of these recruitment efforts.

You will need to provide information that shows that there is a critical workforce gap in New Zealand for the specific role. Your relevant industry/sector body may have information that you can refer to in your application - for example, the tech sector have a few <u>resources published by NZTech</u> to support their application.



## Show what impact the worker has on a major infrastructure project, approved event or programme

If it can be shown that without the worker coming to New Zealand, the work on a project, event or programme is at threat of being severely compromised or that costs will increase significantly, you may be able to argue the role is **time critical**. For example, the requirement for deep tunnel drilling specialists to commence the burrowing of a new underground highway which is a significant infrastructure project may qualify for a border exception given the time critical nature of the work.

If the role is **essential**, you must show that the worker needs to be onshore and that their skills are immediately required to enable delivery, completion or continuation to a project, work or event. Therefore you must build a strong and detailed case on the extreme consequence in timing, costs, international obligations, national development or associated factors with the worker not being in New Zealand.

### Remember that there is a high threshold to satisfy

In addition to not meeting the unique experience or technical/specialist skills that are not readily available in New Zealand, some examples of reasons requests are declined include:

- the role is not highly-skilled and training is available OR the role is highly-skilled but the skill set is not unique
- the salary is not competitive to attract the domestic labour market available
- the worker is able to carry out their work remotely OR the worker's impact to the cost and progress of the project, event or programme is not significant



## Class exceptions and other Border exceptions

Workers may also be eligible to enter via a class border exception as an approved class of worker.

Applications for class exceptions require industry sectors to work with a sponsoring government agency to develop a class exception request which is considered by the Border Exceptions Ministerial Group who will then decide whether a proposal is referred to Cabinet for approval.

Ministers consider exceptions for classes of critical workers where the workforce is needed across a range of employers and current Other Critical Worker criteria do not enable entry:

- a critical workforce gap cannot be filled (in total) domestically
- labour market risks for New Zealanders are minimal or industry can put in place conditions that will support improvements
- will not undermine objective of reducing reliance on low-skilled migrants and improving quality of jobs in a sector
- has minimal impact in MIQ

Non-workforce categories, such as students, may also be a class exception.

A full list of current class exceptions can be found <u>here</u>. Each class exception has its own process. If you think your worker falls within a class exception you should contact your industry sector body in the first instance.