



Permanent Residence – Skilled Migrant Category

The Skilled Migrant category for Residence in New Zealand is a category which requires applicants to score points under a range of criteria and those with the highest points score are most likely to be successful. The intention of the category is to allow Immigration New Zealand (INZ) to more actively target those migrants with the requisite skills to benefit the country and to have more control over migrants' numbers. Our view is that most residence applications are best made under the Skilled Migrant Policy (SMC). Other policies may be possible but the SMC is the quickest, most clear-cut and cost effective pathway to residence if the criteria can be met.

General

The person who is best credentialed (as far as immigration issues are concerned) should be the *Principal Applicant* for the residence application and his/her partner and dependent children can be included within the same application. To apply under this category the principal applicant must be aged 55 years or younger (at the time of the lodgement of the actual residence application), be of good health and character and meet the SMC points passmark threshold. Applicants must also satisfy English language criteria and any professional registration requirements in order for an application to be progressed.

Points

Points are awarded on a number of factors. The four main areas are

1. **Skilled Employment** – offers of/or current *skilled* employment in New Zealand
Bonus points are also available for employment in certain industries, all regions outside of Auckland and the *skilled* employment of any partner
2. **Work Experience** – if such work experience is directly related to a job offer or if the experience was in a position classed as *skilled* employment
Bonus points are available for work experience in certain industries
3. **Qualifications** – Recognised basic qualifications (bachelor degrees, trade qualifications etc)
Bonus points are available for NZ qualifications, qualifications in certain industries and partner qualifications.
4. **Age** – 20-55 years. Maximum points are allocated to those aged 20-29 and then on a decreasing scale with age.

See SMC points table below.

Applying for Residence

There are four stages to applying for New Zealand residence under the Skilled Migrant Category:

Stage one

PathwaysNZ completes on your behalf an Expression of Interest (EOI) application registering your interest in applying for residence and providing significant detailed information from which INZ assesses your entitlement to "points". The EOI is best completed online so it can be immediately accepted into the "EOI pool" from which selections are made. Also, in completing the EOI online the ability to add/amend the EOI at any time is retained up until the EOI is selected or "expires". Selections are presently made every two weeks. If an EOI has not been selected within 6 months it will "expire" and a new application will need to be made. An EOI must score a minimum of 100 points to be accepted into the pool although the actual points total and structure required to be successfully selected varies in accordance with the prevailing selection criteria which can be viewed by following the link on the Pathways website homepage <http://www.pathwaysnz.com/> .

Stage two

Once the EOI has been selected INZ will then undertake a number of verification checks to determine if the correct points have been claimed. If these checks confirm the points match or better the selection point at the time the EOI was selected then the applicant will be **invited to apply for residence**. Currently this verification process is taking between 4 & 8 weeks. Normally INZ raise any concerns very quickly after an EOI is selected and we are given an opportunity to address their concerns within a limited timeframe. Otherwise EOIs which are found to be deficient are rejected quite quickly after initially being selected.

The main reason EOIs are rejected is because INZ may not consider the employment to be *skilled* in terms of immigration policy. It must be appreciated that in this context *skilled* has very little to do with the actual skill required to undertake the job. Another reason is that applicant's incorrectly claim bonus points which they are not entitled to.

Stage three

When INZ has satisfied itself that the points claimed are correct the applicant is then Invited to Apply for Residence (ITA). This invitation takes the form of a 40 page compilation of information taken from the EOI form to which is required to be added all the original supporting documentation to confirm the information in the EOI. Normal residence documentation (full birth certificates, medicals, Police/character clearances etc) are also required at this time. It may also be necessary to add additional information and documentation necessary in an endeavour to satisfy INZ of an applicant's ability to successfully settle in and contribute to New Zealand. The residence application must be completed and lodged within 4 months of the date of the ITA otherwise the invitation will be lapsed. Based on our experience this process should really only take between 3 - 6 weeks to complete. Applicants who are invited to apply for residence should be confident their application will be successful if the information provided in their EOI is supported by the documentation included in their application. Residence applications are presently taking anywhere from 3 - 9 months to process from the date of lodgement and the actual time depends on the workload of the INZ Branch concerned and the verification process involved.

Stage four

Applications that include employment offers will have their residence granted directly and will be issued a residence visa (or permit if in New Zealand) and 2 year Returning Residents Visas (RRVs). These residence permits/visas will require the applicant to work in the employment offered (and included in the application) for a period of 3 months within the first 7 months of their arrival in New Zealand or on the granting of the residence permit if the applicant is already in New Zealand. If the principal applicant remains in New Zealand for 184 days (6 months) in each of the 2 years of the RRV then they and their family included in the original application will be issued indefinite residence with no conditions at the end of the initial 2 year RRV period (there are also other options to achieve this outcome).

If an application does not include an offer of skilled employment it is possible INZ will require further evidence, and possibly an interview, to determine if an applicant has the ability to successfully settle in New Zealand. If the application is then successful, INZ have the option to still issue residence visas or to issue a 9 month "Work to Residence" visa. In this latter case the applicant will have 3 months to arrive in New Zealand and on arrival a 9 month open work permit will be issued. Within this 9 month period the applicant must obtain a position of skilled employment and work in this employment for 3 months to enable residence permits to be finally issued.

Please read this memo carefully to gain a proper and accurate understanding of the likely SMC residence application process and requirements.

Should your decision be to proceed with PathwaysNZ we look forward to the opportunity to be of service with the success of your New Zealand immigration application.

