

Accredited Employer Work Visa

The Accredited Employer Work Visa (AEWV) is a new temporary work visa that will replace the Essential Skills Work Visa and Talent (Accredited Employer) Work Visa, when it launches on 4 July 2022. Employers who want to hire migrants on an AEWV will need to be accredited and submit a job check for relevant roles before they can hire a migrant.

A new median wage will be introduced for the visa. This will rise from \$27 an hour to \$27.76 an hour on 4 July. Employers who submit a job check in advance of 4 July 2022 should use the new median wage figure, as all visa applications will be made on or after this date.

Decisions are still to be made whether there will be any exemptions to meeting the median wage.

It was originally intended that high volume accreditation (hiring 6 or more migrants a year) would involve more requirements than standard accreditation. This is no longer the case. The rules are the same for both. Employers can upgrade from standard to high volume at any time. Migrants on other visa types (for example working holiday visas) are not counted toward the total.

At the job check stage, the labour market test is no longer regionalised. All employers need to advertise their vacancies unless the role is paid at least twice the median wage.

EMPLOYERS

1. Getting accredited

If you are an employer and want to hire migrants on the AEWV you first need to get accreditation.

This is a new type of accreditation. You will need to apply even if you have been accredited under the previous system.

All employers must meet a minimum set of accreditation requirements, including:

- showing you are a genuine, operating business
- showing you are compliant with employment, immigration and business regulatory standards
- completing activities to support the settlement of migrant employees.

There are different types of accreditation depending on your business model, and in some cases the number of migrants you want to hire.

For most employers, accreditation will be simple and not require a lot of documentation.

You need to pay a fee for the application.

Fees

Standard accreditation, up to 5 migrants at any one time is NZD \$740.

High-volume, 6 or more migrants at any one time is NZD \$1220.

Upgrade fee for employers who want to upgrade from standard to high-volume accreditation is NZD \$480.

Employers wanting to place migrants with controlling third parties is NZD \$3870.

Franchisees is NZD \$1980.

Reconsideration of declined employer accreditation application is NZD \$240.

Employers accredited under the Talent (Accredited Employer) scheme will have the fee for their initial AEWV accreditation waived, as long as their accreditation has 6 months from 23 May 2022 until it expires. The Talent (Accredited Employer) scheme is being phased out and has closed to new applications.

Accreditation duration

When you are approved for the first time you will receive accreditation for 12 months.

At renewal, franchisees and employers placing migrants on AEWVs with controlling third parties will get accreditation for a further 12 months.

All other employers will get accreditation for 24 months when they renew.

Requirements for all employers

All employers wanting to hire migrants on AEWVs must meet minimum accreditation criteria.

You must hold a New Zealand Business Number (NZBN).

Most applications will be assessed based on your declarations and automated checks against publicly available information or information held by the Ministry of Business, Innovation and Employment (MBIE).

Genuine business

You must be a genuinely operating business.

You must be registered as an employer with Inland Revenue (IRD).

Your business must be in a sound financial position. This means the business must:

- be profitable (before depreciation and tax), or
- have positive cash flow, or
- have sufficient capital and/or external investment or funding (for example from a founder or parent company), or
- have a plan to ensure the business remains viable.

Businesses operating for less than 12 months must provide evidence they are in a sound financial position. Most other employers will not need to provide evidence upfront.

If you are a partnership or sole trader, you must not be bankrupt or subject to a No Asset Procedure.

No recent history of regulatory non-compliance

You and your significant office holders must not:

- Have recently been convicted of specific immigration-related offences resulting in a fine or imprisonment.
- Be on the Labour Inspectorate stand-down list.

If you or your office holders have, you will not be eligible for accreditation for a set period of time. The length of the stand-down period will depend on how serious the offence is.

You or your significant office holders must not have:

- employed a migrant who does not have the right visa or visa conditions to work in that role
- employed a migrant under terms and conditions not matching those provided on the visa application
- provided false or misleading information to INZ
- been banned from acting as a director, or have a pattern of immigration offences in other businesses you or your officer holders have been involved in.

If you or your office holders have, you must show you have addressed these issues and taken steps to make sure it does not happen again.

You must ensure everyone making recruitment decisions completes Employment New Zealand's online modules on employment rights.

You must pay all recruitment costs in New Zealand and outside New Zealand.

This includes, but is not limited to:

- advertising
- recruitment agency fees
- employer accreditation fees
- job check applications
- trade testing
- tools where the ownership is retained by the employer.

This does not include migrant worker airfares (although this may be a requirement by the authorities in some countries).

You must not charge fees outside New Zealand which would be illegal if charged in New Zealand, including:

- payment to secure a job
- bonding agreements illegally binding workers to a business
- deductions that are unreasonable or not agreed in writing.

Immigration New Zealand may decline your application if your business has been re-established under a new legal entity and NZBN while remaining the same as another business which has failed to meet the accreditation requirements.

Settlement support activities

You must allow migrant workers time to complete Employment New Zealand's online modules on employment rights during paid work hours.

You must provide migrant workers with work-related settlement information including:

- how to get an IRD number
- relevant industry training and qualification information and options
- specific job or industry hazards.

- You must provide migrant workers with local community and services information including:
- accommodation options
- transport options
- cost of living
- how to access healthcare services
- Citizens Advice Bureau services
- information about relevant community groups like religious or migrant groups.

Recording these commitments could include a register signed by the migrant worker, and email records between you and the migrant worker.

You should keep records during the accreditation period to show requirements are being met.

Extra requirements for franchisees

You can find the extra requirements for franchisees and controlling third parties here

<https://www.immigration.govt.nz/employ-migrants/new-employer-accreditation-and-work-visa/accreditation-what-you-need-to-commit-to>

2. Passing the job check

Once you are accredited you must apply for a job check for each job you want to hire a migrant worker for. You can only hire a migrant worker on an AEWV for a job if it has passed the job check.

Pathways through the job check

All jobs must pay the market rate and have terms and conditions that comply with New Zealand employment laws and standards.

Other job check requirements will depend on the job's pay rate and occupation.

Highly paid jobs

If the job is paid at least 200% of the median wage, you do not need to advertise the role.

Visas for these jobs can be for up to 3 years and can offer a pathway to residence. Further details for this pathway will be provided as part of the Skilled Migrant Category review.

All other jobs

All other jobs must pay at least the median wage and you must have advertised to New Zealanders.

Visas for these jobs can be for up to 3 years.

The Government is considering whether there will be any exemptions to the requirement to pay at least the median wage, and restrictions for some other roles.

Median wage

The median wage will increase from NZD \$27.00 an hour to NZD \$27.76 an hour on 4 July 2022, when the Accredited Employer Work Visa opens for applications.

The median wage increase will apply to job checks submitted from 20 June 2022, when applications for the job check open.

Advertising requirements

The terms and conditions of the job must be clear in the job advertisement. The employer must genuinely consider any New Zealanders who apply.

Advertising must:

- be for a minimum of 2 weeks on a national job listing website where suitable New Zealanders are likely to apply, or another advertising channel more likely to attract suitable New Zealanders to the specific role
- show significant terms and conditions including the minimum and maximum pay rate, the minimum guaranteed hours of work, the location of the job
- show the estimated actual earnings where a significant portion of the pay is by piece rate, commission or other rates or bonuses that are not guaranteed
- show minimum qualifications, work experience, skills or other specifications necessary to do the job.

Calculating the minimum pay rate

To accommodate the median wage threshold, INZ will provide more flexibility when calculating the minimum pay rate for the AEWV.

From 4 July 2022, employee's pay will be averaged over the number of hours paid in the pay period. Employers will need to guarantee in their worker's employment that the equivalent of the median wage will be worked per hour, in each pay cycle. Some employers may need to change employment agreements to provide these guarantees.

Multiple positions

Multiple positions for the same job can be included in one job check if the job details are the same (for example they have the same occupation, pay range, region or city and minimum job requirements), and are all covered by the same advertising (where required) and proposed employment agreement.

Fees

Job check fee - NZD \$610

Reconsideration of declined job check - NZD \$240

Job check duration

An approved job check is valid for 6 months or until you no longer hold accreditation, whichever is earlier

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MIGRANTS

Once your employer has been accredited for the Accredited Employer Work Visa (AEWV) and has an approved job check you can apply for an AEWV.

What you need to know

Applications for the Accredited Employer Work Visa open on 4 July 2022.

You cannot apply for a visa until your employer is accredited and has an approved job check. Once they have done these things, they can send you an invitation to apply for the job.

If you are in New Zealand with an expiring visa, and your employer has not completed the steps in time for you to apply before expiry, you can apply for a bridging visa.

This will be a visitor visa, and will not allow you to work.

When you apply for an AEWV you will need to show health, character, and skills and experience. If you have shown skills and experience previously, or through holding occupational registration, you do not need to provide evidence again.

Before you come to New Zealand

Your employer must have a genuine job for you.

They must provide a detailed employment agreement which you sign before you leave for New Zealand.

This agreement must comply with New Zealand labour laws and clearly show you the location, pay and working conditions for the job.

Your employer must pay all costs and fees inside and outside New Zealand for your recruitment. You may have to pay for the visa application and airfares. You must pay for immigration advice you received through an agent, if any.

Your employer's obligations

Migrant workers have the same rights as New Zealand workers.

If your employer is hiring you on an Accredited Employer Work Visa they must comply with New Zealand employment laws and standards.

They also need to ensure you are well settled in the community and are able to report any breaches of your rights.

Settlement support in New Zealand

Your employer must provide support for your stay in New Zealand to do the job you have been hired for.

This includes giving you information about the local community and services such as:

- transport options (including driving and drivers licence information and public transport)
- cost of living
- how to access healthcare services
- Citizens Advice Bureau services
- relevant community groups (for example, religious or migrant groups).

Your employer must also give you work-related settlement information such as:

- how to obtain an Inland Revenue (IRD) number
- industry training and qualification information and options
- specific job or industry hazards
- ensuring you complete Employment New Zealand's online modules on employment rights.

AEWV fees

- Application for AEWV - NZD \$540
- Immigration levy paid by worker - NZD \$55
- Reconsideration of a declined AEWV application - NZD \$220
- Variation of conditions - NZD \$190

Remaining in New Zealand on an AEWV

If you are currently living and working in New Zealand, you can continue to work under the conditions of your current visa until it expires or you no longer meet the conditions of the visa.

If you want to remain in New Zealand after your visa expires by applying for an AEWV, you will need to find a job paying at or above the median wage.