

Immigration alert – compliance checks

Background

To support an Accredited Employer Work Visa (**AEWV**) New Zealand employers must hold mandatory accreditation with Immigration New Zealand (**INZ**). This is granted to employers who:

- Are genuinely operating;
- Will commit to completing settlement support activities for migrants; and
- Have a history of compliance with immigration, employment and business standards.

Employers make several commitments to INZ when applying for accreditation. Compliance with these commitments is critical to accreditation being maintained and renewed.

In [previous alerts](#) we have discussed the compliance risks associated with this new accreditation scheme. The key concern is that initial applications require no supporting evidence. Instead, the online form asks employers to commit to a fairly long list of obligations. In practice, some employers are falling short of these important post-accreditation commitments.

Update

INZ will shortly begin compliance checks on a selection of accredited organisations. This will involve verifying the information provided in an accreditation application form and ensuring that all commitments have been implemented. Approximately 15% of accredited employers will be selected for a compliance check.

Compliance checks may include (but are not limited to) requesting evidence of:

1. The key people involved in the business.
2. Payments made to offshore recruitment agents.
3. Financial viability e.g. financial statements.
4. PAYE documentation for migrant workers.

5. Start dates for migrant workers.
6. Settlement support information being provided.
7. Hours worked by migrant workers.

We expect that most of this verification will be desk-based, but will include site visits in some cases.

Non-compliance consequences

If INZ has concerns that a business is not meeting its post-accreditation obligations, a letter of concern will be sent to the employer. This will give an opportunity to provide feedback and additional evidence to mitigate INZ's concerns. While minor issues may result in recommendations for improvement only, major concerns could lead to a stand-down, fine or permanent ban from supporting migrant workers.

Our thoughts

We expect frequent concerns to be raised as a result of these INZ compliance checks.

It is a good time to complete an audit of post-accreditation compliance. Our team would be happy to review your documentation and processes so that your business is well placed to respond to a compliance check from INZ.

We recommend seeking immigration law advice if your business receives a letter of concern from INZ.

Questions?

Please don't hesitate to reach out using the contact details below.

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