



MEMO

DATE 17 October 2023

TO Jenn Bestwick, AEWV Reviewer

APPROVED BY Simon Sanders, Deputy Chief Operating Officer - Immigration

SUBJECT **CONSIDERATION OF RISK AND DEVELOPMENT OF GENERAL INSTRUCTIONS**

PURPOSE

1. To provide you with information about how risk was considered over time in the Accredited Employer Work Visa (AEWV), especially during the development of the general instructions.

Outline and consideration of risk when making changes to the General Instructions

2. Employer accreditation under the AEWV was designed in policy and implementation to have relatively streamlined upfront checks at accreditation and reaccreditation in most cases. Decisions are largely based on employer-declarations, which are accepted at face value, with further evidence and verification only required if the employer is in a higher-risk group.
3. Attached is a summary of the background work and advice that Immigration New Zealand's Risk and Verification team did to support the implementation and ongoing processing of AEWV. While much of this advice was noted in the general instructions (GIs) as they were renewed, there were a few themes that continued to be given a higher weight in the GIs. These themes included recognising the pressures in the labour market and the effort required to support the re-entry of migrant workers into New Zealand following the border closure and the imminent roll out of the full Risk Monitoring and Review (RMR) programme.
4. The roll out of the full RMR programme was delayed several times due to other priorities, for example, a RCNZ IMT directive to move all verification officers to support visitor visa work over the summer processing period of 2022/2023. In hindsight, the other factor that played out here in terms of not being able to fully integrate findings was the timeframes. The length of time between an employer applying for an accreditation and a job check, the migrant being granted a work visa and arriving in New Zealand, and then any subsequent issues with the employer surfacing could range over a period of many months.
5. There was some sampling of applications completed (refer to attached document for details). The risk briefs were presented to a risk governance group (RMRGG) and/or disseminated to other INZ leaders for acceptance and sign off. It should be noted that the initial sampling work that was done did not call out any significant risks but did note



that full assessments (for example of financial viability) were not being done in many applications which had the potential to present risk. The GIs contained summaries of this work but did not specifically weigh and balance these risks against the other key issues (such as streamlining processing).

Risk input to AEWV GIs and risks/issues raised during the period of GI processing

6. The following table outlines the consideration of risk from August 2022 through to August 2023. The documents linked will be provided if they have not already been provided to the review team. The high-level general instruction documents which outline the risk at a high level have also already been provided.

Date	What was it	Link
11 Aug 2022	Risk rules reviewed for migrant gateway: <ul style="list-style-type: none">• 106 risk rules exist, all relevant and based on historic data and intelligence held by INZ.• 26 occupation-based rules, noting these could be excluded in the short-term if the risk of non-genuine experience, skills or quals is acceptable to achieve operational gains.	RE Risk Rules - Migrant Gateway - Occupation based... (wd.govt.nz)
1 Sep 2022	Targeted RMR of AEWV applications for one month. Review of job check validation, worker eligibility, roles treated as LR despite higher triage risk rating, risks identified but not treated due to GI guidance.	General Instruction RMR - Terms of Reference.msg (wd.govt.nz)
29 Sep 2022	Risk Brief documenting outcome of first 2 weeks of above RMR. Noted: <ul style="list-style-type: none">• Evidence risk rules and alerts/warning not being treated appropriately, possibly as a result of the new policy and/or GI.• Examples of employment agreements not meeting min standards, which may require referral to LI.• Examples of EA's not being submitted.	Document Overview: (Noting Only) MEMO - RMR Activity for AEWV (002).docx (wd.govt.nz)
03 Nov 2022	Risk Report – RMR of franchisee and triangular employers noted: <ul style="list-style-type: none">• The rate of declaration by employers of good financial viability in the sampled applications was in conflict with media reporting on the impact of Covid for NZ businesses.• Only 6% of the sampled applications required a financial viability assessment and the lack of financial viability evidence makes it difficult to assess when required.• Immigration Officers assessed the genuineness of businesses well.	Document Overview: SBFA-2022-002 Risk Report - AEWV FranchiseeTriangular Accredited Employers v1.0.pdf (wd.govt.nz)
28 Nov 2022	Memo to IMT Controller reporting on VV HR activities initiative. This references the decision to defer AERMUR.	FW HIGH RISK VISITOR VISA RISK ACTIVITIES INITIAT... (wd.govt.nz)



15 Feb 2023	<p>Risk Report – RMR of high-volume accredited employers noted:</p> <ul style="list-style-type: none">• Findings largely consistent with RMR on triangular and franchisee employers.• No financial viability assessments conducted on sampled applications.• Criteria for JC instructions appropriately followed.	<p>Document Overview: SBFA-2023-001 Risk Report -RMR-AEWW High Volume Accredited Employers.pdf (wd.govt.nz)</p>
22 Feb 2023	<p>GI review memo to extend GIs to 30 Jun 2023. Noted that:</p> <ul style="list-style-type: none">• A fulsome review was not being conducted to inform GI extension.• RMR on sample of applications between Aug – Dec 2022 found the overall presence of untreated immigration risk as a result of the GI approach to employment agreements was low and within INZs risk appetite.• RMR found the overall presence of ‘risk not managed’ at work visa gateway was 6.8%.• R&V noted insufficient capacity to continue targeted monitoring of GI risks if extended.	<p>20230130 Review of Operational Levers to Enhance JC and WV processing.docx - Content Suite Platform CE 22.2 (wd.govt.nz)</p>
03 Mar 2023	<p>AEVV RMR outcomes. Indicated the findings noted in the GI memo above (22 Feb 2023).</p>	<p>Document Overview: Risk Brief - AEWV RMR Outcomes.docx (wd.govt.nz)</p>
May – Jul 2023	<p>Monthly reporting on the progress of AERM. Prototype reporting on revocations/suspensions, investigations and AERM activity.</p> <p>Reports present emerging risk in the AEWV space.</p>	<p>Document Overview: AEWV Reporting - May 2023.pptx (wd.govt.nz)</p> <p>Document Overview: AEWV Reporting - June 2023.pptx (wd.govt.nz)</p> <p>Document Overview: AEWV Reporting - July 2023.pptx (wd.govt.nz)</p>
07 Jun 2023	<p>Risk Brief – fraudulent work exp for Fijian Forestry Workers noted that:</p> <ul style="list-style-type: none">• Five AEWV applicants submitted fraudulent work experience with their visa applications.	<p>Document Overview: RV RB 2023 PAC 103 Fraudulent Work Experience for Fijian Forestry Workers (004) (003) (002) (002).docx (wd.govt.nz)</p>
17 Jul 2023	<p>Risk Brief – increase in POW/DOW associated to AEWV noted:</p> <ul style="list-style-type: none">• No ability in POW or DOW instructions to revisit the AEWV appln to establish legitimacy of the employment.	<p>Document Overview: RR0413 Risk Brief Ref number 108 V1.4.docx (wd.govt.nz)</p>
02 Aug 2023	<p>Risk Report – RMR of employers with indicators of financial viability risk noted:</p>	<p>Document Overview: RV RB 2023 117 AEWV</p>



	<ul style="list-style-type: none">• Company liquidations are on the rise with a stormy economic forecast.• After obtaining list of insolvent companies, R&V identified 73 instances of liquidations and removals from the NZCO register where the employer remained accredited.	RMR of employers with indicators of financial viability risk v0.3.pdf (wd.govt.nz)
07 Aug 2023	Risk Brief – fraudulently obtained job offers in AEWV application for Indian nationals. Noted that: <ul style="list-style-type: none">• 25 applicants interviewed, with significant concerns identified re premiums, facilitation, exploitation, wage inflation and adverse immigration history.	Document Overview: Risk Brief AEWV 3 (002).docx (wd.govt.nz)
11 August 2023	Risk Report: Risk overview of the Vietnam Accredited Employer Work Visa market	Document Overview: Risk Brief AEWV 3 (002).docx (wd.govt.nz)
17 Aug 2023	Input to GI extension memo noting the need to draw more RMR outputs will pull resource away from VV.	FW Update to JC GI - next steps IN-CONFIDENCE .m... (wd.govt.nz)