



## AIDE MEMOIRE

### Implementation of the Job Check gateway

<b>Date:</b>	9 June 2022	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-4760

#### Information for Ministers

Hon Kris Faafoi  
**Minister of Immigration**

Hon Phil Twyford  
**Associate Minister of Immigration**

#### Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Stephen Vaughan	Chief Operating Officer	Privacy of natural persons	✓
Jeannie Melville	Head of Accredited Employer Work Visa		

#### The following departments/agencies have been consulted

Nil

#### Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

#### Comments



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### Purpose

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This briefing provides you information on the implementation of the Job Check Gateway for the Accredited Employer Work Visa and the approach Immigration New Zealand is taking to mitigate risk in the form of monitoring and reporting through post-decision verification and assurance. It also provides you information about the communication and engagement activities being rolled out to support the implementation of the Job Check Gateway.

Privacy of natural persons



Stephen Vaughan  
Chief Operating Officer - Immigration  
Ministry of Business, Innovation and Employment  
9 June 2022

## Background

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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. The three Gateways each have distinct steps where a range of validation checks are completed.
2. The Employer Accreditation Gateway is where employers are accredited to enable them to hire a migrant. The Job Check Gateway will check the job to ensure that no New Zealander is able to fill the position being recruited. And finally the Migrant Gateway is where checks will be made that the migrant is of good character and health and is suitably qualified to do the job offered.
3. The new Accredited Employer Work Visa (AEWV) and the three Gateway process will become compulsory from 4 July 2022. To support transition, employers have been able to submit accreditation applications from 23 May 2022 and can submit Job Check applications from 20 June 2022.

## Processing approach

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4. The number of Job Checks expected to be submitted in the first 12 months of the Job Check being available is 42,493. At this stage, it is expected that these Job Check applications will be spread relatively evenly across the 12 months.
5. The enhanced Immigration ONLINE system (ADEPT) has been configured to provide the option of automation to approve applications where INZ determines that a manual assessment is not required.
6. INZ will set the criteria for which Job Check applications will meet the threshold for automation of an approval. We seek to automate as much as reasonably possible. In principle, the lower the immigration risk and level of manual assessment required in decision-making (if any), the greater the potential for automating approvals.
7. Under the policy settings for the Job Check, the employer must include evidence including a detailed job description, a proposed employment agreement and advertising for the role (if this is required under the labour market test instructions).
8. The ADEPT configuration has allowed for three activities within the Job Check gateway. These three activities are: general job check, employment is acceptable and employer has advertised.
9. The 'general job check' includes a number of checks which are run through integrations such as the stand down list, offences against the Immigration and Crimes Acts, the Insolvency Register and banned directors list. There is also a check to make sure that the employer is able (under their accreditation) to hire the number of migrants that are being requested. There are also questions that relate to the ANZSCO code for the job, the location of the job and whether the employer intends to employ a family member.
10. The intention is that this activity is automated except where there is an adverse declaration from the employer or an assessment concern raised through the integrations.

11. The 'employment is acceptable' activity is checking things such as the wage offered, the terms and conditions of employment, and general compliance of the employment agreement. The proposal is that this is only automated for those occupations on the green list which require occupational registration unless there is an adverse declaration from the employer or an assessment concern raised through the integrations. The rationale for this is that professional bodies will have some oversight of employment conditions and mechanisms for addressing issues should they arise. Registered occupations may also be subject to collective agreements, further increasing protections. The implication of this is that all jobs which don't require occupational registration will require a check of the employment agreement against certain criteria (which we will determine through the SOPs).
12. The 'employer has advertised' activity is being used to make sure that the labour market test is met. There are a number of criteria in instructions for job advertising. The proposal is that this is a manual assessment for all Job Checks except for those that are on the green list and are above the 200 per cent of median wage unless there is an adverse declaration from the employer or an assessment concern raised through the integrations.
13. In summary, the proposed approach, would potentially allow full automation only for employers who are requesting Job Checks:
  - for occupations which are on the green list and require occupational registration and there is no adverse declaration from the employer or assessment concerns raised through the integrations
  - for occupations that are on the green list and offering above 200 per cent of the median wage and there is no adverse declaration from the employer or assessment concerns raised through the integrations.
14. All other Job Checks would require at least one, if not two manual activities, in addition to any assessment concerns that would drop out as a result of an adverse declaration or where INZ obtains any adverse information about the employer.
15. Staff training for the Job Checks Gateway is underway in both the employer assisted work visa policy and the ADEPT system.

## **Risk management**

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16. There is a level of risk associated with any decision to automate visa decision making. In particular, automation of visa processing presents reputational risk for INZ given there is a chance that employers' practices may not align with the intent of the policy and they may pass through the Employer Accreditation and Job Check gateways on the basis of the declarations they make which may turn out not to be true.
17. The Risk Monitoring and Review (RMR) model [outlined in *2122-4483 Implementation of employer accreditation gateway*] will also apply to the Job Check gateway.
18. In summary, the risk of introducing automation will be mitigated by:
  - a. enabling only those employers whose applications meet all of the relevant 'selection' criteria to proceed to automated decision making,

- b. 'selection' criteria that are not solely based on information provided by the applicant but include whether INZ has any adverse holdings with respect to the employer,
  - c. system testing (pre 'go-live') and ongoing system assurance to confirm system rules are operating and effectively, and
  - d. post decision verification activities.
19. INZ ultimately retains the right to cancel an employer's accreditation which would mean that the employer's Job Checks would be unable to be used to support an Accredited Employer Work Visa application.

## **Communications and engagement**

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20. The AEWV communications and engagement approach [previously outlined in *2122-4483 Implementation of employer accreditation gateway*] will also apply to the Job Check gateway.
21. This includes plain language website content designed to guide these audiences through the process, a selection of information products produced in a range of formats for employers and migrants in six languages, explanatory videos with translated captions and application checklists.
22. INZ is also utilising our stakeholder network to communicate with employer and migrant communities through their 1-to-many communications channels and INZ Relationship Managers continue to engage in meetings and webinars with industry stakeholders and communities across New Zealand.