

Global Process Manual

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Assess Employer Accreditation

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Assess viable and genuinely operating business/organisation

When to use

When the ADEPT system has indicated that there are manual tasks to perform to assess whether an employer meets the viable and genuinely operating business or organisation requirements as set out in the employer accreditation instructions.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form completed by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities.

Context

Employer accreditation applications will be case managed (rather than activity based) by immigration officers, assessing the whole application for an employer. Some parts of the application will be automatically assessed, with activities raised by ADEPT for immigration officers to manually assess.

The steps in this SOP include:

- assessing whether an employer meets the requirements for accreditation, as set out in the Employer Accreditation Instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Steps

1. Employer is a partnership or sole trader and the partners or sole trader are bankrupt or subject to a No Asset Procedure.

- This activity is triggered by the ADEPT system check with information from the Insolvency register.
- Confirm that the sole trader, partner in a general partnership or general partner in a limited partnership applying for accreditation are the same as person listed on the insolvency register. This may include information:
 - in ADEPT and AMS
 - on the NZBN websites
 - on the Insolvency register website
 - by raising a risk request with Risk and Verification to confirm with the Insolvency and Trustee Service

If...	Then...
It is likely the sole trader or partner is the same as that listed on the insolvency register as being bankrupt or subject to an NAP	Go to PPI SOP .
the sole trader or partner is not the same as that listed on the insolvency register as being bankrupt or subject to an NAP	Record in notes for this activity in ADEPT (see ADEPT User Guide) that this has been checked and found that the sole trader/partner is not the same as the person listed in the

	insolvency register
	Continue processing the application.

2. Employer (organisation) is not insolvent

- Confirm with the employer’s appointed contact (as provided in the accreditation application form) as to whether the employer wants to continue with the application.
- If the employer is insolvent request financial documentation from the employer.
- Check which financial requirement the employer declared they would meet:
 - not made a loss for the previous 24 month; or
 - positive cash flow for the previous six months; or
 - sufficient capital or funding to remain viable and ongoing; or
 - a minimum two-year plan to remain viable and ongoing.
- Request the financial documentation from the employer. If it’s unclear which documents to request, see advice from a Technical Advisor, it’s likely that financial documentation could include:
 - Evidence of capital or funding
 - Cash-flow or revenue forecasts
 - Contracts for work
 - GST returns
- Review the documents to determine whether the employer is viable and ongoing (see step 4 below).

3. Employer is not registered as an employer with the IRD

- If the employer has not provided an IRD number in the application form, request this from the employer. The employer needs to be registered as an employer with IRD.
- Ask the employer for evidence that they are registered as an employer with IRD. This could be correspondence from IRD, a print-out or a screenshot that includes evidence of paying employees (e.g. Payday filing).

If...	Then...
employer is registered as an employer with IRD	Note that the employer meets this requirement in ADEPT (see ADEPT User Guide)
employer is <i>not</i> registered as an employer with IRD	Go to PPI SOP .

4. Employer is profitable, has positive cashflow, sufficient capital or a 2-year plan to remain viable and ongoing

- This activity is triggered by:
 - the employer having been operating for less than 12 months
 - system identified immigration risk indicators for financial risk
- Review any evidence provided in the employer accreditation application form.

If...	Then...
employer has indicated that they have <i>not</i> made a loss over the last 24 months	Review financial evidence provided by the employer. To assess this requirement the employer needs to have provided an annual report (or profit and loss statements) and GST returns if partway through a financial year. Verify whether the Net profit is 0 or more.

	<p style="text-align: center;">Cassino Replicas Limited Statement of Financial Performance for the year ended 31 March 20XX</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: right;">This Year</th> <th style="text-align: right;">Last Year</th> </tr> </thead> <tbody> <tr> <td>Revenue</td> <td></td> <td></td> </tr> <tr> <td>Sales</td> <td style="text-align: right;">5,390,000</td> <td style="text-align: right;">4,910,000</td> </tr> <tr> <td>less cost of goods sold</td> <td style="text-align: right;">3,400,000</td> <td style="text-align: right;">3,200,000</td> </tr> <tr> <td>Gross Profit</td> <td style="text-align: right;">1,990,000</td> <td style="text-align: right;">1,710,000</td> </tr> <tr> <td>Expenses</td> <td></td> <td></td> </tr> <tr> <td>Advertising</td> <td style="text-align: right;">250,000</td> <td style="text-align: right;">220,000</td> </tr> <tr> <td>Salaries</td> <td style="text-align: right;">400,000</td> <td style="text-align: right;">380,000</td> </tr> <tr> <td>Stationary</td> <td style="text-align: right;">9,500</td> <td style="text-align: right;">9,300</td> </tr> <tr> <td>Insurance</td> <td style="text-align: right;">3,500</td> <td style="text-align: right;">3,500</td> </tr> <tr> <td>Telecom</td> <td style="text-align: right;">25,000</td> <td style="text-align: right;">24,000</td> </tr> <tr> <td>Depreciation</td> <td style="text-align: right;">23,000</td> <td style="text-align: right;">23,000</td> </tr> <tr> <td>Total expenses</td> <td style="text-align: right;">711,000</td> <td style="text-align: right;">659,800</td> </tr> <tr> <td>Net Profit</td> <td style="text-align: right;">1,279,000</td> <td style="text-align: right;">1,050,200</td> </tr> </tbody> </table> <p>For periods not covered by the annual report/financial statements. Check whether GST in recent GST returns is consistent with the GST reported in the annual report.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • The organisation is not making a loss (continue processing the application) • The organisation is making a loss. Go to PPI SOP 		This Year	Last Year	Revenue			Sales	5,390,000	4,910,000	less cost of goods sold	3,400,000	3,200,000	Gross Profit	1,990,000	1,710,000	Expenses			Advertising	250,000	220,000	Salaries	400,000	380,000	Stationary	9,500	9,300	Insurance	3,500	3,500	Telecom	25,000	24,000	Depreciation	23,000	23,000	Total expenses	711,000	659,800	Net Profit	1,279,000	1,050,200
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<p>employer has indicated that they have a positive cashflow for each of the last six months</p>	<p>Review cashflow statement, (or year-to-date or profit and loss statement) and GST and PAYE or payday filing provided by the employer to establish whether for each of the last six months:</p> <ul style="list-style-type: none"> • the income is higher than the expenses for the organisation. <p>Outcomes include:</p> <ul style="list-style-type: none"> • The organisation positive cash flow (continue processing the application) • The organisation has 0 or negative cashflow. Go to PPI SOP 																																										
<p>employer has indicated that they have sufficient capital and/or external investment to remain viable and ongoing</p>	<p>Please see guidance on financial sustainability below this table (financial sustainability is equivalent to an assessment of whether an organisation is likely to remain viable and ongoing).</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • The organisation has sufficient capital or external investment to remain ongoing (continue processing the application) • The organisation does not have sufficient capital or external investment to remain ongoing. Go to PPI SOP 																																										
<p>employer has indicated that they have a credible, minimum two-year plan to remain viable and ongoing</p>	<p>Please see guidance on financial sustainability below this table (this is equivalent to an assessment of whether an organisation is likely to remain viable and ongoing).</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • The organisation is likely to remain ongoing (continue processing the application) • The organisation is not likely to remain ongoing. Go to PPI SOP 																																										

See links for guidance and training on assessing financial information:

- [New companies](#)
- [Genuine and viable business](#)
- [Guide for assessing business genuineness and viability](#)
- [Financial sustainability risk calculator](#)
- [Training on business sustainability/genuineness and viability](#)
- [Training on new companies – risk assessment](#)
- [Training on business structures](#)

If you need additional advice please contact your branch Technical Advisor, or a Senior Financial Business Advisor.

5. Employer is not a viable and genuinely operating business or organisation

- This activity is triggered by the employer declaring that they do not have a physical or online presence.

- Raise a risk activity in the ADEPT system (see [ADEPT User Guide](#)). Request financial assessment (step 4 directly above).

Note: this is not a requirement in Immigration Instructions. If an employer does not have a physical or online presence we cannot decline an application. It is however a risk indicator to assess whether the organisation is profitable, has positive cashflow, sufficient capital or a credible 2-year plan to remain viable and ongoing.

6. New Zealand is not the primary place of established residence for the sole trader (person), or at least one partner or trustee

- This activity will be triggered by an employer’s response on the employer accreditation application form or an alert or warning. This might also be identified during post-decision risk management activities.
- Confirm whether at least one partner or trustee or the partnership or trust has not recently spent 273 days in New Zealand in the previous 12-month period. This may include confirming with the sole trader or partner, by raising a risk activity in ADEPT for advice and verification by the Risk and Verification team.

If...	Then...
New Zealand is not the primary place of established residence for the sole trader or at least one partner in a partnership or one trustee in a trust	Go to PPI SOP .
New Zealand is the primary place of established residence for the sole trader or at least one partner in a partnership or one trustee in a trust	Continue processing the application.

END

See Also

- [Assess Employer Accreditation](#)
- [Assess risk and general requirements for Employer accreditation](#)
- [Assess Employer compliance](#)
- [Assess settlement activities](#)
- [Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions](#)

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Assess requirements for employers using triangular employment arrangements

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Assess organisations Accredited Employer Work Visa (AEWV) holders can be placed with

(For assessing employers who place Accredited Employer Work Visa holders in triangular employment arrangements)

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The employer is requesting accreditation for employers who use triangular employment arrangements. The employer has met the generic requirements for employer accreditation. The immigration officer is ready to assess the section of the application that is related to the requirements they need to meet for using triangular employment arrangements.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form submitted by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities
- Assess viable and genuinely operating business

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, by assessing the whole application for an employer. The ADEPT system will carry out automatic checks with other agencies information and INZ watchlists. All activities for employer place AEWV holders with other organisations will be manually assessed by immigration officers.

The steps in this standard operating procedure include:

- assessing an application to determine whether the employer meets the Employer Accreditation instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and BRE.

Steps

1. Employer is not using a triangular employment arrangement as defined by WA2.60.15

- An employer's employment arrangements must meet the definition in WA2.60.15 of the INZ Operational Manual. This is that:
 - a triangular employment arrangement is when a direct employer (who is named on the employment agreement) places an employee with a controlling third party. The employee is employed by the direct employer but works under another business or organisation that directs or controls the employee's day-to-day work (the controlling third party).
 - a controlling third party means an entity or person who:
 - has a contract or other arrangement with an employer, contractor or sub-contractor, under which an employee performs work for the benefit of that entity or person; and
 - exercises, or is entitled to exercise, control or direction over the employee that is similar to the control or direction that the employer exercises in relation to the employee.
 - employers using triangular employment arrangements include, but is not limited to:
 - labour hire employers; and
 - other employment agencies who send employees on work assignments to a controlling third party (including labour-for-hire, labour-on-temping and contingent labour employers, and employers that place workers with sub-contractors); and
 - employers who send employees on secondments to a controlling third party; and

- parent, group or umbrella companies who place their employees with a controlling third party, such as a subsidiary company that is a separate legal entity.
- Consider whether the employer meets this definition. This could include considering whether the employer is a chain store or large single legal entity where all branches are part of the same legal entity, and therefore have the same NZBN. Check [NZBN details](#).

If...	Then...
The employer using a triangular employment arrangement defined by WA2.60.15	Continue processing application
The employer is not using a triangular employment arrangement defined by WA2.60.15	Go to PPI SOP (see link)

2. Assess employer will place AEWV holders with an organisation who does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)

- Where the employer has indicated on their employer accreditation application form that they will not only place AEWV holders with organisations that do not have an NZBN or a foreign diplomatic mission or consulate, consider:
 - Whether there is enough information to make a decision about whether the employer meets the requirements in WA2.20.1(a)(i) of the Employer Accreditation Instructions
 - requesting more details to confirm whether the employer will place AEWV holders with an organisation that:
 - does not have an NZBN, and
 - is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate).

If...	Then...
The employer will not place AEWV holders with an organisation that does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)	Review the plan and processes provided for how the employer will check that organisations it intends to place AEWV holders with have an NZBN, or are a foreign diplomatic or consular mission. Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check the NZBN website and/or the MFAT list of foreign diplomatic or consular missions. Outcomes include: Continue processing application Go to PPI SOP
The employer will place AEWV holders with an organisation that does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)	Go to PPI SOP

3. Employer will place AEWV holders with an organisation who is on the Labour Inspectorate stand down list

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation who is on the list of non-compliant employers held by the Labour Inspectorate (the Labour Inspectorate stand down list), consider whether:
 - there is enough information to make a decision about whether the employer meets the requirement in WA2.20.1(a)(ii) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation that is listed on the Labour Inspectorate stand down list.

If...	Then...
The employer will not place AEWV holders with an organisation who is on the Labour Inspectorate stand down list	Review the plan and processes provided for how the employer will check that organisations it intends to place AEWV holders with are not on the Labour Inspectorate stand down list.

stand down list	<p>listed on the Labour Inspectorate stand down list.</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the organisation is included on the Labour Inspectorate stand down list.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation who is on the Labour Inspectorate stand down list	Go to PPI SOP

4. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons are subject to an ineligible stand down period for specific offences under the Immigration Act 2009 as set out in WA2.10.10(b)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or that it or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b) includes offences under sections 342(1)(a), 343(1)(d), 344(d), 347 or 350(1)(a) of the Immigration Act 2009, where the penalty was a fine only. (The corresponding stand-down periods for immigration offences are set out in Appendix 11 of the INZ Operational Manual). Consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared that its key persons are subject to an ineligible stand down period as set out in WA2.10.10(b) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key person is subject to an ineligible stand down period as set out in WA2.10.10(b) of the Employer Accreditation Instructions

If...	Then...
The employer will not place AEWV holders with an organisation that has declared that it, or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b)	<p>Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with is subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation that has declared that it, or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b)	Go to PPI SOP

5. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons have received a prison sentence for offences under the Immigration Act 2009 as set out in WA2.10.10(f)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f) consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared that its key persons received a prison sentence for specific offences set out in WA2.10.10(f) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key person received a prison sentence as set out in WA2.10.10(f) of the Employer Accreditation Instructions.

If...	Then...
The employer will not place AEWV holders with an organisation that that has declared that it, or any	Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders

<p>of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f)</p>	<p>with as to whether the organisation or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f)</p>	<p>Go to PPI SOP</p>

6. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons have been convicted of the specific under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g), consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared th key persons have been convicted of offences set out in WA2.10.10(g) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key perso been convicted of specific offences as set out in WA2.10.10(g) of the Employer Accreditation Instructions
- Offences listed in WA2.10.10(g) are:
 - sections 343(1)(a), 345, 348, 342(1)(h), 351 the Immigration Act 2009; or
 - sections 98, 98C or 98D of the Crimes Act 1961.

if...	Then...
<p>The employer will not place AEWV holders with an organisation that that has declared that it, or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)</p>	<p>Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with as to whether the organisation or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)</p>	<p>Go to PPI SOP</p>

7. Employer will place AEWV holders with an organisation who has declared that it, or any of its key persons are aware of any cases pending, prosecuti underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation that has declared that it or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in l meet WA2.20.1(a)(ii) or (iii), consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared th key persons have any cases pending, prosecutions underway or investigations, if proven would result in failure to meet WA2.20.1(a)(ii) or (iii) of Employer Accreditation Instructions

employer Accreditation instructions

- to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that who has declared its key persons have any cases pending, prosecutions underway or investigations, if proven would result in failure to meet WA2.20.1(a)(ii) or (iii) Employer Accreditation Instructions
- Requirements in WA2.20.1(a)(ii) or (iii) of the Employer Accreditation Instructions include not:
 - being listed on the Labour Inspectorate stand down list; or
 - being subject to stand down periods for specific immigration offences that have resulted in a fine only; or
 - having received a prison sentence for specific immigration offences; or
 - having been convicted of specific offences under the Immigration Act 2009 or the Crimes Act 1961.

If...	Then...
The employer will not place AEWV holders with an organisation that that has declared that it, or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)	Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with as to whether the organisation or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii). Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation. Outcomes include: <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)	Go to PPI SOP

8. Employer will place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified

- Where the employer has indicated on their employer accreditation application form that they will place AEWV holders will place AEWV holders with organisation who has not agreed with the employer:
 - that INZ may conduct a site to their organisation; and
 - to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified
 consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has not for INZ to conduct a site visit and has not agreed to provide the employer with records of placement details for AEWV holders
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has not agreed for INZ to conduct a site visit and has not agreed to provide the employer with records of placement details for AEWV holders.

If...	Then...
The employer will not place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation, and has not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified	<ul style="list-style-type: none"> • Review the plan and processes provided for how the employer will obtain agr from the organisation: <ul style="list-style-type: none"> • that INZ may conduct a site to their organisation; and • to provide them with records detailing placement information for the AEW holders placed with the organisation, including, but not limited to starting finishing dates, hours worked, locations of work and employment or safet identified.

	<p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to ensure they employer intends to obtain written agreement from the organisation, or have these requirements set out in terms of business between the employer and organisation where AEWV holders will be placed.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation, and has not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified</p>	<p>Go to PPI SOP</p>

9. RENEWAL: Employer has not complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20.1

- This activity is triggered by an employer responding on the employer accreditation application form or identified by an immigration officer while processing the employer’s renewal application.
- Consider whether the employer placed AEWV holders with an organisation who:
 - did not have an NZBN, or is not a foreign diplomatic mission or consulate
 - was not included on a list of non-compliant employers for breaches of employment standards maintained by the Labour Inspectorate, as set out in Appendix 10 of the INZ Operational Manual
 - did not declare that it, or any of its key persons:
 - were not subject to any ineligible stand-down period for specific offences under the Immigration Act 2009, as set out in WA2.10.10(b) of the INZ Operational Manual, or
 - had not received a prison sentence for the specific offences under the Immigration Act 2009, as set out in WA2.10.10(f) of the INZ Operational Manual, or
 - had not been convicted of the specific offences under the Immigration Act 2009, as set out in WA2.10.10(g) of the INZ Operational Manual
 - did not declare that it, or any of its key persons were not aware of any cases pending, prosecutions underway, or investigations, which if proven result in not meeting WA2.20.1(a)(ii) or (iii) of the INZ Operational Manual
 - did not agree with the employer that INZ may conduct a site visit to their organisation
 - did not agree with the employer to provide them with records detailing placement information for the Accredited Employer work visa holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified.
- This may include, but is not limited to, reviewing information from the employer about which organisations AEWV holders are placed with, including entity name and NZBN, information in AMS and ADEPT and held by the Labour Inspectorate (e.g. the Labour Inspectorate stand-down list).

If..	Then...
<p>An employer has complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20(1)(a)</p>	<p>Continue processing application</p>
<p>An employer has not complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20(1)(a)</p>	<p>Consider whether the employer has rectified and addressed the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again in future.</p>

- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again in the future.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified non-compliance, and whether

took appropriate action as per WA2.20 of the INZ Operational Manual.

- has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation.
- can satisfy INZ that the non-compliance won't happen in future. This could include:
 - considering how many AEWV holders were placed with non-compliant organisations
 - considering how many non-compliant organisations AEWV were placed with
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have not been placed with compliant organisations
 - an assessment of whether the processes and procedures are adequate and being followed by the employer to ensure that all future AEWV holders will not be placed with non-compliant organisations.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has not rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and ADEPT User Guide).

END

See Also

- [Assess requirements for employers using triangular employment arrangements](#)
- [Assess monitoring the employment and safety conditions of employees in triangular employment arrangements](#)
- [Assess responding appropriately to issues](#)
- [Assess placing New Zealand citizens and residents in work](#)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Global Process Manual

You are here: [Accredited Employer](#) > [Employer Accreditation](#) > [Assess requirements for emp...](#)

Assess organisations Accredited Employer Work Visa (AEWV) holders can be placed with

(For assessing employers who place Accredited Employer Work Visa holders in triangular employment arrangements)

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The employer is requesting accreditation for employers who use triangular employment arrangements. The employer has met the generic requirements for employer accreditation. The immigration officer is ready to assess the section of the application that is related to the requirements they need to meet for using triangular employment arrangements.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form submitted by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities
- Assess viable and genuinely operating business

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, by assessing the whole application for an employer. The ADEPT system will carry out automatic checks with other agencies information and INZ watchlists. All activities for employer place AEWV holders with other organisations will be manually assessed by immigration officers.

The steps in this standard operating procedure include:

- assessing an application to determine whether the employer meets the Employer Accreditation instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and BRE.

Steps

1. Employer is not using a triangular employment arrangement as defined by WA2.60.15

- An employer's employment arrangements must meet the definition in WA2.60.15 of the INZ Operational Manual. This is that:
 - a triangular employment arrangement is when a direct employer (who is named on the employment agreement) places an employee with a controlling third party. The employee is employed by the direct employer but works under another business or organisation that directs or controls the employee's day-to-day work (the controlling third party).
 - a controlling third party means an entity or person who:
 - has a contract or other arrangement with an employer, contractor or sub-contractor, under which an employee performs work for the benefit of that entity or person; and
 - exercises, or is entitled to exercise, control or direction over the employee that is similar to the control or direction that the employer exercises in relation to the employee.
 - employers using triangular employment arrangements include, but is not limited to:
 - labour hire employers; and
 - other employment agencies who send employees on work assignments to a controlling third party (including labour-for-hire, labour-on-temping and contingent labour employers, and employers that place workers with sub-contractors); and
 - employers who send employees on secondments to a controlling third party; and

- parent, group or umbrella companies who place their employees with a controlling third party, such as a subsidiary company that is a separate legal entity.
- Consider whether the employer meets this definition. This could include considering whether the employer is a chain store or large single legal entity where all branches are part of the same legal entity, and therefore have the same NZBN. Check [NZBN details](#).

If...	Then...
The employer using a triangular employment arrangement defined by WA2.60.15	Continue processing application
The employer is not using a triangular employment arrangement defined by WA2.60.15	Go to PPI SOP (see link)

2. Assess employer will place AEWV holders with an organisation who does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)

- Where the employer has indicated on their employer accreditation application form that they will not only place AEWV holders with organisations that do not have an NZBN or a foreign diplomatic mission or consulate, consider:
 - Whether there is enough information to make a decision about whether the employer meets the requirements in WA2.20.1(a)(i) of the Employer Accreditation Instructions
 - requesting more details to confirm whether the employer will place AEWV holders with an organisation that:
 - does not have an NZBN, and
 - is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate).

If...	Then...
The employer will not place AEWV holders with an organisation that does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)	Review the plan and processes provided for how the employer will check that organisations it intends to place AEWV holders with have an NZBN, or are a foreign diplomatic or consular mission. Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check the NZBN website and/or the MFAT list of foreign diplomatic or consular missions. Outcomes include: Continue processing application Go to PPI SOP
The employer will place AEWV holders with an organisation that does not have an NZBN, and is not a foreign diplomatic or consular mission (such as an Embassy, High Commission or Consulate)	Go to PPI SOP

3. Employer will place AEWV holders with an organisation who is on the Labour Inspectorate stand down list

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation who is on the list of non-compliant employers held by the Labour Inspectorate (the Labour Inspectorate stand down list), consider whether:
 - there is enough information to make a decision about whether the employer meets the requirement in WA2.20.1(a)(ii) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation that is listed on the Labour Inspectorate stand down list.

If...	Then...
The employer will not place AEWV holders with an organisation who is on the Labour Inspectorate stand down list	Review the plan and processes provided for how the employer will check that organisations it intends to place AEWV holders with are not on the Labour Inspectorate stand down list.

stand down list	<p>listed on the Labour Inspectorate stand down list.</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the organisation is included on the Labour Inspectorate stand down list.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation who is on the Labour Inspectorate stand down list	Go to PPI SOP

4. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons are subject to an ineligible stand down period for specific offences under the Immigration Act 2009 as set out in WA2.10.10(b)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or that it or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b) includes offences under sections 342(1)(a), 343(1)(d), 344(d), 347 or 350(1)(a) of the Immigration Act 2009, where the penalty was a fine only. (The corresponding stand-down periods for immigration offences are set out in Appendix 11 of the INZ Operational Manual). Consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared that key persons are subject to an ineligible stand down period as set out in WA2.10.10(b) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key person subject to an ineligible stand down period as set out in WA2.10.10(b) of the Employer Accreditation Instructions

If...	Then...
The employer will not place AEWV holders with an organisation that has declared that it, or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b)	<p>Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with is subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation that has declared that it, or any of its key persons are subject to an ineligible stand down period under the Immigration Act 2009 as set out in WA2.10.10(b)	Go to PPI SOP

5. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons have received a prison sentence for offences under the Immigration Act 2009 as set out in WA2.10.10(f)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f) consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared that key persons received a prison sentence for specific offences set out in WA2.10.10(f) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key person received a prison sentence as set out in WA2.10.10(f) of the Employer Accreditation Instructions.

If...	Then...
The employer will not place AEWV holders with an organisation that that has declared that it, or any	Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders

<p>of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f)</p>	<p>with as to whether the organisation or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons have received a prison sentence for specific offences under the Immigration Act 2009 as set out in WA2.10.10(f)</p>	<p>Go to PPI SOP</p>

6. Assess employer will place AEWV holders with an organisation who has declared that it, or any of its key persons have been convicted of the specific under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation where organisation or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g), consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared th key persons have been convicted of offences set out in WA2.10.10(g) of the Employer Accreditation Instructions
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that it or its key perso been convicted of specific offences as set out in WA2.10.10(g) of the Employer Accreditation Instructions
- Offences listed in WA2.10.10(g) are:
 - sections 343(1)(a), 345, 348, 342(1)(h), 351 the Immigration Act 2009; or
 - sections 98, 98C or 98D of the Crimes Act 1961.

if...	Then...
<p>The employer will not place AEWV holders with an organisation that that has declared that it, or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)</p>	<p>Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with as to whether the organisation or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g).</p> <p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation or have this included in any terms of business documentation.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons have been convicted of the specific offences under the Immigration Act 2009 or the Crimes Act 1961 set out in WA2.10.10(g)</p>	<p>Go to PPI SOP</p>

7. Employer will place AEWV holders with an organisation who has declared that it, or any of its key persons are aware of any cases pending, prosecuti underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)

- Where the employer has indicated on their employer accreditation application form that they may place AEWV holders with an organisation that has declared that it or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in l meet WA2.20.1(a)(ii) or (iii), consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has declared th key persons have any cases pending, prosecutions underway or investigations, if proven would result in failure to meet WA2.20.1(a)(ii) or (iii) of Employer Accreditation Instructions

employer Accreditation instructions

- to request more details to confirm whether the employer will place AEWV holders with an organisation who has declared that who has declared its key persons have any cases pending, prosecutions underway or investigations, if proven would result in failure to meet WA2.20.1(a)(ii) or (iii) Employer Accreditation Instructions
- Requirements in WA2.20.1(a)(ii) or (iii) of the Employer Accreditation Instructions include not:
 - being listed on the Labour Inspectorate stand down list; or
 - being subject to stand down periods for specific immigration offences that have resulted in a fine only; or
 - having received a prison sentence for specific immigration offences; or
 - having been convicted of specific offences under the Immigration Act 2009 or the Crimes Act 1961.

If...	Then...
The employer will not place AEWV holders with an organisation that that has declared that it, or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)	Review the plan and processes provided for how the employer will obtain a declaration from the organisation it intends to place AEWV holders with as to whether the organisation or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii). Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to check whether the declaration provided by the organisation, or have this included in any terms of business documentation. Outcomes include: <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
The employer will place AEWV holders with an organisation that that has declared that it, or any of its key persons are aware of any cases pending, prosecutions underway, or investigations, which if proven, would result in failure to meet WA2.20.1(a)(ii) or (iii)	Go to PPI SOP

8. Employer will place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified

- Where the employer has indicated on their employer accreditation application form that they will place AEWV holders will place AEWV holders with organisation who has not agreed with the employer:
 - that INZ may conduct a site to their organisation; and
 - to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified
 consider whether:
 - there is enough information to make a decision about whether the employer will place AEWV holders with an organisation who has not for INZ to conduct a site visit and has not agreed to provide the employer with records of placement details for AEWV holders
 - to request more details to confirm whether the employer will place AEWV holders with an organisation who has not agreed for INZ to conduct a site visit and has not agreed to provide the employer with records of placement details for AEWV holders.

If...	Then...
The employer will not place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation, and has not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified	<ul style="list-style-type: none"> • Review the plan and processes provided for how the employer will obtain agr from the organisation: <ul style="list-style-type: none"> • that INZ may conduct a site to their organisation; and • to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting finishing dates, hours worked, locations of work and employment or safety identified.

	<p>Consider whether the plan and/or processes uploaded are sufficient to check all organisations. This would need to include a requirement to ensure they employer intends to obtain written agreement from the organisation, or have these requirements set out in terms of business between the employer and organisation where AEWV holders will be placed.</p> <p>Outcomes include:</p> <ul style="list-style-type: none"> • Continue processing application • Go to PPI SOP
<p>The employer will place AEWV holders with an organisation who has not agreed with the employer that INZ may conduct a site visit to their organisation, and has not agreed with the employer to provide them with records detailing placement information for the AEWV holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified</p>	<p>Go to PPI SOP</p>

9. RENEWAL: Employer has not complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20.1

- This activity is triggered by an employer responding on the employer accreditation application form or identified by an immigration officer while processing the employer’s renewal application.
- Consider whether the employer placed AEWV holders with an organisation who:
 - did not have an NZBN, or is not a foreign diplomatic mission or consulate
 - was not included on a list of non-compliant employers for breaches of employment standards maintained by the Labour Inspectorate, as set out in Appendix 10 of the INZ Operational Manual
 - did not declare that it, or any of its key persons:
 - were not subject to any ineligible stand-down period for specific offences under the Immigration Act 2009, as set out in WA2.10.10(b) of the INZ Operational Manual, or
 - had not received a prison sentence for the specific offences under the Immigration Act 2009, as set out in WA2.10.10(f) of the INZ Operational Manual, or
 - had not been convicted of the specific offences under the Immigration Act 2009, as set out in WA2.10.10(g) of the INZ Operational Manual
 - did not declare that it, or any of its key persons were not aware of any cases pending, prosecutions underway, or investigations, which if proven result in not meeting WA2.20.1(a)(ii) or (iii) of the INZ Operational Manual
 - did not agree with the employer that INZ may conduct a site visit to their organisation
 - did not agree with the employer to provide them with records detailing placement information for the Accredited Employer work visa holders placed with the organisation, including, but not limited to starting and finishing dates, hours worked, locations of work and employment or safety issues identified.
- This may include, but is not limited to, reviewing information from the employer about which organisations AEWV holders are placed with, including entity name and NZBN, information in AMS and ADEPT and held by the Labour Inspectorate (e.g. the Labour Inspectorate stand-down list).

If..	Then...
<p>An employer has complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20(1)(a)</p>	<p>Continue processing application</p>
<p>An employer has not complied with the requirement to only place an AEWV holder with organisations who meet the requirements of WA2.20(1)(a)</p>	<p>Consider whether the employer has rectified and addressed the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again in future.</p>

- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again in the future.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified non-compliance, and whether

took appropriate action as per WA2.20 of the INZ Operational Manual.

- has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation.
- can satisfy INZ that the non-compliance won't happen in future. This could include:
 - considering how many AEWV holders were placed with non-compliant organisations
 - considering how many non-compliant organisations AEWV were placed with
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have not been placed with compliant organisations
 - an assessment of whether the processes and procedures are adequate and being followed by the employer to ensure that all future AEWV holders will not be placed with non-compliant organisations.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has not rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and ADEPT User Guide).

END

See Also

- [Assess requirements for employers using triangular employment arrangements](#)
- [Assess monitoring the employment and safety conditions of employees in triangular employment arrangements](#)
- [Assess responding appropriately to issues](#)
- [Assess placing New Zealand citizens and residents in work](#)

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Global Process Manual

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Assess responding appropriately to issues

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The employer is requesting accreditation for employers who use triangular employment arrangements. The employer has met all the standard and high-volume accreditation requirements. The immigration officer is ready to assess the section of the application that is related to the requirements they need to meet for using triangular employment arrangements.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form submitted by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities
- Assess viable and genuinely operating business
- Assess organisations an AEWV holder can be placed with (for employers placing AEWV holders in triangular employment arrangements)
- Monitoring the employment and safety conditions of AEWV holders in triangular employment arrangements.

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, by assessing the whole application for an employer. The ADEPT system will carry out automatic checks with other agencies information and INZ watchlists. All activities raised by ADEPT for immigration officers will be manually assessed for employers who place AEWV holders with other organisations.

The steps in this standard operating procedure include:

- assessing an application to determine whether the employ meets the Employer Accreditation instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system, and BRE.

Steps

1. Employer does not have an informal disputes and complaints resolution process in place for issues that can be resolved early, are one-off or are unlikely to recur

- This step is triggered by the ADEPT system in response to an employer's response to questions in the employer accreditation application form, as to whether they have an informal disputes and complaints resolution process in place for issues that can be resolved early, are one off or unlikely to recur.
- Review the employer's informal disputes and complaints resolution process, that has been uploaded with their application form. The employer's process should include how they will investigate and resolve both informal and formal disputes.
 - a. The informal disputes and complaints resolution processes must include:
 - investigating the issues identified and recording findings of the investigation; and
 - working with Accredited Employer work visa holders and the organisations they are placed with to resolve the issues, where practicable; and
 - implementing actions and reviewing the organisations policies and processes to ensure they are effective to prevent the issues recurring; and
 - where issues cannot be resolved internally, seeking help from an external party, for example the Ministry of Business, Innovation and Employment's Early Resolution Service or Employment Mediation Services;

- b. Where a moderate issue (such as poor workplace culture or workplace bullying) has been identified, the employer must:
- promptly adhere to their disputes and complaints resolution processes to resolve the issue with the organisation the Accredited Employer is placed with; or
 - remove the Accredited Employer work visa holder from the organisation they are placed with as soon as practicably possible and not place any further Accredited Employer work visa holders with them until the issue has been resolved. This includes where the issue cannot be resolved, or where the employer chooses to remove the visa holder rather than resolve the issue with the organisation they are placed with.
- c. Where the issue or non-compliance affects more than one Accredited Employer work visa holder, those visa holders must also be removed from that organisation.

If...	Then...
<ul style="list-style-type: none"> • employer has an informal disputes and complaints resolution process in place for issues that can be resolved early, are one-off or are unlikely to recur; and • the informal disputes and complaints resolutions process includes the requirements listed above 	<ul style="list-style-type: none"> • continue processing application
<ul style="list-style-type: none"> • employer does <i>not</i> have an informal disputes and complaints resolution process in place for issues that can be resolved early, are one-off or are unlikely to recur; or • the informal disputes and complaints resolutions process does not include the requirements listed above 	<ul style="list-style-type: none"> • Go to RPI-SCP

Further guidance:

- [Recognise an issue early](#) – recognising issues early, and identifying the underlying problem can make issues easier to resolve
- [First steps for dealing with a problem](#)
- [Informal actions](#) to resolve issues early
- [Early resolution](#) – help to resolve work-place issues early
- [Preventing relationship problems](#) – guidance for stopping issues before they start
- [Records of settlement](#) – guidance for recording resolutions of employment disputes and issues
- [Guidance for specific types of issues](#) – including: bullying, harassment and discrimination and migrant exploitation

2. Employer does not have a formal disputes and complaints resolution process in place for serious issues (for example working outside visa conditions, or recurring or numerous breaches)

- This step is triggered by the ADEPT system in response to an employer’s response to questions in the employer accreditation application form, as to whether they have a formal disputes and complaints resolution process in place for issues that are serious (e.g. an AEVW holder is working outside their visa conditions, or there are recurring or serious breaches).
- Review the employer’s formal disputes and complaints resolution process, that has been uploaded with their application form. The employer’s process might include how they will investigate and resolve both informal and formal disputes. The process needs to include:
 - a. investigating the issues identified and recording findings of the investigation; and
 - b. working with Accredited Employer work visa holders and the organisations they are placed with to resolve the issues, where practicable; and
 - c. implementing actions and reviewing the organisations policies and processes to ensure they are effective to prevent the issues recurring; and
 - d. where issues cannot be resolved internally, seeking help from an external party, for example the Ministry of Business, Innovation and Employment’s Early Resolution Service or Employment Mediation Services; and
 - e. reporting significant breaches to the relevant authority, for example breaches of employment law to the Labour Inspectorate, and breaches of immigration law to INZ. Significant breaches include, but are not limited to:
 - breaches that create a risk of harm to the Accredited Employer work visa holder;
 - requiring or forcing Accredited Employer work visa holders that are placed with them to undertake work that is inconsistent with their employment agreement and/or visa conditions;
 - requiring or forcing Accredited Employer work visa holders that are placed with them to work unrecorded overtime;

- recurring or numerous employment, immigration or workplace safety issues where the cumulative effect is comparable to a significant breach.

If...	Then...
<ul style="list-style-type: none"> • employer has a formal disputes and complaints resolution process in place for serious issues (for example working outside visa conditions, or recurring or numerous breaches); and • that process meets the requirements listed above 	<ul style="list-style-type: none"> • Continue processing application
<ul style="list-style-type: none"> • employer has a formal disputes and complaints resolution process in place for serious issues (for example working outside visa conditions, or recurring or numerous breaches); and or • that process does not meet the requirements listed above 	<ul style="list-style-type: none"> • Go to PPI SOP

Further guidance:

- [Recognise an issue early](#) – recognising issues early, and identifying the underlying problem can make issues easier to resolve
- [First steps for dealing with a problem](#)
- [Informal actions](#) to resolve issues early
- [Early resolution](#) – help to resolve work-place issues early
- [Preventing relationship problems](#) – guidance for stopping issues before they start
- [Records of settlement](#) – guidance for recording resolutions of employment disputes and issues
- [Guidance for specific types of issues](#) – including: bullying, harassment and discrimination and migrant exploitation

3. Employer will not remove the AEWV holder from the organisation they are placed with as soon as practicably possible where a significant breach under WA2.20.10(b)(v) has been identified or the organisation no longer meets the requirements set out in WA2.20.1(a)

- This step is triggered by the ADEPT system as a result of an employer’s response to questions in the employer accreditation application form.
- Assess whether the employer will, where a significant breach in been identified or the organisation no longer meets the requirements set out at WA2.20.1(a) of the Employer Accreditation instructions, the employer will remove the Accredited Employer work visa holder from the organisation they are placed with as soon as practicably possible. When determining ‘as soon as practicably possible’ an immigration officer should take into account the timeframes set out in any contract between the employer and the organisation where the AEWV holder is working. This also includes:
 - a. the employer not placing further AEWV holders until the issue has been resolved; and
 - b. where the issue or non-compliance affects more than one Accredited Employer work visa holder, those visa holders must also be removed from that organisation

If...	Then...
Employer will remove the AEWV holder from the organisation they are placed with as soon as practicably possible where a significant breach under WA2.20.10(b)(v) has been identified or the organisation no longer meets the requirements set out in WA2.20.1(a)	<ul style="list-style-type: none"> • Continue processing application
Employer will <i>not</i> remove the AEWV holder from the organisation they are placed with as soon as practicably possible where a significant breach under WA2.20.10(b)(v) has been identified or the organisation no longer meets the requirements set out in WA2.20.1(a)	<ul style="list-style-type: none"> • Go to PPI SOP

4. Where a moderate issue has been identified, the employer will not promptly adhere to their disputes and complaints resolution process to resolve the issue with the organisation the AEWV holder is placed with

- This step is triggered by the ADEPT system, as a result of an employer’s response to questions in the employer accreditation application form.
- Assess whether, where a moderate issue (e.g. poor workplace culture or workplace bullying) has been identified, the employer will not promptly adhere to their disputes and complaints resolution process to resolve the issue with the organisation the AEWV holder is placed with.

If...	Then...
where a moderate issue has been identified, the employer will promptly adhere to their disputes and complaints resolution process to resolve the issue with the organisation the AEWV holder is placed with	<ul style="list-style-type: none"> • Continue processing application
where a moderate issue has been identified, the employer will not promptly adhere to their disputes and complaints resolution process to resolve the issue with the organisation the AEWV holder is placed with	<ul style="list-style-type: none"> • Go to PPI SOP

5. Where a moderate issue has been identified, the employer will not remove and AEWV holder from the organisation they are placed with as soon as practicably possible and not place any further AEWV holders with them until the issue has been resolved

- This step is triggered by the ADEPT system, as a result of an employer’s response to questions in the employer accreditation application form.
- Assess whether, where a moderate issue (e.g. poor workplace culture or workplace bullying) has been identified, the employer will not remove and AEWV holder from the organisation they are placed with as soon as practicably possible and not place any further AEWV holders with them until the issue has been resolved.

If...	Then...
where a moderate issue has been identified, the employer will remove and AEWV holder from the organisation they are placed with as soon as practicably possible and not place any further AEWV holders with them until the issue has been resolved	<ul style="list-style-type: none"> • Continue processing application
where a moderate issue has been identified, the employer will <i>not</i> remove and AEWV holder from the organisation they are placed with as soon as practicably possible and not place any further AEWV holders with them until the issue has been resolved	<ul style="list-style-type: none"> • Go to PPI SOP

6. RENEWAL: Employer has complied with the requirement to respond appropriately to issues as specified in WA2.20.10(c) to (e)

- This step is triggered by the ADEPT system as a result of an employer’s response to questions in the employer accreditation application form or while the immigration officer is assessing a renewal application form.
- Assess information provided with application, including:
 - Examples (from 1 or 2 organisations where AEWV holders are placed) of a record of issue raised, investigation findings, and how it was resolved, action taken (including removing AEWV holders).
 - Examples (from 1 or 2 organisations where AEWV holders are placed) of a record of issue raised, investigation findings, and how it was resolved, action taken (including removing AEWV holders), corrective actions (such as updated policies and procedures, changes to key staff within organisation)
 - Terms of business, contract or agreement documentation between employer and the organisation where AEWV holders are being placed
- Determine whether an employer has:
 - removed the AEWV holders from the organisation they are placed as soon a practically possible, and
 - not placed any further AEWV holders with the organisation until the issue has been resolved.
 - investigated the issue as soon as possible, including considering the input of all parties involved
 - determined that the employer has a significant breach

- removed the AEWV holders as soon a practically possible
 - where the issue has been able to be resolved, not placed any further AEWV holders until the issue has been resolved.
 - followed their disputes and complaints resolution processes or
 - removed all AEWV holders affected by the issue from the organisation as soon a practically possible, and not placed any further AEWV holders with the organisation until the issue has been resolved. This includes where an issue cannot be resolved with the organisation the AEWV holders are placed with
 - removed all AEWV holders affected by the issue from the organisation as soon a practically possible.
- This includes consideration of whether an employer has:
 - investigated the issue as soon as possible,
 - determined that the employer has a moderate breach
 - remove the AEWV holder affected by the breach as soon a practically possible until the issue has been resolved
 - worked with the AEWV holder and organisation where they are placed to resolve the issue
 - implemented actions and updated the organisations policies and processes to ensure they are effective to prevent the issues recurring
 - sought help (if necessary) from external parties such as Ministry of Business, Innovation and Employment’s Early Resolution Service or Employment Mediation Services
 - where the issue has been able to be resolved, not placed that AEWV holder or any further AEWV holders until the issue has been resolved.

Note: moderate issues include poor workplace practices and bullying.

If...	Then...
the employer has complied with the requirement to respond appropriately to issues as specified in WA2.20.10(c) to (e)	<ul style="list-style-type: none"> • continue processing the application
the employer has <i>not</i> complied with the requirement to respond appropriately to issues as specified in WA2.20.10(c) to (e)	consider whether the employer has rectified and addressed the cause of the non-compliance and taken steps to make sure the non-compliance does not happen again

- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again in the future.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified non-compliance, and whether they took appropriate action as per WA2.20 of the INZ Operational Manual.
 - has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation.
 - can satisfy INZ that the non-compliance won’t happen in future. This could include:
 - considering how many times the employer did not respond appropriately to issues
 - reviewing evidence from the employer that organisations where AEWV holders are placed, since the non-compliance was identified, and whether this shows the employer is now adequately responding to issues raised
 - an assessment of whether the processes and procedures are adequate and being followed by the employer to ensure that all future.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has not rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that time will be provided to AEWV holders to complete employment	PPI (see PPI SOP and ADEPT User Guide)

provided to AEWV holders to complete employment	
modules within one month of starting employment in future	

End.

See Also

- [Assess requirements for employers using triangular employment arrangements](#)
- [Assess organisations Accredited Employer Work Visa \(AEWV\) holders can be placed with](#)
- [Assess monitoring the employment and safety conditions of employees in triangular employment arrangements](#)
- [Assess placing New Zealand citizens and residents in work](#)

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Assess placing New Zealand citizens and residents in work

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The employer is requesting accreditation for employers who use triangular employment arrangements. The employer has met all the standard and high-volume accreditation requirements. The immigration officer is ready to assess the section of the application that is related to the requirements they need to meet for using triangular employment arrangements.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form submitted by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities
- Assess viable and genuinely operating business
- Assess organisations an AEWV holder can be placed with (for employers placing AEWV holders in triangular employment arrangements)
- Monitoring the employment and safety conditions of AEWV holders in triangular employment arrangements
- Assess responding appropriately to issues

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, by assessing the whole application for an employer. The ADEPT system will carry out automatic checks with other agencies information and INZ watchlists. All activities raised by ADEPT for immigration officers will be manually assess for employers who place AEWV holders with other organisations.

The steps in this standard operating procedure include:

- assessing an application to determine whether the employer meets the Employer Accreditation instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and BRE.

Steps

1. Employer is using another legal entity's history of employing staff in New Zealand to meet WA2.20.20(a), but less than 66% of the ownership of the employer and the other entity is the same, or the employer and the other entity are not in the same sector and do not provide the same goods and/or services
 - This step is triggered by an employer's response to questions in the employer accreditation application form, as to whether:
 - The employer has employed staff, who are not key persons, in New Zealand for the 12 months prior to the application being made
 - The employer is applying to meet this requirement by using another legal entity's history of employing staff in New Zealand
 - Review the evidence of ownership of the employer (organisation) and the other legal entity provided in the employer accreditation application form
 - Check whether:
 - at least 66% of the ownership of the employer and the other entity is the same; and
 - the employer and the other entity are in the same sector and provide the same goods and services.

This could include for example reviewing information in previous applications, in INZ systems and the [Companies register](#), [NZBN](#) websites, and other information sources.

If...	Then...
<ul style="list-style-type: none"> • employer is using another legal entity’s history of employing staff in New Zealand to meet WA2.20.20(a), and at least 66% of the ownership of the employer and the other entity is the same, or the employer; and • the other entity is in the same sector and provide the same goods and/or services 	<ul style="list-style-type: none"> • continue processing application.
<ul style="list-style-type: none"> • employer is using another legal entity’s history of employing staff in New Zealand to meet WA2.20.20(a), but less than 66% of the ownership of the employer and the other entity is the same, or the employer; and/or • the other entity are not in the same sector and do not provide the same goods and/or services 	<ul style="list-style-type: none"> • Go to PPI SOP

2. Less than 15% of the employer’s employees who are placed in triangular employment arrangements are New Zealand citizens and residents who are guaranteed least 30 paid hours per week, and the employer is placing more than one employee in a triangular employment arrangement

- This step is triggered by an employer’s response to questions in the employer accreditation application form, as to whether:
 - The employer has indicated that at least 15% of their staff placed with other organisations is made up of New Zealand citizens and residents who are guaranteed at least 30 hours per week, unless the employer has only one employee

If...	Then...
<p>more than 15% of the employer’s employees who are placed in triangular employment arrangements are New Zealand citizens and residents who are guaranteed least 30 paid hours per week, and the employer is placing more than one employee in a triangular employment arrangement</p>	<ul style="list-style-type: none"> • Continue processing application.
<p>less than 15% of the employer’s employees who are placed in triangular employment arrangements are New Zealand citizens and residents who are guaranteed least 30 paid hours per week, and the employer is placing more than one employee in a triangular employment arrangement</p>	<ul style="list-style-type: none"> • Go to PPI SOP

End

See Also

[Assess requirements for employers using triangular employment arrangements](#)

[Assess organisations Accredited Employer Work Visa \(AEWV\) holders can be placed with](#)

[Assess monitoring the employment and safety conditions of employees in triangular employment arrangements](#)

[Assess responding appropriately to issues](#)

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Assess Franchisee employer requirements

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The employer is requesting accreditation as a franchisee employer. The employer has met all the generic accreditation requirements. The immigration officer is ready to assess the section of the application that is related to the requirements they need to meet for franchisee accreditation.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form submitted by employer
- Assess risk and generic requirements for Employer accreditation
- Assess employer compliance
- Assess settlement activities
- Assess viable and genuinely operating business

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, by assessing the whole application for an employer. All activities for franchisee employers are manually assessed.

The steps in the SOP include:

- assessing whether an employer meets the requirements of accreditation, and making a decision on the accreditation application
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and BRE.

Note: employers are expected to determine whether they are franchisee employers, and indicate this on their employer accreditation form.

Steps

1. Assess employer does not meet the definition of a franchisee (WA2.60.20)

- An employer who holds employer accreditation as a franchisee must meet the definition in WA2.60.20 of the INZ Operational Manual. This is a franchisee employer is an employer (organisation) that:
 - a. purchases the right to use a pre-existing business system mandated by a third party business; and
 - b. is substantially or materially associated with a brand, trademark, advertising, marketing channels, or a commercial symbol owned by that third party; and
 - c. has that third party controlling certain activities or structures within their business, set out through an agreement, operational guideline or through a

terms and conditions document that covers one or all of the following features:

- continuing financial performance or reporting obligations to that third party;
 - an ongoing obligation to pay that third party any fee, or percentage of profits generated by the business from the 'rights to use' detailed in (a) and (b) above;
 - restrictions, expectations, or control imposed by that third party, over where the business can source goods and services and/or how to set up or run their business;
 - restricted ability to refuse requests by that third party, raise concerns or complaints regarding that third party, and/or lack of ability to easily exit or terminate the agreement.
- Consider whether the employer meets this definition. This could include considering whether the employer is a licensee, chain store, etc. Check franchisee guidance:
 - [Franchisee businesses](#)

If...	Then...
The employer meets the franchisee definition in WA2.60.20	Continue processing application
The employer <i>does not</i> meet the franchisee definition in WA2.60.20	Go to PPI SOP

2. Employer is using another legal entity's history of operating as a franchisee to meet WA2.25(a)(i), but less than 66% of the ownership of the employer and the other entity is the same or the employer and the other entity are not in the same sector and provide the same goods and services

- This step is triggered by an employer's response to questions in the employer accreditation application form, as to whether
 - The employer has employed staff, who are not key persons, in New Zealand for the 12 months prior to the application being made
 - The employer is applying to meet this requirement by using another legal entity's history of employing staff in New Zealand
- Confirm whether the employer has been operating as a franchisee for the previous 12 months

If...	Then...
the employer has been operating as a franchisee for the previous 12 months	<ul style="list-style-type: none"> • continue processing application
the employer has <i>not</i> been operating as a franchisee for the previous 12 months	<ul style="list-style-type: none"> • Go to PPI SOP

- Confirm whether the other organisation (whose history of operating as a franchisee is being used to assess the employer's history of operating as a franchisee for the previous 12 months)
- Review evidence that the other organisation has been operating as a franchisee for the previous 12 months. This could include a letter from the franchisor, documentation confirming the date of commencement of trading as a franchisee

If...	Then...
the employer has been operating as a franchisee for	<ul style="list-style-type: none"> • continue processing application

the previous 12 months	
the employer has <i>not</i> been operating as a franchisee for the previous 12 months	<ul style="list-style-type: none"> Go to PPI SOP (step x)

- Review the evidence of ownership of the employer (organisation) and the other legal entity provided in the employer accreditation application form.
- Check whether:
 - at least 66% of the ownership of the employer and the other entity is the same; and
 - the employer and the other entity are in the same sector and provide the same goods and services.

This could include for example include reviewing information in previous applications, in INZ systems and the Companies register, NZBN websites, and other information sources.

If...	Then...
<ul style="list-style-type: none"> at least 66% of the ownership of the employer and the other entity is the same; and the employer and the other entity are in the same sector and provide the same goods and services 	<ul style="list-style-type: none"> continue processing application
<ul style="list-style-type: none"> less than 66% of the ownership of the employer and the other entity is the same; or the employer and the other entity are <i>not</i> in the same sector and provide the same goods and services 	<ul style="list-style-type: none"> Go to PPI SOP (step x)

3. Less than 15% of the employer's employees are made up of New Zealand citizens and residents who are guaranteed at least 30 paid hours per week, and the employer has more than one employee

- This step is triggered by an employer's response to questions in the employer accreditation application form, as to whether:
 - The employer has indicated that at least 15% of their employees is made up of New Zealand citizens and residents who are guaranteed at least 30 paid hours per week, unless the employer has only 1 employee.
- The employer declaration in the accreditation application is to be taken at face value.

If...	Then...
More than 15% of the employer's employees are made up of New Zealand citizens and residents who are guaranteed at least 30 paid hours per week, and the employer has more than one employee	<ul style="list-style-type: none"> go to next step
Less than 15% of the employer's employees are made up of New Zealand	<ul style="list-style-type: none"> Go to PPI SOP (step x)

citizens and residents who are guaranteed at least 30 paid hours per week, and the employer has more than one employee	
--	--

End

See Also

- [Assorted](#)
- [Reconsideration of decision to decline an employer accreditation application](#)
- [Suspension of employer accreditation](#)
- [Revoke employer accreditation](#)

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Assess risk and general requirements for Employer accreditation

When to use

When the employer has completed an employer accreditation application and provided information as requested in the employer accreditation application form. The immigration officer is ready to assess the application.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form completed by employer

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application employer. Some parts of the application will be automatically assessed, with activities raised by ADEPT for immigration officers to manually assess.

The steps in this SOP include:

- assessing whether an employer meets the requirements for accreditation, as set out in the Employer Accreditation Instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine.

Steps

1. Assess risk manual activities

- The system creates a risk assessment activity when the BRE determines that the application presents a medium or high immigration risk based on the application data. For system triggered immigration risks, use the risk advice link displayed in the risk section of the activity in ADEPT to view more information about the immigration risk and advice on how to mitigate the risk (see the [ADEPT User Guide](#)).
- In addition to the system triggered immigration risks, you can also create new immigration risks if you have identified a risk that has not been captured. This can be done within an existing risk assessment activity or if no risk activity exists, by creating a new one.
- Where immigration risk is identified, the Immigration Officer must consider whether the risk can be appropriately mitigated in the Accreditation gateway. If not, whether it is more appropriate to address it in a later gateway.
- Refer to the [Employment-Related Resources](#) section in the [verification toolkit](#) to assist when assessing employer risk.
- Where an alert or warning needs to be raised against an employer this needs to be actioned both in AMS and ADEPT. This includes alerts and warnings for:
 - employment stand downs (as per the Labour Inspectorate stand down list)
 - immigration stand downs and convictions
 - prosecutions, cases pending and investigations underway that if proven could result in conviction for employment, immigration and companies directors) offences that would result in non-compliance with the Employer Accreditation instructions.

2. General employer accreditation requirements

Employer is not a foreign diplomatic or consular mission and does not have an NZBN

This activity will trigger where the employer does not have an NZBN and has indicated they are not a foreign diplomatic or consular mission.

- Confirm with the employer whether they have an NZBN or are a foreign diplomatic mission or consulate. Explain that having an NZBN is a requirement for holding employer accreditation unless they are a foreign diplomatic mission or consulate. IO can call employer or choose RFI in ADEPT (see the [ADEPT User Guide](#)).

If...	Then...
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<p>The employer seems like they are a foreign diplomatic or consular mission (e.g. the name and business details indicate they might be), and they don't have an NZBN</p>	<ul style="list-style-type: none"> • Check whether the foreign diplomatic or consular mission is listed on the MFAT website • If the mission or consulate is not listed on the website, send an email to protocol@mfat.govt.nz check whether they are a foreign mission or consulate mission. • Send below message (or something similar): <i>"Kia ora, INZ has received an application for employer accreditation from [XXX foreign or consular We have been unable to find them on your website of listed foreign diplomatic or consular missions. Could you please confirm whether [XXX foreign or consular mission] has diplom representation in New Zealand?"</i>
<p>The employer seems like they are not a foreign diplomatic or consular mission (e.g. the name and business details indicate they probably aren't) And they do not have an NZBN</p>	<ul style="list-style-type: none"> • Confirm with the employer whether they are a foreign diplomatic mission or consulate. <p>Outcomes include:</p> <ul style="list-style-type: none"> • Employer is a foreign mission or consulate: continue processing • Employer is <i>not</i> a foreign mission or consulate: Go to PRI SOP as employer has no NZBN

Renewal: Employer already has 6 or more jobs associated with them

- Determine whether the employer intended to apply for standard accreditation or high volume accreditation (explain that the employer must apply for high volume accreditation if they currently have employed six or more AEWV holders). This can be done by RFI in ADEPT or by phone call.

If...	Then...
<p>The employer meant to apply for high volume accreditation</p>	<ul style="list-style-type: none"> • Go to PP1 SOP ; or • Employer may withdraw their application
<p>The employer meant to apply for standard accreditation</p>	<ul style="list-style-type: none"> • Go to PP1 SOP

END

- [Assess Employer Accreditation](#)
- [Assess Employer compliance](#)
- [Assess settlement activities](#)
- [Assess viable and genuinely operating business/organisation](#)
- [Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions](#)



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Assess Employer compliance

When to use

When the ADEPT system has indicated that there are manual tasks to perform to assess whether an employer is compliant with employment, immigration and business standards set out in employer accreditation instructions.

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form completed by employer
- Assess risk and general Employer accreditation requirements.

Context

Employer accreditation applications will be case managed (rather than activity based) by immigration officers, assessing the whole application for an employer. Some parts of the application will be automatically assessed, with activities raised by ADEPT for immigration officers to manually assess.

The steps in this SOP include:

- assessing whether an employer meets the requirements for accreditation, as set out in the Employer Accreditation Instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Steps

1. Employer or key persons are listed on the Labour Inspectorate stand down list

- Triggered by ADEPT automatically checking the [list of non-compliant employers for breaches of employment standards](#) (the LI stand down list), alert warnings, and/or the employer's response on the application form.
- Check the employer or key person is the same as that listed on the stand down list. If this cannot be determined based on information on the stand down list and in INZ systems raise a risk request to the Risk and Verification team to resolve.

	Then...
The employer or key person is the same as that included on the list of non-compliant employers for breaches of employment standards.	<ul style="list-style-type: none"> • Go to PPI SOP .
The employer or key person is <i>not</i> the same as that included on the list of non-compliant employers for breaches of employment standards.	<ul style="list-style-type: none"> • Note in ADEPT (see the ADEPT User Guide) that the employer is not the same as that included on the Labour Inspectorate Stand down list • Continue processing application.

2. Employer or key persons have been convicted or are subject to a stand-down for certain immigration offences where the penalty is a fine only

- This assessment will be triggered by the ADEPT system automatically checking whether an employer or key persons has been convicted of an immigration offence, alerts or warnings on the employer and key persons, and where the employer indicates this on the employer accreditation application form.
- Where it has been identified that the employer or its key people may have been convicted for an offence under sections of the Immigration Act 2009 (where the penalty was a fine only):
 - 347(1)(a) - Provides information knowing that it is false or misleading to support a visa application, entry permission request for Variation of v

314(1)(e) - Provides information, knowing that it is false or misleading, to support a visa application, entry permission, request for variation of Conditions (VOC), waiver or cancellation of visa conditions

- o 343(1)(d) - Aids or abets another person to be unlawfully in New Zealand or to breach visa conditions
- o 344(d) - Resists or intentionally obstructs an IO, refugee and protection officer, or constable while exercising their powers under the Immigration Act 2009
- o 347 - disseminates the publication of false or misleading information to encourage, induce, deter, or prevent immigration to NZ
- o 350(1)(a) - Employer who employs a migrant to work for them, knowing that they are not entitled to do that work.

- Confirm that the employer or key person is the same as that identified by ADEPT as potentially having been convicted of one of these offences that resulted in a fine only. This would include verifying the identity of the key person based on information provided in the application form with information held in INZ systems. If this cannot be determined based on information in INZ systems raise a risk request to the Risk and Verification team to resolve.

If...	Then...
The employer is still within their stand down period, as determined by Appendix 12 of the Immigration Instructions [include link]	Go to PPI SOP .
The stand down period (as determined by Appendix 12 of the Immigration Instructions [include link]) for the employer has expired	Go to next point below this table.
The employer has previously been convicted of these immigration offences, and the penalty was a fine only	Go to next point below this table.

- Review the evidence from the employer accreditation application that demonstrates that they have rectified the issue and that they have taken sufficient steps to prevent the non-compliance happening again.
- Carry out a weighing and balancing exercise, taking into account:
 - o Whether the employer has any other non-compliance with Employer accreditation instructions
 - o The employer or key persons history of adverse interactions with INZ/other agencies. Please raise a risk request for Risk and Verification to determine this (see [ADEPT User Guide](#)).
 - o considering whether the employer has addressed the issue could include:
 - identifying whether the employer has amended policies and processes to ensure that checks are in place to address the issue
 - whether the key person subject to the offending is still working either as a key person or for the employer
 - o considering whether the employer has taken steps to prevent the issue recurring could include:
 - checking whether the employer now follows the amended policies and procedures and the issue has not been repeated with other migrants since the corrections to processes and procedures have been implemented
 - o Consider the positives and negatives of the employer’s situation, including the points above in the weighing and balancing exercise
- Record notes (see the [ADEPT User Guide](#)) in ADEPT about whether the employer has rectified the issue and taken steps to prevent it recurring, including rationale, in the notes section for this activity in ADEPT
- Seek a zpc from a senior immigration officer or an experienced immigration officer. This can be done by providing the application reference number to the senior immigration officer or experienced immigration officer
- Senior immigration officer/experienced immigration officer reviews the recommendation and rationale in ADEPT, and provides advice to the assessing immigration officer either in notes in ADEPT or by email.
- Review the advice from the senior immigration officer or an experienced immigration officer in this ADEPT activity. Attach any relevant email correspondence into ADEPT.

If...	Then...
The employer has rectified the issue and taken steps to prevent the issue happening again	Continue processing the application.
The employer has <i>not</i> rectified the issue and/or <i>not</i> taken steps to prevent the issue happening again	Go to PPI SOP .

3. Employer or key persons have received a prison sentence for an offence under s343(1)(d) or s344(d) of the Immigration Act 2009, regardless of when offence occurred

- This assessment will be triggered by the ADEPT system automatically checking whether an employer or key persons has been convicted of an immigration offence, alerts or warnings on the employer and key persons, and where the employer indicates this on the employer accreditation application form.
- Employers who have committed these offences are permanently banned from gaining employer accreditation.
- Confirm that the employer or key person is the same as that identified as potentially having received a prison sentence for one of these offences. This would include verifying the identity of the key person based on information provided in the application form with information held in INZ systems. If this cannot be determined based on information in INZ systems raise a risk request to the Risk and Verification team to resolve.
- Go to [PPI SOP](#) .

4. Employer or key persons have been convicted of an offence at any time under s343(1)(a), 345, 348,342(1)(b) or 351 of the Immigration Act 2009

- This assessment will be triggered by the ADEPT system automatically checking whether an employer or key persons has been convicted of an immigration offence, alerts or warnings on the employer and key persons, and where the employer indicates this on the employer accreditation application form.
- Employers who have committed these offences are permanently banned from gaining employer accreditation.
- Confirm that the employer or key person is the same as that identified as potentially having been convicted of one of these offences. This would include verifying the identity of the key person based on information provided in the application form with information held in INZ systems. If this cannot be determined based on information in INZ systems raise a risk request to the Risk and Verification team to resolve.
- Go to [PPI SOP](#) .

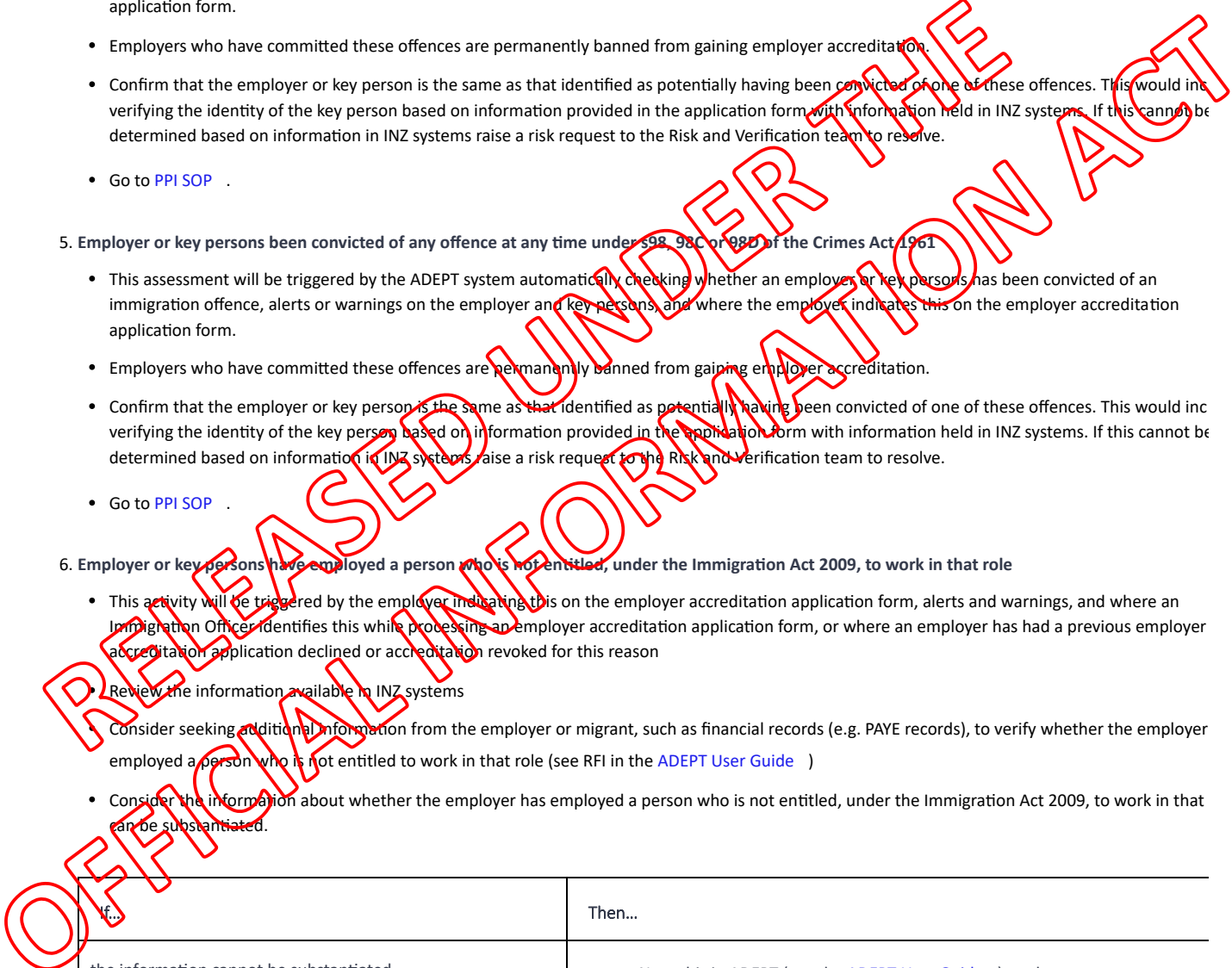
5. Employer or key persons been convicted of any offence at any time under s98, 98C or 98D of the Crimes Act 1961

- This assessment will be triggered by the ADEPT system automatically checking whether an employer or key persons has been convicted of an immigration offence, alerts or warnings on the employer and key persons, and where the employer indicates this on the employer accreditation application form.
- Employers who have committed these offences are permanently banned from gaining employer accreditation.
- Confirm that the employer or key person is the same as that identified as potentially having been convicted of one of these offences. This would include verifying the identity of the key person based on information provided in the application form with information held in INZ systems. If this cannot be determined based on information in INZ systems raise a risk request to the Risk and Verification team to resolve.
- Go to [PPI SOP](#) .

6. Employer or key persons have employed a person who is not entitled, under the Immigration Act 2009, to work in that role

- This activity will be triggered by the employer indicating this on the employer accreditation application form, alerts and warnings, and where an Immigration Officer identifies this while processing an employer accreditation application form, or where an employer has had a previous employer accreditation application declined or accreditation revoked for this reason
- Review the information available in INZ systems
- Consider seeking additional information from the employer or migrant, such as financial records (e.g. PAYE records), to verify whether the employer employed a person who is not entitled to work in that role (see RFI in the [ADEPT User Guide](#))
- Consider the information about whether the employer has employed a person who is not entitled, under the Immigration Act 2009, to work in that role can be substantiated.

If...	Then...
the information cannot be substantiated	<ul style="list-style-type: none"> • Note this in ADEPT (see the ADEPT User Guide); and • Continue processing the application; and • If an alert or warning cannot be substantiated request that R&V close any alerts or warnings as relevant.
the information can be substantiated	<p>Raise a risk activity, including:</p> <ul style="list-style-type: none"> • a summary of the considered information and • whether it appears that an employer has employed a person to is not entitled to work in that role • that advice is being sought from the Risk and Verification team: <ul style="list-style-type: none"> • on whether all evidence has been considered and • to manage determination of whether a referral to the NPP is required; and/or • coordination of any NPP referrals and • coordination an advice where there are any open investigations and



	<ul style="list-style-type: none"> • recommend any actions for the immigration officer to undertake. • Verification officers will follow the SOP - Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions. • Follow the advice from Risk and Verification
If...	Then...
the employer or key persons have not employed a person who is not entitled to work in that role	Record this in the ADEPT activity (see the ADEPT User Guide); and Continue processing the application.
There is evidence that the employer or key persons have employed a person who is not entitled to work in that role	Record this in the ADEPT activity; and Go to PPI SOP .

7. Key persons have acted as a key person within the organisation when not entitled

- This activity will be triggered by the employer indicating this on the employer accreditation application form, alerts and warnings, when an IO identify this while processing an application form, or through post-decision risk management activity.
- Confirm whether the key person is the same as the person that ADEPT has identified as potentially having worked without a valid visa or in breach of visa conditions. This includes raising a risk request to verify the key persons identity if needed.
- Check information INZ has on the key person’s visa to determine if they have a valid visa or are in breach of their visa conditions.
- Consider seeking additional information from the employer or migrant, such as financial records (e.g. PAYE records), to verify whether the key person who is not entitled to work in that role (see RFI in the [ADEPT User Guide](#))
- If information needs to be verified with the INZ Investigations or Compliance teams raise a risk request with Risk and Verification to verify this information.

If...	Then...
the key person is not working without a valid visa or in breach of their visa conditions	<ul style="list-style-type: none"> • Record in ADEPT (see the ADEPT User Guide) that the key person is not working without a valid visa or in breach of their visa conditions • Continue processing the application
the key person is working without a valid visa or in breach of their visa conditions	<ul style="list-style-type: none"> • Consider: <ul style="list-style-type: none"> • the nature of, seriousness of, and number of breaches; and • whether the employer has taken sufficient steps to prevent further breaches of this nature in future • Consider whether the breach is of significance or likely to recur. • Outcomes include: <ul style="list-style-type: none"> • Continue processing the application (where breach is not significant or where further breaches are unlikely to recur) • PPI (where the breach is significant and/or likely to recur).

8. Employer has provided false and misleading information to INZ

- This activity will be triggered by the employer indicating this on the employer accreditation application form, alerts and warnings, and where an Immigration Officer identifies this while processing an employer accreditation application form, or where an employer has had a previous employer accreditation or job check application declined, or accreditation has been revoked for this reason.
- Review the information available in ADEPT and AMS.
- Consider seeking additional information from the employer or migrant to establish whether false or misleading information has been provided to INZ information has been withheld.
- Consider the information about whether the employer has provided false and misleading information to INZ can be substantiated.

If...	Then...
the information cannot be substantiated	<ul style="list-style-type: none"> Note this in ADEPT (see the ADEPT User Guide); and Continue processing the application; and If an alert or warning cannot be substantiated request that R&V close any alerts or warnings as relevant.
the information can be substantiated	<p>Raise a risk activity, including:</p> <ul style="list-style-type: none"> a summary of the considered information and whether it appears that an employer has provided false or misleading information INZ or withheld information that advice is being sought from the Risk and Verification team: <ul style="list-style-type: none"> on whether all evidence has been considered and to manage determination of whether a referral to the NPP is required; and/or coordination of any NPP referrals and coordination an advice where there are any open investigations and recommend any actions for the immigration officer to undertake. Verification officers will follow the SOP Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions . Follow the advice from Risk and Verification.
If...	Then...
the employer or its key persons have not provided false or misleading information to INZ, or withheld information	<p>Note this in ADEPT (see the ADEPT User Guide); and</p> <ul style="list-style-type: none"> Continue processing the application.
the employer or its key persons may have provided false or misleading information to INZ, or withheld information	<p>Record this in the ADEPT activity; and</p> <ul style="list-style-type: none"> Go to PPI SOP .

9. Employer (organisation) or any key person have been found not guilty or had their charges withdrawn for immigration offences under s342(1)(a),s343(1)(a), s343(1)(d), S344(d), s345, s347, s348, s350(1)(a), and s351 of the Immigration Act 2009 and s98, s98C or s98D of the Crimes Act 1961

- This assessment will be triggered by the ADEPT system automatically checking whether an employer or key persons has been charges with an immigration offence, alerts or warnings on the employer and key persons, and where the employer indicates this on the employer accreditation application form.
- Confirm that the employer or key person is the same as that identified as potentially having been convicted of one of these offences. This would inc verifying the identity of the key person based on information provided in the application form with information held in INZ systems. Where this can be determined based on information in INZ systems a risk request to the Risk and Verification team will need to be raised to resolve.
- Raise a risk request in ADEPT for Risk and Verification for immigration risk advice about the finding of not guilty or withdrawn charges. Risk and Verification may seek advice from Compliance or Investigations in managing this immigration risk.
- Where the case or prosecution was being considered for an offence under s350(1)(a) of the Immigration Act 2009, a verification officer may provide advice about whether the employer has employed a person who is not entitled under the Immigration Act, an recommend appropriate actions.

Note: being charged with the offences (other than s350(1)(a)) listed above, is not an impediment to being granted accreditation where the employer or k person have been found not guilty or charges have been withdrawn.

10. Employer’s key person is prohibited from being a director or promotor of, or being concerned or taking part in the management of, an incorporated company or unincorporated body within New Zealand or overseas, by being issued a prohibition notice by the Registrar of Companies (who have this power under section 385 of the Companies Act 1993)

- This activity will be triggered by ADEPT checking the banned directors list and where the employer indicates this on the application form.
- Check the employer or key person is the same as that listed on the banned director list. If this cannot be determined based on information on the banned directors list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).

If...	Then...
The key person is the same as that identified on the banned directors list or the key person	Go to PPI SOP .

On the banned directors list or the key person has advised they don't meet this requirement	
The key person is <i>not</i> the same as that identified on the banned directors list	Continue processing application.

11. Employer's key persons are prohibited from being a director or promotor of, or being concerned or taking part in the management of, an incorporate company or unincorporated body within New Zealand or overseas by virtue of s382 of the Companies Act 1993

- This activity will be triggered by ADEPT checking the banned directors list and where the employer indicates this on the application form.
- Check the employer or key person is the same as that listed on the banned director list. If this cannot be determined based on information on the banned directors list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).

If...	Then...
The key person is the same as that identified on the banned directors list or the key person has advised they don't meet this requirement	Go to PPI SOP .
The key person is <i>not</i> the same as that identified on the banned directors list	Continue processing the application.

12. Key people are prohibited from being a director or promotor of, or being concerned or taking part in the management of, an incorporated company or unincorporated body within New Zealand or overseas by being disqualified by a court (who have this power under section 233 of the Companies Act 1993)

- This activity will be triggered by ADEPT checking the banned directors list and where the employer indicates this on the application form.
- Check the employer or key person is the same as that listed on the banned director list. If this cannot be determined based on information on the banned directors list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).

If...	Then...
The key person is the same as that identified on the banned directors list or the key person has advised they don't meet this requirement	Go to PPI SOP .
The key person is <i>not</i> the same as that identified on the banned directors list	Continue processing the application.

13. Employer's key people have been convicted in last five years of any offences listed in s382 of the Companies Act that prohibit a person from managin company, or any equivalent offence in any other country

- This activity will be triggered by ADEPT checking the banned directors list and where the employer indicates this on the application form.
- Check the employer or key person is the same as that listed on the banned director list. If this cannot be determined based on information on the banned directors list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).

If...	Then...
The key person is the same as that identified on the banned directors list or the key person has advised they don't meet this requirement	Go to PPI SOP .
The key person is <i>not</i> the same as that identified on the banned directors list	Continue processing the application.

14. Employer or key persons have an active investigation or case pending that may result in WA2.10.10(a) to (i) not being met

- This activity will be triggered by alerts and warnings, or where the employer indicates this on the application form.
- Where necessary, check whether the employer or key person is the same as that indicated. If this cannot be determined based on information on the stand down list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).

- Review the information provided by the employer about the investigation.
- Determine whether more information is required to work out whether the employer will be non-compliant with Employer Accreditation Instruction: the investigation or case pending is proven.
- Where additional information is required from the INZ Compliance or Investigations teams, or other parts of the Ministry of Business, Innovation and Employment (such as the Labour Inspectorate and the Companies Office) to determine whether an employer is being investigated or has a case pending, raise a risk request in ADEPT for risk advice from Risk and Verification (see [ADEPT User Guide](#)).

If...	Then...
The advice from Risk and Verification confirms an investigation is underway or a case is pending for any employment, immigration or companies breach in WA2.10.10(a) to (i) of the immigration instructions	Follow the advice from the Risk and Verification team.
The Risk and Verification team have advised that there is not an investigation underway or a case pending for any employment, immigration or companies breach in WA2.10.10(a) to (i) of the immigration instructions; OR Advice from the Risk and Verification team indicates that an investigation will be jeopardised by putting the application on hold.	Record this in notes in the activity in ADEPT (see the ADEPT User Guide); and Continue processing application.

15. Employer or key persons are being prosecuted for non-compliance that may result in WA2.10.10(a) to (i) not being met

- This activity will be triggered by the ADEPT system checking for Immigration prosecutions, alerts and warnings, or where the employer indicates that they are being prosecuted on the application form
- Confirm that the employer (or its key persons) applying for employer accreditation are the same as those being prosecuted. If this cannot be determined based on information on the stand down list and in INZ systems raise a risk request in ADEPT to the Risk and Verification team to resolve (see [ADEPT User Guide](#)).
- Confirm whether there is enough information in INZ systems to determine whether there is a prosecution underway.
- If further information is required to determine this raise a risk request in ADEPT for advice from the Risk and Verification team (see [ADEPT User Guide](#)).

If...	Then...
The employer or its key persons is being prosecuted for non-compliance, where if proven would result in the employer not meeting requirements in WA10.10 (a) to (i) of the immigration instructions	Put the application on hold for 3 months. The decision to put an application on hold needs to be approved by an Immigration Manager.
The employer or its key persons is <i>not</i> being prosecuted for non-compliance, where if proven would result in the employer not meeting requirements in WA10.10 (a) to (i) of the immigration instructions	Record outcome in the notes section of the activity tab (see the ADEPT User Guide); and Continue processing application.

16. Employer will pass on recruitment, training or equipment costs to AEWV holders

- This activity is triggered when an employer indicates ‘no’ to the employer accreditation application question about not passing on recruitment costs inside and outside New Zealand.
- Recruitment, training, or equipment costs inside and outside of New Zealand include (but are not limited to):
 - advertising costs; and
 - recruitment agency fees; and
 - employer accreditation and Job Check application fees, and any other associated costs such as immigration adviser fees; and
 - compulsory training and induction costs related to the job (including on-the-job training); and

- health and safety equipment required to undertake employment safely; and
 - branded uniforms; and
 - trade testing (including testing centre, tester accommodation and salary costs); and
 - tools where the ownership of the tools is retained by the employer
- Consider requesting more information from the employer about why they indicated they will pass on costs (see the [ADEPT User Guide](#) for RFI).

If...	Then...
employer will not pass on costs of recruitment, training or equipment to AEWV holders inside and outside New Zealand	Continue processing application
employer will pass on costs of recruitment, training or equipment to AEWV holders inside and outside New Zealand	Go to PPI SOP

17. Employer will charge fees to AEWV holders outside NZ that would be unlawful if charged in New Zealand

- This activity is triggered when an employer indicates ‘no’ to the employer accreditation application question about not passing on recruitment costs inside and outside New Zealand.
- Fees that would be unlawful in New Zealand include (but are not limited to):
 - any payment to secure or retain an employment relationship; and
 - bonding agreements for an unlawful purpose; and
 - deductions from wages or salaries for accommodation, travel or food that are unreasonable or have not been consented to in writing by the worker and included in the employment agreement.
- Consider requesting more information from the employer about why they indicated they will pass on fees (see the [ADEPT User Guide](#) for RFI).

If...	Then...
employer will not pass on fees for recruitment of AEWV holders inside and outside New Zealand	Continue processing application
employer will pass on fees for recruitment of AEWV holders inside and outside New Zealand	Go to PPI SOP

18. Not everyone who makes recruitment decisions within the organisation will complete Employment New Zealand's online modules once within every accreditation period

- Everyone in an employer’s organisation who makes recruitment decisions (e.g. hiring managers, human resource managers, sole traders, partners) must complete Employment New Zealand’s online modules on employer obligations.
- Employment New Zealand online modules for employers can be found [here](#).

Consider requesting more information from the employer about why they indicated that not everyone who makes recruitment decision will complete the modules every accreditation period (see the [ADEPT User Guide](#) for RFI).

If...	Then...
everyone who makes recruitment decisions will complete the Employment New Zealand learning modules for employers once within every accreditation period	Continue processing application
not everyone who makes recruitment decisions will complete the Employment New Zealand learning modules for employers	Go to PPI SOP

<p>new zealand learning modules for employers once within every accreditation period</p>	
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19. Employer is substantially similar to another organisation that does not meet the requirements for accreditation

- This activity is triggered by the employer’s response on the employer accreditation application form. This is more likely to be detected through post-decision risk management activities.
- This is an assessment of whether the employer is substantially similar to another organisation that does not meet the requirements for accreditation and has been re-established under a new legal entity to avoid having accreditation declined.
- Review information about both employers, including their locations, sectors that they operate in, goods or services, key persons. This includes information available on both organisations, including information:
 - in ADEPT and AMS
 - on the [NZBN](#) websites
 - on the Companies Register websites
 - from both organisations’ websites
- Raise a risk activity in ADEPT (see [ADEPT User Guide](#)) for Risk and Verification to verify whether they are the same organisations. Risk and Verification may need to contact the employer, other government agencies, conduct a site visit and/or interview the employer and migrants working for either employer.
- When verification is received, confirm whether the employer is substantially similar to another organisation that does not meet the requirements for accreditation.

If...	Then...
The employer is substantially similar to another organisation that does not meet accreditation requirements, and has been re-established under a new legal entity to avoid a negative accreditation decision.	Record rationale in ADEPT notes for the activity (see the ADEPT User Guide) Go to PPI SOP .
The employer is <i>not</i> substantially similar to another organisation that does not meet accreditation requirements, and has been re-established under a new legal entity to avoid a negative accreditation decision.	Continue processing application.

20. Renewal: Employer or key people employed someone in a role who is not entitled to work under the Immigration Act 2009; or provided false and misleading information to INZ that is prejudicial to the approval of an application or to the outcome of any verification, investigation or compliance activities

- This activity is triggered by the employer’s response on a subsequent application for accreditation, in alerts or warnings, or during post-decision risk management activities.
- Review the information available in ADEPT.
- Consider seeking additional information from the employer or migrant to establish whether the employer or key people employed someone to work in a role who is not entitled to work, or provided false or misleading information to INZ or information has been withheld. If required raise a risk request with Risk and Verification to determine this (as per steps 7 and 9 above).
- Raise a risk request in ADEPT for immigration risk advice to verify the non-compliance (see the [ADEPT User Guide](#)). Risk and Verification may verify information with the Compliance or Investigations teams, the Labour Inspectorate or the Companies office.

If...	Then...
Risk and Verification advise that the employer or a key person has employed a person who is not entitled to work in that role (this includes being not entitled, and also where a migrant is working outside their visa conditions)	<ul style="list-style-type: none"> • Follow the advice from Risk and Verification
Risk and Verification advise that the employer has provided false and	<ul style="list-style-type: none"> • Follow the advice from Risk and Verification

<p>Employer has provided false and misleading information or withheld information</p>	
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21. Renewal: Employer’s key persons are not New Zealanders, and who are not employed by the employer, that key person has been in New Zealand without a valid visa; or acting as the employer’s key person in breach of conditions on their New Zealand visa

- This activity is triggered by the employer’s response on a subsequent application for accreditation, alerts or warnings, or during post-decision risk management activities.
- Consider seeking additional information from the employer or migrant to establish whether the employer or key people employed someone to work a role who is not entitled to work, or provided false or misleading information to INZ or information has been withheld. If required raise a risk request with Risk and Verification to determine this (as per step 8 above).
- Raise a risk request in ADEPT (see the [ADEPT User Guide](#)) for immigration risk advice to verify the non-compliance. Risk and Verification may verify information with the Compliance or Investigations teams, if necessary.

If...	Then...
<p>the key person is <i>not</i> working without a valid visa or in breach of their visa conditions</p>	<ul style="list-style-type: none"> • Record in ADEPT (see User Guide) that the key person is not working without a valid visa or in breach of their visa conditions • Continue processing the application
<p>the key person is working without a valid visa or in breach of their visa conditions</p>	<ul style="list-style-type: none"> • Consider: <ul style="list-style-type: none"> • the nature of, seriousness of, and number of breaches; and • whether the employer has taken sufficient steps to prevent further breaches of this nature in future Consider whether the breach is of significance or likely to recur. • Outcomes include: <ul style="list-style-type: none"> • Continue processing the application (where breach is not significant or where further breaches are unlikely to recur) • PPI (where the breach is significant and/or likely to recur).

22. Renewal: Employer has passed on recruitment, training or equipment costs of AEWV holders

- This activity is triggered by an employer’s response on the renewal employer accreditation application form or by alerts and warnings in ADEPT.
- Recruitment, training, or equipment costs inside and outside of New Zealand include (but are not limited to):
 - advertising costs; and
 - recruitment agency fees; and
 - employer accreditation and Job Check application fees, and any other associated costs such as immigration adviser fees; and
 - compulsory training and induction costs related to the job (including on-the-job training); and
 - health and safety equipment required to undertake employment safely; and
 - branded uniforms; and
 - trade testing (including testing centre, tester accommodation and salary costs); and
 - tools where the ownership of the tools is retained by the employer

If...	Then...
<p>employer has <i>not</i> passed on costs of recruitment, training or equipment to AEWV holders inside and outside New Zealand</p>	<p>Record this in ADEPT (see ADEPT User Guide) and continue processing the application</p>
<p>employer has passed on costs of recruitment, training or equipment to AEWV holders inside and outside New Zealand</p>	<p>Consider whether the employer has rectified and addressed the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again (see points below this table).</p>

- Review information provided by the employer as to what they put in place to rectify non-compliance, address the cause of non-compliance and whether they have taken steps to prevent non-compliance happening again.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified that costs had been charged the AEWV holder, and whether the costs were reimbursed immediately after the non-compliance was identified
 - has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation to ensure it is clear that these costs should not be charged to AEWV holders.
 - can satisfy INZ that the non-compliance won't happen in future. This can include:
 - considering how many AEWV holders were charged these costs
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have not been charged the costs
 - an assessment of whether the processes and procedures are adequate and being followed by the employer to ensure that all future AEWV holders will not be charged these costs.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has <i>not</i> rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and ADEPT User Guide).

23. Renewal: Employer has charged fees to AEWV holders outside NZ that would be unlawful if charged in NZ

- This activity is triggered when an employer indicates 'no' to the employer accreditation application question about not charging fees to AEWV holders outside New Zealand that would be unlawful if charged in New Zealand, by an alert and warning, or where INZ has evidence to suggest this has occurred.
- Fees that would be unlawful in New Zealand include (but are not limited to):
 - any payment to secure or retain an employment relationship; and
 - bonding agreements for an unlawful purpose; and
 - deductions from wages or salaries for accommodation, travel or food that are unreasonable or have not been consented to in writing by the worker and included in the employment agreement.

If...	Then...
employer has <i>not</i> charged fees to AEWV holders outside New Zealand that would be unlawful in New Zealand	Record this in ADEPT (see ADEPT User Guide) and continue processing the application Continue processing application.
employer has charged fees to AEWV holders outside New Zealand that would be unlawful in New Zealand	Consider whether the employer has rectified and addressed the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again (see points below this table). Go to PPI SOP

- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified that fees had been charged the AEWV holder, and whether the fees were reimbursed immediately after the non-compliance was identified

- has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation to ensure it is clear that these fees should not be charged to AEWV holders.
- can satisfy INZ that the non-compliance won't happen in future. This can include:
 - Considering how many AEWV holders were charged these fees
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have not been charged the fees
 - an assessment of whether the processes and procedures are adequate and being followed by the employer to ensure that all future AEWV holders will not be charged these fees.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has <i>not</i> rectified the non-compliance promptly, or <i>not</i> taken steps to address the cause of the non-compliance, or <i>not</i> satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and ADEPT User Guide).

24. Renewal: Not everyone who makes recruitment decisions within the employer's organisation has completed Employment NZ modules once within the accreditation period

- This activity is triggered by an employer's response in the or by an alert and warning.
- Review information provided with the employer's application.
- Request additional information from the employer if necessary. This might include confirmation about whether everyone making recruitment decisions have completed the modules, or evidence (such as an email from Employment New Zealand) that people within the organisation are completing the modules, including the dates that modules were completed.

If...	Then...
Everyone who makes recruitment decisions within the employer's organisation has completed Employment NZ modules once within the accreditation period	Continue processing application.
Not everyone who makes recruitment decisions within the employer's organisation has completed Employment NZ modules once within the accreditation period	Go to the point below this table

- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified that employment modules hadn't been completed, whether the employer completed the modules immediately after the non-compliance was identified
 - has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation to record when the modules have been completed.
 - can satisfy INZ that the non-compliance won't happen in future. This can include:
 - considering how many people making recruitment decisions did not complete the modules
 - reviewing evidence from the employer that shows all people in the organisation making recruitment decisions, since the error was identified, have completed the modules
 - an assessment of whether the processes and procedures are adequate to ensure that in future all people making recruitment decisions the organisation will complete modules at least once every accreditation period.

If...	Then...
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employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has <i>not</i> rectified the non-compliance promptly, or <i>not</i> taken steps to address the cause of the non-compliance, or <i>not</i> satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and the ADEPT User Guide).

END

See Also

- [Assess Employer Accreditation](#)
- [Assess risk and general requirements for Employer accreditation](#)
- [Assess settlement activities](#)
- [Assess viable and genuinely operating business/organisation](#)
- [Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions](#)

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Global Process Manual

You are here: [Accredited Employer](#) > [Employer Accreditation](#) > [Assess Employer Accreditation](#)

Assess settlement activities

When to use

When the ADEPT system has indicated that there are manual tasks to perform to assess whether an employer has completed settlement activities for the Accredited Employer Work Visa holder (AEWV) as set out in employer accreditation instructions

Role

- Immigration Officer

Prerequisites

- Employer accreditation application form completed by employer
- Assess risk and general requirements for Employer accreditation
- Assess employer compliance.

Context

Employer accreditation applications will be case managed (rather than activity-based) by immigration officers, assessing the whole application for an employer. Some parts of the application will be automatically assessed, with activities raised by ADEPT for immigration officers to manually assess.

The steps in this SOP include:

- assessing whether an employer meets the requirements for accreditation, as set out in the Employer Accreditation Instructions
- escalating additional immigration risks and seeking advice where necessary
- guidance where decisions need to be signed-off by relevant management.

The assessment includes a review of relevant information, as indicated by immigration risk indicators raised by the ADEPT system and Business Rules Engine (BRE).

Steps

1. Assess employer will not provide information specified under WA2.10.5(a) about the local community as services and employee work-related matters to their AEWV holder employees within one month of the employee beginning their employment as an AEWV holder
 - information includes information about the local community and services and employee work-related matters, including:
 - accommodation options
 - transportation options
 - cost of living
 - how to access healthcare services
 - Citizens Advice Bureau services
 - community groups
 - how to obtain an IRD number
 - industry training and qualifications
 - specific job or industry hazards.
 - Consider requesting more information about why the employer won't provide this information.

If...	Then...
employer will provide information specified	Continue processing application.

under WA2.10.5(a) about the local community as services and employee work-related matters to their AEWV holder employees within one month of the employee beginning their employment	
employer will <i>not</i> provide information specified under WA2.10.5(a) about the local community as services and employee work-related matters to their AEWV holder employees within one month of the employee beginning their employment	Go to PPI SOP (insert link)

2. Assess employer will not provide sufficient time during paid work hours for AEWV holder employees to complete all of Employment NZ online modules within one month of the employee beginning their employment as an AEWV holder

- Employee Employment New Zealand online modules can be found here: [Employment NZ \(elearning.ac.nz\)](http://elearning.ac.nz)
- Consider requesting more information about why the employer won't provide this time for AEWV holders to complete the modules.

If...	Then...
employer will provide sufficient time during paid work hours for AEWV holder employees to complete all of Employment NZ online modules within one month of the employee beginning their employment	Continue processing application
employer will not provide sufficient time during paid work hours for AEWV holder employees to complete all of Employment NZ online modules within one month of the employee beginning their employment	Go to PPI SOP

3. Renewal: Assess employer has not provided the information specified under WA2.10.5(a) about local community and services and employee work-related matters to their AEWV holder employees within one month of the employee beginning their employment as an AEWV holder

- This activity will be triggered by the employer response on the application form or an alert/warning. This may also be identified during post-decision risk management activities.
- information includes information about the local community and services and employee work-related matters, including:
 - accommodation options
 - transportation options
 - cost of living
 - how to access health care services
 - Citizens Advice Bureau services
 - community groups
 - how to obtain an IRD number
 - industry training and qualifications
 - specific job or industry hazards.
- Review information provided by the employer and/or available on the alert/warning.
- Request more information if required. This might include copies of the employer's information as specified in WA2.5(a), confirmation from AEWV holders that they have received information specified under WA2.10.5(a), on-boarding or inductions policies, on-boarding or induction plans, policies or guidelines for new employees.

If...	Then...
employer provided information about the local community and services and employee work-related matters	Continue processing the application
employer <i>did not</i> provide information about the	Consider if the employer has rectified and addressed

local community and services and employee work-related matters	the cause of the non-compliance and taken steps to prevent the non-compliance happening again.
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- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again.
- Assess whether the employer:
 - has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified that settlement information hadn't been provided, whether the employer provided the information to the AEWV holders immediately after the issue was identified
 - has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation to record when AEWV holders have received settlement information from the employer.
 - can satisfy INZ that the non-compliance won't happen in future. This can include:
 - Considering how many AEWV holders were not provided with settlement information
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have received settlement information
 - an assessment of whether the processes and procedures are adequate to ensure that all future AEWV holders will be provided with settlement information within one month of starting employment.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has <i>not</i> rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that the settlement information will be provided to AEWV holders in future	PPI (see PPI SOP and the ADEPT User Guide).

4. Renewal: employer has not provided sufficient time during paid work hours for AEWV holders to complete all of Employment NZ's online employee within one months of the employee beginning their employment as an AEWV holder.

- This activity will be triggered by the employer response on the application form or by an alert or warning. This may also be identified during post-decision risk management activities.
- Review information provided by the employer and/or available on the alert/warning.
- Request more information if required. This might include copies of confirmation from AEWV holders that they have been provided time during paid working hours to complete the Employment New Zealand on-line modules (e.g. payslips (these may show time to complete the modules as a separate item) copy emails or a record), copies of processes or guidelines.

If...	Then...
employer has provided sufficient time during paid work hours for AEWV holders to complete employment modules within one month of the employee beginning their employment as an AEWV holder	Continue processing the application
employer has <i>not</i> provided sufficient time during paid work hours for AEWV holders to complete employment modules within one month of the employee beginning their employment as an AEWV holder	Consider if the employer has rectified and addressed the cause of the non-compliance and taken steps to prevent the non-compliance happening again.

- Review information provided by the employer as to what they put in place to rectify the non-compliance, address the cause of the non-compliance and whether they have taken steps to prevent the non-compliance happening again.
- Assess whether the employer:

- has rectified the non-compliance promptly. This could include consideration of how quickly the employer identified that time to complete employment modules hadn't been provided, whether the employer provided the time for AEWV holders to complete the modules immediately after the non-compliance was identified
- has taken sufficient steps to address the cause of the non-compliance. This could include updating policies and procedures, checklists and documentation to record when AEWV holders have been provided time to complete the modules.
- can satisfy INZ that the non-compliance won't happen in future. This can include:
 - Considering how many AEWV holders were not provided with time to complete the modules
 - reviewing evidence from the employer that shows all AEWV holders employed since the error was identified have been provided with time to complete the modules
 - an assessment of whether the processes and procedures are adequate to ensure that all future AEWV holders will be provided with time to complete modules within one month of starting employment.

If...	Then...
employer has rectified the non-compliance promptly, taken steps to address the cause of the non-compliance and satisfies INZ that the settlement information will be provided to AEWV holders in future	Continue processing the application
employer has <i>not</i> rectified the non-compliance promptly, or not taken steps to address the cause of the non-compliance, or not satisfied INZ that time will be provided to AEWV holders to complete employment modules within one month of starting employment in future	PPI (see PPI SOP and the ADEPT User Guide).

END

See Also

- [Assess Employer Accreditation](#)
- [Assess risk and general requirements for Employer accreditation](#)
- [Assess Employer compliance](#)
- [Assess viable and genuinely operating business/organisation](#)
- [Obtaining, referring or verifying information that is false and misleading or relates to breaches of visa conditions](#)