Response to the recommendations from the Accredited Employer Work Visa (AEWV) Review commissioned by Te Kawa Mataaho Public Service Commission

NEW ZEALAND IMMIGRATION

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT
HĪKINA WHAKATUTUKI

Background

ACCREDITED EMPLOYER WORK VISA

The Accredited Employer Work Visa (AEWV) is the main temporary work visa. It is designed to ensure New Zealanders are first in line for jobs and where genuine skill or labour shortages exist, accredited employers can hire skilled migrants. The AEWV is a three step process requiring; Employer Accreditation, Job Check and Work Visa. Employers must pay at least the NZ median wage, unless the role is on an exemption list and show that there are no New Zealanders able to fill the role.

Purpose of this document

This document provides an overview on the work that is completed, and underway to address the recommendations and how the work will improve the immigration system.

This overview document is planned to be updated regularly this financial year.

The work plan and delivery dates was approved by the Minister of Immigration on 14 May.

Any questions or inquiries regarding this document should be sent to media@mbie.govt.nz.

Context

Te Kawa Mataaho Public Service Commission (PSC) commissioned in August 2023 an independent review ('the Review') into the administration of the AEWV scheme. The review was announced following concerns raised with the then Minister of Immigration relating to the way the scheme was being administered and whether this was resulting in opportunities for misuse and exploitation by third parties.

Review was also tasked with identifying any appropriate next steps for improvement in the administration of the AEWV scheme with a focus on mitigating the risk of migrant exploitation and irregular migration.

The Review was published in February 2024 and made ten overarching recommendations with 25 specific sub-recommendations around reducing the risk of migrant exploitation, developing an integrated compliance and system monitoring model, improving intelligence gathering and resetting the relationship between Immigration New Zealand's (INZ) senior leaders and frontline staff.

In addition to the recommendations, the Review noted that the AEWV scheme went live in extremely challenging circumstances with INZ under extreme pressure to process an extremely high number of visas in short timeframes. The Review acknowledged that a number of changes had already been made to improve the administration of the AEWV scheme, which was implemented as the border was reopening post COVID-19.

MBIE accepted all the Review's findings and recommendations, and acknowledged the serious nature of the issues that were raised in the review.

MBIE's response to the Review

In response to the Review and to ensure priority is given to responding to the recommendations, a dedicated work programme has been established within MBIE, from existing resources, to respond to the recommendations. In developing the work plan we have ensured that our frontline staff had the chance to provide comment as to how the recommendation would be responded to, and will continue to refine how we engage as we learn more about what works.

Immigration New Zealand is already working hard to improve staff communication and engagement and will continue to do so in line with the Review's recommendations.

The key milestone dates for delivery, including those recommendations completed, are highlighted in the timeline below. The 10 overarching recommendations (with the 25 specific sub-recommendations) outlined in the Review relate to the following six areas.

1 RISK MITIGATION
Strengthening risk management including improvements to how we understand and manage risk in the future.

2 COMMUNICATION AND ENGAGEMENT
The need to improve the communication and engagement between frontline staff across the immigration system and leadership.

3 OPERATIONAL ENHANCEMENTS
The support for staff and customers using the AEWV scheme could be strengthened.

4 POLICY ADVICE
Longer term policy work as relates to the AEWV.

5 IMMIGRATION SYSTEM ENHANCEMENTS
The recommendations to improve the wider immigration system beyond changes to the AEWV scheme. This includes how MBIE governs the immigration system, the level of assurance there is across the entire system and ensuring an end-to-end compliance framework is in place.

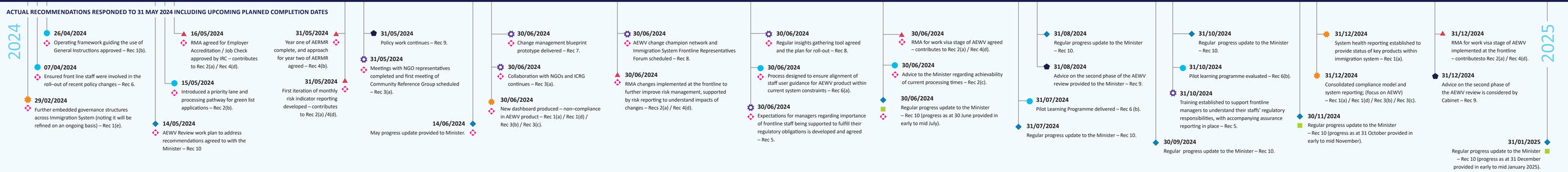
6 FUTURE SERVICES
Our Future Services is a long-term work programme to develop and implement a future service model across the MBIE immigration system. Three recommendations are being overseen as part of the Future Services work.

Glossary of terms

- **Accredited Employer Risk Monitoring and Review (AERMR)**
  Post accreditation employer check across 15% of employers carried out by INZ in a combination of desk and site- based checks to inform risk tolerances and controls.
- **Accredited Employer Work Visa (AEWV)**
  Employers can get accreditation to use the Accredited Employer Work Visa (AEWV) to hire migrants on visa for up to 5 years. The AEWV is a 3 step process requiring Employer Accreditation, Job Check and Work Visa.
- **ADEPT**
  Advanced Digital Employer -Led Processing and Targeting (ADEPT) is the Immigration online ICT system which includes the AEWV processing.
- **Employer Accreditation**
  Gate 1 of the 3 step AEWV process. An employer applies for accreditation to be able to hire migrants for temporary employment.
- **General Instructions**
  Are matters of rule and practice for the Department and relate to the order and manner of processing applications (Immigration Act 2008 s26).
- **Green List**
  Priority roles that, if a migrant worker has the qualifications registration or experience required, may be able to get residence immediately or after two years of working in New Zealand.
- **Irregular migration**
  The movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination
- **Job check**
  Gate 2 of 3 step AEWV process. The accredited employer requests job token for current needs where there are no New Zealanders able to fill the role.
- **Migrant exploitation**
  When harm is caused, or the risk of harm is increased, to the economic, social, and physical well-being of a migrant worker.
- **Work Visa**
  Gate 3 of the 3 step AEWV process. A temporary visa that a potential migrant workers may apply for if there is a job offer from an accredited employer and they have the skills and qualification of the job.

RECOMMENDATIONS – WORK PLAN

ACTUAL RECOMMENDATIONS RESPONDED TO 31 MAY 2024 INCLUDING UPCOMING PLANNED COMPLETION DATES



LEGEND

Task completed | Risk mitigation | Staff engagement and communication | Operational enhancements | Policy advice | Systems enhancements | Regular progress update to Minister as at month end – provided mid the following month | Updates to this document

ACRONYMS

AEWV = Accredited Employer Work Visa | AERMR = Accredited Employer Risk Monitoring Review | INZ = Immigration New Zealand | IRC = Immigration Risk Committee | RMA = Risk Management Approach