

December 2018

INZ 1112



Request for Approval in Principle

to recruit overseas workers under Essential Skills Work Instructions

Information for employers

If you are an employer wanting to recruit overseas workers you need to complete this form to obtain approval in principle from Immigration New Zealand (INZ). New Zealand employers who can establish that there are no New Zealand citizens or residence class visa holders suitably qualified by training and experience available, or readily able to be trained to do the work, may request approval in principle from INZ to temporarily employ non-New Zealand citizens or residence class visa holder workers. No approval in principle will be granted for recruitment of workers to plant, maintain, harvest, or pack crops in the horticulture or viticulture industries.

Refer to the *Immigration Guide for Employers* on our website www.immigration.govt.nz/employ-migrants.

A fee is payable. See our leaflet *Fees Guide (INZ 1028)* or our website www.immigration.govt.nz/fees.

Do not submit original documents as they will not be returned to you. Submit photocopies only. If we need to see an original document you will be asked to produce it at a later time.

Who do not need to complete this form

You do not need to complete this form if:

- you have previously received approval in principle to recruit overseas workers – contact INZ to see whether your previous request is still valid, or
- you have already offered a position to an overseas person who is applying for a work visa. You may need to complete an *Employer Supplementary Form (INZ 1113)*, or
- the positions you are having difficulty filling are listed on the Immediate Skill Shortage List, or the Long Term Skill Shortage List, or the Construction and Infrastructure Skill Shortage List issued by INZ.

The Immediate Skill Shortage List (ISSL) is a list of identified occupations for which there is a shortage of skilled workers in New Zealand. It is centrally maintained and reviewed biannually by INZ. In compiling the list INZ uses a range of information sources and takes into account regional variations where appropriate. The current ISSL is published on the INZ website www.immigration.govt.nz.

The Long Term Skill Shortage List (LTSSL) is a list of identified occupations for which there is an ongoing and sustained shortage of skilled workers both globally and in New Zealand. The current LTSSL is held at Appendix 4 of the INZ Operational Manual that is published on the INZ website www.immigration.govt.nz.

The Construction and Infrastructure Skill Shortage List (CISSL) is a list of identified occupations for which there is a shortage of skilled workers in the construction-related occupations in New Zealand. The current CISSL is published on the INZ website.

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, INZ will return your Request for Approval in Principle. For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

Work entitlement

It is an offence under the Immigration Act 2009 to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work through Immigration New Zealand's online VisaView system. For more information or to register please visit www.immigration.govt.nz/visaview. Disclosure of information through VisaView is authorised by legislation.

Section A Business details

Please complete the following questions relating to the type of company or business you operate.

A1 Full name and address of the person offering employment

Family/last name

Given/first name(s)

Address

Telephone (daytime)

Telephone (mobile)

Fax

Email

A2 Full name and address of business/company

Site address

New Zealand Business Number

For help search: www.nzbn.govt.nz

Telephone (daytime)

Telephone (mobile)

Fax

Email

A3 What type of business/company is it? (eg restaurant)

A4 How many people does your business/company currently employ?

A5 How long has your business/company been in operation?

A6 Do you have any employees who are on temporary entry class visas?

Yes Provide details in the table below.

No Go to **A7**

Name of employee	Nationality	Date of birth (DD/MM/YY)	Position held	Visa expiry date (DD/MM/YY)
		/ /		/ /
		/ /		/ /
		/ /		/ /
		/ /		/ /
		/ /		/ /
		/ /		/ /

A7 Is your business a registered company?

Yes Attach a copy of the Certificate of Incorporation.

No

A8 Is the company or business currently GST registered?

Yes Provide GST number

No

A9 List the names and addresses of the company directors (if applicable)

A10 State the names of any other companies or businesses you operate

Evidence you must provide

All offers of employment must be genuine and sustainable. Please attach supporting evidence to demonstrate your ability to sustain the proposed employment.

Evidence may include GST returns, and/or statements of financial performance and position (including a breakdown of sales, wages, expenses, net profit/loss).

Section B Contact details

B1 Name and address for communication about this application

Same as address at **A1** or Same as address at **A2** or as below

Name of contact person

Organisation name (if applicable) and address

New Zealand Business Number (if applicable) For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Fax Email

B2 Do you authorise the person stated at **B1** to act on your behalf? Yes No

B3 Do you authorise all other licensed immigration advisers or persons exempt from licensing who work for the organisation named at **B1** to act on your behalf (if applicable)?

Yes Note: the person identified at **B1** will receive all communication from Immigration New Zealand.

No Only the person indicated at **B1** may act on my behalf.

B4 Have you received immigration advice on this application?

Yes Please make sure that your immigration adviser completes Section F: Immigration adviser's details.

No

i You can find a definition of immigration advice at www.immigration.govt.nz/advice.

Section C Position details

Please provide details of the position(s) you have available that you wish to recruit a person(s) from overseas to fill. You may use one form for more than one person if the position you want to fill is exactly the same with regard to duties, pay, qualifications and experience required.

Please attach the job description (and employment contract if available) to this form.

For more information on employment relations matters, see the Ministry of Business, Innovation and Employment’s website www.employment.govt.nz.

C1 How many overseas workers are you requesting and what is their nationality/nationalities (if known)?

Nationality	Number of employees

C2 How do you intend to source and recruit the overseas workers from the nominated countries?

C3 Job title _____

C4 ANZSCO occupation title (if known), occupation code (if known), and skill level (if known). (ANZSCO is the Australian and New Zealand Standard Classification of Occupations. Most New Zealand occupations are listed in the ANZSCO, with a six-digit occupation code and a skill level. For more information see www.immigration.govt.nz/anzsco.)

ANZSCO occupation title _____

ANZSCO occupation code _____ ANZSCO skill level (if known) _____

C5 Address of the place of employment (if different from that at **A2**)?

C6 Type of work, duties, and responsibilities

C7 Details of pay and conditions of employment (eg pay rates and pay method, overtime rates, holiday and sick leave, other benefits, etc)

C8 Is accommodation to be provided to workers? Yes *Provide details.* No

C9 Is transportation to be provided to the workplace? Yes *Provide details.* No

C10 Are there any proposed deductions from workers wages (such as for accommodation and meals)?

Yes *Provide details.* No

C11 The terms and conditions of employment must meet the New Zealand market rates. Please explain below why you consider the wage/salary on the offer of employment meets market rates. *(You may wish to attach supporting evidence that the offer meets market rates.)*

C12 Please provide information relating to any arrangements in place to assist the settlement of the overseas workers into the New Zealand workplace.

C13 Hours of work

C14 Duration of the job

C15 Qualification(s) required

C16 Type of experience required

C17 Length of experience required

New Zealand registration

C18 Does the worker require occupational registration in New Zealand? Yes No

If registration is required, the applicant will need to produce evidence that this has been obtained at the time of submitting the work visa application.

Section D Overseas recruitment based on non-availability of New Zealand residents

To obtain approval in principle to recruit overseas workers you must establish that there are no New Zealand citizens or residence class visa holders suitably qualified by training and experience available, or readily able to be trained to do the work.

When New Zealand citizens or residence class visa holders are not considered to be 'available'

New Zealand citizens or residence class visa holders are not considered to be 'available' if the circumstances described in either a. or b. below apply.

- a. If, as a result of a labour market test, an immigration officer establishes that there are no suitable New Zealand citizens or residence class visa holders who can:
 - i. take up the work on offer; or
 - ii. readily be trained to do the work on offer.
- b. The position is for an occupation which is included on the current Long Term Skill Shortage List, Immediate Skill Shortage List, or Construction and Infrastructure Skill Shortage List.

In either case it is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

As part of a labour market test, an immigration officer must be satisfied that an employer has made a genuine attempt to recruit suitable New Zealand citizen or residence class visa holder workers.

For the purposes of work instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:

- i. any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
- ii. the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
- iii. the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:
 - listing the vacancy with Work and Income
 - advertising the vacancy in a national newspaper and/or website
 - contracting a recruitment company appropriate to the industry.

Detail the attempts you have made to recruit New Zealand citizens or residence class visa holders to fill the position by answering the following questions.

D1 Provide details of the advertising medium used (eg national newspaper, internet, etc). Include dates, duration, and frequency of advertising. Please provide copies of advertising and evidence of receipts for paid advertising.

D7 Detail your future plans regarding the training and upskilling of New Zealanders to fill the positions available in the longer term.

D8 Have you contacted your relevant industry organisation/union? *Contacting your relevant industry organisation/union will speed up the processing of your request. For information on trade unions you can contact the New Zealand Council of Trade Unions. See www.union.org.nz.*

- Yes *Provide a copy of the comment received from the industry organisation/union. This comment should provide recent information on the terms and conditions of employment being offered and any other relevant information concerning the stated need for foreign labour, including comment on the availability of New Zealanders for the position(s) and whether your request is supported.*
- No

Section E Employer's declaration

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

I understand that if I make any false statements, or provide any false or misleading information, or have changed or altered this form in any way, this request for approval in principle to recruit overseas workers may be declined.

I understand that I am required to inform Immigration New Zealand (INZ) about any relevant changes to the circumstances of my business that occur after I submit this request.

I agree to liaise and co-operate with the Ministry of Business, Innovation and Employment as appropriate and required.

I agree to comply with all relevant employment law in force in New Zealand. This includes, but is not limited to, meeting holiday and special leave requirements or other minimum statutory criteria, eg occupational health and safety obligations.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, Immigration New Zealand will return my application.

If I am found to breach New Zealand employment law this will adversely affect my ability to obtain approval in principle to recruit overseas workers in the future.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as an employer holding an approval in principle to recruit overseas workers granted under the Essential Skills Work Instructions.

I authorise INZ to make any enquiries it deems necessary in respect of the documents or information provided in respect of this request, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for an approval in principle to recruit overseas workers under the Essential Skills Work Instructions. Note: where any information is identified by the employer as commercially sensitive and is provided in confidence to INZ, and INZ considers that disclosure of that information is necessary for the processing of this request, it will consult the employer for the disclosure of that information.

I accept that any advice given to me by INZ before submitting this request was intended to assist me, and that acting on that advice does not mean that this request for approval in principle to recruit overseas workers under the Essential Skills Work Instructions will be approved.

Signature Name

Position held within company Date

About the information you provide

Deciding whether you are eligible to recruit overseas workers

Immigration New Zealand collects the information about you on this form to determine your request to recruit overseas workers. We may also use the information to contact you for research purposes or to advise you on immigration matters.

The address of Immigration New Zealand is PO Box 1473, Wellington 6140, New Zealand. **Do not send your application to this address.**

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

Immigration New Zealand may also share the information you have provided with other government agencies that are entitled to it by law, or with other agencies (as you have agreed in the declaration).

You have the right to access the information we hold about you and have any of it corrected if you think it is necessary.

For more information

If you have questions about completing this form:

- see our website www.immigration.govt.nz
- telephone our call centre on 0508 558 855 (within New Zealand)
- contact one of Immigration New Zealand's offices.

Section H Paying your application fee

To find out how much to pay, where to send your application, and how long a decision may take, see www.immigration.govt.nz/fees.

Your application fee

Amount you are paying:

Application number

(office use only)

Preferred methods of payment

We recommend that you use one of the following methods of payment for better security and faster processing:

Bank cheque/bank draft

Credit card (choose one)

Mastercard

Visa

Name of cardholder

Card number

Expiry date

Signature of cardholder

Date

Other methods of payment

Personal cheque. *Note that we will hold your application for 10 working days to allow the cheque to be cleared.*

We do not accept money orders or cash.



