

18 November 2022

Skilled Migrant Review

Ministry of Business, Innovation and Employment

SkilledMigrantReview@mbie.govt.nz

Future of the Skilled Migrant Category

Thank you for the opportunity to comment on the proposed new settings for the Skilled Migrant Category resident visa. The Association of Salaried Medical Specialists Toi Mata Hauora (ASMS) is the union and professional association of salaried senior doctors and dentists. ASMS was formed in April 1989 to advocate and promote the industrial and professional interests of our members, most of whom are employed by Te Whatu Ora. We have over 5,500 members.

ASMS welcomes the review of the Skilled Migrant Category as it has been a key visa for overseas trained medical specialists to live and work in Aotearoa NZ. However, the current settings, protracted application process, and long processing delays have caused doctors to leave the country in frustration.

Our submission focuses on the need for overseas trained medical specialists to fill shortages that we cannot fill with locally trained doctors. Although we are increasing the number of medical graduates, we are not training enough specialists to become self-sufficient. ASMS has assessed the current shortfall of senior medical officers (who are specialists) is approximately 1,140 full-time equivalents.¹

We have the following comments on the proposed changes.

Rationale for the proposed changes

The stated objective of the Skilled Migrant Category is “to support New Zealand’s economic growth by granting residence to people who have skills to fill medium- to long-term skill needs that would be hard, or take time, to fill from the domestic labour market”². ASMS considers that attracting overseas doctors will not only depend on establishing a priority pathway to residency but will also be about the state of the health system in which they will work. We therefore suggest another purpose of the Skilled Migrant Category should be to address shortages in our health system. As has been seen through Covid-19, the health system is crucial to the economy.

An immigration system that is seen to be actively working to increase health workforce capacity, reduce pressure and alleviate high levels of stress and burnout will make coming here more

18 November 2022 9.26 am

desirable. Medical specialists are in global demand, and we need to act more decisively to encourage them to choose Aotearoa.

We note that changes to the Skilled Migrant Category will not be in place until mid-2023.³ In the meantime, the existing Skilled Migrant Category will resume under current settings. ASMS considers this is unacceptable. It should not take six months to simplify the Skilled Migrant Category settings and make changes. Regardless of whether people in the Skilled Migrant Category queue have obtained or will obtain residence through the one-off 2021 Resident Visa, maintaining the status quo means backlogs of eligible applications and long wait times for decisions to be made are more than likely.

Aligning with the Immigration Rebalance

ASMS does not support the view that temporary work visas should generally be used to address immediate labour market needs. An episodic, one-size-fits-all approach risks not understanding differences in the demand and supply of workforces. Our demand for medical specialists is both immediate and long-term. We consider offering a temporary work visa to overseas trained doctors because the labour market need is immediate misses this point.

We recognise that a temporary work visa is appropriate for a doctor coming to work in a position for a short term, for example as a locum. However, many overseas trained medical specialists have languished in uncertainty on temporary visas unable to gain residency even after working here for many years. We are concerned that the proposed stand-down period for the Accredited Employer Work Visa after working here for a maximum of three years, and the requirement to spend 12 months out of the country, will result in doctors on this visa leaving for good even if they are committed to this country.

Simplified points system

Under the proposed points system for the Skilled Migrant Category, overseas trained medical specialists would be able to claim the necessary 6 points to qualify for the visa based on either their vocational registration with the Medical Council, qualification, or income. We support this change as it should make the process of applying for and obtaining residency much easier. It would help to encourage doctors to migrate and for those already here to stay.

We are concerned that registered nurses from overseas will not achieve 6 points. They would generally only be able to claim 3 points based on either New Zealand professional registration or their qualification. We do not think this fair. Nurses would only be eligible for residence after three years of skilled work in New Zealand to gain 3 more points. ASMS considers this policy is out of touch with the reality of our workforce crisis, and we desperately need to attract and retain nurses from overseas. Relating the eligibility threshold to how long it takes to train is a blunt instrument in the case of nurses. It does not recognise that nursing skills are vital for high quality patient care. It is also important that the Green List includes registered nurses and midwives, and we discuss this issue further below.

We note that no change is proposed to the age (up to 55 years) restriction for the Skilled Migrant Category. ASMS has raised concerns with the Minister of Immigration on more than one occasion requesting that the age limit for the visa excludes medical specialists who can make an invaluable contribution to our health system well past the age of 55 years.

The consultation document states that MBIE is working with the Ministry of Health to determine whether it is appropriate to lift the age limit for a limited number of highly specialised medical roles, “recognising the significant time it takes to qualify and challenges in developing these critical roles

domestically”.⁴ ASMS welcomes this news, however, we consider it should be lifted for all overseas trained doctors with the necessary qualifications, training and experience for vocational registration in New Zealand. Our view on this matter also applies to the Green List where the age limit of ≤ 55 years has been applied.

We support the proposed change to process all applications that meet eligibility criteria and to remove the existing “planning range”, or cap, from the Skilled Migrant Category. This change is expected to increase the proportion of migrants who gain residence each year. Successful implementation of this policy change will depend on whether Immigration New Zealand is properly resourced to manage the demand.

Comment on other pathways to residence

The one-off 2021 Residence Visa (RV21), introduced in December 2021, is not increasing the number of specialists. Nevertheless, it provided a pathway to residence for doctors already living and working here. We are dismayed, however, at the delays in processing the visa with the timeline now officially extended from 12 months to 18 months even though it was given priority by Immigration New Zealand. We note that only 59% of the total 106,078 applications received have been approved and visas issued.⁵ The risk now is that doctors waiting for the RV21 visa give up and leave.⁶

Recently introduced changes, as part of the Immigration Rebalance, include the Green List with the fast tracked ‘straight to residency’ pathway that overseas trained medical specialists are eligible to apply for. However, we are concerned that specialities where there are known shortages are not on the list, for example, paediatrician, oncologist and dental specialist. There is evidence that overseas trained medical specialists already working in Aotearoa NZ in hard to fill areas of medicine cannot gain residency through the Green List pathway because their specialties are not listed. Some of these doctors are questioning whether to wait in the lengthening queue for the RV21 visa or to leave New Zealand altogether.⁷

We understand that the Green List is to be reviewed in mid-2023.⁸ ASMS appreciates that the Green List must be complete and accurate, but we consider this timeframe is too slow. An immediate review should be undertaken by MBIE (in partnership with Te Whatu Ora) and changes made to ensure it reflects actual shortages of medical specialists (and nurses and midwives). In addition, a robust process of review and updating must be established for it to be credible and useful, especially as it is replacing existing skills shortage lists.

ASMS strongly supports the call for registered nurses and midwives to be on the Green List ‘straight to residency’ pathway. We are aware there is a perceived risk that nurses will move to employment in other sectors where they can earn more once they have gained residency. In our view, the immediate benefits of attracting more nurses through this pathway outweigh any real or perceived risk of this happening. If the government wants to support overseas trained nurses to live and work in Aotearoa NZ, then it should offer them the ‘straight to residence’ pathway. It should also pay nurses more.

Conclusion and recommendations

We agree that certainty and treating them well is a key part of attracting skilled migrants to Aotearoa. We also agree that residence is an important mechanism, and we support changes that create an easier pathway to residency.

ASMS supports a simplified points system for the Skilled Migrant Category that would enable the process of applying for and obtaining residency easier for overseas trained medical specialists. We also support the proposal to process all eligible applications and remove the existing “planning

range". However, we do not support the retention of the age restriction for the Skilled Migrant Category of ≤ 55 years as it fails to recognise the length of time it takes to train as a medical specialist and the contribution doctors over this age can make.

ASMS believes that the skilled migrant policy must reflect the crisis in the health system. The shortage of medical specialists needs addressing now because too many people in Aotearoa are not receiving the health care they need.

The problem is exacerbated by a global demand for this workforce and requires a responsive immigration system with incentives to compete with other countries.

We make the following recommendations:

Future of the Skilled Migrant Category

1. The objectives of the Skilled Migrant Category should include to strengthen the health system by supporting the recruitment and retention of overseas trained specialists and nurses.
2. Changes to the Skilled Migrant Category should be made without delay.
3. The age requirement for the Skilled Migrant Category (≤ 55 years) should be lifted for all medical specialities.
4. The policy settings should reflect the current shortage of medical specialists and action should be taken now.

Other pathways to residency

5. The Green List 'straight to residence' pathway should include all medical specialities.
6. The Green List 'straight to residence' pathway should include registered nurses and midwives.

Yours sincerely



Sarah Dalton
EXECUTIVE DIRECTOR

¹ ASMS, November 2022. Unpublished research.

² MBIE, October 2022. Future of the Skilled Migrant Category. Commentary and request for submissions. p11.

³ MBIE, October 2022. Future of the Skilled Migrant Category – Fact Sheet.

⁴ MBIE, October 2022. Future of the Skilled Migrant Category. Commentary and request for submissions. p19.

⁵ New Zealand Immigration, <https://www.immigration.govt.nz/new-zealand-visas/waiting-for-a-visa/how-long-it-takes-to-process-your-visa-application/2021-resident-visa-processing-times> Accessed 11 November 2022.

⁶ Stuff, 28 August 2022. Immigration headaches for American doctor leave family in limbo
<https://www.stuff.co.nz/national/immigration/300666271/immigration-headaches-for-american-doctor-leave-family-in-limbo>

⁷ RNZ, 9 November 2022. In residence limbo: Doctors, split families wait for news from Immigration NZ
<https://www.rnz.co.nz/news/national/478361/in-residence-limbo-doctors-split-families-wait-for-news-from-immigration-nz>

⁸ 1news, 31 October, 2022. 'Immediate changes' needed to NZ's Green List - health recruiter
<https://www.1news.co.nz/2022/10/31/immediate-changes-needed-to-nzs-green-list-health-recruiter/>