

November 2017

INZ 1090



Employer Accreditation Application

Under Talent (Accredited Employers) Work Instructions

Information for employers

The objective of the Talent (Accredited Employers) Work Instructions is to allow accredited employers to supplement their own New Zealand workforce in their core area of business activity through:

- the recruitment of workers who are not New Zealand citizens or residence class visa holders whose talents are required by the employer; and
- the accredited employer having direct responsibility for those employees and their work output.

What is an 'accredited employer'?

An accredited employer is an employer who is accredited by Immigration New Zealand (INZ) to employ persons under the Talent (Accredited Employer) work instructions.

Who can get work visas under the Talent (Accredited Employers) Work Instructions?

Applicants can get a work visa under these instructions if they are non-New Zealand citizens or residence class visa holders who:

- hold an offer of employment (see over page) from an accredited employer
- are aged 55 years or under
- meet immigration health and character requirements, and
- are bona fide applicants intending to comply with their visa conditions.

Applicants must apply at any onshore or offshore receiving office of INZ and meet the relevant application requirements (completed application form and photos, fee and immigration levy, passport, acceptable medical and X-ray certificates, police certificates, an employment offer from an accredited employer, and any other documents or information required by the application form or INZ). See the *Work Visa Guide (INZ 1016)* for details.

What can Talent work visa holders do?

Persons granted Talent (Accredited Employer) work visas are granted multiple entry work visas enabling a stay of 30 months in New Zealand. Their visas are subject to the condition that they may work for an accredited employer only.

Holders of these visas may apply for New Zealand residence after two years. They will qualify for residence if they:

- have been employed in New Zealand by an accredited employer (or any other employer they have been granted a variation of conditions to work for) throughout a period of at least 24 months during the currency of their work visa.
- have full-time ongoing employment with a minimum base salary of NZ\$55,000; and meet standard residence application requirements, health and character requirements as well as any applicable occupational registration requirements. See our *Self-Assessment Guide for Residence in New Zealand (INZ 1003)* for details.



Applications for employer accreditation

Applications for employer accreditation must be made on this form and be accompanied by the application fee (see our *Fees Guide (INZ 1028)*). Completed applications should be sent to: Business Migration Branch, Immigration New Zealand, PO Box 27149, Wellington.

Accreditation criteria

For an employer to qualify for accreditation, INZ must be satisfied that the employer:

- is in a sound financial position
- has human resource policies and processes of a high standard
- has a demonstrable commitment to training and employing New Zealanders, and
- has good workplace practices – including a history of compliance with all immigration and employment laws and policies such as the Immigration Act 2009, the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety in Employment Act 1992, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987 and the Holidays Act 2003.

Accreditation assessment

When deciding whether to grant accreditation, INZ will consider all the information and evidence supplied in the employer's application for accreditation, and will take into account such factors as:

- the period for which the employer has been a going concern
- whether the employer has engaged with any relevant Industry Training Organisation (ITO)
- whether the employer is a member of the EEO Employers Group
- whether the employer is International Organisation for Standardisation "ISO-certified"
- whether the employer has an intention to maintain accreditation throughout the period of currency of any visas granted to their employees under the Talent (Accredited Employers) Work Instructions.

INZ is required by the Talent (Accredited Employers) Work Instructions to be satisfied that all the information and documents included in an application for employer accreditation are genuine and accurate, and may take any steps it considers necessary to verify such information or documents, including interviews. It may also, where necessary, seek the approval of an employer to conduct a site visit to the employer's premises. (Where any information is identified by the employer as commercially sensitive, and is provided to INZ in confidence, INZ will seek the consent of the employer for the disclosure of that information.)

INZ will consult with relevant unions and other employee representatives when determining whether the employer has human resource policies and processes of a high standard, a commitment to training and employing New Zealanders, and good workplace practices.

Employers must consent to INZ seeking information from other groups within the Ministry of Business, Innovation and Employment, WorkSafe New Zealand, and the Accident Compensation Corporation concerning the employer's compliance with New Zealand's employment laws. Where such consent is not given, the application for accreditation will be declined.

Offers of employment by accredited employers

Offers of employment made by accredited employers to non-New Zealand workers under the Talent (Accredited Employers) Work Instructions must be:

- for genuine employment in New Zealand in the capacity or position stated
- for employment in the accredited employer's core area of business activity and where the employer will have direct responsibility for the employee's work output
- for a position with a salary of NZ\$55,000 or more
- for a period of at least 24 months
- for full-time employment (that is, amounting to, on average, at least 30 hours per week)
- current at the time the holder's work visa application is assessed, and at the time he or she is granted a multiple entry work visa

- compliant with all relevant employment law¹ in force in New Zealand, and
- when submitted by the holder to INZ, accompanied by evidence of full or provisional registration (or of eligibility for such registration) if registration is required by law for that person to take up the offer. For medical practitioners, registration within a 'special scope of practice' is not full or provisional registration for the purpose of a work to residence application.

Note: the minimum base salary requirement of NZ\$55,000 may be waived for applicants who produce evidence which satisfies INZ that they have exceptional talent in a field of art, sport or culture as defined in our Work Visa Guide (INZ 1016).

Accreditation may be refused or revoked

An employer's application for accreditation will be declined if an employer does not meet the criteria for accreditation, or if INZ considers that accrediting that employer would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

Accreditation may be revoked or not renewed if:

- as a result of an audit, an immigration officer is not satisfied that the requirements of accreditation continue to be met
- an employer fails to comply with a request for further information or records by INZ within a reasonable specified timeframe
- INZ considers an employer's conduct has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies
- an employer supplies false or misleading information to INZ.

Applications for reconsideration

There is no statutory right of appeal against a decision by INZ to decline an application for accreditation, however INZ will reconsider a decline decision if the employer provides new information within 14 days of being notified of the decision. Any application for reconsideration must be made in writing and must be accompanied by the reconsideration fee. INZ's decision on a reconsideration is final.

Importance of complying with all employment and immigration law

Employers whose conduct results in their accreditation being revoked or not being renewed, may jeopardise the ability of any employees holding work visas to subsequently apply for residence under the Talent (Accredited Employers) Residence Instructions.

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, Immigration New Zealand will return your application.

For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

Work entitlement

It is an offence under the Immigration Act 2009 to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work through Immigration New Zealand's online VisaView system. For more information or to register please visit www.immigration.govt.nz/visaview. Disclosure of information through VisaView is authorised by legislation.

When filling in this form, please print clearly in English using CAPITAL LETTERS.

Detach and retain pages 1 to 4, if desired.



¹ Compliance with relevant New Zealand employment law includes but is not limited to:

- a written employment agreement that contains the necessary statutory specified terms and conditions
- meeting holiday and special leave requirements and other minimum statutory criteria
- meeting occupational safety and health obligations.

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Employer Accreditation Application

Under Talent (Accredited Employers) Work Instructions

Are you applying for renewal of your existing accreditation?

Yes (if yes, provide your most recent accreditation approval number) _____

No

Section A Employer details

This form must be completed and signed by a person who has authority to make representations and enter into agreements on the employer's behalf. Please answer all questions. If any question does not apply please answer "N/A" for "not applicable".

A1 Employer's name _____

A2 Employer's legal status _____
(eg limited liability company, sole trader, partnership)

A3 New Zealand Business Number _____
For help search: www.nzbn.govt.nz

A4 Name of person completing this application for accreditation

Family/last name

Given/first name(s)

A5 Position or title _____

A6 Employer's contact details.

Name of contact person if different from that given at **A3**

Company name (if applicable) and physical and postal addresses

Telephone (daytime) _____

Telephone (evening) _____

Fax _____

Email _____

Website _____

A7 Name and address for communication about this application

Same as address at **A6** or Other *Give details below*

Name of contact person

Organisation name (if applicable) and address

New Zealand Business Number (for New Zealand businesses only)

For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Fax Email

A8 Do you authorise the person stated at **A7** to act on your behalf? Yes No

A9 Do you authorise all other licensed immigration advisers or persons exempt from licensing who work for the organisation named at **A7** to act on your behalf (if applicable)?

Yes *Note: the person identified at **A7** will receive all communication from Immigration New Zealand.*

No *Only the person indicated at **A7** may act on my behalf.*

A10 Have you received immigration advice on this application?

Yes *Please make sure that your immigration adviser completes Section I: Immigration adviser's details.*

No

i You can find a definition of immigration advice at www.immigration.govt.nz/advice

A11 If your application for accreditation is approved, do you wish your contact details to be published on the list of accredited employers on the INZ website at no cost to you?

Yes No

Section B Employer's need for accreditation

B1 Why are you seeking employer accreditation?

Current need to recruit offshore for talented staff

Anticipate future need to recruit offshore for talented staff

Seeking accreditation to enable fast track offshore recruitment of talent should the need arise

Other reason – or any additional comments if desired.

B2 How many non-New Zealand workers are you likely to recruit in the accreditation period (if known)?

B3 If your application for accreditation is approved, do you intend to maintain your employer accreditation for the period of currency of any work visas granted to any of your employees under the Talent (Accredited Employers) Work Instructions?

Yes No

B4 Specify the roles you are intending to fill as an accredited employer.

Section C Employer's business details

C1 How many years has the business been operating?

C2 Number of current employees (including management)

C3 Number of employees who are New Zealand citizens or residence class visa holders

C4 If you are renewing your accreditation and there has been a significant reduction in the number of employees, please explain the reason for this reduction.

C5 Industry sector

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Accounting/Finance | <input type="checkbox"/> Engineering & Science | <input type="checkbox"/> Information Technology | <input type="checkbox"/> Sales & Marketing |
| <input type="checkbox"/> Administration & Customer Service | <input type="checkbox"/> Film/Video | <input type="checkbox"/> Legal | <input type="checkbox"/> Sports |
| <input type="checkbox"/> Advertising, Media, PR | <input type="checkbox"/> Government (central) | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Telecommunications |
| <input type="checkbox"/> Agriculture, Forestry & Fishing | <input type="checkbox"/> Government (local) | <input type="checkbox"/> Restaurant/Catering | <input type="checkbox"/> Tourism & Accommodation |
| <input type="checkbox"/> Arts/Cultural/Entertainers | <input type="checkbox"/> Healthcare | <input type="checkbox"/> Retail | <input type="checkbox"/> Water, Gas, Electricity |
| <input type="checkbox"/> Education & Training | <input type="checkbox"/> Human Resources | | |
| <input type="checkbox"/> Other (please specify) <input type="text"/> | | | |

C6 Please give brief details of your business (if further details are given in a separate document please state this).

Type of business

Products or services

C7 Does your business have any partnerships with overseas businesses?

- Yes Provide details of overseas businesses, including their location, activities, and nature of your business relationship
- No

Section D Business record

D1 Is your business registered with the Companies Office? Yes No

D2 Have you, or any of the directors or managers of your business, ever been declared bankrupt?

Yes *Provide details including names, dates and when discharged.*

No

D3 Have you or any of the directors or managers of your business ever been investigated by the Serious Fraud Office or the New Zealand Police for any offences arising in the course of, or resulting from, business dealings?

Yes *Provide details including name, date and outcome and any penalty imposed and/or remedial action required.*

No

D4 What evidence can you provide of your business record and financial position? (Where possible, information supplied should cover at least two financial years. The more evidence you can enclose, the sooner INZ will be able to complete its assessment of your application.)

Available	Business record information available Please tick to show whether information is available and whether evidence is enclosed with your application. Where any information listed is contained in another document, please state this (eg "See annual reports attached").	Evidence enclosed with application?
<input type="checkbox"/>	Startup company/new business – no evidence of established business record	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Our business reputation and history in the marketplace as a successful established business	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Annual reports	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Business plans	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Sets of accounts certified by an accountant	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	GST returns	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Financial statements (profit and loss, cash flow, balance sheet)	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Companies Office registration details, showing directors, shareholders etc	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Other evidence (please specify below)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section E Human resources

E1 Have you attached an organisational chart showing the structure of your business, the number of people employed, and the areas in which they are employed?

Yes No

E2 Does your business have written human resource policies and/or procedures?

Yes *Attach evidence*

No

E3 Who normally has overall responsibility for human resource or personnel matters in your business?

Name of person responsible | _____

Position or title | _____

E4 Who is normally responsible for staff recruitment in your business? (Eg yourself, human resource manager, local managers, recruitment agency.)

| _____
| _____

E5 What checks will be carried out to verify information provided by foreign workers being considered for employment in your business? (If staff recruitment is contracted to a recruitment agency, please state this and attach a written statement from the recruitment agency describing what checks that agency will carry out on your behalf.)

References/referees | _____

| _____

Qualifications or training certificates | _____

| _____

Section F Workplace practices

F1 Has your business ever been found to be in breach of employment or labour law by the Ministry of Business, Innovation and Employment, WorkSafe New Zealand, or by any New Zealand tribunal, authority or court? (This includes any breaches of the Accident Compensation Act 2001, the Minimum Wage Act 1983, the Health and Safety in Employment Act 1992, the Employment Relations Act 2000, Wages Protection Act 1983, Parental Leave and Employment Protection Act 1987 and the Holidays Act 2003).

Yes *Give details including type of breach, date of notification (or date of tribunal, authority or court decision) and penalty imposed or remedial action required. (If full details are set out in an attached document please state this.)*

No

| _____
| _____
| _____

F2 Has your business ever been found to be in breach of the provisions of the Immigration Act 2009 or the Immigration Act 1987?

Yes *Give details including: type of breach, date of notification by INZ (or date of court decision if convicted), penalty imposed or remedial action required. (If details are set out in an attached document please state this.)*

No

F3 Does your business have union representation in the workplace?

Yes *Provide details*

No

Name of union	Union's contact details (if known)		
	Phone	Fax	Email

As advised in the 'Accreditation assessment' section on page 2, Immigration New Zealand will consult with relevant unions as part of the application process. It may be helpful if you inform the unions listed above that you are applying for accreditation under the Talent (Accredited Employers) Work Instructions.

Section G Training and employment of New Zealanders

You must provide evidence of your commitment to training and employing New Zealand citizens or residence class visa holders.

G1 What training does your business provide to New Zealand employees? *Support your statement with evidence – for example, of any in-house training and development programmes, or involvement with any New Zealand Industry Training Organisation (ITO), or funding of employees' attendance at training courses by external training providers, and/or any other evidence that you consider demonstrates your commitment to employing and training New Zealanders. (If details are set out in an attached document please state this.)*

G2 What attempts to employ New Zealand citizens or residence class visa holders has your business made? *Support your statement with evidence - for example, dated copies of advertising, records of engagement with recruitment companies and/or Work and Income. The evidence should show where advertising occurred, as well as the frequency and duration.*

G3 Has the business made anybody redundant, or been through a consultation with respect to potential redundancies, in the past 12 months?

Yes *Provide details, including how many people were affected and their roles.*

No

G4 Under the Talent (Accredited Employers) Work Instructions, INZ must seek information from the Ministry of Business, Innovation and Employment's employment relations and occupational health and safety services, WorkSafe New Zealand and the Accident Compensation Corporation, concerning your compliance with New Zealand's immigration and employment laws.

Note: if you do not give your consent to INZ seeking this information from these agencies, your application for accreditation will be declined.

G5 Do you consent to INZ seeking information concerning your compliance with New Zealand's immigration and employment laws from the agencies listed above?

Yes No

Section H Declaration by employer

This section must be read and signed by a person who has authority to make representations and enter into agreements on the employer's behalf.

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

I understand that if I make any false statements, or provide any false or misleading information, or have changed or altered this form in any way, this application for accreditation may be declined, and that I may also be committing an offence under sections 342 and 348 of the Immigration Act 2009 and may be liable to prosecution.

I understand that I am required to inform Immigration New Zealand about any relevant changes to the circumstances of my business that occur after I lodge this application.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as an accredited employer under the Talent Work (Accredited Employers) Work Instructions.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, Immigration New Zealand will return my application.

I authorise Immigration New Zealand to make any enquiries it deems necessary in respect of the documents or information provided in respect of this application, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for approval as an accredited employer under the Talent (Accredited Employers) Work Instructions.

Note: where any information is identified by the employer as commercially sensitive and is provided in confidence to Immigration New Zealand, and Immigration New Zealand considers that disclosure of that information is necessary for the processing of this application, it will seek the consent of the employer for the disclosure of that information.

I accept that any advice given to me by Immigration New Zealand before lodging this application was intended to assist me, and that acting on that advice does not mean that this application to be an accredited employer under the Talent (Accredited Employers) Work Instructions will be approved.

Signature of employer _____ Date

D		D		M		M		Y		Y		Y		Y
---	--	---	--	---	--	---	--	---	--	---	--	---	--	---

Job title or position _____

Application checklist

OFFICE USE ONLY	Information and documents you must supply	CHECK LIST
<input type="checkbox"/>	I have read the declaration, and signed and dated the application form.	<input type="checkbox"/>
<input type="checkbox"/>	I have enclosed the application fee or authorised a credit card payment.	<input type="checkbox"/>
<input type="checkbox"/>	I have checked that all supporting documents required by this form or indicated by me as being attached, are either attached or enclosed for submission with the application.	<input type="checkbox"/>

Send your completed application to:

Business Migration Branch
 Immigration New Zealand
 PO Box 27149
 Wellington 6141
 New Zealand.

About the information you provide

Deciding whether you are eligible to become an accredited employer

Immigration New Zealand collects the information about you on this form to decide whether you are eligible to be an accredited employer under the Talent (Accredited Employers) Work Instructions. We may also use the information to contact you for research purposes or to advise you on immigration matters.

The address of Immigration New Zealand is PO Box 1473, Wellington 6140, New Zealand. **Do not send your application to this address.**

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

Immigration New Zealand may also share the information you have provided with other government agencies that are entitled to it by law, or with other agencies (as you have agreed in the declaration).

You have the right to access the information we hold about you and have any of it corrected if you think it is necessary.

For more information

If you have questions about completing this form:

- see our website www.immigration.govt.nz
- telephone our call centre on 0508 558 855 (within New Zealand)

Section K Paying your application fee

See our *Fees Guide (INZ 1028)* or our website www.immigration.govt.nz/fees for more information about current fees and payment methods.

Your application fee

Amount you are paying:

Amount

Currency

(eg. NZD, USD, RMB)

Application number
(office use only)

Preferred methods of payment

We recommend that you use one of the following methods of payment for better security and faster processing:

Bank cheque/bank draft

Credit card* (choose one)

Mastercard Visa

Name of cardholder

Card number

CVC/CVV number

Note: your CVC/CVV number is the three-digit number found on the signature strip on the back of your credit card.

Expiry date

Signature of cardholder

Date

We do not accept money orders.



