

## Submitter information

Please provide your name and phone number, and preferred email address for contact if it is different from the one used to send this form:

s 9(2)(g)(i), s 9(2)(a)

In what capacity are you providing feedback?

e.g. on behalf of: your company, the company you work for, an industry organisation, a union, a licensed immigration adviser etc.

On behalf of my law firm. We provide immigration advice.

If you are representing a company or group, what is the name of that group?

Sharp Tudhope Lawyers

What industry or industries does that group work in?

Legal services.

In your company or industry, what are the most common occupations for migrant workers?

There is no common occupation. We provide immigration advice.

What visa categories are commonly used by those workers?

i.e. resident visa, Essential Skills work visa, Work-to-Residence work visa (under the Talent or Long Term Skill Shortage List categories), Post-Study work visa (open or employer assisted), open work visa.

**Only answer the following questions if you directly employ migrant workers:**

How many migrant workers do you currently employ? (Refer to the visa categories in the question above)

Have you supported an Essential Skills visa application for any of these workers?

## Using wage or salary information to help determine skill level and access to Essential Skills migrants

*Proposal 1: Introduction of remuneration thresholds to determine skill levels and associated visa conditions for Essential Skills visas*

Consider the proposal of aligning the remuneration thresholds for the Essential Skills visa with the remuneration thresholds for the Skilled Migrant Category.

What impacts or implications do you foresee from defining lower-, mid- and higher-skilled Essential Skills migrants in this way?

Give details of the occupations or sectors and wage or salary levels you are thinking of.

We agree with this proposal.

## Reinforcing the temporary nature of the Essential Skills visa and managing the settlement expectations of temporary migrants

*Proposal 2a: Introduction of a maximum duration for lower-skilled Essential Skills migrants*

Consider the option of a three years for a maximum duration for lower-skilled Essential Skills visas.

What impacts or implications do you foresee from the proposed maximum duration for lower-skilled Essential Skills visa holders?

Give details of the occupations and industries you are thinking of.

We agree with this proposal.

*Proposal 2b: Introduction of stand down period for lower-skilled Essential Skills migrants*

Consider the option for a year-long stand down period following the maximum duration for lower-skilled Essential Skills visas.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

We have concerns about how INZ will treat mid skilled workers at the end of a series of student visa/post study work visa series who may not have quite got enough full time work experience relevant to their qualification to meet residency. We think it would be unfair for them to be stood down from another work visa application where 2-3 more years may be enough to get the work experience required to meet residency requirements. This is particularly relevant in skills shortage areas.

We are also concerned that lower skilled workers will not be able to upskill during their time in New Zealand due to the cost of training. Employers may be unwilling to pay for this training when they know that there is a set time limit on a visa eligibility period. We would like to see a way to encourage employers to pay for this training, and that a broad view is taken on what training would be considered to increase skill level. This is particularly relevant in management training where lower skilled workers will be able to work their way up through team leader/supervisor roles that require skills different to those technical skills they may have had as lower skilled workers.

We would prefer option b, that where a stand down is required, it is to be outside of New Zealand.

*Proposal 3: Require the partners of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right*

Consider the proposal to require the partners of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

We have concerns that this will stop younger workers, or workers from countries where female partners are discouraged from working coming to New Zealand. We are concerned about the impact on families and children where there is no opportunity for the families of lower skilled workers to join them for the period that they are in New Zealand. We would prefer that they are able to come on longer term visitors visas which matches the terms of their partner, with the ability to apply for a work visa in country if they satisfy the labour market test.

*Proposal 4: Require the children of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right*

Consider the proposal to require the children of lower-skilled Essential Skills visa holders to meet the requirements for a visa in their own right.

What impacts or implications do you foresee from these proposed changes?

Give details of the occupations and industries you are thinking of.

We agree that children of essential skills work visa holders should not have the same rights as domestic students, and should satisfy the requirements of a student visa application in their own right.

## Reinforce that Essential Skills visas should only be granted for the period for which the employment is offered

*Proposal 5: Make it explicit how the 'period of employment' condition applies to seasonal work*

Consider the option to reinforce that Essential Skills visas for seasonal work are only for the length of the season and that the offer of employment must match the length of the season.

What impacts or implications do you foresee from these options?

Give details of the occupations or sectors you think are likely to be affected.

We agree with this proposal

Consider the list of seasonal occupations being considered.

Are there any seasonal occupations that should be added or removed from this list? Why?

Tourism and hospitality workers in seasonally impacted tourist venues such as Queenstown and Rotorua

Consider the list of seasonal occupations being considered.

If you employ seasonal staff, or represent a sector with seasonal staff:

- What are the occupations of the seasonal staff within the sector that you are commenting on?
- For each of the occupations that you have identified, what is the typical period that you require seasonal staff to cover (e.g the peak of the season)?

We don't employ seasonal staff