In Confidence

Office of the Minister of Immigration

Chair, Cabinet Economic Development Committee

Changes to the Parent Resident Visa (Parent Category)

Proposal

- 1 This paper seeks Cabinet's agreement to:
 - 1.1 resume the selection of Parent Resident Visa expressions of interest and assessment of new residence applications using the current cap of 2,000 people per year;
 - 1.2 increase the financial and evidential requirements for applicants and their sponsors; and,
 - 1.3 remove the Tier Two stream and the parent resettlement fund eligibility options within the category.

Executive Summary

- Well-managed immigration is essential to our economic and social success as a country. The Government's vision for the immigration system is to improve the wellbeing and living standards of New Zealanders, including through productive, sustainable and inclusive economic growth, by:
 - improving New Zealand's labour market outcomes, including by filling skills and labour shortages and raising overall skill levels;
 - 2.2 encouraging investment and supporting innovation and exports;
 - 2.3 supporting foreign relations objectives and New Zealand's international and humanitarian commitments;
 - 2.4 supporting social inclusion, including through family reunification; and,
 - 2.5 protecting the security of New Zealanders and the border.
- The Parent Resident Visa (referred to as the Parent Category) enables New Zealand citizens and residents to sponsor their parents for permanent residence in New Zealand. This visa is part of the Family Stream of the New Zealand Residence Programme which has both social and economic objectives.¹

¹ The Family Stream's objectives are to: Strengthen families and communities, while reinforcing the Government's overall objectives in immigration instructions; and, Contribute to New Zealand's economic transformation and social development.

- In October 2016, the previous Government announced changes to the New Zealand Residence Programme that included: a temporary suspension of processing for expressions of interest (EOIs) under the Parent Category and a drop in the cap from 5,500 people per year to 2,000.
- EOIs that had already been selected when the suspension was announced have continued to be assessed and this has almost now been completed, resulting in 2,219 parents being granted residence in the 24 months (12 October 2016 11 October 2018) since selections were suspended.² 5,500 EOIs (representing around 9,200 people) are now queued with around 750 having been lodged since selection was suspended. With almost all of the previously selected applications now processed it is timely to consider the next steps for this category.
- The ability of adult migrants to sponsor their parents to join their family unit in New Zealand is recognised as a factor in the attraction and retention of skilled migrants to this country. The presence of parents as part of the family unit is also linked to improved settlement and economic outcomes for their migrant children. On this basis, I propose the category be re-opened.
- While the current policy is generally fit for purpose, its settings need updating. This will align the Parent Category's financial requirements with other residence visas, such as the Skilled Migrant Category, and its sponsorship period to the residency eligibility criteria for New Zealand Superannuation. This will achieve the benefits associated with the Parent Category while helping manage the demand for places and potential longer-term costs of migrant parents to the Government.
- 8 To achieve this, I propose the following:
 - 8.1 Resume selections of EOIs for the Parent Category visa, at the cap of 2,000 people per annum, as a single-tier system by disestablishing the Tier Two sub-category;
 - 8.2 Increase the level of financial requirements to make sure sponsors and parents are able to meet their obligations and enable these requirements to be re-adjusted annually when the income requirements for other residence visas are reviewed:
 - 8.3 Increase the evidential requirements of income for both sponsors and parents, to ensure there is adequate financial support to ensure successful settlement outcomes for parents;
 - 8.4 Abolish the \$500,000 settlement fund option to meet financial eligibility requirements for the Parent Category visa;
 - 8.5 Formalise the relationship between the sponsorship period and the residency requirements for eligibility to New Zealand Superannuation;
 - 8.6 Invite parent migrant applicants with queued EOIs to update their EOIs to the new criteria before they can be considered for selection and refund those people who choose not to re-submit updated EOIs; and,

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² A further 392 individuals were assessed and their application declined during this period.

- 8.7 Direct officials to assess the effectiveness of the EOI system after 12 months and report back with options to retain, improve, or change the EOI system.
- Subject to Cabinet's agreement to the proposals in this paper, I propose to direct Immigration New Zealand (INZ) to invite all people with existing Parent Category EOIs currently with INZ to update their existing EOIs for assessment under the new requirements and to resume selecting new EOIs in the first half of 2019.

Background

- The New Zealand Residence Programme (NZRP) achieves social and economic outcomes that benefit New Zealanders, the New Zealand economy, and the migrants that successfully apply for residence and their families.
- 11 Residence visas allow migrants to live in New Zealand permanently and enjoy the majority of the rights that New Zealand citizens enjoy. Granting residence to migrants allows them to settle permanently in New Zealand with a level of security that enables them to fully contribute to New Zealand society through their work, their businesses and their links within their communities.
- 47,684 migrants were approved for residence in 2016/17 and 37,971 were approved in 2017/18. This is the lowest level since 2001/02 and down from a high of 52,025 residence approvals in 2015/16. Residence approvals are forecast to increase annually to just over 44,000 in the June 2020 year driven mainly by people seeking residence through work opportunities and as partners of New Zealanders.
- Accompanying this paper is a proposal to change the approach to controlling residence numbers and priorities from one based on an overarching planning range and streams structure to one based on managing forecasts of individual resident visa categories (DEV paper New Zealand Residence Programme: New objectives and approach to managing residence numbers refers).
- Annex One provides a summary of papers that I have already taken, or intend to take to Cabinet in the Immigration portfolio. It outlines how they align to my portfolio priorities and the Government's wider economic, labour market, foreign relations and security objectives.

The Parent Category is one of the Family Stream categories within the New Zealand Residence Programme

- 15 The objectives of the Parent Category are to support family connections, in order to:
 - 15.1 progress New Zealand Government economic objectives for immigration; and,
 - 15.2 attract and retain skilled and productive migrants, while also limiting the costs of New Zealand Government benefits.
- The Parent Category enables migrants, who have held a New Zealand residence visa for three years and have demonstrated a commitment to living in New Zealand, an opportunity to reunify their family by bringing their parents to this country to live permanently. This is designed to, and does, attract and retain skilled, high-

contributing migrants by providing a pathway for their parents to be established as part of their family in New Zealand. Responsibility is placed on the sponsoring children to ensure the health and welfare needs of their parent do not impose an unreasonable burden on the New Zealand health and welfare systems.

- 17 The financial stability of arrangements for the sponsored parent/s can be demonstrated by one of three means:
 - 17.1 evidence that the sponsor has sufficient and regular income to support the parent resettlement; or
 - 17.2 evidence that the sponsored parent/s has a sufficient level of guaranteed lifetime income to support their resettlement; or
 - 17.3 evidence that the sponsored parent/s has sufficient funds to enable their settlement and that these funds have been transferred to New Zealand.
- In addition to evidence of financial stability, the sponsoring migrant also commits to ensuring that reasonable provision is made for their parent's health and welfare needs for a period of ten years (the sponsorship period).
- The principle of the Parent Category policy is that, where possible, the costs of migrants bringing their parents to New Zealand are to be borne by the sponsoring migrants and their parents, with the sponsors effectively committing to underwrite any costs that may be incurred for the initial settlement and sponsorship period.
- This approach is consistent with other countries, such as Canada and Australia, which have similar policies that enable migrants' parents to immigrate and also place long-term obligations on sponsoring children to ensure that their parents (and grandparents in the case of Canada) are supported.
- 21 Migrants' parents positively contribute to the family, cultural and economic wellbeing of their children (the sponsors) and their families. Direct contributions can be through parent's support freeing up their migrant children's time to enable them to work by providing child care, caring for sick children, assisting with household and other tasks and by taking up paid employment themselves. There is also an indirect flow-on to businesses, the wider economy and communities through sponsor migrants being more settled, thus enabling them to contribute and be more productive in their work and other activities.

The annual cap on the Parent Category was reduced and new selections were suspended while a review was conducted

Demand for the Parent Category is managed through an Expression of Interest (EOI) system. In October 2016, the previous government announced a reduction in the annual cap of individual visas granted in this category from 5,500 to 2,000 and the suspension of assessment for new EOIs. Enough EOIs had already been selected for assessment to enable INZ to meet the cap in 2016/2017 and 2017/2018 while a review was conducted on whether to re-open the category for new selections and, if so, whether the policy settings effectively managed demand and costs.

INZ has continued to assess the EOIs selected for assessment as at 11 October 2016 and invite applications from qualifying parents. In the 24 month period from that date (ie until 11 October 2018) 2,219 people have been approved under this category. Almost all of the selected EOIs have now been assessed, requiring a decision on whether the category should be re-opened and, if so, under what conditions.

The Parent Category offers benefits to New Zealand

There is evidence that being able to sponsor parents contributes to the wellbeing of sponsoring children and their families resulting in them staying in New Zealand longer

- Approximately two-thirds of sponsors in New Zealand are skilled migrants and access to the Parent Category has been associated with their choice of New Zealand as a destination and in their long-term retention outcomes.
- New Zealand research³ has noted that, for some migrants, the potential to sponsor parents influenced their decision to immigrate to New Zealand and they were unlikely to have come here if their parents had not been able to join them. The New Zealand research found that sponsors benefited from:
 - 25.1 reduced stress from fewer household tasks to be done by sponsors if the parents provided housekeeping and/or cooking help;
 - 25.2 parental advice; and,
 - 25.3 economic gain from parents providing child care, and care for sick children.
- Canadian research has found there were 'considerable social, cultural and other economic benefits of sponsorship to sponsor families'. More specifically, sponsors reported that having their parent in the same country:
 - 26.1 improved their household income, either through direct contributions, or indirectly by caring for children and assuming other household duties to help the sponsor or their partner work more hours or undertake further education;
 - 26.2 were instrumental in helping "grandchildren learn their cultural heritage"; and,
 - 26.3 provided emotional support and contributed to better settlement of the sponsor or their partner.
- Once migrants are here, there is a correlation between the sponsorship of parents and the likelihood of migrants remaining in New Zealand. The number of sponsoring migrants who stay after immigrating (ie who do not return to their home country or move to another) is fifteen to twenty per cent higher than for skilled migrants who do

⁴ Immigration, Refugees and Citizenship Canada, Evaluation Division, 2014, *Evaluation of the Family Reunification Program*. Available from https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/family-reunification-program.html#a3.6.4. The Canadian policies and immigration context are considered sufficiently similar to New Zealand for the findings of this research to be considered relevant to New Zealand.

not sponsor parents. For skilled migrant sponsors who do eventually leave the country, they stay and contribute to the New Zealand labour market, on average, three years longer than migrants who leave that had not sponsored their parents to immigrate.

- There have been anecdotal reports that some sponsoring children have left New Zealand without making adequate provision for their sponsored parent/s resulting in them requiring state assistance. However, officials have not found evidence that this is a widespread or common occurrence.
- A very high proportion of sponsoring children remain in New Zealand after their parents have been approved under the Parent Category. For migrants who have sponsored their parents, the significant majority remain in New Zealand. As at March 2018 82 per cent of migrants that sponsored their parents in the 2007/08 financial year were still in New Zealand as were 92 per cent in of those who sponsored parents in 2016/17.

The decision to re-open the category is a balance between the costs and benefits of enabling parents to join their migrant children

- There are clear economic and social benefits for both migrants and New Zealand as a whole in maintaining access to the Parent Category. The older age bracket of parent migrants, does however carry with it potential fiscal costs to New Zealand. While research suggests that these costs are in line with aging New Zealanders, they are additional because if the parent had not been granted residence, the costs would not have been incurred.
- 31 Because of this, the Parent Category is designed to minimise the costs of parent migrants to the Crown with requirements in place to ensure sponsors are able to meet their obligations to support their parents.
- Sponsoring children must have been a resident or citizen of New Zealand for at least three years before they can sponsor their parents. Sponsors are responsible for the reasonable maintenance (living), accommodation and repatriation (if there are any) costs for their parents for ten years. Sponsors sign an undertaking to meet these obligations and any costs incurred by the Crown can be recovered from them. For example, if a parent migrant finds themselves impoverished and accesses an emergency benefit before they become entitled to main benefit assistance under the New Zealand welfare system, these costs can be sought from their sponsors.
- The key fiscal risks for the Crown lie in the potential for migrant parents to access publicly-funded healthcare services and superannuation payments, once they qualify, for the remainder of their lives while they are in New Zealand. These costs may be disproportionate to the parents' length of residence in New Zealand and, for health and aged care, are likely to increase as parent's age.

6

⁵ Stuff, Dec 2014, *Elderly migrant parents abandoned to isolation*, https://www.stuff.co.nz/national/63925002/Elderly-migrant-parents-abandoned-to-isolation; NZ Herald, May 2016, *Concern as more older migrants are left alone*, https://www.nzherald.co.nz/nz/news/article.cfm?c id=1&objectid=11635692

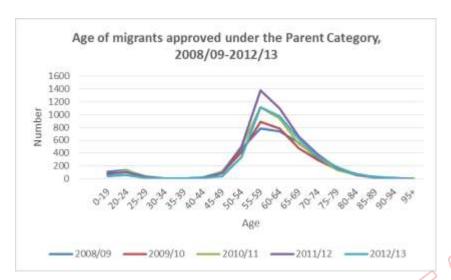
Once resident, parents are able to access the New Zealand public health system

- The Minister of Health's Health and Disability Services Eligibility Direction 2011 (the Direction) provides that a person who holds "a residence class visa" is eligible to access publicly-funded health care, including rest home care.
- The option of requiring parents to have health insurance or insurance companies developing insurance products for older migrant parents to help mitigate the potential healthcare costs to the Government has been discussed with the insurance industry. Feedback was that parents' older age and likely health conditions would preclude them from accessing comprehensive health insurance. Considerations around the practicality of this approach include the often significant costs of premiums for policy holders as they age, and the potential difficulty of arranging cover for pre-existing conditions.
- This approach would also require Government to set minimum requirements for the level and extent of insurance cover and establish a mechanism to ensure that the cover is maintained for the duration of the sponsorship period. I consider that this requirement is too unwieldy to be practicable and that the existing health checks required before sponsored parents are granted residency, coupled with maintaining the reduced cap of 2,000 persons per year, provide a sufficient mitigation for the management of foreseeable health costs associated with sponsored parents.

Sponsored parents can become eligible for New Zealand superannuation after ten years of residence

- Resident visa holders are eligible for superannuation if they have lived in New Zealand for at least ten years, five of which are after the age of 50, and they meet the eligibility age of 65 years. This is effectively a ten-year stand-down period. All Parent Category migrants are, therefore, entitled to receive superannuation once they meet these criteria.
- The concern with Parent Category migrants receiving superannuation is that their older age means they are likely to meet the age eligibility criteria sooner than other migrants, imposing more immediate costs on the taxpayer and without necessarily having made a contribution towards the fund through tax.
- The number of Parent Category migrants receiving superannuation in New Zealand is unknown. The figure overleaf shows the age distribution of parent visa recipients and provides an indication of how long some migrant parents might need to live in New Zealand before they become eligible for superannuation⁶:

⁶ Sapere Research Group, May 2017 - Based on two cohorts of parent migrants who arrived in New Zealand in the year to November 2011 and the year to June 2013



- 40 Uptake of New Zealand superannuation is likely to be lower than approval numbers under the Parent Category for three reasons, and the cost of providing New Zealand Superannuation is likely to be lower on average than for other superannuitants. Firstly, not all parents remain in New Zealand for the ten year residence period to receive superannuation. Secondly, a number of parents approved (over a five-year period) are younger than 55, so will take longer than ten years to become eligible. Thirdly, some parents are supported by pensions from their home countries.
- A1 Reciprocal social security agreements exist between New Zealand and a number of other countries. The agreements allow individuals to count time in overseas jurisdictions towards the residency requirements for New Zealand Superannuation eligibility. At the same time, the agreements help parent migrants to receive their overseas superannuation entitlement while living in New Zealand, which effectively subsidises any New Zealand Superannuation they are eligible to receive. Their Zealand superannuation payment is abated dollar for dollar against their overseas pension income⁸, or their overseas pension is paid directly to the Ministry of Social Development and the parent receives the New Zealand Superannuation payment in full.

Changes made to the Parent Category in 2012 have significantly reduced costs incurred by some parents and increased economic benefits to New Zealand

- 42 Changes introduced in 2012 were aimed at better controlling costs and included higher income requirements for sponsors under Parent (Tier One) and tightening of migrant's access to benefits. A review of the Parent Category, undertaken by MBIE and the Ministry of Social Development in 2017, found the 2012 policy changes appear to have achieved their intended economic outcomes, as demonstrated by:
 - 42.1 almost eliminating Parent Category migrants accessing benefits for parents arriving after 2012/13, only one per cent accessed the unemployment benefit

⁷ New Zealand does not have reciprocal superannuation agreements with China or India, the countries largely represented by Parent Category applications. This means that parents from these countries are unable to reduce the number of years residence required for eligibility to New Zealand superannuation unless they have previously been normally resident in New Zealand for a period of time (for example under a temporary work visa).

⁸ This applies to government administered benefits and pensions paid by the overseas jurisdiction but not income from private superannuation savings

- or accommodation supplement during their first two years in New Zealand; and.
- 42.2 an increase in the proportion of sponsors earning above \$60,000 per annum the review found that mean and median incomes for sponsors whose parents arrived in 2012/13 were \$67,569 and \$63,309, compared with \$48,204 and \$45,436 for those whose parents arrived in 2010/11. Almost 14 per cent of sponsors in 2012/13 were earning over \$100,000.

I propose to re-open selections for the Parent Category with some structural changes and enhanced financial and evidentiary requirements for sponsors and parents

I consider the benefits outweigh the costs of the category and propose re-opening it at a cap of 2,000 places and strengthening the financial requirements for sponsors and parents to ensure they are able to meet their obligations. I also propose making changes to the EOI structure and updating policy settings so that financial and sponsorship requirements are formally linked and indexed to benchmarks. A summary of these proposals is appended as Annex Two.

A single tier EOI process

- The current EOI system was introduced in 2012 and operates on two tiers. Tier One has higher income threshold requirements for sponsoring parents and EOIs in this tier are prioritised. Tier Two has lower financial requirements for sponsors. Because of demand in Tier One almost no EOIs from Tier Two have ever been selected or assessed.
- I propose removing Tier Two and moving to a single level EOI process. This will standardise the eligibility requirements for access to this visa category and remove a track that is unlikely to result in a successful application.

Updated and indexed financial requirements for migrants and some sponsors

- It is important that the financial requirement thresholds continue to enable New Zealand to attract and retain skilled migrants who are interested in sponsoring their parents, while also addressing demand for places and mitigating the risk that migrant parent's access publicly-funded benefits and support during the sponsorship period.
- Some of the financial criteria for the Parent Category visa have not been updated since 2012. Since then, the median income from wages and salaries has increased by just over 23 per cent. The financial requirements should be updated to better reflect current living costs and be consistent with other residence categories.
- I propose that the financial thresholds for applicants and sponsors where the application is based on sponsor income are increased and indexed to future changes in the benchmarks noted in the Table One overleaf. This will ensure that either the parents arriving under this category or their sponsoring children have sufficient finances to cover their likely expenses during the ten-year sponsorship period.

Sponsor/applicant (current requirement)	Proposed New Benchmark	Dollar value at the time of this briefing
Financial eligibility is based on the income of the sponsor	1.5x the median income from wages or salary (FTE from main job)	\$36.44 per hour pre tax (equivalent to \$75,795.20
(Income from one sponsor) Currently: income from one sponsor (or their partner) of \$65,000 p.a. pre tax	Same as the 'highly skilled' threshold under Skilled Migrant Category	p.a. for a 40-hour week)
Financial eligibility is based on the income of joint sponsors Joint income from one sponsor and their partner/spouse (if partner also meets 3 years residence/citizenship requirement) Currently: joint income of \$90,000 p.a. pre tax	2.0x the median income from wages or salary (FTE from main job) Same as the 'highly paid' threshold under Skilled Migrant Category	\$48.58 per hour pre tax (equivalent to \$101,046.40 p.a. for a 40- hour week)
Financial eligibility is based on guaranteed lifetime income of the applicant/s Currently: Single – income of NZ\$28,166 p.a. Couple – income of NZ\$41,494 p.a.	O.6x the median income from wages or salary (single) or 0.85x median income for wages or salary (couple) (Indexes this income to the median income)	Single: \$582.96 per week (equivalent to \$30,314 p.a.) Couple: \$825.86 per week (equivalent to \$42,945 p.a.)
Financial eligibility is based on the settlement funds of the applicant/s Currently: Funds or convertible assets with a minimum value of NZ\$500,000	Abolish this option	N/A

Table One: Proposed financial eligibility options for the Parent Category

Introducing indexing of the financial requirements will provide a mechanism to ensure the financial eligibility criteria are regularly updated to remain current with future changes to wages, salaries and living costs.

Updated evidential requirements for sponsors' income

- There is currently no specified time period for which the sponsor's income must be assessed at the threshold level. Immigration instructions specify that the income must be from sustained paid employment, regular self-employment and/or regular investment income. The sustained/regular test is generally considered to be met if the sponsor provides evidence of the income threshold being met for the previous three months.
- I propose that sponsor's income must be at the threshold level for two out of the three years immediately preceding the application date. This would enable sponsors to demonstrate over multiple years that they have a stable, consistent income that is sufficient to support their parents over the duration of the sponsorship period. It also provides more flexibility for sponsors by enabling them the option to meet the two-year income requirement over multiple years which would allow for labour market breaks or life changes, (eg to have children, to study, for job changes or redundancy).
- This approach would help deter sponsors from temporarily working extra hours or multiple low-skilled jobs in order to meet the threshold in the very short term prior to applying. This better targets higher skilled migrants as potential sponsors, who are more likely to have medium- or long-term employment or income earning options in place.

- I propose using Inland Revenue tax statements as evidence of income as there are risks in using gross, rather than net income when assessing investment income to meet the income threshold, particularly if the investment is not generating sufficient or any immediate net returns (e.g. mortgaged rental property). Income, particularly investment income, should only be used if INZ is satisfied the net investment returns will be available to support the sponsor's financial undertakings. Inland Revenue tax statements show net income which mitigates the risk that gross investment income is misrepresented.
- Requiring proof of income through tax statements is also consistent with the requirements in other countries.
- The key risk is that this proposal does not fully address the issue of demonstrating employment longevity or stability of income, say over multiple years, so some migrants may still be prepared to temporarily increase their income for one year to meet the new thresholds. There may also be cases where skilled, highly-paid potential sponsors have taken longer breaks from work and would not meet this requirement. My view is that this would reduce some of the unmet demand for these visas as these sponsors would need to wait until they meet the income requirements to ensure that they can cover the costs of their parents immigrating.

No changes to evidential requirements for applicant's income

No change is proposed to the current evidence required for applicants guaranteed lifetime income as the existing processes are considered sufficient to provide a level of certainty about the validity and sustainability of the income source.

Abolish the Settlement Fund option

- I propose to abolish the Settlement Fund option within the financial eligibility criteria for the Parent Category. Approximately ten per cent of Parent Category applicants use the Settlement Fund option.
- This setting does not provide a robust mechanism for guaranteeing the long-term financial stability of the applicant's settlement. The existing Parent Retirement Visa Category provides a residence option for Parent Category applicants wishing to use lump sum capital as evidence of their financial security to settle in New Zealand.
- The existence of settlement funds does not provide a guarantee that they will be invested or managed in a way that ensures a stable settlement outcome for the applicant in the long term. The settlement fund amount of \$500,000, with no other guaranteed form of income requirement, is low as the primary financial resource for an individual or couple settling in a new country for the remainder of their lives. I also note that the Parent Retirement Category provides a residence path based on a combination of a minimum investment of \$1 million in New Zealand for at least four years and settlement funds of \$500,000, thus providing a stronger guarantee of positive long-term settlement outcomes for migrating parents.

11

⁹ For example: Canada – Notice of assessment required from the Canada Revenue Agency for each of the three taxation years that immediately precede the date of application; and, Australia - Pass an income test for the current and previous financial years as part of the application for an Assurance of Support.

No change to residency requirements for sponsors

- I consider the three-year residency requirement for a migrant to become eligible to sponsor their parent to be sufficient to establish their commitment to New Zealand and intention to settle here in the longer-term.
- For this reason I do not propose extending the residence requirement for sponsorship, or introducing a requirement that the sponsor must hold New Zealand citizenship. In addition to having the effect of requiring a five year residency period to qualify for citizenship, changing residency requirements has the potential to make New Zealand less attractive for migrants considering settling their parents here as no other comparable jurisdiction (Canada, Australia, the United States, or United Kingdom) has this requirement.
- Changing residency requirements would also have implications for the Trans –
 Tasman agreement which enables Australian permanent residents and citizens living in New Zealand to sponsor their parents who are non-Australian nationals to live with them in New Zealand. Additionally, this would require citizens of jurisdictions that do not permit dual citizenship to renounce that citizenship in order to reunite their family.

Formally aligning the sponsorship period with the New Zealand Superannuation residency eligibility requirements

- The Parent Category sponsorship period of ten years currently aligns with the ten years required to meet the residency requirement for New Zealand Superannuation (not taking into consideration that five years of that must be resident in New Zealand over age 50).
- Because of reciprocal superannuation arrangements between New Zealand and a number of overseas jurisdictions (discussed in paragraph 42), and the ability to count any time spent previously resident in New Zealand, a number of parents meet the residency eligibility requirements for New Zealand Superannuation in less than ten years. For the purpose of clarity, I propose formalising the relationship between the sponsorship period and the residency requirement for eligibility to receive New Zealand Superannuation. This means that that the sponsorship period is the same length as the residence eligibility requirement for New Zealand Superannuation and the sponsorship period cannot be reduced on the basis that the applicant may become eligible for New Zealand superannuation in a shorter period of time.¹⁰
- Formally aligning the sponsorship period with the residence eligibility requirement for New Zealand Superannuation will ensure there is no gap between the point at which the sponsor's responsibilities for their parent formally ends and the point at which eligibility for New Zealand Superannuation is reached. I believe this will mitigate the likelihood of Parents accessing main benefit assistance before becoming eligible to receive New Zealand Superannuation.

66	Constitutional conventions

¹⁰ In practice, this means that an applicant from a jurisdiction with a reciprocal agreement, or who has been previously resident in New Zealand, may qualify for, and receive, New Zealand Superannuation during the period of their sponsorship.

Constitutional conventions					
67	Constitutional conventions				

The current Parent Category cap is appropriate but the EOI system needs to manage demand more effectively

- I propose that the current cap of 2,000 people per year remains unchanged.
- New objectives proposed for the New Zealand Residence Programme, discussed in my companion paper¹¹, focus on prioritising the contribution of skilled and business migrants while allowing New Zealanders to live in New Zealand with their family. Within family residence categories, partners and children are prioritised over parents. High demand for the Parent Category is managed through the cap on numbers. Demand for visas under all family categories continues to grow and, because of the fiscal risks associated with aging parents, it is appropriate to continue to control numbers under the Parent Category.
- The annual cap of 2,000 offers a balance between controlling Parent Category numbers and keeping the residence pathway for parents of skilled migrants sufficiently open and continuing to have value in attracting and retaining skilled migrants to New Zealand.

Once the proposed changes have taken effect, the existing EOI system structure needs monitoring to ensure that it can manage the number of EOIs being submitted

- With an annual cap of 2,000 people, there are enough EOIs already in the system for around four years' worth of applications. While that number will likely reduce with the updated financial requirements and removal of Tier Two, there is likely to be a surge of initial interest from migrants who have waited for selections to resume. Longer term, the queue of EOIs is likely to continue to grow at a faster rate than can be processed under the cap each year and could become unmanageable for INZ.
- Should Cabinet agree to the proposals in this paper, officials will monitor the effects the changes have on managing the EOI queue and report back to me in 2019. If demand causes issues for managing the queue, further work will be necessary to investigate how the EOI system needs to be structured to best manage the high demand and the lower annual cap.

Implementing the proposed changes

73 INZ will contact each person with a Parent Category EOI lodged and their sponsors to advise them of the proposed changes to the system and it will notify the public through its website.

¹¹ New Zealand Residence Programme: New objectives and approach to managing residence numbers.

- Parents in both the existing Tier One and Tier Two categories will be invited to reconsider their eligibility against the new requirements and to decide whether to continue with their application, update their application against the new criteria or withdraw.
- If the parents choose to continue with or update their EOI, their position in the EOI queue would be unaffected and the date of their original submission would be retained. Parents in Tier Two who resubmit their EOI under the new criteria would be placed in the queue based on the date of their original submission.
- The proposed changes in this paper will not affect pre-11 October 2016 applicants, whose EOIs have already been selected and whose visa applications are being considered.

Fees are to be refunded to all people who withdraw their EOI under the new criteria

- I propose that INZ refunds the fee¹² charged to each potential applicant who chooses to withdraw their EOI.
- For parents in Tier Two, whose circumstances may meet the revised Tier One criteria, the current instructions enable them to update their EOI for a Parent Category visa under Tier One with the original submission date for their Tier Two EOI still applying. This means that changing tiers would not disadvantage these people in terms of when their EOIs could be selected.
- 79 It is estimated that about ten per cent of people with existing Tier One EOIs lodged may no longer meet the selection criteria and may choose to withdraw. The estimated cost of refunding fees to people in Tier One would be \$221,980 in total. If all people in Tier Two were to withdraw, the total amount to be refunded to them equates to \$209,440.

INZ is likely to only approve visas for around 400 people in 2018/19, and continue with 2,000 people per annum from 2019/20 onward

- Parent Category applications take a long time to process. Applicants in this stream are not high users of immigration advisors and they have up to four months to lodge their residence applications after an invitation to apply has been sent. Around sixty per cent of applications take eight months to finalise once received, because of processes required to obtain multiple medical referrals and security checks.¹³
- Because of the long lead and processing times involved, it is not operationally feasible for INZ to approve a high number of people under the Parent Category (within a twelve month period) if selections from the EOI pool are not drawn at or near the beginning of a reporting year, as would be the case for 2018/19.

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¹² The Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, Schedule 4 specify \$345 for each EOI submitted online or \$440 for each EOI submitted on paper. This fee covers covered EOI selection, assessment and invitation costs. All EOIs submitted under the Parent category are paper applications, no current EOIs have been submitted online.

online. ¹³ At least 25 per cent of applicants require New Zealand national security checks.

For this reason, INZ estimates that visas for around 400 people will be approved in 2018/19.¹⁴ From 2019/20 onwards, it will be able to process 2,000 people per year.

EOI selections for new applicants will likely resume in early 2019

- Once the proposed changes are agreed and in place, all EOIs that have been updated will be assessed against the new financial and evidentiary requirements. This will have no effect on the current priority for EOIs for those people who choose to update their applications.
- Immigration instructions will be updated to reflect the new requirements after which INZ can start selecting new EOIs to assess and issue new invitations to apply, most likely in early 2019.

Consultation

The Ministries of Social Development and Health, the Ministries for Pacific Peoples and Women, the Office for Seniors, Te Puni Kōkiri and The Treasury were consulted on this paper. The Department of the Prime Minister and Cabinet was consulted.

Financial Implications

- The proposed changes do not have any financial implications for existing Crown appropriations.
- INZ will need to refund the fees held for people who are affected by closing Tier Two and for those who do not meet the new Tier One criteria who choose not to update their EOI applications. It is estimated that these refunds could be around \$431,420 in total. As the fee income has been recognised as revenue in previous years, any refunds will see a reduction in INZ's revenue in the current year. Refunding these fees will not incur additional fiscal costs to INZ as no service has been provided in processing applications although processing refunds will require some resources to be re-deployed.
- Re-opening selections for the Parent Category, managing new EOIs and processing 2,000 people per year will have an operational impact on INZ. This will require nine full-time Immigration Officers, technical and verification advisors to process EOIs and applications. This is more resource than is currently in place so staff will need to be re-allocated from other functions or new staff employed. These additional costs will be met by the EOI and application processing fees currently held for queued EOIs and from any new EOIs received.

Legislative Implications

The proposed changes do not have any legislative implications.

¹⁴ 209 people have been approved so far in 2018/19, with 211 applications (approx. 400+ people) currently on-hand. INZ envisions that there will be lower approval rates for the on-hand residual cases, mainly for medical reasons.

I will authorise some minor technical changes to the immigration instructions, under section 22 of the Immigration Act 2009, to operationalise the proposals in this paper.

Impact Analysis

The Regulatory Impact Analysis requirements do not apply to the proposals in this paper as the introduction of new legislation or amendment to existing legislation or regulations is not required. As noted above, I will authorise changes to the immigration instructions to give the proposals effect.

Human Rights

The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Gender Implications

There are no gender implications arising from the proposals in this paper.

Disability perspective

There are no implications from a disability perspective arising from the proposals in this paper.

Publicity

Subject to Cabinet agreeing to these changes, I intend to issue a press release announcing the details of the proposals in this paper. This release will include advice and information for people who have submitted EOIs on what to expect to receive from INZ and what they are required to do next.

Proactive Release

Intend to proactively release a copy of this Cabinet paper under the Official Information Act 1982, with appropriate redactions, at the same time that I issue a press release announcing the details of these changes.

Recommendations

The Minister of Immigration recommends that the Committee:

- 1 **Note** that the Parent Category Resident Visa:
 - 1.1 allows New Zealand residents and citizens to sponsor their migrant parents for residence in New Zealand, subject to financial requirements and a 10-year undertaking to cover their parents' accommodation and living costs;
 - 1.2 is capped at a maximum of 2,000 people per year, with demand managed through a two-tier expression of interest system where Tier One expressions of interest are selected first to apply for residence visas on a first-in, first-served basis; and

- 1.3 is temporarily closed, with no new expressions of interest having been selected for processing since October 2016;
- Agree to resume selections of Parent Category Expressions of Interest (EOIs) to enable new residence visas to be granted up to the current numerical cap of 2,000 people in any one financial year;
- 3 **Agree** to amend the Parent Category's policy settings as follows:
 - 3.1 Dis-establish the Tier Two sub-category;
 - 3.2 Increase and index the benchmarked financial requirements for the Parent Category to the following levels;

Sponsor/applicant requirement	Benchmark	Dollar value at the time of this briefing
Income from one sponsor	Indexed to 1.5x the median income from wages or salary (FTE from main job)	\$36.44 per hour (equivalent to \$75,795.20 p.a. for a 40-hour week)
Joint income from one sponsor and their partner/spouse (if partner also meets 3 years residence/citizenship requirement)	Indexed to 2.0x the median income from wages or salary (FTE from main job)	\$48.58 per hour (equivalent to \$101,046.40 p.a. for a 40-hour week)
Guaranteed lifetime income of the applicant/s	Indexed to 0.6x the median income from wages or salary (single) or 0.85x median income for wages or salary (couple)	Single: \$582.96 per week (equivalent to \$30,314 p.a.) Couple: \$825.86 per week (equivalent to \$42,945 p.a.)

- 3.3 Abolish the settlement fund financial eligibility criteria;
- 3.4 Require sponsors to provide evidence of their annual income through Inland Revenue tax statements;
- 3.5 Require sponsors to demonstrate that they meet the income criteria for two out of the three years prior to submitting their EOI to demonstrate they have the means to support their parents; and,
- 3.6 Formally link the duration of the sponsorship period at the total number of years required for the residence eligibility criteria for New Zealand Superannuation (excluding the requirement that five of those years be while the parent is over 50 years of age) regardless of whether the applicant may meet the New Zealand Superannuation eligibility requirements in a shorter period of time;
- 4 **Agree** to the following implementation settings for the proposed changes:
 - 4.1 The increased financial and evidential requirements will apply to all parent migrant applicants who have already lodged an expression of interest as well as any new applicants;

- 4.2 All people with Parent Category expressions of interest will be invited to update their expressions of interest to show they meet the new criteria before their expression of interest is considered for selection;
- 4.3 All people, including those in Tier Two, who update expressions of interest, will retain their original submission date and their place in the queue for selection:
- 4.4 EOI processing fees paid by people from both Tier One and Tier Two, who choose to withdraw an expression of interest, will be refunded in full; and,
- 4.5 EOIs that are updated and processed will have the full fee applied, whether people are invited to apply for a Parent Category visa or not;
- Invite the Minister of Immigration to direct the Ministry of Business, Innovation and Employment to:
 - 5.1 communicate the changes outlined in this paper directly to those affected by the change and invite them to update their EOIs to the new criteria and resubmit them to await selection;
 - 5.2 resume selections of updated Parent Category expressions of interest as soon as the operational systems are in place and no later than 30 June 2019; and,
 - 5.3 monitor the effects that these changes have on managing demand for Parent Category visas and report back to the Minister before the end of 2019 on whether any further changes are required to the EOI system to better manage demand; and,
- Note that Immigration New Zealand are only likely to approve visas for around 400 people in 2018/19 because of the time lag between selecting new expressions of interest, when applications are lodged once selected, and the assessment timeframes for approval decisions, and then 2,000 people per year from 2019/20 onwards.

Authorised for lodgement

Hon Iain Lees-Galloway Minister of Immigration

Annex One: Summary of progress in the Immigration Portfolio (A3)



Summary of Progress in the Immigration Portfolio

The Government's vision is to: Build an economy that is growing and working for all of us; Improve the wellbeing of New Zealanders and their families; and, Make New Zealand proud. The immigration system supports this vision by:

Improving New Zealand's labour market outcomes, including helping regions get the skilled workers they

need and reducing migrant exploitation

Encouraging investment and supporting innovation and exports Supporting foreign relations objectives and New Zealand's international and humanitarian commitments

Supporting social inclusion, including through family reunification

Protecting the security of New Zealanders and the border

The key priorities for the Future of Work Ministerial group are:

- Better aligning and co-ordinating policies, systems and processes across the immigration, workplace relations and safety, income support, education, and employment portfolios to get more New Zealanders into work, with a particular focus on improving labour market outcomes for priority groups
- Supporting the transformation of the New Zealand economy from low skill/wage jobs towards high skill/wage jobs, and (as part of this)
- Helping workers and firms anticipate and constructively respond to the impact of technology change on jobs and skill requirements, including those workers at the highest risk of job displacement and those facing mid-career transitions



Changes to

immigration settings

for international

students

Seeks agreement on

proposed changes to

study work visas to

restrict access to post-

higher qualified former

international students

and tighten access to

members of students

work and student

visas for family

Tackle the exploitation of migrants, particularly of international students and including by streamlining trans-Tasman travel and working together to counter people smuggling and trafficking of persons in the region

Supporting the rules-based international system and increasing New Zealand's overseas development contribution and improving responses to global emergencies and issues

Other Government priorities with implications for immigration include:

deeper partnerships and adopting principles of engagement based on mutual

understanding, friendship, mutual benefit, collective ambition, and sustainability

Refreshing New Zealand's approach to the Pacific islands region, including developing

Deepening cooperation with Australia to enhance New Zealand's security and prosperity,



portfolio

priorities

Government

Priorities

Vision

Better match the skills New Zealand needs with the skills New Zealand gets and ensure that the immigration, education and welfare systems work together to improve labour market outcomes for New Zealanders*

*below are the first steps of immigration's contribution to wider work to better align labour market systems and to address skill and labour shortages that is underway

temporary workers

Establishing a policy

review into

temporary migrant

worker exploitation

To seek agreement to

establish an internal

policy review into

temporary migrant

worker exploitation

students) to make

mitigate migrant

vulnerability and

reduce exploitation

recommendations to

(including international



approach to **Pacific migration** issues

Pacific migration

Review

Seeks agreement to

immigration policy

work programme

from 2018-2020 for

Pacific immigration

a proposed

policies

Increasing the **Annual Refugee**

Changes to Refugee Quota

Seeks Cabinet agreement to increase the annual Refugee Quota to 1.500 by June 2020, and to the funding required to implement the increase

Quota to 1.500

Places

Increase in number of permanent residence visas granted (by 500 annually)

Setting the next 3 year Refugee Quota programme

Seeks Cabinet Seeks agreement to agreement to introduce an proposals on the international regional allocation and distribution of subcategories of the Refugee Quota for 2019/20-2021/22 years. free

Electronic Travel Authorisation (ETA), which would be mandatory for most people who currently travel to or transit New Zealand visa

An estimated 1.3

visitors per annum

would be required to

million visa free

hold an ETA

Proposal to develop

an Electronic Travel

Authorisation

(Statistics New Zealand has developed new not depend on

papers

Seek agreement to consult on a set of Upcoming proposals to:

 improve the employer-assisted temporary work visa system, and

A new approach to

employer-assisted

work visas and

regional workforce

planning

ensure better connections between the immigration, education/skills and welfare systems

Would make it more difficult to employ low Expected skilled migrants where impacts New Zealanders are available and easier to recruit higher-skilled migrants

Visa approvals

Due to DEV in Status / December 2018

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Changes to immigration settings to support the KiwiBuild programme

Sets out the key elements of an immigration package to support KiwiBuild, the Construction Skills Strategy, and the wider construction sector

Would target more facilitative visa settings at construction occupations whilst ensuring better labour market outcomes for the

domestic construction

Visa approvals

workforce

Cabinet decisions Due to DEV in taken 28 May 2018 December 2018. and 17 September 2018.

New Zealand Residence **Programme**

Seeks agreement to the next iteration of the New Zealand Residence Programme, which sets out who gets residence in New Zealand

Includes decisions on the future of the NZRP Parent Category

Unknown - Impacts will depend on the decisions made by Cabinet

Visa approvals ↔

The changes would reduce the number of students who stay and work here after study and may reduce the number of international students

Visa approvals

Cabinet decisions taken 6 August 2018. Strengthen the labour market and immigration protections for migrants.

Visa approvals ↔

Cabinet decisions taken 10 September 2018.

depend on the decisions made by Cabinet Visa approvals ↔

specific changes are

stage. In the longer

Unknown - No

proposed at this

term impacts will

Stage 1: Cabinet decisions taken 28 May 2018.

Stage 2: 2019

No impact on overall

numbers

Visa approvals 1

Cabinet decisions taken 17 September 2018.

Due to DEV by

February 2019.

Cabinet decisions taken 12 September 2018.

Cabinet decisions taken 20 August 2018.

Make immigration system

improvements and contribute to the

security of New Zealand's borders

Removal of departure card

Seeks agreement to

the removal of the requirement that travellers complete a physical departure card at the border measures which do departure card data)

Would facilitate border processes for all passengers departing New Zealand

Annex Two: Summary of key changes to the Parent Resident Visa (Parent Category) settings

Element	Current Setting	Proposed Change	Comment
Expression of Interest Structure and Process	Two tier system Tier One – first priority for selection, higher financial eligibility requirements Tier Two – selected if not enough Tier One EOIs to meet cap, lower financial eligibility requirements	Dis-establish Tier Two	The volume of Tier One EOIs means that Tier Two EOIs are unlikely to ever be selected
Sponsorship Period	10 Years	Formally align to the residence eligibility requirement for New Zealand Superannuation (regardless of whether the applicant becomes eligible for New Zealand Superannuation in a shorter period due to effect of reciprocal agreement arrangements)	Formally aligning the sponsorship period to the residence eligibility requirement for New Zealand Superannuation ensures that there is no gap between the point at which the sponsorship ends and the point at which the applicant becomes eligible to receive New Zealand Superannuation (if they are 65 or older).
Financial Requirements	Applicants can meet financial eligibility requirements in any one of three ways Sponsor's income (fixed minimum level not reviewed since 2012) Applicant's guaranteed lifetime income (level adjusted on 1 July 2018) Applicant's settlement funds (fixed minimum not reviewed since 2012)	Increase Sponsor's Income and Applicant's guaranteed lifetime income levels and index them to the median wage Abolish settlement fund eligibility option	Indexing the minimum levels avoids the risk that the fixed amounts lag behind reasonable provision for living costs if they are not regularly reviewed The settlement fund option has no requirement that the funds are managed or used in a way that supports a sustainable resettlement over time. Other options are open to Parents wishing to resettle using their own assets such as the Parent Retirement Category
Evidential Requirements	Income must be from sustained paid employment, regular self-employment and/or regular investment income. The sustained/regular test is generally considered to be met if the sponsor provides evidence of the income threshold being met for the previous three months.	Sponsors to provide evidence of their annual income through Inland Revenue tax statements Sponsors must meet the income criteria for two out of the three years prior to submitting their EOI	Revenue tax statements show net income which mitigates the risk that gross investment income generating low or no returns (e.g. mortgaged rental property) is misrepresented Demonstrates that sponsors have stable, consistent income that is sufficient to support their parents Deters sponsors from temporarily working extra hours or multiple low-skilled jobs in order to meet the threshold in the very short term prior to applying
Applicant Character requirement	Applicant must meet the requirement of good character	No change proposed	
Applicant Health requirement	Applicant must meet the acceptable standard of health requirement	No change proposed	
Applicant Minimum standard of English requirement	Applicant must meet the minimum standard of English or have met the requirement to prepurchase ESOL tuition	No Change proposed	

Annex Three: International comparison of current parent visa requirements and thresholds

Country	Minimum sponsorship period	Sponsor annual income and other financial requirements	Applicant's lifetime income	Applicant's settlement funds	Number of visas per year	Eligibility for benefits or superannuation	Access to healthcare/ Other
New Zealand Population: 4.75 million Average income: NZ\$50,000	 10 years 5 years if visa was applied for before 21 November 2016 Sponsors must be a: New Zealand citizen, or New Zealand permanent resident 	Current: Single person – NZ\$65,000 Couple – NZ\$90,000 These amounts remain the same whether one or two parents are included in the application Proposed: Single person – NZ\$76,013.84 Couple – NZ\$101,337.88	\$28,166 per year Or OF \$41,494 per year if applicant's partner is also included in the application	NZ\$500,000, which must be transferred to New Zealand before residence can be granted	2,000	Not eligible for benefits during sponsorship period Superannuation - 10 years residence including 5 years after the age of 50	As permanent residents, parents are entitled to publicly funded healthcare
Australia Population: 24.77 million Average income: AU\$78,832 (NZ\$86,546)	1 year - Humanitarian 2 years - Non-Contributory Parent Visa (possibly extending to 4 years in 2018/19) 10 years - Contributory Parent Visa Sponsors must be an:	AU\$28,869 (NZ\$31,697) for each sponsor and applicant (up to 4) + 10% of above figure for each of the sponsor's dependent children. For example, a two parent family (both sponsors) with two children under 18 would require AU\$124,137 (NZ\$136,300) for both parents of one sponsor Sponsors must provide financial support, assistance and accommodation for first 2 years Assurance of Support (AoS) required Sponsors are required to pay a bond – • AU\$15,000 for primary applicant + AU\$6,000 for secondary (10 year AoS) • AU\$7,500 for primary applicant + AU\$3,000 for secondary (1 & 2 year AoS)	None	None	8,675 (1,500 for Parent Non-contributory visas, plus 7,175 for Parent Contributor y Parent visas)	Not eligible for benefits during sponsorship period Superannuation - 15 years continuous residence. Can be 10 years if 5 years of residence was during working age (Changed 1 July 2018) Must not have received any benefit assistance for 5 years prior to application	As permanent residents, parents are entitled to Medicare benefits Parents must satisfy a balance of family test for strongest family connections
Canada (all states except Quebec) Population: 36.95 million Average income: CA\$51,000 (NZ\$58,577)	 20 years 10 years in Quebec Sponsors must be a: Canadian citizen or Person registered in Canada as an Indian under the Canadian Indian Act or Canadian permanent resident 	Based on size of sponsoring family unit including dependent children under 22 (information is unclear on whether this is for sponsoring one or two parents): • 2 persons – CA\$39,813 (NZ\$45,728) • 3 persons – CA\$48,945 (NZ\$56,217) • 4 persons – CA\$59,426 (NZ\$68,255) • 5 persons – CA\$67,400 (NZ\$77,414) • 6 persons – CA\$76,015 (NZ\$87,309) Sponsors are required to pay a performance bond, which is assessed on a case by case basis Quebec has an income calculator that provides similar but not exactly the same income requirements Sponsors must repay any social assistance parents receive during this period.	None	None	17,000	Not eligible for benefits during sponsorship period Superannuation - 10 years residence Migrants receive a prorata partial pension depending on how long they have lived in Canada. Full pension only after 40 years of residence	Have access to provincial healthcare although in some cases there is a waiting period.