
New Employer Infringement Scheme

Immigration New Zealand (INZ) has introduced an employer infringement scheme to address low-level compliance issues.

Background

From 11 April 2024, INZ may issue infringement notices to employers in breach of immigration rules. This could include employing individuals unlawfully or in breach of visa conditions, or failing to respond to a 10-day information request.

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

- A fine of \$1,000 or more.
- Loss of Accredited Employer status.
- A temporary ban from supporting work visa applications.
- Publication of the business name on a non-compliant employer "stand down" list.

Further information on being "stood down"

If an employer receives an infringement notice, it can be stood down for 6 months. Where an employer receives multiple infringement notices at once, the employer may be stood down for 12 months.

During the stand-down period, the employer cannot re-apply for accreditation status or support work visa applications. However, they can still hire migrants on open work visas.

If the employer wants to reinstate its accredited employer status, it must show INZ they have made the necessary changes to ensure infringement does not occur again.

What does this change mean?

Currently, INZ's main tool for deterring non-compliant employers is criminal prosecution. This isn't effective for low-level breaches, which often don't warrant criminal sanction. INZ's incoming infringement notices and penalties will bridge this gap, and allow immediate action to be taken.

Our thoughts

While most employers take steps to comply with INZ's rules, minor compliance issues are relatively common.

We recommend employers undertake an internal audit, to ensure any visa holders are lawfully working in New Zealand. For accredited employers this should include a review of the various post-accreditation compliance obligations.

Want to know more?

If you have any questions about this update, please contact our specialist Immigration team.