

LIVE IN NEW ZEALAND

Lane Neave LAWYERS

SOUTH AFRICA - DECEMBER 2009

www.liveinnewzealand.co.nz

LANE NEAVE DOMINATES AGAIN AT THE NEW ZEALAND LAW AWARDS

At the 2009 New Zealand Law Awards Lane Neave once again enjoyed great success and built upon their winning performances of 2008. At the awards ceremony, held in Auckland in November, Lane Neave were nominated in nine separate categories and were winners of the following four key awards:

- Mid-sized Law Firm of the Year
- Corporate and Commercial Law (2nd year running)
- Employment Law (3rd year running)
- Employer of Choice Award (51 – 100 employees category)



The New Zealand Law Awards are the only law awards that highlight and recognise excellence in the provision of legal services according to feedback from clients. Each category was judged on a range of criteria from information supplied by clients, which took into account a firm's ability to provide proactive, effective, timely and strategic advice, show a genuine understanding of the client's business, work in a timely, cost-effective manner and deliver commercially pragmatic solutions.

These awards are a fantastic result for Lane Neave as it highlights to us that our clients appreciate the hard work that we put in and that they are extremely happy with the high level of client service that we provide. It should be noted (in the context of this Newsletter) that there is no Immigration Law category.

IMMIGRATION UPDATE

SKILLED MIGRANT CATEGORY POOL SELECTION

There have been four recent draws from the Skilled Migrant Category (SMC) Pool in November and December (to date). The pass mark for three of the recent draws for applicants without an offer of skilled employment was all Expressions of Interest (EOI) with a minimum total of 110 points. For the most recent draw on 16 December the pass mark for applicants without an offer of employment was 100 points (although these applications needed to include a claim for points for holding a qualification or work experience in an area of absolute skill shortage). Citizens of the United Kingdom were the largest nationality by draw.

Due to the Christmas holiday period the next draw from the SMC Pool has been postponed until Wednesday, 13 January 2010.

INVESTOR 2 CATEGORY POOL SELECTION

There have been four recent draws from the Investor 2 Category Pool in November/December. A total of 20 applications were selected from the Pool (year to date there have been 62 selections within the annual quota of 300 places). This is a large number of applications considering major international marketing of these policies is only going to take place by the Government next year.

Following the draw from the Investor 2 Category Pool on 16 December the next draw has been postponed due to the Christmas holiday period until Wednesday, 6 January 2010.

IMMIGRATION UPDATE (cont.)

IMMIGRATION POLICY CHANGES

In addition to the policy changes announced in our November newsletter, there have been two important announcements in relation to changes to the Long Term Skill Shortage List (LTSSL) and also the proposed implementation of the new Silver Fern Visa.

LTSSL – Biannual Review

The final review of the LTSSL for 2009 has taken place, with various changes being implemented.

The following occupations have been removed from the LTSSL:

- Boat Builder and Repairer;
- Fitter & Turner;
- Air Conditioning and Refrigeration Mechanic;
- Fruit or Nut Grower (Orchard Manager);
- Market Gardener (Crop Production/Agronomist Manager); and
- Mixed Crop Farmer (Grower Manager).

Any individual who intends to submit an EOI and plans to claim points for holding work experience, a qualification, or a full time offer of employment in any of the above areas of skill shortage are now required to reassess their points allocation.

In relation to final three occupations listed above, from a temporary entry perspective, it should be noted that these occupations whilst being removed from the LTSSL have been added to the Immediate Skill Shortage List.

Whilst the above occupations have been removed, the following occupations have been added to the LTSSL:

- Physicist (Medical);
- Life Scientist (Regulatory Toxicologist);
- Medical Oncologist;
- Supply and Distribution Manager (Procurement Professionals); and
- Diesel Motor Mechanic.

If individuals are yet to submit an EOI, or alternatively, an EOI has been submitted additional points may be able to be claimed for holding work experience, a qualification, or a full time offer of skilled employment in these areas. Individuals in these occupations should therefore immediately reassess their points allocation.

Minor amendments have also been made to some occupations on the LTSSL (which affects the ability to claim for points for holding work experience, a qualification, or an offer of employment in these occupations). These amendments to existing occupations held on the list are as follows:

- A Multi-media Designer (Film Animator) now requires a minimum of three years work experience;
- A Chef now requires the following qualifications – National Certificate in Hospitality (Cookery) Level 4 plus National Certificate in Hospitality (Basic Cookery) (Level 3);
- Obstetricians and Gynaecologists now require registration with a professional general or general scope of practice within the Medical Council of New Zealand;

Other minor changes have been made to a number of occupations and therefore all individuals who are yet to submit an EOI will need to reassess the requirements specified in the new LTSSL.

As with the prior changes to the LTSSL, the changes are not retrospective. For individuals who have claimed points for holding work experience, qualifications or offers of employment for occupations removed from the LTSSL are still able to move forward with their formal residence application and claim the points in these areas based on these occupations being included in the LTSSL as at the date of submission of the EOI.

IMMIGRATION UPDATE (cont.)

SILVER FERN VISA (SILVER FERN JOB SEARCH POLICY)

On 25 November 2009 the Minister of Immigration, Jonathan Coleman, announced the long awaited Silver Fern Job Search Policy.

This Policy (together with the Silver Fern Practical Experience Policy) will come into effect in April 2010.

Whilst full details of the policy are yet to be released, it should be noted that the Silver Fern Job Search Policy will be limited to 300 places per year, and in order for an applicant to qualify for the visa the following (among other things) will apply:

- You must be outside New Zealand;
- You must be aged between 20 and 35 years;
- You must hold a recognised qualification which is either a Bachelor Degree (or higher), or a Trade Qualification and a minimum of two years work experience in that trade;
- You must meet English language requirements; and
- You must have sufficient funds to support your status during the validity of the visa (\$9,000.00 plus outward flight).

Upon approval, applicants under the Silver Fern Job Search Policy are likely to be granted nine month work visas to allow the individual to travel to New Zealand to seek full time employment. Within this nine month period, if an individual is able to secure full time skilled employment they will be able to apply for and obtain a Silver Fern Practical Experience Visa which is valid for a period of two years.

It is important to note, that some commentary on this visa is actually incorrect in terms of this policy being a Work to Residence Policy. Once a full time offer of skilled employment has been obtained, and as long as the applicant is able to demonstrate all points requirements in terms of a proposed SMC application, they can thereafter immediately apply for and obtain New Zealand permanent residence under the SMC.

The policy is quite clearly designed for young (and single) skilled individuals to travel to New Zealand with the advantage of holding an open work visa that will allow them to freely apply for skilled positions in the market.

Whilst the number of places is initially very limited (300), it is anticipated that this annual allocation will increase once unemployment levels in New Zealand begin to fall and there is a resurgence in the demand for skilled individuals in all sectors.

The policy appears to be well designed and directed at individuals, who, in most instances, favour migrating to Australia. In terms of migration demographics, New Zealand is far more popular for individuals who are of middle age, and/or have young families, whereas most individuals who are younger, and single, move to Australia as a first migration option.

It is interesting to note the Government's perspective in terms of competing for these younger single migrants with Australia, although the writer feels that it would be appropriate to consider a similar policy for skilled families. The migration process for a family is difficult, especially when the main applicant is required to travel to New Zealand to obtain a skilled offer of employment. The Silver Fern Policy should not be limited (in its design) to a younger (predominantly single) age demographic.

FAMILY CATEGORY RESIDENCE APPLICATIONS

On Thursday, 26 November 2009 INZ formally provided a press release that the capping of the Family Stream Policy (which mostly comprises of parent, adult child and sibling residence cases) has created a demand for positions and processing times are now moving towards 18 to 24 months.

The capping of places (about two years ago) awarded to family orientated applications was seen by the writer at that time (and a few colleagues) as a clear indication of the Government's preference to move away from Family Category applications to concentrate on skilled employment/business related applications. As a consequence long processing times for Family sponsored applications were envisaged.

The New Zealand Government have followed the Australian Government lead in relation to family type applications. Instead of cancelling the policies (which would be disastrous for skilled migrants who have family who wish to reside in New Zealand with them), placing a cap in place subtly limits the numbers without cancelling the policy.

IMMIGRATION UPDATE (cont.)

FAMILY CATEGORY RESIDENCE APPLICATIONS

With the release of the capped system and perusal of immigration statistics at that time it was quite easy for the writer to consider the annual allocation of places as compared to the number of applications on hand to realise very swiftly that there were not enough places on a per annum basis. This seems to have been missed by a number of immigration commentators.

The writer understands in Australia that some applications based on family unification criteria can take up to 10 years to process. New Zealand has moved from six months, to 12 months, and now to 18 months to two years. The writer believes that unless the cap is increased (it won't) processing times for family applications will continue to increase in the future and processing times perhaps similar to Australia will become the norm.

There are various ways to streamline and plan for the migration of family members by using existing immigration policy and making cases to immigration officials (and the Minister of Immigration) as an exception to policy. Discretion must be exercised, and professional guidance should be sought if a proposed migrant has concerns regarding the eligibility of their family members to follow them to New Zealand after migration.

AUSTRALIAN MIGRATION TO NEW ZEALAND DOUBLES

In a recent article published by the New Zealand Herald (Vaimoana Tapaleao) statistics have revealed that just under 15,000 Australians moved to New Zealand on a permanent basis in 2008/2009, as compared to just under 7,500 in 1998/1999.

Immigration and Citizenship Minister (Chris Evans) indicated that the report's figures re-enforce the fact that there was an increasing global demand for young, highly skilled people in the international labour market.

From a general perspective, it was noted that just over 81,000 individuals emigrated from Australia during the financial year of 2008/2009, an increase of just over 5% from the financial year of 2007/2008.

IMMIGRATION TEAM – 2009

The Immigration Team at Lane Neave have had an exceptionally busy year despite difficult economic conditions. We will be seeking additional staff for our team (like many employers) in the New Year.

We take this opportunity to thank all our existing clients for continued support, and we look forward to continuing our immigration instructions into 2010. For recipients of this Newsletter who are going to commence the migration process next year we look forward to hearing from you.

We are optimistic that employment conditions will improve gradually in 2010 and we hope towards the end of the year moving into 2011 immigration policy will be more settled from both a residence perspective and, more importantly, a temporary work permit perspective.

Our next Newsletter will follow in early February 2010.

We wish all recipients of this Newsletter an enjoyable Christmas, a Happy New Year, and safe travel to New Zealand.

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



Making the most of life

FIXED V FLOATING

Six-month fixed mortgage rates have now risen – until now the only fixed term left unscathed. Now that no point on the mortgage curve is 'safe', we could see borrowers seek to fix at whatever favourable rates are still on offer. With floating and one-year fixed rates around similar levels, there may not seem to be much advantage in fixing right now, but those who wait until they see the whites of the RBNZ's eyes before fixing are likely to face much less attractive options. Repaying more than the minimum amount and spreading the loan over a mix of terms can help to reduce overall risk regarding uncertain future interest rate changes.

For further information contact **Richie Owen**, Migrant Banking Manager on **+64 3 3439663** or Email: Richie_owen@westpac.co.nz



NATURAL ENVIRONMENT KEY TO PEGASUS DESIGN

Pegasus has been designed to protect and enhance the local ecology and natural habitat, creating a rich, vibrant environment for everyone to enjoy, with over 250,000 native plants and trees already planted.

Since the town's establishment, teams of local experts have been working throughout the township and in the surrounding area, building on the diverse resources of the North Canterbury coastline to add new life to a once-forgotten wetland area. In addition to the revitalisation of native wetlands and dune areas along the Pegasus Bay coastline and to the north and west of the town, over 250,000 native plants and trees have been planted throughout the area, in a massive environmental programme that is almost complete.

Dr Derek Browne, who currently lives at Pegasus and is building a home in the town, says he is impressed by the work currently under way on the wetlands.

"I think it will be a very, very attractive place when it's finished. And the birds are clearly voting in favour of it because they're already moving in – there are a variety of species of water bird already there," said Derek Browne. Derek believes the wetlands add real value to Pegasus, for residents and wildlife alike. "It's going to be a great place for people to use for things like walking and kayaking, but just as importantly, the resident birds clearly find it an attractive place to be. I think it's a real asset to the town."

Infinity is known for adding extra value to its developments, and Derek says this is obvious when it comes to Pegasus. "Pegasus in general has gone several steps beyond what you would normally expect from a developer," said Derek. "Elements like the sunken ship in the lake and the wetlands project – these are things they didn't have to do, but they have".

They've clearly gone to quite some expense to do this. We're very impressed with what they're doing." Derek says he is enjoying living at Pegasus as the town grows and comes together. "It's really exciting out here right now, especially with the lake filling. It's looking terrific."

The design of the wetlands includes over 14 kilometres of trails and boardwalks plus cycle tracks, as well as river lanes for kayaking – ensuring residents and visitors can experience every aspect of Pegasus' natural environment.

For further information on the Pegasus Development, please call **Julie Don** on **+64 3 339 5010** or email her at **jdon@pegasustown.com**



halofinancial

OUT OF THE BLUE AND INTO THE RED...OR IS THAT PINK?

Sometimes it is the least expected news that gets an exchange rate moving in your favour. In amongst the generally poor UK data, slightly improving New Zealand data and yoyo-like data releases from the rest of the world, came a piece about Dubai and the financial markets visibly flinched.

We have been getting more and more comfortable with the prospects for a steady but perceptible recovery in most parts of the world. The UK is an exception here and is now officially the last G20 country still in recession although we are constantly being reassured that Britain is growing again, it just doesn't reflect in the data just yet. The problem with getting used to improving news is that it does leave the markets off guard when something nasty comes out of the blue.

News that, what everyone thought was a sovereign investment fund, Dubai World may default on its loan repayments and was seeking a 6 month payment holiday sent traders scurrying for the comfort of safe havens in US Treasuries and Swiss Francs amongst other things. Dubai World owes more than 59% of Dubai's total debt and is the group behind some of the phenomenal construction projects in the rapidly developing Dubai. Things got even more nervous when the Dubai government made it abundantly clear they would not write a blank cheque to bail Dubai World out and Abu Dhabi ruled out a full scale financial rescue.

HALO (cont.)

OUT OF THE BLUE AND INTO THE RED...OR IS THAT PINK?

The Dow Jones index in the US dropped 300 points in one day and the FTSE indices in London saw a similar panic. The currency market reaction was what we have come to expect in times of heightened tension; the US Dollar strengthened as traders bustled to buy Dollars to fund their Treasury certificate purchases and currencies which had been bought for the yield advantage they offer, like the NZ and Aussie Dollars, weakened.

These types of events are terrific trading opportunities for those in need of NZ Dollars to complete their migration to New Zealand. The resulting spike in the Sterling – NZ Dollar exchange rate from NZ\$ 2.26 to NZ\$ 2.33 would have produced a NZ\$ 7,000 saving on every £100,000 transferred as long as you have the ability to capture the move. Many Halo Financial clients were delighted that this excitement happened in the midst of UK trading hours so even those who had not got to the currency booking point in their migration were able to take advantage of the spike. Some traded small amounts just to convert the funds they had immediately available and many booked forward contracts for larger sums; using the funds available as a deposit to secure their contracts. It is possible to secure a contract for later (forward) delivery through the payment of a deposit of as little as 10%.

The timing of these tranches was crucial because the Sterling – NZ Dollar exchange rate dropped back again just as quickly after it became clear that the United Arab Emirates central bank would shore up Dubai World and the whole situation took on a much fluffier and less scary hue.

As is often the case, these unexpected events take both seasoned traders and inexperienced investors by surprise and their knee-jerk reactions often produce excellent trading opportunities. If those things happen when you are awake, then that is terrific and if they happen when you are asleep that can also be terrific as long as you have planned in advance for the potential event. It may sound like an oxymoron to expect the unexpected but planning for spikes and troughs in the foreign exchange market is easy with the right tool for the job.

Armed with a chart, an experienced trader and an automated 24/7 order option, it is possible to both take advantage of suddenly attractive exchange rates and protect against sudden declines in exchange rates. A brief chat with a Halo Financial Consultant (an experienced trader with charts on hand) will help you to understand how to use the automated order system for your particular circumstances.

So when the exchange rate screens all turn red, you can be contentedly in the pink.

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. david.johnson@halofinancial.com + 44 (0) 207 350 5474



EMPLOYER CONFIDENCE STRENGTHENING

The employment market is continuing to strengthen throughout New Zealand heading in 2010. Status Recruitment & HR recently surveyed 161 employers of professional staff in the South Island. 53% indicated their staffing levels would remain stable, however an encouraging 40% felt their staffing levels would increase in 2010. This is definitely another positive sign of what might be ahead from February 2010 following our summer holiday season.

Specific industry sectors that are showing good signs of growth include accounting, engineering, health, ICT and legal. Government infrastructure spending planned for 2010 should also start to see good recovery within the construction sector.

So if you have been holding off exploring job opportunities in 2009 we would encourage you to get active into the New Year. We would also like to take the opportunity to wish you all a Merry Christmas!

For further information on employment opportunities, please call **Craig Shutt** of Status Recruitment on +64 3 363 7220 or email him at jobs@statusrecruitment.co.nz



While speculation has been rife about the New Zealand property market, Harcourts New Zealand's latest statistics indicate things are progressing "normally".

The buying and selling public appear to be in "normal" mode and are just getting on with their property transactions, with a good volume of activity last month, prices at solid levels and anecdotal feedback suggesting the imbalance between demand and supply is easing too.

Last month an average of 26.4% more written sales were completed by Harcourts than in November 2008, while the average price was up in four of our five regions.

In the upper North Island regions last month we finally saw an increase in the number of new listings coming forward, which is assisting buyers to satisfy their needs. Meanwhile solid average price statistics suggest the market is steady at current levels. Further South listings remain tight and the level of demand for the available stock saw prices in November lifting above those of 12 months ago.

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**

CONTACT LANE NEAVE

Mark Williams, BA, LL.B
Immigration Partner
T +64 3 379 3720
M +64 21 222 2363
F +64 3 379 8370
E liveinnewzealand@laneneave.co.nz

LANE NEAVE LAWYERS

Level 15, PricewaterhouseCoopers Centre
119 Armagh Street,
Christchurch 8011
New Zealand

PO Box 13149
DX WP21008
Christchurch 8141
www.liveinnewzealand.co.nz