



AIDE MEMOIRE

Implementation of the migrant gateway

Date:	29 June 2022	Priority:	Medium
Security classification:	In Confidence	Tracking number:	2122-5013

Information for Ministers

Hon Michael Wood
Minister of Immigration

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Associate Minister of Immigration

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
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Jeannie Melville	Head of Accredited Employer Work Visa	[Redacted]	

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 Withdrawn |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

This briefing provides you information on the implementation of the Migrant Gateway for the Accredited Employer Work Visa and the contingency plans, on which you were advised at the Officials meeting on 29 June 2022, to ensure that back-end processing can occur within the 20 working day timeframe that has been publicly announced. This paper also provides you information about approach Immigration New Zealand is taking for risk management, and the communication and engagement activities being rolled out to support the implementation of the final gateway of Accredited Employer Work Visa.

Privacy of natural persons



Stephen Vaughan
Chief Operating Officer - Immigration
Ministry of Business, Innovation and Employment
29 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. The three Gateways each have distinct steps where a range of validation checks are completed.
2. The Employer Accreditation Gateway (gateway one) is where employers are accredited to enable them to hire migrants. The Job Check Gateway (gateway two) will check the job to ensure that no New Zealander is able to fill the position being recruited. Finally, the Migrant Gateway (gateway three) 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 three Gateway process for the new Accredited Employer Work Visa (AEWV) will become compulsory from 4 July 2022. To support transition, employers have been able to submit accreditation applications from 23 May 2022 and Job Check applications from 20 June 2022.
4. Immigration New Zealand (INZ) has communicated our aim to process accreditation requests within 10 working days, job checks within 10 working days and work visa applications within 20 working days. This timing relates to straightforward requests which do not require additional supporting information from customers.
5. Compounding factors, including loss of staff due to COVID (240 days lost since April 2022), and a product issue with the Microsoft Dynamics platform have placed pressure on our ability to meet future milestones.
6. While INZ is pushing ahead to meet the 4 July implementation for the Migrant Gateway, we are also ensuring that we have plans in place for a manual workaround for both the front-end form that will be used by migrants and for back-end processing by immigration officers. This paper relates to the contingency plan that we advised you at the Officials meeting on 29 June 2022.

Processing approach

7. The number of work visas forecast to be submitted in the first 12 months of the work visa being available is 42,683.¹ In the absence of clear information, forecast has been made with the assumption that submission of these work visa applications will be spread relatively evenly across the 12 months. The forecast will be revisited when we have actual volume data to influence the spread of applications.
8. There are different categories of Employer Accreditation depending on the number of temporary work visa holders that the employer has or intends to recruit, and depending on the business model under operation.
9. 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

¹ This forecast figure is based on 2019 Essential Skills numbers.

situation (where the migrant is placed to work for a different employer other than the one accredited, such as in a Labour Hire scenario) and Franchisee.

10. Unlike the Employer Accreditation and the Job Check Gateways, the Migrant Gateway is focused on assessing the applicant rather than the employer. Therefore, criteria for automation in the final gateway cannot necessarily be based on categorisation of the employer or on occupational registration.
11. 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.
12. Under the policy settings for the work visa, the applicant must meet identity, health and character requirements. A manual assessment will be required if an applicant's identity cannot be established through the information that they have provided, if they are not of an acceptable standard of health, or if there is any adverse health or character information declared or provided. A manual risk activity will only be created if the applicant triggers a risk rule or has an alert or warning registered against their name.
13. This means that for identity, health, character or risk within the work visa application, there is the potential to automate each specific activity where there is no adverse holdings, declaration or information held or received from the applicant or a third party.
14. The other two activities under work visa instructions will be manual assessments in all circumstances. The first is the job check validation, which determines that the terms and conditions offered to the migrant are not inferior to what was declared in the job check application. The second is the worker eligibility activity, which determines that the migrant applicant has the required skills, qualifications and experience to do the role that has been offered.
15. In summary, the proposed approach does not allow full end-to-end automation of the work visa application. However, it should be noted that Standard Operating Procedures for immigration officers will detail checks required when processing manual assessments to ensure that processing is as streamlined as possible.

Risk management

16. Immigration risk management of work visa applications has historically focused on risk associated with the visa applicant. While INZ holds 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 Migrant Gateway.
17. 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.
18. The Risk Monitoring and Review (RMR) model [outlined in *2122-4483 Implementation of employer accreditation gateway*] will also apply to the Migrant Gateway.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.

Revised release for work visa (Plan A)

24. Ongoing resourcing issues, largely due to key staff unable to work due to COVID-19, have impacted INZ's ability to meet the scheduled delivery dates for the third gateway of the AEWV. Since 1 April 2022, the Programme delivering the technology has lost over 240 days due to COVID-19 related absences.
25. INZ has worked through the AEWV technical options. The following approach to AEWV implementation has been chosen to meet the 4 July deadline.
26. The approach is similar to the 2021 Resident Visa deployment which splits the delivery into multiple releases. The AEWV approach will include three releases, as outlined below.
 - a. **Release One – 4 July 2022:** Deploy the front-end work visa form to provide clients the ability to submit applications through the enhanced Immigration online channel. The receipt and acknowledgment email will be issued, and the client portal updated. In addition, the Identity backend integration will run to allow an identity in the Application Management System (AMS) to be created.
 - b. **Release Two – target date 23 July 2022:** Deploy processing functionality through to decision making activities, including Health, New Zealand Police (NZP) checks, and National Security Checks (NSC). The following limitations are associated with this release:

- i. The level of automation will reduce in scope, meaning that Job Check validation; worker eligibility and character assessments will not be delivered in accordance with the decision diagrams, resulting in manual activities for processing staff and greater resourcing requirement until release three.
- ii. A reduced scope of change for AEWV character assessments, also resulting in an increased level of manual processing for these areas initially, requiring more processing staff until release three is deployed.
- c. **Release Three – mid to late August 2022:** This will include automation for Job Check validation, and worker eligibility and character assessments in accordance with the decision diagrams, reducing the manual activities introduced in release two. It also includes **National security or defence** Quality Check (QC) and automated checks on previously held visas.

Contingency plan – processing applications pre–Release Two until 23 July (Plan B)

- 27. The recommended approach for a workaround in order to process applications in advance of the full deployment of the back-end ADEPT functionality is to process applications in AMS. Otherwise, applications received in ADEPT from 4 July will not be processed until 23 July with the release of the back-end functionality.
- 28. AMS application type that replicates Essential Skills functionality will be created for the purpose of this manual workaround. This process will be similar to processing an Essential Skills application submitted through the legacy online system, the Immigration Global Management System (IGMS). However, INZ staff will see the application and associated documents in the ADEPT system rather than through IGMS.
- 29. Overall, the assessment will be quicker than an Essential Skills application processed through IGMS because it will not involve employer and job-related assessments (which have been completed in the accreditation and job check gateways).
- 30. The manual AMS process will be used to process all applications received before the second release of ADEPT functionality (23 July). Once that is deployed, new applications will be processed completely in ADEPT. The AMS process will continue to completion for applications made between 4 July and 23 July. Rolling out the full functionality will not cause any automated processes to run on those applications.
- 31. During the period of manual workaround for processing these applications, INZ will not be able to use structured data or automation rules that are offered through the ADEPT system. While we will mitigate this where possible, manual workarounds will have an impact on the speed of decision making, collection and use of structured data, and effective risk management as planned for the ADEPT system.

Contingency Plan – alternate form from 4 July (Plan C)

- 32. To provide further certainty that applicants will be able to apply for a work visa from 4 July, INZ is also developing an application submission form on another platform (Plone) if the ADEPT front-end is unable to be rolled out as planned.

33. The manual workaround for processing applications in AMS (described in paragraphs 27-31) will apply.

Communications and engagement

34. The AEWV communications and engagement approach [previously outlined in *2122-4483 Implementation of employer accreditation gateway*] will also apply to the Migrant Gateway.
35. 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.
36. 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.