



MEMO

DATE	21 June 2022
TO	Stephen Vaughan, Chief Operating Officer
FROM	Jeannie Melville, Head of Accredited Employer Work Visa implementation and Alan Quinn – Project Director, Enablement, Immigration
SUBJECT	AUTOMATING APPROVALS OF WORK VISA APPLICATIONS UNDER THE EMPLOYER ASSISTED WORK VISA POLICY

PURPOSE

This memo seeks approval for the Advanced Digital Employer-led application Processing and Targeting (ADEPT) system to automate approval of some activities within the work visa applications where Immigration New Zealand (INZ) has no adverse holdings, and no adverse information is received.

RECOMMENDATIONS

It is recommended that you:

- a) **Note** that applications for Accredited Employer Work Visas are scheduled to open on 4 July 2022

Noted

- b) **Note** that it is expected that up to 42,683¹ applicants may apply for an Accredited Employer Work Visa (AEWV) for a work visa in the first 12 months

Noted

- c) **Note** that there are four *general* 'activities' that can be generated in the system during a work visa application: identity, health, character and risk

Noted

- d) **Note** that there are two *specific* 'activities' that can be generated in the system during a work visa application: job check validation and worker eligibility

Noted

¹ This figure is from the official INZ Forecast produced by the Performance and Reporting team in collaboration with teams across MBIE.



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- e) **Agree** that the four general ‘activities’ will be fully automated unless there is an adverse declaration or where INZ holds or obtains adverse information about the applicant

Agreed / Discuss

- f) **Agree** that the job check validation and the worker eligibility will have manual assessments for each work visa application

Agreed / Discuss

- g) **Note** that by agreeing to the recs in (e) and (f) above, you are agreeing that there will be no work visa applications that can be fully automated

Noted

- h) **Note** that the Data Science Review Board was approached for advice and feedback on the approach to automation in the accreditation and job check gateways which has been used to inform the work visa gateway and future development of the enhanced immigration online platform

Noted

- i) **Note** that the Data Science Review Board will be specifically approached for advice and feedback on the approach to automation in the work visa gateway

Noted

- j) **Note** that the Risk Monitoring and Review (RMR) approach for AEWV will test declarations made by employers and migrants at all three gates through post decision verification

Noted

- k) **Note** that RMR will commence from July 2022 and will be undertaken through a mix of desk and site-based reviews which will allow INZ to test an employer’s compliance with all accreditation requirements based on evidence

Noted

- l) **Note** that for the first 12 months of the AEWV, RMR will be conducted on 15.5 per cent of employers including 100 percent of Franchise and Triangular businesses and a higher proportion of high-volume employers over standard employers

Noted



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- m) **Note** that Quality Checks (QC) for work visa activities will be done on a random sampling basis (two percent) within ADEPT in the same way as visitor visa

Noted

- n) **Note** that there will also be 100 per cent QC for all new staff until they reach competency

Noted

Stephen Vaughan
Chief Operating Officer
Immigration New Zealand
..... June 2022



BACKGROUND

1. Under the new employer assisted work visa policy, six existing employer-assisted temporary work visa categories have been replaced with a new policy that introduces a new 'Gateway' system.
2. The three Gateways each have distinct steps where a range of validation checks are completed:
 - a) Employer Accreditation Gateway – This is where employers are accredited to enable them to hire a migrant.
 - b) Job Check Gateway – There are three different pathways whereby the job is checked to ensure that no New Zealander is able to fill the job being recruited.
 - c) The Migrant Gateway – This is where checks will be made that the migrant is of good character and health, and is suitably qualified to do the work offered.
3. The new AEWV three Gateway process will become compulsory from 4 July 2022. To support transition, employers can submit accreditation applications from 23 May 2022 and job check applications from 20 June 2022.

PROCESSING APPROACH

4. There are different categories of Employer Accreditation depending on the number of temporary work visa holders the employer has or intends to recruit, and depending on the business model under operation.
5. Employers can be categorised as *Standard* (employing five or less migrants in a year), *High volume* (employing six or more migrants in a year), working in a *Triangular employment* situation (where the migrant is placed to work for a different employer, such as in a Labour Hire scenario) and *Franchisee*.
6. Unlike the Employer Accreditation and the Job Check gateways, the Work Visa is focused on assessing an applicant rather than an employer. Therefore criteria for automation cannot necessarily be based on categorisation of the employer or on occupational registration.
7. The ADEPT system has been configured to provide the option of automation of decisions to approve applications where INZ determines that a manual assessment is not required.
8. INZ must set the criteria for which work visa applications or activities within each work visa application meet the threshold for automation of an approval. In principle, the lower the immigration risk, and the lower the level of manual



assessment and judgement required in decision-making (if any), the greater the potential for automating approvals.

9. In addition to the generic work visa instructions around health, character and identity, work visa instructions have two specific components which are required to be demonstrated before a work visa can be granted.
10. Under the policy settings for the work visa, the applicant must be of good character and health. They must also meet the identity requirements. These account for three of the four general activities within the work visa applications.
11. These three activities will only be created if there is adverse information that is presented with the application, for example, if someone is deemed to be not an acceptable standard of health or has adverse information on a police certificate. If there is no adverse information or no adverse declarations made, then the activities will not require manual intervention. The exception to this is foreign police certificates which must be viewed by an INZ staff member.
12. The fourth general work visa activity is risk. This activity will only be created if the applicant triggers a risk rule or has an alert or warning registered against their name. There is also the potential for a higher level of scrutiny to be required by the Standard Operating Procedures (SOPs) if required.
13. This means that for the four general activities within the work visa application, there is the potential for automation of each specific activity where there is no adverse holdings, declaration or information held or received from the applicant or a third party.
14. The ADEPT configuration has allowed for two specific activities within the work visa gateway. These two activities are: job check validation and worker eligibility.
15. The job check validation activity will check what was in the job check is actually what has been offered to the applicant. This includes things like the location of the role, the job title, the rate of pay, and if the employer holds accreditation.
16. The job check validation activity will require a manual assessment for every application to determine if the terms and conditions offered to the migrant are not inferior to what was declared in the job check application. Exactly what the immigration officer will check will be set out in the SOPs.
17. The worker eligibility activity will check whether the migrant applicant has the required skills, qualifications and experience to do the role that has been offered. This step is important as for green list occupations, migrants who obtain a work visa may qualify on a fast track to residence, but there are some occupations for which minimum qualifications are required.



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18. For the worker eligibility activity, all applications will fall out for manual assessment with additional examination of documents occurring if:
- a) the applicant is under 18 years old;
 - b) the applicant is a chef (under WA4.10.5, chefs must have a certificate at NZQF Level 4 or higher, which includes the credit and knowledge requirements of a New Zealand Certificate in Cookery (Level 4);
 - c) the role requires registration (a manual assessment will be required to check the registration document has been uploaded).
19. In summary, the job check validation and the worker eligibility criteria will not be automated for any migrant worker. There are certain components of each activity which will drop out for a manual assessment. Any further checks that are required by an immigration officer will be detailed in the SOPs in order to ensure processing is as streamlined as possible.
20. Automation as described above is based on the AEWV settings and workflow, rather than business rules or algorithms. A paper has been prepared for the Data Science Review Board to seek advice and feedback on the automation which can be factored in to future iterations.
21. INZ already automates approvals for requests for Electronic Travel Authorities based on declarations made and where INZ has no adverse holdings in relation to the requestor. The approach proposed in this paper for identity, health and character is similar.
22. Clearly, any adverse information held by INZ, any declaration made by the applicant containing adverse information, any triggering of a risk activity or adverse information from a third party will result in the application being assigned for manual assessment and decision.

RESOURCE IMPACT

23. The bringing forward of Step 5 of Reconnecting New Zealand to the middle of 2022, at the same time as AEWV is being implemented is placing significant pressure on the immigration system. While there will also be an increase in the number of immigration officers as the new Christchurch office recruits, approximately 25 per cent of INZ's visa processing workforce will be new to their roles and relatively inexperienced, resulting in reduced efficiency.
24. The number of work visa applications expected to be submitted in the first 12 months of the migrant gateway being available is 42,683.



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25. Current workforce planning has assumed the processing time for a work visa that requires manual assessment will be approximately 35 minutes per application. This estimate was arrived at through the work that was done for the fees modelling for the accredited employer gateways. This number will be revalidated as we receive more information from the actual processing of work visa applications.
 26. Any changes in the number of FTE required will be identified once there is data around the percentage of general activities that are being automated in the work visa process. The forecasts and processing times will need to be revalidated as we go live, to baseline the resourcing requirements for INZ.

IMMIGRATION RISK MANAGEMENT IN AEWV

27. Immigration risk management of work visa applications has historically focused on risk associated with the visa applicant. While INZ hold limited data on employers, there are a range of data on migrants which can be used to establish controls to manage the migrant risk at the work check gateway.
28. The move to ADEPT will allow INZ to capture more structured immigration risk data over time to inform immigration risk identification and treatments, improving the ability for INZ to ensure immigration risk is better managed and enable a focus on targeting risk management to the employers who present the greatest risk.
29. As AEWV will utilise the ADEPT platform, the immigration risk management approach will include a strong focus on collecting data and intelligence in the first year to build the data INZ holds on employers. This will include a heavy focus on post-decision risk monitoring and review which will gather employer specific data through verification of claims made at the Employer Accreditation, Job Check and Migrant Gates.
30. It is expected that as the understanding of immigration risk presented by employers increases, there will be a change to the type and level of verification activity by INZ required for applicants at the Work Gateway pre-decision.
31. The RMR model has been developed to ensure that monthly post decision reviews of employers are conducted by Risk and Verification, data is captured to inform ongoing immigration risk analysis and findings reported through INZ's Risk Governance Groups – the Risk Monitoring and Review Governance Group and the Risk Control Group - to inform risk tolerance and controls. The benefit of this approach is to ensure a circular risk management model is embedded that feeds intelligence and insights into the development and maintenance of risk controls to ensure appropriate risk and automation settings within the ADEPT system and AEWV gates.
32. Accredited Employer RMR will test declarations made by employers and migrants at all three gates through post decision verification. It will be undertaken through a



mix of desk and site-based reviews which will allow INZ to test an employer's compliance with all accreditation requirements based on evidence. To ensure the RMR activities are informed by declarations made across all AEWV gates and evidence of compliance can be collected and verified, RMR will commence from July 2022.

33. In addition, offshore RMR will be implemented to support INZ to collect evidence and data to inform the development of insights and intelligence as borders reopen. This work will commence from July 2022 and continue to January 2023 to ensure INZ gathers up to date intelligence and insights post border closure.
34. RMR represents a key element of the implementation of the broader Immigration Risk Model approved to identify employer risk and inform automation over time, focusing INZ resources on gathering data, insights and intelligence on those employer groups that present risk.
35. The RMR model anticipates that in most instances immigration risk identification and management will occur after information has been collated from all three gateways and immigration risk will be managed primarily at the re-accreditation stage as part of the full immigration risk management cycle. However, there are still some immigration risks that will be managed pre-decision.
36. In addition to post-decision RMR, INZ will conduct pre-decision immigration risk management activities on work visa applications which pose a greater risk or where INZ holds adverse information relating to that migrant. Where INZ holds adverse information on a migrant (such as an alert or warning) or a migrant makes an adverse declaration in the application, this will result in a manual assessment activity.

QUALITY OF DECISION MAKING & ASSURANCE

37. As this is a new Policy and new approach to processing, decisions about how we ensure the quality of decisions under the three gateways need to be made. The ADEPT system enables activity based and random sampling QC (RSQC) to be conducted pre-decision for visa decisions. However, how we use these functions should be considered in relation to each of the three AEWV gateways considering the new RMR function.
38. Assurance is a critical component of the automated visa processing system. It is necessary to ensure system settings are right, that immigration decisions are being made in accordance with immigration instructions and for feeding into the wider system learning ecosystem.
39. Currently, for visa decisions, INZ undertake QC prior to the finalisation and communication of the visa decision. This is a preventative control, undertaken by BVO, designed to ensure the quality of the decision i.e. that is in line with



instructions and standard operating procedures. The proportion of decisions checked varies from two per Immigration Officer per month to 100 per cent.²

40. Further, on a quarterly basis the Quality & Assurance team (within the Assurance Branch) review a sample of visa decisions made in the previous quarter to independently assure the quality of decisions (QA).
41. The work visa gate will also include ‘post decision verification’ (PDV) activities, performed by the Risk & Verification Team as noted in paragraphs 30 to 35. This is a detective control designed to verify declarations made by the applicant i.e. confirm that the information on which a decision was based is correct. As noted above, it is proposed that PDV be undertaken on a sample basis.
42. As noted above, if we proceed with automated approvals for certain activities, the work visa process is reliant on rules within the system to determine which applications meet all the criteria for automation and which don’t and thus require manual assessment. While these rules would have been tested prior to go-live of the system, good practice requires ongoing review to provide assurance that the system continues to operate as expected (System Assurance – SA).³
43. The proposed approach to automating some activities, with others requiring manual assessment – enables INZ to adopt different approaches to controls testing and assurance depending on how the decision was made. For example:

		Control testing / Assurance type ⁴			
		QC	PDV	QA	SA
Decision type	Automated	X	✓	X	✓
	Manual	✓	✓	✓	✓

Decision finalised and communicated

44. Automated activities and decisions – as there is no human intervention/ discretionary effort, then this would not require QC pre decision as there is nothing to check; similarly you would not expect QA of the decision. Rather, INZ would look to rely on PDV – to confirm the validity of the assertions made by the applicant, and SA - to confirm that the system responded to the assertions made by the applicant as we expected.

² As prescribed by SOPs.

³ Note – a system assurance framework still needs to be developed.

⁴ It should be noted that the control testing and assurance types are organised in the table according to ‘proximity’ to the decision.



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45. Manual activities and decisions – as there is human intervention then this would, ordinarily, be subject to:
- a) QC – to review the quality of the proposed decision, prior to finalisation
 - b) PDV – to confirm the validity of the information / assertions on which the decision was made
 - c) QA – to independently assure the quality of the manual decision.
 - d) Additionally, these decisions would also rely on periodic system assurance that the system rules are operating effectively i.e. that all those things that require manual assessment were included in the assessment.
46. In the future, consideration could be given to whether all the above are required for all manual decisions, or whether there is the potential to take different approaches across the different application types based on RMR information. However, they each ‘check’ different elements of the decision at different stages of the process and as such, are not readily interchangeable.
47. From 4 July, it is proposed that manual activities and decisions within the work visa process will be subject to a QC. All staff who are new to INZ or this product will, as per the current QC SOP, be subject to 100 per cent QC until they are deemed competent. Once they have attained competence, they will be covered by the RSQC regime.
48. The RSQC will be an activity within the ADEPT system. This will be set at a rate of two per cent which is the same rate used for visitor visa in ADEPT.
49. The Head of AEWV will work with the Assurance team to determine an appropriate question set for each general and each specific work visa activity.

MONITORING

50. Following consultation with the Data Science Review Board on the accreditation and job check gateways, a recommendation was made to monitor decisions made by the system and to compare these to predefined success measures.
51. Reporting and monitoring for the work visa application will include the usual measures such as numbers of applications received, numbers decided (approved and declined) and timeliness. It will also aim to include information about the percentage of general activities that are able to be automated. Future planning will factor this in to resourcing requirements and expectations.



COMMUNICATION AND ENGAGEMENT

52. The Data Science Review Board recommended that INZ develop an approach for communicating information to the public and NZ businesses about the processing approach and constructively engage with the public and relevant stakeholders such as Māori businesses to ensure their needs are being met and trust is built.
53. MBIE undertook open public consultation on the proposed changes to the employer-assisted temporary work visa system and regional workforce planning. The consultation period ran from 18 December 2018 to 18 March 2019 and informed final policy decisions.
54. 642 submissions were received through the online survey tool Survey Monkey or in writing. There was a wide range of respondents including migrants, employers, industry groups, unions, immigration advisers and local government. In addition, the New Zealand Migrant Network included with their submission the views of over 300 of their members. This information provided a rich set of observations regarding the operation and design of the New Zealand immigration system from migrants currently in New Zealand.
55. As part of the consultation process, officials also met in person with industry organisations and individual businesses from key sectors (including aged care, construction, dairy, fisheries, horticulture and viticulture, road freight, tourism and hospitality and training) as well unions, local and regional bodies, economic development agencies, migrant organisations and immigration advisers.
56. A submissions analysis document is available on the MBIE website here: [Summary of submissions: Consultation on employer-assisted work visas and regional workforce planning \(mbie.govt.nz\)](https://www.mbie.govt.nz/submissions-analysis)
57. Comms and engagement planning for implementation of the gateways continues. The RCNZ Focus Group is a key engagement forum.

RISKS

58. There is a level of risk associated with any decision to partially automate decision making. This risk would be mitigated by:
 - a) System testing (pre go live) and ongoing system assurance to confirm that system rules are operating and operating effectively.
 - b) Post decision verification activities – which may pick up the decision as part of the system health sample, or there is potential for the employer to be referred or identified as part of the targeted approach.



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- c) INZ ultimately retains the right to revoke an applicant's visa, although it is recognised that this would be more resource intensive than simply declining their application in the first place.

59. Conversely, if we do not automate some activities where possible and cannot meet the processing timeframes we have committed to for AEWV, this has the potential to significantly impact on the trust and confidence of our stakeholders. The post decision monitoring will ensure risk factors over time are established and built in to the ADEPT platform.

CONSULTATION

60. INZ Verification and Compliance (V&C) are supportive of the automation approach subject to the development and implementation of ongoing system assurance post go live and are focusing their effort on ensuring effective pre- and post-decision immigration risk management practices are in place.

61. INZ Assurance are supportive of the proposal to take a risk-based approach to automation (focusing on those general activities within the work visa applications that meet the automation criteria), subject to confirmation from MBIE Legal that there is no lawful impediment to us doing so, and the development and implementation of ongoing system assurance post go live.

62. In terms of RSQC, INZ Assurance recommended that the proposed frequency of two per cent be reviewed and primarily set higher at go live, to provide timely information as to the efficacy of the process. While this would put INZ in a position to make an evidenced based decision on what the frequency should be (and SOPs should be updated accordingly) we have chosen to proceed with the two per cent QC which aligns with current practice for AMS applications and visitor visas in ADEPT.

63. Legal professional privilege [REDACTED]

64. The following people have been consulted on the proposal to automate and after discussion, are comfortable with the proposed approach:

- Stephen Dunstan, General Manager Enablement
- Nicola Hogg, General Manager Border and Visa Operations
- Zoe Goodall, General Manager, Assurance
- Geoff Scott, Acting General Manager, Verification and Compliance
- [REDACTED] INZ Special Counsel
- Jacqui Martin, ADEPT Change and Capability Director
- Nick Aldous, Director, Policy Integration - Immigration
- [REDACTED] Onshore Risk and Verification Manager
- Jade Reid, National Manager, Risk and Verification



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- Sarah Clifford, National Manager Border and Visa Operations
 - Privacy of natural persons Head of Operations, Christchurch
 - Jason Austin, Team Leader Operational Policy

NEXT STEPS

65. Subject to agreement to the recommendations in this paper the Head of AEWV will engage with the ADEPT Programme team to ensure the necessary technology adjustments can be made for AEWV.
66. The system assurance model will be further developed to ensure it covers the three stage gateways of AEWV.
67. The Assurance branch will be formally tasked with developing an appropriate Quality Assurance process for AEWV decisions. In addition the Assurance Branch will work with the Head of AEWV to determine what the QC regime will be for the work visa gateway.
68. Any advice or recommendations that are received from the DSRB will be considered to inform future developments of the enhanced immigration online platform.
69. An aide memoire will be prepared for the Minister to update him on AEWV implementation progress and automation decisions. This will also provide some background on what has been implemented at the first two gateways.