

QUESTIONS YOU MAY BE ASKED RELATING TO IMMIGRATION

1. Full name
2. Any other names you are or have been known by?
3. Date of birth?
4. When did you come to New Zealand?
5. Do you have any convictions in any country?
6. Do you have any adverse immigration history e.g. past unlawfulness?
7. Do you have any health concerns?
8. Do you have a valid visa?
9. If not, when did your visa expire?
10. Have you submitted a residence application? If they have and they may lose points for skilled employment due to loss of hours/pay/the job entirely, consider residence appeal options. In particular, that an appeal allows consideration of the special circumstances jurisdiction.
11. Home country?
12. Do you want to return to your home country? Can you return to your home country?
 - a. If yes, discuss with client about their visa status and how they can voluntarily return without having a DLN or DO served.
13. If no, are there any serious humanitarian reasons why you do not want to return?

Humanitarian reasons

- a. Refugee claim identifiers (please note that the client must be affected by and/or involved in the below)
 - i. Racial divides in home country
 - ii. Political divides in home country
 - iii. Gender specific violence in home country
 - iv. Sexual orientation persecution in home country
- b. Humanitarian appeal identifiers
 - i. Substantial amount of time spent in NZ
 - ii. No family support back in home country
 - iii. New Zealand citizen or resident family in NZ
 - iv. Global warming issues in home country (e.g. Tuvalu)
 - v. These are just some things to look out for, think outside the box
- c. Family violence visa identifiers
 - i. Has faced violence from family members in NZ
 - ii. Needs to work to pay expenses
 - iii. Due to breakdown in relationship in New Zealand will be unsafe to return to home country (due to social stigma or exclusion from community)

If no humanitarian reasons

Employment based visa

14. Do you have a job or an offer of employment?
15. If in ongoing employment check compliance with visa conditions

- a. the adviser needs to explore all possibilities. E.g. a Chef on a Work to Residence Visa may have been on 40 hours (or a minimum of 30 hours)pre-Covid. Now they only need 30 hours at “market rate” or the rate stipulated by their visa type (WTR Talent visa – must maintain minimum salary of \$79,560 over minimum of 30 hrs per week; (there is no minimum stipulated for WTR LTSSL work visas (there is a 45k minimum for residence) – for example. Someone who e.g. got their work visa some time ago may have a different stipulated threshold to the next – always revert to their visa to see if any minimum threshold applies. Be very aware also if an ESWV holder is supporting dependent children there would have been separate minimums that apply.
 - b. If trying to get SMC a higher threshold may be needed. -however the immediate focus probs needs to be on rescuing any existing work visa. We are e.g. seeing people on the subsidy.
 - c. Provided they agreed to 30 hours per week and not less, they can stay in compliance.
16. Are you skilled to do this role?
 17. Is your employer willing to support your application/request for a visa? Here for new job offers you will need to explore sustainability and labour market testing issues as applicable.
 18. What is your role?
 - a. Identify whether it is skilled or unskilled as per ANZSCO
 - b. Check how much they are getting paid. Must be \$21.68 or more to get a three year visa under essential skills instructions with a new skilled role. If below this, can only get a one year visa under essential skills
 - c. Identify whether a Variation of Conditions or other away around the labour market test is applicable.
 19. Do you have any qualifications?
 - a. Look for a potential pathway to residence as this will be something the section 61 team look for when approving visa requests
 20. Explore opportunities to meet the shortage list e.g. CHEF is LTSSL – level 4 + 5 yrs certain experience...
 21. Advise on possibility of making a request under s 61 of Immigration Act [note: most people should be on a visa due the extension given to 25 September 2020. There might be some that were unlawful pre-2 April – those would need to be going S.61. All others are most likely to be redundancy casualties]

Partnership based visa

22. Do you have a partner in New Zealand?
23. Are they a NZ citizen or resident?
24. Do you currently live together?
25. How long have you two been together/lived together?
26. Do you have children with them?
27. Does your partner have a conviction, or any police call outs for family violence?
28. Advise of possibility of lodging a partnership based visa request under s 61

Student visa

29. Do you have an offer of place at an educational institute?

30. Would you like to explore study options?
31. Can you finance the tuition fees?
32. Do you have enough funds to support yourself for one year in New Zealand?
33. If not, do you have someone who can undertake to support you?
34. Advise of possibility of lodging a student visa whether by ordinary application or under s 61

If they have a valid visa

35. What type of visa do you have?
36. When does your visa expire?
37. What are the conditions on your visa?
38. Have you been made redundant?
 - a. If yes, give them a copy of the employment information sheet
 - b. Help them through the factsheet
39. Do you want to change your place of employment?
 - a. If yes, go through questions 12-16 for the new role, and determine whether they could get a variation of condition on their visa
40. What are your concerns about your visa and Covid?
41. Consider any possibility for social security hardship benefit/assisted repatriation options
 - a. Given the individual has a valid visa and are still approaching the hub, this goes into very specific and personalised scenarios.