

LAURENTLORE

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Dear Client

Laurent Law continues to deliver specialist New Zealand immigration advice in a rapidly changing field. Online applications, policy changes, shifts in practice by Immigration New Zealand toward overstayers . . . every day is different.

People keep coming to us to solve messy problems. It's what we are known for. We would sometimes like to get the "easy" stuff to do, but often we meet with people when they have tried everywhere else, and everything else has failed. We can't always fix things, but often we can, and the team keep surprising themselves with the results that they achieve on cases that didn't look too promising at the outset.

Thanks, Simon Laurent

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TESTIMONIALS

"I...think your work was very good in all respects. You were very quick to respond to my questions and got the work done very quickly. Speed is important to us with this kind of work. I also liked that you gave us a clear figure when we asked about a price estimate and that you were very frank with your answers to my questions...I've recommended you to a colleague of mine..."

MS (Australian Corporate Client)

"I wish to express my sincere appreciation for the excellent service provided to me by the Laurent Law Firm and acknowledge James Turner for his professionalism while handling my special case regarding my deportation. James was a tremendous help for me, he is one of the shining examples of professional, caring and knowledgeable lawyers. He listened, advocated and kept me informed throughout the proceedings of my case. I am very pleased with the quality, responsiveness and extensive legal expertise of James. He went the extra mile to help and succeeded. I am staying in NZ, I am so happy and grateful. I would wholeheartedly recommend James and Laurent Law to any business or individual in need of legal help."

Natalia

My Dinner with the Minister

On Monday evening the Minister of Immigration spoke at a dinner hosted by the [Immigration & Refugee Committee](#) of the Auckland District Law Society (Inc.). Here are a couple of things that he talked about. It is also interesting to compare what follows with my comments on [last year's Ministerial dinner](#). In some respects, the more things change, the more they stay the same . . .

Lies, Damned Lies, and Immigration Statistics

While I am hardly an apologist for the Government, I agree with the Minister's comment that the figures being bandied around about the supposed flood of migrants into New Zealand. I commented about this in [a recent post](#), and I take heart from some common sense being talked by the likes of [Nigel Latta](#).

Hon Michael Woodhouse pointed out that the "long term migrants" being talked about as pouring into the country equals anyone who ticks on their Arrival Card that they are entering NZ for 12 months or more. They become part of the statistics Winston Peters, the populist media, and even some who should know better (like the Reserve Bank) love to wave about. But what if they don't stay for 12 months?

For instance, we welcome tens of thousands of under-30s on Working Holiday Visas who are allowed to stay for a year – so of course they'll tick that box. But in fact many of them don't stay the full time for a number of reasons. The simplest reason is that if they remained for more than the full 12 months then they would risk overstaying, so the better option is for them to arrange to leave a little early. Or else their plans change and they decide to trek through Nepal or the Andes.

Now, when they leave New Zealand they are asked on the [Departure Card](#), "Were you living, working or studying in New Zealand for 12 months or more?" If they

tick No, their data is not collated – it is only those who tick Yes, and who then go on to answer questions about how long they will be away, who are noticed. As a result, the number of people entering New Zealand long-term is being skewed by the manner in which the information is gathered.

Sure, there are a lot of people coming here, and the numbers will increase – for instance, the volume of Chinese visitors is [predicted to hit a million every year](#) with the increased volume of flights from Asia. But are they the people buying all the houses and stealing all the jobs? The answer is: to some extent, yes, but it may not be the epidemic that the hysterical faction would have us believe.

Review of the Skilled Migrant Category

Early in August I attended a meeting of the Immigration Reference Group, a round-table of stakeholders and Immigration New Zealand senior management to talk about strategic issues. One item on the agenda was an overhaul of the Skilled Migrant policy, which accounts for about 70% of the places on the Government Residence Programme. At the time it was floated as an informal thumb-suck, not on the Government's schedule of planned changes, but rather a proactive look ahead to what might be done to correct some perceived problems with the type of migrants we are getting under SMC.

Well, it turns out that the review is very much on the official schedule. I put a casual question to the Minister about it, not expecting anything definite. In response he announced that moves were underway to draw up a significant revision of the policy. He told the audience to expect changes to the Skilled Migrant Category in early 2017 – that is, in the next 6 months. That, for Government, is quite quick work.

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So what would this review look like? No details are available as yet, but from the Reference Group discussions I can say that a couple of things might be on the cards:

- Points may only be awarded for qualifications at degree level and above. Anyone studying a Diploma or Undergraduate Certificate with a view to Residence could already be wasting their time;
- Immigration may adopt and apply salary bands to each occupation, so that if you are not getting paid enough, your job will not be recognised as skilled for that reason alone;
- Additional weightings could be applied to favour people with backgrounds in occupations that New Zealand wants to import – IT and engineering rather than “management”.

For those considering permanent migration to New Zealand, watch this space.

[*This article first appeared on Laurent Lore on 7th September 2016.*](#)

The Long Road to Health

This is one of those cases which looked pretty doubtful at the start. A family had applied for Residence but the mother has Hepatitis B, which is viewed as a serious and costly condition for the NZ health service. She withdrew from the application so that the rest of the family could all get Residence, which they did in 2012. Over the next few years she unsuccessfully filed a Residence Appeal, a request for Special Direction to the Minister and (after her Work Visa was not renewed) a section 61 application as an overstayer.

We sent her home after brokering her voluntary departure in co-operation with Immigration. We then started a new Partner Work Visa, supported by her husband back in NZ. Not only did she face the medical issue, but Immigration also criticised her for having overstayed, and said that she posed a risk because she might breach the conditions of her visa. By careful reasoning about the reasons for her being in NZ unlawfully, and by using key information on the INZ file, we defused that issue. In the meantime, the client's controlled condition improved so that she could finally be declared to have an Acceptable Standard of Health.

Soon the family will be back together after being separated for some 9 months. Patience on the side of the family, and attention to detail on ours, paid off in the end.

**WANT TO BE ADDED TO OUR MAILING LIST?
ASK AT RECEPTION**

“HELP! I’m being deported”

Someone calls up because Immigration Officers have turned up at their doorstep, they have had a visa declined, or they get a letter from Immigration New Zealand telling them that they have to leave New Zealand. Why have we seen a very noticeable increase in the number of people threatened with deportation ?

Australia's increasing hard line on immigrants may be influencing Immigration NZ to adopt the same attitude. More and more often, we see people who are getting visas declined and being threatened with removal from the country. Even if you hold a valid a criminal conviction, such as drunk driving (DUI) can trigger deportation liability. But you may not know until you apply for residence or your Permanent Resident Visa (PRV).

Here is Mat Martin's take on three very frequently asked questions:

1: Do I have to leave New Zealand straight away?

In many cases, the answer is No. If you have a visa declined or you are here unlawfully, INZ's letters can make it sound as though you must leave straight away or you will be whisked away by Police in the middle of the night. This is often not the case. Most people have appeal rights which prevent INZ from taking deportation action immediately. However it is vital that, if you believe there is a chance you might be deported, you must contact us straight away. Appeal rights have strict filing deadlines. The longer people wait, the fewer options we have available.

2. What are my chances of being able to stay in New Zealand?

This depends on why you are liable for deportation. Strong connections with New Zealand such as Citizen and Resident partner, children and relatives, can work in your favour. However, the severity of any criminal conviction has a corresponding negative impact on your chances of staying. e.g. someone convicted of common assault will have a better chance than someone who is convicted of murder. From our experience we understand most situations and can usually tell someone at a first interview how realistic their chances of staying are.

3. If I am deported, will I ever be able to come back to New Zealand?

You might be able to come back one day but if you are deported from New Zealand then you might be best to forget ever trying to come back. There are statutory bans on re-entry into New Zealand if you have been deported (often either two or five years) if you have been here unlawfully. However, some more serious causes of deportation liability (like serious criminal convictions, or immigration fraud) can lead to a permanent ban.

In many cases you are far better off trying to fight against deportation at the outset, rather than trying to get back to New Zealand once you are already gone. Having said that, we also tell some people to leave and apply to return from overseas because their chances are better - especially if they have tried multiple times to fix their problem while still in New Zealand.

"**Deported**" includes people who are **physically removed** or those whose visas have expired and **leave NZ voluntarily**, whether or not they have been served with a Deportation Order. If you fear that you could liable for deportation, it is critical that you urgently seek advice from someone who can demonstrate that they know how to handle deportation issues.

[*This article first appeared on LaurentLore on 24 August 2016.*](#)

“Immigration flagged as big issue” – no! Seriously?!

This quote was the headline of a [New Zealand Herald article](#) about the Government’s reaction to recent claims that immigration was a major driver of the house price spiral; that it was the reason why unemployment is on the rise; and so on, and so on. It is almost inescapable that immigration will be one of the biggest battlefields upon which the next Election will be fought. On the one hand, cool and calm “business as usual” but masking some determined avoidance of underlying issues (National). On the other, hysteria and xenophobia (Labour and NZ First).

The Net Migration Myth

Take for instance the much-banded-about figure of 70,000 net inward migration in the past year. Winston Peters and others point to this as evidence that NZ is being swamped with foreigners, and it’s out of control. But Bernard Hickey, also in the Herald, [pointed out not long ago](#):

In all the hullabaloo this week about New Zealand’s record high migration, a strange fact has emerged. The number of approvals for permanent residence has fallen from more than 50,000 a decade ago to little more than 43,000 in the last full recorded year. It’s mainly because skilled migrant approvals for permanent residence have fallen from more than 35,000 to fewer than 23,000 in that time.

I pointed this out in [a post more than 2 years ago](#), that Immigration New Zealand has not, in fact, being meeting the NZ Residence Programme target of \$45-50,000 p.a. for the last 4 – 5 years. Then people jump up and down about the large numbers of people coming in on Student and Work Visas. Even Treasury [waded in to issue a warning](#) that “record levels of immigration could push New Zealanders out of low skilled jobs, depress wages and increase housing pressures.”

It’s not clear how migrants are stealing lots of low skilled jobs from locals. For one thing, under Essential Skills Work Visa Instructions, the less skilled the job which the migrant is applying for, the tougher it is to get approval because INZ starts from the default position that there must be suitable New Zealanders who could do such basic work.

And then, as the Minister of Immigration pointed out in a [press statement in June](#), there are lots of those jobs that Kiwis just don’t want to do. Despite the fact that, [as I have said before](#), it is easier for employers to hire locals than to jump through the hoops of supporting a visa application, they often tell us that they are left with no choice owing to the poor standard of people referred to them by WINZ.

The Auckland Housing Bubble

Yes, everyone else has written about it, so I might as well too. The Opposition parties say it’s a migrant problem. The Minister continues to say it is a supply side problem. Heading toward Election year we have the Government and the Reserve Bank sniping at each other. Last month the Prime Minister told them to [“get on with it”](#) in regard to tightening restrictions on lending for property investment.

Amidst all of this the migrant factor is again front and centre. There is now no doubt that offshore purchasers, particularly from China, have had quite an impact on housing values. In response the Government introduced, first of all, a requirement from October 2015 for all non-resident buyers and sellers to record their offshore tax status. This was at least in part a response to accusations that the State had been remiss by not monitoring how many foreigners were buying residential homes. Then, in July, the new Resident Land Withholding Tax rules came into effect to curb the churn of

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buying and selling by “offshore persons”. We gave a heads-up on this in [a blog post from April](#). Just to make things interesting, conflicting predictions are now out there about where the market will head in the next few years. On one side, experts predict a [building boom will last for another 5 years](#) until supply of new houses finally outstrips a slackening demand. Meanwhile, last week 3 News carried a story that [prices would soon take a plunge](#). Disturbingly, the context of this message was to sound an alarm that investors and retirees should start selling up – and of course, if they followed that advice then it would bring true the prediction of a house price slump. The research body, Infometrics, claimed that building consents would increase by some 39% in the near future, and other factors would conspire to bring about the drop in values, including “falling immigration”.

Sorry? I thought everyone was saying that immigration is going through the roof.

Here’s a way to understand it. Right now, the true cause of high net migration is the numbers of New Zealanders coming home, which more than offsets the historically lower amount of new Resident Visas being issued to migrants. But one day the Kiwis will all have come home. Then we will see the true state of affairs, that in fact the immigration settings are not bringing in enough people with capital, skills or family connections. The relatively static economy will turn stagnant and all the financial indicators will turn red. Perhaps, only then, will the Opposition parties change their tune.

[*This article first appeared on LaurentLore on 3 August 2016.*](#)