

## Accredited Employer Work Visa Review – Terms of Reference

### Purpose of Review

This document sets out the parameters for a review of the design and implantation of the Accredited Employer Work Visa. The review will focus on whether the operational policy needed to deliver the underlying policy intent of the AEWV was appropriately set up and to generate “lessons learned” for the design of future immigration policy changes.

### Background

In November 2019 Cabinet agreed to final proposals for a new employer-assisted gateway system for temporary visas [DEV-19-Min-0228]. These changes were to support the government’s wider labour market objectives by ensuring that:

- Employers are placing more New Zealanders into jobs, which help businesses to grow and thrive, and result in better jobs for New Zealanders;
- Foreign workers, when they are employed, are not exploited and have wages and conditions that are consistent with New Zealand norms.

Cabinet agreed that all employer and employer-assisted foreign workers would need to come through the new employer-assisted gateway framework, consisting of:

- The employer gateway – where employers would be accredited to enable them to hire a foreign worker;
- The job gateway – where the job is checked to ensure that no New Zealander is able to fill the job being recruited for, subject to skill, sectoral and regional differentiation;
- The worker gateway – where checks will be made to make sure the foreign worker is of good character and health.

In late August 2022 – in response to issues related to the ability to process AEWV visas within target timeframes, and following the DPMC Implementation Unit’s Rapid Assessment of the Immigration Rebalance – MBIE established an Incident Management Team to focus on the processing of AEWV and other high priority visas so that they are “in flow”.

### Scope

The following areas are in scope and out of scope

In Scope	Out of Scope
The policy advice developed to implement the intent to move to an employer-accredited scheme, in particular the decision to adopt the employer, job and worker gateways	Decisions on the AEWV policy itself, i.e. Ministerial decision-making and the Government’s labour market objectives, including decisions related to the Immigration Rebalance
The extent to which the effectiveness and efficiency of operational delivery was appropriately considered in the design of the scheme	The underlying policy rationale to move to an employer-accredited scheme, including the move from six visa categories to a new employer-assisted gateway system
Observations on the customer-centricity of the scheme, weighed against the need to	Implementation issues already covered through the DPMC Implementation Unit Rapid Assessment of the Immigration Rebalance

appropriately manage risk such as migrant exploitation	
Observations on the implementation of the policy – what worked well and what did not, including any observations on how accreditation assessments were made and whether there were more effective and/or efficient ways to do this	A detailed examination of the implementation of AEWV, including the roll out, use and suitability of the ADEPT platform
Lessons that can be learnt from the AEWV that can be applied to future policy development and implementation	Specific decisions taken by the IMT to enable the processing of high priority visas to enable these to be “in flow”; however, observations from the IMT about the ease or otherwise of implementing the policy intent may be included

### **Approach**

The reviewer will be expected to:

- 1) Review relevant documentation that outlines the design of the policy, its rationale and the approach to operationalising this.
- 2) Interview a select number (approximately 6-8 interviewees) of MBIE staff to ascertain the policy intent and any issues or opportunities for improvement associated with the policy design and its ability to be implemented
- 3) Make any comments on the design of the policy in terms of its ability to be implemented in a way that maximises the policy’s effectiveness, efficiency of delivery, customer-centricity and management of risk

### **Timing and Deliverables**

- The review will commence on 18 October 2022
- A draft report will be submitted on 28 October 2022
- A final report will be submitted by 25 November 2022

### **Roles and Responsibilities**

The Sponsors of the Review will be: Chris Bunny, Deputy Secretary, Labour, Science and Enterprise; and Alison McDonald, Deputy Secretary, Immigration New Zealand

The reviewer will be Murray Jack.

The reviewer will keep the Sponsors informed of progress and engage with them on a no surprises basis as the draft of the report is developed.

The Immigration Policy Team (General Manager, Jivan Grewal) will organise all logistical support to the reviewer, including arranging interviews and provision of relevant documents.

### **Amendment**

These Terms of Reference can be amended at any time with the agreement of the Sponsors and the Reviewer.