

Guide *for* Employers in New Zealand



New Zealand
Immigration Service
Te Ratonga Manene

New Zealand
the right choice

A decorative light blue spiral graphic with small white dots along its path, starting from the bottom left and curving upwards and to the right.

Contents

Who is allowed to work in New Zealand?	1
How can I tell if a person is allowed to live in New Zealand?	1
What is a Work Permit or Visa?	2
What is a Residence Permit?	2
How does the Immigration Act 1987 affect employers?	2
If I offer someone a job, when can they start working for me?	3
What would I do to employ an overseas person to work in New Zealand?	3
How long can a person come to New Zealand for?	4
How does the applicant get a Work Permit or Visa?	4
Where can I get more information and advice?	5

Who is allowed to work in New Zealand?

People who can work in New Zealand include:

- New Zealand citizens (including citizens of the Cook Islands, Niue and Tokelau)
- New Zealand residents
- Australian residents
- Australian residents who hold a New Zealand Residence Permit
- Work Permit holders
- Variation of Condition holders, with a variation allowing them to work
- People who are exempt from the requirement to hold a permit to be in New Zealand.

Quite often employers believe that because the visitor has a tax number issued by the Inland Revenue Department, it allows the visitor to work. However, this is not correct. Just because a person has a tax number does not mean the person is legally permitted to work in New Zealand.

How can I tell if a person is allowed to work in New Zealand?

You may ask them to provide evidence of:

- a New Zealand passport or New Zealand Residence Permit
- an Australian passport or New Zealand Residence Permit
- a Work Permit that either states that you are the employer or is **open**
- a Variation of Conditions stamp or label (stating that the person is entitled to work for you or any employer)
- an Exemption Notice (which means that person doesn't have to have a Work Permit or Variation of conditions to work in New Zealand).

What is a Work Permit or Visa?

A Work Permit is a stamp or label in a passport or Certificate of Identity which allows the holder to work in New Zealand whilst the permit is current. It usually states that the holder can do a specific job, for a specific employer, in a specific location. Occasionally Work Permits may be **open**. This means that the holder is not bound to one particular employer and/or location.

A Work Visa usually says the same thing as a Work Permit and lets a person come to New Zealand and, if the visa is for multiple journeys, re-enter New Zealand.

Contact an Immigration Officer if you need advice about the stamp or label.

What is a Residence Permit?

A Residence Permit is a stamp or label in a passport or Certificate of Identity which states that the holder is legally entitled to remain in New Zealand indefinitely. If a person has a Residence Permit, they do not also have to have a Work Permit.

Contact an Immigration Officer if you need advice about the stamp or label.

How does the Immigration Act 1987 affect employers?

Section 39 of the Immigration Act provides that:

- You commit an offence if you either employ or continue to employ someone, knowing that he or she is not entitled under the Immigration Act to take employment
- You are considered to know that your employee is not entitled to work if you have been informed of this in writing by an Immigration Officer within the preceding 12 months.

Upon notification from the New Zealand Immigration Service you must cease employing the person upon completion of the minimum requirements of any award, collective agreement, or other contract of service.

Section 39 exists to protect employment opportunities for New Zealand citizens and holders of Residence Permits. If you commit an offence against the Act you are liable on conviction to a fine not exceeding \$2000.

Section 138 of the Immigration Act gives Immigration Officers powers of entry and inspection of records kept by you where these relate to any of your employees who are in New Zealand unlawfully.

A person is considered to be in New Zealand unlawfully when he or she:

- is not a New Zealand citizen

and;

- does not hold a current permit to be in New Zealand

and;

- is not exempt from the requirement to hold a permit.

If I offer someone a job, when can they start working for me?

Your prospective employee must not start work until the Work Permit or Variation of Conditions has been granted.

What would I need to do to employ an overseas person to work in New Zealand?

If the applicant is in New Zealand, then you will need to supply them with an in-depth job offer, which they then take to the nearest NZIS office, to lodge with their Work Permit application.

If the applicant is not in New Zealand or you have not located a specific person for the job, you may apply for approval-in-principle to the New Zealand Immigration Service, by supplying New Zealand Immigration Service with an in-depth job description.

Whether the person is in New Zealand or not, the in-depth job offer must state:

- the job title
- description of the duties
- qualifications and work experience required to perform the duties
- what efforts you have made to find suitable New Zealanders for the job and why they were considered unsuitable
- any other information you consider relevant.

How long can a person come to New Zealand for?

If a person is overseas when they apply, then the maximum time a person can work in New Zealand is three years.

If a person is already in New Zealand on a Visitor's Permit, then the maximum time they can work is nine months from their date of arrival in New Zealand.

Most overseas students (i.e. people in New Zealand on Student Permits) can only work during the Christmas/New Year holiday period.

How does the applicant get a Work Permit or Visa?

Once you have provided them with the job offer, the applicant must approach the nearest office of the New Zealand Immigration Service to obtain the "Working in New Zealand" booklet and an "Application to Work in New Zealand" form.

Where can I get more information and advice?

You can get more information about employing someone from overseas:

- from New Zealand diplomatic and consular offices
- from any of our NZIS branch offices, which are located in Auckland, Manukau, Hamilton, Palmerston North, Wellington, Christchurch and Dunedin.

