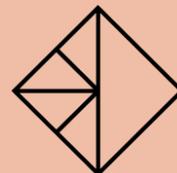


COVID-19: Immigration considerations for healthcare workers



As the consequences of the COVID-19 pandemic continue to grow, the immigration related uncertainties caused by this unprecedented event are following suit. Fortunately, one of the few industries where relative visa/immigration related clarity exists, at the moment, is the healthcare sector.

This article covers the recent changes made by the New Zealand Government with respect to healthcare workers, touches on some of planned future changes and also highlights possible exceptions to the travel ban for certain healthcare workers. In addition, and importantly, it serves as a reminder that a potential pathway to residence exists for certain healthcare workers who may not in the past have had such a pathway to follow.

Visa changes to support the healthcare sector's response to COVID-19

The Government has made a number of changes to temporary work visa settings to better support the health sector response to managing COVID-19.

Visa applications are being (and will continue to be) prioritised for key roles necessary for the health response in New Zealand.

As a temporary measure, a change has been made to Immigration Instructions to relax visa restrictions for students already employed (as at 3 April 2020) in essential healthcare roles, including aged care. The change enables those students to work for more than 20 hours per week for a limited period of time (from 3 April 2020 to 3 July 2020 inclusive). This change applies to both student visa holders and interim visa holders (who held a student visa immediately prior to their interim visa).

In addition, it is understood that changes will also be made for some lower skilled temporary healthcare workers (who are currently in New Zealand) to be able to work in New Zealand for an additional 12 months before they are subject to the stand down period usually associated with lower skilled work visas. This will allow healthcare workers with lower skilled work visas (who have worked in New Zealand for three years) an additional 12 months onshore before they are subject to a 12 month offshore stand down period.



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These initiatives should provide additional certainty for those impacted, some of whom will be affected by the first stand down period from 28 August 2020, and it should also help maintain existing workforces at this critical time.

Further information about the implementation of these changes is expected in the near future, including the publishing of further amended Immigration Instructions.

Exceptions to the Travel Ban

It is now possible for certain individuals to approach Immigration New Zealand (INZ) to be considered for an exception to the border closure/travel ban.

Consideration will only be made for people with exceptional circumstances who have a critical purpose for travelling to New Zealand. The starting point for any consideration is that for the protection of the New Zealand people exemptions will only be made truly exceptional situations.

Essential health workers who are critical for the fight against COVID-19 have been listed as a category of workers who may be eligible for an exception where they are a current or *new employee* holding a key clinical or non-clinical position working in:

- A District Health Board
- New Zealand Blood Service
- Hospice or palliative care
- A primary care practice such as urgent care or a medical or healthcare centre
- Aged residential care (respite or continuing care facility)

A *new employee* is a staff member with a signed offer of employment from one of the listed agencies and who has an employment commencement date from March to June 2020.

The key clinical or non-clinical positions eligible are:

- Medical Doctors
- Nurses
- Midwives
- Psychiatrists
- Psychologists
- Physiotherapists
- Technical and support staff working in:
 - Theatre
 - Laboratory
 - Radiology



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- Cardiology Blood service
 - Nuclear medicine
 - Oncology
 - Haematology
 - Pathology
 - Hyperbaric medicine
 - Mortuary
 - Research Staff
 - Support staff working in:
 - Aged care (including rest homes)
 - Palliative/hospice care
 - Mental health
 - Child health
 - Forensic care

People under this exception must work in one of these occupations. For example, they must have an offer of employment or support from a New Zealand employer or the Ministry of Health. Consideration will also be given as to whether the person holds the necessary qualifications and registration (if required) to work in New Zealand.

In addition, they must also meet the following generic requirements:

- meet health and character requirements for temporary entry
- be a bona fide applicant
- meet the funds or sponsorship requirements for visitors
- meet onward travel requirements.

Partners and dependent children of essential health workers who will accompany them may also be included in the request.

Reminder of a Possible Residence Pathway

Many healthcare workers may recall that Statistics New Zealand and the Australian Bureau of Statistics recently completed a refresh of the Australia and New Zealand Standard Classification of Occupations (ANZSCO) list.

A number of occupations that were previously considered lower-skilled have, since late 2019, been assessed as mid-skilled and have thus been allowing points to be claimed for Skilled Employment under the Skilled Migrant Category (SMC).

Of relevance to the healthcare sector it can be noted that Care Assistants and Personal Care Assistants, both of which are occupations that were previously classified as lower-skilled, are now considered to be mid-skilled (if all applicable requirements are met) which means such positions can



potentially be relied upon to claim 50 points for Skilled Employment towards an application for residence under the SMC.

Care and Personal Care Assistants, particularly those whose work can be classified as “Essential” from a COVID-19 point of view (see details above) may well be able to claim points toward skilled employment under the SMC; so may well want to consider submitting an application for residence under the SMC to give longer term certainty in what can only be described as a very uncertain time.

Conclusion

Our team is skilled and ready to support individuals at navigating the immigration system, particularly during those times when solutions may not necessarily appear to be obvious.

We can assist you with the matters elaborated on above to ensure that you can be as prepared as possible for the new world of immigration policy that we will face in the times ahead during and after COVID-19.

For further information please feel free to contact us.

