



MEMO

DATE	29 June 2023
TO	Alison McDonald, Deputy Secretary Immigration
FROM	Simon Sanders, Deputy Chief Operating Officer, Immigration New Zealand
APPROVED BY	Stephen Vaughan, Chief Operating Officer, Immigration New Zealand
SUBJECT	REVIEW OF OPERATIONAL LEVERS TO ENHANCE ACCREDITED EMPLOYER JOB CHECK AND WORK VISA

PURPOSE

This memo presents the findings of the recent review into effects of temporary adjustments made to the manner in which immigration officers assess applications under the job check and work visa gateways of the Accredited Employer Work Visa scheme. It also outlines options regarding the future of these adjustments, with a recommended option to introduce further controls.

RECOMMENDATIONS

It is recommended that you:

- a) **Note** that on 27 July 2022 the Deputy Secretary Immigration signed a general instruction for the processing of job check applications and that on 23 August 2022 the Deputy Secretary signed a further general instruction for the processing of work visa applications. *Noted*
- b) **Note** that the above general instructions had requirements to review the approach, and all have been subsequently extended. *Noted*
- c) **Note** that these general instructions are due to expire on 30 June 2023 and are due for review. *Noted*



- d) **Note** that the AEWV category is now performing from a processing perspective, and the general instructions have resulted in significant processing efficiency.
- e) **Note** that there are indications that the settings introduced by these instructions are being tested by mala fide applicants, and extension of the instructions in their current form will see this trend continue to develop.
- f) **Note** that INZ regularly reviews risk rules and approaches to identify amendments needed to help with processing efficiency and risk management.
- g) **Note** that there is an opportunity to introduce further controls to the general instructions to control emerging risks.
- h) **Note** that Border and Visa Operations and Risk and Verification support the general instructions remaining in place with adjustments proposed.

Noted

Noted

- i) **Agree** to extend the current instructions.

Agreed/D;scus

OR

- j) **Agree** to let the current general instructions expire by 30 June 2023 and revert back to BAU processing.

Agreed/Discuss/Not agreed

OR



RECOMMENDED:

- k) **Agree** to extend the current instructions with the amendments proposed in Appendix One, until 30 November 2023.

c::, Discuss/Not agreed

Privacy of natural persons

[Redacted]

Deputy Chief Operating Officer, Immigration
New Zealand
Date: *04/07*

Chief Operating Officer, Immigration New
Zealand
Date: *29/07*

Privacy of natural persons

[Redacted]

Deputy Secretary Immigration
Date: *-6--Z...*



BACKGROUND

1. The Accredited Employer Work Visa (AEWV) is the temporary work visa policy designed to ensure New Zealanders are first in line for jobs and reduce the risk of migrant exploitation. Where genuine skill or labour shortages exist, accredited employers can hire skilled migrant workers.
2. There are three gateways for the AEWV: the employer gateway (accreditation), the job gateway (job check), and the migrant gateway (work visa). Any employer who wishes to employ a temporary migrant under the AEWV policy must first become accredited at which point they are vetted for previous compliance with immigration, employment and business compliance, and they make commitments to ongoing compliance. Applications for accreditation opened on 23 May 2022.
3. The second gateway of AEWV is the job check where employers apply for approval to recruit - effectively a labour market test. Applications for the job check gateway opened on 20 June 2022.
4. The third gateway of the AEWV is the work visa, where migrant workers are invited by their employers to apply for a work visa. Applications for the work visa gateway opened on 4 July 2022.

LAUNCH OF AEWV

5. At the time of the opening of the category, INZ saw the convergence of a new technology platform, new policy and processes, new staff and an adjustment to a new 'employer led' work visa approach, which requires different behaviours from employers.
6. INZ sought to take a facilitative 'education over enforcement' approach to smooth the transition into the new policy. This time-bound approach focuses on educating employers on the requirements, and provides some risk-based leniency in advance of a stronger enforcement approach as the policy is bedded in.
7. The labour market at the time of the introduction of the category saw very low unemployment and skill shortages across most occupations. This was a global trend following the COVID-19 pandemic and the closure of international borders.
8. Solutions were required to provide employers the confidence and opportunity to offer roles to migrants. INZ needed to be able to focus on education of employers on their role in this new employer-led process.
9. As a result, INZ put in place pragmatic solutions in the form of general instructions to ensure the job check and work visa gateways of the AEWV were as streamlined as possible while the policy was bedded in. This was judged necessary to ensure that INZ could meet its processing times



GENERAL INSTRUCTIONS FOR JOB CHECK AND WORK VISA

10. Under the Immigration Act 2009, the order and manner of processing any application for a visa or entry permission is a matter for the discretion of the Minister of Immigration or an immigration officer (section 26(1)).
11. However, the Chief Executive may give general instructions to immigration officers on the order and manner of processing of any application, and the immigration officer must process an application in accordance with those instructions.
12. This power to give general instructions has been delegated to the Deputy Secretary - Immigration, Associate Deputy Secretary and Chief Operating Officer by the Chief Executive, by way of the instrument of sub-delegation.
13. General instructions are matters of rules and practice of the department and are separate from immigration instructions. Immigration instructions are certified by the Minister of Immigration and sit alongside general instructions as a tool to manage how applications are processed. Immigration instructions are statements of Government policy.

Job Check General Instruction

14. The job check general instruction, introduced on 28 July 2022, provided an interim process for assessing job check applications, and allowed immigration officers to take certain information at face value to streamline processing and ease labour market pressures.
15. Under the approach and according to specific criteria, the following information provided on application forms is taken at face value, with approval letters outlining that the decision is being made based on the information declared by the employer:
 - Determining whether the employer meets the requirements for acceptable employment
 - Calculating the remuneration
 - Determining whether the number of positions requested in a job check application are for genuine vacancies
 - Determining that an employer meets the requirements for labour market testing.
16. Where an employer has made a declaration that requires further investigation, meaning the application cannot be taken at face value, immigration officers must assess that aspect of the application as directed by the general instruction.
17. Where an application has a relevant alert, warning or risk rule that has been triggered, immigration officers should also take appropriate action rather than accepting information at face value.
18. The general instruction does not apply to all applications, for example where the employer holds accreditation as a franchisee employer or has made an adverse



declaration on the application form. These applications will be quality checked as they would be under normal processes.

19. No quality checks will be carried out for applications that are being taken at face value.

Work Visa General Instruction

20. The work visa general instruction, introduced on 23 August 2022, provided an interim process for assessing work visa applications.
21. This involved checking the job check approval letter against the information provided at the work visa gateway to ensure it matched to determine whether an applicant held an offer of employment that meets the requirements of the policy. The information was only checked against the employment agreement signed by the applicant when specific criteria were met, for example where the employer operates a triangular business model.
22. Low and medium risk applications do not require any verification unless a specific risk is identified through a risk rule trigger (medium risk by design). High risk applications should begin with a quick verification and only proceed to intermediate verification after consultation with a technical advisor. Four specific exceptions were made to treat applications as low risk despite any triage risk rating attributed to them:
- Health and education roles
 - All roles that require registration
 - All tier 1 Green List roles
 - All roles paid at 200 per cent of the median wage.
23. Overall, both general instructions were implemented with an increased acceptance of risk, as immigration officers would not be thoroughly checking information supplied in applications. This increased risk tolerance was intended to be short term, with post-decision verification to inform targeting of higher risk industries, occupations, and employers, and developing additional risk rules, or models which could be used to support automation in the future.

PROCESSING IMPACTS OF GENERAL INSTRUCTIONS

24. The general instructions for job check and work visas have allowed immigration officers to assess applications more efficiently and give them the confidence to make decisions.
25. At the time the job check general instruction was introduced, the job check gateway had been available for just over five weeks - 2,896 job check applications had been received, but only 329 (11 per cent) had been completed. As at 22 February 2023, when the general instructions were renewed, 25,247 job checks had been received with 24,072 (95 per cent) processed. Of those completed, 73 per cent had been completed in ten days.
26. As at 26 June 2023, 40,142 job checks had been received, with 39,177 (97.5 per cent) processed. Of those completed, 77.68 per cent had been completed in ten days.



27. At the time the work visa general instruction was introduced, the work visa gateway had been open for just over seven weeks. In that time, 2,284 work visa applications had been received, but only 139 (six per cent) had been completed. As at 22 February 2023, when the general instructions were renewed, 47,477 work visas had been received and 36,040 (76 per cent) of these had been processed. Of those completed, 52 per cent had been completed in 20 days.
28. As at 26 June 2023, 78,885 work visas had been received, with 69,560 processed. Of those, 58.38 per cent had been completed in 20 days.
29. The measures were introduced early in the lifecycle of the AEWV category, and as such there is a limited baseline from which to judge the efficacy of the adjustments. The measures were at the time seen as a crucial lever in the successful launch of the AEWV category.
30. Staff capability has continued to increase since the introduction of the category, both in terms of assessing visas under the category and the use of ADEPT. Ten new immigration officers are soon to be brought into process job checks, building further processing capacity.
31. Processing of applications is going smoothly through both gateways. However, the streamlined approach under the instructions makes it difficult to capture relevant data at the visa processing stage and inform any targeting of risk rules or support automation in the future.

REVIEW OF IMMIGRATION RISK OF GENERAL INSTRUCTIONS

Job check gateway: risk management approach

37. On 13 June 2022, prior to the introduction of the general instructions, the Risk Monitoring and Review Governance Group (RMRGG) agreed the pre-decision immigration risk management approach to the job check gateway. The risk management approach was based on the then current risk management processes that included employer declarations, uploading of evidence, verification and requests for additional information.
38. Risk and Verification and Border and Visa Operations mapped the immigration risks against the three gateways in AEWV policy. The output of this activity was accepted as *The Gateways Risk Model* which is used to determine where specific immigration risks are best managed within AEWV. 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.
39. Immigration risks best managed at the job check include non-genuine job offers, non-genuine advertising, non-compliance with immigration requirements, role and salary inflation and migrant exploitation.



Table 1 The Gateways Risk Model

Immigration Risks	A = Gateways			Post-Decision
	Employer Accredited ¹	Job Check	Migrant Check	AEMR
Migrant Exploitation				Y
Susceptibility of Employment				Y
Employer Phoenixing (observing previous non-compliance)				Y
Non-compliance with Immigration Law				Y
Role Inflation				Y
Salary Inflation				Y
Non-Genuine job offers				Y
Non-genuine advertising				Y
National Security				Y
Character				Y
Identity				Y
Payments of premiums for employment				Y
Non-genuine work experience				Y

Maintenance of the law

40. The general instruction enables departure from the RMRGG-agreed risk management approach through requiring specific conditions to be met before an immigration officer can follow SOPs and independently assess the following instruction requirements:

- Determining whether the employer meets the requirements for acceptable employment
- Calculating the remuneration
- Determining whether the number of positions requested in a Job Check application are for genuine vacancies
- Determining that an employer meets the requirements for labour market testing.

Work visa gateway: risk management approach

41. On 28 June 2022, prior to the introduction of the general instruction, the RMRGG agreed the pre-decision immigration risk management approach to the work visa gateway for AEWV. The risk management approach was based on the then current risk management processes that included employer declarations, uploading of evidence, verification and requests for additional information.
42. Based on the agreed Gateways Risk Model, immigration risks best managed at the work visa gateway include national security, character, identity, payments of premiums for employment and non-genuine work experience.
43. The general instruction enables departure from the RMRGG-agreed risk management approach through limiting the assessment of whether an applicant holds an offer of employment that meets requirements, to information contained in the job check approval letter only rather than validating the same information is included in the employment agreement. The general instruction does, however, provide for specific instances where that information should be checked against the employment agreement¹ but limits further verification to instances where other risks are evident as a result of this check.

¹Triangular and franchisee employers, piece rate remuneration, alerts and warnings.



44. The general instruction also enables departure from the RMRGG-agreed risk management approach through treating the four exceptions listed at paragraph 22 as low risk, regardless of their triage risk rating.

IMMIGRATION RISKS OBSERVED AT THE JOB AND WORK VISA GATEWAYS

45. Job check and migrant check decisions to date have almost entirely been processed under the general instructions. Maia fide behaviours adapt to limited controls and there is a high likelihood that the continuation of those limitations will see increased misuse of the AEWV category.
46. Examples of immigration risk observed by Risk & Verification include:
- Employers whose entity names indicate a likelihood of employing migrants in roles not permitted within AEWV {e.g. horticulture or viticulture} who self-declare in the job check that roles are unrelated which is subsequently determined false.
 - Employment agreements that are not compliant with all relevant New Zealand employment law in force.
 - Employment agreements which include bonding clauses and pass on recruitment and training costs in contravention of requirements.
 - Employment agreements offering lower remuneration rates to job check conditions.
 - Evidence of paying for offers of employment.
 - Evidence of hours being worked in excess of compensated hours.
 - Allegations of unreasonable employment requirements being enforced {e.g. significant and unpaid travel to perform duties, requirements to work in distant locations for extended periods, uncertainty over the amount of work hours available}.
 - Fraudulent employment reference letters claiming extensive offshore work experience, and migrants misrepresenting their work experience history to meet skills requirements determined when compared to INZ records of previous applications.
 - Declarations by employers that New Zealanders were deemed suitable for roles but not being appointed.

45. Some system-focussed risks include employers **Maintenance of the law**

Maintenance of the law

Maintenance of the law

and impact the accuracy of data and insights which are intended to inform future policy settings.



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46. There are indicators that the high-volume accreditation type may be being misused and/or indicators of a devaluing of the privilege and responsibility that comes with having access to migrant workers. This may be manifesting through employers releasing migrants from contractual arrangements including leveraging 90-day clauses and seeking replacement workers. There have been at least 2,500 job change requests since November 2023.
 47. We believe that some employers know what the general instruction thresholds are for the number of job checks required. Under the job check general instruction immigration officers are not required to consider whether roles are genuinely needed if there are less than 50 roles in the construction sector or 30 in other sectors. An increase has been noted in multiple job checks with role volumes below the 50/30 thresholds.
 48. In addition, there has been identification of risk which could be appropriately managed at the job or work visa gateways (if declarations were not being accepted at face value) being pushed through to the Accredited Employer Risk Monitoring and Review (AERMR) programme which may lead to migrants entering potentially harmful employment arrangements.
 49. There is currently no acceptable mechanism for INZ to pause processing of job check or work visa applications outside of initiating a suspension or revocation of the employer accreditation process. Where INZ determines significant risk in applications that may require a co-ordinated and potentially across-INZ approach to risk management current processes do not support pausing decision-making.
 50. In addition, there are concerns that the general instructions currently in place for the visitor visa category are providing a pathway for applicants without sufficient bona fides to enter and extend their stay through applying for work visas under the AEWV. These concerns are expanded on in detail in the memo Review of general instructions for processing of visitor visas.
 51. Risk & Verification will continue to monitor and adjust risk rules and advice to ensure they are fit for purpose as more data becomes available and in response to any broader policy changes. However, capturing relevant data at the visa processing stage is vital to inform potential changes to risk rules. Data associated with risks identified, how these are treated and treatment outcomes are not currently mandatory in ADEPT and the general instructions in place create challenges with data being captured in a structured manner. While general instructions remain in place, opportunities for adjustments to risk rules are inhibited and a more fulsome review of rules is delayed.
 52. The AERMR programme will ensure that monthly post-decision reviews of employers are conducted to inform ongoing immigration risk analysis and findings reported through INZ governance groups to inform risk tolerances and controls.

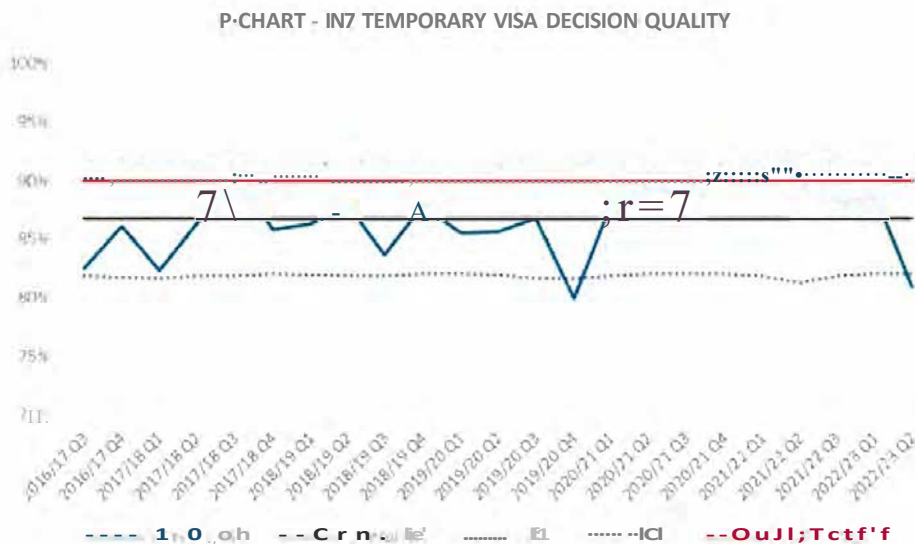


MEDIA AND CUSTOMER FEEDBACK

- 53. Feedback from customers and agents includes concerns that immigration officers may not be reading documents or verifying/checking the information provided. Some job check and work visa applications were approved where certain terms or requirements in the application do not match what is in the job check application.
- 54. There has been media reporting that the current settings under the AEWV category are being exploited², and that mala fide agents are securing accreditation for employers for fraudulent positions.
- 55. Licensed immigration advisers are currently surveying members regarding concerns in the industry with the intent to provide a sector wide position to INZ
- 56. Further, INZ has been receiving an increasing number of Parliamentary questions regarding the approach taken to process applications under this policy indicating growing concerns.

QUALITY ASSURANCE

- 57. For the October-December 2022 period, the ADEPT AEWV sample group decreased by 15 per cent for the quarter. Of the 60 applications, Quality and Assurance found failures in 15 of them relating to risk.
- 58. The aggregate temporary overall quality rating for the October - December 2022 period, which is the latest information available, is at 80.9 per cent. The below chart outlines the INZ Temporary Visa Decision Quality over the last five years:



²<https://www.mz.co.nz/news/national/491946/migrant-workers-pay-thousands-for-visas-only-to-be-left-without-jobs>



59. When a quarter falls outside of the control line it suggests there is a problem with the process This means the rating has not been caused by a random variable, for example staff performance or experience level, but another assignable cause.
60. The changes introduced into the process by the general instructions appear to be causing issues in terms of complying with both immigration and general instructions and the management of the risk, rather than the general instructions themselves.

CONCLUSION OF REVIEW

61. Immigration risk has increased since the general instructions were introduced.
62. It is not possible to directly quantify how much of the increasing risk being seen is specifically attributable to general instructions as the first general instruction was introduced early in the category's lifecycle.
63. To ensure the category continues to perform, in the absence of other initiatives to maintain processing productivity, the general instructions should be maintained in some form.
64. However, given the category is now performing to expectations, it is appropriate to adjust settings to capture more of the risk that is currently being observed.

WHAT ADJUSTMENTS COULD BE MADE TO THE GENERAL INSTRUCTIONS?

65. While introducing more requirements to assessment of applications will impact productivity, this will be offset by increased staff capability in assessing applications and use of ADEPT, as well as increase in staffing numbers.
66. When processing applications under the current general instructions, immigration officers take all claims about the employment agreement provided in the application form at face value.
67. Further controls can be introduced to verify the information in the declaration, as outlined below:

Job check	<ul style="list-style-type: none">• checking that the advertisement is for the role declared at the job check.• checking the location, legal entity, employment type and role information declared matches that on the employment agreement and where relevant, the advertising.
Work visa	<ul style="list-style-type: none">• checking the declared remuneration and hourly rate match the employment agreement and what was approved at the job check.• checking the location, job description, job title and hours of work match what was approved at the job check.



68. With the current streamlined approach, immigration officers are only required to refer to the information declared on the application form. Introducing these checks provides further controls that allows applications that are not in line with instructions are being captured.

TEST OF PROPOSED CONTROLS

69. The Christchurch processing office recently conducted a test using the above further controls in the processing of job check and work visa applications. The testing found that while the controls added to processing times, they uncovered issues in a number of applications that would not have been identified under the current approach.

Job check

70. Under the current job check general instruction, a straightforward application can take between five to ten minutes. Under the new proposed controls, a straightforward job check was found to take between ten and twenty minutes to complete.
71. However, in the nine job checks processed as part of the pilot, immigration officers identified three (33 per cent) cases where employers had made a mistake with declaring the legal entity; this would not have been picked up under the current approach.
72. Immigration officers also identified two (22 per cent) cases where the rate of pay was different in the employment agreement from what was declared at the job check. This would not have been picked up under the current approach.

Work visa

73. There is a variance with assessment times when assessing work visas, as it depends on the number of activities each work visa application has. As a result, it can take between 10 to 45 minutes to complete an initial assessment of a work visa application. Immigration officers commented that they felt it only took an additional one to two minutes to assess the additional controls proposed.
74. Immigration officers identified a case where the remuneration and job check was not addressed at the job check stage. It was noted that the proposed additional controls would prevent this from occurring again in the future.

Analysis

75. Most of the productivity impact of the proposed controls would be seen at the job check stage, with the additional controls at work visa only adding a small amount of time to processing.
76. Identifying issues at the job check stage will have a flow on effect to the work visa stage by reducing remedial work further along in the process. Remedial work is time consuming and for immigration officers and is not in the best interest of the



customer, requiring officers to go back to customers with issues that could have previously been identified.

77. As such, the proposed controls are anticipated to increase overall efficiency.

OPTIONS FOLLOWING EXPIRY OF CURRENT GENERAL INSTRUCTIONS

Extending with no adjustments

78. This option is not recommended.
79. Extending the general instructions in their current form would maintain the processing efficiencies that have been brought about by the general instructions.
80. However, the general instructions are deliberately 'light touch' by design, accepting greater risk in favour of quicker processing.
81. Given that the category is now performing well, it is not recommended that the instructions are continued without adjustments. The general instructions were always intended to be an interim measure to give confidence to employers and bring in migrants during the labour shortage.

Extending with adjustments (recommended)

82. Extending the general instructions with further adjustments is recommended.
83. As outlined above, introducing further checks against declarations made is likely to identify more mala tide actors, while having a minimal impact on processing times.
84. This approach will maintain the confidence of employers, allowing INZ to strike the balance between facilitating migrants into the country and ensuring any immigration harm is predicted and prevented.
85. A proposed new general instruction has been prepared for your signature in **Appendix One**. It is recommended this general instruction stays in place until 31 December 2023 where the approach can be reviewed again.

Expiry

86. Given there is very little baseline from before the instructions were introduced, it is difficult to assess what would happen to productivity if the instructions were completely removed. As such, allowing the instructions to expire is not recommended over a more graduated adjustment.

LEGAL AND POLICY IMPLICATIONS

87. The policy intent for the job check and the work visa is a relatively light touch check of the role and pay rate and in the case of the job check, the advertising. However, the form for both of these gateways collects extensive structured data so that in the absence of clear guidance, it is not conducive to a light touch assessment.
88. It is not intended that immigration officers should be checking and 'approving' employment agreements as meeting employment law as part of the assessment of



the AEWV application, although this is an activity that has previously been part of work visa assessments, and while steps have been made to move away from this, the current design of the AEWV processes did not give this full effect.

89. As the general instruction approach remains declaration based, INZ cannot endorse employment agreements as compliant with employment law. This remains the employers' obligation and employees should seek their own independent advice on the agreement. To support this approach, systems should be put in place to refer identified significant issues with employment agreements to the Labour Inspectorate.
90. MBIE Immigration Policy supports an informed risk tolerance approach to processing the work visa step that will be recalibrated over time to allow for appropriately timely processing as informed by revealed risks of misleading or mistaken declarations.
91. Policy considered the streamlining steps for both the job check and work visa as appropriate for the initial opening of the visa while new systems were being bedded in and visa processing was in flow. However, the initial risk tolerance rules were based on quick discussions about previously known risk areas and were not intended to be extended for six months without review given for some products very limited assessment is taking place.

COMMUNICATION APPROACH

92. The Operations Support team in Border and Visa Operations will follow their standard process for communicating changes to processing staff i.e. discussion with processing leadership and a Visa Pak to staff processing AEWV applications. Risk and Verification leadership will also communicate to staff as the approach is implemented.
93. INZ Com ms and INZ Engagement teams are currently considering the approach for/if communicating with licensed immigration advisers, and also preparing reactive lines for media and use by relationship managers if necessary.

CONSULTATION

94. The following staff have been consulted on the proposals outlined in this paper:
 - Sarah Clifford, National Manager, Border and Visa Operations
 - Privacy of natural persons Christchurch 2, Border and Visa Operations
 - Privacy of natural persons Border and Visa Operations
 - Privacy of natural persons Border and Visa Operations
 - Jeannie Melville, Director Online Services
 - Susan Jones, Manager, Operational Policy, Enablement
 - Privacy of natural persons Operational Policy, Enablement
 - Geoff Scott, National Manager, Risk & Verification, Verification and Compliance
 - Privacy of natural persons erification and Compliance



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- **Privacy of natural persons** Verification and Compliance
 - Felicity MacFarlane, Acting National Manager Immigration Engagement, Customer
 - Andrew Craig, Policy Director.

NEXT STEPS

95. If agreed, communication on the extension of these two general instructions will be carried out in the week beginning 3 July 2023.
96. The Minister will be provided an update on any changes in the Weekly Report.



APPENDIX ONE

PROPOSED GENERAL INSTRUCTION



General instruction on manner of processing job check and Accredited Employer Work Visa applications

Under section 26(4) of the Immigration Act 2009 and acting under delegated authority from the Chief Executive of the Ministry of the Business, Innovation, and Employment, I give the following general instruction as to the manner of processing of job check applications and Accredited Employer Work Visa applications made under WA2, 3 and 4 of the immigration instructions, where the enhanced Immigration Online system has created an activity for an immigration officer to complete.

Requirement under Job Check immigration instructions (WA3)	General instruction on manner of processing
Determining the employer meets the requirements for labour market testing set out at (WA3.20)	<p>Base the assessment on the declarations made in the application form, but for all assessments check:</p> <ul style="list-style-type: none"> • That the advertisement is for the role that the job check has been applied for • The key terms of the employment are consistent with the employment agreement and other information included in the Job Check application, including: <ul style="list-style-type: none"> • The minimum and maximum rate of pay or salary; and • That position has not been advertised as casual or part time; and • The location of the job.
<p>Determining whether the employer meets the requirements for acceptable employment set out at WA3.15 related to the proposed employment agreement</p> <p>Calculating the remuneration as set out in WA3.30</p>	<p>For all assessments, check:</p> <ul style="list-style-type: none"> • the location on the declaration matches the location on the employment agreement and the advertising • the declared legal entity matches that on the employment agreement. • the employment type (permanent or fixed term/seasonal) declared matches that on the employment agreement • where the proposed employment is for an occupation that is exempt from the median wage threshold (Appendix 14), the job description provided matches the description of the work for the declared ANZSCO code.



	<p>For all other assessment activities, proceed to base the assessment on the declarations made in the application form, only, unless:</p> <ul style="list-style-type: none">• all or part of the payment for the proposed employment is• calculated by piece rates; or• the employer holds accreditation as a franchisee employer• or an employer who places Accredited Employer work visa• holders in triangular employment arrangements; or• the employer has made an adverse declaration in the• application form; or• INZ holds any relevant adverse information about the employer (such as a warning of where an application triggers a risk rule); or• the role is of concern . <p>Where the above applies, also check:</p> <ul style="list-style-type: none">• the remuneration of the employment, including the hours of work, details of pay and any deductions; and• the job description .
<p>Determining whether the number of positions requested in a Job Check application are for genuine vacancies as required by WA3.15(1)</p>	<p>Determine that this requirement is met without assessing or requesting additional evidence, where the proposed employment is:</p> <ul style="list-style-type: none">• In the health or education sector; or• In the construction sector, and the Job Check application is for 50 or fewer positions; or• In any other sector, and the Job Check application is for 30 or fewer applications. <p>The above instruction does not apply where:</p> <ul style="list-style-type: none">• the employer holds accreditation as a franchisee employer



	<ul style="list-style-type: none"> • or an employer who places Accredited Employer work visa • holders in triangular employment arrangements; or • the remuneration is calculated by piece rates; or • INZ holds adverse information about the employer; or • the role is not in the health, education or construction • sector and in an industry that is unlikely to require the • number of positions requested; or • The employer has had more than 50 previous job checks • the role is of concern.
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Requirement under Work Visa immigration instructions (WA4)	General instruction on manner of processing
<p>Determining whether an applicant holds an offer of employment that meets the requirements of WA4.10.1</p>	<p>For all applications, check that the remuneration on the employment agreement offered is the same as that included in the AEWV meta data. If a range was approved in the Job Check application, the remuneration stated in the IEA must fall within the approved range.</p> <p>Ensure that the hourly rate entered in ADEPT matches what is stated in the IEA and approved Job Check application.</p> <p>For all applications if there is a job check validation activity, the job check validation powerBI will be used to ensure that:</p> <ul style="list-style-type: none"> • The location and job title of the role are the same as what was approved in the job check; • The job description matches the job title of the role; • The hours of work are the same as or more favourable than that declared by the employer in the job check



	<ul style="list-style-type: none">• The direct employer is the same as in the job check. <p>For applications in the following categories, the key points above should be checked against the same details in the provided employment agreement signed by the applicant.</p> <p>Further verification should only be carried out if there are other risks that are evident as a result of this check. This applies to employees:</p> <ul style="list-style-type: none">• Of triangular employees including labour hire companies;• Of franchise business models• Whose remuneration includes a piece rate component• Whose applications trigger an alert of warning or for whom INZ holds adverse information.
<p>Determining whether the applicant meets the requirements for applicants as set out in W.2.10.1(b)</p>	<p>For the worker eligibility component of the application, immigration officers will refer to the triage rating (low, medium, high) and the relevant SOP under "Assess Temporary Visas" to determine next steps for an application with that triage rating.</p> <p>Low risk applications do not require any verification unless a specific risk is identified. The following applications will be treated as low risk despite triaging:</p> <ul style="list-style-type: none">• Health and education roles• All roles that require registration• All Tier 1 Green List roles• All migrants paid at 200 percent of the median wage. <p>Medium risk applications do not require any verification unless a specific risk is identified through a risk rule triggering.</p> <p>High risk applications (unless part of the exception above) should begin with quick verification and only</p>



	proceed to intermediate verification after consultation with a technical advisor.
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