



17 May 2021

Ziyun (Evan) Wang
fyi-request-15213-114e6777@requests.fyi.org.nz

File No: DOIA 2021 – 2095

Dear Ziyun (Evan) Wang

Thank you for your email on 19 April 2021, requesting the following information under the Official Information Act 1982 (the OIA):

I am writing to kindly request copies of the most recent assessment templates and guidance notes for Immigration Officers to follow when assessing the current employer accreditation applications.

Our response

Please find the following documents at appendix A below:

- Labour Hire Accreditation template
- Accredited Employer Assessment template
- Talent (Accredited Employer) Work Visa template
- Talent (Accredited Employer) Residence Visa standard operating procedure document

We have withheld information under section 6(c) as the making available of this information would be likely to prejudice the maintenance of the law.

Please be advised that the Government is introducing a new temporary work visa called the Accredited Employer Work Visa (AEWV). The AEWV will be introduced on 1 November 2021 and will replace the following six existing temporary work visa categories:

- Essential Skills Work Visa
- Essential Skills Work Visa — approved in principle
- Talent (Accredited Employer) Work Visa
- Long Term Skill Shortage List Work Visa
- Silver Fern Job Search Visa (closed 7 October 2019)
- Silver Fern Practical Experience Visa.

Employers will need to be accredited before they can hire a migrant on an AEWV.

The following employer policies are closing to new and renewing applications on 30 June 2021:

- Accredited Employer (Talent – Accredited Employer)
- Labour Hire Accreditation (Essential Skills)
- Approval in Principle (Essential Skills)

You have the right to contest the decision to withhold information by seeking an investigation and review of that decision by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss any aspect of your request or this response, please contact Margaret Huang, Business Advisor, Operations Support, Immigration New Zealand at Margaret.huang@mbie.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N Hogg', is positioned above the typed name.

Nicola Hogg
General Manager – Border and Visa Operations
Immigration New Zealand
Ministry of Business, Innovation and Employment

Appendix A

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Definition of “whether an employer has human resource policies and practices which are of a high standard” is at **WK5.15(b)**.

Compliance with WK5.5 - Labour hire employer requirements and obligations

Choose an item.	Employment agreement meets WK3.5.
Choose an item.	Excludes 90 day trial period provision.
Choose an item.	Pay rate of not less than the market rate as specified in WK3.5.
Choose an item.	Employment terms and conditions equivalent to those employed by the company.
Choose an item.	Ensures that any third party to whom they hire out a migrant worker has good workplace practices that align with the requirements set out under WK5.1(b)(i-iv).

Employment Agreement mandatory compliance? Choose an item.

ISO certification? Common is ISO9000/ISO9001.

HSWA Act 2015 Compliant Policy? Choose yes or no.

HR policies submitted (list – include Org Chart)

Based on the above information Choose an item

Labour Inspectorate / WorkSafe NZ (refer to separate AMS note for response)

Labour Inspectorate: Choose an item.

WorkSafe events: Choose an item.

I choose an item that the findings show that Company name complies with employment law and do not suggest adverse human resources practices.

Unions – HR Policy and Process

Any Union comment on Human Resource policies or processes for this company?

Enter Union comment or select No Comment.

SECTION E – EMPLOYING NEW ZEALANDERS

WK5.1(b)(iii) - DOES THE EMPLOYER HAVE A DEMONSTRABLE COMMITMENT TO TRAINING AND EMPLOYING NEW ZEALANDERS?

Definition of whether an employer has a demonstrable commitment to training and employing New Zealand citizens or residence class visa holders is at **WK5.15(c)**

Evidence of Genuine Attempts

Genuine attempts: Choose an item.

Does the evidence of advertising provided meet the definition of a ‘genuine attempt’ as per WK3.10.5? Choose yes or no.

>

For migrant hires, Visa Type? Choose an item.

Role Type? Choose an item.

Client Contacts Report: Choose an item.
For migrant hires, any issues? Choose an item.
Redundancies declared in Plone? Choose an item.
Redundancies declared as a result of COVID-19 economic impact? Choose an item.
 >

I have reviewed the information at hand and I am satisfied that the employer makes genuine attempts to recruit suitable New Zealand citizens or residents.

Evidence of training

Engagement with ITO's/Internal Training? (ITO Directory at <http://www.tec.govt.nz/teo/working-with-teos/itos/directory>) Choose an item.

In-house training and (professional) development programs? Choose an item.

Based on the above, it appears the company Choose an item. **committed to training New Zealanders.**

Positions intends to fill (list):

>All trades incl. carpenters, builders, labourers and masons.

Of these, how many of these will be located into the Canterbury region (Christchurch ,Selwyn and Waimakariri District Council areas)? Choose an item.

No. of Employees in NZ:

No. in NZ as citizens and residents:

% NZ Citizens and residents <https://percentagecalculator.net/> : %

All employees are lawful to work in NZ? Choose yes or no.

I note that Company name employs 246 individuals on work visas, which is 70.6% of their employees. Based on the figures it appears that the organisation Choose is or is not. **committed to employing New Zealanders.**

Unions – training and employing New Zealanders

Any Union comment on the commitment to training and employing New Zealanders for this company?

Enter Union comment or select No Comment.

SECTION F – WORKPLACE PRACTICES

WK5.1(b)(iv) - DOES THE EMPLOYER HAVE GOOD WORKPLACE PRACTICES – INCLUDING A HISTORY OF COMPLIANCE WITH ALL IMMIGRATION AND EMPLOYMENT LAWS AND POLICIES SUCH AS THE IMMIGRATION ACT, THE MINIMUM WAGE ACT, THE HEALTH AND SAFETY ACT, THE EMPLOYMENT RELATIONS ACT AND THE HOLIDAYS ACT?

The definition of “whether employers have good workplace practices” is at **WK5.15(d)**

ACC:

Employer name: Company name

ACC No:

ACC response: Choose an item.

Any Policies and Processes relating to Immigration and Employment Law?

Choose an item.

>

Uses VisaView? Choose an item.

Systematically monitors the status of visa holders? Choose an item.

>

Verifies migrant candidates' work experience / qualifications? Choose an item.

>

I have reviewed the information at hand and choose an item.

Evidence of diversity policies and practices in place as outlined by Diversity Works NZ?

Choose an item.

>

Unions – Workplace Practices

Any Union Comment on workplace practices for this organisation?

Enter Union comment or select No Comment.

Risks: Link to Matrix T:\Christchurch\Team Work Visa\Accredited Employer\Resources\Risk

Based on the documents provided I am satisfied that the risk of this application is Choose an item..

Employer warnings/alerts?

Choose an item.

>

CONCLUSION SECTION

PPI or information request. to be raised by email.

>

If yes, response to PPI/Information request
Click here to enter response once received.

All requirements of Immigration Instructions have been addressed as included in my summary.

INITIAL ASSESSMENT ABOVE – BELOW SECTION TO BE COMPLETED ON FINAL ASSESSMENT

Company name Choose an item..

If decline, Instructions that are not met are listed below (delete this line if approved).



Applicant notified by email

Choose an item.

Choose an item.

Click to enter a date.

[Approved employers will be granted accreditation for a period of 12 months – WK5.1(c)]

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Employer Accreditation	Choose an option.
(Renewal) Accreditation valid until (or NA)	Click to enter a date.
AMS application number:	
NZBN:	
Company name:	Ministry of Economic Development
Other AMS identities:	Choose an item.

ABOUT THE EMPLOYER
From the application form
Website URL

COMPANY OFFICE CHECKS https://companies-register.companiesoffice.govt.nz/
Is entity under Notice of Intention to Remove, or are there any other issues showing in the document tab (such as current or previous receiverships or liquidations)?
Choose yes or no.
Time in business (Years)?

SECTION C – FINANCIAL POSITION

WR1.25(c)(i) – Is the applicant in a sound financial position? To determine the sound financial position, consider factors listed under WR1.25.5(a)	
Annual report shows the following:	year ending month year
Revenue	\$
Net profit after tax	\$
Equity	\$
Accounts Receivable	\$
>	
Public sector agency / local government entity? Choose an option.	
I have reviewed the information at hand and choose an item.	

SECTION D – HR PRACTICES

WR1.25(c)(ii) - DOES THE EMPLOYER HAVE HUMAN RESOURCE POLICIES AND PROCESSES OF A HIGH STANDARD? To determine human resource policies and practices which are of a high standard, consider factors listed under WR1.25.5(b) .

Employment Agreement (found in Plone in Section "F") mandatory compliance?: Choose an item.

ISO certification? Common is ISO9000/ISO9001.

[HSWA Act 2015](#) compliant policy? Choose yes or no.

HR policies submitted?

Choose an item.

>

I have reviewed the information at hand and choose an item.

Labour Inspectorate / WorkSafe NZ (refer to separate AMS note for response)

Labour Inspectorate: Choose an item.

WorkSafe events: Choose item.

I choose an item that the findings show that Ministry of Economic Development complies with employment law and do not suggest adverse human resources practices.

SECTION E – EMPLOYING NEW ZEALANDERS

WR1.25(c)(iii) - DOES THE EMPLOYER HAVE A DEMONSTRABLE COMMITMENT TO TRAINING AND EMPLOYING NEW ZEALANDERS?

To determine the employer's commitment to training and employing New Zealanders, consider factors listed under [WR1.25.5\(c\)](#).

Evidence of genuine attempts ([WK3.10.5](#))

Genuine attempts: Choose an item.

Does the evidence of advertising provided meet the definition of a 'genuine attempt' as per WK3.10.5? Choose an item.

>

Client Contacts Report: Choose an item.

For migrant hires, any issues? Choose an item.

Redundancies declared in Plone? Choose an item.

>

I have reviewed the information at hand and choose an item.

Evidence of training facilitated and supported by the employer

In-house training and (professional) development programs? Choose an item.

Evidence of external training to develop capabilities of staff? Choose an item.

Involvement with any New Zealand Industry Training Organisation (ITO)? Choose an item.

Apprenticeships, internships or graduate opportunities? Choose an item.

>

I have reviewed the information at hand and choose an item.

Evidence of employing New Zealand citizens and residence class visa holders

Positions intended to be filled with accreditation as declared in Plone / via e-mail:

>

Total number of staff:

Number of staff who are New Zealanders:

Percentage of staff who are New Zealanders
(<https://percentagecalculator.net/>)

%

Are all migrant staff lawful to work in NZ?

Choose yes or no.

Choose for a new application or for a renewal. Choose yes or no.

I have reviewed the information at hand and choose an item.

SECTION F – WORKPLACE PRACTICES

WR1.25(c)(iv) - DOES THE EMPLOYER HAVE GOOD WORKPLACE PRACTICES – INCLUDING A HISTORY OF COMPLIANCE WITH ALL IMMIGRATION AND EMPLOYMENT LAWS AND POLICIES SUCH AS THE IMMIGRATION ACT, THE MINIMUM WAGE ACT, THE HEALTH AND SAFETY ACT, THE EMPLOYMENT RELATIONS ACT AND THE HOLIDAYS ACT?

To determine good workplace practices, consider factors listed under [WR1.25.5\(d\)](#)

ACC

Employer name: Ministry of Economic Development

ACC response: Choose an item.

Evidence of diversity policies and practices such as those outlined by Diversity Works NZ?

Choose an item.

>

Migrant management

Uses VisaView? Choose an item.

Systematically monitors the status of visa holders? Choose an item.

>

Verifies migrant candidates' work experience / qualifications? Choose an item.

>

I have reviewed the information at hand and choose an item.

Employer warnings / alerts?

If warnings or alerts are present review these here.

>

I have reviewed the information at hand and choose an item.

Risk?

Have any other risks been identified? Choose an item.

>



Based on the information considered in this application, choose an item.

Union Comment

Any union comment on:

Workplace practices for this organisation?

The commitment to training and employing New Zealanders for this company?

HR policies or processes for this company?

Union comment

>

CONCLUSION / SUMMARY SECTION

Will the employer be directly responsible for the employee's work output as per WR1.10(a)?

Choose an item.

Is the expected minimum base salary offered by the employer for migrants applying under a Talent (Accredited Employer) Work Visa based on 40 hours per week, which excludes employment-related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation)?

Choose an item.

Any requirements stated in the immigration instructions have been addressed as included in this assessment.

RFI

Information request to be raised by medium..

>

PPI

PPI to be raised by medium..

Click here to select instructions or delete control

>

Click here to select instructions or delete control

>

Click here to select instructions or delete control

>

Click here to enter instructions manually

>

Response to PPI:

>



Ministry of Economic Development meets all relevant immigration instructions and is therefore approved for employer accreditation.

If decline, instructions that are not met are listed below (delete this line if approved).

>

Applicant notified by email

Choose an item.

Choose an item.

Enter a date or select "Today"

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Talent (Accredited Employer) Work Visa template

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**ASSESSMENT SUMMARY FOR APPLICATION MADE UNDER WORK TO RESIDENCE
(ACCREDITED EMPLOYER) – WR1**

IDENTITY:

Was the PA's citizenship confirmed by the PA's passport? Yes. No concerns.

Was any verification required to address any identity risks? No identity risks identified.

PPT scanned? PPT scanned as authentic. Noted in **AMS/VAC.**

PPT not scanned? MRZ checks done for the PPT. No concerns.

HEALTH (WR1.5.a.iii):

GMC dated **xx/xx/xxxx: ASH (Temporary & Residence)**

CXR dated **xx/xx/xxxx: ASH (Temporary & Residence)**

I am satisfied that the applicant is of an acceptable standard of health for residence (A4.10 & A4.20 met).

CHARACTER (WR1.5.a.iii):

No adverse character declarations in form.

PCC **from XXXXXX dated XX/XX/XXXX** submitted for **this/previous** application: **clear**

NZPC not required? NZPC: **Not required as the applicant has not been in NZ for more than 5 years**

NZPC required? NZPC issued **XX/XX/XXXX: clear**

NSC not required

I am satisfied that the applicant is of good character for residence (A5.15, A5.20 & A5.25 met).

BONAFIDES (E5.1):

I am satisfied that the applicant is a Bona Fide applicant (E5 met).

RISK ASSESSMENT:

Section 6(c)

AGE REQUIREMENT:

Client is under 55 years of age (WR1.5.a.ii met) or N/A as per WR1.30.1 applies

EMPLOYER DETAILS

Employer's name: XXXXX Limited

Based on the information available, there are no concerns in relation to genuine and sustainable employment (W2.10.10, WR1.10.e & WR1.10.f met).

Based on the information available, there are no concerns in relation to employer's compliance with employment and immigration laws (W2.10.5, W2.10.6, W2.10.15, WR1.10.i & WR1.10.j met).

Holds current INZ accreditation: 00000000 (WR1.5.a.i met) or N/A as WR1.30.1 applies

POSITION ON OFFER:

Job title:

Full time: Yes (WR1.10.d met)

Permanent: Yes (WR1.10.c met) *If fixed term, please amend this section and record the duration of the fixed term employment*

Base salary/hourly wage is:

WR1.10 applies? Satisfied that the job offer is full time, is in core area of business, for a period of at least 24 months with a minimum base salary (based on maximum 40 hours per week) of \$79,560 per annum? Yes (WR1.10.a & WR1.10.g met)

WR1.30.1 applies? Satisfied that the job offer is full time and with same employer that is supporting their residence application, is in core area of business, for a period of at least 12 months with meeting a minimum base salary that was in place when the applicant applied for his or her initial Talent (Accredited Employers) work visa? Yes (WR1.30.1.a met)

Registration required and met (WR1.10.h met) / not required

*****If initial/further assessment did not reach the final visa assessment outcome:**

DECISION:

Record the outcome of your initial/further assessment outcome i.e. RFI, PPI, pending health assessment, etc.

*****If your assessment reached the final visa assessment outcome:**

VISA DURATION AND EXCEPTIONS TO INSTRUCTIONS:

Has any exceptions to Instructions been considered/granted? N/A

If the final decision is decline, record how the ETI was considered and decided.

FINAL DECISION:

Is it approval? All the requirements are met to grant a visa under WR1 category.

First time WTR visa? Multiple entry WV approved for 30 months as per WR1.5.1

Subsequent WTR visa? Multiple entry WV approved for 24 months as per WR1.30.1.b

Is it decline?

Record what your concerns were in the PPI letter sent

Record what were submitted as a response to the PPI letter

Record why the response was not sufficient enough to mitigate your concerns

Record which instructions you are not satisfied that the applicant meets.

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Refresher Training on RWF (Accredited Employer – RW 2)

1. Identity

- PPT number and scan date to be recorded for each applicant
- MRZ check to be conducted using the MRZ kit located on INZ Kit (not the excel tool) *INZKit – Verifying and assessing – Keesing Document Checker – International Identity Documents – MRZ*
- R2.40(d) to be assessed if applicable for SA and DAs who are not included in the application
- If passport has never been scanned by INZ however has been used to enter/depart New Zealand, then we can AIP passport and rationalise to say “ Passport has been used to enter New Zealand therefore assumed to be scanned at border, therefore AIP passport”.

2. Risk Assessment

Section 6(c)

3. WTR Assessment

- WTR grant date to be obtained from the Visa label
- Date PA entered NZ
 - If the applicant was offshore at the time of WTR WV grant: arrival date after the WTR grant
 - If the applicant was onshore at the time of WTF WV grant: brief visa history with the initial arrival date and the date of the WTR grant
- Note down any VOCs if any after the grant of the original WTR visa
- Note down subsequent WTR visas granted after the initial WTR visa
- When to request IEA (*refer to the attached document*)
- IEA mandatory clauses (*refer to the attached document*)
- What to request in support of WTR employment and how to note them down in VAT
- Accreditation validity to be noted (until -).

4. Health

- Any declaration made by the applicant in the form to be noted and assessed in VAT.
- Medical completion date

5. Character

- Any declaration made by the applicant in the form to be noted and assessed in VAT.

- Convictions to be assessed under Residence instructions
- Waiver process to be recorded if any

6. English

- Rationale for SA and DA's English language requirements (refer to RW5)
- Verification if the result/report is provided (Exception: test taken in NZ, South African, some of European nationals)
- Sample rationale:

xxxx is a British citizen and English is her native language. She has provided Tax records from 2010 to 2014 in the UK confirming that she has lived and worked in an English speaking country for more than 5 years. I am satisfied that she meets instructions.

7. Relationship Assessment

- Not only noting down the evidence provided in support of their partnership, but also rationalising and covering the four folds is required.
- At least 12 month evidence of relationship
- Sample rationale:

Credible:

The PA and SP have not provided any conflicting information or documentation that would indicate that they are not credible. The visa pathway is _____

Relationship previously assessed

Living together:

The couple have provided bank statements, a letter from their landlord and a bond lodgement form to show that they have been living together for the required duration. There are no periods of separation that need to be addressed for this application. No concerns.

Based on couple's history together I am satisfied that there is no significant period of separation that needs to be addressed

Genuine & Stable:

The couple have provided a marriage certificate and letters from friends and family to show that they are in a committed and stable relationship that is likely to endure. There is joint travel for the couple as shown with the AMS movement tab and the travel information that has been provided. I have no concerns on this aspect.

Conclusion

Overall I see that the couple have demonstrated that they meet the requirements for this partnership residence application.

8. Dependence

- Age between 21 and 24 – actual evidence is required and rationale to be included as they cannot be deemed to be dependent under R2.1.30. Please see sample blurbs

9. Custody

- Evidence to be listed showing how the custody requirement is met. Please refer to Custody training.
- Only applies to those who are under 16

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