



Terms of Reference – RMR of AEWV applications subject to interim approach to processing

DATE	29 August 2022
PRIMARY CUSTOMER(S)	National Manager Risk and Verification – V&C National Manager Business – BVO Manager Onshore Risk – V&C
PREPARED BY	Privacy of natural persons – Technical Specialist (R&V), V&C
DUE DATE	Weekly until end of September 2022
BACKGROUND¹	<p>The Accredited Employer Work Visa (AEWV) is the new temporary work visa policy designed to replace all other employer-supported work visas. Due to a tight labour market and skill shortages in most sectors, it has been decided that INZ will take a facilitative, “educate over enforce,” approach to smooth the transition to the new policy. For some migrants this will mean information provided in the application form will be accepted at face value.</p> <p>The Deputy Secretary will communicate a general instruction as to the manner of processing these applications under section 26(4) of the Immigration Act 2009. Immigration officers are then lawfully bound to follow this instruction.</p> <p>The streamlined approach to processing covered in the general instruction is covered in Appendix One.</p> <p>Targeted post-decision risk monitoring and review (RMR) activity</p> <p>Targeted RMR will be conducted across a sample of the decisions made during the period of this initiative. This will inform regular updates to the Immigration Leadership Team (ILT) on any immigration risks that may arise.</p>
PURPOSE	The purpose of this post-decision review activity is to provide regular updates and a substantive summary report to the Immigration Leadership Team on any immigration risks that may arise because of the interim streamlining approach to processing AEWV. Reporting is also expected to communicate whether over-verification of AEWV is still taking place, despite the general instruction.

¹ Material drawn from memo: 20220819 Operational Levers to Enhance AEWV processing DS, 19 August 22, unsigned.



**IMMIGRATION
RISK/HARM**

Verification of cohorts that are not permitted under the streamlined approach would undermine both the legally mandated direction of the Deputy Secretary Immigration, as well as efforts to facilitate international recruitment for employers and industries experiencing a tight labour market.

Alternatively, if there are some adverse results due to streamlined risk management approaches, there may be potential reputational and political risks. The potential HARM of this risk is low overall, as the revised risk approach is for a time bound period and retains targeted risk management for higher risk cohorts. This is supported by the RMR process which is likely to provide early insights on any unintended risks that may arise.

**PRIORITY – INZ
TOP THREE**

AEWV is rated as first of INZ’s top three priorities. This proposed RMR activity will directly support the processing and risk management objectives for this policy.

R&V PRIORITIES

AEWV policy as above.

BENEFITS

This RMR activity will keep ILT informed of any unintended consequences due to the new approach, including immigration risks and efforts that run counter to the general instruction.

SCOPE

In Scope

- Decided AEWV applications during the period the general instruction will cover. Within this, there will be a representative selection based on 95 per cent confidence interval and 5 per cent margin of error, within each population group of interest.
- Targeted review of:

- Maintenance of the law
 - [Redacted]
 - [Redacted]
 - [Redacted]
- [Redacted]
 - [Redacted]
 - [Redacted]
 - [Redacted]

- Worker eligibility verification – compliance with SOP guidance for relevant triage rating.
- Roles treated as low risk despite higher triage level:

Maintenance of the law

- High risk applications - start with quick check, approval from TA for intermediate verification.
- Risks identified that were not treated due to streamlining guidance



Out of Scope

- Other aspects of AEWV policy, such as identity, health, and character unless these are in the context of risk rules.

COLLECTION OF INFORMATION

Initially, R&V will be able to pull the relevant weekly data sources from SAS Visual Analytics (SAS VA) and combine them within the RMR generating spreadsheet. These report sources are the *UAT Employer Accreditation Overview* and the *Triage and Verification* reports. This will provide AEWV and triage data respectively. This will be used as the basis of the review. Examples are available in Appendix Two.

R&V will also seek data from OTI Performance & Reporting (P&R) to ensure a more durable solution. P&R would on a weekly basis, data match triage data from existing reports. Alternatively, there is an opportunity for P&R to update the existing *Employer Accreditation* report with triage level and nationality instead of producing a custom report weekly.

In line with common practice and to ensure representative sampling, selection will be based on a 95% confidence level with a 5% margin of error. JTA has recommended to also apply a stratified sampling approach where applications are grouped by the 4 triage levels as well as the other known interest groups to extract the samples from each of those sub-groups. The RMR spreadsheet will generate these samples from supplied weekly data and structure these ready for RMR activity.

The interest groups present in the metadata, and the columns of data to be pulled are covered in Appendix Three.

Review and calibration of selection criteria:

- o Noting that AEWV is a new visa type, we will build a better picture of issues in the population groups over time. To support this, there will be a review point after each week, to ensure that the selection criteria are still suitable and to allow for any calibration required.

Insight data gathering:

- o RMR fields will include targeted questions that address the 'In Scope' criteria.
- o Those completing RMR will be able to quickly identify within the context of triage level, whether streamlined approaches should have applied, based on information in columns relating to Accreditation Type, ANZIC L1 (Health and Education sector), Green list, or ANZSCO Description (inferring registered occupations), as well as a manual check of remuneration.



	<ul style="list-style-type: none"> ○ Issues relating to risks that were missed due to streamlining, will be categorised for analysis.
COST	<ul style="list-style-type: none"> - Verification Officers to undertake RMR checks on the sample data. This will require up to 3 x FTE Verification Officers each week. - The current IRMR question set will need to be adapted to focus on the specific risks for this activity. It is estimated this will take the Business Analyst two days. - High level findings to be presented as bullet points, as well as a final report at the conclusion of the initiative. Estimated templates/structure for the report will take up to one day with the bullet points to take no more than an hour.
RISKS	There is a risk that any sample will not capture all adverse 'risk indicators' (such as non-compliance employment agreements)
MITIGATIONS	The potential HARM of this risk is low overall, as the sampling will be representative and should ensure sufficient surfacing of adverse indicators. R&V should also be able to obtain and report various qualitative insights even during low decision weeks. Combined with regular reporting, this should allow ILT to identify and respond to any risk indicators as they arise.
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OUTCOME OF CONSULTATION	<ul style="list-style-type: none"> ○ All feedback incorporated into ToR.
MANAGER	Privacy of natural persons Practice Lead (R&V), V&C



Appendix One

The following streamlined approach to processing will apply during the period covered by the general instruction:

- 1. All applications must continue to meet identity, health, and character components of the work visa application.**
- 2. Job check validation**

For all applications, the INZ job check approval letter will be used to ensure that:

- 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 rate of pay is within the range declared by the employer in the job check;
- The hours of work are the same as declared by the employer in the job check.

For the following categories, the key points above should be checked against the same details in the provided employment agreement signed by the applicant. Further verification should only be carried out if there are other risks evident because of this check. This applies to employees:

- of triangular employers including labour hire companies;
- of franchise business models;
- whose remuneration includes a piece rate component;
- whose applications trigger an alert or warning or for whom INZ holds adverse information.

3. Worker eligibility

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.

4. Risk rules

The following applications will be treated as low risk despite triaging:

- Health and education roles;
- All roles that require registration;
- All tier 1 Green List roles;
- All migrants paid at 200 per cent of the median wage.

High risk applications (unless part of the exception above) should begin with quick verification and only proceed to intermediate verification after consultation with a technical advisor.

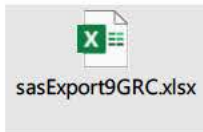
Low risk and medium risk rules should continue to be treated as they currently are. Low risk applications do not require any verification unless a specific risk is identified. Medium risk by default triage rules do not have specific concerns, so can be accepted at face value, and do not require any



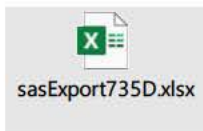
verification. Medium risk by rule triage has specific concerns, so while these may be treated at face value, they may also require verification.

Appendix Two

Example data set from SAS VA report – *UAT Employer Accreditation Overview, selected 24 August 22*



Example data set from SAS VA report – *Triage and Verification, selected 25 August 22*



Memo: *20220819 Operational Levers to Enhance AEVW processing DS, 19 August 22, unsigned.*



Appendix Three

The interest groups present in metadata would be those informing the in-scope groups:

Job check validation cohorts

1. Employer holds standard accreditation
2. Employer holds high volume accreditation
3. Employer holds franchise accreditation
4. Employer holds triangular accreditation

Occupations treated as low risk despite triage level

Maintenance of the law

Occupations not treated as low risk despite triage level

All roles not defined above

Columns will include:

- Adept AN



- AMS AN
- Applicant ADEPT client number
- Client Status
- ANZIC L1
- ANZSCO Description
- Organisation name
- Employer ADEPT number
- Accreditation Type
- JC Application Id
- Green list
- Auto_Adept_Decision
- decision_date_entered
- Triaged risk level
- Citizenship

Administration

Document Control

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