



Franchise Association of New Zealand – AEWV Update

28 MAY 2024

| Specific advice should always be obtained before relying on any aspect of the content of this presentation or associated materials.

Agenda

Today's Topics

01

Changes to
accreditation
obligations

02

Tips for
renewing
accreditation

03

Changes to the
Accredited
Employer Work
Visa Scheme

04

Changes to
Residence
Pathways

01

Changes to accreditation obligations

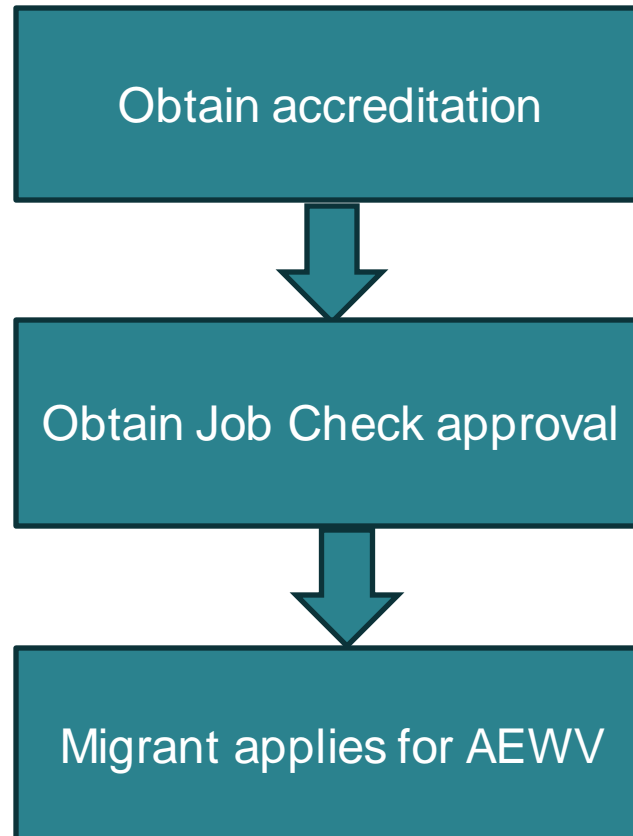


01

Changes to
accreditation
obligations

Reminder of AEWV system

How does it work?



01

Changes to accreditation obligations

Accreditation obligations

Employment law modules

“Everyone who makes recruitment decisions about an Accredited Employer work visa holder or applicant within the employer’s organisation (for example hiring managers, human resource managers, sole traders and partners) must complete Employment New Zealand’s online employer modules once within every accreditation period”

Further guidance from INZ:

Regarding people who have made recruitment decisions about AEWV holders or applicants in the past, but do not anticipate making any more, are they required to do the Employment New Zealand online employer modules?

- *If they made recruitment decisions about AEWV holders or applicants during the accreditation period, they are required to do the modules within that accreditation period, even if they will not be making further recruitment decisions about AEWV holders or applicants within that period.*

I believe that if there is a possibility that someone might make a recruitment decision, they don’t need to do the employment modules until they actually end up making recruitment decisions. Is that right?

- *The answer is: Yes, that’s correct. They don’t technically have to do the modules unless/until they actually end up making recruitment decisions re an AEWV holder.*

01

Changes to accreditation obligations

Accreditation obligations

Must advise of change in “Key Persons”



Change must be advised within ten working days

Key Person = Any person occupying the position of Director and any other person that occupies a position that allows the person to exercise influence over the organisation or undertaking, where such influence could result in non-compliance with employment or immigration regulatory standards



01

Changes to accreditation obligations

Accreditation obligations

Must advise if an AEWV holder leaves

“Employers must advise INZ within 10 working days if an Accredited Employer Work Visa holder’s employment ends more than a month before their visa expires”

Comes into effect when renew your organisation’s accreditation

Please let us know if you would like the form and email address

Note: obligation to self-report non-compliance to INZ during term of accreditation removed



01

Changes to accreditation obligations

Accreditation obligations Must now check minimum skill level

- Minimum skill level
 - 3 years or more of relevant work experience;
 - Relevant qualification - that reasonably believe is at least Level 4 on New Zealand Qualifications Framework

(International Qualification Assessment may be needed at visa application stage - \$445)

Exceptions if:

- Has a Bachelor's degree
 - Meets Green List requirements (e.g. Engineer, Auditor, Construction Project Manager, Slaughterer)
 - Being paid twice the median wage (wording of remuneration clauses is important!)
-
- One of the below reasonable steps must be taken when checking meets minimum skills:
 - Letters of reference;
 - Certificates of employment
 - Payslips
 - Tax Certificates

Recruitment agents do not remove the responsibility, so they must provide you with the evidence

01

Changes to accreditation obligations

Accreditation obligations

Must also check suitably skilled for job

One of the following practical steps must be taken when checking suitably qualified:

- Letters of reference;
- Certificates of employment
- Payslips
- Tax Certificates
- Requiring a practical test;
- Job interview to demonstrate knowledge
- Evidence of occupational registration

For Green List roles must check that meets the Green List requirements

- Example: Electrician – NZ registration or Limited Certificate with the EWRB
- Example: Database Administrator – Must be paid at least \$63.22 per hour

Recruitment agents cannot remove your responsibility, so they must provide your business with the evidence

No exemption if earning twice the median wage

01

Changes to accreditation obligations

Accreditation revocation/suspension

INZ have extended their powers to suspend accreditation for up to three months, or until verification, compliance activity, or investigation is completed.

INZ are limited as to what message they can disseminate about how strictly this will be enforced.

Our understanding is that minor breaches, which are resolved and where systems put in place to prevent repetition, are unlikely to result in suspension.



02

Tips for renewing accreditation



02

Tips for renewing accreditation

Renewing accreditation



- **Financial documents to show that your organisation can meet financial obligations**
- E.g. financial statements, annual report, P & L statements



- **Evidence of people within your organisation having completed the employment law modules**

- E.g. certificates of completion
- Can invite people to be linked into your organisation's account on the learning platform
- (Must be completed before accreditation expires)



- **Evidence that your organisation has met the "settlement support obligations"**

- Evidence of AEWV employees having been given the time to complete the employment law modules;
- Evidence of AEWV employees having been given the settlement support information
- (Both need to have been done within the first month of employment)

02

Tips for renewing accreditation

Franchisee Accreditation

Being disestablished effective from
16 June 2024

Apply for Standard (\$740) or High-volume accreditation (\$1220) if applying after this date

If accreditation application made before 16 June, and application is approved, will be granted High-Volume accreditation

02

Tips for renewing accreditation

Interim accreditation

Valid for up to three months

Must apply before current accreditation expires

If have franchisee accreditation, interim accreditation will be:

- Standard accreditation if that is what is applied for;
- High volume accreditation if that is what is applied for

03

Changes to the Accredited Employer Work Visa Scheme



03

Changes to the
Accredited
Employer Work
Visa Scheme

Job Check changes

All new Job Checks from **7 April**

Your business must check that migrants given Job Tokens meet visa minimum skill requirements and suitably qualified for the role

03

Changes to the Accredited Employer Work Visa Scheme

Job Check changes

Identifying the correct ANZSCO

The ANZSCO can be found at:

[1220.0 - ANZSCO - Australian and New Zealand Standard Classification of Occupations, 2013, Version 1.3 \(abs.gov.au\)](https://www.abs.gov.au/1220.0)

INZ will undertake a “substantial match assessment” – this means:

- Job descriptions are very important;
- Remuneration level will be taken into account;
- Qualifications or experience asked for in the advertisement will be important (put both!)

Work and Income do not need to confirm that no New Zealanders available or suitable...YET!

03

Changes to the Accredited Employer Work Visa Scheme

Job Check changes

Deciding not to hire New Zealanders?

E3 Indicate why you did not hire New Zealand citizens or residents for the job after advertising and engaging with Work and Income.

Select all the reasons that apply.

No New Zealand citizens or residents applied

Some New Zealand citizens or residents applied, but they did not:

have the skills, experience, or qualifications I identify as being necessary to do the job, and could not be trained on the job

meet other requirements for the job, such as having a driver's license, a good fitness level, or passing a drug or criminal check

live close to where the job is, and could not move there

have a practical way of travelling to the job

have availability for full-time work in the hours I need

meet other requirements not listed above

If you selected that they did not meet other requirements, describe the reason or reasons:

03

Changes to the Accredited Employer Work Visa Scheme

Job Check changes

Deciding not to hire New Zealanders?

Must be satisfied that no **suitable** and **available** New Zealanders applied

Suitable to do the work on offer is either:

Qualified to take up the work	OR	Can be readily trained to do the work
Qualifications or work experience that reasonably necessary to do the work and..		With on-the-job training could do the work on offer (six months or less) and
Any other competencies that are necessary such as driving licence or ability to get one, fitness, or health, drug, or criminal checks		Any other competencies that are necessary such as driving licence or ability to get one, fitness, or health, drug, or criminal checks

03

Changes to the Accredited Employer Work Visa Scheme

Job Check changes

Deciding not to hire New Zealanders

Must be satisfied that no **suitable** and **available** New Zealanders applied

Available to do the work on offer is

Resides in or willing to move to the job location (i.e. region of employment)

Can practically make it to work (transport)

Available to work the hours required by the job

03

Changes to the Accredited Employer Work Visa Scheme

Visa eligibility changes

Impact on Job Checks & Choice of Migrant

Make sure the migrant will meet these requirements, otherwise no point in sharing Job Check approval

Migrant must prove that they meet minimum skill requirement

- Evidence of three years of work experience; OR
- Evidence of Level 4 Qualification (International Qualification Assessment); OR
- Has a degree;
- Green List job and can prove meets Green List requirements;
- Job pays twice the median wage (\$59.32)

Migrant must prove suitably skilled for the job

- Evidence of any additional work experience, qualifications, or competencies that your organisation requires
- Review what is asked for in the advertisements

If job at ANZSCO Level 4 or 5, migrant must prove English language ability

03

Changes to the Accredited Employer Work Visa Scheme

Visa eligibility changes English language requirements

Citizenship/Qualification	Requirement
Canadian, Irish, UK or USA citizen	Must have worked or studied for at least five years in one of those countries or NZ or Australia
Bachelor's degree	Must be from Australia, Canada, NZ, Ireland, UK or USA and took at least two years
Level 8 qualification	Must be from Australia, Canada, NZ, Ireland, UK or USA and took at least one year
English language tests (less than 2 years old)	
IELTS	Overall score of 4 or more
TOEFLiBT	Overall score of 31 or more
PTE Academic	Overall score of 29 or more
B2 First/B2 First for Schools	Overall score of 142 or more
OET	Grade D or higher in all four skills

03

Changes to the Accredited Employer Work Visa Scheme

Maximum stay changes Impact on retention

5

Five years for:

- ANZSCO Skill Level 1, 2, and 3 paid at median wage
- Green List role, paid at median wage
- Transport Sector – Work to Residence role, paid at median wage
- Paid 1.5 x median wage (as set under the SMC resident visa criteria (\$47.41))
- Any ANZSCO, paid at median wage, and application submitted before 6 April 2024

3

Three years for:

- ANZSCO Skill Level 4 or 5, paid at median wage
- (Two plus one year)



Must spend 12 months outside of New Zealand to re-start time period

03

Changes to the Accredited Employer Work Visa Scheme

Maximum stay changes

Impact on retention/choice of migrant

Can apply for a visa to top up to 5 years

Where already has an AEWV, due to an application submitted before 6 April 2024 and Job Check number being reused

BUT only up to maximum continuous stay

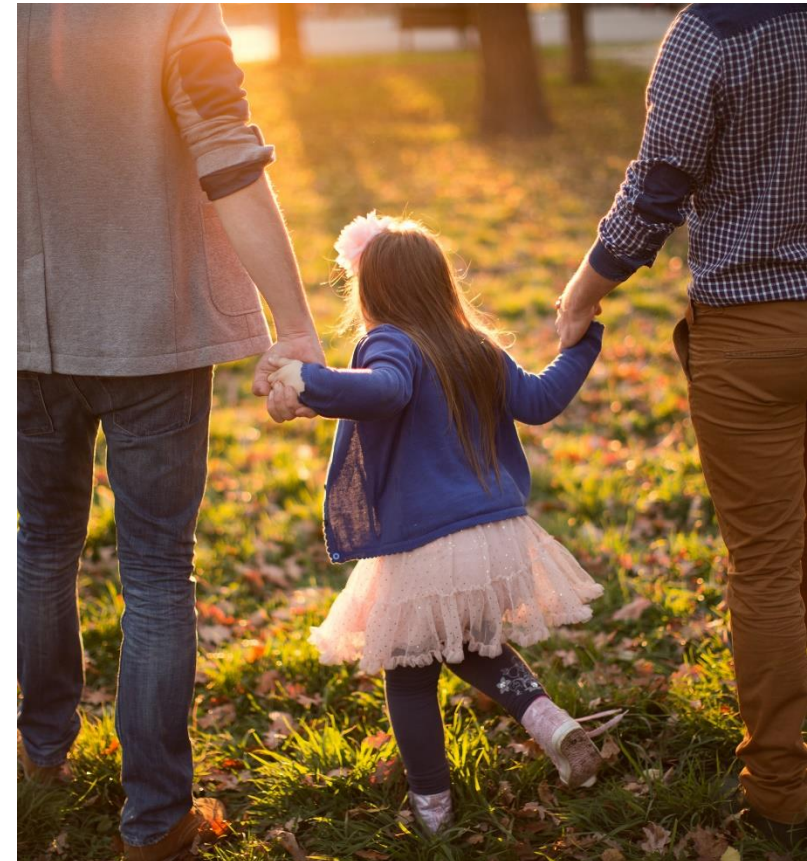
Use same Job Check if:

Visa granted between 21 June 2023 and 6 April 2024 + Employment was paid at median wage

OR

Before 21 June 2023 + ANZSCO 1, 2, or 3/Green List/1.5 x median wage/Transport Sector

Maximum continuous stay starts from grant of visa or, if granted offshore, when first entered



03

Changes to the Accredited Employer Work Visa Scheme

Maximum stay changes

Impact on retention/choice of migrant

Maximum continuous stay determined by:

when first AEWV application submitted + ANZSCO + remuneration + when new application submitted

20 June 2023 or earlier	21 June 2023 – 6 April 2024	7 April 2024 or later
ANZSCO 1, 2 or 3 + median wage = 5 years max	\$29.66 = 5 years (ANZSCO irrelevant)	ANZSCO 1, 2, or 3 + \$29.66 = 5 years max
ANZSCO 4 or 5 + median wage = 3 years max	\$29.66 = 5 years (ANZSCO irrelevant)	ANZSCO 4 or 5 + \$29.66 = 3 years max
Green List job + meets Green List requirements = 5 years max	Green List job + meets Green List requirements = 5 years max	Green List job + meets Green List requirements = 5 years max
Transport Sector role (e.g. Truck Driver/Tow Truck Driver) = 5 years	Transport Sector role (e.g. Truck Driver/Tow Truck Driver) = 5 years	Transport Sector (now only Shipping roles) = 5 years
Paid at 1.5 x median wage = 5 years	Paid at 1.5 x median wage = 5 years (median wage increased 28 February - \$47.41)	Paid at 1.5 x median wage = 5 years (median wage increased 28 February - \$47.41)

04

Changes to
Residence Pathways



04

Changes to Residence Pathways

Skilled Migrant Category (SM6)

How do applicants qualify?

Income OR	Qualification OR	Registration/licence
3 x median wage (\$94.83) = 6 points	Level 10 Doctorate = 6 points	Between 3 and 6 points, depending on registration
2 x median wage (\$63.22) = 4 points	Level 9 Master's Degree = 5 points	(e.g. Electrician registration with EWRB = 3 points)
1.5 x median wage (\$47.41) = 3 points	Level 8 Bachelor Hons Degree or Post-Grad Diploma = 4 points	
	Level 8 Post-Grad Certificate or Level 7 Bachelor's degree = 3 points	



Years of skilled New Zealand work experience

3 years
= 3 points

2 years
= 2 points

1 year
= 1 point

04

Changes to Residence Pathways

Green List



Green List

- List of occupations leading to residence - if certain criteria met
- Top tier of the list - “straight to residence”
- Second tier takes two years – “work to residence”

04

Changes to Residence Pathways

What has changed?

8 new occupations added to Tier 1 of the Green List

1. Aeronautical (Aerospace/Avionics/Aviation) Engineer
2. Naval Architect/Marine Designer
3. Mechanical Engineering Technician
4. Aircraft Maintenance Engineer (Avionics)
5. Aircraft Maintenance Engineer (Mechanical)
6. Aircraft Maintenance Engineer (Structures)
7. Database Administrator
8. Systems Administrator

1 new occupation added to Tier 2 of the Green List

- Corrections Officer



04

Changes to Residence Pathways

What has changed?

The government changed its mind about adding these occupations to the Green List:

- Paving Plant Operator
- Metal Fabricator
- Pressure Welder
- Welder
- Fitter (General)
- Fitter and Turner
- Fitter-Welder
- Metal Machinist (First Class)
- Panel Beater
- Vehicle Painter
- Road Roller Operator

No pathway to residence for many of these migrants – but more changes to residence are coming!



04

Changes to Residence Pathways

What else might change?

- Removal/change to the median wage requirement for residence?
- Changes to/removal of the Sector Schemes?

Questions?



Contact us



Nicola Tiffen
Partner

M +64 27 201 6760

E nicola.tiffen@duncancotterill.com



Po-Yen Liu
Senior Solicitor

DDI +64 3 372 6525

E po-yen.liu@duncancotterill.com



Nicky Robertson
Special Counsel

M +64 21 635 629

E nicky.robertson@duncancotterill.com