



15 October 2024

Ref: DOIA-REQ-0003193

## Privacy of natural persons

Thank you for your email of 18 September 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. How many Indian nationals have applied for AEWV from May 2022 till today?*
- 2. How many Indian nationals complained about their employers?*
- 3. What, if any, action INZ has taken against the employers? And against how many?*
- 4. When an employee complains about migrant exploitation to Employment NZ and applies for a Migrant Exploitation Visa, what steps does INZ take against the employer?*
- 5. How many staff members work in the enforcement department of INZ?*
- 6. How many employers have been prosecuted by INZ in the last five years for breaches of ss 350 and 351 Immigration Act 2009?*

### Our response

- 1. How many Indian nationals have applied for AEWV from May 2022 till today?*

There have been 37,697 Indian nationals who have applied for an Accredited Employer Work Visa between 1 May 2022 and 3 October 2024.

Table 1 – Number of Indian nationals who have applied for an Accredited Employer Work Visa by calendar year.

Year application submitted	Number of applicants
2022 (1 May – 31 December)	4,472
2023 (1 January – 31 December)	24,853
2024 (1 January – 3 October)	8,372
Total	37,697

- 2. How many Indian nationals complained about their employers?*

Immigration Compliance and Investigations (part of Te Whakatairanga Service Delivery within the Ministry of Business Innovation and Employment) has received 201 complaints from Indian nationals about their employer between 1 July 2022 and 1 October 2024.

Please note that we are unable to report on the number of complaints received prior to 1 July 2022 due to changes in the manner of reporting.

Table 2 – Number of complaints received from Indian nationals about their employers

Year complaint submitted	ICI Business Unit		Total
	Immigration Compliance	Immigration Investigations	
2022	16	8	24
2023	34	59	93
2024	4	80	84
Total	54	147	201

*3. What, if any, action INZ has taken against the employers? And against how many?*

Regarding those complaints in Table 2 enforcement action has been taken against eight employers.

Table 3 – Enforcement action taken against employers as a result of complaints made

Enforcement action	Number of cases
Education Pack provided	3
Formal Warning Letter issued	5
Total	8

Not all allegations considered by an Investigator will lead to a prosecution. Investigators consider a number of options available to them when conducting an investigation, depending on the severity of the offending. These include:

- criminal prosecutions
- issuing infringements
- issuing formal warnings
- educating people on the right thing to do
- referring to other regulatory bodies as appropriate.

*4. When an employee complains about migrant exploitation to Employment NZ and applies for a Migrant Exploitation Visa, what steps does INZ take against the employer?*

When a complaint of migrant exploitation is received from an employee an initial triage assessment of that complaint is made by Employment Services. A credibility assessment is made at the same time as this assessment to determine the next action.

Further action can be undertaken by regulatory groups within MBIE such as the Labour Inspectorate, Immigration Compliance and Investigations, or Immigration New Zealand (INZ). This could range from a full investigation of the employer and the circumstances of the exploitation<sup>[1]</sup>, to warnings being placed on INZ's case management system to ensure further visas are not granted to other migrants without further consideration of the employer's compliance with immigration and employment law.

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<sup>[1]</sup> "Exploitation" for the purposes of the MEPV is broad and includes matters which would not normally be considered to be exploitation for investigative purposes. The threshold for "exploitation" in civil and criminal investigations is much narrower than the definition of "exploitation" used for the light assessment for purposes of the MEPV.

*5. How many staff members work in the enforcement department of INZ?*

As of 4 October 2024, there are 88 Compliance Officers and Investigators employed in the Immigration Compliance and Investigations branch within Te Whakatairanga Service Delivery in the Ministry of Business Innovation and Employment.

Job title	Number of staff
Compliance Officer	26
Senior Compliance Officer	28
Investigator	9
Senior Investigator	25
Total	88

*6. How many employers have been prosecuted by INZ in the last five years for breaches of ss 350 and 351 Immigration Act 2009?*

There have been 12 employers who have been prosecuted by Immigration New Zealand for breaches under sections 350 or 351 of the Immigration Act 2009 since 1 January 2020.

Table 4 – Number of prosecutions for breaches of sections 350 or 351 of the Immigration Act 2009

Year of prosecution	Section 350	Section 351	Total
2020	0	0	0
2021	3	0	3
2022	2	0	2
2023	2	3	5
2024 (to 1 October 2024)	0	2	2
Total	7	5	12

If investigators decide to pursue a prosecution, they are required to reach the criminal burden of proof, that being beyond reasonable doubt for any prosecution.

More information is available on the INZ website: [www.immigration.govt.nz/about-us/media-centre/common-topics/investigations-and-compliance](http://www.immigration.govt.nz/about-us/media-centre/common-topics/investigations-and-compliance)

If you wish to discuss any aspect of your request or this response, please contact [OIA@mbie.govt.nz](mailto:OIA@mbie.govt.nz).

Nāku noa, nā



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