

# Employer Accreditation Policy

## Treasure Hunt - Answers

This cover sheet includes answers for the learning facilitator.

### Questions

#### Topics

- Subsequent applications for employer accreditation
- Processing and verification requirements

- A. If an employer has not complied with the requirements in WA2.30(a) above since their previous accreditation was granted, the application for employer accreditation application must be declined unless the employer meets certain requirements. What are these requirements?**

Answer: The requirements are:

- i. has rectified the non-compliance promptly, and
- ii. has taken sufficient steps to address the cause of the non-compliance, and
- iii. satisfies INZ that they will comply with the requirements in (a) in future accreditation periods.

- B. Which 'other relevant parties' are mentioned as examples of sources of information that can be used assess an employer accreditation application?**

Answer: Other parts of the Ministry of Business, Innovation and Employment, WorkSafe, the Labour Inspectorate, the Companies Office, Inland Revenue, or other government agencies.

- C. What information, in addition to that collected from applicant, can be gathered from interviews or site visits?**

Answer:

- Information supplied by an employee to INZ at any time; and
- information about the employer held by INZ from their current or previous accreditation or Job Check application(s) or from other interactions the employer has had with INZ (e.g. visa applications they have supported); and
- publicly available information about the employer.

- D. What might happen to an employer accreditation application if an employer does not give consent for INZ to disclose relevant information to other agencies, to obtain information to assess the application?**

Answer: The application may be declined.

- E. If an employer has any changes to their key persons, compliance with these instructions or business structure, within how many business days do employers have to advise INZ?**

Answer: Employers must advise INZ within 10 working days.

## Topics

- Considering and reconsidering an application for employer accreditation
- Currency and approval specifications of employer accreditation

**A. Will employers submitting an employer accreditation application be given the opportunity to comment before a decision to decline an application is made on the basis of any potentially prejudicial information (PPI)?**

Answer: Yes.

**B. Is there a statutory right of appeal against the decision to decline an employer accreditation application under these instructions?**

Answer: No. INZ will reconsider a decision when it is made within 14 days of the date of decision.

**C. Does a fee for reconsideration of an employer accreditation application need to be paid?**

Answer: Yes. A fee applies for reconsideration.

**D. Is an immigration officer obligated to consider new information that is provided with a request for reconsideration? When might you not reconsider new information?**

A. Answer: No, an IO is not obligated to consider new information. You might consider new information when it is substantial and would equate to a new application, or a change in circumstances that occurred after the decision to decline.

**E. If an employer is being granted accreditation for the first time under these instructions, how long will their accreditation last for?**

Answer: Employer accreditation may be granted for a duration of 12 months where the employer is being granted accreditation for the first time under these instructions.

**F. When might an employer be granted accreditation for 24 months?**

Answer: Employer accreditation may be granted for a duration of 24 months where:

- the employer has previously been granted accreditation under these instructions; and
- the previous accreditation has not lapsed for 12 months or more; and
- the employer is not being granted accreditation as an employer who places Accredited Employer work visa holders in triangular employment arrangements, or as a franchisee employer.

## Topics

- Verification activities after accreditation has been granted
- Suspending and revoking employer accreditation

**A. After accreditation is granted, during which two periods can INZ conduct verification and risk management activities?**

Answer: During the period that Accredited Employer work visa holders are employed by the employer or the employer accreditation period.

**B. What role must approve a decision to suspend employer accreditation?**

Answer: Immigration Manager.

**C. What role must approve a decision to revoke employer accreditation?**

Answer: Head of Operations.

**D. If Employer 1 is accredited, and they merge or amalgamate with a non-accredited employer is the accreditation for Employer 1 still valid?**

Answer: It depends on the nature of the amalgamated entity. Accreditation will be deemed to be revoked where that amalgamation or merger results in the final entity being deemed a new entity, or the existing non-accredited entity. If the merger results in the entity remaining as Employer 1 with the same NZBN, then they retain their accreditation.

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