

H.E. Wang Wentao
Minister of Commerce
People's Republic of China

26 January 2021

Dear Minister

I have the honour to refer to the *Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China* (the "Agreement"), done at Beijing on 7 April 2008, and to the recent discussions that have taken place between representatives of our two Governments.

Pursuant to those discussions, I now have the honour to propose, on behalf of the Government of New Zealand, that the Agreement be amended in accordance with Article 212 to replace Annex 11 ("Commitments on Temporary Entry by Natural Persons") of the Agreement with a new Annex 11, as set out in the appendix to this letter entitled "New Annex 11 ("Commitments on Temporary Entry by Natural Persons") ("the Appendix").

This amendment is made in accordance with Article 130(2) of the Agreement and the Appendix shall form an integral part of the Agreement.

If the above proposal is acceptable to the Government of the People's Republic of China, I have the further honour to propose that this letter and its Appendix together with your letter in reply indicating such acceptance shall constitute an amendment to the Agreement, which shall enter into force ninety days from the date of your reply, in accordance with Article 212 of the Agreement.

Yours sincerely

Hon Damien O'Connor
Minister for Trade and Export Growth
New Zealand

Appendix: New Annex 11 (“Commitments on Temporary Entry by Natural Persons”)

ANNEX 11: Commitments on Temporary Employment Entry by Natural Persons

New Zealand’s Commitments made pursuant to Article 130

New Zealand’s commitments in respect of temporary employment entry for natural persons in these specific occupations, including those relating to temporary employment entry for skilled workers to work in specified skilled occupations, do not affect the opportunity for Chinese natural persons to apply to enter New Zealand to take up temporary employment under New Zealand’s immigration policy outside the arrangements under the China - New Zealand Free Trade Agreement (“the FTA arrangement”). If it is possible to take up temporary employment entry under New Zealand immigration policy outside the FTA arrangement, the maximum numbers in these commitments will not affect that possibility.

Applications by Chinese natural persons for temporary employment entry in these specific occupations will be processed in a transparent manner consistent with the provisions of Article 128.¹

Temporary employment entry for natural persons in the following occupations	Conditions (including numbers, duration of stay and other requirements)
Traditional Chinese Medicine (“TCM”) Practitioners, including nurses	<p>Up to 75 at any one time.</p> <p>Duration Up to three years at any one time, dependent upon the employment agreement. This cannot be extended beyond three years, and TCM practitioners who have spent three years in New Zealand working under this provision of the FTA are not eligible for a further work visa or work permit under this provision of the FTA until they have spent a minimum of three years outside New Zealand.</p>

¹ Conditions, including qualifications requirements relating to the FTA arrangements, shall be set out on the New Zealand Ministry of Business, Innovation and Employment’s Immigration website. Information about the numbers of Chinese entering New Zealand under the temporary employment entry quotas will be included on the website and will be updated monthly. The Ministry of Business, Innovation and Employment will maintain a contact point in each Immigration New Zealand branch in China, to provide information about the temporary employment entry arrangements under this Agreement. Immigration New Zealand will prioritise in each of its branches in China applications for work visas from Chinese natural persons made under this Agreement.

Temporary employment entry for natural persons in the following occupations	Conditions (including numbers, duration of stay and other requirements)
	<p>Requirements A Chinese national who has a higher education² degree, requiring at least three years of successful study in Traditional Chinese Medicine from an institution recognised by the Chinese government.</p>
Chinese Chefs	<p>Up to 200 at any one time.</p> <p>Duration Up to three years at any one time, dependent upon the employment agreement. This cannot be extended beyond three years, and Chinese chefs who have spent three years in New Zealand working under this provision of the FTA are not eligible for a further work visa or work permit under this provision of the FTA until they have spent a minimum of three years outside New Zealand.</p> <p>Requirements A Chinese national who has a Chinese Occupational Skills Testing Authority Certificate Level 3 in traditional Chinese cuisine.</p>
Mandarin Teaching Aides	<p>Up to 300 at any one time.</p> <p>Duration Up to three years at any one time, dependent upon the employment agreement. This cannot be extended beyond three years, and Mandarin Teaching Aides who have spent three years in New Zealand working under this provision of the FTA are not eligible for a further work visa or work permit under this provision of the FTA until they have spent a minimum of three years outside New Zealand.</p> <p>Requirements A Chinese national who carries out a range of language-teaching duties to assist the professional work of teachers in a New Zealand classroom, and thereby supports the acquisition of the Mandarin language by New Zealand</p>

² As defined in China's Higher Education Law of 1998.

Temporary employment entry for natural persons in the following occupations	Conditions (including numbers, duration of stay and other requirements)
	school students. Mandarin language teaching aides must have a higher education ³ degree, requiring at least three years of successful study.
Chinese <i>Wushu</i> Martial Arts Coaches	<p>Up to 25 at any one time.</p> <p>Duration</p> <p>Up to three years at any one time, dependent upon the employment agreement. This cannot be extended beyond three years, and <i>Wushu</i> Martial Arts coaches who have spent three years in New Zealand working under this provision of the FTA are not eligible for a further work visa or work permit under this provision of the FTA until they have spent a minimum of three years outside New Zealand.</p> <p>Requirements</p> <p>A Chinese national with <i>Wushu</i> Grade 3-5 Certificate and a post-compulsory education⁴ qualification in either physical education or teaching, requiring at least two years of successful study from an institution recognised by the Chinese Government.</p> <p>OR</p> <p>Chinese <i>Wushu</i> Grade 6-9 Certificate and five years teaching experience.</p>
Chinese Tourism Specialist	<p>Up to 200 at any one time.</p> <p>Duration</p> <p>Up to three years, dependent on the employment agreement. This cannot be extended beyond three years, and Chinese Tourism Specialists who have spent three years in New Zealand working under this provision of the FTA are not eligible for a further work visa or permit under this provision of the FTA until they have spent a minimum of</p>

³ As defined in China's Higher Education Law of 1998.

⁴ In China this is education undertaken following completion of 9 years compulsory education. Nine years compulsory education is defined in China's Compulsory Education Law of 2006.

Temporary employment entry for natural persons in the following occupations	Conditions (including numbers, duration of stay and other requirements)
	<p>three years outside New Zealand.</p> <p>Requirements</p> <p>A Chinese national who, at the time of application for a visa under this provision of the FTA:</p> <ul style="list-style-type: none"> • holds a valid Tour Guide Licence in China (consistent with any relevant current or future arrangements between the Parties, including any agreed in the context of Approved Destination Status (“ADS”) requirements and can demonstrate knowledge of New Zealand; or • holds a New Zealand qualification at level 5 or above on the New Zealand Qualifications Framework in tourism (or a related field) that took a minimum of two years study; or • has a Chinese bachelor degree level qualification or higher in tourism (or a related field) that took a minimum of two years study; or • has completed one year of work in New Zealand as a tourism specialist with an endorsed tourism business as detailed in the Immigration New Zealand Operational Policy Manual; <p>and has an acceptable standard of English equivalent to an International English Language Testing System (IELTS) Level 5 certificate in Listening and Speaking English.</p> <p>A description of the duties associated with the Chinese Tourism Specialist category shall be set out in the Immigration New Zealand Operational Policy Manual.</p>
<p>Temporary employment entry for skilled workers to work in specified skilled occupations</p>	<p>Entry in respect of skilled workers in specified occupations drawn from sectors in which New Zealand has an identified skills shortage. The sectors to which this commitment applies shall be set out in an arrangement established by an exchange of letters between the Parties, which shall be reviewed every five years by the Committee on Movement of Natural Persons. The Parties shall work towards the conclusion of a mutually satisfactory outcome to the review. Until agreement is reached, or as otherwise mutually agreed, the five-year arrangement applying immediately prior to the review shall remain in place.</p> <p>Entrants shall be Chinese nationals.</p> <p>1 If the requirements for a skilled occupation</p>

category identified as being in shortage in New Zealand, which is a specified skilled occupation under the FTA arrangement, are lowered, the requirements for that specified skilled occupation under the FTA arrangement will be correspondingly lowered.

2 For any specified skilled occupation category in the FTA arrangement, which still remains in the skills shortages list, if the qualifications or work experience requirements for that skilled occupation category identified as being in shortage in New Zealand are more restrictive, the qualifications or work experience requirements for that specified skilled occupation in the FTA arrangement shall apply for the entrants in such category, provided that the number of the entrants entered in accordance with the qualifications and work experience requirements in the FTA arrangement does not exceed 100 at any one time.

3 In the event that any specified skilled occupation category in the FTA arrangement is removed from the skills shortages list, labour market testing shall not be required for the entrants in that skilled occupation, provided that the number of such entrants does not exceed 100 at any one time. The qualifications and work experience requirements for the entry of such entrants shall not be more restrictive than those specified for such category in the FTA arrangement.

4 In any case, the overall number of entrants under the situations specified in paragraphs 2 and 3 shall not exceed 1000 at any one time.

Duration

For entrants under paragraphs 2 and 3, the working duration in New Zealand is up to three years, dependent upon the employment agreement. This cannot be extended beyond a total of three years, and Chinese skilled occupation workers are not eligible for a further work visa or permit under this provision of the FTA until they have spent a minimum of three years outside New Zealand.

For any other entrants in a specified skilled occupation category, the duration policy shall be that set out in the Immigration New Zealand Operational Policy Manual.

Hon Damien O'Connor
Minister for Trade and Export Growth
New Zealand

26 January 2021

Dear Minister

I have the honour to refer to your letter of 26 January 2021, which reads as follows:

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People’s Republic of China

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