

Immigration alert

Partner work rights to stay (with conditions)

Background

In 2022 it was announced that work rights for many partners of temporary visa holders would be removed, with limited exceptions. This change was initially slated for December 2022 but was pushed out until April 2023.

Update

The government has changed its position on the removal of work rights. From 31 May 2023 partners of Accredited Employer Work Visa (**AEWV**) or Essential Skills visa holders will still be granted work rights, but with conditions. These conditions include that a partner must:

- Work for an accredited employer; and
- Be paid at least the median wage (currently \$29.66) unless an uncapped sector agreement is in place allowing a lower hourly rate for that occupation.

There will be no requirement to complete labour market testing or provide a job offer. Also, the partner will be free to move between (compliant) jobs without updating INZ.

Exceptions

These limitations will not apply to:

1. Partners of New Zealand citizens or residents.
2. Partners of principal applicants who meet [Green List](#) requirements or earn double the median wage (currently \$59.32).
3. Partners of principal applicants holding other temporary visas.

Our thoughts

This change has likely been made as a result of significant public pressure to reverse the 2022 decision to remove work rights.

It makes sense to require partners to work for accredited employers because it aligns with the government's attempts to reduce migrant exploitation. However, the reality is that many partners take up lower-paid employment to supplement a household income. With widespread labour shortages, this median wage condition should be reconsidered.

Advice

Applications submitted before 31 May 2023 will not be impacted by this change. This gives a limited window for partners to apply for a work visa to avoid these additional restrictions.

Questions?

If you have any questions about this article, please contact [Tash Rae](#) or a member of our specialist [Employment Team](#).