

Terra Nova *e-Book*

Steps and issues to consider when hiring migrants on the AEWV



There are 3 steps to hiring a migrant on the Accredited Employer Work Visa (AEWV):

- accreditation,
- the job check, and
- the migrant check.

You can apply for accreditation and job check from 9 May 2022.

Getting accredited

If you are an employer who wants to hire migrants on the AEWV you first need to gain accreditation. This is a new type of accreditation - you will need to apply even if you have been accredited under the previous system.

You can apply for a different level of accreditation depending on how many migrants you want to hire.

Some business models will have to meet specific accreditation requirements.

All employers will need to meet standard requirements, including showing you are a genuine, compliant business, and commit to activities to settle migrants and minimise exploitation.

You need to pay a fee for the application.

Accreditation: what you need to commit to

Passing the job check

Once you are accredited, you need to apply for a job check for each job you want to hire a migrant worker for. You can only hire a migrant worker on an AEWV for a job if it has passed the job check. Employers pay for a job check.

The job check confirms the job pays the market rate, the terms and conditions comply with New Zealand employment laws and standards, and you have done a labour market test (LMT) if you need to.

If you do not hire the migrant, you can offer the job to another suitable applicant – you do not have to redo the job check.

Labour market test (LMT)

You may need to check there are no New Zealand citizens or residents available for the job by advertising this is called a labour market test (LMT).

An LMT shows you have advertised the job vacancy, you have listed the vacancy with the Ministry of Social Development (MSD) if the job pays below the median wage, and suitable New Zealanders have had the chance to apply.

You will need to provide specific information about the job including pay rate and required skills and experience, a proposed employment agreement, and, where an LMT is required, evidence of it being completed including evidence of advertising and a vacancy number from MSD if required.

An approved job check is valid for 6 months or until the employer's accreditation lapses, whichever is earlier.

Whether you need to do an LMT or not depends on:

- how much you are paying
- where the job is
- the occupation.



Pay market rate

Regardless of the job's conditions and location you must pay at least the current market rate.

Multiple positions

Multiple positions for the same job can be included in one job check if the job details are the same (for example they have the same occupation, pay range, region or city and minimum job requirements), and are all covered by the same advertising (if a LMT is needed) and proposed employment agreement.

Visa application

If the job passes the job check you can invite the migrant worker to apply for a visa to work in that job.

INZ checks if they meet the requirements for the AEWV, including that they have the skills and experience you advertised for.

Migrant workers or employers pay for this check.

Pathway to residence

A pathway to residence will be introduced in the future for migrants who have held an AEWV for 2 years and are paid at least 200 per cent of the median wage. The details and timing of this will be considered as part of the review of the Skilled Migrant Category.

Accreditation: what you need to commit to

To hire migrants on the Accredited Employer Work Visa (AEWV) you must meet standard requirements, and commitments which vary depending on the level of accreditation you need.

There are different levels of accreditation depending on how many Accredited Employer Work Visa (AEWV) holders you want to employ.

The accreditation levels are:

- standard accreditation – if you want up to 5 migrant workers on AEWVs at any one time
- high-volume accreditation – if you want 6 or more migrant workers on AEWVs at any one time.
- franchise holders

This only includes migrants on AEWVs. Migrants on other visa types (for example working holiday visas) are not counted towards the total.

The accreditation must be held by the direct employer named on the migrant worker's employment agreement.

Franchisees and employers wanting to place migrants on AEWVs with controlling third parties (including labour hire companies) must meet additional requirements.

Minimum accreditation requirements

All employers wanting to hire migrants on AEWVs must meet standard accreditation criteria.

You must hold a New Zealand Business Number (NZBN). Your NZBN links your business information with our delivery platform.

Most applications will be assessed based on your declarations and automated checks against publicly available information or information held by the Ministry of Business, Innovation and Employment (MBIE).

In some cases we may ask for more evidence or declarations.

Genuine business

You must be a genuinely operating business.

You must be registered as an employer with Inland Revenue (IRD).



Your business must be in a sound financial position. This means the business must:

- be profitable (before depreciation and tax) or
- have positive cash flow or
- have sufficient capital and/or external investment or funding (for example from a founder or parent company), or
- have a plan to ensure the business remains viable.

Businesses operating for less than 12 months must provide evidence they are in a sound financial position. Most other employers will not need to provide evidence upfront.

If you are a partnership or sole trader, you must not be bankrupt or subject to a No Asset Procedure (we do automated checks with the Insolvency Register).

No recent history of regulatory non-compliance

You must be prepared to declare:

- You and your significant office holders have not recently been convicted of specific immigration-related offences resulting in a fine or imprisonment. If you have, you will not be eligible for accreditation for a set period of time. The length of the stand-down period will depend on how serious the offence is. Once the stand-down period has ended, you must show you have addressed the non-compliance and taken steps to make sure it does not happen again.
- You or your significant office holders have not employed a migrant who does not have the right visa or visa conditions to work in that role, you have not employed a migrant in a role or under conditions that do not match those provided in their employer-supported visa application, or provided false or misleading information to INZ. If you or your office holders have, you must show you have addressed these issues and taken steps to make sure it does not happen again.
- Your business has not been re-established under a new legal entity and NZBN while remaining essentially the same as another business failing to meet the accreditation requirements.
- Your significant office holders are not banned from acting as a director or have a pattern of immigration offences in other businesses they have been involved in. Where offences have occurred you must show you have taken steps to prevent it happening in the business applying for accreditation.

INZ will contact the employer if background checks show the employer does not meet the requirements.

Minimise the risk of exploitation

You must allow migrant workers time to complete Employment New Zealand's online modules on employment rights during paid work hours.

You must ensure everyone making recruitment decisions completes Employment New Zealand's online modules on employment rights.

You must pay all recruitment costs in New Zealand and outside New Zealand. Accreditation will be revoked if INZ discovers this is not the case.

This includes, but is not limited to:

- advertising
- recruitment agency fees
- immigration fees for employer
- job check applications
- trade testing
- tools where the ownership is retained by the employer.



This does not include migrant worker airfares (although this may be a requirement by the authorities in some countries).

You should keep records during the accreditation period to show requirements are being met.

These commitments are agreed with INZ by declaration when you get accredited and must be completed during the accreditation period. You must confirm by declaration you have completed them when you apply for your next accreditation.

You must provide migrant workers with work-related settlement information including:

- how to get an IRD number
- relevant industry training and qualification information and options
- specific job or industry hazards.

You must provide migrant workers with local community and services information including:

- accommodation options
- transport options
- cost of living
- how to access healthcare services
- Citizens Advice Bureau services
- information about relevant community groups like religious or migrant groups.

Recording these commitments could include a register signed by the migrant worker, and email records between you and the migrant worker.

You must not charge fees outside New Zealand which would be illegal if charged in New Zealand, including:

- payment to secure a job
- bonding agreements illegally binding workers to a business
- deductions that are unreasonable or not agreed in writing.

All of these commitments will be confirmed by you by declaration and INZ will revoke accreditation if breaches are found.

Job quota

If you hold standard accreditation a job quota up to 5 will apply. Each quota space is used when a job check is approved.

The job quota space only becomes available again if:

- the migrant in the job has their visa expire or cancelled
- the migrant is granted a variation of conditions to work for another employer, or
- the job check expires or is cancelled without a visa being issued.

If you have a full quota, you will need to apply for high-volume accreditation for 6 or more migrant workers to apply for more job checks and hire AEWV holders.



Our comments

Do you as an employer need Immigrant labour for the factory or for in the office? If the answer is NO, than please ignore this e-book.

If you as an employer ARE interested in becoming accredited, please start preparing as it appears that a lot of information and documents are required.

Please note that the content this e-book is taken from Immigration New Zealand website

Changes are expected in this area so please check with us and on the Immigration New Zealand website fro any chances

The relevant immigration instructions are not yet available