



LIVE IN NEW ZEALAND

Lane Neave LAWYERS



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SKILLED MIGRANT CATEGORY POOL SELECTION

There were two draws from the Skilled Migrant Category (SMC) pool in May. The pass mark for the draw on 5 May was 135 points and for the draw on 19 May 110 points for Expressions of Interest not including skilled offers of employment. Both draws however also required applicants to claim a minimum of 10 points or 15 points (respectively) for work experience held in an area of absolute skill shortage.

Citizens of India were the largest nationality by draw in May (18.5%), followed by the United Kingdom (15.5%).

INVESTOR 2 CATEGORY POOL SELECTION

There were no reported draws from the Investor 2 Category pool in May. For the year to date there have been approximately 107 selections from the annual quota of 300 places.

ONE FIFTH OF DECISIONS MADE BY IMMIGRATION NEW ZEALAND (INZ) FOUND "POOR AND QUESTIONABLE"

On 3 June during a Select Committee hearing at Parliament Immigration Minister Jonathan Coleman informed Members of Parliament that 21.8% of decisions made on immigration applications by immigration officers were considered "poor and questionable". Whilst this was an improvement on the previous score (29.1%) quite clearly if 20% of decisions being made by Immigration New Zealand (INZ) are considered "poor and questionable" this certainly from the writer's perspective is not acceptable.

The immigration spokesman for Labour (David Cunliffe), who was the former Minister of Immigration in relation to this statistic advised:

"..... the public must be appalled to receive this news that it is essentially a random walk in an immigration decision-making process between the wrong decision, the right decision and something in between".

Our firm has taken over many applications for applicants who have filed applications themselves directly or used licensed immigration advisers where letters have been received advising that INZ believe the individual was not eligible for what they had applied for, only for this position to be rectified following receipt of submissions from our firm correcting the INZ position.

Many migrants who receive negative letters during the processing of their applications who are unrepresented often accept the initial opinion from the immigration officer without receiving an objective opinion from a specialist.

If you have made the decision to control and process your own visa application, and receive a letter from INZ advising that you do not appear to qualify, do not accept this position until you have received a second opinion from a professional.

Quite clearly 20% of immigration decisions being made by INZ officers are "poor and questionable" and unfortunately no statistic has been provided in relation to whether initial advice provided to migrants before migrating to New Zealand is also "poor and questionable". Our firm has had many instances where individuals have contacted INZ directly via way of their help line or met an INZ officer at an EXPO where they have received misguided or misinformed advice regarding the migration process.

ONE FIFTH OF DECISIONS MADE BY IMMIGRATION NEW ZEALAND (INZ) FOUND “POOR AND QUESTIONABLE” (Con’t)

In one instance, a client of our firm was advised by an INZ official at an EXPO in the United Kingdom that in order to qualify for New Zealand residence under the SMC that individual required a full time employment offer, and the only way to secure that offer would be to obtain a job offer via the internet. The applicant in question actually qualified for New Zealand residence without an offer of employment, and in the event that they did require an offer of employment, as they were not in a specialist area such as ICT or health, it is practically not possible to obtain an offer of employment via the internet only.

It is often curious to the writer when attending EXPOs in countries like South Africa and the United Kingdom that such attention is drawn to the INZ stand. The advice provided is quite often questionable and quite often contradicts sound advice to migrants intending to migrate to New Zealand. INZ process immigration applications, they hold no expertise to advise or assist migrants as to how to get to application stage as they are not involved in that process. The key point here, is that if you decide to receive and accept advice from INZ directly, and submit your own application to INZ directly for consideration, then practically speaking you have about a 20% chance of an INZ officer making a poor or questionable decision on your application.

Professional advice and information should be sourced if you are going to seriously migrate from one side of the planet to the other. The Select Committee’s findings are not a surprise to this firm, nor is it anticipated that there will be any material improvement in this figure.

Source: The Press – 4 June 2010

FUNDING FOR MIGRANTS AND REFUGEES

Extra funding in the 2010 budget has been set aside to assist migrants and refugees settle into New Zealand.

The Government plans to increase investment in the “Settling In” initiative by \$3million over the next three years.

The funding increase was based on an evaluation in 2008 which found that the “Settling In” programme was successfully contributing to a wide range of positive outcomes for refugees and migrants and for their host communities.

New Zealand Government Press release – 10 June 2010

IMMIGRATION ACT 2009

The Immigration Act 2009 (Act) which was assented by Parliament on 16 November 2009 will commence (for the first part) in November 2010.

The new Act represents a fundamental change to the previous Act and associated regulations which were passed over 20 years ago.

At this point in time, the INZ Operational Manual which is the 1000 page guide for the application of immigration policy and criteria which is managed by the Act; is being redrafted and a new immigration instructions manual will be released later this year when the Act comes into force.

It is very important for migrants therefore who are considering travelling to New Zealand post November this year to receive an opinion in relation to eligibility for both temporary and residence visas after the new Act and Immigration Regulations come into force.

The writer was invited by the New Zealand Law Society to assist in the drafting of submissions to the Select Committee for the new Act and therefore our firm is very familiar with the new Act and the operation of the sections of the Act which materially change the current immigration regime within New Zealand.

In most instances the technical operation of policy will not change materially, although with such an overhaul of the founding Act there will be parts of INZ Policy applied by the “current” manual which will change.

If you intend therefore to migrate to New Zealand post November this year it will be important to confirm at this stage that there are no material changes in the Immigration Act 2009 that will adversely affect your ability to secure a visa. For example, in relation to criminal convictions, whilst section 7(1) of the current Immigration Act 1987 has been replicated in the new Act (section 15(1)) there are material changes in definitions associated with the deportation and removal which need to be noted.

IMMIGRATION AMENDMENT REGULATIONS (NO 2) 2010

New Immigration Regulations will come into force on 26 July 2010 by way of amendment to the Immigration Regulations 1999 (the principal regulations).

From 26 July 2010 the holder of a temporary permit granted for 24 months or more will be permitted to undertake one or more courses of study or training of not more than three calendar months duration in each 12-month period of the temporary permit. Previously holders of temporary permits were restricted only to allow training provided by an employer or for one single course of study or training of not more than three calendar months within the entire duration of the temporary permit.

Slight amendments have also been made to visitor permit policy. Currently children at primary, intermediate or secondary school level are permitted to undertake a single period of study for no more than three months on a current visitor permit. The policy has been changed slightly to still allow for this although confirms that the period of study must be started and completed within a calendar year and must not be undertaken in term one if the person held a visitor permit and undertook a period of study in term four of the immediately preceding year.

For further information or assistance with emigration please contact **Mark Williams of Lane Neave Lawyers** on **+64 3 379 3720** or email liveinnewzealand@laneneave.co.nz



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CURRENCY FOR MIGRATION? – PROBLEM SOLVED!

The Reserve Bank of New Zealand opted to increase the cost of borrowing in NZ this month and that strengthened the New Zealand Dollar; the higher interest rate yield was bound to attract some inward investment but some would argue that they may be acting too soon whilst others are saying they are too late. Whatever the answer, this will have an effect on those planning to migrate to New Zealand but will it be good or bad news?

The global economy is still precariously on the knife edge between stumbling towards a more secure position or collapsing again as the dreaded 'double dip' recession takes hold. New Zealand and its neighbour Australia have weathered the last two years of financial crisis rather better than anywhere in the Western hemisphere. Aussie and New Zealand banks are arguably better regulated than those in the US, EU and UK so they were not as exposed to the universally blamed, 'sub-prime' lending markets as their northern hemisphere counterparts and thankfully, the continued strength in the Chinese economy meant there was a ready demand for New Zealand's and Australia's exports. Having buyers for your goods ensures domestic jobs, keeps the tills ringing in shops and maintains demand for housing etcetera. But what if that demand dries up?

Some would argue that this is exactly the position New Zealand could find itself in very soon as China takes steps to slow its economy. China has been growing at rate of around 8 percent per annum; a pace which is rather incongruous with the contraction or flat growth elsewhere. There are a whole heap of stories of empty tower blocks and shopping malls in the middle of nowhere but the government funded growth has kept China and the nations that supply China bubbling along whilst the rest of the world has slumped. However, aware that this is a party that cannot last forever, and mindful of 3.1% inflation, China has now embarked upon a reduction in spending which they hope will rein in some of the excess.

Sadly for Australasia, that will also rein in some of the demand for Aussie and Kiwi exports and that will have the effect of weakening the currencies of these countries to some degree. The impact on Australia is likely to be more marked than New Zealand due to the nature of Australia's mined and quarried exports but the positive effects of the last few years of Chinese growth have also been more substantial. New Zealand's central bank has been less aggressive in its monetary policy; this month's interest rate hike is the first since the sharp interest rate reductions of 2008 and early 2009. Nevertheless, any fall in export demand will have an impact and China's plans will impact upon other Asian countries which also cater for Chinese demand and use the resulting wealth that this creates to import agricultural products from New Zealand.

So the Kiwi Dollar could well weaken and we have seen a little of that already. Against the Pound, the NZ Dollar is some 10 percent weaker than it was at its height a few months ago and that is being helped by a more buoyant Pound. As you are no doubt aware, Sterling had been hammered by massive government debt and then not only the fear of a coalition government (a hung parliament as it was always put) but the actuality of a coalition as well. However, the new administration has set out to tackle the debt mountain and the markets head on – and more importantly, the credit referencing agencies – appear to like what they hear. We are still in a honeymoon period for the new Lib/lab/con administration so we are not out of the woods yet.

CURRENCY FOR MIGRATION? – PROBLEM SOLVED! (Con't)

Incidentally, journalists are still uncertain what to call the new coalition; Con-Dem has negative connotations and Lib-Con likewise. Con/Lib/Dem is just too much of a mouthful but one City Editor in London suggested ConDoms because he still believes the idea is inconceivable, but I digress. We must also remember that the UK banks have a great deal of exposure to European debt and that is another problem that stalks the markets right now. Without a resolution to the potential EU debt contagion, anything the Pound gains now will be hollow as just as likely to unwind in a trice.

So the perfect scenario for anyone planning to migrate to New Zealand from the UK would be continued confidence in the UK government's plans to tackle debt and we will know a lot more about that when the budget is announced on 22nd June, China to sharply reduce its imports from New Zealand, which will damage job prospects in the medium term so that may put the mockers on the whole migration idea; and a resolution of the EU debt problems. Surely that's not a lot to ask is it!

Until that happens, the markets are immensely volatile for all the reasons stated above and for many more reasons including vast fluctuations in commodity markets and nervousness in share prices as well. That volatility produces buying opportunities as spikes offer the better exchange rates and whilst we are unlikely to see the NZ\$ 2.50 level we all so desperately want, NZ\$ 2.25 and 2.30 levels are not out of the question.

Here at Halo Financial, we have a very large number of clients who are probably in a similar position to some of those reading this article; got a visa but can't sell the house or got the job but can't afford to convert money at these exchange rates and there are some who have shelved the whole migration project until the exchange rate makes it financially viable. The trick is to adopt a strategy that makes the most of your requirements in the short term and sets in place the right tactics to take advantage of the spikes as they happen. If you are anything like me, once you have made your mind up that 'this is the plan' you will be itching to see it to its conclusion and I am pleased to say that you may be very surprised at just how effective the right currency strategy can be in bringing to fruition, your dream of a new life in New Zealand.

For a no cost and commitment free consultation about how you can cement your plans, please contact one of the currency experts at Halo Financial because there are answers to the questions of strategy for everyone in every circumstance. Although I must admit it would be a bit trickier to solve Britain's debt bubble, Europe's default concerns and China's overheating overnight.

We probably could but no one has thought to ask us yet.

For a more thorough explanation of the current trends, please contact **David Johnson**; a Director of Halo Financial; specialist providers of foreign exchange for migration purposes on **+ 44 (0) 207 350 5474** or email him at **david.johnson@halofinancial.com**



Harcourts New Zealand's statistics for May 2010 clearly show a continuation of what we have been experiencing since early this year – considerable inaction within the property market.

The major pre-Budget communications campaign by the Government in regard to potential taxation changes, including around property, had the effect of creating uncertainty in the minds of both buyers and sellers. With uncertainty often comes inaction, and our figures clearly reflect this is in fact what continued to occur in May.

Only our Northern region figures seem to defy the trend, however significant growth by our group in this region means our statistics reflect Harcourts' offices achieving a bigger share of a smaller market, rather than this area bucking the national trend.

Now the Budget is fact and the changes are not as dramatic as some were originally predicting we would expect to see sales levels increase to more historically 'normal' levels over the coming months, especially once Spring sunshine replaces Winter cold and moisture.

For further information and advice about the general property market in New Zealand please contact **Tim Harris** of Harcourts on **+64 3 355 6116** or email him at **tim@timharris.co.nz**



There has been softening in the supply and demand for jobs in New Zealand, as there are more applicants per job according to the latest Seek NZ Employment indicators. Wellington appears to be the strongest urban market within New Zealand currently. The occupations most in demand are: IT Architects, Solicitors and Nurses.

If you are looking for a place in one of the following categories it is vital that you get a competitive edge to present yourself in the best possible light as the competition is fierce. The five most competitive occupations over the past month nationally have been: Help Desk / Support; Customer Service; Sale Assistant; Receptionist; Accounts Clerk / Administrator.

This past month our group has successfully placed a number of strong candidates in a variety of roles across New Zealand. We are always keen on sourcing quality candidates who will add further value to the New Zealand economy. Highly experienced and motivated overseas based candidates will always be of interest to New Zealand companies, but only if we can minimise the hassles associated with relocating from off shore for the employer.

Offshore based candidates must also align their expectations with why they are choosing to immigrate to New Zealand. Rarely will it or should it be for financial reasons, as pay scales in New Zealand are not particularly high relative to bigger economies. The best alignment is generally found when an off shore candidate's motivators are lifestyle orientated. Best wishes with your decision making process.

For further information on employment opportunities, please call **Steve Baker** of Enterprise Recruitment on **+64 3 353 0680** or email him at steve.baker@enterprise.co.nz



ONE DOWN

In a week chock full of data, the key event was the RBNZ's 25 basis point Official Cash Rate hike. The accompanying statement made it clear this should be seen as the first step in an extended series of rate hikes: "we have decided to begin removing some of the monetary policy stimulus that is currently in place".

FIXED VS. FLOATING

Last week, as was widely anticipated, the RBNZ kicked off what we expect to be an extended tightening cycle. Nevertheless the decision to fix or float remains finely balanced. Floating rates remain lower than short term fixed rates at the moment, but they are likely to rise faster as the RBNZ increases the OCR. Fixing, if even for a short term, has the advantage of greater certainty around cash flows, at a time when floating rates could be rising rapidly. Repaying more than the minimum amount, and spreading the loan over a mix of terms, can also help to reduce the overall risk around uncertain future interest rate changes.

For further information contact **Richie Owen**, Migrant Banking Manager on **+64 3 371 6093** or Email: Richie_owen@westpac.co.nz

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