

INZ Changes from May to July 2024

Brief Change to WINZ Advertising

For farmers, INZ have recognised that the calving season is soon upon us and delays in being able to hire is not acceptable. So, INZ have allowed an exception for **submissions before 14 July, allowing farm assistant roles to only be advertised for 14 days until then (ANZSCO 841512)**.

WINZ is only one part of the Labour market test and there are a growing number of applicants, including Kiwis/Residents who must be engaged and vetted, employers. On behalf of our clients, we're vetting upwards of 150 candidates to determine if they're suitable candidates as defined by WINZ/INZ. Also WINZ have up to 5 days from when you submit a job listing by which to formally list at which time the 14 -21 days start.

For this reason, we suggest allowing around 4 weeks for a Job Check to be submitted to INZ to allows time for proper candidate vetting.

Renewing Employer Accreditation



Employer Accreditations (EAs) are starting to expire in the second half of this year. Before your accreditation expires, you may choose to either renew the accreditation, or let it expire.

Renewing Employer Accreditation Gives 2 Year Duration

if you renew your application before expiry, your EA will be valid for 2 years; otherwise, if you let it expire and reapply later, you only get one year (a bit of good news)

- You should **take advantage** of this if you believe over the following 2 years you'll need to **employ new workers** on an AEWV, support an AEWV for a **variation of conditions/job change**, or if you **wish to support a migrant for a resident** visa (under SMC or SMR)
- INZ recommend **applying 6 weeks before your EA expires**
- If you've submitted your EA application before your current accreditation expires and expires while awaiting the new application's outcome, you **may qualify for an interim 3-month accreditation**.
 - this interim accreditation will allow you to use an existing Job Check token or apply for a new Job Check to have a migrant apply for an AEWV.

EA Application Evidence is Required

- For faster and successful processing of your Employer accreditation renewal, we employ a 'measure twice, cut once' practice of including key supporting documents. Minimally these are:
 - Financials showing your business is viable and genuinely operating
 - Evidence you provided time to your employees with settlement information and time for them have completed the Employment NZ employee modules
 - Evidence that all 'key people' have completed the [Employment NZ employer modules](#)

You can contact the immigration team at immigration@frenz.co.nz with any questions, etc.

INZ Changes from 7 April



Treatment of Farm Assistant and Herd Manager Roles		
	Farm Assistant	Herd Manager
Shared Eligibility	To be considered suitable for a visa, candidates must have 3 years verifiable relevant work experience -or- <ul style="list-style-type: none">a relevant qualification equivalent to NZQA Level 4 (NZQA assessed) -or-A Bachelor's degree or higher	
but Farm Assistants must also...	<ul style="list-style-type: none">pass an English language test (basic level of English)they may be exempt if they've studied, lived or worked in AU, NZ, UK/Ireland, Canada or USA for a specified period of time.	-
Visa Duration	3 years Maximum stay in NZ <ul style="list-style-type: none">1x visa with 2 year durationplus 1x visa for 1 additional year with a new Job Checkafter 3 years, they will need to leave NZ for a year <p><i>Caveats</i> if the worker has held a previous visa for the role, they may be deemed to have met the minimum skills (please check candidates with us to ensure they will meet INZ requirements)</p> <p>When/if they've met the Herd Manager criteria, a promotion can get an extension to the 5 year (max) stay.</p>	5 years Max stay in NZ <ul style="list-style-type: none">1x visa with 5 year durationif not eligible for RV pathway after 5 years, they will need to leave NZ for a year



Job Check Process Changes

Four notable changes for farm assistants

- 1
- Advertising duration - **ads must run for 14 days** where Job Check applications will be eligible to be submitted by 14 July or for Herd Manager roles. Submissions from 14 July must have 21 days of WINZ and national advertising.
- 2
- WINZ listing as part of Job Check - INZ have added back [listing the job with WINZ](#) as part of the Job Check process.
- !
- WINZ have up to 5 days to list the ads which need to run up to 14 -21 days; WINZ may readily decide there are no suitable candidates in your area.
- 3
- Declaration **that there are no suitable Kiwis or Residents who have applied**. While FRENZ have done declarations for labour market tests as best practice, INZ have now made these mandatory for all agencies and employers doing their own checks.
 - This is in **addition to detailed list and suitability notes against the job applicants**.
- 4
- INZ have made a list of what is considered to be **suitable candidates** [HERE](#)
INZ Role Discretion - **INZ has the ability to downgrade a position** you want to fill.
- INZ may require you to prove that you legitimately have a Herd Manager role, rather than a Farm Assistant - so candidates don't have to meet the additional requirements. We have been **providing org charts** to expedite clients' Job Checks, to assist in proving vacancies are legitimate; but these may also serve to prove a HM is needed.

Important to keep in mind, you need to make sure that the information you provide to WINZ is the same on the general advertising and vice versa to avoid delays and declines.



NEW Employers' Accreditation Responsibilities

Accredited employers have some additional requirements to ensure continued accreditation.

- ✓ Employers must notify INZ within 10 working days if:
 - ❑ there are any **changes to key persons at the organisation**, or a change in the business structure (e.g., move from partnership to company)
 - ❑ an AEWV holder's employment ends more than a month before their visa expires (e.g. **if a worker leaves your company you must let INZ know within 10 days**)
- ✓ Employers must **sight evidence of a prospective employee's qualification or experience** (such as payslips, tax certificates, COE, reference letters or qualifications)*
- ✓ Or if they don't sight the evidence, they need to get the applicant to either:
 - ❑ Sight evidence that they **hold occupational registration**
 - ❑ Do a **practical test**
 - ❑ Demonstrate knowledge through a **job interview**
 - there's no clear direction on how these are meant to be proven. We suggest a picture, signed/date letter for confirmation, recording and/or saved summary

***Note:** for FRENZ candidates, we will have collected & retained these as part of our practice.

Existing (Reminder) Responsibilities

- ✓ Key persons are required to **complete Employment NZ modules** once every accreditation period
 - these are people who were listed on the accreditation, generally Directors, and people who have responsibility for hiring and managing staff
 - you can access the modules [HERE](#)
- 30+ hours work per week must be guaranteed for AEWV holders (accreditation can now be revoked if workers don't get this)

Frequently Asked Questions

There are some common concerns and Frequently Asked Questions which we've commented on below but please get in touch with us for additional thoughts or queries

Q - "Why wouldn't I just call someone a Herd Manager so they can get a 5 year visa?"

A- When a Job Check is submitted to INZ, they can and do ask for justification as to how this role fits into your org structure. Pending this, they have the ability to 'demote' the role.

Q - "What happens if I already have a Job Check that doesn't meet the new rules?"

A- If you have a job check that lists only 1 year experience is required, for example, the Job Check is still considered active and you don't need to do WINZ. But the candidate who applies for the visa must have the proven experience and/or qualification as well as pass an English test to secure a visa (unless they already hold a AEWV - if doing a job change/variation applicants don't have to meet the new requirements).

Q- "What if I have a visa applicant who doesn't meet the new rules?"

A- Applications (either for visas or Job Checks) submitted before 6 April 2024 will be processed under the previous instructions. Applications that have not yet been submitted are subject to the new criteria depending on ANZSCO, e.g., English language, proven experience

Q - "What do I do if I'm moving regions and want to take my workers?"

A- You'll need a new Job Check, and the workers will need to apply for a Variation of Conditions (both depending on circumstance)

Q - "What about workers (and their employers) who were told they would be eligible to stay 5 years?"

A- The govt has decided that those who applied for an AEWV on or after 21 June 2023 (when the 5 year visa was announced) to 6 April 2024, will continue to be eligible for a 5 year because INZ gave them a reasonable expectation when they came to NZ that they would be able to remain here on that visa for up to 5 years.