



## AIDE MEMOIRE

### Implementation of the employer accreditation gateway

<b>Date:</b>	19 May 2022	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122- 4483

<b>Information for Minister</b>
Hon Kris Faafoi <b>Minister of Immigration</b>
Hon Phil Twyford <b>Associate Minister of Immigration</b>

<b>Contact for telephone discussion (if required)</b>			
<b>Name</b>	<b>Position</b>	<b>Telephone</b>	<b>1st contact</b>
Stephen Vaughan	Chief Operating Officer	Privacy of natural persons	✓
Jeannie Melville	Head of Accredited Employer Work Visa		

<b>The following departments/agencies have been consulted</b>
Nil

**Minister's office to complete:**

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

**Comments**



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### Purpose

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This briefing provides you information on the implementation of the employer accreditation gateway for the Accredited Employer Work Visa and the approach Immigration New Zealand is taking to mitigate risk in the form of monitoring and reporting through post-decision verification and assurance. It also provides you information about the communication and engagement activities being rolled out to support the implementation of the employer accreditation gateway.

Privacy of natural persons



Stephen Vaughan  
Chief Operating Officer - Immigration  
Ministry of Business, Innovation and Employment  
19 May 2022

## Background

1. Under the new Accredited Employer Work Visa policy, six existing employer-assisted temporary work visa categories have been replaced with a new policy that introduces a new 'Gateway' system. The three Gateways each have distinct steps where a range of validation checks are completed.
2. The Employer Accreditation Gateway is where employers are accredited to enable them to hire a migrant. The Job Check Gateway will check the job to ensure that no New Zealander is able to fill the position being recruited. And finally the Migrant Gateway is where checks will be made that the migrant is of good character and health and is suitably qualified to do the job offered.
3. The new Accredited Employer Work Visa (AEWV) and the three Gateway process will become compulsory from 4 July 2022. To support transition, employers can submit accreditation from 23 May 2022 and job check applications from 20 June 2022.

## Processing approach

4. The enhanced Immigration ONLINE system (ADEPT) has been configured to provide the option of automation to approve applications where INZ determines that a manual assessment is not required.
5. INZ will set the criteria for which employer accreditation applications will meet the threshold for automation of an approval. We seek to automate as much as reasonably possible. In principle, the lower the immigration risk and level of manual assessment required in decision-making (if any), the greater the potential for automating approvals.
6. There are different categories of employer accreditation depending on the number of temporary work visa holders the employer has or intends to recruit, and on the business model used by the employer.
7. Employers are categorised as Standard (employing five or less migrants in a year), High volume (employing six or more migrants in a year), working in a Triangular Employment (where the migrant is placed to work for a different employer, such as in a Labour Hire scenario) and Franchisee.
8. Analysis undertaken as part of policy development shows that the average annual volume of employers expected to apply for accreditation, by category, are as follows:

Accreditation type	Forecast volume (average per annum)
Standard accreditation (5 or less migrants)	17,722
High volume accreditation (6 or more migrants)	1,738
Triangular employment	600
Franchisees	400

Does this # meet or mirror  
the # of "employers" we may  
have seen leading in the past

9. Franchises, and business models where an employee is placed with a controlling third party, have historically been at higher risk of non-compliance (e.g. Labour Hire companies) and will be subject to higher scrutiny. In addition, those employers who have been in business for less than 12 months are also subject to higher scrutiny, particularly around financial viability.
10. For standard and high-volume employers who have been operating for more than 12 months, evidence is provided by declaration only. The ADEPT system will auto-approve these applications where:
  - a) INZ has no adverse holdings related to the business, and
  - b) where no adverse declarations are made.
11. For standard and high-volume employers, any adverse information held by INZ, any declaration made by the applicant containing adverse information or the triggering of a risk activity will result in the application being assigned for manual assessment and decision. *Noted.*
12. In summary, a manual assessment by an immigration officer will be triggered for employer accreditation applications where the employer:
  - a) is placing workers with controlling third parties,
  - b) is a franchisee,
  - c) has been in business for less than 12 months,
  - d) has made adverse declarations in the application form, or
  - e) is one for whom INZ has adverse holdings.
13. Staff training for the first gateway – employer accreditation - is underway in both the Employer Assisted Work Visa Policy and the ADEPT system. *How long will the manual process take - I think we need to set some expectations*

## Risk management

14. There is a level of risk associated with any decision to automate visa decision making. In particular, reputational risk for INZ given there is a chance employers' practices may not align with the intent of the policy and they may gain accreditation based on the declarations they make which may turn out not to be true.
15. The risk of introducing automation will be mitigated by:
  - a) Enabling only those employers whose applications meet all of the relevant 'selection' criteria to proceed to automated decision making,
  - b) 'Selection' criteria that are not solely based on information provided by the applicant but include whether INZ has any adverse holdings with respect to the employer,
  - c) System testing (pre 'go live') and ongoing system assurance to confirm system rules are operating and effectively,
  - d) Post decision verification activities, and
  - e) INZ ultimately retains the right to revoke an employer's accreditation.
16. In March 2022, INZ informed the Minister of Immigration that we would develop a risk-based prioritisation process that prioritises the highest risk employers for more robust post decision assessment.
17. The Risk and Monitoring and Review (RMR) model has subsequently been developed to ensure that monthly post decision reviews of employers are conducted, data is captured to

inform ongoing immigration risk analysis and findings reported through INZ's Risk Governance forums to inform risk tolerance and controls. In turn, this will feed intelligence and insights into the development and maintenance of risk controls within the ADEPT system and AEWV gates.

18. RMR will test declarations made by employers and migrants at all three gates through post decision verification. It will be undertaken through a mix of desk and site-based reviews which will allow INZ to test an employer's compliance with all accreditation requirements based on evidence. This will commence in July 2022.
19. There will be targeted post decision risk monitoring of 100 per cent of triangular and franchisee accredited employers, with an anticipated 50 per cent of such employers being subject to site visits within the first year, and the remaining 50 per cent being subject to desk-based assessments. In addition to the targeted post-decision assessment of triangular and franchisee accredited employers, INZ will continue to monitor other business models and employers that present a high risk to the immigration regulatory system for post-decision assessment, including site visits when necessary.

## **Communications and engagement**

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20. INZ has developed a comprehensive comms and engagement plan to proactively inform and educate INZ's customers about the AEWV policy changes and requirements. The plan will ensure information and education materials are available to support employers and migrants to understand and comply with the new policy, as well as immigration professionals, and industry/sector and migrant community stakeholders. A dedicated Employer phone line will support this.
21. In addition to plain language website content designed to guide these audiences through the process, a selection of information products are being produced in a range of formats, including AEWV overview flyers for employers and migrants in six languages, explanatory videos with translated captions, a process flow infographic, a job advertising guide and application checklists.
22. Additional products have also been produced to support stakeholders like peak bodies/sector stakeholders and migrant community associations to communicate about the AEWV to their networks using their own 1-to-many communications channels, including newsletter/blog content, social media messages and imagery and A4 posters/magazine print adverts (in addition to the materials listed previously).
23. INZ Relationship Managers across New Zealand will be undertaking between 100 – 200 engagements on AEWV, including meetings, webinars, and presenting at seminars/online events. Insights will be collected via these engagements and brought back to INZ to feed into decision-making and enhance operational efficiency.
24. Ongoing communications activity will keep stakeholders informed as each of the AEWV gateways opens to applications (23 May, 20 June and 4 July). This activity is in addition to website content produced and shared with your office previously and the AEWV marketing campaign that is already underway, also shared with your office on 20 April.