



Risk Monitoring & Review Governance Group Submission Paper

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TO: Geoff Scott, Chair, Risk Monitoring and Review Governance Group

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TOPIC **PRE-DECISION IMMIGRATION RISK MANAGEMENT APPROACH TO THE
ACCREDITATION GATEWAY FOR THE ACCREDITED EMPLOYER WORK VISA**

PURPOSE

This paper introduces a model for identification and management of immigration risk pre-decision across the three gateways in the AEVV policy and seeks agreement from the Risk Monitoring and Review Governance Group (RMRGG) to the proposed model for use across the gateways.

It details the tools and systems to be used to identify immigration risk and seeks agreement from RMRGG to the proposed approach to identify and manage risk at the Accreditation Gateway.

The proposed approach takes the Accredited Employer Risk Monitoring and Review (AERMR) programme agreed to by RMRGG on 21 April 2022 into account ensuring the decision making is in line with the Immigration Risk Model (IRM).



RECOMMENDATIONS

It is recommended the RMRGG:

- a) **Note** that In August 2019, Cabinet agreed to implement a three-step gateway system that employers will need to pass through to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228].
- Noted*
- b) **Note** that there are two types of employer accreditation: Standard accreditation, for employers wanting five or less AEWV positions; and high-volume accreditation, for employers wanting more than five AEWV positions. There are additional accreditation requirements for employers who place employees in triangular employment arrangements, and for franchisee employers.
- Noted*
- c) **Note** that on 21 April 2022, RMRGG agreed to the Accredited Employer Risk Monitoring and Review (AERMR) model, that the AERMR memo highlighted that pre-decision risk and verification activities will initially be limited in the Accredited Employer gateway and highlighted that the risk management approach to AEWV would initially push the majority of immigration risk management activity post-decision as Immigration New Zealand (INZ) focusses on collecting data and intelligence on employers in the first 12 months.
- Noted*
- d) **Note** that EAWV applications will be processed through three gateways; the Employer Gateway (accreditation), the Job Check and the Migrant Check and key immigration risks in the policy have been mapped against the three gateways to determine the most appropriate gateway for identification and treatment of each risk.
- Noted*
- e) **Note** that the proposed pre-decision risk management approach is based on current risk management processes including applicant declarations, uploading evidence, verification and requests for additional information.
- Noted*
- f) **Agree** to the proposals in paragraph 12 for the treatment of immigration risk pre-decision across the three EAWV gateways.

Agree/Disagree/Discuss



- g) **Agree** to the proposals in paragraph 44 for the treatment of immigration risk pre-decision for the Employer Accreditation gateway.

Agree/Disagree/Discuss

- h) **Agree** to accept the residual risks outlined in the Operational Risk Assessment in paragraphs 78 - 80 and to escalate these to Immigration Leadership Team (ILT).

Agreed/Disagree/Discuss

- i) **Note** that triage rules are a risk control governed by the Risk Control Group (RCG) and the final decision on risk rules for each of the EAWV gateways will be made by that group subject to the risk tolerance agreed by RMRGG.

Noted

- j) **Agree** to release this paper and the final decisions made by RMRGG to the RCG to inform the decision on risk rules.

Agree/Disagree/Discuss

Geoff Scott

General Manager, Verification and Compliance
Chair, Risk Monitoring & Review Governance Group
Immigration New Zealand

Date: _____



BACKGROUND

The new Accredited Employer work visa system

1. In August 2019, Cabinet agreed to implement a three-step gateway system that employers will need to pass through to hire a migrant worker on an employer-assisted temporary work visa [DEV-19-MIN-0228].
2. The objectives of the Accredited Employer system include:
 - a) Incentivising employers to employ more New Zealanders to respond to skill and labour shortages over time; and
 - b) Ensuring that employers only recruit non-New Zealand citizens or residents for genuine shortages, while not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and
 - c) Reducing risks around business models and practices that might enable migrant exploitation; and
 - d) Ensuring that employers are compliant with specific immigration requirements, employment and business standards.
3. There are two types of employer accreditation: Standard accreditation, for employers wanting five or less AEWV positions; and high-volume accreditation, for employers wanting more than five AEWV positions. There are additional accreditation requirements for employers who place AEWV holders in triangular employment arrangements, and for franchisee employers.
4. Cabinet additionally agreed that all accredited employers will need to meet three broad standards:
 - The employer must be a genuinely operating a business or other legitimate organisation.
 - The employer and key persons must have no recent history of regulatory non-compliance (including meeting minimum immigration requirements, employment and business standards).
 - The employer must take steps to minimise the risk of exploitation.
5. The first step is the accreditation gateway based on the number of temporary work visa holders an employer intends to support and the type of business model in operation. The second step is the job check which confirms market rate remuneration, that terms and conditions comply with New Zealand employment laws and that relevant labour market tests are performed. The third step is the migrant check to ensure applicants meet the requirements for the AEWV, including that they have the skills and experience advertised for.



6. In November 2021, Risk and Verification presented the *Employer Accreditation* ^{Maintenance of the} paper to RMRGG which laid out the findings of a Red Cell exercise conducted against the draft Immigration Instructions. The findings in this paper informed R&V feedback on policy settings and immigration instructions as they were finalised.
7. On 21 April 2022, RMRGG agreed to the Accredited Employer Risk Monitoring and Review (AERMR) model. The AERMR memo highlighted that pre-decision risk and verification activities (which INZ traditionally deploys during a visa assessment), will initially be limited in the Accredited Employer gateway, as INZ will not yet have visibility over what information will be submitted in the job check and visa application steps of the process that occur after accreditation has been granted.
8. As AEWV will utilise the ADEPT platform, the AERMR memo highlighted that the immigration risk management approach will initially include a strong focus on collecting data and intelligence in the first year to build the data INZ holds on employers, initially pushing the majority of immigration risk management activity post-decision. 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.
9. The AERMR model has been developed to ensure that monthly post-decision reviews of employers are conducted by Risk and Verification (R&V), and data is captured to inform ongoing immigration risk analysis and findings reported through the Risk Governance Groups (RMRGG & RCG) to inform risk tolerance and controls. The benefit of this approach is to ensure a circular risk management model is developed that feeds intelligence and insights into the development of risk controls to ensure appropriate risk and automation settings within the ADEPT system and AEWV gates.
10. The intention of the immigration risk management approach to AEWV is to take a high-trust, facilitative approach to immigration risk management pre-decision initially, including accepting more information at face value rather than undertaking in-depth verification at the time of application. Over time, the focus on immigration risk management will fall back towards pre-decision risk management as greater data and intelligence informs new risk settings at the front end.
11. The Migrant Exploitation Infringement Scheme may disqualify additional employers once it is implemented by providing options for INZ to issue warnings which result in employers being added to stand-down lists or creating additional parameters which exclude an employer from becoming, renewing, or maintaining accreditation. It may provide alternative, graduated responses which INZ can apply to immigration risk and non-compliance, such as allowing INZ to issue Infringement Notices for certain offences. Operational delivery of the Infringement scheme is planned for late 2023.



IMMIGRATION RISK IN THE ACCREDITED EMPLOYER WORK VISA

12. RMRGG is asked to consider the recommendations in this section for the identification and treatment of immigration risk pre-decision at the Accreditation Gateway:
- a. That risk rules implemented at the Accreditation Gateway be aligned with the Gateways Risk Model.
 - b. That alerts and warnings be surfaced using a triage rule resulting in a risk activity being raised in ADEPT.
 - c. That watch-lists within the ADEPT platform be used to maintain a list of both banned directors and employers who are on a stand-down list.

Immigration Risks

13. The AERMR 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 would be best managed pre-decision.
14. Immigration risks were defined and classified for use in ADEPT and signed out by RCG on 21 October 2021. A full list of immigration risks is provided in [Appendix One](#).
15. The key immigration risks identified within the AEVW are considered to be the following:
- i. Migrant exploitation
 - ii. Sustainability of employment
 - iii. Employer phoenixing (obscuring previous non-compliance under another identity)
 - iv. Non-compliance with Immigration Law
 - v. Role inflation
 - vi. Salary inflation
 - vii. Non-genuine job offers
 - viii. Non-genuine advertising
 - ix. Payments of premiums for employment
 - x. Non-genuine work experience
 - xi. National Security
 - xii. Character
 - xiii. Identity
16. R&V have mapped the immigration risks against the three gates in the EAWV policy in conjunction with Border and Visa Operations (BVO). In conducting this exercise, opportunities



for risk identification and risk management in accordance with the immigration instructions have been considered and the principal of identifying and managing risk at the earliest possible point has been considered.

17. The output of this activity is presented as Maintenance of the law

Maintenance of the law

18. As INZ gathers further data, insights and intelligence through the IRM, and as AEWV Instructions are updated, it is expected that the model will evolve to reflect new immigration risks and that the determination of when immigration risk is best identified and treated will move across and between gateways.

19. It is recommended that immigration risk is managed across the three EAWV gateways in accordance with the Gateway Risk model. The model presented is considered a starting point and will evolve as INZ learns.

Risk Rules

20. There are currently limitations as to how risk rules will trigger in ADEPT due to the different data schemas in AMS and ADEPT. The data limitations prevent existing risk rules to be delivered like-for-like. A paper on data limitations will be presented to the Risk Control Group (RCG) in May 2022 and provided to RMRGG for noting.

21. Risk rules are only triggered at the time an application is lodged and 'retriggering' functionality is not currently operational in ADEPT. Maintenance of the law

[Redacted text block]

22. Twenty-seven rules lifted from Essential Skills and Employer Accreditation policies were signed off for testing by RCG for the Employer Accreditation gate on 22 September 2021. These rules



are subject to confirmation of the pre-decision immigration risk management approach by RMRGG before they will be implemented.

23. It is recommended that risk rules be applied across the three AEWV gateways in alignment with the Gateway Risk Model as outlined in paragraph 17 and establishment of rules is limited to only those that are likely to result in an action that can be undertaken pre-decision in accordance with immigration instructions.
24. This approach aligns with the Immigration Risk Model and ensures that processing efficiency is maximised by targeting rules at the most appropriate gateway for risk identification and treatment.
25. When the Migrant Exploitation Infringement Scheme is implemented - and as the AERMR model collects data, insights and intelligence - rules will be updated, revised, deleted, or added to trigger pre-decision and updates may be made to the gateway where rules are triggered.
26. R&V have conducted work to identify risk rules likely to be implemented at the Accreditation Gateway based on existing rules, functionality of the ADEPT system and the Gateway Risk Model. It is expected that the original list of 27 rules would reduce to 9 rules if this approach is applied.
27. Risk rules in the Accredited Employer Gateway would be initially limited to:
 - Those existing work visa rules that relate to a specific employer; or
 - Rules required to surface risk which cannot yet be identified by the ADEPT system e.g
 - i. Where the employing entity is less than 12 months old at the time of application; or
 - ii. Rules triggered as the result of an alert or warning.
28. Risk Rules are governed by the RCG and a memo detailing specific rules to be applied to Accreditation Gateway will be presented to that group for final decision.
29. Subject to RMRGG agreement to the proposed approach by 11 May 2022, risk rules can be implemented in advance of the 'Go Live' date for the Accreditation Gateway.

Watch lists

30. Watch-lists within the ADEPT platform will be used to maintain a list of both banned directors and employers who are on a stand-down list. System checks will automatically cross-check the employer against the stand-down list, as well as cross-check all declared key persons against the list of banned directors. A match identified to a watch-list will trigger a risk activity in ADEPT.



Alerts and Warnings

31. It is recommended that the ADEPT system is set to raise a risk activity for those applications under the Accreditation Gateway that are subject to an alert or warning. This will not only ensure that an appropriate risk treatment is considered, but the referral to R&V as a result will allow consideration of the deletion of any alerts or warnings that are no longer deemed to be relevant, reducing the operational impact of existing alerts and warnings over time for employers who continue to engage with INZ.
32. Maintenance of the law
[Redacted]
33. Maintenance of the law
[Redacted]
34. An alternative to relying on this rule would be for a manual check to be done of all applications that do not trigger a system rule. A requirement for a manual activity on all applications would reduce INZ's ability to automate visa processing.
35. To create a risk activity in ADEPT to surface alerts and warnings, a risk rule is required. To generate this rule, AZBRE would rely on ADEPT to resolve employer identity using the NZBN as a reference number and trigger a risk activity for those with an alert or warning.
36. In July 2021, R&V conducted a review of all employer alerts and warnings in AMS and added an NZBN to the employer record. This information has been shared with the ADEPT project to enable creation of business identities for these employers in advance of 'Go live'.
37. Subject to agreement to the recommendation in paragraph 56, R&V would undertake a final review of any new alerts or warnings added to AMS since the activity undertaken in July 2021 to capture any additional employer NZBN numbers for population in ADEPT.
38. INZ may need to establish a ownership for resolving Business Identities which cannot be matched through the automated process.
39. While INZ continues to process in two systems (AMS and ADEPT), where an alert or warning is added to AMS, it should also be added to ADEPT to ensure that all alerts and warnings are surfaced regardless of which platform is used. No specific training has been provided to INZ staff



outside processing teams on the requirement to add alerts and warnings to both systems. This requirement will be communicated to relevant groups through activities planned in the internal AEWV comms plan and step by step guidance is provided in the ADEPT user guide and system training.

40. As the ability to raise alerts and warnings as a risk activity relies on triage rules, and triage rules will only trigger at the beginning of the process until July 2022, new alerts and warnings added to businesses entities when an application is live will not surface in ADEPT as a risk activity.
41. As this risk management approach proposed for Employer Accreditation covers the full cycle from pre-decision to renewal, it is recommended that RMRGG accept this risk pre-decision and new alerts and warnings added are considered in post-decision RMR until re-initiation functionality can be resolved in ADEPT.

IMMIGRATION RISK IN THE ACCREDITATION GATEWAY

42. Immigration instructions for the Accreditation Gateway have been confirmed however changes to the instructions for the Job and Migrant checks were not certified in time for risk at the Job Check and Migrant gateways to be considered in detail in development of this paper.
43. Separate papers will be presented to RMRGG to determine the risk management approach for Job Check and Migrant check.
44. RMRGG is asked to consider the recommendations in this section the treatment of immigration risk pre-decision at the Accreditation Gateway:
 - a. That determination of whether an employer or key person has provided false and misleading information or has employed someone in breach of visa conditions be supported by establishment of a referral step to R&V to ensure all evidence is appropriately considered and deconfliction with open investigations occurs.
 - b. That categorisation of an employer business model be accepted at face value based on employer self-identification for those who declare standard or high volume.
 - c. That where adverse information relating to an employer is known, Immigration Officers must act on this and take appropriate steps to treat the identified risk as per IAC 16/01.
 - d. **Maintenance of the law**



- e. That all other declarations be accepted at face value except where an alert/warnings is surfaced, a watch-list match made or a system or risk rule is triggered.
- f. That all Immigration and Verification Officers, Technical Advisors and Specialists and Managers involved in processing accreditation complete training in identify and treating immigration risk.
- g. That a specialist team of Immigration Officers be formed and assigned to process triangular, franchise and new business accreditation with speciality e-learning in New Companies, Business Structures and Sustainability being mandatory training for these staff.

Instructions

- 45. Immigration risks can only be managed at the Accreditation Gateway pre-decision when the threshold set in immigration instructions is met.
- 46. Immigration instructions allow accreditation to be declined where
 - a) **Maintenance of the law**
 - b) a banned director is acting as a key person or
 - c) the business does not meet the definition of a viable and genuinely operating business or organisation or
 - d) an employer or key person has provided false or misleading information to INZ or
 - e) an employer or key person has employed someone in breach of visa conditions.
- 47. The determination of whether an employer or key person has provided of false and misleading information or has employed someone in beach of visa conditions will be managed both pre and post decision. Pre-decision, it is expected that these risks would present through an alert or warning - such as an NPP warning.
- 48. The Migrant Exploitation Infringement Scheme to be operationalised in 2023 may provide alternative, graduated responses which INZ can apply to immigration risk and non-compliance and that it is anticipated that these may disqualify additional employers.
- 49. It is recommended that an additional supporting process is established when determining false or misleading information has been provided and/or employer has employed a migrant in breach of visa conditions to ensure any adverse information is based on evidence, that all INZ holdings are considered and a deconfliction step is undertaken against any open investigations.
- 50. Standard Operating Procedures (SOP) will outline the type of warning which would warrant management pre-decision and where referral to R&V should occur. This process will include a referral to Risk and Verification to review INZ holdings and to ensure taking action pre-decision



does not undermine open investigations. If it is considered that a decline is appropriate, this will be signed out through an escalation process before a final decision is reached. This sign out process could include legal review to ensure the decision is defensible.

51. It is anticipated that there will be instances where warnings indicate provision of false and misleading information or employment of someone in breach of visa conditions by a business or key person but where there is insufficient evidence to make a determination of such pre-decision. In these instances, these will be referred to Risk and Verification to determine whether pre-decision verification will be conducted, whether to refer the matter through the National Prioritisation Process (NPP) or whether the employer will be referred for post decision RMR through the RMR prioritisation process.
52. Where it is determined that the risk will be managed post-decision through RMR, the revocation process could be enacted where sufficient evidence is gathered to determine that false and misleading information has been provided and revocation is deemed to be a suitable response.

Alerts and Warnings

53. It is proposed that where adverse information relating to an employer is known, Immigration Officers must act on this and take appropriate steps to treat the identified risk as per IAC 16/01.
54. It is estimated that 2,757 (13.5%) employers will trigger a triage rule on the basis of the presence of an alert or warning with 1,103 (5.4%) of these having an expired warning or alert or a mix of the two¹. Employer warnings identify specific immigration risks and provide mitigation advice. With no previous standards applied to warning duration it is not possible to determine the relevance of an expired warning without a manual check being undertaken.
55. SOPs will be updated to drive treatment of alerts and warnings to only those which represent an immigration risk being managed at that gateway in accordance with the Gateways Risk Model.
56. Where there is an alert/warning that is assessed by the Immigration Officer as being mitigated or no longer relevant it will be referred to R&V to determine whether it should be deleted.

Triangular Business Models and Franchisee Employers

57. The development of the AEWV policy has recognised employers who place workers in triangular employment arrangements, and franchisee employers as high-risk business models. This has

¹ As of 12 April 2022, 5,514 (12.5%) employers out of 44,111 in AMS had Active (66%) or Expired (34%) AMS warnings associated and had interacted with INZ since January 2019. It is assumed that approximately 50% of these employers will apply through the Accreditation Gateway



been recognised in the policy through additional accreditation requirements for employers who meet these criteria.

58. Of the 20,460 employers who are expected to engage with the Accreditation Gateway in the first 12 months, 600 are expected to apply for Triangular Business Model Accreditation (2.9%) and 400 are expected to apply for Franchisee Accreditation (2%).
59. The AERMR recognises these business models as presenting a greater likelihood of risk and has dedicated greater emphasis on these models in the formation of targeted RMR.
60. Pre-decision, immigration risk will be actively managed for these employer types. Standard Operating Procedures (SOP) will direct processing officers to review all evidence submitted with triangular and franchisee accreditation applications at the Employer Accreditation Gate. Checks will be conducted against the Companies Office to identify any Maintenance of the law, and key persons will be checked against the stand-down and banned director lists.
61. Employers likely to apply under the Triangular Business Model Accreditation or Franchisee Accreditation historically present low sustainability risk so it is not proposed that additional checks against sustainability are conducted for these at the Accreditation Gateway unless a relevant alert or warning is present.
62. Where risk cannot be sufficiently mitigated through quick and intermediate checks by processing officers or managed through decline decisions, risk activities will be referred to the R&V network for advanced verification. This may include further information requests pre-decision, referral to Senior Business and Finance Advisors (SBFA) for more fulsome specialist risk assessment and/or advanced verification activity such as a site visit.

Assessment

New Businesses

63. 19,460 employers (95.1% of all employers forecast) are expected to apply for standard or high-volume accreditation. Of these, it is expected that a small proportion will be businesses who have been in operation for less than 12 months. The number of businesses who may declare they have been in operation for less than 12 months is unknown. Based on the Statistics New Zealand records of employers, 9.5% have been incorporated less than 12 months ago. This indicates that 1,849 new businesses may apply for accreditation in the first 12 months of the policy going live.
64. Where a business has been in operation for less than 12 months, there is a greater risk of Maintenance of the law Employer Maintenance of the law with



immigration law is present. These new businesses will be identified pre-decision through self-declaration, and this will be tested through the AERMR model post decision.

65. For businesses which declare at the Employer Accreditation gateway that they have been in operation for less than 12 months, SOPs will direct processing officers to review all evidence submitted which may indicate immigration risk to be managed at the accreditation gateway. Processing officers will be required to check all declared key persons against the stand down lists and all active alerts and warnings indicating an immigration risk to be treated at this gate will be managed. Checks will be conducted against the New Zealand Companies Office ^{Maintenance of the law} and key persons will be checked against the stand-down and banned director lists.
66. The New Zealand Companies Office statistics show that the average age of a business that ceases trading is 21 months old, so the failure rate of new companies is relatively high. SOPs will direct processing officers to assess the evidence of sustainability provided by the employer. The form will require employers to upload financial information where the employer has been operating for less than 12 months or they declare that they don't meet financial requirements. Uploading financial information is optional for all other standard or high-volume accreditation. Additional information requests may be undertaken to ensure sustainability can be accurately assessed.
67. Where risk is not mitigated through quick and intermediate checks, risk activities will be referred to R&V for intermediate or advanced verification. This may include further information requests pre-decision, or advanced verification such as referral to SBFAs for more fulsome specialist risk assessment and/or as a site visit.

High- Volume and Standard

68. High- volume employers are not inherently higher risk, and may in many cases represent larger, more established, lower risk employers. However, high volume employers have been treated differently in the accreditation categories partly due to the higher impact of harm if risk is realised as they employ a greater number of migrants.
69. The AERMR model recognises this by targeting more effort towards high-volume employers when compared with standard employers. Pre-decision, it is not proposed to treat immigration risk differently for high-volume employers at this time as INZ requires more data to inform a targeted risk management approach for high volume employers the AERMR.
70. Some high-volume and standard employers will fall into the definition of franchisee, triangular or new business. Where this is the case, the immigration risk management approach outlined above will apply.



71. For the remainder, estimated to be approximately 19,040 (95%), immigration risk management pre-decision will be limited to applications which trigger a system or triage rule (including alerts/warnings) and/or watch-list result.

Work Allocation and Training

72. Immigration and Verification Officers who will process Employer Accreditation will complete workshops developed collaboratively between R&V, BVO and Learning and Development (L&D) in advance of processing accreditation applications. These workshops will cover how the Immigration Risk Model is applied across AEWV, immigration risks being managed at each gateway, and provide learning on how to treat specific risk in each Accreditation Gateway.
73. BVO will create two teams to process Employer Accreditation; general and specialist. The specialist team will be resourced utilising a greater proportion of experienced Immigration Officers and will process Triangular and Franchisee Accreditation and those from new businesses.
74. In addition to the workshops, the Immigration Officers in the specialist team will complete e-learning learning modules on new companies, business structures and sustainability, which have been developed collaboratively by SBFAs in R&V and L&D, to raise capability to manage specific risk associated with these business types.
75. All training will also be provided to Technical Advisors, Technical Specialists and Immigration and Verification Managers involved in supporting the processing of accreditation.
76. All Verification Officers onshore will also complete all workshops and e-learning modules to prepare them to conduct advanced verification activities and provide additional support to Immigration Officers to manage immigration risk pre-decision.
77. An additional more generic e-learning module 'Our Risk Process' developed by R&V and L&D will also be available to any staff deemed suitable by people leaders which focusses on the Immigration Risk Model at a high level. This includes references to RMR.

OPERATIONAL RISK ASSESSMENT

78. A risk assessment has been conducted to determine the residual risk faced by INZ if the recommendations in this paper are agreed.
- f) It is possible that some adverse information held by INZ will not be surfaced during accreditation assessment as 're-initiation' functionality for risk rules is not currently in place.



79. It is recommended that RMRGG accepts this risk and engages with the ADEPT project to determine when this functionality will be resolved.
- g) Accreditation is likely to be granted to some businesses in the first 12 months which do not meet the intent of the policy while INZ focusses on establishing the post-decision RMR process to inform greater identification of risk over time. This may negatively impact public confidence in INZ and the Minister.
 - h) It is likely that some businesses will incorrectly self-identify (either deliberately or accidentally) and as a result will not be identified as triangular, franchise or new businesses subject to additional scrutiny and requirements.
 - i) It is possible that accreditation will be granted to some businesses which are not financially viable and those businesses will fail or adopt or apply exploitative practices while holding accreditation as INZ as sustainability will not be assessed in all cases. This may negatively impact public confidence in INZ and the Minister.
80. It is recommended that RMRGG accepts these risks at pre-decision, that the risks are escalated to ILT and captured on the ILT risk register and that the communications plan is updated to respond including communication of the risks to the Minister of Immigration prior to 'Go Live'.

NEXT STEPS

81. Subject to agreement to the recommendations in this paper, the following actions will be undertaken
- j) A final list of proposed risk rules will be presented to RCG for agreement.
 - k) SOPs reflecting immigration risk management will be finalised for the employer accreditation gateway.
 - l) BVO will confirm the team structure for AEWV and finalise all of staff to processing teams for employer accreditation.
 - m) R&V will continue development of the pre-decision risk management approach for the Job and Migrant check gates, to be brought to RMRGG for final consideration.



APPENDIX ONE – RISK CLASSIFICATION IN ADEPT

Risk Area	Relevant Immigration Instruction	Definition
Organised Immigration Fraud	A5 and A18	People working together to defraud others. In an Immigration context this can involve multiple cases of fraud linked by a hidden actor or organised group.
Applicant financials	V2.20, U3.20 and A5	False and/or misleading information relating to the financial position of a person or entity, in order to make that financial position appear more favourable.
Travel History	E5 and A5	False or misleading information relating to a persons record of previous travel to countries including New Zealand
Relationship	E5 and A5	When the relationship between two people has been falsified or misrepresented, in an effort to meet policy provisions.
Bona Fides	E5 and A5	A bona fide applicant for temporary entry is a person who genuinely intends a temporary stay in NZ for a lawful purpose. Refer to E5 Immigration Instructions.
Identity	E5 and A5	Where the established identity of a person differs from the identity that they claim to have.
Health	A4 and A5	Where an applicant's health has been misrepresented.
Character	A5	Where an applicant's character has been misrepresented.
Employer	W2.10.10, W2.10.15, W3.15, WT2 and A5	The employer is misrepresenting or withholding information required to establish their legitimacy. This could be associated with payment of salaries, PAYE payments, conditions of employment, day-to-day supervision of the workplace and the employee.
Supporting party		A person supporting an application that misrepresents or withholds information in relation to their supporting role.
Labour Market	WT3.21.1	Where an employer may be undermining the labour market.
Proliferation risk	A5.30, A5.40	The risk that a visa applicant may transfer tangible or intangible knowledge, experience or technology to another country, which may contribute to the development or creation of weapons of mass destruction or other military



		technologies, in contravention of New Zealand's international obligations and commitments.
Human Rights Abuses and other reputational risks to NZ	A5.30, A5.40	The risk that New Zealand's international reputation would suffer if a visa was to be granted to a certain applicant, based on that person's history. Refer to A5.50(b) Immigration Instructions.
National Security risk	A5	The risk that an applicant may expose New Zealand to threats from terrorism, espionage and other activities that may impact adversely on New Zealand's international or economic well-being.
Skills and/or experience	WT4.4.1	False or misleading information in relation to the skills or experience presented as part of an application.
Human Trafficking	A5, S4.15, V3.135, WI16, WJ4.20	The recruitment, transportation or receipt of a person by deceptive, coercive or other improper means for the purpose of exploiting that person.
People Smuggling	A5 and A16.2	Where someone pays a smuggler, often within a criminal network, to help them cross a border illegally.
Exploitation	WI20, D7.45, A5	Behaviour that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker. This includes alleged breaches of minimum employment standards (set in minimum standards legislation), or alleged breaches of the Health and Safety at Work Act 2015 or alleged non-compliance under the Immigration Act 2009. Behaviour that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker. This includes alleged breaches of minimum employment standards (set in minimum standards legislation), or alleged breaches of the Health and Safety at Work Act 2015 or alleged non-compliance under the Immigration Act 2009. This excludes minor and insignificant breaches that are unsustainable and easily remedied.
Specific Risk		Description

Maintenance of the law



Maintenance of the law



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