



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Immigration Rebalance: Green List changes	Date to be published	18 October 2023

List of documents that have been proactively released

Date	Title	Author
December 2022	Immigration Rebalance: Green List changes	Office of the Minister of Immigration
7 December 2022	Immigration Rebalance: Proposed Green List changes DEV-22-MIN-0303 Minute	Cabinet Office
12 December 2022	Immigration Rebalance: Proposed Green List changes CAB-22-MIN-0569 Minute	Cabinet Office
7 November 2022	Briefing: 2223-1689 Potential Green List additions	MBIE
18 November 2022	Briefing: 2223-1773: Draft Cabinet paper – Immigration Rebalance Green List changes	MBIE

Information redacted

YES / NO (please select)

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reasons of confidential advice to government, privacy of natural persons and free and frank opinions.



BRIEFING

Potential Green List additions

Date:	7 November 2022	Priority:	High
Security classification:	In Confidence	Tracking number:	2223-1689

Action sought		
	Action sought	Deadline
Hon Michael Wood Minister of Immigration	Indicate which occupations you want to include in a Green List Cabinet paper	11 November 2022

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Andrew Craig	Manager, Immigration Policy (Skills and Residence)	Privacy of natural persons	✓
Clare Devine	Senior Policy Advisor		

The following departments/agencies have been consulted

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments

Comments



BRIEFING

Potential Green List additions

Date:	7 November 2022	Priority:	High
Security classification:	In Confidence	Tracking number:	2223-1689

Purpose

To seek your decision on the occupations proposed to be added to or moved within the Green List in 2022. Once you confirm your decisions, officials will prepare a Cabinet paper for consideration at Cabinet Economic Development Committee (DEV) on 7 December and Cabinet on 12 December.

Recommended action

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

- a **Agree** the occupations you wish to include in the Green List Cabinet paper:

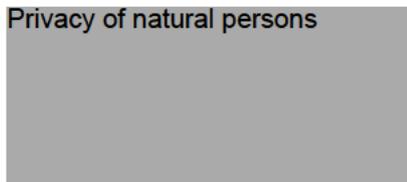
<p>All registered nurses currently on Green List moved to straight to residence</p> <p>Midwives moved to straight to residence</p>	<p><i>Agree / Disagree</i></p>
<p>Other registered and enrolled nurse roles added to the Green List - straight to residence</p>	<ul style="list-style-type: none"> • Nurse Practitioner 254411 <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • Nurse Managers 2543 <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • Nurse Educators and Researchers 2542 <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • Enrolled Nurses 4114 <p style="text-align: right;"><i>Agree / Disagree</i></p>
<p>Bus drivers either:</p>	<ul style="list-style-type: none"> • Sector agreement for AEWV below median wage <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • Sector agreement with work to residence path at agreed levels <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • Green list work to residence path above median wage <p style="text-align: right;"><i>Agree / Disagree</i></p> <ul style="list-style-type: none"> • No change <p style="text-align: right;"><i>Agree / Disagree</i></p>

Other occupations (work to residence above median wage unless indicated otherwise)	
Auditors	<i>Agree / Disagree</i>
All secondary school teachers	<i>Agree / Disagree</i>
Primary school teachers	<i>Agree / Disagree</i>
Halal slaughterers	<i>Agree / Disagree</i>
Motor mechanics	<i>Agree / Disagree</i>
Truck drivers	<i>Agree / Disagree</i>
Chartered accountants	<i>Agree / Disagree</i>
Scaffolders	<i>Agree / Disagree</i>
Telecommunications technicians	<i>Agree / Disagree</i>
Saw doctors	<i>Agree / Disagree</i>
Other occupations	<i>Specify</i> _____

b **Agree** to take these proposals to DEV on 7 December and Cabinet on 12 December

Agree / Disagree

Privacy of natural persons



Andrew Craig
Manager, Immigration Policy (Skills and Residence)
 Labour, Science and Enterprise, MBIE

Hon Michael Wood
Minister of Immigration

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07 / 11 / 2022

Background

1. Under the Immigration Rebalance, the Green List supports recruiting migrant workers into globally competitive, highly skilled and nationally significant roles that are in shortage in New Zealand. There is a straight to residence pathway and a two-year work to residence pathway. Cabinet agreed to the occupations included on each residence pathway in April 2022 [CAB-22-MIN-0145 Revised refers]. You have since agreed to include all medical doctors on the straight to residence pathway [2223-1502 refers].
2. Cabinet invited you to report back on potential additions to the Green List in early 2023 alongside SMC decisions [CAB-22-MIN-0411 refers]. You have received a number of requests to include further occupations on the Green List, and to move Nurses from the work to residence pathway to the straight to residence pathway. You have directed us to start preparing a Cabinet paper to make changes to the Green List in December 2022. This paper is to confirm the occupations you want to progress changes for. In the time available, we have not undertaken new analysis but have summarized previous analysis.
3. Annex One sets out the roles currently on the Green List, including all medical doctors per your recent decision.

Occupations you have indicated you want to include on the Green List

Moving registered nurses and midwives to the straight to residence path

4. Registered nurses and midwives are currently on the work to residence pathway. This decision was informed by data from officials about retention issues for nurses and midwives and aimed to provide an improved residence offer while requiring two years working in the role [2223-0071 refers]. We have not carried out any further analysis of the retention data.
5. As at 01 November, 144 nurses had applied for an Accredited Employer Work Visa from offshore, with 94 approved and 38 having arrived in New Zealand. We have not received any analysis from the sector on the impact the work to residence pathway has been having on recruitment.
6. We are looking at how nurses' registration would be treated as part of the Skilled Migrant Category review (SMC). It is possible they may earn 5 points for registration, giving them a one-year pathway under the new SMC.
7. You have indicated that you want to move registered nurses and midwives to the straight to residence pathway of the Green List. There are workforce shortages in both of these occupations, and it is in the best interests of New Zealanders for the immigration system to support these. These are highly qualified and globally in-demand roles where the immigration system can support attraction and recruitment efforts by providing a clear residence pathway.
8. Moving these roles to the straight to residence pathway could be presented as increasing the attractiveness of the pathway for foreign nurses. It may exacerbate the retention issues faced by aged care providers. If nurses working in aged care are no longer required to work for two years before residence, they may choose to move to District Health Boards sooner (although they can switch employers during the two-year period and still remain on their residence pathway). As previously noted, this is a health sector pay parity issue, not an immigration issue.
9. The Ministry of Health has been notified that this change is being considered, but not formally consulted yet. Free and frank opinions [REDACTED]
[REDACTED]
[REDACTED] MBIE notes that most health roles will be eligible for the new SMC as registered occupations.

10. This change would leave dairy farm managers, a small number of health professionals, teachers and some trades roles on the work to residence pathway.

Ability for nurses and midwives secure residence offshore

11. To access the Green List work to residence pathway, nurses are currently required to have New Zealand registration with the Nursing Council of New Zealand. We are not proposing to change this if they are moved to the straight to residence pathway. Nurses who do not need to complete a Competence Assessment Programme (CAP) will be able to get registered and apply for residence offshore (i.e. they will not need to come to New Zealand first). Nurses who do need to complete a Competence Assessment Programme will have to come to New Zealand to do the CAP course before applying for residence, but they will still be able to apply for residence more quickly than under the existing work to residence pathway.
12. Internationally qualified midwives are registered with the Midwifery Council of New Zealand. Unlike nurses, they may be granted registration prior to completing the Overseas Competence Programme, with a condition that requires them to complete the OCP within 24 months. This means that most internationally qualified midwives would, in theory, be able to apply for residence offshore.

Other nurse roles

13. There are some nurse roles that are not currently on the Green List. Nurse practitioners, managers, educators and researchers are all jobs that experienced Registered Nurses work in. They were not included on the Green List because these opportunities should be available to New Zealanders and the existing migrant workforce to progress into – the focus is on addressing the shortage of Registered Nurses. We consider there is a case to include practitioners and managers, but enrolled nurses are a less qualified role.
 - **Nurse Practitioner:** all ANZSCO unit group Registered Nurses (2544) occupations are on the Green List¹, except for 254411 Nurse Practitioner.
 - **Nurse Managers 2543:** this includes supervisors, unit managers and charge nurses.
 - **Nurse Educators and Researchers 2542:** these are not patient-facing roles.
 - **Enrolled Nurse 4114:** this role is less qualified than a registered nurse. It requires a NZQA Level 5 qualification and a registration with the Nursing Council. The scope of practice requires Enrolled Nurses to work under the supervision of Registered Nurses or other Health Practitioners in some settings. This is a relatively small workforce in New Zealand, with very low numbers of employer-assisted migrant workers coming into the role. The Ministry of Health has previously raised workforce shortages in this occupation with MBIE and has previously recommended considering it for the Green List.

Bus drivers

14. You have indicated that you want to include bus drivers on the work to residence Green List pathway for roles paid above the median wage.
15. In order to qualify for residence, bus drivers would need to meet the median wage in place when they apply for their AEWV, and the median wage in place when they apply for residence (after completing their two years of work experience on an AEWV). There is a

¹ Registered Nurse (Aged Care) (254412), Registered Nurse (Child and Family Health) (254413), Registered Nurse (Community Health) (254414), Registered Nurse (Critical Care and Emergency) (254415), Registered Nurse (Developmental Disability) (254416), Registered Nurse (Disability and Rehabilitation) (254417), Registered Nurse (Medical) (254418), Registered Nurse (Medical Practice) (254421), Registered Nurse (Mental Health) (254422), Registered Nurse (Perioperative) (254423), Registered Nurse (Surgical) (254424), Registered Nurse (Paediatrics) (254425), Registered Nurses nec (254499)

strong chance that bus drivers will not meet the pay threshold and would be unable to use the work to residence pathway.

16. Currently, Auckland, Bay of Plenty, Canterbury and Otago regions are paying bus drivers at or above the current median wage of \$27.76. However, no regions will meet the new median wage of \$29.66 when it is implemented on 27 February 2023, unless there are further pay increases. While the industry has agreed to work towards minimum pay of \$30/hour for urban services in the medium-term, it is likely that the median wage will continue to rise and exceed \$30 by the time bus drivers are ready to apply for residence.
17. Furthermore, MBIE's view is that bus drivers do not meet the skilled residence threshold or Green List criteria:
 - there are low skill requirements to enter this profession
 - the industry recognises that improvements to pay and conditions are needed to stabilise the workforce
 - the industry is working towards standardised minimum terms and conditions which they expect will attract more New Zealand drivers
 - there is currently no evidence that residence is needed as an attraction tool. The main barrier until recently has been the median wage threshold, and it is not yet clear to what extent the regions that have recently increased pay to above the median wage are managing to attract drivers from offshore
 - there are historically low numbers of bus drivers on job-dependent visas (the number of bus drivers on an Essential Skills visa peaked just before the pandemic, with 120 in December 2019)
 - there is some evidence of retention issues – of the 120 bus drivers on Essential Skills visas in December 2019, only 60 remained on that visa by the end of 2021.
18. If you decide to include bus drivers on the Green List, this could be presented as a workforce shortage that is critical for national infrastructure, with residence pathways for migrant drivers to support the industry as it works towards improved pay and conditions to stabilise the workforce. Occupations can be removed from the Green List so you could signal that you will review this decision after a year at which point the current shortage may be addressed.
19. We think a sector agreement is a more appropriate tool to address the current driver shortages. This would allow employment of migrant drivers at pay rates below the median wage for a limited time, to support the industry as they work towards the agreed improvements to minimum terms and conditions. This could either be implemented with a stand-down requirement once the migrant worker's visa expires, consistent with most other sector agreements, or with a work to residence pathway at below median wage, similar to what is available in the care workforce sector agreement.
20. A sector agreement allowing below median wage recruitment is also more in line with what has been requested by the sector. Waikato Regional Council, the Bus and Coach Association, and NZ Bus have all written to you specifically requesting an exemption from the median wage requirement, in order to meet short-term workforce needs while the industry works towards stabilising the workforce through improved terms and conditions.

Other occupations raised by stakeholders

21. Several other occupations have been raised as candidates for the Green List. We think there is a strong case for a few, but a strong case against others. This is indicated in Table One on the following page. These roles can be further explored as part of the 12-month review.
22. If you want to progress any of these occupations, we will need to do further work to identify the relevant sub-occupations (ANZSCO codes) and registration requirements where applicable. For the health roles, we have not considered any of these occupations in detail since the development of the Green List.

Table One: other occupations raised but not recommended for Green List

Red= weak case

Amber= further work required for review

Green= strong case

Occupation	Raised by	Indicative eligibility under SMC	MBIE comment and strength of case
Auditors		Most will qualify. Most will be eligible after 1-3 years working in NZ	Roughly equivalent pathway under SMC. Evidence of shortages and could make case that it is nationally significant. Officials are currently working with the national registration body to determine a registration pathway under the SMC. This could provide a faster route to residence for some people working in this occupation under the SMC than already estimated.
All secondary school teachers	Associate Minister of Education	Will qualify. Most will be eligible after 1-3 years working in NZ	Roughly equivalent pathway under SMC. More information on nature of the shortage and whether additional attraction mechanism needed
Primary school teachers	Associate Minister of Education	Will qualify. Most will be eligible after 1-3 years working in NZ	Roughly equivalent pathway under SMC. More information on nature of the shortage and whether additional attraction mechanism needed
Halal slaughterers	Minister of Agriculture	Most will not qualify (ANZSCO level 4 role, so must earn 1.5 x median wage)	Signalled by the Minister of Agriculture as examples of primary sector jobs that could be included at the Green List review. Some roles will not meet median wage threshold, but no special treatment based on previous Minister of Immigration's view that the sector could do more to recruit and train local NZ halal slaughterers. There are some retention concerns to be looked at.
Other health roles- medical and non-medical (e.g. physiotherapists, technicians, dentists)	Health agencies	Most roles eligible as registered or qualified.	The Ministry of Health provided candidate medical and non-medical health roles for inclusion during Green List development. Critical roles were included on the Green List. Not all health roles were put forward and not all put forward were deemed to have a compelling case for inclusion. At the time, the Ministry of Health raised dentists, pharmacists, physiotherapists and social workers. The evidence showed shortages in DHBs but it was not clear that this extended to the wider

			public health system, rather than being a wages issue [2122-2354 refers]. Health New Zealand has raised some other non-medical roles, including technicians.
Light vehicle motor mechanics	Industry representatives	Only higher-skilled will qualify (further work is ongoing to establish a potential pathway under SMC)	Lower training/entry requirements. Ministry of Transport's information at time of Green List development showed that shortages were acute for diesel motor mechanics only (and these are critical to transport infrastructure). Insufficient evidence that attraction mechanism needed for all mechanics.
Truck drivers	Industry representatives	Most will not qualify (ANZSCO level 4 role, so must earn 1.5 x median wage)	Lower training/entry requirements. Truck drivers had a pathway to residence via work to residence, before the wage threshold was significantly increased (in 2019).
Accountants (chartered and non-chartered)	Industry representatives	Most will qualify. Most will be eligible after 1-3 years working in NZ	Did not meet nationally significant criterion. Roughly equivalent pathway under SMC. Officials are currently working with the national registration body to determine a registration pathway under the SMC. This could provide a faster route to residence for some people working in this occupation under the SMC than already estimated.
Scaffolders	MBIE-identified as high historic numbers	Most will not qualify (ANZSCO level 4 role, so must earn 1.5 x median wage)	Lower training/entry requirements. Identified shortage of scaffolders but was not considered appropriate for Green List due to low entry requirements. Did not meet criteria for construction and infrastructure sector agreement because high proportion above median wage.
Telecommunications technicians	Minister for the Digital Economy and Communications	Only higher-skilled will qualify (will need degree-level qualification or eligible registration or earn 1.5 x median wage)	Immediate workforce gap but insufficient evidence of long-term shortage. Deliberately excluded from construction and infrastructure sector agreement based on advice that future workforce needs will be for higher-skilled, higher-paid workers
Saw doctors	Minister of Agriculture	Only higher-skilled will qualify (unless holds an unrelated degree-level qualification or earn 1.5 x median wage)	Signalled by the Minister of Agriculture as examples of primary sector jobs that could be included at the Green List review. Negligible numbers. Immigration data for the period 2013-2021 indicates that volumes for both temporary and residence visas have been very low (fewer than 10 gained a visa across this period).

Likely eligible for new SMC

23. Teachers (primary and secondary) and chartered accountants both require professional registration. This means that they are intended to be eligible for the new SMC.
24. We are looking at how registration should be treated under the SMC. It is possible teachers will have a one to three year pathway under the new SMC, depending on the individual's qualifications. Officials are currently working with the national registration body for chartered accountants to determine a registration pathway under the SMC. This could provide a faster route to residence for some people working in this occupation under the SMC than already estimated. This could mean these jobs both end up having a roughly equivalent pathway to Green List work to residence.

Most likely ineligible for SMC

25. The groups most affected by the move to a tighter skill threshold under SMC are expected to be those non-professional occupations that do not have a formal qualification or registration requirements (e.g. telecommunications technicians). Higher skilled people within these occupations will be eligible, including where they are highly paid.
26. Those identified on the above list have been raised with MBIE or stand out based on previous migrant numbers, but the SMC review may surface others. There is limited evidence available that these occupations should be included on the Green List. We note that you are meeting with the Minister for the Digital Economy and Communications and telecommunications industry representatives on 9 November.
27. We note that some of these roles have previously seen significant numbers of migrants paid below the median wage, which means that placing them on the Green List may not achieve the intended outcome.

Next steps: Cabinet paper process

28. Once you confirm decisions on the occupations you wish to include on the Green List, officials will prepare a brief Cabinet paper.
29. The below plan allows for one week of agency consultation. Depending on the decisions you take, we intend to consult briefly with the Ministry of Health, Te Whatu Ora, the Ministry of Transport, the Ministry of Education, the Ministry for Primary Industries, and Digital Policy within MBIE. Our approach would be to inform other affected agencies that this paper was being prepared, but not include options for further additions beyond those you identify. We do not intend to consult with other stakeholders due to the timeframes, including industry and union representatives.
30. If you wish to include bus drivers, further policy decisions will be required on wage thresholds, experience requirements and residence settings. Similarly for the other occupations, we will need to identify appropriate ANZSCO codes and registration requirements where applicable. There is insufficient time to fully consult industry stakeholders on the proposed settings if you want to take your decisions to Cabinet in 2022.
31. Due to the timeframe for taking this to Cabinet in 2022, there will be limited analysis and we are unlikely to be able to source third-party data. If you decide to progress these occupations to Cabinet now, this would replace the report back intended for February 2023.

	Less consultation	More consultation (but Cabinet decision may be pushed out to 2023)
Your decisions	11 November	11 November
Draft Cabinet paper to you	18 November	25 November
Ministerial consultation	21 – 28 November	28 November- 5 December
Final paper to you	29 November (lodgement 1 Dec)	6 December (lodgement 8 Dec)
DEV	7 December	14 December
Cabinet	12 December	19 December

32. We will work through implementation timeframes with Immigration New Zealand once you have made decisions to progress these changes and include indicative timeframes in the Cabinet paper.

Annexes

Annex One: Current Green List roles

Annex One: current Green List roles

Tier 1: straight to residence

Occupational Group	Occupation <i>Occupations are listed by ANZSCO (Australian and New Zealand Standard Classification of Occupations) code</i>
Construction	Construction Project Manager (133111)
Construction	Project Builder (including Building Project Manager and Site Foreman) (133112)
Construction	Quantity Surveyor (233213)
Construction	Surveyor (232212)
Engineering	Chemical Engineer (233111), Materials Engineer (233112), Civil Engineer (233211), Geotechnical Engineer (233212), Structural Engineer (233214), Electrical Engineer (233311), Electronics Engineer (233411), Environmental Engineer (233915), Industrial Engineer (233511), Mechanical Engineer (233512), Production or Plant Engineer (233513), Engineering Professionals nec (233999)
Engineering	Civil Engineering Technician (312212)
Engineering	Electrical Engineering Technician (312312)
Engineering	Electronic Engineering Technician (312412)
Engineering	Telecommunications Engineer (263311), Telecommunications Network Engineer (263312)
Health and Social Services	Medical Doctors / Practitioners- all occupations included in ANZSCO minor group (253)
Health and Social Services	Medical Laboratory Scientist (234611)
Health and Social Services	Clinical Psychologist (272311)
Health and Social Services	Educational Psychologist (272312)
Health and Social Services	Organisational Psychologist (272313)
Health and Social Services	Psychotherapist (272314),
Health and Social Services	Psychologists nec (272399)
Health and Social Services	Physicist (Medical) (234914)
Health and Social Services	Orthoptist (251412)
Health and Social Services	Veterinarian (234711)

Other: (Primary Industries, Science)	Other Spatial Scientist (232214)
Other: (Primary Industries, Science)	Environmental Research Scientist (234313)
Other: (Primary Industries, Science)	Food Technologist (234212)
ICT, Electronics and Telecommunications	Chief Information Officer (135111), ICT Project Manager (135112), ICT Managers nec (135199), Analyst Programmer (261311), Developer Programmer (261312), Software Engineer (261313), Software Tester (261314), ICT Security Specialist (262112), Software and Applications Programmers nec (261399)
ICT, Electronics and Telecommunications	Multimedia Specialist (261211)

Tier 2: work to residence

Occupational Group	Occupation
	<i>Occupations are listed by ANZSCO (Australian and New Zealand Standard Classification of Occupations) code</i>
Health and Social Services	Anaesthetic Technician (311211)
Health and Social Services	Medical Diagnostic (Medical Imaging Technologist) (251211)
Health and Social Services	Medical Laboratory Technician (311213)
Health and Social Services	Medical Radiation Therapist (251212)
Health and Social Services	Occupational Therapist (252411)
Health and Social Services	Sonographer (251214)
Health and Social Services	Podiatrist (252611)
Health and Social Services	Audiologist (252711)
Health and Social Services	Registered Nurse (Aged Care) (254412), Registered Nurse (Child and Family Health) (254413), Registered Nurse (Community Health) (254414), Registered Nurse (Critical Care and Emergency) (254415), Registered Nurse (Developmental Disability) (254416), Registered Nurse (Disability and Rehabilitation) (254417), Registered Nurse (Medical) (254418), Registered Nurse (Medical Practice) (254421), Registered Nurse (Mental Health) (254422), Registered Nurse (Perioperative) (254423), Registered Nurse (Surgical) (254424), Registered Nurse (Paediatrics) (254425), Registered Nurses nec (254499)
Health and Social Services	Midwife (254111)
Health and Social Services	Secondary School Teacher (241411) – Science, Mathematics, Technology, Pacific Languages
Health and Social Services	Early Childhood (Pre-primary School) Teacher – registered (241111)

Trades	Automotive Electrician (321111)
Trades	Diesel Motor Mechanic (including Heavy Vehicle Inspector) (321212)
Trades	Electrician (General) (341111)
Trades	Plumber (General) (334111)
Agriculture	Dairy Cattle Farmer (Dairy Cattle Farm Manager) (121313) including Dairy Farm Manager, Assistant Dairy Farm Manager and Dairy Herd Manager