

**Critical Worker Visitor Visa:  
Other Critical Workers Class Exception  
for Tech Workers**

**A guide to the Tech Profession Class Exception  
Nomination and Validation process**

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# 1. Introduction

In December 2021 the New Zealand Government approved a Class Exception for certain tech workers to come to New Zealand as critical workers.

This means that eligible companies may bring eligible people to New Zealand as “Other Critical Workers” holding a **Critical Purpose Visitor Visa**, provided they meet the criteria and are nominated by the industry via the process outlined here.

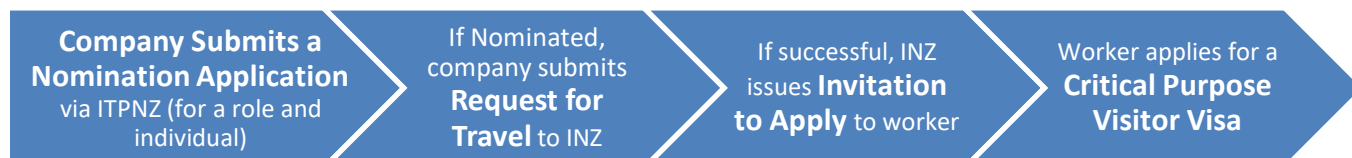
The Class Exception allows for **600 workers** who, if eligible, may bring spouses and children with them. All applications are also subject to general immigration requirements such as character and health criteria.

[Immigration NZ](#) have said that those holding a Critical Purpose Visitor Visa through this Exception, and who meet other requirements (such as arriving in NZ before 31 July 2022), are eligible to apply for the 2021 Resident Visa without having to meet the settled, skilled or scarce criteria.

The Class Exception does *not* provide automatic access to MIQ, however those holding a Critical Purpose Visitor Visa have the right to apply for MIQ spaces, if needed, to travel to New Zealand.

## 1.1 Overall process for Visa

*This section should be considered general information only, not advice. Please seek advice from a Licensed Immigration Agent or Immigration New Zealand.*



IT Professionals NZ is managing the Nomination Process for Tech “Other Critical Workers” on behalf of industry. This involves a validation process with information about the role, the worker, and the company.

Applications will generally be processed in the order they are received, but with priority given to company and agencies also contributing to skills development in New Zealand. Most applications will be processed within 10 working days, but it may take longer to process applications if a larger queue has developed. When nearing 600 applications the process will be paused. IT Professionals NZ will regularly update the expected wait for new applications on its website.

The list of those nominated will be transferred to Immigration NZ fortnightly, at which point the process continues directly with Immigration NZ. The company submits a Request for Travel as a nominated company and if successful, the worker will be invited to apply for the Critical Purpose Visitor Visa.

Note that we are unable to provide advice around the immigration process – please discuss with a Licensed Immigration Advisor or [Immigration NZ](#) if you have any questions about the immigration process.

## 1.2 Nomination Process

To access the Class Exception, companies with a particular role in mind must apply for an **Industry Nomination**. A validation is then undertaken against the class exception criteria and industry expectation, and an **Industry Nomination** is issued (subject to meeting the criteria and spaces being available).

This nomination is then used to apply through Immigration NZ for a **Critical Purpose Visitor Visa**, as an industry-nominated “Other Critical Worker” under the Class Exception for Tech Workers.



Confirmed Industry Nominations are provided to Immigration New Zealand every 2 weeks. Those nominated will be advised when the list has been completed and transferred to Immigration NZ.

The nomination process is being managed by IT Professionals New Zealand (ITPNZ) on behalf of the industry, and in partnership with NZTech.

ITPNZ is the professional body of the tech sector and has operated a tech qualification assessment process (for immigration purposes) for around 4 years. ITPNZ was chosen as it has the people, infrastructure, and processes in place to scale up the provision of the industry nomination process quickly and in a manner that ensures a credible and robust but easily accessible process for industry.

There is a small fee for each Nomination Application. This is a cost recovery only and covers the cost of the validation process and related activities. This is in addition to Immigration NZ fees.

## 1.3 Updated requirements and information

This guide is for information only and is correct at the time of publication, however requirements will change from time to time. The most up-to-date and correct information is on the ITPNZ website.

Where this Guide differs from the content in a newer version of the guide, the newer content will be correct. However if requirements change *after* you have submitted your nomination application, the requirements that were in place when you submitted your application will be used where possible.

## 1.4 Brief Review

ITPNZ, NZTech, and the Ministry of Business, Innovation and Employment (MBIE) will conduct a brief review of the process, outcomes, demand and any issues related to the Class Exception within the first month of operating, then regularly thereafter as necessary.

ITPNZ will publish summary statistics of applications, application places regularly.

## 2. The Criteria for the Class Exception

To be nominated for an “other critical worker” Class Exception, there are requirements for **the Role** being filled and **the Worker** being proposed to fill the role. There are also industry expectations for **the Company** applying. This is for the Class Exception Nomination only; Immigration New Zealand also sets requirements during the application process (such as character and health requirements).

### 2.1 Cabinet-endorsed Requirements for the Role

The Class Exception covers specific roles and levels within the tech profession. While there are other areas in shortage, these are the areas industry have said are in the greatest shortage at this time.

The role Categories (including their synonyms) covered by the exception are:

1. Software and Application Programmers ([ANZSCO 2613](#))
2. ICT Managers ([ANZSCO 1351](#))
3. ICT Security Specialist ([ANZSCO 2621](#))
4. *Multimedia Specialists* ([ANZSCO 2612](#))

The role being offered must also have a **base salary of at least \$120,000** (NZD) for Categories 1-3 above, or a **base salary of at least \$95,000** for Category 4 (italicized above and below). This must be a base salary for a 40-hour week and cannot include bonuses, share issues, or any other form of remuneration.

These categories include roles that fall within the following ANZSCO occupation definitions:

- 261311 Analyst Programmer
- 261312 Developer Programmer
- 261313 Software Engineer
- 261314 Software Tester
- 261315 Cyber Security Engineer
- 261316 DevOps Engineer
- 261317 Penetration Tester
- 135111 Chief Information Officer
- 135112 ICT Project Manager
- 135199 IT Service Delivery Manager or Network Manager
- 262114 Cyber Governance Risk and Compliance Specialist
- 262115 Cyber Security Advice and Assessment Specialist
- 262116 Cyber Security Analyst
- 262117 Cyber Security Architect

- 262118 Cyber Security Operations Coordinator
- 261211 *Electronic Game Developer, Multimedia Developer or Multimedia Programmer*
- 261212 *Web Developer*

Note that these are the overall occupations as per the ANZSCO codes, however the Exception also applies to all **synonyms** (e.g. Product Manager). A full list of Synonyms for these roles are on the [StatsNZ website](#).

## 2.2 Industry Expectation

The tech sector has historically had an over-reliance on the immigration process, with recent research<sup>1</sup> finding an under-investment by industry in developing the pathways to the tech industry within NZ.

Immigration is, and always be, a core and welcome pathway to the tech industry in NZ. However, a balance is needed and therefore companies who are contributing to the development of the domestic skills pipeline will receive priority in this nomination process.

For this reason, companies applying for an industry nomination will receive prioritisation if they are:

1. **Engaged with a programme to support domestic skills growth.**
2. **Supporting the tech sector ecosystem by being a current member of a relevant industry body.**

*This only applies for companies with 5 or more employees.*

The first criteria is met if the company has a support agreement in place with a programme supporting domestic skills growth. This might include (for example):

- **Summer of Tech** or equivalent tertiary internship programme (paid internships only)
- **TechHub** (the main tech industry's school outreach programmes)
- **Inspiring the Future Aotearoa** (TEC initiative targeting primary and intermediate schools)
- **Code Club Aotearoa** (mentoring coding clubs in schools, kura, libraries and marae)
- **Tahi Rua Toru Tech** (industry-supported digital projects in schools)
- **TechHub Talks** (Tech professionals speaking in schools)
- **ShadowTech** (Secondary school students shadow a tech professional at work)
- **Young Enterprise/YES programme**
- **R & D Experience, Career and Fellowship Grants**

Support of any substantive not-for-profit programme working to develop or support pathways to and within the tech profession in New Zealand will likely meet the criteria.

Industry bodies include NZTech, AgriTechNZ, NZRise, IT Professionals NZ (corporate partnership), AI Forum, Canterbury Tech, ManuwaTech, or any other bona fide tech-specific industry bodies in NZ.

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<sup>1</sup> For example, see the 2021 Digital Skills Aotearoa report, and the 2021 Industry Plan for Skills and Talent, completed as part of the Digital Technology Industry Transformation Plan.

## **2.3 Worker Suitability for the Role**

To ensure the integrity of the Class Exception process, the worker being proposed for the role **must have appropriate experience and education for the role.**

This isn't an onerous validation and there are no hard criteria to be met – essentially the CV (or equivalent) of the worker will be independently reviewed to ensure a reasonable connection between their experience and that normally expected of workers for the listed ANZSCO occupation.

The purpose of this check is to ensure the integrity of the process – that individuals or companies aren't attempting to use the process to bring workers into the country to fulfill other roles (with the role offered matching in name only, to circumvent the normal immigration process).

## **2.4 Validating the information provided**

The company making the application is responsible for ensuring that all information provided under this process is accurate, including the work history of the worker.

ITPNZ will conduct a level of validation of the information provided. Where information is found to be false, Immigration New Zealand will be informed and as a minimum, the company will not be eligible to submit further applications for industry nomination under this Class Exception. Fraudulent declarations may also be referred to the NZ Police.

## **2.5 Transfer to Immigration New Zealand**

Details of approved nominations will be transferred to Immigration New Zealand fortnightly, at which point the [Immigration process](#) can begin.

## **2.6 More information**

ITPNZ can **only** provide guidance on this nomination application process and only in writing via email. We are not legally able to provide general immigration advice or advice related to the Visa process.

**All other immigration and visa-related enquiries should be directed to a Licensed Immigration Advisor or Immigration New Zealand.**

## 3. The Nomination Application Process

A full application for an industry nomination under the class exception includes details of **the Company**, **the Role** being offered, and **the Worker** who will take up the role. There are industry expectations for the company and requirements that must be met for the Role and Worker.

To apply, a company or agency must complete a Nomination Application Document (available from the ITPNZ website) and submit it online at <https://itp.nz/immigration> along with other information such as a CV or LinkedIn PDF of the worker (translated into English if necessary).

Within the Nomination Application Document, the company provides passport and other information for the worker and any dependents who would also come to New Zealand. It's important this information is accurate as it will be passed on to Immigration NZ and used as the basis for their Invitation to Apply.

### 3.1 Timeframes for applications

ITPNZ's target is to have every nomination application processed within **10 working days**. In practice, many applications will be dealt with in a significantly shorter timeframe than this, however this will depend on demand and the size of the queue – it may take up to 4 weeks if there is strong initial demand. The current expected timeframe is listed on the ITPNZ website. Priority will also be given to companies who are also contributing to New Zealand's domestic talent pipeline.

Where an application is going to take longer than initially noted, ITPNZ will notify the company concerned.

### 3.2 Costs

The nomination application process will operate on a cost-recovery basis, with the fees below covering the cost of processing the applications and related activities.

Activity	Cost
<b>Nomination Application</b> (company and role)	\$ 49 +GST

This cost-recovery fee must be paid before the application can be processed and can be paid via credit card (recommended) or bank deposit. Fees will be regularly reviewed and may change.

### 3.3 Appeals and Reviews

Each unsuccessful application is automatically reviewed by at least 2 Assessors prior to the decision; therefore, no additional Appeal process is available.

The application will be validated based on the information provided. Where an application is unsuccessful, the reason will be clearly identified. If the company can resolve the issue, they may choose to make a subsequent application.



## 4. General principles for Industry Nominations

Validations are also based on the following general principles:

### 1. The validation process must be robust, but fair

The process and evidence must ensure the requirements are met, but not be overly officious or require excessive evidence to be successful. Assessors have a duty to be fair.

### 2. Requirements must be clear

Clear and detailed guidance should be available to those undertaking assessment, so they can easily understand what is required.

### 3. The process must be transparent

Summary information must be provided regularly, decisions must be clearly communicated and the process must be transparent for everyone.

### 4. The validation should be non-arbitrary

The criteria must be applied in a logical way and without favour, and the outcome based solely on the evidence provided.

### 5. Validations should be positively framed

The assessors job is to review evidence and validate whether the nomination requirements have been met. Assessors must do this from a positive position (finding the evidence they need to approve the application, provided such evidence exists) rather than a negative position (trying to find reasons not to approve the application).

### 6. Dishonesty or fraud will not be tolerated

ITPNZ will treat any example or attempt at fraud, misleading or deliberately incorrect evidence, bribery, corruption or any other dishonest practice extremely seriously. Such cases may be referred to Immigration NZ and/or the NZ Police, and companies will be excluded from the industry nomination process.