

Immigration Update

May 2024

What we will talk about

1. New accreditation obligations
2. Brief overview of AEWV changes
3. Employer infringement scheme

New accreditation obligations

- Now a visa condition to ensure AEWV holders work 30+ hours weekly
- Employer must inform INZ within 10 working days if an AEWV holder leaves their job
- Employer must check a migrant worker is suitably qualified to do the job and meets new minimum skills requirements

AEWV Updates – all applications

- New skills requirements for *most* AEWV applicants:
 - 3 years of 'relevant' experience (same industry or field); or
 - A relevant qualification at level 4 or higher.

Some exceptions e.g. Green List

- Definition of suitable and available:

"Whether a New Zealand worker [citizen or resident] is qualified to take up the offer, or able to be readily trained; and available to do the work."

AEWV Updates – low skilled (ANZSCO 4 + 5)

- AEWV holders at ANZSCO Skill Level 4 or 5 must meet English language requirements.
- Job vacancies for roles at ANZSCO Skill Level 4 or 5 must now be advertised for 21 days. The employer must also engage with Work and Income .

Exceptions: Green List, 2x median wage

Tip: if borderline ANZSCO, advertise and engage with WINZ. INZ won't hold applications.

AEWV Updates – low skilled (ANZSCO 4 + 5)

- The maximum length stay for most AEWV holders in ANZSCO Level 4 or 5 roles is now 3 years. This will usually be a 2 year initial visa, followed by a 1 year extension.
 - **Exceptions:**
 - Green List
 - 1.5 times (Skilled Migrant) median wage
 - Transport Sector Agreement roles and Care Workforce Sector Agreement roles with pathway to residence

AEWV Updates – low skilled (ANZSCO 4 + 5)

- **Balance applications:** AEWV holders who applied for initial visas between 21 June 2023 - 7 April 2024 can still get the 5 year balance. This is provided:
 - They were paid the median wage with the initial application; and
 - Are working in the same role.
- The clock starts when the first AEWV is issued (other previously held visas do not count)
- Once stay maxed out, 12 months outside of New Zealand before a further AEWV can be applied for

Employer Infringement scheme

From 11 April 2024, Immigration New Zealand (**INZ**) can now issue employers with infringement notices if found in breach of immigration rules. Breaches include:

- Employing individuals unlawfully in New Zealand
- Employing individuals in breach of visa conditions
- Failing to comply for a 10-day request for information

Tied to an infringement notice is a penalty. This could include:

- A fine of \$1,000 or more
- Loss of accredited employer or recognized seasonal employer status
- Inclusion on the "stand down" list- a list of non-compliant employers published online