



#### **MEMO**

DATE	13 May 2022
то	Stephen Dunstan, General Manager, Enablement
PREPARED BY	Privacy of natural persons Business Analyst, Operational Policy
APPROVED BY	Jeannie Melville, Head of AEWV
SUBJECT	IMMIGRATION NEW ZEALAND FORM REQUIRING THE APPROVAL OF THE GENERAL MANAGER, ENABLEMENT

# **PURPOSE**

This paper seeks your approval for the new Immigration Online (ADEPT)<sup>1</sup> Accredited Employer Work Visa (AEWV) accreditation form under section 381 of the Immigration Act 2009 (the Act).

Section 381 of the Act confers the power to approve and issue forms necessary for the purposes of the Act, to the Chief Executive, Ministry of Business, Innovation and Employment (MBIE). This power was delegated to the Deputy Chief Executive - Immigration New Zealand by the Chief Executive, as outlined in the 'Immigration Act 2009 Instrument of Delegation' dated 26 September 2019.<sup>2</sup>

You have been delegated authority to approve forms under section 381(1) by the Deputy Secretary - Immigration as set out in a memorandum dated 10 September 2021.

# **RECOMMENDATIONS**

It is recommended that pursuant to section 381 of the Act you:

A. **Approve** the new online AEWV accreditation form, as outlined in Appendix 1.

Agree / Disagree

<sup>&</sup>lt;sup>1</sup> Advance Digital Employer-led Processing and Targeting Platform (ADEPT)

<sup>&</sup>lt;sup>2</sup> http://inzkit/publish/opsmanual/#72983.htm





Note that approval of this form is subject to the ADEPT Operations Team being able to correct minor typographical errors that do not change the meaning of questions asked or information displayed.

**Noted** 

# Privacy of natural persons

Jeannie Melville

Head of AEWV

**Stephen Dunstan** 

General Manager Enablement

(Acting under delegated authority)

13 May 2022

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# **BACKGROUND**

- In August 2019, Cabinet agreed to implement a gateway system that employers will need to pass through in order to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228]. The new system requires the employer to be approved accreditation and then a Job Check, before a migrant can be granted an AEWV.
- 2. On 26 March 2021 [BR 2021-2254] and 9 February 2022 [BR 2122-2326] the Minister of Immigration agreed to the detailed policy settings for employer accreditation.
- 3. The gateway system will be implemented in stages, with employers able to apply for accreditation from 23 May 2022 and Job Checks from 20 June 2022. Applications for an Accredited Employer Work Visa will open 4 July 2022.

#### **EMPLOYER ACCREDITATION FORM**

- 4. The AEWV accreditation form will be delivered on the ADEPT platform, which will streamline the process for both applicants and INZ.
- 5. Screenshots showing the new online form are included in Appendix 1. These screenshots show every possible piece of content in the current version of the form, however questions and other information will display differently (or not at all) based on the context of the application and the answers provided. The screenshots are annotated to show the circumstances in which they will display.
- 6. The accreditation form and Job Check form will only be available online. Regulation 23AA allows the Chief Executive to mandate applications be made online, however that's not required in this instance as reg 23AA only relates to visa applications.

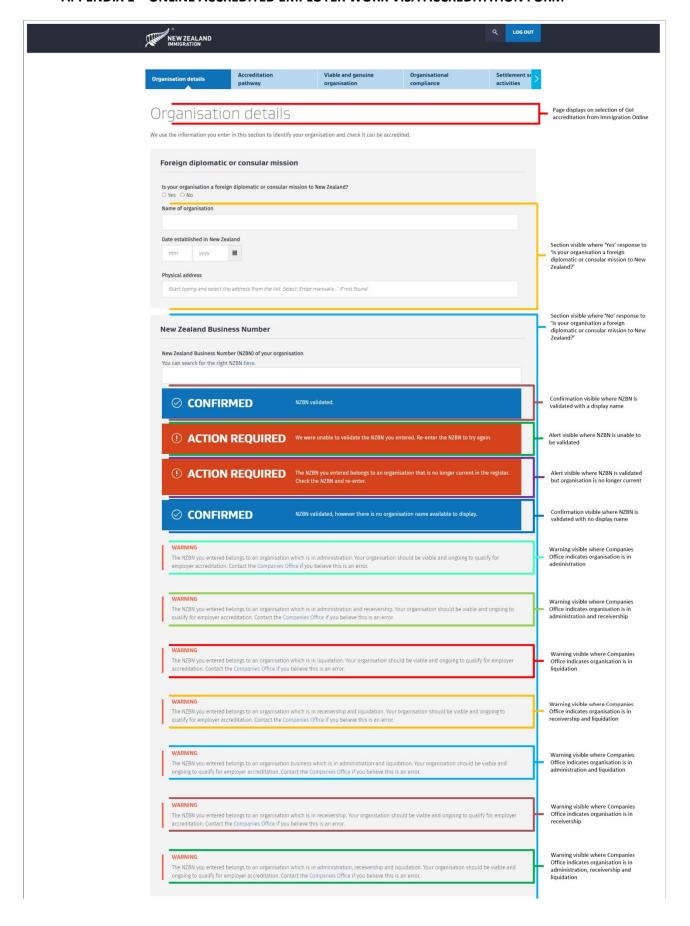
# CONSULTATION

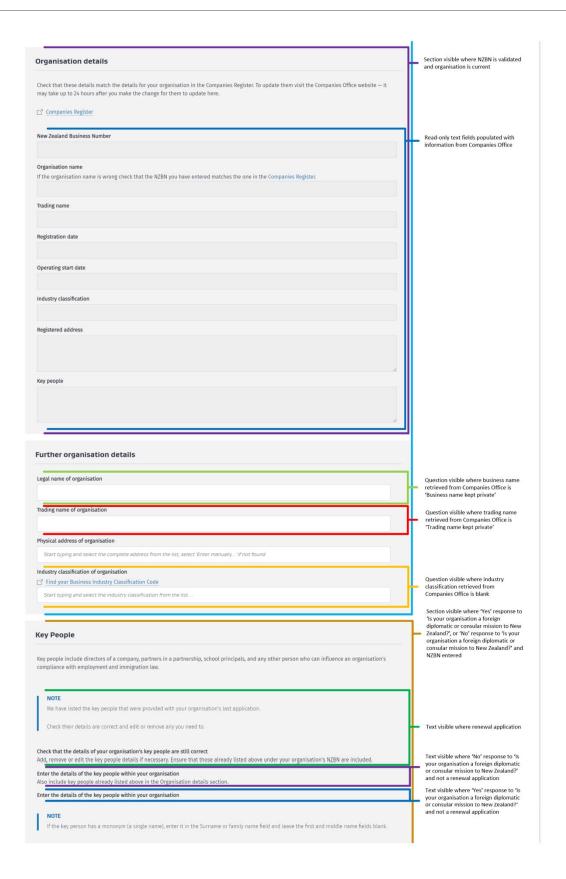
7. This application form has been reviewed by MBIE Legal Services, Immigration Enabling, and ADEPT Operations.

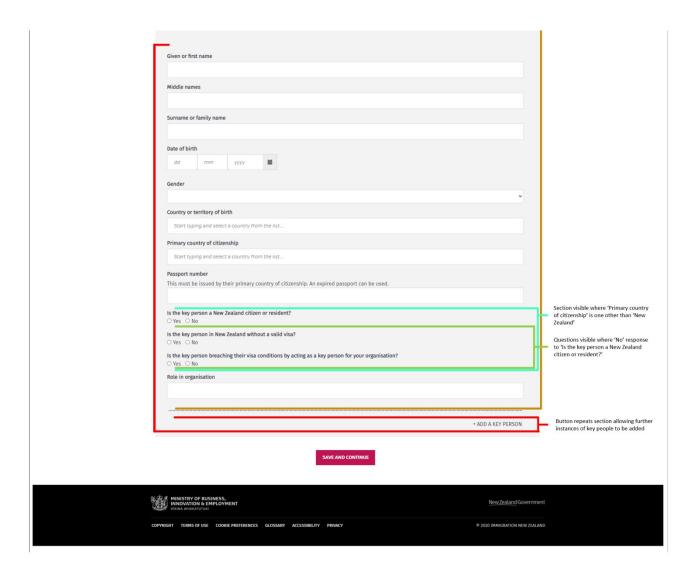
# **IMPLEMENTATION**

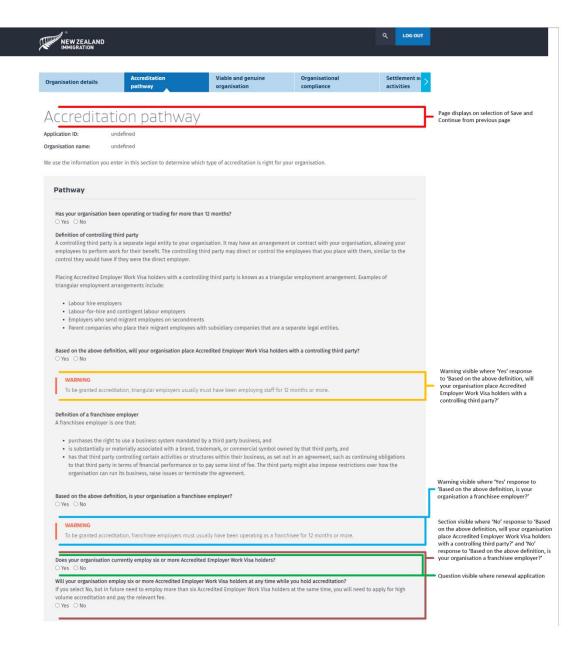
8. The form will take effect from 23 May 2022.

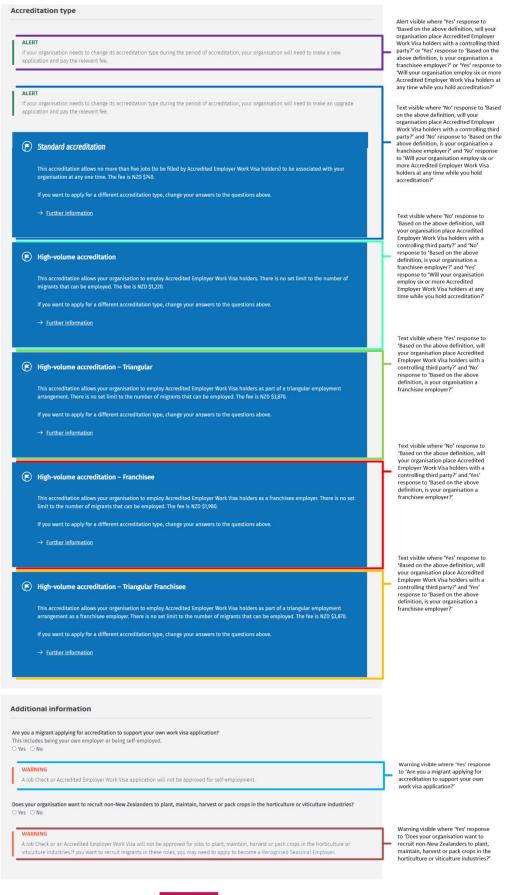
# APPENDIX 1 - ONLINE ACCREDITED EMPLOYER WORK VISA ACCREDITATION FORM



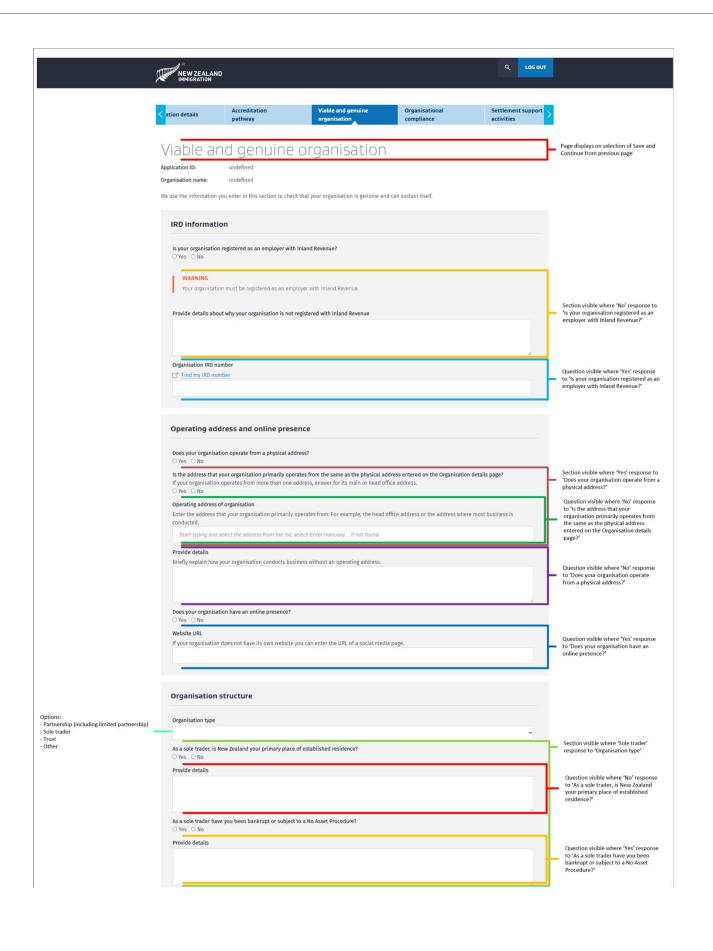


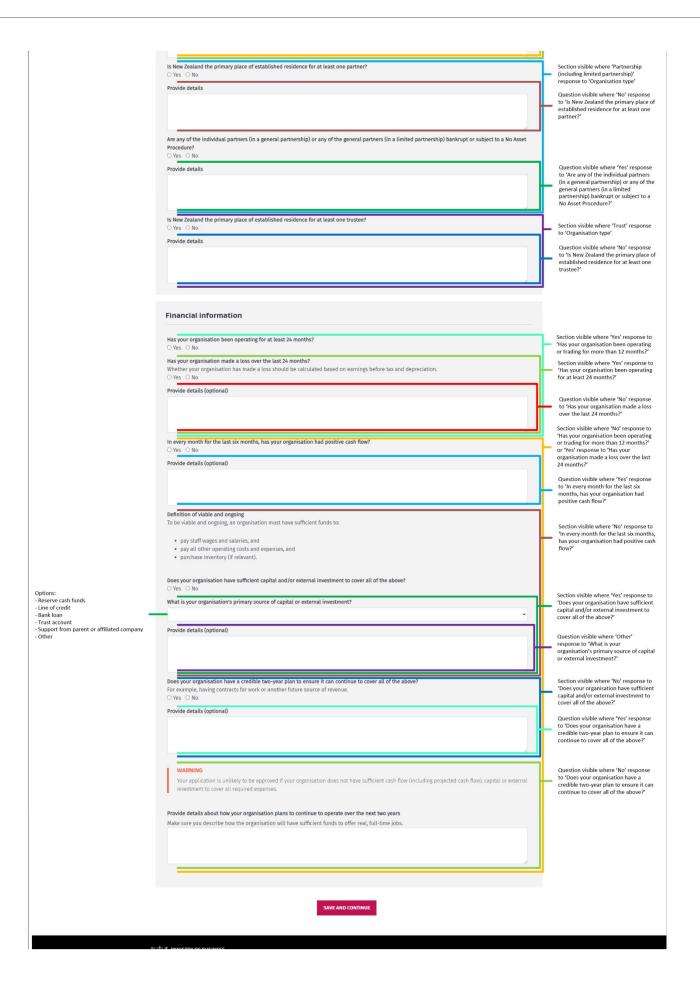


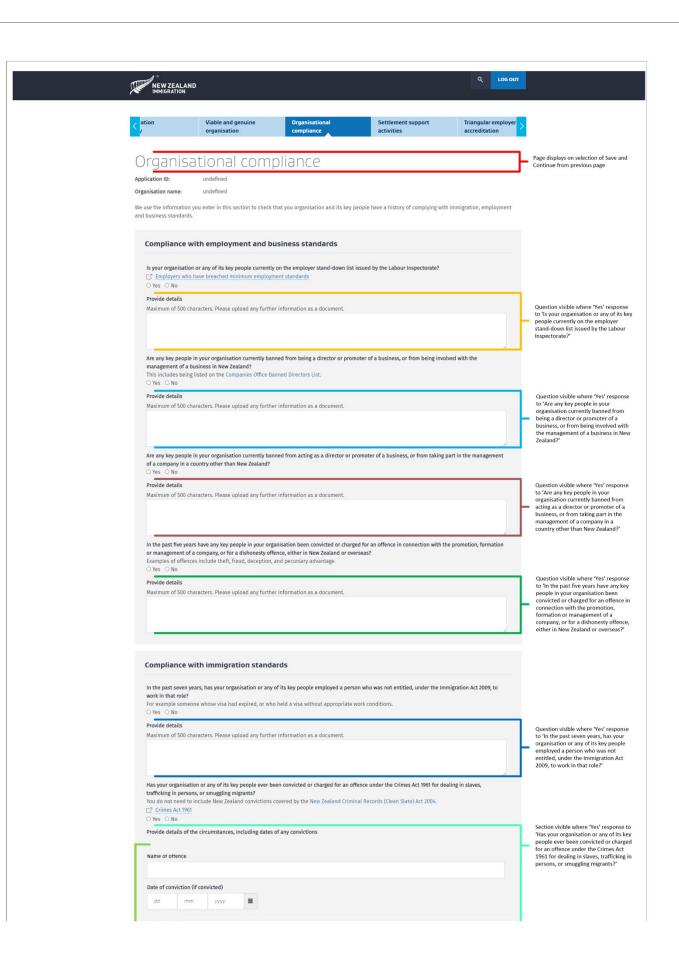


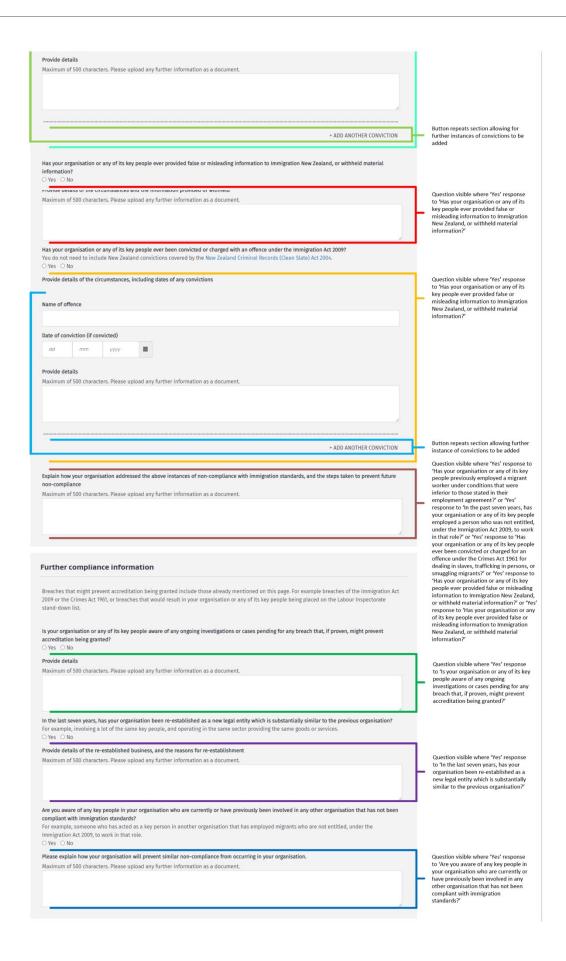


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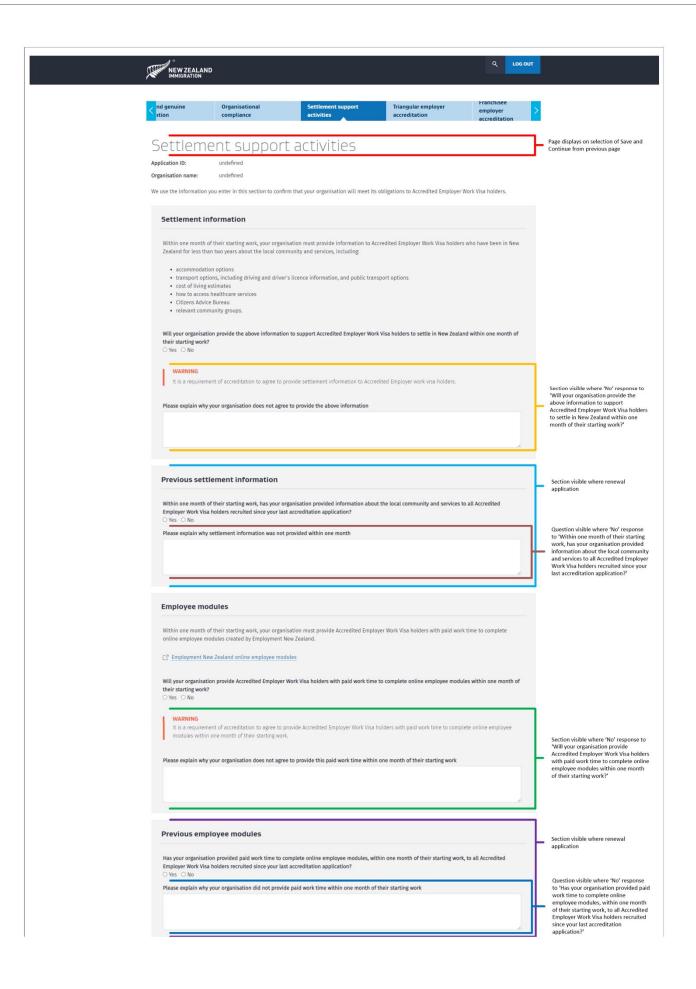


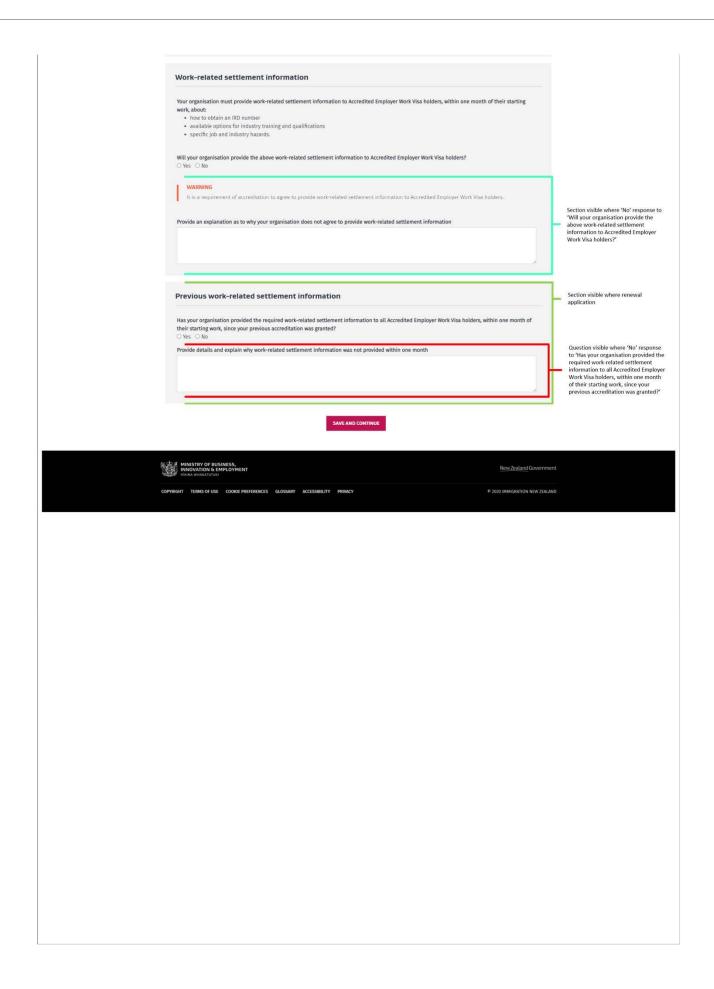
imployer modules agreement		
four organisation must ensure that during every accreditation period, the people who make recruitment decisions within your organisation complete online employer modules created by Employment New Zealand.		
27 Employment New Zealand online employer modules		
Will your organisation ensure that the people in your organisation who make recruitment decisions complete online employer modules while the accreditation is current?  Yes ON		
WARNING		
it is a requirement of accreditation that your organisation agrees to ensure that those in your organisation who make recruitment decisions complete online employer modules while the accreditation is current.		
Please explain why your organisation does not agree to have those who make recruitment decisions complete these modules while the accreditation s current.	-	Section visible where 'No' response 'Will your organisation ensure that people in your organisation who m recruitment decisions complete on employer modules while the
		accreditation is current?'
Previous employer modules agreement		
Has your organisation ensured that, while the last accreditation was current, the people in your organisation who make recruitment decisions completed the online employer modules?  Yes: O No	-	Section visible where renewal application
Please explain why those making recruitment decisions did not complete the modules while the last accreditation was current.		Question visible where 'No' respon to 'Has your organisation ensured t while the last accreditation was
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four organisation must not pass on any of the following recruitment costs or fees to Accredited Employer Work Visa holders inside or outside New		
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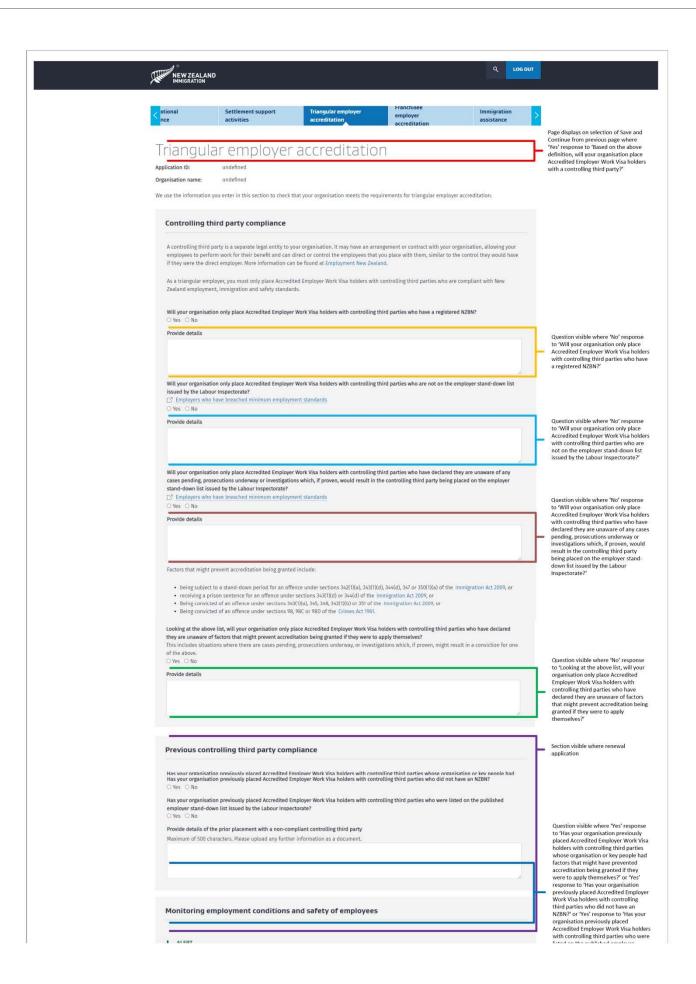
# Other fees agreement Your organisation must not charge fees to Accredited Employer Work Visa holders, either inside or outside New Zealand, that would be unlawful if charged within New Zealand. These include: any payment made to secure or retain an employment relationship bonding agreements for an unlawful purpose deductions from wages for accommodation, travel or food that are unreasonable or have not been consented to in writing by the Accredited Employer Work Visa holder. Does your organisation agree to not charge fees to Accredited Employer Work Visa holders, either inside or outside New Zealand, that would be unlawful if charged within New Zealand? Yes No WARNING It is a requirement of accreditation that your organisation agrees to not charge unlawful fees to Accredited Employer Work Visa holders. Section visible where 'No' response to 'Does your organisation agree to not charge fees to Accretived Employer Work Visa holders, either inside or outside New Zealand, that would be unlawful if charged within New Zealand?' Please explain why your organisation does not agree to not charge unlawful fees Previous other fees agreement Section visible where renewal While your organisation held its previous accreditation, dld your organisation charge fees to Accredited Employer Work Visa holders, either inside or outside New Zealand, that would have been unlawful if charged inside New Zealand? Yes No Question visible where 'Yes' response to 'While your organisation held its previous accreditation, did your organisation charge fees to Accredited Employer Work Visa holders, either inside or outside New Zealand, that would have been unlawful if charged inside New Zealand?' Please explain why unlawful fees were charged SAVE AND CONTINUE



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	application
Has your organisation previously placed Accredited Employer Work Visa holders with controlling third parties whose organisation or key people had Has your organisation previously placed Accredited Employer Work Visa holders with controlling third parties who did not have an NZBN?  Ves ONO	
Has your organisation previously placed Accredited Employer Work Visa holders with controlling third parties who were listed on the published employer stand-down list issued by the Labour Inspectorate?  > Yes O No	
Provide details of the prior placement with a non-compliant controlling third party	Question visible where 'Yes' response
Maximum of 500 characters. Please upload any further information as a document.	to 'Has your organisation previously
naximum of 500 Characters. Flease upload any further information as a document.	placed Accredited Employer Work Vis holders with controlling third parties
	whose organisation or key people had
	factors that might have prevented
	accreditation being granted if they
*	were to apply themselves?' or 'Yes'
	response to 'Has your organisation previously placed Accredited Employe
	Work Visa holders with controlling
Monitoring employment conditions and safety of employees	third parties who did not have an
	NZBN?' or 'Yes' response to 'Has your organisation previously placed
	Accredited Employer Work Visa holde
	with controlling third parties who we
ALERT	listed on the published employer
As a triangular employer, you must have good plans in place to monitor the employment and safety conditions of Accredited Employer Work Visa	stand-down list issued by the Labour Inspectorate?'
holders when they are placed with controlling third parties. This includes checks completed before placing an Accredited Employer work visa holder	inspectorate:
with a controlling third party and ongoing checks throughout the placement period.	
Checks your organisation must carry out include but are not limited to:	
assessing documentation from the organisation about their plan to prevent and address workplace bullying	
assessing documentation from the organisation about their plan to assess and prevent risk     assessing documentation from the organisation about their health and assess and prevent risk	
<ul> <li>assessing documentation from the organisation about their health and safety induction</li> <li>providing information to the organisation about the employment terms and visa conditions of Accredited Employer Work Visa holders</li> </ul>	
obtaining declarations from the organisation regarding requirements they must meet.	
Does your organisation have a process in place to ensure that controlling third parties have effective processes of their own in place to prevent and	
address workplace bullying?	
This includes a complaints process for Accredited Employer Work Visa holders to report bullying, and a plan to address and resolve any issues	
reported.	
○ Yes ○ No	
Explain why your organisation does not have these processes in place	1
	Question visible where 'No' response
Maximum of 500 characters. Please upload any further information as a document.	to 'Does your organisation have a
	process in place to ensure that
	controlling third parties have effective processes of their own in place to
	processes of their own in place to prevent and address workplace
	bullying?'
This includes maintaining a risk register.	
J Tes ∪ NO	
○ Yes ○ No Explain why your organisation does not have these processes in place	Question visible where 'No' response
Explain why your organisation does not have these processes in place	to 'Does your organisation have
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Explain why your organisation does not have these processes in place	to 'Does your organisation have processes in place to ensure that controlling third parties have effectiv
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Maximum of 500 characters. Please upload any further information as a document.	to 'Does you processes in controlling t or force Acc Visa holders	ible where 'No' response ir organisation have place to ensure that hird parties will not require redited Employer Work placed with them to work ill not align with health tandards?'
Regular contact with Accredited Employer Work Visa holders		
Regular contact must be made with Accredited Employer Work Visa holders, including:  Contact at least once per fortnight for the first two months of a placement  Contact at least once per month after the first two months of placement		
<ul> <li>Additional contact as necessary, for example where the duration of placement is less than a month, or where a complaint has been made</li> <li>Does your organisation have plans in place to ensure regular contact with Accredited Employer Work Visa holders placed with controlling third parties?</li> <li>Yes O No</li> </ul>		
Explain why your organisation does not have these plans in place  Maximum of 500 characters. Please upload any further information as a document.	to 'Does you in place to e Accredited I	sible where 'No' response ur organisation have plans ensure regular contact with employer Work Visa holder controlling third parties?'
Does your organisation have plans in place to undertake site visits with Accredited Employer Work Visa holders placed with controlling third parties a least once every six months?  Yes: O No	at	
Explain why your organisation does not have these plans in place or will not conduct site visits every six months  Maximum of 500 characters. Please upload any further information as a document.	to 'Does yo in place to Accredited placed with	sible where 'No' response ur organisation have plans undertake site visits with Employer Work Visa holde controlling third parties a every six months?'
Will your organisation provide Accredited Employer Work Visa holders with a copy of your organisation's complaints process and guidance for directly reporting issues to your organisation?  Yes   No	y	
Explain why your organisation will not provide copies of these Maximum of 500 characters. Please upload any further information as a document.	to 'Will you Accredited with a copy complaints	sible where 'No' response r organisation provide Employer Work Visa holde of your organisation's process and guidance for orting issues to your n?'
Will your organisation seek agreement from the controlling third party for Immigration New Zealand to undertake site visits?  \( \text{Yes}  \text{Ns}  \text{Ns}		
Explain why your organisation will not seek this agreement  Maximum of 500 characters. Please upload any further information as a document.	to 'Will your agreement	sible where 'No' response r organisation seek from the controlling third migration New Zealand to ite visits?'
Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.		
Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.  Ves ONO  Explain why your organisation will not seek this agreement	to 'Does yo in place to placement	ur organisation have plan maintain records about th of Accredited Employer nolders with controlling
Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.  ○ Yes ○ No  Explain why your organisation will not seek this agreement  Maximum of 500 characters. Please upload any further information as a document.	to 'Does yo in place to placement Work Visa I	ur organisation have plan maintain records about th of Accredited Employer nolders with controlling
Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.  ○ Yes ○ No  Explain why your organisation will not seek this agreement  Maximum of 500 characters. Please upload any further information as a document.	to 'Does yo in place to placement Work Visa I	ur organisation have plan maintain records about th of Accredited Employer nolders with controlling
Will your organisation seek agreement from the controlling third party to provide you with records about the placement of Accredited Employer Work Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.  O'Ves O No  Explain why your organisation will not seek this agreement  Maximum of 500 characters. Please upload any further information as a document.  Issue resolution  Your organisation must have processes in place to:  investigate issues identified and record the findings of the investigation, and  work with Accredited Employer Work Visa holders and the organisations they are placed with to resolve the issues, where practicable, and  implement actions and review organisation policies and processes to ensure they are effective and to prevent issues recurring, and  where issues cannot be resolved internally, seek help from an external party, and  reporting significant breaches to the relevant authority.	to 'Does yo in place to placement Work Visa I	ur organisation have plan maintain records about th of Accredited Employer nolders with controlling
Visa holders?  Controlling third parties must agree to provide records to your organisation. Records should include start and finish dates, work locations, hours worked and pay details.  Ves O No  Explain why your organisation will not seek this agreement  Maximum of 500 characters. Please upload any further information as a document.  Issue resolution  Your organisation must have processes in place to:  • investigate issues identified and record the findings of the investigation, and  • work with Accredited Employer Work Visa holders and the organisations they are placed with to resolve the issues, where practicable, and  • implement actions and review organisation policies and processes to ensure they are effective and to prevent issues recurring, and  • where issues cannot be resolved internally, seek help from an external party, and	to 'Does yo in place to placement Work Visa I	nolders with controlling

	_	
Explain why your organisation does not have plans in place to raise, investigate and resolve moderate issues  Maximum of 500 characters. Please upload any further information as a document.	ŀ	Question visible where 'No' response to 'Does your organisation have plans in place to raise, investigate and resolve moderate issues?'
Does your organisation have a formal disputes and complaints resolution process for serious issues?  Serious issues inclue working outside of visa conditions, recurring or numerous breaches, and working unrecorded overtime.  Over ONO		
Explain why your organisation does not have a formal disputes and complaints resolution process  Maximum of 500 characters. Please upload any further information as a document.	}	Question visible where 'No' response to 'Does your organisation have a formal disputes and complaints resolution process for serious issues?'
Does your organisation have processes in place to remove Accredited Employer Work Visa holders from the control of third parties, and to ensure that no further Accredited Employer Work Visa holders are placed with that third party, until an issue has been resolved? This process may be initiated where a moderate issue has been raised, but must be initiated where a serious issue has been raised.  Over Ono		Question visible where 'No' response
Explain why your organisation does not have these processes in place  Maximum of 500 characters. Please upload any further information as a document.	}	to 'Does your organisation have processes in place to remove Accredited Employer Work Visa holde from the control of third parties, and ensure that no further Accredited Employer Work Visa holders are place with that third party, until an issue habeen resolved?'
Previous issue resolution	1	
During the last accreditation period, did your organisation apply its informal disputes and complaints resolution process in response to an issue or complaint?  Ves O No	l	
During the last accreditation period, did your organisation apply its formal disputes and complaints resolution process in response to a serious issues or complaint?  Ores O No	r	Section visible where renewal application
During the last accreditation period, did your organisation remove any Accredited Employer Work Visa holders from the control of third parties in response to an issue or complaint?  Ves ONO		
	-	
Employee placement history		
NOTE  As a triangular employer, at least 15% of the employees your organisation places with controlling third parties must be New Zealand citizens or residents who are guaranteed at least 30 paid hours per week. This does not apply if your organisation is placing no more than one employee with a controlling third party.		
How many employees does your organisation currently place with controlling third parties? This total should include New Zealand citizens or residents, and migrants.		
How many of these employees are New Zealand citizens or residents that work a minimum of 30 hours per week?		
		Alert visible where data has been
ALERT  Thangular employer accreditation is unlikely to be granted if at least 15% of the employees your organisation places with controlling third parties are not New Zealand citizens or residents who are guaranteed at least 30 paid hours per week.	}-	entered in 'How many employees do your organisation currently place wit controlling third parties?' and in 'How many of these employees are New Zealand citizens or residents that wo a minimum of 30 hours per week?'
History of employing staff		
Has your organisation employed staff in New Zealand throughout the last 12 months?  Do not count key people employed during this time.  ○ Yes ○ No		
this Owo  Although it has not employed staff in New Zealand throughout the last 12 months, your organisation may rely on another organisation's history of employing staff in New Zealand if both your organisation and the other organisation:  • share at least 66% ownership, and	}	Section visible where 'No' response to 'Has your organisation employed staf in New Zealand throughout the last 1 months?'
operate in the same sector, and     provide the same goods or services.		
Does your organisation and another organisation meet all the above requirements?  Ves ONO		
WARNING To qualify for triangular employer accreditation, your organisation must have employed staff in New Zealand throughout the last 12 months, unless it can rely on the employment history of another business that meets the above requirements.	ŀ	Alert visible where 'No' response to 'Does your organisation and another organisation are tall the above requirements?'
to contract on the compayment matery or another business that meets the above requirements.	4	requirements?'

