



LIVE IN NEW ZEALAND

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LAWYERS

IMMIGRATION ARTICLE

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SILVER FERN WORK POLICES

On 08 March 2010 Immigration New Zealand (**INZ**) introduced the new Silver Fern work policies which become effective on 29 March 2010.

These policies are effectively designed to offset the issue that a number of skilled migrants have travelling to New Zealand being resistance encountered from employers and recruitment consultants if the individual does not already hold New Zealand permanent residence or an open work permit to allow employment immediately.

Not only have these policies been designed to mitigate this practical issue; they also provide a logical and clear pathway for New Zealand residence and provide a visa to compete with Australian dominance in attracting younger skilled migrants.

SILVER FERN JOB SEARCH POLICY

The Silver Fern Job Search Policy will allow potential permanent migrants to obtain a 9 month open work visa to allow the migrant to seek employment.

Like the Expression of Interest process in a Skilled Migrant Category (SMC) application, applications will be tendered on line, and quota has been set limiting the places available per year to a maximum of 300 visas.

This is a relatively low number in terms of demand although we would expect to see this quota increase as economic conditions improve in New Zealand with a fall in the unemployment rate and increased demand for skilled migrants.

In summary, in order for an individual to qualify for a Silver Fern Job Search Visa they must:

- 1 be aged between 20 and 35 years;
- 2 be outside New Zealand to apply;
- 3 hold a suitable qualification:
 - a a qualification equivalent to a New Zealand Bachelor Degree (Level 7) or higher; or
 - b a trade qualification that is equivalent to a New Zealand National Certificate (Level 4) and two years relevant work experience; and
 - c In terms of a trade qualification, the qualification must be relevant to a position listed in Appendix 11 of the INZ Operational Manual (positions considered skilled for SMC policy).
- 4 meet minimum English language requirements;
- 5 hold a minimum of NZ\$4,200.00 for the provision of maintenance/accommodation during the nine month open visa period;
- 6 have a genuine intention to gain skilled employment in New Zealand;
- 7 meet applicable temporary entry health and character requirements; and
- 8 have not previously been issued a Silver Fern Job Search Visa.

IMMIGRATION ARTICLE

SILVER FERN JOB SEARCH POLICY (con't.)

One very important point to note is that partners and dependant children of individuals applying for Silver Fern Job Search Policy visas are not eligible for matching visas to travel to New Zealand with the silver fern applicant. This will place families in a position of disadvantage although it will certainly mitigate the current risk of failure for families travelling to New Zealand in the hope to secure employment to obtain New Zealand residency.

With the provision of a skilled offer of employment, an applicant is then able to apply for a Silver Fern Practical Experience Visa.

SILVER FERN PRACTICAL EXPERIENCE VISA

Upon securing a full time offer of skilled employment this visa will allow an applicant to extend their stay to allow an application for residence under the SMC to be submitted and processed. This visa will be issued up to a maximum of two years depending upon the validity of the offer of employment provided (i.e. duration of less than two years would be envisaged in the event the applicant is only able to secure (initially) a fixed term employment agreement).

Applicants will be required to demonstrate temporary entry health and character policy requirements although practically speaking it will not be necessary to again repeat the documentation required due to this already being submitted in the prior Silver Fern Job Search Policy visa application.

The Silver Fern Practical Experience Policy is not labour market checked, and therefore even if an applicant obtains a skilled offer of employment where there are New Zealand citizens or residents available or trainable for the position on offer a visa will still be issued allowing the applicant to continue employment.

Unlike the Silver Fern Job Search Visa, partners and dependant children of Silver Fern Practical Experience Visa holders will be able to apply for and obtain temporary visas suitable to their requirements matching the validity of the main applicants Silver Fern Practical Experience Visa.

SUMMARY

These policies in combination provide an effective tool for a skilled applicant to travel to New Zealand and test their employability in the New Zealand market and, essentially, place the individual on the same footing as a New Zealand citizen or resident. This is a positive move for migrants and should be embraced by employers in this situation as they will be empowered to employ the best person for the position rather than shying away from migrants who do not already hold New Zealand residence or work permits who are often placed in the "too hard basket".

This article contains personal opinion and is by way of general summary only and therefore should not be relied upon as comprehensive detailed legal advice. For more detailed information on these policies and how policies could potentially apply to your circumstances please contact **Mark Williams** of Lane Neave Lawyers on **+64 3 379 3720** or email **liveinnewzealand@laneneave.co.nz**

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