



Labour migration policies
Case study series
New Zealand



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This case study is part of a series of summaries by PICUM of specific national labour migration and work permit policies. The full series is available on [our website](#).¹

While each case study focuses on a particular country, they are not comprehensive overviews of all the work permits available in the country. We focus on analysing the particular policies and pathways that are the most relevant across skills and sectors of employment.

We also consider, in particular, where policies include some of the essential characteristics of successful labour migration and work permit policies, as set out in PICUM's 2021 Policy recommendations, *Designing labour migration policies to promote decent work*.²

This case study examines the following aspects of labour migration policy in New Zealand³ as of November 2024:

1. Brief introduction to the work permit system in New Zealand
2. The Skilled Migrant Category Resident Visa (points-based system)
3. Accredited Employer Work Visa
4. Migrant Exploitation Protection Work Visa

While this case study focuses on these contemporary labour migration policies, we acknowledge that immigration policy has a historical association with settler colonialism and the usurpation of the Indigenous sovereignty of the Māori people. Despite the growing assertion of Māori political rights, immigration policy has been an area that the state has exercised exclusive authority and where Māori perspectives have not been considered since the onset of colonisation. The New Zealand Productivity Commission (an independent governmental entity) recommended in its 2022 report that the government should work with Māori on how to reflect Māori interests in immigration policy and institutions.⁴

1 Other case studies cover specific labour migration policies in France, Canada, Finland, Germany, Ireland, Poland and Portugal.

2 For the full report, please see PICUM, [Designing labour migration policies to promote decent work](#) (2021).

3 For a more comprehensive overview of the work permits in New Zealand, please see: the New Zealand government website: Immigration New Zealand, "New Zealand Visas" at <https://www.immigration.govt.nz/new-zealand-visas/explore-visa-options> and [Operational Manual](#) sections on Skilled Migrant Residence Instructions, Residence from Work Category, Work Visas. For an overview of the evolution of labour migration policy in New Zealand, see for example, F. L. Collins, "New Zealand: From Settler Colony to Country Reliant on Temporary Immigration", Migration Information Source, 16 October 2024 (accessed on 13 November 2024).

4 See: New Zealand Productivity Commission, [Immigration – Fit for the future. Final report](#), New Zealand Productivity Commission, 2022 (accessed 13 November 2024); T. Kukutai, & A. Rata, "From mainstream to manaaki: Indigenising our approach to immigration", in D. Hall (ed.), *Fair Borders? Migration Policy in the Twenty-First Century*, 2017, BWB Texts.

Section 1: Brief introduction to the work permit system in New Zealand

In New Zealand, the pathways for moving to New Zealand for employment purposes that are the most relevant across occupations and nationalities⁵ are the:

- Accredited Employer Work Visa
- Straight to Residence Visa
- Work to Residence Visa
- Skilled Migrant Category Residence Visa

This system provides for workers in certain occupations, or who can otherwise accrue enough points (see more below), to directly access a residence visa, while others are provided a pathway towards a residence visa. On other hand, others - including people on the Accredited Employer Work Visa - are not able to access secure or long-term or settled residence status in New Zealand.

Visa types

In New Zealand, the terms “residence visa” and “work visa” are used rather than “residence permit” or “work permit”. For consistency in referring to the relevant regulations, this case study also uses these terms.

There are many visas that allow the holder to work in New Zealand. Of these, there are several different types of **work visas**, that have different durations, conditions and possibilities to renew or convert, depending on the pathway.⁶

Residence visas have an indefinite duration. After two years of residing with a residence visa, your residence status grants rights approximate to nationals of New Zealand, for example, regarding social security access and voting.

People working in occupations listed as Tier 1 on the [Green List](#), can apply for a **‘Straight to Residence Visa’** (i.e. a residence visa) while those listed as Tier 2, can apply for a **‘Work to Residence Visa’**. After two years of working on the ‘Work to Residence Visa’, people can apply for a residence visa. The ‘Green List’ is drawn up by the New Zealand government to include ‘highly skilled roles that have registration, qualification or experience requirements’.⁷ It replaced the skills shortage list and includes a range of occupations that are either categorised as highly or medium skilled or otherwise considered in demand (including some positions classified as low-skilled).

5 There are some other important pathways, which have a more limited scope, for example, the [Working Holiday Visa](#) and the [Recognised Seasonal Employer \(RSE\)](#) scheme which are open to specific nationalities. The RSE has been vaunted as a global model for circular migration but has also been subject to reports of exploitation and systemic human rights abuses by the New Zealand Human Rights Commission, [The RSE Scheme in Aotearoa New Zealand: A Human Rights Review](#), December 2022 (accessed 24 November 2024). There is also a specific pathway, the [Pacific Access Category Resident Visa](#), for people from certain Pacific islands (Fiji, Kiribati, Tuvalu or Tonga), which is also based on having a job offer in New Zealand. This is a ballot or lottery scheme, with a quota for visas per country. Some international students who graduate from New Zealand tertiary institutions are also eligible for a [Post Study Work Visa](#) of up to three years.

6 The Operational Manual indicates that a work visa may be granted with any or all of the following conditions as specified in immigration instructions or imposed by special direction by the Minister or an immigration officer with the delegated authority: (i) the holder may work only in a specified industry, trade, occupation or profession; (ii) the holder may work only for a specified employer; (iii) the holder may work only in a specified area or location; (iv) the holder must be paid at or above a specified remuneration level; (v) the holder must provide evidence of remuneration payment, if requested by an immigration officer; (vi) any other condition the immigration officer or Minister considers is appropriate to reflect the reason for which the visa is being granted. Section W2.25 Conditions of work visas, Immigration New Zealand [Operational Manual](#) (accessed 23 October 2024).

7 Immigration New Zealand, [‘Skill shortage list checker’](#) (accessed 23 October 2024).

There are also some specific sector pathways providing Work to Residence Visas, for care workers and transport workers, who have 24 months of work experience in New Zealand.⁸

People who are able to meet the criteria under the points-based system described in Section 2, are able to apply for the [Skilled Migrant Category Residence Visa](#), so are provided direct access to long-term residence.

Skill levels and occupation codes

The immigration system in New Zealand frequently refers to the “skill level” of a job under the Australian and New Zealand Standard Classification of Occupations (ANZSCO).¹⁰ ANZSCO skill levels are included among criteria for eligibility to apply for certain visas linked to employment, and can also impact on the type of visa and corresponding rights that are issued. More details are provided below.

Similar to the [International Standard Classification of Occupations \(ISCO\)](#) – ANZSCO groups jobs together into “occupations” that have similar tasks and responsibilities and grades occupations according to ‘skill level’.

ANZSCO skill levels range from 1 to 5, with 1 being the most skilled and 5 being less skilled.¹¹ In the

As such, the system – as in many countries – is inherently discriminatory, providing a sliding scale of inclusion/ exclusion with the most rights for the highly qualified and highly paid, and the least for the least privileged.⁹ At the same time, the approach of providing immediate or fast-track long-term and secure residence to some migrant workers is a highly noteworthy practice compared to the situation in Europe.

context of the New Zealand immigration system, applications have to indicate the 6-digit ANZSCO code assigned to the occupation.

PICUM is quite critical of the concept of skills levels, and how such grading can be used to perpetuate class bias, discrimination and poor conditions in jobs which are considered less skilled.¹²

ANZSCO was replaced on 20 November 2024¹³ with a National Occupation List (NOL) for New Zealand.¹⁴ Immigration New Zealand did not transition immediately to the new classification system; as of December 2024 (the time of publication), it continues to use ANZSCO, with an update expected in 2025 on when and how it will switch to use the new system.¹⁵

8 For more information, see Immigration New Zealand, ‘[New Zealand skilled residence pathways](#)’ (accessed 23 October 2024)

9 With some exceptions for jobs that are on the Green List, but even this is a two-tiered system, with some professionals provided direct access to a Residence Visa and others having to work for two years in order to get access to those rights.

10 Immigration New Zealand, “[What is ANZSCO](#)” (accessed 17 October 2024).

11 The logic is that the bigger the range and complexity of tasks required for the job, the more education, work experience or training a worker will need to do them, and the higher the skill level of the occupation.

12 For more information, see PICUM, [Designing labour migration policies to promote decent work](#) (2021).

13 Statistics New Zealand, “[Comparable but tailored occupational classifications for Australia and New Zealand](#)”, 8 October 2024 (accessed 21 November 2024). The new Occupation Standard Classification for Australia (OSCA) was released on 6 December 2024.

14 Statistics New Zealand, [About the National Occupation List](#) (accessed 21 November 2024).

15 Immigration New Zealand, “ANZSCO to be replaced”, 8 October 2024 (accessed 21 November 2024).

Accreditation scheme for employers

For all the pathways mentioned in this section, including the Skilled Migrant Category Residence Visa and the Accredited Employer Work Visa, **people must currently work for or have a job offer from an accredited employer** in New Zealand.

There are three different levels of accreditation for employers, depending on the type of business or organisation (hereafter referred to as 'business') and the number of migrant workers the business wants to hire. The types of accreditation¹⁶ are:

- **Standard:** For standard businesses hiring up to five migrant workers. This costs NZD\$775 - equivalent to 434 euros.¹⁷
- **High-volume:** For standard businesses hiring six or more migrant workers. This costs NZD\$1,280 (717 euros). Upgrading from standard to high-volume costs NZD\$505 (282 euros).
- **Controlling third party:** For businesses that establish the contractual employment relationship with workers, while placing the workers to work under direct supervision of a controlling third party.¹⁸ There is no limit on the number of migrant workers hired. It costs NZD\$4,060 (2,274 euros).

Eligibility

To be eligible, the business needs to be registered, 'viable and genuine'¹⁹ and comply with immigration and labour law.²⁰

There are extra requirements for the controlling third party accreditation.²¹ These include, in particular:

- they must have a history placing staff in New Zealand for the past 12 months.
- at least 15% of the staff placed (or 35% for some specified construction roles)²² must be New Zealand citizens or residents and be guaranteed at least 30 hours work each week.
- have monitoring systems in place to check the employment and safety conditions of the controlling third parties, ensure they are eligible for the placement of a migrant workers and comply with the relevant regulations, and maintain relevant records.²³

16 Immigration New Zealand, [Before you apply for employer accreditation](#) (accessed 26 October 2024) and Immigration New Zealand, [Paying for AEWV accreditation and Job Checks](#) (accessed 26 October 2024).

17 All currency conversions in this case study are made using www.xe.com/ucc and reflect the exchange rates on 22 November 2024.

18 This includes 'labour hire companies' or temporary work agencies, employers that send a(n) (migrant) employee on secondment to a controlling third party, and parent or umbrella companies that place their (migrant) employees with a third party, like a subsidiary company or branch that is a separate legal entity. (Immigration New Zealand, [Extra requirements for AEWV employers who used controlling third parties](#) (accessed 26 October 2024).

19 For details, see: Immigration New Zealand, [Before you apply for employer accreditation](#) (accessed 26 October 2024).

20 People who can influence the organisation's compliance with employment and immigration law, cannot be listed by the labour inspection of immigration authorities as having committed violations of immigration or labour law (on so-called 'stand-down lists'). See, Immigration New Zealand, [Meeting your AEWV accredited employer obligations](#) (last checked 26 October 2024).

21 Immigration New Zealand, [Extra requirements for AEWV employers who used controlling third parties](#) (accessed 26 October 2024).

22 Immigration New Zealand, [NZ workforce requirements for the construction sector](#) (accessed 26 October 2024).

23 For more information, see Immigration New Zealand, [Extra requirements for AEWV employers who used controlling third parties](#) (accessed 26 October 2024).

Application process

As part of the application process, the business must submit basic information about the company, and may need to upload evidence that the business is 'viable and genuine'.²⁴ The process also involves making a number of commitments that must be maintained for the accreditation to remain valid, including some specific commitments related to Accredited Employer Work Visas (AEWV). These include:²⁵

- paying all recruitment costs in and outside New Zealand (and not passing these costs on to workers),²⁶

- providing AEWV workers time during paid work hours in their first month of employment to complete all of Employment New Zealand's [online training modules for employees](#),
- providing AEWV workers [specific information](#) on working and living in New Zealand,

If applications are declined, the business can ask for the decision to be reconsidered for a fee of NZD\$250 (138 euros). Processing time are currently 11 weeks.²⁷ Initial accreditation lasts for 12 months. Standard and high-volume accreditation can be renewed for 24 months, while controlling third-party accreditation for 12 months.

24 For more information, see Immigration New Zealand, [Before you apply for employer accreditation](#) (accessed 26 October 2024).

25 For the full list of requirements and details, please see Immigration New Zealand, [Apply for AEWV accreditation](#) (accessed 27 October 2024).

26 These include: advertising costs, recruitment agency fees, employer accreditation fees and job check application fees, trade testing, tools, training and induction, payment to secure a job, bonding agreements (illegal binding workers to an employer) and deductions that are unreasonable or not agreed in writing.

27 Based on decisions taken in September 2024, Immigration New Zealand, [Work visa and employer accreditation wait times](#) (accessed 27 October 2024).

Job Checks

Once an employer is accredited, they must also check that no New Zealand citizens or residents are available for the job, before they are able to hire a migrant worker, unless the job is very highly paid (twice the median wage)²⁸ or on the [Green List](#).²⁹

This labour market test consists of advertising the job³⁰ for 14 days if the job is Australian and New Zealand Standard Classification of Occupations (ANZSCO) level 1, 2, or 3, or 21 days for jobs that are ANZSCO level 4 or 5. For the latter positions, the employer should also engage with New Zealand Work and Income.³¹

Within 90 days of the advertising closing, the employer needs to apply for a 'Job Check'.³² This costs NZD\$735 (407 euros)³³ and currently takes up to 12 weeks.³⁴ It may be possible to include multiple jobs in a Job Check application. If approved, the Job Check is valid for six months or less if the businesses' accreditation expires sooner.

28 More than NZD\$59.32 an hour – equivalent to 33 euros an hour, twice the February 2023 median wage.

29 As described above, the 'Green List' is drawn up by the New Zealand government to include 'highly skilled roles that have registration, qualification or experience requirements'. It replaced the skills shortage list and includes a range of occupations that are either categorised as highly or medium skilled or otherwise considered in demand.

30 For more information on obligations regarding advertising the position, see Immigration New Zealand, [Advertise the job before your Job Check](#) (accessed 27 October 2024).

31 If the job is categorised as ANZSCO level 4 or 5, the employer must also engage with New Zealand [Work and Income](#) (the social security organisation within the Ministry of Social Development), who may also advertise the job for 21 days. Work and Income may also decide that they cannot fill the vacancy and no further engagement is necessary. An 'Engagement Check' will be issued stating the actions of Work and Income, to be uploaded with the Job Check application. (Immigration New Zealand, [The accreditation process](#) (accessed 27 October 2024).

32 Documents required include: a copy of an acceptable job offer (i.e. one that is eligible for the visa in question), the draft employment agreement, evidence the job was advertised, the Work and Income Engagement Check, and information about New Zealand citizens or residents that applied for the job – the number who applied, and if for an ANZSCO level 4 or 5 job, the reasons they were not suitable or available. For more information, see Immigration New Zealand, [Before you apply for a Job Check](#), (accessed 27 October 2024).

33 Immigration New Zealand, [Paying for AEWV accreditation and Job Checks](#) (accessed 27 October 2024).

34 Based on decisions taken in September 2024, Immigration New Zealand, [Work visa and employer accreditation wait times](#) (accessed 27 October 2024).

Section 2: Skilled Migrant Category Residence Visa (the points-based system)

New Zealand's points-based system, as reformed in 2022, provides a pathway to a 'residence visa' for people who are considered 'skilled' and have certain personal, academic and professional characteristics (meeting different criteria and points).³⁵

The person must meet the following criteria:

- Currently have a job or have a job offer - with an accredited employer – for a position which is:
 - » Considered 'skilled':
 - either in an ANZSCO Level 1 to 3 occupation, paid at or above the median wage, or
 - in an ANZSCO Level 4 to 5 occupation and paid at or above 1.5 times the median wage.
 - » At least 30 hours a week
 - » Either permanent or for a fixed-term of at least 12 months.³⁶

- Be aged 55 or younger at the time of the application.
- Be able to reach 6 points based on one of the following professional academic and professional characteristics:³⁷
 - » Post-graduate academic qualifications (between 3 and 6 points).
 - » Income if the job pays at least 1.5 times the median wage (between 3 and 6 points).
 - » Occupational registration in New Zealand, if working in an occupation that is eligible.³⁸

It may be possible to make up the shortfall in points through recent full-time (at least 30 hours per week) work experience in New Zealand in a job considered 'skilled' (as described above) (1 point per year of experience, up to a maximum of 3 points).³⁹

³⁵ For details, see: Immigration New Zealand, [Skilled Migrant Category Resident Visa](#) (accessed 3 November 2024).

³⁶ People who have a history of contract work and at least 12 months of skilled work experience in New Zealand can also apply based on a contract for services for at least 6 months.

³⁷ For details, see: Immigration New Zealand, [Skilled Migrant Category Resident Visa](#) (accessed 3 November 2024).

³⁸ For details, see: Immigration New Zealand, [Claiming skilled resident points from occupational registration](#) (accessed 3 November 2024).

³⁹ Note there are some restrictions when combining work experience points with income and occupational registration points. For details, see: Immigration New Zealand, [Skilled Migrant Category Resident Visa](#) (accessed 3 November 2024).

Application Process

Applicants who fit the above criteria must first submit an Expression of Interest (EOI) online. There is no fee to submit an EOI.

If the authorities consider the person meets the criteria, they are sent an email invitation to apply with a link to the application form. The applicant has four months to complete the application (or must resubmit another EOI).

As part of the application process, in addition to providing evidence related to the job/ job offer and points claimed, people must, for themselves and anyone else included in the application:⁴⁰

- Prove their identity (recent photo and personal details from valid passport or certificate of identity).
- Show they have an 'acceptable standard of health'.⁴¹
- Show they are of 'good character'.⁴²
- Show a level of English language skills.⁴³

Fees, processing times and status during the procedure

The Skilled Migrant Category Visa costs NZD\$6,450 – (3,547 euros).⁴⁴ This fee is non-refundable and is to be paid by the applicant. 80% of applications are processed within 5 months.⁴⁵

Applications are accepted from within New Zealand if the applicant has a valid visa. If the applicant is currently working in New Zealand and their visa is nearing expiry during the time their application is being processed, they may apply for a further temporary visa or may be granted an interim visa

if they meet the conditions outlined in policy, or they must leave New Zealand and await the outcome of their residence application.⁴⁶

Applications are processed by a single agency (Immigration New Zealand), which has branches in different regions. If a visa application is denied, it is possible to challenge the decision and interpretation/ assessment of the criteria or the process as set out in the operational manual.⁴⁷

⁴⁰ For details, see: Immigration New Zealand, [Skilled Migrant Category Resident Visa](#) (accessed 3 November 2024).

⁴¹ For details, see Immigration New Zealand, [Acceptable standard of health criteria for visa approvals](#) (accessed 3 November 2024).

⁴² For details, see Immigration New Zealand, [Good character for residence visas](#) (accessed 3 November 2024). The applicant should provide a full explanation of any 'character issues', any request for a special direction or 'character waiver' and a police certificate for all countries of citizenship for all people aged over 17 in the application.

⁴³ For details, see Immigration New Zealand, [English language requirements for skilled residence visas](#) (accessed 3 November 2024).

⁴⁴ Immigration New Zealand, [Fees, decision times and where to apply](#) (accessed 1 November 2024).

⁴⁵ Ibid.

⁴⁶ Immigration New Zealand, [I am applying for residency but my work visa will expire soon](#) (accessed 24 November 2024).

⁴⁷ Immigration New Zealand, [Operational Manual](#) sections on Skilled Migrant Residence Instructions, Residence from Work Category, Work Visas.

Permit granted

This pathway directly provides a Residence Visa. As described in Section 1, this visa has an indefinite duration.

In order for the Residence Visa to remain valid, there are some conditions regarding travel to and from

New Zealand, in particular a date by when the person must first enter New Zealand and limitations on how much the person can leave New Zealand after a certain period of time (usually two years).⁴⁸

Unemployment and change of employment

The Skilled Migrant Category Resident Visa is not linked to a specific employer with whom they were working or who offered them a job at the time of their application.

The visa may be subject to 'Section 49 conditions',⁴⁹ which are applied differently to each visa issued. Examples of Section 49 conditions are:

- The visa holder must take up an offer of skilled employment – in the same occupation - within three months of arriving in New Zealand.⁵⁰
- If the visa holder gained residence because of an occupation that requires registration the visa may be subject to evidence that they have had a successful interview with the professional registration body.⁵¹

Once any Section 49 conditions have been fulfilled, the migrant worker can work for any employer in any occupation. There is no specific procedure for change of employment.

If the worker leaves or loses their job, they must notify the authorities within 14 days. With a Residence Visa, the holder can be unemployed, but will not have access to unemployment benefits until they hold Permanent Residence status (long-term or settled status).

48 Immigration New Zealand, [Resident visa conditions](#) (accessed 3 November 2024).

49 This refers to the powers granted to the minister under Section 49 of the Immigration Act 2009 to impose conditions on residence visas.

50 Immigration New Zealand, [Resident visa conditions](#) (accessed 3 November 2024).

51 LaurentLaw, [Another Hurdle: Section 49\(1\) Conditions](#) (accessed 22 November 2024).

Family unity

Skilled Migrant Category Residence Visa applicants can include their partners and dependent children aged 24⁵² and under in their residence visa application. The applicant must provide evidence that they have lived together for 12 months or more and their relationship is genuine: a 'genuine and stable partnership.'⁵³

If the application is accepted, partners receive work visas with unrestricted access to the labour market, and children are able to study (but not work).

Long-term residence or settled status

After two years of residing with a residence visa, the person can apply for Permanent Residence, a residence status which grants rights approximate

to nationals of New Zealand, for example, regarding social security access and voting.

Key changes over time

Without providing an historical analysis of the evolution of labour migration governance and the points-based system in New Zealand,⁵⁴ it is important to highlight that the model was inspired by the points-based systems in Australia and Canada, and focused on providing immediate access to a long-term residence status to people who had a sufficient number of points.

The points-based system was introduced in 1991 and initially operated through an 'auto-pass' system.⁵⁵ This approach meant that applicants up to 49 years in age who met the points threshold were granted a residence visa, if they also passed a police and health check. Throughout the 1990s most applications for a residence visa through the points-based system were from applicants offshore who would then arrive in New Zealand with extensive

52 For details, see Immigration New Zealand, [Dependent children](#) (accessed 3 November 2024).

53 For details, see Immigration New Zealand, [Partnership](#) (accessed 3 November 2024).

54 For such a historical analysis, see: R. Bedford, & P. Spoonley, "Competing for talent: diffusion of an innovation in New Zealand's immigration policy", *International Migration Review*, 2014, 48(3), 891-911; F.L Collins, A. Gamlen, and N. Vallely, *Edges of Empire: The Politics of Immigration in Aotearoa New Zealand, 1980-2020*, 2025 forthcoming, Auckland: Auckland University Press.

55 F.L Collins, A. Gamlen, and N. Vallely, *Edges of Empire: The Politics of Immigration in Aotearoa New Zealand, 1980-2020*, 2025 forthcoming, Auckland: Auckland University Press.

rights. At various points during the mid-late 1990s, new requirements were added to residence visa applications and by 2003 all applicants had to have a current job or job offer in New Zealand. Since then, the majority of applications through the points-based system have been onshore.

The former approach used an alternative logic to work permit schemes across many countries, focusing on the personal and employment profile of a person (and thus the likelihood of finding employment), rather linking the provision of a work permit to a specific offer of employment. The immediate provision – or accelerated pathway towards – a more secure and long-term residence status is also key.

However, the points-based system in New Zealand has evolved in the last 20 years, as in some other countries,⁵⁶ to combine the two logics i.e. to include an offer of employment in the criteria to apply. This unnecessarily reduces the relevance and dynamism of the points-based system. This has been accompanied by the increasingly sharper distinction between who can access long-term, settled residence status through the different pathways. While previously it was possible to build up the work experience on temporary and precarious permits, many temporary workers are now excluded (see Section 3).

Overall, this approach risks to reinforce inequalities, with – for the most part – more privileged people able to access more secure residence statuses and rights, and do so more quickly, while others face long-term insecurity and precarity. To some extent, this may be inherent in the concept of points-based systems (awarding points based on personal characteristics, qualifications and experience). Indeed, they often incorporate criteria which directly discriminates against older people according to their age,⁵⁷ limiting opportunities for older people. They may also – as is the case in New Zealand – have requirements regarding health that can discriminate against people with certain health conditions and/or disabilities.

Gender, age, racial and socioeconomic equalities are further reinforced when points-based systems include criteria that can lead to indirect discrimination, for example privileging particular types of qualifications (e.g. academic post-graduate education), occupations and income levels.

56 OECD, [Recommendations for a Multi-criteria Points Based Migration System for the Czech Republic](#), Final report, September 2022. OECD.

57 For more, see: P. Dolberg, S.H. Sigurðardóttir, U. Trummer, "[Ageism and Older Immigrants](#)", in: L. Ayalon, C. Tesch-Römer (eds) *Contemporary Perspectives on Ageism*, International Perspectives on Aging, vol 19, 2018, Springer, Cham.

Analysis of the Skilled Migrant Category Resident Visa (the points-based system) compared to PICUM's key recommendations and indicators.

Selection of policy recommendations	Indicators	
1. Streamlined and efficient procedures		
<p>Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p>1.1 Number of steps in application procedure</p>	<p>This falls short. There are two steps in the application procedure: the Expression of Interest (EOI) and the full application. The EOI is free of charge and may save people who are not eligible the time and significant fee involved in submitting the full application. However, some criteria and requirements in the application process related to being 'good character' and in 'an acceptable standard of health', as well as the very high fee (NZD\$6,450 – 3,547 euros) could be considered unreasonable practical barriers. The policy is also skewed towards academic qualifications, which are not relevant for many trades which are the most in demand. It therefore risks excluding the skilled workers needed in New Zealand, unless they are highly paid.</p> <p>Further, the person must currently have a job or have a job offer from an accredited employer. This means that the employer must also first apply for and receive accreditation, and may have to carry out a Job Check. This multiplies the steps actually involved in the whole process.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p>1.2 Accessibility of information about procedures and applicable rules</p>	<p>This is met to some extent. Detailed information is available online, but only in English.</p>

Selection of policy recommendations	Indicators	
<p>Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.</p>	<p>1.3 Eligibility/ non-eligibility requirements to access a permit with a job offer</p>	<p>This falls short. This recommendation normally refers to work visas, while this pathway is a points-based system that leads directly to a residence visa. Nonetheless, it is important to note that the requirement to currently have a job or have a job offer with an accredited employer is part of the eligibility criteria. This unnecessarily combines the logic of points-based systems that are based on the characteristics of the individual with the logic of employment-specific pathways that are based on an offer of employment, rather than providing an alternative approach. The job/ job offer must also be with an accredited employer and meet certain conditions regarding wage level, according to its ANZSCO skill level classification.</p>
<p>Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.</p>	<p>1.4 Length of permit</p>	<p>This is met. People are issued with a Residence Visa of indefinite duration.</p>
<p>In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p> <p>Restrictions on people changing from one type of status or permit to another should be lifted.</p>	<p>1.6 In-country applications including when undocumented</p> <p>1.7 Status/ permit can be converted into another</p>	<p>This is met to a large extent. Applications are accepted in country from anyone holding a valid visa. However, it is not possible for undocumented residents to apply.</p>

Selection of policy recommendations	Indicators	
2. Autonomy for workers		
<p>Worker-owned procedures: Workers should be able to apply for permits themselves.</p>	<p>2.1 Ownership of application process/ worker or employer-made application</p>	<p>This is met to some extent. The application is made by the worker. However, they must currently work for or have a job offer from an accredited employer – the employer must first apply for and obtain accreditation and may have to carry out a Job Check.</p>
<p>Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p>2.2 Procedure to change employer</p> <p>2.3 Procedure to change type of job</p> <p>2.4 Procedure to change sector</p> <p>2.5 Possibility to work for more than one employer</p> <p>2.6 Time period before to change employer</p>	<p>This is met. The SMC Residence Visa gives full access to the labour market, as long as any Section 49 conditions have been met.</p>
<p>Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.</p>	<p>2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired</p>	<p>This is met. People can be unemployed on a SMC Residence Visa.</p>
<p>Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.</p>	<p>2.8 Available financial and practical support while unemployed</p>	<p>This is not met. People are not eligible to access unemployment benefits until they hold Permanent Residence status</p>

Selection of policy recommendations	Indicators	
3. Equality and family unity		
<p>Non-discrimination: Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. If there is preferential treatment, including for certain nationalities, this should be justifiable in relation to pre-existing disadvantage.</p>	<p>3.1 Restrictions in access to permits on prohibited grounds</p> <p>3.2 Justification for preferential treatment, if applicable</p>	<p>This falls short. The pathway is open to people of any nationality, but applicants must be aged 55 or below, which is discrimination on grounds of age. Applicants - and any dependent family members including in the application - also required to meet 'acceptable standards of health', which creates risks of discrimination on the grounds of health or disability. The pathway also privileges people who are able to access higher levels of postgraduate education, and more highly-paid employment, for access to secure residence status.</p>
<p>Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted</p>	<p>3.5 Possibilities to and restrictions on access to permits for family members</p>	<p>This is met to a large extent. Applicants are able to include their partners and dependent children aged 24 and under in their residence visa application. The applicant must provide evidence that they have lived together for 12 months or more and their relationship is genuine: a 'genuine and stable partnership.'</p>
<p>Spouses/ partners should also be provided access to the labour market.</p>	<p>3.6 Access to the labour market for family members</p>	<p>This is met. If accepted, partners of SMC Residence Visa holders have full access to the labour market.</p>
5. Social Inclusion		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>This is met. After two years of residing with a residence visa, the person can apply for Permanent Residence, a residence status which grants rights approximate to nationals of New Zealand, for example, regarding social security access and voting.</p>

Section 3: Accredited Employer Work Visa

The Accredited Employer Work Visa was introduced in 2022.⁵⁸ This pathway provides a temporary work visa, allowing migrant workers to work for accredited employers for up to 5 years.

Migrant workers can be of any nationality, but in practice, employers rely on recruitment agencies that tend to recruit in particular countries, resulting in labour migration through this pathway usually being very ethnicized, with certain nationalities gaining access to employment in specific occupations. For example, in the first two years of the Accredited Employer Work Visa (July 2022-June 2024), 58% of visas for 'Builders labourer' have gone to people from China, 66% of visas for 'Carpenter' have gone to people from the Philippines, 68% of visas for 'Resident medical officer' have gone to people from the United Kingdom, and 82% of visas for 'Retail supervisor' have gone to people from India.⁵⁹

The pathway is open to positions in any occupation and sector⁶⁰ that can meet the following requirements:

- Be for full-time work and guarantee at least 30 hours per week.
- Pay at least NZD\$29.66 (16.59 euros) an hour (the February 2023 median wage rate), unless it is on an exemption list.⁶¹

Sector agreements allow employers to hire migrant workers on a AEWV at a lower salary, for some roles, for a limited period of time.⁶² The sectors: care, construction and infrastructure, meat and seafood processing (onshore)⁶³, transport, tourism and hospitality.⁶⁴ Some of these sectoral agreements also include limits or quotas on the number of migrant workers that can be hired and paid below the February 2023 median wage per year.⁶⁵

The application process

Employers that wish to hire workers through this visa scheme, need to:

1. **Apply for accreditation** (see more details in section 1).
2. **Pass a labour market test (Job Check)** for the position in question (see more details in section 1).

⁵⁸ It replaced a number of different work visas, in particular the Essential Skills Work Visa. Accreditation applications opened on 23 May 2022, Job Check applications on 20 June 2022, and work visa applications on 4 July 2022. Immigration New Zealand, ["Accredited Employer Work Visa"](#) (accessed 22 October 2024).

⁵⁹ Analysis of data by Francis Collins, taken from MBIE, [Migration Data Explorer](#), 8 November 2024.

⁶⁰ No person who holds a temporary visa (including a work visa) or limited visa may provide commercial sexual services.

⁶¹ For details, see Immigration New Zealand, [Wage rate requirements for visas](#) (accessed 21 November 2024).

⁶² Immigration New Zealand, [Sector agreements and hiring migrants on an AEWV](#) (accessed 30 October 2024).

⁶³ The sea-based seafood sector agreement also allows for migrant workers to be paid under the February 2023 median wage, but these workers are employed on the Fishing Crew Work Visa, not the AEWV. Immigration New Zealand, [Sector agreements and hiring migrants on an AEWV](#) (accessed 30 October 2024).

⁶⁴ Including a specific agreement for seasonal snow and adventure tourism.

⁶⁵ 'Uncapped sectors' are care, tourism and hospitality, construction and infrastructure, seasonal snow and adventure tourism and transport. 'Capped sectors' are meat processing (320 workers each year) and seafood processing (onshore, 600 workers per year).

- 3. Check that the person meets the Accredited Employer Work Visa (AEWV) minimum skills requirements.** They have to have at least three years of relevant work experience or a relevant qualification of Level 4 or higher on the [New Zealand Qualifications and Credentials Framework \(NZQCF\)](#).⁶⁶ This does not apply to jobs on the Green List (as long as the person meets the Green List's job requirements), jobs that are very highly paid (twice the median wage),⁶⁷ and some jobs covered by sectoral agreements.⁶⁸
- 4. Ask the migrant worker to apply.** This is done through an online system (Immigration Online), where the accredited employer can see their 'Approved jobs', and enter the name and email address of the person they want to hire.⁶⁹ The system will send an email to the person with a unique link called a 'job token'. The person is also supposed to receive, from the employer, a copy of their employment agreement and a copy of the signed employment offer before they begin their application.⁷⁰

Once the migrant worker accepts the request by clicking on the link, they can log in to Immigration Online and apply for their Accredited Employer Work Visa. The migrant worker can either be outside of New Zealand, or living in New Zealand with a valid visa, excluding people with visas issued under the [Recognised Seasonal Employer \(RSE\)](#) scheme.

The applicant has to provide personal information, information about the job, evidence of their qualification for the job (education, training, work experience), health information⁷¹ and a police certificate to show 'good character'.⁷² They must also declare if they have been removed, deported or excluded from any country, and this may be grounds for refusing the visa.

For jobs that are classified as skill level 4 or 5, the applicant must also show that they can speak and understand English.⁷³

Immigration New Zealand also assesses if the application is 'bona fide', meaning they consider the applicant genuinely intends temporary stay to work. This is a discretionary assessment.⁷⁴

66 A Bachelor's degree or higher is considered relevant for any job. For more information about the qualification levels, see New Zealand Qualification Authority, [Level descriptors for the NZQCF](#) (accessed 30 October 2024). Evidence for skills includes: practical tests and interview responses during the recruitment process, reference letters, certificates of employment, payslips, tax certificates, qualification certificates. Qualification certificates need to be [assessed by the NZQA](#) if below a Bachelor's degree. Immigration New Zealand, [Check as migrant applicant is suitably qualified](#) (accessed 30 October 2024).

67 More than NZD\$59.32 an hour (33 euros an hour), twice the February 2023 median wage.

68 Meat processing, seafood processing and care workforce sector agreements and the tourism and hospitality wage exemption exempt some migrant workers in some roles from having to provide evidence to meet the AEWV minimum skills requirements. Immigration New Zealand, [Sector agreements and hiring migrants on an AEWV](#) (accessed 30 October 2024).

69 Immigration New Zealand, [After your Job Check is approved](#) (accessed 1 November 2024).

70 For more information on the details that must be included in the draft contract or employment agreement, see Immigration New Zealand, [Before you apply for a Job Check](#) (accessed 1 November 2024).

71 This concerns in particular, pregnancy and how maternity health services will be covered, and chest x-rays certificates for tuberculosis. For more information, see Immigration New Zealand, [Work Visa Guide \(INZ1016\)](#), January 2023.

72 For more information, see Immigration New Zealand, [Work Visa Guide \(INZ1016\)](#), January 2023.

73 For details, see: Immigration New Zealand, [English language requirements for the Accredited Employer Work Visa](#) (accessed 21 November 2024).

74 Some information is provided to applicants about what factors will be considered, including for example, family ties in New Zealand and in the country of origin, any circumstances that might mean you may not want to leave when the visa expires, previous immigration history and whether the person has any undocumented dependents in New Zealand, and possibility for the person to leave or be deported to their country of citizenship. Applicants are encouraged to provide evidence in the application that demonstrates that they are a bona fide applicant (Immigration New Zealand, [Work Visa Guide \(INZ1016\)](#), January 2023).

Fees and processing times

Applications for the Accredited Employer Work Visa cost NZD\$1,540 (861 euros). This fee is non-refundable.⁷⁵ While employers are legally required to cover all recruitment related costs (see above in the section on the accreditation process), the visa fee is not considered part of these.

80% of applications are currently processed within four months.⁷⁶ Migrant workers are able to log in to Immigration Online to check the status of their visa application.

Permit granted

The conditions of the visa granted under the AEWV vary considerably based on the ANZSCO 'skill level'⁷⁷ assigned to the workers' job, implementing direct discrimination in access to security of status, health care, family and social rights based on the type of job someone is doing.

Initial visa length and the maximum duration of stay on one or more AEWV visas depends both on the type of job (whether it is on the Green List or part of a sectoral agreement, or the ANZSCO skill level) and the rate of pay.⁷⁸

For example, people working in roles with a standard salary⁷⁹ that are categorised as:

- **Skill level 1 to 3 - will be granted an initial visa of up to 5 years**, depending on the length of the job offer. The maximum amount of time they can stay in New Zealand is 5 years, until they have spent 12 months outside of New Zealand.
- **Skill level 4 or 5 - will be granted a visa of up to two years**, depending on the length of the job offer. The maximum amount of time they can stay in New Zealand is 3 years, until they have spent 12 months outside of New Zealand.

The AEWV may be renewed if there is still time remaining in the maximum amount of time they can spend in New Zealand.⁸⁰ The employer needs to send a link from the online system (job token)⁸¹ and the application is subject to a new visa application fee.

⁷⁵ Immigration New Zealand, [Fees, decision times and where to apply](#) (accessed 1 November 2024).

⁷⁶ Ibid.

⁷⁷ Immigration New Zealand, ["What is ANZSCO and how to find your skill level"](#) (accessed 24 October 2024).

⁷⁸ For details, see Immigration New Zealand, [How long you can stay on an AEWV](#) (accessed 1 November 2024). Note that rules changed on 20 June 2023 and 7 April 2024, meaning there are slightly different conditions depending on when the person applied.

⁷⁹ That are paid at least the February 2023 median wage rate (i.e. not exempt or subject to a sectoral agreement that allows the role to be paid at a lower rate)

⁸⁰ Immigration New Zealand, [Applying for your AEWV balance](#) (accessed 1 November 2024).

⁸¹ If the renewal is for the migrant worker to work in the same role, for the same employer, in the same location, and the original AEWV application was made before 6 April 2024, it may be possible for the employer to re-use the original job token, meaning they do not to pass the labour market test/ Job Check in order to prolong the contract. Again, this depends on the type of role (ANSZCO level, Green List, sectoral agreements), and may also be subject to some other requirements on workers (such as English language requirements or proof of qualifications and experience). If the first AEWV was applied for on or after 7 April 2024, or the worker or role does not meet the requirements to reuse a job token, a new Job Check must be carried out and new job token issued. For more information, see Immigration New Zealand, [Applying for your AEWV balance](#) (accessed 1 November 2024) and [Reusing or resending a job token](#) (accessed 1 November 2024).

Unemployment and change of employment

The AEWV visa links the visa holder to the initial employer who sponsored their visa, for the length of the visa. Employers must notify Immigration New Zealand if an AEWV employee stops working for them, within 10 days, unless it is within one month of their visa expiring. The AEWV holder is meant to inform Immigration New Zealand immediately, and may be granted a grace period of one to three months to find a new job and apply for a variation of conditions of the visa. This time period is discretionary.

To change employer, the visa holder can apply for a Job Change:⁸²

- It is possible to apply to change employer, occupation and/or location.
- The new employer must be accredited and have a valid Job Check for the new job. The Job Check approval number is needed for the application.
- The job must meet the criteria for an AEWV, i.e. at least 30 hours a week and paid the February 2023 median wage rate, unless on an exemption list.⁸³
- There are also some restrictions on moving to a job that would have a shorter maximum visa length than the job originally held.⁸⁴
- The length of the visa is not affected.

The Job Change application is made online, including a specific [form](#) to be completed by the new employer. It costs NZD\$325 (181 euros) and should be processed in approximately two weeks.⁸⁵ The Job Change application needs to be approved before the person can start working for the new employer.

The Job Change application process may also apply to AEWV holders who are made redundant or affected by a restructure, liquidation of bankruptcy,⁸⁶ as well as those whose employers fail to comply with accreditation standards and lose their accreditation.

AEWV holders are able to study up to 3 months in any 12-month period (while continuing their full-time employment), or do any study required as part of their employment, but are not entitled to government subsidies for education available to citizens and residents.

82 Immigration New Zealand, [Changing the conditions of a work visa or applying for a Job Change](#) (accessed 3 November 2024).

83 For details, see Immigration New Zealand, [Wage rate requirements for visas](#) (accessed 21 November 2024).

84 For example, people working in an ANSZCO level 1 to 3 job, with a maximum of 5 years of stay, cannot change to an ANSZCO level 4 or 5 job on the same visa. They would need to apply for a new visa. People working in an ANSZCO level 4 or 5 job can apply for a Job Change for an ANSZCO level 1 to 3 job. For more details, see: Immigration New Zealand, [Changing the conditions of a work visa or applying for a Job Change](#) (accessed 3 November 2024).

85 Immigration New Zealand, [Fees, decision times and where to apply](#) (accessed 24 November 2024).

86 Immigration New Zealand, [Changing the conditions of a work visa or applying for a Job Change](#) (accessed 3 November 2024).

Access to services and family unity

Access to **publicly-funded health services** is provided on the same terms as New Zealand nationals for people who have a visa valid for two years or more.⁸⁷ If a person has a visa of a shorter validity, they can also be eligible for publicly-funded health services if they have previously resided in New Zealand and the combined duration of their visas reaches two years. Most AEWV holders are issued a work visa of two years or more. There are some occupations for which AEWVs are issued for 7 months only,⁸⁸ and therefore the worker may only be eligible for public healthcare services in case of an accident.⁸⁹

Access to family rights is highly dependent on ANZSCO skill classifications. In 2023 the New Zealand government restricted **family rights** for AEWV holders, limiting the ability of people working in lower-skilled positions to bring family members with them.

People in jobs that are ANZSCO level 1 to 3 can apply for their partners and dependent children to live in New Zealand,⁹⁰ unless they earn less than the median wage due to sectoral agreements.

- The transport and care sector agreements have specific rules around supporting family members' visas.⁹¹
- People in other positions that are ANZSCO levels 4 and 5 are not eligible to support visas for their partners or children, unless they earn at least 1.5 times the median wage (NZD\$47.41 or 26 euros an hour).⁹²

Partners of AEWV holders are granted work visas.⁹³ Until 2 December 2024, these were work visas with conditions (restricted access to the labour market). However, as of 2 December 2024, work visas with full access to the labour market will be granted to some partners of AEWV holders – depending on the ANZSCO skill level and wage level of the AEWV holder's job.⁹⁴

87 New Zealand Government, [Healthcare if you're in NZ on a work visa](#) (accessed on 21 November 2024).

88 Seasonal snow and adventure tourism sector, meat processing sector and seafood processing (onshore) sector roles that are paid below the February 2023 median wage. After 7 months, the person has to leave New Zealand for four to 12 months. Immigration New Zealand, [How long you can stay on an AEWV](#) (accessed 1 November 2024).

89 For more information, see New Zealand Government, [Healthcare if you're in NZ on a work visa](#) (accessed 3 November 2024) and ACC, [What we cover](#) (accessed on 3 November 2024).

90 Immigration New Zealand, ["Bringing family if you have an AEWV"](#) (accessed 24 October 2024)

91 For more information, see: Immigration New Zealand, ["Bringing family if you have an AEWV"](#) (accessed 24 October 2024)

92 This amount is 1.5 times the median wage. Immigration New Zealand, ["Bringing family if you have an AEWV"](#) (accessed 24 October 2024).

93 Ibid.

94 For details, see Immigration New Zealand, ["Open work rights for partners of migrant workers"](#), 23 October 2024 (accessed 21 November 2024).

Long-term residence or settled status

Access to a Residence Visa, which provides a pathway to long-term residence or settled status after two years, is also dependent on the ANZSCO skill level that the person has found employment in. Access to a Residence Visa for workers in jobs classified as low-skill is possible if the job is on the Green List or part of one of the specific sectoral agreements for the transport and care sectors which provide Work to Residence Visas.⁹⁵

Other people in jobs with lower skill classification may be able to use their work experience in New Zealand to claim points towards the Skilled Migrant Category Resident Visa (if they earn at least 1.5 times the median wage, see Section 2 above),⁹⁶ but settled status is usually only a possibility for AEWV holders with positions that are skill levels 1 to 3.

In focus: Exploitation linked to accreditation scheme

When introduced in 2022, the Accredited Employer Work Visa (AEWV) introduced a new system, combining the previous six work-related visas into a single visa.⁹⁷ One of the policy objectives was to improve compliance and treatment of foreign workers and reduce exploitation risk.⁹⁸ This was supposed to be achieved by only allowing accredited employers to hire migrant workers on the visa.⁹⁹

practices of AEWV holders being charged huge sums of money for fake jobs; not receiving their wages; being pushed into undeclared work with little or no pay and long hours, living in crowded, unsafe and unhealthy housing; being verbally and physically assaulted and having concerns about trafficking in human beings.¹⁰²

However, there have been high levels of exploitation linked to the scheme. Media reports¹⁰⁰ and the New Zealand Human Rights Commission¹⁰¹ have exposed

Main causes include how the pathway is entirely employer-led and led by a small pool of employers who have gained accreditation, and limited checks on employers.¹⁰³

95 Immigration New Zealand, [Accredited Employer Work Visa](#) (accessed 3 November 2024).

96 Ibid.

97 New Zealand Public Service Commission, [Assurance review of the operation of the Accredited Employer Work Visa scheme](#), February 2024, para 3. (accessed 13 November 2024).

98 Ibid, para 64.

99 Immigration New Zealand, [Accredited Employer Work Visa \(AEWV\) key information and statistics](#), 8 November 2024 (accessed 13 November 2024).

100 See for example: S. Kilgallon, ["Riches to rags: The inside story of an exploitation scandal"](#), Stuff, 13 April 2024 (accessed 13 November 2024).

101 Te Kāhui Tika Tangata Human Rights Commission [The Accredited Employer Work Visa \(AEWV\) scheme in Aotearoa New Zealand: A Human Rights Review. Migrant workers' experiences and recommendations](#), August 2024 (accessed 13 November 2024).

102 Ibid.

103 For a detailed review the challenges in implementation of the system, see the New Zealand Public Service Commission, [Assurance review of the operation of the Accredited Employer Work Visa scheme](#), February 2024 and the Te Kāhui Tika Tangata Human Rights Commission [The Accredited Employer Work Visa \(AEWV\) scheme in Aotearoa New Zealand: A Human Rights Review. Migrant workers' experiences and recommendations](#), August 2024 (accessed 13 November 2024). The later highlights that: "Immigration New Zealand (INZ) staff reported that employers "are being allowed to bring in migrants without any paperwork or financial checks, even when immigration officers fear jobs may be fake, paid for with illegal premiums, or the migrants will be exploited." It was also reported that "only two employers, from 27,894 applicants, [had] been declined accreditation" and that staff were instructed to "do no verification work on low-risk and medium-risk applications" and "to do 'quick' verification" on "high risk applications"". Te Kāhui Tika Tangata Human Rights Commission [The Accredited Employer Work Visa \(AEWV\) scheme in Aotearoa New Zealand: A Human Rights Review. Migrant workers' experiences and recommendations](#), August 2024, page 10 citing various sources (accessed 13 November 2024). In addition, as of 11 November 2024, following post-accreditation checks, 570 employers had their accreditations revoked, 162 suspensions were in place, and there were 148 active investigations into potential breaches of AEWV standards, demonstrating significant issues in the pre-accreditation process. Immigration New Zealand, ["Accredited Employer Work Visa \(AEWV\) key information and statistics"](#) (accessed 28 November 2024).

Where previously, the work visa system relied on migrant workers to collate the relevant material and submit applications, the new system is employer-led and relies largely on assurances and declarations by employers.¹⁰⁴

Some employers received accreditation despite being ineligible.¹⁰⁵ Certain accredited employers and, in particular labour hire firms (or temporary work agencies) have been misusing the system, to make significant profits selling and trading job tokens (the link allowing a migrant worker to apply for a AEWV through the online system) to other employers, charging migrant workers for jobs (job tokens, recruitment fees and other related costs), and then failing to provide work or providing work in insecure and exploitative conditions.¹⁰⁶

While there are possibilities for AEWV holders to apply for a Job Change, the process is costly and uncertain. This is exacerbated by the accreditation scheme significantly reducing the pool of potential employers, and the significant financial investments people have made to move to New Zealand, especially if they have paid exploitative recruitment fees and incurred debts.¹⁰⁷

Some changes in the AEWV employer requirements and associated checks were introduced in April 2024.¹⁰⁸ While some were intended to address some of the exploitation issues exposed, many problematic aspects of the system remain in place. Furthermore, some of the changes increase the precarity of AEWV holders, especially in ANZSCO level 4 and 5 jobs, in particular, the restriction to a maximum visa length of two years and maximum continuous stay of three years (before having to spend some time outside of New Zealand).¹⁰⁹

Issues have been particularly prevalent and severe for AEWV holders, because the conditions associated with their work visas make them more precarious and at risk of exploitation, and because they are more likely to be working for employers and in sectors where there are high incentives for exploitation of migrant workers compared to people on the skilled worker residence pathways.

Nonetheless, the learnings regarding accreditation schemes should be considered more broadly. The combination of the employer-led process, the precarious conditions of the work visa, especially for ANZSCO level 4 and 5 workers (limitations on changing job and renewals) and the accreditation scheme both limiting the pool of potential employers and failing to ensure sufficient checks, has led to high levels of exploitation.

¹⁰⁴ New Zealand Public Service Commission, [Assurance review of the operation of the Accredited Employer Work Visa scheme](#), February 2024, paras 3-4. (accessed 13 November 2024).

¹⁰⁵ Ibid, para 215.

¹⁰⁶ Ibid; S. Kilgallon, "[Riches to rags: The inside story of an exploitation scandal](#)", Stuff, 13 April 2024 (accessed 13 November 2024); Te Kāhui Tika Tangata Human Rights Commission [The Accredited Employer Work Visa \(AEWV\) scheme in Aotearoa New Zealand: A Human Rights Review. Migrant workers' experiences and recommendations](#), August 2024 (accessed 13 November 2024).

¹⁰⁷ Despite legal obligations for recruitment fees to be covered by employers, migrant workers have been paying fees for AEWVs ranging from NZD\$14,000 (7,836 euros) to NZD\$40,000 (22,390 euros) to unlicensed offshore intermediaries and New Zealand employers. New Zealand Public Service Commission, [Assurance review of the operation of the Accredited Employer Work Visa scheme](#), February 2024, paras 225- 226. (accessed 13 November 2024).

¹⁰⁸ Immigration New Zealand, "[Changes to the Accredited Employer Work Visa \(AEWV\)](#)", 7 April 2024 (accessed on 21 November 2024).

¹⁰⁹ Ibid. Before April 2024, the AEWV system did not distinguish between different ANZSCO skill levels.

Analysis of the Accredited Employer Work Visa (AEWV) compared to PICUM's key recommendations and indicators.

Selection of policy recommendations	Indicators	
1. Streamlined and efficient procedures		
<p>Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p>1.1 Number of steps in application procedure</p>	<p>This is not met. There are several steps in the application procedure. First the employer must apply for and receive accreditation, and then pass the labour market test (Job Check) for the position in question. They must check that the person meets the Accredited Employer Work Visa (AEWV) minimum skills requirements, and then invite them to apply using the online portal. Then there is a whole application process from the side of the migrant worker, where they must provide various information and proof. Some of the criteria and high fee for the worker (NZD\$1,540 - 848 euros, on top of the fees due from the employer for the other steps) could be considered unreasonable practical barriers. These include new English language requirements for people applying to work in ANZSCO level 4 and 5 jobs, and a discretionary assessment of whether the application is 'bona fide'.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p>1.2 Accessibility of information about procedures and applicable rules</p>	<p>This is met to some extent. Detailed information is available online, but only in English.</p>
<p>Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.</p>	<p>1.3 Eligibility/non-eligibility requirements to access a permit with a job offer</p>	<p>This is not met. This pathway is open to any job in any sector. However, job offers must be with an accredited employer, and must pay at least the February 2023 median wage (NZD\$29.66 - 16.40 euros) an hour unless subject to an exemption. This is higher than the minimum wage as per statutory law and collective agreements, excluding some workers and jobs. There are also several additional criteria that have to be met (the labour market test, minimum level of work experience, personal characteristics and skills e.g. English language ability for people applying for ANZSCO level 4 and 5 jobs).</p>

Selection of policy recommendations	Indicators	
<p>Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.</p>	<p>1.4 Length of permit</p>	<p>This is met to a large extent. Aside some exceptions for jobs in specific sectors, the initial visa duration is usually two years for ANZSCO level 4 and 5 jobs and up to five years, depending on the length of the job offer, for ANZSCO level 1-3 jobs.</p>
<p>Permits should be renewable, without requiring workers to leave the country.</p>	<p>1.5 In-country renewals</p>	<p>This is not met. Permits are renewable in country, but only up to the maximum period of continuous stay in New Zealand – this is limited to three years for people working in ANZSCO level 4 and 5 jobs and who earn less than 1.5 times the median wage, and five years for those who earn more or work in ANZSCO level 1-3 jobs. The person is then required to spend a determined amount of time outside New Zealand, usually 12 months, before they can return.</p>
<p>In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p> <p>Restrictions on people changing from one type of status or permit to another should be lifted.</p>	<p>1.6 In-country applications including when undocumented</p> <p>1.7 Status/ permit can be converted into another</p>	<p>This is met to some extent. Migrant workers can apply for the AEWV while living in New Zealand if they have a valid visa. However, people with visas issued under the Recognised Seasonal Employer (RSE) scheme and undocumented workers are excluded.</p>
<p>2. Autonomy for workers</p>		
<p>Worker-owned procedures: Workers should be able to apply for permits themselves.</p>	<p>2.1 Ownership of application process/ worker or employer-made application</p>	<p>This is not met. The process is highly employer-led, relying on employers for several steps of the application procedure.</p>

Selection of policy recommendations	Indicators	
<p>Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p>2.2 Procedure to change employer</p> <p>2.3 Procedure to change type of job</p> <p>2.4 Procedure to change sector</p> <p>2.5 Possibility to work for more than one employer</p> <p>2.6 Time period before to change employer</p>	<p>This is met to some extent. The AEWV links the visa holder to the initial employer who sponsored their visa, for the length of their visa.</p> <p>To change employer, the visa holder has to apply for a Job Change. It is possible to apply to change employer, occupation and/or location. The application should be processed in approximately two weeks.</p> <p>However, the job must be with an accredited employer, who has a valid Job Check for the new job and pay at least the February 2023 median wage unless subject to an exemption. This greatly limits labour market mobility. There are also some restrictions on moving to a job that would have a shorter maximum visa length than the job originally held, and a Job Change application fee (NZD\$325 - 181 euros). The Job Change application is made online, including a specific form to be completed by the new employer. The Job Change application needs to be approved before the person can start working for the new employer.</p> <p>The Job Change application process may also apply to AEWV holders who are made redundant or affected by a restructure, liquidation of bankruptcy, as well as those whose employers fail to comply with accreditation standards and lose their accreditation.</p>
<p>Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.</p>	<p>2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired</p>	<p>This falls short. The AEWV holder is meant to inform Immigration New Zealand immediately if they leave or lose their job - they may be granted a grace period of one to three months to find a new job and apply for a variation of conditions of the visa. This time period is discretionary.</p>
<p>Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.</p>	<p>2.8 Available financial and practical support while unemployed</p>	<p>This is not met. AEWV holders are not entitled to unemployment benefits.</p>

Selection of policy recommendations	Indicators	
<p>Residence solutions in cases of exploitation:¹¹⁰</p> <p>Transitional permits should be made available for situations where workers experience labour violations or other abuses.¹¹¹</p>	<p>2.7 Availability of transitional permits</p>	<p>This is met to some extent. See the section on the Migrant Exploitation Protection Work Visa.</p>
3. Equality and family unity		
<p>Non-discrimination:</p> <p>Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. If there is preferential treatment, including for certain nationalities, this should be justifiable in relation to pre-existing disadvantage.</p>	<p>3.1 Restrictions in access to permits on prohibited grounds</p> <p>3.2 Justification for preferential treatment, if applicable</p>	<p>This is met to some extent. There are no restrictions regarding nationality or age. However, there are differences in criteria to access to the AEWV and significant differences in treatment of AEWV holders/ the rights associated with AEWV visas depending on the ANZSCO skill level and income of the position.</p>
<p>Family unity:</p> <p>Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted</p>	<p>3.5 Possibilities to and restrictions on access to permits for family members</p>	<p>This is met for some workers and not for others (classified as lower skilled). Only some workers are able to bring family members with them. People in jobs that are ANZSCO level 1 to 3 can apply for their partners and dependent children to live in New Zealand, unless they earn less than the median wage due to sectoral agreements. The transport and care sector agreements have specific rules around supporting family members' visas. However, people in other positions that are ANZSCO levels 4 and 5 are not eligible to support visas for their partners or children, unless they earn at least 1.5 times the median wage (NZD\$47.41 or 26 euros an hour).</p>
<p>Spouses/ partners should also be provided access to the labour market.</p>	<p>3.6 Access to the labour market for family members</p>	<p>This is met to a large extent. Partners of AEWV holders are granted work visas. Until 2 December 2024, these were work visas with conditions (restricted access to the labour market). However, as of 2 December 2024, work visas with full access to the labour market will be granted to some partners of AEWV holders – depending on the ANZSCO skill level and wage level of the AEWV holder's job.</p>

¹¹⁰ Regarding victims of criminal labour exploitation including trafficking in human beings, see [PICUM Key Messages and Recommendations on Human Trafficking \(October 2020\)](#); PICUM [Insecure Justice? Residence permits for victims of crime in Europe \(May 2020\)](#).

¹¹¹ See for example, the [Reactivation Employment Permit](#) in Ireland, analysed in PICUM, [Labour migration policies. Case study series: Ireland](#); and the [Residence Permit or Certificate due to Exploitation by the Employer \(2022\)](#) in Finland, included in PICUM, [Labour migration policies. Case study series: Finland](#). (2022)

Selection of policy recommendations	Indicators	
5. Social Inclusion		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>This is met for some workers and not for others (classified as lower skilled). Access to a Residence Visa, which provides a pathway to long-term residence or settled status after two years, depends on the ANZSCO skill level that the person has found employment in. People in jobs with lower skill classification may be able to use their work experience in New Zealand to claim points towards the Skilled Migrant Category Resident Visa (if they earn at least 1.5 times the median wage, see Section 2 above), but settled status is usually only a possibility for AEWV holders with positions that are skill levels 1 to 3.</p>

Section 4: Migrant Exploitation Protection Work Visa

The Migrant Exploitation Protection Work Visa (MEPV) was introduced as a safeguard for exploited workers on a work visa linked to an employer. It provides temporary residence status allowing the person to remain in the country while they seek new employment.

It is only accessible to migrant workers who have a valid employer-sponsored work visa.

Application process

To apply for the MEPV, eligible workers must first report their exploitation to Employment New Zealand. Migrant exploitation is described as “behaviour that causes, or increases the risk of, material harm to the economic, social, physical or emotional well-being of a migrant worker.” Common types of exploitation include job or visa premiums, paying wages back to employer, under- or non-payment of wages, having to provide workplace equipment, excessive work hours, denial of leave, and non-payment of leave.¹¹²

Exploitation should be reported via an [online form](#) in English, or via a dedicated free helpline, which will take the report and provide support completing the form, with interpretation available in several languages.¹¹³ A third party can also complete the form on behalf of the worker. The form asks for a description of the problem and the outcome sought, providing as much information as possible. No specific documentary evidence is required.

Some other channels exist to report exploitation (e.g. [Crime Stoppers](#), the Ministry of Business, Innovation and Employment (MBIE) Contact Centre), through which the worker will be referred to a dedicated MEPV Customer Service Advisor. Upon review, Employment New Zealand will issue a Report of Exploitation Assessment Letter, which is necessary for the visa application.

The visa application process involves completing and submitting the Migrant Exploitation Protection Visa application form ([INZ 1370](#)) to Immigration New Zealand, along with the Report of Exploitation Assessment Letter, which must have been issued within the past month.¹¹⁴

The application is free of charge.

Once the application is submitted, applicants are permitted to remain in New Zealand while their MEPV application is under review.¹¹⁵

¹¹² Employment New Zealand, “[Migrant Exploitation](#)” (accessed 13 November 2024).

¹¹³ For more details, see: Employment New Zealand, “[Request help](#)” (accessed 13 November 2024).

¹¹⁴ Immigration New Zealand, “[Migrant Exploitation Protection Work Visa](#)” (accessed 29 October 2024)

¹¹⁵ Ibid.

Permit granted

Permit duration and recent changes

The Migrant Exploitation Protection Visa (MEPV) is granted for the remaining duration of the person's current work visa, up to a maximum of six months.

During this time, applicants are required to document their efforts to secure new employment, keeping records of job applications for at least four months. They must find work with an accredited employer to transition to another visa linked to employment.

Previously, if additional time was needed to find suitable work, applicants could apply for a further MEPV – for a further six months - by submitting evidence of their job search activities.¹¹⁶ However,

recent changes to the MEPV that took effect on 31 October 2024 remove this possibility.¹¹⁷

Additionally, the definition of exploitation has been refined: only situations tied to genuine employment relationships are now considered exploitative. This excludes people who paid high fees to obtain a job offer and visa support, including when they find there is no job for them when they arrive. Lawful terminations, redundancies, and non-payment of final wages due to company liquidation also no longer qualify as exploitation unless accompanied by further exploitative behaviour or unlawful termination practices¹¹⁸.

Conditions of the visa

MEPV holders are not permitted to travel outside New Zealand and re-enter on this visa; if they leave the country, the visa will expire, requiring a new application to return.¹¹⁹

For the duration of the MEPV, the holder has full access to the labour market – they can work for any employer, in any sector and location.

Between 20 September 2023 and March 2024, there was also some financial support for MEPV holders not in employment,¹²⁰ but this was a temporary measure that was not extended, so the support is no longer available.¹²¹

In order to stay in New Zealand beyond the MEPV, the holder must meet the conditions to apply for

116 Immigration New Zealand, "[Migrant Exploitation Protection Work Visa](#)" (accessed 29 October 2024)

117 Those holding MEPVs that expired on or before 30 November 2024, had until 30 October to apply for a second MEPV. New Zealand Immigration, "[Changes to the Migrant Exploitation Protection Work Visa](#)" (accessed 29 October 2024)

118 Ibid

119 Immigration New Zealand, "[Migrant Exploitation Protection Work Visa](#)" (accessed 29 October 2024)

120 For details, see: Immigration New Zealand, "Government announces more support for migrants who have been exploited", 20 September 2023 (accessed 13 November 2024).

121 Immigration New Zealand, "[Migrant Exploitation Protection Work Visa \(MEPV\) Short-Term Support Package nearing its end](#)", 12 February 2024 (accessed 13 November 2024).

another residence or work visa. This means, in particular, finding employment with an accredited employer with a valid Job Check for the position, and meeting the other skill, income and other requirements. MEPV holders were among those affected by the restrictions to the AEWV introduced in April 2024,¹²² such as the English language requirements, making it harder for them to meet the conditions to stay in New Zealand. These restrictions significantly limit possibilities for MEPV holders to transition to another visa and stay regularly in New Zealand, and

mean that MEPV holders may transition to another precarious and employer-dependent visa under the AEWV scheme, putting them again at risk of exploitation.

If someone finds employment with an accredited employer for an eligible job, but their MEPV will expire before they can apply for an Accredited Employer Work Visa, they can apply for a visitor visa, providing evidence about their employment or job offer in their application.

Family unity and long-term residence or settled status

Family members whose visas were dependent on their relationship with the migrant worker are granted similar conditions to the MEPV holder.¹²³ If the migrant worker was able to support their family member to access an autonomous permit (e.g. a separate student visa for their child), this would not automatically be linked to the MEPV.

There are no possibilities for MEPV holders to support new visas for their family members. Pathways to long-term residence depend on the type of employment and visa that the person is able to transition to (for example, if they are able to get an ANZSCO level 1 to 3 position with an accredited employer).

¹²² Immigration New Zealand, "[Changes to the Accredited Employer Work Visa \(AEWV\)](#)", 7 April 2024 (accessed on 21 November 2024).

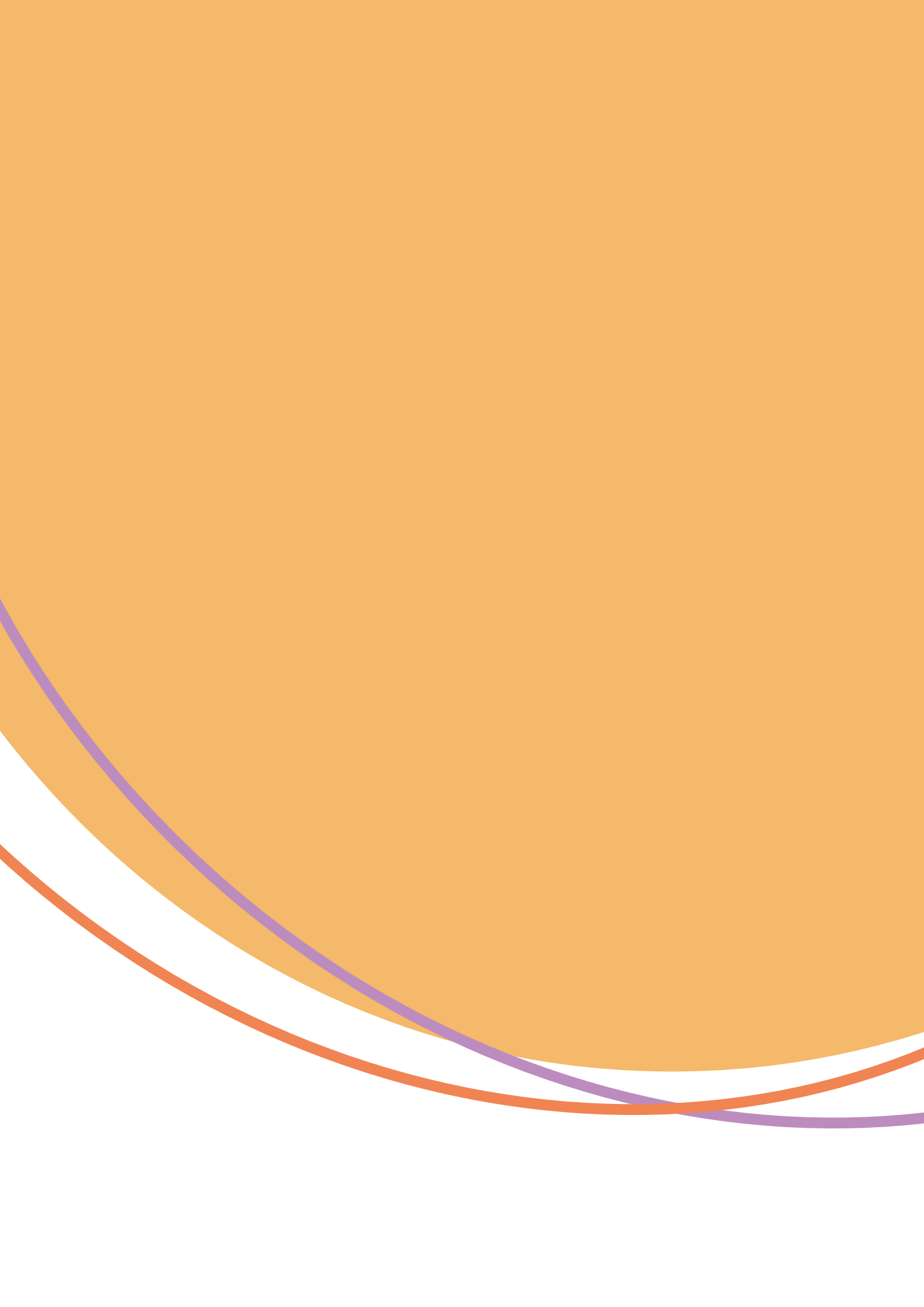
¹²³ Immigration New Zealand, Operational Manual, section [WF3.1c](#) for partners and [U8.20g](#) for dependents (accessed on 2 December 2024).

Analysis of the Migrant Exploitation Protection Work Visa (MEPV) compared to PICUM's key recommendations and indicators.

Selection of policy recommendations	Indicators	
1. Streamlined and efficient procedures		
<p>Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.</p>	<p>1.1 Number of steps in application procedure</p>	<p>This is met to some extent. There are two steps to the application process. First, the worker needs to report their exploitation, to Employment New Zealand (through an online form or a dedicated free (0800) telephone number). The online form should be completed in English, but the helpline provides support completing the form, with interpretation available in several languages. A third party can also complete the form on behalf of the worker. No specific documentary evidence is required.</p> <p>Upon review, Employment New Zealand will issue a Report of Exploitation Assessment Letter. The visa application form must then be submitted, along with this letter, within one month. The application is free of charge.</p> <p>Once the application is submitted, applicants are permitted to remain in New Zealand while their MEPV application is under review.</p>
<p>Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.</p>	<p>1.2 Accessibility of information about procedures and applicable rules</p>	<p>This is met to a large extent. Information about the MEPV application process is available online in several languages.</p>
<p>Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.</p>	<p>1.3 Length of permit</p>	<p>This is not met. The duration of the visa is six months, or less if their current employer-sponsored work visa would expire sooner. This gives a short time period for workers to find alternative employment and start the associated visa procedures.</p>

Selection of policy recommendations	Indicators	
Permits should be renewable, without requiring workers to leave the country.	1.5 In-country renewals	This is not met. The possibility to renew this visa for an additional six months has been removed.
<p>In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.</p> <p>Restrictions on people changing from one type of status or permit to another should be lifted.</p>	<p>1.6 In-country applications including when undocumented</p> <p>1.7 Status/ permit can be converted into another</p>	This falls short. Applicants must have a valid employer-sponsored work visa, they cannot apply if their visa has expired.
2. Autonomy for workers		
<p>Worker-owned procedures: Workers should be able to apply for permits themselves.</p>	2.1 Ownership of application process/ worker or employer-made application	This is met. The worker is not dependent on any employer to apply.
<p>Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p>2.2 Procedure to change employer</p> <p>2.3 Procedure to change type of job</p> <p>2.4 Procedure to change sector</p> <p>2.5 Possibility to work for more than one employer</p> <p>2.6 Time period before to change employer</p>	<p>This is met to a large extent. During the duration of the MEPV, the holder may work for any employer, in any job, in any location. There are no restrictions or specific procedures to be followed.</p> <p>However, in order to transition to another visa, it is necessary to meet all the requirements of another residence or work visa. This means, in particular, finding employment with an accredited employer with a valid Job Check for the position, and meeting the other skill, income and other requirements. This greatly limits opportunities for workers who have experienced exploitation to secure continued employment and stay in New Zealand, and may push them into situations where they risk further exploitation.</p>

Selection of policy recommendations	Indicators	
<p>Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.</p>	<p>2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired</p>	<p>This is met to some extent. It is possible to be unemployed on the MPEV, but the period of validity may be very short, depending on how much time is left on the person's work visa.</p>
<p>Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.</p>	<p>2.8 Available financial and practical support while unemployed</p>	<p>This is not met. MPEV holders are not eligible for unemployment benefits. A financial support package was provided for a period of approximately six months between September 2023 and March 2024, but this was not continued.</p>
<h3>3. Equality and family unity</h3>		
<p>Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted</p>	<p>3.5 Possibilities to and restrictions on access to permits for family members</p>	<p>This is met to some extent. Family members whose visas were dependent on their relationship with the migrant worker are granted similar conditions to the MEPV holder. If the migrant worker was able to support their family member to access an autonomous permit (e.g. a separate student visa for their child), this would not automatically be linked to the MEPV. However, there are no possibilities for MEPV holders to support new visas for their family members.</p>
<p>Spouses/ partners should also be provided access to the labour market.</p>	<p>3.6 Access to the labour market for family members</p>	<p>This is met. Partners are granted similar conditions to the MEPV holder (full access to the labour market) or maintain their autonomous permit.</p>
<h3>5. Social Inclusion</h3>		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>This is met for some workers, but not for others (those classified as lower-skilled). Pathways to long-term residence depend on the type of employment and visa that the person is able to transition to (for example, if they are able to get an ANZSCO level 1 to 3 position with an accredited employer).</p>





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