

RISK BRIEF

RR0413 increase in PoW/DoW associated to AEWV

17 July 2023

Reference Number: RV_RB_2023_108

KEY POINTS

- RR0413/M0413 is a 'High Risk' risk rule (RR) associated to Temporary Visa applications for Vietnamese nationals from 7 provinces.
- The risk outlined for this rule is people being smuggled for labour in organised criminal activities primarily in cannabis cultivation.
- Prior to an ADEPT fix being implemented on 05 July 2023, an address formatting error meant this RR was not triggering on Accredited Employer Work Visas (AEWV) applications.
- The rule has however triggered when the partner or dependent child of a worker (PoW; DoW) has made their own application.
- There has been noted cross over into the Maintenance of the law Maintenance of the law
- Some of these AEWV holders have been charged or are being investigated by New Zealand Police (criminal offending) or INZ Compliance/Investigations.
- There is no ability in the PoW or DoW instructions to revisit the AEWV application to establish legitimacy of the employment. However, there is an opportunity to request updated evidence of the income being earned where the AEWV holder is already onshore.

ANALYSIS

Risk rule RR0413/M0413¹ is a 'High Risk' risk rule associated to Temporary Visa applications for Vietnamese nationals from 7 provinces:

Maintenance of the law

RR0413/M0413 not triggering has created an absence of risk screening in the AEWV space. It is unknown how many times the rule failed to trigger.

¹ Refer to Appendix A for risk rule details and link.

Current policy settings and standard operating procedures mean that when any subsequent PoW and DoW applications are assessed, generally a low touch assessment is made because risk is assumed to have been addressed in the AEWV application.

The impact of the rule not triggering has been to transfer this risk to the PoW / Dow application.

Hamilton Verification Team (VT) have identified 40 instances of this situation organically through consults from Immigration Officers (IO) and have pro-actively ring-fenced an additional 124 applications² (14 DoW and 105 PoW) whilst awaiting recommendation for further action. There has been noted cross over into the Maintenance of the law

The Bangkok office advises that in the majority of cases, verification of Vietnamese documents returns an inconclusive result.³

There is a risk that family members approved as PoW or DoW may also become involved in organised criminal offending onshore; or that they will have incurred significant debts to obtain New Zealand visas. Some may be the victims of people smuggling or trafficking⁴.

In relation to the PoW or DoW applications, there is currently no legislative or legal reason to investigate the approved AEWV application outside of establishing whether the employment information and salary still qualify the SP to support the new application. In many instances the WV holders are still offshore and so do not have updated information to provide⁵ – those onshore have the additional risk of providing falsified financial documents due to the illegal nature of the potential employment.

Establishing genuineness of the job and confirmation of a bona fide immigration pathway is difficult for applicants who trigger this risk rule. Because of this, there is the possibility that requirements may be met prima facie for the PoW/DoW and therefore more family members linked to the ongoing investigation may be approved to enter NZ.

RECOMMENDATIONS

- Continuation of calibration with Bangkok VT Vietnam experts [ongoing].
- Discussion of findings and proposed recommendations with Visa Operations in Hamilton and Christchurch.
- Where there is cross over with Maintenance of the law, Visa Operations will raise information warnings on the Dependents of Worker applications currently 'In Progress' advising that the applicant's partner may no longer be working for their employer and requiring that evidence of current employment and wages / salary should be sought and verified. Warnings are in place on the employers related to Maintenance of the law and have also been raised on approved WV holders who are currently offshore)⁶.

² These are all on-hand Vietnamese applications currently triggered as "High Risk" and are separate to both lists compiled for Maintenance of the law group however there may be cross-over.

³ Refer to Risk Brief RV-RB-2023_107 Risk overview of the Vietnam Accredited Employer Work Visa market.

⁴ Refer to RV-RB-2023_107

⁵ Refer to RV-RB-2023_107 "Only 4% of Vietnamese AEWV applications are submitted outside of Vietnam itself, with the vast majority of the remainder submitted in Vietnam."

⁶ Refer to Appendix B for a draft warning

IN CONFIDENCE

- NSFS prepared to highlight the system error that led to the risk rule not triggering [complete including cross check with BAT]
- Terms of Reference to be prepared re the findings to date on the PoW; DoW applications sampled and recommended next steps [in progress].

IN CONFIDENCE

APPENDICES

Appendix A

Maintenance of the law



Maintenance of the law

Appendix B

Wording for Information Warnings for Dependents of Workers employed by companies under Investigation under Maintenance of the law or that are part of the Maintenance of the law. Highlighted section added as this is not included in the warning for Maintenance of the law Dependents.

Suggested wording for partners / dep child with an application in process:⁷

This customer's Partner of a Worker application is supported by WV holder whose employment may be in doubt. There are indicators the WV holder may have had their employment terminated during the first 90 days of employment **or that it may not have been genuine.**

ACTIONS:

Please request updated evidence that the WV holder is currently employed and meets the income requirements.

Instructions at WF3.1.5(a) and (b) require that the WV holder partner IS paid the required income and WF3.1.5(d) requires that the remuneration continues to be met for the duration of the employment.

⁷ This wording is similar to the warning proposed for dependents of workers associated with Maintenance of the law

ADMINISTRATION

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Document Control

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1.0	17/07/2023	Privacy of natural persons	Creation of Draft
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1.3	03/08/2023	Privacy of natural persons	Updated in light of decisions re management of PoW; DoW re Maintenance of the law Supporting NSFS prepared.

Dissemination List

- Privacy of natural persons Head of Operations (Hamilton)
- Privacy of natural persons Head of Operations (Christchurch)
- Practice Leads (Christchurch, Hamilton)
- Risk and Verification teams onshore and Bangkok
- Business Analytics and Triage

Link to shared location

<https://mako.wd.govt.nz/otcs/llisapi.dll?func=ll&objId=116820364&objAction=browse&viewType=1>

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