



Risk Monitoring & Review Governance Group Submission Paper

DATE: 28 June 2022

TO: Geoff Scott, Chair, Risk Monitoring and Review Governance Group

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SUBJECT **PRE-DECISION IMMIGRATION RISK MANAGEMENT APPROACH TO THE MIGRANT GATEWAY FOR THE ACCREDITED EMPLOYER WORK VISA**

PURPOSE

This paper seeks agreement from the Risk Monitoring and Review Governance Group (RMRGG) to the proposed approach to identify and manage risk at the Migrant Gateway of the Accredited Employer Work Visa (AEWV) policy.

The proposed approach takes the following into account:

- The Accredited Employer Risk Monitoring and Review (AERMR) programme agreed to by RMRGG on 21 April 2022;
- The pre-decision immigration risk management approaches to the Accredited Employer Gateway and the Job Check Gateway for the AEWV agreed to by RMRGG on 11 May 2022 and 14 June 2022 respectively;



- The automating approvals of work visa applications under the AEWV policy memo agreed to by the Deputy Secretary of Immigration on 22 June 2022;
- The timing assumptions of 35 minutes per application in the current workforce planning for Migrant Checks to ensure the approach does not compromise our ability to deliver on timeframes; and
- The Immigration Risk Model (IRM).

RECOMMENDATIONS

It is recommended the RMRGG:

- Note** that In August 2019, Cabinet agreed to implement a three-step gateway system that employers will need to pass through to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228]. *Noted*
- Note** that on 21 April 2022, RMRGG agreed to the Accredited Employer Risk Monitoring and Review (AERMR) model and that the risk management approach to AEWV would initially push the majority of immigration risk management activity post-decision as Immigration New Zealand (INZ) focusses on collecting data and intelligence on employers in the first 12 months. *Noted*
- Note** that on 10 May 2022, RMRGG agreed that immigration risk would be identified and managed across the three AEWV gateways in accordance with the Gateways Risk model. *Noted*
- Note** that the proposed pre-decision risk management approach for the Migrant Gateway is based on current risk management processes including applicant declarations, uploading evidence, verification, and requests for additional information. *Noted*
- Agree** to the proposals in paragraph 18 for the treatment of immigration risk pre-decision for the Migrant Check Gateway. *Agree/Disagree/Discuss*
- Agree** to the interim approach to managing immigration risk while the risk rules are operationalised as outlined in paragraph 31. *Agree/Disagree/Discuss*
- Note** residual risks outlined in the Operational Risk Assessment in paragraph 78. *Noted*



- h. **Agree** to accept the residual risk that the absence of 'retriggering' poses short-term, communicate to the ADEPT project the need for prioritisation of 'retriggering' functionality prior to border reopening and monitor closely.

Agree/Disagree/Discuss

- i. **Agree** to accept the risk of bugs or system issues at go live and escalate this risk to ILT for inclusion and monitoring through the ILT risk register until System Assurance is implemented.

Agree/Disagree/Discuss

- j. **Agree** to accept the risk that that some migrants will be granted a visa where they do not meet character requirements as outlined in paragraph 55.

Agree/Disagree/Discuss

- k. **Agree** to the staged approach to implementation of risk rules as outlined in paragraph 29 and the implementation of a shield rule and risk management in SOPs while rules are implemented.

Agree/Disagree/Discuss

- l. **Agree** to accept the risk of relying on manual checks short term while risk rules are implemented post 'Go Live' and capture and monitor this risk through the Verification and Compliance risk register until all risk rules are operational.

Agree/Disagree/Discuss

- m. **Note** that risk rules are a risk control governed by the Risk Control Group (RCG) and the final decision on risk rules for the Migrant Gateway will be made by that group subject to the risk tolerance agreed by RMRGG.

Noted

- n. **Note** that this paper and the final decisions made by RMRGG will be released to the RCG to inform any further decision on risk rules relevant to the Migrant Gateway.

Noted

Privacy of natural persons



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Chair, Risk Monitoring & Review Governance Group
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Date: 30-6-2022



BACKGROUND

The new Accredited Employer work visa system

1. In August 2019, Cabinet agreed to implement a three-step gateway system that employers will need to pass through to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228].
2. The objectives of the Accredited Employer system include:
 - a) Incentivising employers to employ more New Zealanders to respond to skill and labour shortages over time; and
 - b) Ensuring that employers only recruit non-New Zealand citizens or residents for genuine shortages, while not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and
 - c) Reducing risks around business models and practices that might enable migrant exploitation; and
 - d) Ensuring that employers are compliant with specific immigration requirements, employment, and business standards.
3. On 21 April 2022, RMRGG agreed to the Accredited Employer Risk Monitoring and Review (AERMR) model. The AERMR memo highlighted that pre-decision risk and verification activities (which INZ traditionally deploys during a visa assessment), will initially be limited in the Accredited Employer gateway, as INZ will not yet have visibility over what information will be submitted in the job check and visa application steps of the process that occur after accreditation has been granted.
4. As AEWV will utilise the ADEPT platform, the AERMR memo highlighted that the immigration risk management approach will initially include a strong focus on collecting data and intelligence in the first year to build the data INZ holds on employers, initially pushing the majority of immigration risk management activity post-decision. This will include a heavy focus on post-decision risk monitoring and review which will gather employer specific data through verification of claims made at the Employer Accreditation, Job Check and Migrant Gateways.
5. The AERMR model has been developed to ensure that monthly post-decision reviews of employers as well as the migrants on visas supported by them are conducted by Risk and Verification (R&V), and data is captured to inform ongoing immigration risk analysis and findings reported through the Risk Governance Groups (RMRGG & RCG) to inform risk tolerance and controls. The benefit of this approach is to ensure a circular risk management model is developed that feeds intelligence and insights into the development of risk controls to ensure appropriate risk and automation settings within the ADEPT system and AEWV gateways.
6. The three Gateways each have distinct steps where a range of validation checks are completed:



- a) Accredited Employer Gateway – This is where employers are accredited to enable them to hire a migrant.
 - b) Job Check Gateway – There are three different pathways whereby the job is checked to ensure that no New Zealander is able to fill the job being recruited.
 - c) The Migrant Gateway – This is where checks will be made that the migrant is of good character and health and is suitably qualified to do the work offered.
7. On 11 May 2022, RMRGG agreed to a model that supports identification and management of immigration risk pre-decision across the three gateways in the AEWV policy. R&V mapped the immigration risks against the three gateways in the AEWV policy in conjunction with Border and Visa Operations (BVO). RMRGG agreed that immigration risk would be managed across the three AEWV gateways in accordance with the Gateways Risk model.
 8. On 11 May 2022 and 14 June 2022, RMRGG agreed to the risk management approaches for the Employer Accreditation and Job Check Gateways respectively. The proposed Migrant Gateway risk management approach considers the risks that are already managed through the first two gateways to ensure all identified immigration risks are being managed while ensuring that processing efficiency is maximised.
 9. While the intention of the immigration risk management approach to AEWV is to take a high-trust, facilitative approach to immigration risk management of employers, no decision has been made to extend this to the migrant gateway. INZ holds a wealth of insights and intelligence on the risk posed by migrants which can be utilised to identify and manage immigration risk at the Migrant Gateway.
 10. Immigration instructions for the Migrant Gateway have been signed out.

PROCESSING APPROACH IN THE MIGRANT GATEWAY

11. Under the lodgement requirements for the migrant gateway, the applicant must include evidence of their identity, any relevant foreign police certificates, their signed employment agreement, their job description, and evidence that they have the relevant qualifications or experience for the role.
12. On 22 June 2022, the Deputy Secretary of Immigration agreed to the automation of the character, identity and, health activities in this gateway where there are no adverse declarations or INZ holdings. A risk activity is only generated when a risk rule is triggered.
13. All applications in this gateway will require manual intervention for at least two activities, in addition to treatment of any assessment concerns that would drop out as a result of an adverse declaration or where INZ holds other adverse information. No end-to-end automation has been approved for this gateway at this time.
14. No decision has been made on whether the manual activities in the Migrant Gateway will be case managed by one processing officer or task based allocated across multiple immigration officers.



Instructions

15. Immigration risks can only be managed at the Migrant Gateway pre-decision when the threshold set in immigration instructions is met.
16. Immigration instructions allow applications under the Migrant Gateway to be declined where:
 - a) The migrant does not meet an acceptable standard of health
 - b) The migrant does not meet the good character requirements
 - c) The employer no longer meets the requirements for the accreditation obtained; or
 - d) The employer does not hold an appropriate job check for the proposed employment; or
 - e) The terms and conditions of the proposed employment are not the same or more favourable to those provided with the job check application; or
 - f) The proposed employment does not continue to meet other requirements for acceptable employment; or
 - g) The proposed employment was offered as the result of a payment made in exchange for securing the offer of employment; or
 - h) The proposed employment is not compliant with New Zealand employment law; or
 - i) The migrant is not suitably qualified to do the job they have been offered; or
 - j) The applicant is subject to a stand-down period (where they have been paid below the median wage and are required to spend time outside of NZ).

IMMIGRATION RISK MANAGEMENT APPROACH IN THE MIGRANT GATEWAY

17. While all applications under the Migrant Gateway will require an Immigration Officer to undertake manual assessment through requirements laid out in the SOPs, the presence of a manual assessment does not preclude immigration risk from being accepted at face value. The level of appropriate risk treatment will depend on factors including whether INZ holds adverse information on an employer or migrant, whether a migrant makes an adverse declaration in the application, or whether a risk rule is triggered.
18. RMRGG is asked to consider the recommendations in this section for the identification and treatment of immigration risk pre-decision at the Migrant Gateway:
 - a. That insights, data and intelligence gathered through INZ experience managing immigration risk in other policies is used to inform the establishment of appropriate risk rules at the Migrant Gateway in alignment with the Gateway Risk Model. This is expected to result in between 70 and 124 rules at this gateway.



- b. That a staged approach is applied to the development of risk rules with a combination of a shield rule and risk management through SOPs being implemented as an interim approach until the first four stages are completed.
- c. Maintenance of the law
[REDACTED]
- d. That where adverse information relating to an employer, key person or migrant is known and relevant to the immigration risks to be treated in this gateway (including adverse declarations in the application), Immigration Officers must act on this and take appropriate steps to treat the identified risk including following guidance in IAC 16-01 as appropriate.
- e. Maintenance of the law
[REDACTED]
- f. Maintenance of the law
[REDACTED]
- g. That character assessment is automated for all applicants except where adverse declarations are made, adverse results are received from NZPCs or a foreign PC is provided and the applicant is offshore.
- h. That identity is managed through system checks in IDME and automated except where IDme is unable to resolve the applicant's identity.
- i. That standard requirements for passport scanning are retained unless an exception to this requirement is approved by RMRGG for any cohorts.
- j. That the risk of payment of premiums for jobs will only be treated pre-decision where a relevant alert or warning is surfaced. Guidance on how to treat this risk will be outlined in SOPs but procedures will clearly state that this action should only be taken where an alert or warning indicates this has occurred or where a risk rule is surfaced.
- k. That the risk of non-genuine work experience and qualifications be managed through the Working Eligibility activity. SOPs will detail when and how to verify these documents with a greater focus on verifying offshore work experience and qualifications. SOPs will direct Immigration Officers to up to date information in the Verification Toolkit and will clearly state that evidence of work experience and qualifications for roles that require registration should be accepted at face value.
- l. That no specialist training will be delivered to support risk management in this gateway outside existing e-learning modules, planned policy and system training and standard induction training for new immigration officers or those new to processing work visas.

Risk Rules



19. There are currently limitations as to how risk rules will trigger in ADEPT due to the different data schemas in AMS and ADEPT. The data limitations prevent existing risk rules to be delivered like-for-like. A paper on data limitations has been presented to the RCG in May 2022 and was provided to RMRGG for noting for the meeting 16 June 2022. While changes to rules as a result of this limitations have already been approved by RCG, when combined with the short deadline for implementation and limited recent data, it limits the ability to consider new rules before go-live.
20. Maintenance of the law
[Redacted]
21. INZ has a range of data, intelligence, and insights on the immigration risks likely in the migrant gateway. This includes insights and intelligence on the occupations and salary ranges where role and wage inflation has historically been more prevalent. As such, these risks will be surfaced through risk rules to ensure the known risk continues to be managed in the new policy.
22. 27 rules lifted from Essential Skills and Employer Accreditation policies were signed off for delivery by RCG for use in AEWV on 22 September 2021. These rules were subject to confirmation of the pre-decision immigration risk management approach by RMRGG before determining the most appropriate gateways for them to be implemented in.
23. On 11 May 2022 RMRGG agreed that immigration risks should be targeted across the three AEWV gateways in alignment with the Gateways Risk Model and establishment of rules should be limited to only those that are likely to result in an action that can be undertaken pre-decision in accordance with immigration instructions.
24. This approach aligns with the Immigration Risk Model and ensures that processing efficiency is maximised by targeting rules at the most appropriate gateway for risk identification and treatment.
25. As the AERMR model collects data, insights, and intelligence, rules will be reviewed, created, modified, and deleted for the appropriate gateway to trigger at pre-decision stage. Risk rules in the Migrant Gateway would be initially limited to those existing rules that relate to risk that is best managed in the Migrant Gateway.
26. R&V have conducted work to identify risk rules likely to be implemented at the Migrant Gateway based on existing rules, functionality of the ADEPT system and the Gateways Risk Model. Applying this approach, as well as incorporating the additional risk rules required to surface employer alerts and warnings, reduced the original list of 27 rules to 17.



- 27. Further analysis has been undertaken by the Business Analytics and Targeting team to identify existing risk rules that relate to visa applicants more generally. In order to deliver Triage for the Migrant Gateway to manage all known risks, between 70 and 124 risk rules are required. These additional rules relate to risks of character, identity, reputational risk, bona fides, not suitably qualified, and role inflation. The exact number of rules required cannot be determined until the ADEPT data schema is finalised.
- 28. Beginning work on implementing risk rules in advance of the 'Go Live' date for the migrant gateway is dependent on the ADEPT system and the readiness of the data schema. This schema is not yet finalised and available for BAT to begin developing rules.
- 29. Considering the number of rules, combined with the short deadline for implementation and the dependency on a complete data schema, the full set of risk rules will not be delivered in advance of 'Go Live' on 4 July 2022. To ensure the implementation timeline required does not negatively impact on INZ's ability to open the Migrant Gateway as planned, a staged approach to implementation of rules is proposed, prioritising those risks which represent the greatest harm.

The five stages proposed are:

| Stage | Number of rules | Type of rules | Implementation post Schema |
|-------|-----------------|---------------|----------------------------|
|-------|-----------------|---------------|----------------------------|

Maintenance of the law



Maintenance of the law

30. A working group with representatives from the ADEPT team, R&V, and BVO has explored options for how the risks normally identified in the risk rules can be managed while the staged approach is implemented. Options explored included;
- a) Deferring the processing of all Migrant Gateway applications until the full set of rules are operational,
 - b) Utilising any alternative functionality available in the ADEPT system to manage the controls through system settings, watchlists or other functionality,
 - c) Implementing an interim shielding rule to prevent automation of activities until risk rules are operational,
 - d) Managing risk through targeted requirements outlined in standard operating procedures (SOPs).
 - e) Accepting the risk and not implementing interim alternative controls.
31. A combination of options c, d and e is recommended as follow;
- a) Implement a shield rule for offshore migrants from visa required citizenships until Stage Two is completed. Any interim shielding rule would only remain active until stage two rules are delivered. This approach will reduce the risk associated with processing applications before rules are implemented by preventing automation of activities for migrants which pose the greatest risk. The shield rule will ensure that the intent of the automation agreed by the Dep Sec is not undermined through automation of health, character, and identity while relevant rules are not operational. Restricting this rule to those migrants offshore and from visa required countries will ensure that the operational impact is restricted to those cohorts which pose the greatest likelihood of triggering the rules of greatest impact and harm. The interim shielding rule would trigger on more than half of offshore visa applications but the volume of applications which will be received before Stage Two rules is unknown and is likely to be low.
 - b) Manage residual risk represented in rules planned for Stage Three and Four through SOPs until Stage Four rules have been implemented. Management of risks through SOPs will be less effective than a shield rule as steps in SOPs may be missed however this approach will ensure that risk treatment is targeted where possible, and risk treatment activity is planned. Focussing risk management through SOPs on only those rules which will be implemented in later stages will reduce the need for frequent changes to SOPs and avoid the potential for steps to be missed when processing staff cease relying on SOPs in practice. This approach will have an operational impact on processing teams however as this is a short-term, interim



approach to treat known risk based on historical data and insights, treatment of risk is recommended.

- c) Accept the risks associated with rules planned for implementation at Stage Five once rules in Stages One – Four are implemented.
32. Risk rules can be applied to both AMS and ADEPT depending on which system is used to process visas. The same staged approach can be applied to support rule development in both systems including the interim approach proposed in paragraph 31.
33. Risk Rules are governed by the RCG and a memo detailing specific rules to be applied to the Migrant Gateway, alongside the proposed timeframe for implementation will be presented to that group for final decision.

Watch lists

34. Watch lists within the ADEPT platform will be used to maintain a list of both banned directors and employers who are on a stand down list. The ADEPT system will automatically cross-check the employer against the stand down list, as well as cross-check all declared key persons against the list of banned directors. A match identified to a watch list will trigger a risk activity in ADEPT to ensure that the employer still meets the requirement for the accreditation they were granted and hold a job check for the role the migrant is applying for.

Alerts and Warnings

35. As with previous gateways, the use of AzBRE to raise a risk activity for those applications under the Migrant Gateway where the employer or the migrant is subject to an alert or warning is recommended. This will not only ensure that an appropriate risk treatment is considered, but the referral to R&V as a result will allow consideration of the deletion of any alerts or warnings that are no longer deemed to be relevant, reducing the operational impact of existing alerts and warnings over time for employers or key persons who continue to engage with INZ.
36. It is recommended that warnings related to the health assessment of the migrant are exempt from the risk rule that raises this risk activity. The automated system checks in place in ADEPT (paragraphs 43 to 46) already manage the risk identified in these warnings as outlined in IAC 16-01¹. Although excluding specific subcategories of alerts and warnings was not possible when the risk management approach for the previous gateways was proposed, improvements to the data schema have now made this possible. Opportunities to leverage this new capability are being explored by R&V to reduce operational impacts of alerts and warning at preceding gateways.
37. The operational impact of treating employer alerts and warnings at the Migrant Gateway is expected to be low as Immigration Officers will only be required to consider information in employer warnings relevant to the Migrant Gateway. Further, consideration of employer alerts

¹ [IAC 16-01](#)



and warnings at previous gateways has reduced the number of employer alerts and warnings in the system.

38. There is no current mechanism for surfacing alerts or warnings against lawyers or immigration advisors. The only way to surface this risk would be for a manual check to be done of all applications with a lawyer or immigration advisor linked as a contact. It is recommended that RMRGG accept the associated risk as the operational impact of these checks is not commensurate with the risk present. R&V will actively engage with the ADEPT team to identify a solution to surface these alerts and warnings in future.
39. It is estimated² that of applications triggering an alert or warning, only 5.6% of these will be an expired warning or alert. Employer warnings identify specific immigration risks and provide mitigation advice. With no previous standards applied to warning duration it is not possible to determine the relevance of an expired warning without a manual check being undertaken. Further, it is expected that the number of expired alerts and warnings on employers will have reduced as these were treated at earlier gateways.

Immigration Risks

40. The key immigration risks which can be managed within the Migrant Gateway (based on the gateway model) are:
- a. National Security risk;
 - b. Character;
 - c. Identity;
 - d. Payments of premiums for employment; and
 - e. Non-genuine work experience (including qualifications).

Processing / Assessment

41. There are six ADEPT activities within the migrant application:
- a) Health;
 - b) Character;
 - c) Identity;
 - d) Risk;
 - e) Job Check Validation; and
 - f) Worker Eligibility.

Health

² On the basis of total applications with an alert or warning triggered from 1 January 2019 to present



42. The health activity ensures that the migrant meets an acceptable standard of health (instructions paragraph 16(a)).
43. The health activity includes a system check to ensure that the migrant applying has an acceptable standard of health recorded on their most recent health case in the Immigration Health System (IHS) application (if required). The majority of health cases in IHS are auto cleared by the IHS business rules engine upon receipt by a panel physician.
44. The application form for the Migrant Gateway includes questions that relate to the health of the applicant to determine whether there has been a change in the migrant's medical health since their immigration medical was completed.
45. It was agreed in the "Automating approvals of work visa applications under the AEWV policy" memo that this activity be automated except where there is an adverse declaration or INZ has adverse holdings. In practice this means that the medical activity would be automated except when a health case has not already been found to meet an acceptable standard of health, when a migrant makes an adverse declaration or INZ holds adverse information in an alert or warning.
46. There is a risk that a migrant may fail to make an adverse declaration (for example not declaring a new health condition) however a manual assessment of the application is unlikely to surface this risk. This risk is best treated in future applications or through the AERMR model where evidence of the migrant's false declaration is more likely to be present.
47. Reducing the ability to largely automate this assessment is unlikely to result in identification of the risk as the risk is largely able to be managed through the automated system checks already in place in the ADEPT system and the IHS application. In addition, this risk is already a risk accepted by INZ across other visa categories.

Character

48. The character activity ensures that the migrant is of good character (instructions paragraph 16(b)).
49. The character activity in ADEPT includes automated system requests for National Security Checks (NSC) and NZ Police Certificates (NZPC) where these are required by instructions. Unless the NSC response requires further information from the migrant, this process can take place without involvement from an Immigration Officer. Where further response is required, the ADEPT system will automatically raise a risk activity to ensure the information collection and submission is completed.
50. It is expected that this backend automation will reduce the likelihood of inaccurate submission of NSC checks or missed NSC checks enhancing the treatment of National Security risk. In addition, it is expected that the volume of additional information requests will reduce significantly due to reduction in administrative errors, reducing operational impacts.



51. INZ retains the ability to use the existing NSC portal to submit checks if the ADEPT functionality is not operational prior to 'Go Live' or there is a system outage.

52. Maintenance of the law

[Redacted]

53. The application form for the Migrant Gateway includes questions that relate to the character of the applicant to determine whether on the basis of their declaration they meet the requirements of good character. The application form also requires the applicant to upload any relevant foreign police certificates.

54. It was agreed in the automating approvals of work visa applications under the AEWV policy memo that the character activity is automated except where there is an adverse declaration or adverse INZ holdings. In practice this means that the character activity would be automated except when a NSC or NZPC returns an adverse result, when a migrant makes an adverse declaration or when a foreign PC is submitted, and the applicant is offshore.

55. Maintenance of the law

[Redacted]

When a migrant fails to make an adverse declaration, this risk could be treated in future applications in the Migrant Gateway or in any future resident class visa applications if police certificates are reviewed through post-decision risk monitoring.

Identity

56. The identity activity ensures that the migrant has declared a genuine identity. Provision of false and misleading information would prevent the migrant meeting the requirements of good character (instructions paragraph 16(b)).

57. The identity activity includes an automated system check through integration with IDme to attempt to resolve the applicant's identity. The majority of existing identity cases are auto cleared by IDme and do not require manual resolution by the Identity Team. While IDme is able to validate an identity already established by INZ, it cannot establish the identity of a new applicant.

58. It was agreed in the automating approvals of work visa applications under the AEWV policy memo that this activity is automated except where there is an adverse INZ holdings. In practice this means that the identity activity would be automated except when IDme is unable to resolve the applicant's identity, or when the identity is new to INZ.



59. Reducing the ability to largely automate this assessment is not commensurate with the risk present as the risk is largely able to be managed through the automated system checks already in place in the ADEPT system and in IDme. The requirements for migrants to scan their declared passport as they pass through any border controls will also provide additional assurance that the identity provided is genuine. The identity team are actively exploring possible technology solutions to allow additional automation of this activity in future.
60. The standard requirement for submission of a passport by applicants offshore will be retained until technology enhancement expected later in 2022 are implemented.
61. There is a risk that data entry errors (purposeful or accidental) at application stage will not be identified during processing. This is likely to result in some new identities being raised in IDme in error. This would also result in data entries transferring to the issue of the visa as there is no requirement for the passport submission to be checked during processing for accuracy.
62. In IGMS applications, 2.2% of applications required a correction to the identity information at lodgement. Errors of this nature in ADEPT would result in issues at APP and in additional work to resolve administrative errors at the border. Retaining the requirement for passport scanning will mitigate this risk pre-decision.
63. Reducing the ability to largely automate this assessment is unlikely to result in identification of the risk as the risk is largely able to be managed through the automated system checks already in place in the ADEPT system.
64. For migrants who have had their fingerprint biometric information collected, the Five Country Conference (FCC) checks are still taking place in the AMS system, and a possible concern or adverse history raises an alert or warning. The presence of an alert or warning will trigger a risk activity in the Migrant Gateway activity which will highlight the potential identity concern to the Immigration Officer.
65. Maintenance of the law

Job Check Validation

66. The job check validation activity will check that the conditions outlined in the job check align with what has been offered to the applicant. This includes the location of the role, the job title, and the rate of pay. The job check validation activity also ensures that the employer continues to meet the requirements for the accreditation obtained (instructions paragraph 16(c to h)).
67. The job check validation activity includes several automated systems checks which are run through integrations such as the stand down list, offences against the Immigration and Crimes Acts, the Insolvency Register and the banned directors list. There is also a system check to ensure that the employer is able to (under their accreditation) hire the number of migrants that are being requested.



68. The job check validation activity will also require a manual component for every application with the Immigration Officer focusing on whether the terms and conditions offered to the applicant are not inferior to what was declared in the job check application. The checks undertaken by the Immigration Officer will be set out in the SOPs.
69. It was agreed in the “Automating approvals of work visa applications under the AEWV policy” memo that this activity is not fully automated, rather certain components of each activity will drop out for a manual assessment. In practice, this means that except where there is an adverse declaration, this activity will only require an Immigration Officer to check that the terms and conditions offered to the applicant are in line with what was declared in the job check application.
70. No additional checks are proposed in this manual assessment activity to manage immigration risk. Consideration was given to whether payment for jobs could be managed through this check, but it was determined that, except where there was an alert or warning indicating payment for jobs, this risk is best treated through post decision risk management as there is no evidence collected from applicants at part of the applications which could be used to identify indicators of this risk.

Worker Eligibility

71. The worker eligibility activity will check whether the migrant has the required qualifications and experience to do the role that has been offered, and that they are not subject to a stand-down period (as per immigration instruction WA4.10.10).
72. The worker eligibility activity will require a manual component for every application with the Immigration Officer focusing on whether the qualifications and experience of the applicant meet the requirements set out in the job check application, as well as a check to ensure that the applicant is not subject to a stand-down period.
73. The checks to be undertaken by the Immigration Officer to manage immigration risk will be set out in the SOPs and will specifically highlight how and when to effectively verify offshore work experience (including qualifications). Offshore work experience is historically one of the most misrepresented documents provided in offshore work visas. The Verification Toolkit will be maintained to ensure it reflects up to date guidance following broader reopening and the SOPs will include links to this information.
74. Where the role requires registration and evidence of registration has been provided, SOPs will outline that the qualification and experience claimed should be accepted at face value. Occupational registration requirements significantly reduce the risk of an applicant providing non-genuine qualifications or work experience. The exception to this recommendation is in cases where a risk rule is triggered, or INZ have relevant adverse holdings for the individual or employer.

Training and Verification Support



75. The immigration risks present in the Migrant Gateway are well understood by experienced Immigration Officers and training on management of these risks is covered by existing induction programmes and e-learning modules for new recruits. Technical advisors and Practice leads in Manukau and Christchurch, where this product will be processed, have sufficient experience and knowledge to support appropriate treatment of the immigration risks at this gateway.
76. Verification teams will be available to support Practice Leads and Technical Advisors in processing sites delivering standard training to new Immigration Officers. No specialist training is proposed outside that which would normally be covered for an immigration officer new to processing work visas.
77. Where advanced or specialist verification is required to support processing, risk referrals will be made through the ADEPT system to Verification teams, and these will be completed by appropriately experienced and skilled team onshore and offshore.

OPERATIONAL RISK ASSESSMENT

78. A risk assessment has been conducted to determine the residual risk faced by INZ if the recommendations in this paper are agreed.
- a) It is possible that some adverse information held by INZ will not be surfaced during the Migrant Gateway assessment due to the absence of 'retriggering' functionality and limitations on data matching employers. This limits the effectiveness of risk rules, NSCs and Identity as any changes to profiles, or additional information received after the application passes the Gathering Intelligence phase in ADEPT will not be considered. It is recommended that RMRGG accepts this risk short-term, communicates to the ADEPT project the need for prioritisation of 'retriggering' functionality prior to border reopening and monitors this closely.
 - b) It is highly likely that there will be bugs or system issues at go live which result in risk management not being applied as expected. This has occurred in previous gateways. Good practice requires ongoing review to provide assurance that the system continues to operate as expected (System Assurance – SA).³ It is recommended that system assurance is implemented as a priority to ensure systematic identification of bugs and that this risk is escalated to ILT for inclusion and monitoring through the ILT risk register.
 - c) It is highly likely that some migrants will incorrectly provide information to INZ (either deliberately or accidentally) that results in reduced scrutiny due to the absence of a manual assessment of some activities. With the health and character activities in particular, this may lead to the approval of Migrant Gateway applications where the applicant is not of an acceptable standard of health or does not meet the good character requirements. With the exception of the character activity for onshore applicants where foreign police certificates will not be checked without an adverse declaration, this is a risk that is present in all visa

³ Note – a system assurance framework still needs to be developed.



categories and is sufficiently managed in this policy. We recommend that RMRGG accepts this risk.

- d) It is likely that reliance on manual checks while risk rules are implemented post 'Go Live' will not effectively identify and manage all known risks, resulting in approval of applications that do not meet immigration instructions. As this is a short-term risk which is not expected to impact a large number of applications, it is recommended that RMRGG accept this risk short term and captures the risk on the appropriate risk register.

NEXT STEPS

79. Subject to agreement to the recommendations in this paper, the following actions will be undertaken
1. A final list of proposed risk rules will be presented to RCG for agreement along with a detailed outline of the staged approach to implementation of risk rules.
 2. SOPs reflecting immigration risk management approach will be drafted for the Migrant Gateway.