



4 May 2022

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2022-23

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions from the effective date.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz.

Description of changes

WA3 Job Check instructions

WA3.1 Overview

WA3.5 Applying for a Job Check

WA3.10 Requirements for a Job Check

WA3.15 Acceptable employment

WA3.20 Labour market test

WA3.25 Employers holding Standard Accreditation

WA3.30 Calculating remuneration

WA3.35 Determining the location of the job

WA3.40 Processing and verification requirements

WA3.45 Considering a Job Check application

WA3.50 Currency and approval specifications of a Job Check

WA3.55 Reconsideration process for Job Check applications

WA4 Accredited Employer work visa instructions

WA4.1 Overview

WA4.5 Applying for an Accredited Employer work visa

WA4.10 Determining an Accredited Employer work visa

WA4.15 Currency and conditions of Accredited Employer work visas

Immigration instructions that give effect to the job check and work visa steps of the new Accredited Employer Work Visa system are attached. Employers who are accredited will be able to make a job check application online from 20 June. Work visas can be applied for online from 4 July.

More information is available on the INZ website - www.immigration.govt.nz/accredited-employer

Appendix 1: Amendments to Temporary Entry instructions effective on and after 20 June 2022

WA3 Job Check instructions

WA3.1 Overview

WA3.5 Applying for a Job Check

WA3.10 Requirements for a Job Check

WA3.15 Acceptable employment

WA3.20 Labour market test

WA3.25 Employers holding Standard Accreditation

WA3.30 Calculating remuneration

WA3.35 Determining the location of the job

WA3.40 Processing and verification requirements

WA3.45 Considering an application for a Job Check

WA3.50 Currency and approval specifications for a Job Check

WA3.55 Reconsideration process for applications for a Job Check

WA3.1 Overview

- a. Employers who are accredited may make a Job Check application.
- b. If a job is approved as part of a Job Check application, it will be associated to the employer. Employers with Standard Accreditation can have a maximum of 5 jobs associated to them at any one time. There is no maximum number of jobs that can be associated to employers holding High Volume Accreditation.
- c. If a job is approved as part of a Job Check application, a non-New Zealand citizen or resident visa holder can apply for an Accredited Employer work visa. The details of the job offered to the worker must be the same as the job approved in the Job Check application.

WA3.5 Applying for a Job Check

- a. A Job Check application must be made by an accredited employer (as defined at [WA2.60.1](#)) whose accreditation is not suspended.
- b. Applications must be made using the approved online form provided on the INZ website.
- c. Employers must include evidence demonstrating that they meet the Job Check instructions, including:
 - i. a detailed job description; and
 - ii. a proposed employment agreement; and
 - iii. if a labour market test is required ([WA3.20\(a\)](#)), evidence of advertising the job.
- d. A fee must be paid for a Job Check application.
- e. Multiple jobs may be included in a Job Check application if the following details are the same for all jobs:
 - i. the proposed:
 - o occupation; and
 - o location; and
 - o minimum guaranteed remuneration and maximum remuneration; and
 - o type of agreement (permanent or fixed term); and
 - ii. the minimum qualifications, work experience, skills or other specifications required for the job; and
 - iii. the job description; and
 - iv. the proposed employment agreement included with the application; and
 - v. if a labour market test is required ([WA3.20\(a\)](#)), the jobs are included in the same set of advertising.

WA3.10 Requirements for a Job Check

An immigration officer may approve an application for a Job Check if they are satisfied that:

- a. the employer continues to meet the requirements of their accreditation as set out in [WA2](#) instructions ([WA3.40](#)(a) and (b)); and
- b. the employment is acceptable as set out at [WA3.15](#); and
- c. where required, the job meets the labour market test as set out at [WA3.20](#); and
- d. where the employer holds Standard Accreditation, approval of the Job Check does not result in the employer having more than 5 jobs associated to them, as set out at [WA3.25](#).

WA3.15 Acceptable employment

- a. The employer applying for the Job Check must be:
 - i. an accredited employer; and
 - ii. the direct employer for the proposed employment (as defined at [WA2.60.5](#)).
 - b. The remuneration for the proposed employment must be at or above the median wage. For the purpose of WA instructions, the median wage is \$27.76 per hour, or the equivalent annual salary.
 - c. The proposed employment must be full time (at least 30 guaranteed hours per week for every week worked) for the duration of the employment period.
 - d. The terms and conditions specified for the proposed employment must not be less than those of the New Zealand market for that occupation, including rate of pay ([WA3.30](#)) and notice periods.
 - e. Payment for the proposed employment must be by wages or salary, except for any goods or services that are specified in the proposed employment agreement and are determined by an immigration officer to be reasonable deductions from the wage or salary as per [WA3.30\(g\)](#).
 - f. The pay period for the proposed employment must not be longer than one month.
 - g. The proposed employment must not include the employer passing any recruitment, compulsory training or equipment costs or fees to the employee, as per the requirements for employer accreditation set out at [WA2.10.10\(i\)](#).
 - h. The proposed employment must be for a single accredited employer only, unless:
 - i. the employment is for a Resident Medical Officer job; and
 - ii. the employers are all New Zealand District Health Boards who hold High Volume Accreditation; and
 - iii. the employment is covered by one proposed employment agreement; and
 - iv. if a labour market test is required, the employment is advertised as one role.
 - i. The proposed employment must not involve the employee being placed in a triangular employment arrangement with another organisation, as defined at [WA2.60.15](#), unless the employer holds High Volume Accreditation – Triangular Employment.
 - j. The proposed employment must be compliant with all the relevant New Zealand employment laws in force.
 - k. The proposed employment must be genuine.
 - l. If travel or changing locations is part of the proposed employment (not to take up the employment, but as part of the job, for example an employer requiring a worker to complete a project in another location), the terms and conditions of that travel or change of locations must:
 - i. be set out in the proposed employment agreement; and
 - ii. not have the potential to disadvantage the employee.
 - m. Factors an immigration officer may take into account when determining whether there is the potential for disadvantage caused by the terms and conditions of travel or change of locations include, but are not limited to:
 - i. the notice period employees are given when being required to change location; and
 - ii. compensation provided to employees when being required to travel or change location, including for travel and accommodation; and
 - iii. what the process or outcome is when an employee is unable to change locations or undertake the travel.
 - n. The proposed employment must not be for:
 - i. self-employment; or
 - ii. planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries.
- Note:** Applications for work visas to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) Instructions ([WH1](#)) or the Supplementary Seasonal Employment Instructions ([WH3](#)).
- o. Evidence that the employment is acceptable must include, but is not limited to:
 - i. a proposed employment agreement (see (p) below); and
 - ii. information about the minimum qualifications, work experience, skills or other specifications required for the job.
 - p. The proposed employment agreement must:
 - i. include all mandatory clauses required by employment law, such as:
 - o the name of the employer; and
 - o the job title; and
 - o a detailed job description; and
 - o the hours of work; and
 - o the duration and type of agreement (fixed term or permanent); and

- details of pay and conditions of employment; and
- the place of work; and
- ii. include details about paid leave entitlements; and
- iii. only include clauses that comply with employment law; and
- iv. include the maximum number of hours that the employee may be asked to work before being paid additional overtime rates, and details of the overtime rate of pay; and
- v. include the maximum number of hours that the employee may be asked to work, including any hours paid at overtime rates; and
- vi. include the pay period.

Notes:

- The purpose of assessing the proposed employment agreement is to determine whether the employment is acceptable. The terms and conditions offered to an Accredited Employer work visa applicant will be checked to confirm they are consistent with the proposed employment agreement provided as part of the associated Job Check application.

- Accredited Employer work visa applicants must have the qualifications, work experience, skills or other specifications that the employer has specified, as part of the Job Check application, as the minimum requirements for the job.

WA3.20 Labour market test

- a. The labour market test must be met for all jobs, except where the remuneration for the proposed employment is \$55.52 per hour or above, or the equivalent annual salary (WA3.30).
- b. The labour market test is met if:
 - i. the employer has made genuine attempts to attract and recruit suitable New Zealand workers by advertising the job (WA3.20.1); and
 - ii. the employer did not find suitable and available New Zealand workers for the job.
- c. Evidence that the labour market test is met must include:
 - i. evidence of the advertising required by WA3.20.1 below including the content, dates, duration and platform of the advert(s); and
 - ii. a declaration from the employer about whether they found any suitable and available New Zealand workers for the job.

WA3.20.1 Genuine attempts to attract and recruit suitable New Zealand workers by advertising

- a. The job must have been advertised:
 - i. on a general national job listing website where suitable New Zealand citizen or resident class visa workers are likely to apply; or
 - ii. by other means, if those means are more likely to attract suitable New Zealand citizen or resident workers, for example on an industry-specific job listing website.
- b. The job advert must have:
 - i. been listed for at least 14 calendar days; and
 - ii. closed prior to the Job Check application being submitted.
- c. The end date of the advertising must be within the 90 days prior to the Job Check application being submitted.
- d. The advert must include:
 - i. a job description detailing the key tasks and responsibilities; and
 - ii. the key terms and conditions of the employment, which are consistent with the proposed employment agreement and other information included with the Job Check application, including:
 - o the minimum and maximum rate of pay or salary; and
 - o where a significant portion of the actual earnings are not guaranteed, the estimated actual earnings (for example what the piece rates or commission rates are, or what the average bonuses are); and
 - o the minimum guaranteed hours of work; and
 - o the location of the job; and
 - iii. the minimum qualifications, work experience, skills or other specifications required for the job (see (e) below).
- e. The minimum qualifications, work experience, skills or other specifications required for the job must:
 - i. only include those necessary to perform the work on offer (WA3.20.5); and
 - ii. be the same as those stated in the application form.

WA3.20.5 Determining whether the minimum requirements for the job are necessary to perform the work on offer

- a. To determine whether the minimum qualifications, work experience, skills or other specifications identified by the employer as requirements for the job are necessary to perform the work on offer, an immigration officer may refer to the qualifications described for the closest matching occupation in the Australian and New Zealand Standard Classification of Occupations (ANZSCO), or the work experience that the ANZSCO indicates may substitute the required qualification.
- b. For qualifications, work experience, skills or other specification that are not described in the ANZSCO for the matching occupation, an immigration officer may make an assessment of whether the requirement is reasonably necessary to perform the work on offer, taking into account such factors as:
 - i. the roles and responsibilities of the job; and
 - ii. whether the specification is likely to result in suitable and available New Zealand citizens or residents not applying for the job.

Note: As an example, requiring foreign language skills for a café or restaurant worker job is unlikely to be acceptable, but requiring foreign language skills for a job as a tour guide catering for non-English speakers may be acceptable, as the skills are necessary to perform the work on offer.

- c. Where other skills or specifications are needed to perform the job that are not described for the matching occupation in the ANZSCO, the remuneration offered must reflect those requirements by being above what would otherwise be the market rate for that job.

- d. Requiring a driver licence or vehicle cannot be a minimum requirement for the job unless operating a vehicle is necessary to perform the work on offer. Being able to commute to the workplace is not part of performing the work on offer, so requiring a driver licence or vehicle for this purpose is not acceptable.
- e. Despite [E7.7](#), where these instructions refer to the ANZSCO, any assessment must be based on the Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand in their Aria classification management system.

Note: The link to the Immigration view of version 1.3 of the ANZSCO provided by Statistics New Zealand is here:

<http://aria.stats.govt.nz/aria/#ClassificationView:uri=http://stats.govt.nz/cms/ClassificationVersion/hqbQw1g89dLcxOHS>

WA3.25 Employers holding Standard Accreditation

A Job Check application for an employer holding Standard Accreditation will not be approved if it results in more than 5 jobs being associated to the employer ([WA3.50.1](#) and [WA3.50\(e\)](#)).

WA3.30 Calculating remuneration

- a. The proposed remuneration must meet the minimum pay threshold(s) required under these instructions (including WA3.15(b), and WA3.20(a)).
 - b. Remuneration will be calculated on the basis of guaranteed payment per hour.
 - c. For employment to be assessed as meeting a minimum pay threshold, the average guaranteed remuneration for each hour of work within a pay period, including any paid leave, must be at or above that threshold.
 - d. Remuneration will be calculated according to the hours of work stated in the Job Check application and the proposed employment agreement.
 - e. If all or part of the payment is proposed to be by annual salary, the payment per hour for the salary portion will be calculated by dividing the annual salary by 52 weeks, followed by the number of hours that will be worked each week. If the payment is by salary, but not annual salary, then the relevant number of weeks will be used instead.
 - f. Where the remuneration is not yet confirmed but will be within a range, the calculation will be based on the lowest rate.
 - g. Subject to (h) below, for the purposes of these instructions, remuneration includes:
 - i. the value of any reasonable deduction from salary or wages for goods or services that is specified in the proposed employment agreement; and
 - ii. in the case of accommodation provided in connection to the employment:
 - o the value of any reasonable deduction from salary or wages for that accommodation, that is specified in the proposed employment agreement; or
 - o if an accommodation allowance is provided, the amount of that allowance that is specified in the proposed employment agreement.
- Note:** In relation to WA3.30(g)(ii) above, the meaning of accommodation, and the value of accommodation that is included in the definition of 'remuneration', reflects the definition of accommodation and the value of accommodation that forms part of a person's income under section CE 1 of the Income Tax Act 2007.
- h. For the purposes of these instructions, remuneration excludes:
 - i. other employment-related deductions or allowances (for example tool, or uniform allowances); and
 - ii. piece rates, commissions or bonuses which are dependent on performance and not guaranteed, even if these are considered reasonable.

WA3.30.1 Variable hours

- a. Hours of work per week will be considered variable where the proposed employment agreement contains a provision allowing the employer to request or require the employee to work additional hours from time to time.
- b. If the hours of work are variable and the proposed employment agreement specifies payment other than by hour (including payment by salary), an immigration officer may request evidence of the range of hours to be worked, including the maximum, in order to calculate the remuneration of the employment.
- c. Where evidence of the range of hours is provided in terms of (a) above or where the Job Check application or proposed employment agreement specifies a range of hours, the maximum hours will be used to calculate the remuneration.

WA3.30.5 Overnight hours

Where the proposed employment requires the employee to work overnight, but allows them to sleep during this time, any hours spent sleeping may be excluded from WA3.30(f) above, provided that:

- a. for any hours the employee is sleeping, they are paid at or above the minimum wage; and
- b. for any hours the employee is required to perform their duties, they are paid at least their normal rate; and
- c. the employee is guaranteed a minimum of 30 hours per week at their normal rate required by any minimum pay threshold under these instructions; and
- d. the proposed employment is for a job in the Aged, Residential Care or Disability Care industry.

WA3.35 Determining the location of the job

- a. For the purpose of these instructions the location of the job is the place where the work is entirely or principally carried out or based, as per the proposed employment agreement and information provided in the Job Check application.
- b. If the work is proposed to be carried out or based in more than one location, an immigration officer may determine that the job is located in multiple locations.
- c. Regions are based on regional council boundaries and cities are based on city council boundaries.
- d. An immigration officer may request further evidence to determine where the job is located.

Note: The location of the proposed employment is relevant to determining whether a labour market test is met ([WA3.20](#)), and the conditions of a corresponding Accredited Employer work visa ([WA4.15](#)),

WA3.40 Processing and verification requirements

- a. If there is information that indicates an employer may no longer meet the requirements of their accreditation, an immigration officer may postpone making a decision on the Job Check application until the employer is determined to meet the requirements, or until the employer's accreditation is revoked ([WA2.55](#)).
- b. If the employer's accreditation is suspended, an immigration officer may postpone making a decision on the Job Check application until the suspension ends.
- c. If the employer's accreditation expires or is revoked, an immigration officer may decline the Job Check application.
- d. Information that is provided as part of an application for a Job Check must be genuine, accurate and true. An immigration officer may decline an application for a Job Check if they are satisfied that an employer:
 - i. provided false or misleading information in support of the Job Check application; or
 - ii. withheld relevant information that was prejudicial to approval of the Job Check application.
- e. An immigration officer may, where necessary:
 - i. take steps necessary to verify information that is provided as part of an application for a Job Check is genuine, accurate and true; and
 - ii. request evidence, including additional information not specified in these instructions, from employers, migrant employees and other parties, such as other parts of the Ministry of Business, Innovation and Employment and other government agencies, to determine whether an employer meets the requirements for a Job Check.

WA3.45 Considering a Job Check application

- a. In accordance with the principles of fairness and natural justice set out in the Administration chapter (A1), employers submitting a Job Check application will be given the opportunity to comment before a decision to decline an application is made on the basis of any potentially prejudicial information (PPI).
- b. For the purpose of assessing applications for a Job Check, PPI is factual information or material that will or may adversely affect the outcome of the application.
- c. If an application fails to meet the requirements of the Job Check instructions, immigration officers may consider if a waiver of specific requirements in these instructions is appropriate, taking into account:
 - i. all the circumstances of the application; and
 - ii. the objectives of the instructions; and
 - iii. the situation of the employer.
- d. Any decision to waive specific requirements in these instructions must be approved by an Immigration Manager or higher.

WA3.50 Currency and approval specifications of a Job Check

- a. A Job Check may be approved for a duration of 6 months.
- b. An approved Job Check will expire after 6 months, or when the employer's accreditation lapses or is revoked, whichever occurs first.
- c. Throughout any period that the employer's accreditation is suspended, any current Job Checks the employer holds will be unable to be used to support an Accredited Employer work visa application.
- d. An approved Job Check will specify:
 - i. the occupation; and
 - ii. the minimum and maximum remuneration for the employment; and
 - iii. the location of the employment; and
 - iv. the number of jobs approved; and
 - v. the Job Check start date; and
 - vi. the Job Check expiry date.
- e. If an employer applies for a Job Check for multiple jobs, an immigration officer may approve the Job Check for the same or fewer number of jobs requested, depending on whether each job meets the requirements set out at [WA3.10](#).

WA3.50.1 Associating a job to an employer

- a. A job is associated to an employer when it is approved as part of a Job Check application. The job remains associated to the employer until:
 - i. in the case of an Accredited Employer work visa being granted on the basis of the approved Job Check, that work visa:
 - o expires; or
 - o is cancelled; or
 - o is varied to allow the visa holder to work for a different employer; or
 - ii. in the case of the approved Job Check not being used to support an Accredited Employer work visa application, or the work visa application being decided without a visa being granted, the approved Job Check:
 - o expires; or
 - o is cancelled.
- b. If a(i) or (ii) above occurs, the job is no longer associated to the employer.

WA3.50.5 Using a Job Check to support an Accredited Employer work visa

- a. When a job is approved as part of a Job Check application and is associated to the employer, a non-New Zealand citizen or resident visa holder can use it to apply for an Accredited Employer work visa.
- b. The approved job may only be used to apply for an Accredited Employer work visa while the relevant Job Check is current, and only for one Accredited Employer work visa application. If that work visa application is withdrawn or declined, and the Job Check is still current, then the approved job can be used for another Accredited Employer work visa application ([WA4.10\(a\)\(iv\)](#)).

WA3.55 Reconsideration process for Job Check applications

- a. There is no statutory right of appeal against the decision to decline a Job Check application under these instructions.
- b. INZ may reconsider a Job Check application where the reconsideration request is made within 14 calendar days of the date of decision on the application.
- c. Where the request is accepted, the application should be reconsidered:
 - i. under the Job Check instructions applying to the original application; and
 - ii. by another immigration officer to the one who made the decision to decline the application.
- d. An immigration officer is not obligated to consider new information that is provided with a request for reconsideration, or a change in circumstances that occurred after the decision on the Job Check application was made.
- e. In deciding whether to consider new information that is provided with a request for reconsideration, or a change in circumstances, an immigration officer should consider whether these would be better considered as part of a new application.
- f. A fee for requesting a reconsideration of a Job Check application must be paid.

Appendix 2: Amendments to Temporary Entry instructions effective on and after 4 July 2022

WA4 Accredited Employer work visa instructions

WA4.1 Overview

WA4.5 Applying for an Accredited Employer work visa

WA4.10 Determining an Accredited Employer work visa

WA4.15 Currency and conditions of Accredited Employer work visas

WA4.1 Overview

- a. The Accredited Employer work visa instructions provide for the grant of work visas to non-New Zealand citizen or resident workers with an offer of employment to work in New Zealand for an accredited employer.
- b. The minimum guaranteed remuneration for the employment determines the ability of an Accredited Employer work visa holder to support temporary visas for family members ([WA4.10.10](#), [WF3.1](#) and [V3.10](#)).

WA4.5 Applying for an Accredited Employer work visa

- a. An Accredited Employer work visa application must be made using the approved online form provided on the INZ website.
- b. Applicants must include evidence demonstrating that they meet the Accredited Employer work visa instructions, including:
 - i. a copy of the employment agreement; and
 - ii. a copy of the signed offer of employment; and
 - iii. a Job Check number (a number referring to a job that has been approved as part of a Job Check application) from the accredited employer that has offered them employment, that:
 - o is for a Job Check that was current at the time the application was submitted; and
 - o is not currently being used for another Accredited Employer work visa application; and
 - o has not previously been used for an Accredited Employer work visa application that was approved.

Note: The signed offer of employment does not have to be a separate document to the employment agreement, as long as it is signed by the applicant and employer and includes all information required by WA4.10.1.

WA4.10 Determining an Accredited Employer work visa

- a. An immigration officer may grant an Accredited Employer work visa if they are satisfied that the applicant:
 - i. meets the generic work visa requirements for applicants at [W2.10.1](#); and
 - ii. holds an offer of employment that meets the requirements at [WA4.10.1](#); and
 - iii. is suitably qualified by training and experience to do the job they have been offered, as set out at [WA4.10.5](#).
- b. If there is information that indicates the employer may no longer meet the requirements of their accreditation, an immigration officer may postpone making a decision on the application until the employer is determined to meet the requirements, or until the employer's accreditation is revoked ([WA2.55](#)).
- c. If the employer's accreditation is suspended, an immigration officer may postpone making a decision on the application until the suspension ends.
- d. If the employer's accreditation expires or is revoked, an immigration officer may decline the application.
- e. Applicants who hold a work visa with remuneration as a condition of that visa, may be required to provide evidence of their remuneration payment, such as an Inland Revenue income summary and bank statements.

WA4.10.1 Requirements for the employment offered

- a. The offer of employment must be genuine and include the following information:
 - i. name, address, telephone number of the employer; and
 - ii. name and address of the person to whom the job is offered; and
 - iii. a full job description including:
 - o the job title or designation; and
 - o the address of the place of employment if different from that in paragraph (I) above; and
 - o the type of work, duties and responsibilities involved; and
 - o details of pay and conditions of employment; and
 - o the hours of work; and
 - o the duration of the job; and
 - o how long the job offer is open.
- b. The offer of employment must be from an accredited employer (as defined at [WA2.60.1](#)).
- c. The following details of the employment offered must be the same as those approved as part of the Job Check application:
 - i. the location of the job; and
 - ii. the occupation; and
 - iii. the hours of work (the minimum guaranteed hours of work must not be less, and the maximum hours must not be more, than those approved as part of the Job Check application); and
 - iv. the remuneration (the remuneration must be within the range approved as part of the Job Check application); and
 - v. the direct employer (as defined at [WA2.60.5](#)).
- d. All other terms and conditions of the employment offered (for example leave entitlements and notice periods) must be the same as, or more favourable to the applicant than, those provided as part of the Job Check application.
- e. The employment must continue to meet all other requirements for acceptable employment as specified at [WA3.15](#), including the remuneration thresholds in effect at the time the Accredited Employer work visa application is made.
- f. INZ will decline an application for a work visa where it considers that the employment was offered as a result of payment made or promised by the applicant (or their agent) to the employer (or their agent) in exchange for securing that offer of employment.

WA4.10.5 Determining whether an applicant is suitably qualified to do the job they have been offered

- a. An applicant is suitably qualified to do the job they have been offered if they have the qualifications, work experience, skills and other specifications that were listed by the employer, in the Job Check application, as the minimum requirements for the job.
- b. Despite [W2.10.1\(b\)\(a\)](#), an immigration officer may accept that an applicant has the minimum qualifications, work experience, skills or other specifications required for the job, without the applicant providing evidence of those specifications, where:
 - i. an immigration officer has already assessed and accepted them as part of a previous application; or
 - ii. the applicant holds evidence of full or provisional occupational registration for the job they have been offered, where the specifications were required to obtain that registration.

WA4.10.10 Minimum income requirement for dependent children of Accredited Employer work visa holders

See also Immigration Act 2009 s 49(1)(b)

- a. Accredited Employer work visa holders who wish to support their dependent child's visitor or student visa application, must meet a minimum income threshold specified at [V3.10.10](#) or [U8.20](#). The visa holder's dependent child will be assessed against criteria set out in [V3.10](#) or [U8.20](#).
- b. Parents holding Accredited Employer work visas may be liable for deportation if the dependent child's visa application is declined under these instructions and the dependent child becomes unlawful.
- c. It will be a condition of the dependent child's visa and the parent/s visa(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child's visa. If the threshold is not maintained the parent/s and child may be liable for deportation.

Note: Where both parents hold Accredited Employer work visas (or Accredited Employer and Essential Skills work visas), their incomes may be combined to meet the minimum income threshold. The minimum income threshold excludes employment-related allowances (for example tool or uniform allowances) and must be calculated on the basis of no more than 40 hours' work per week.

WA4.15 Currency and conditions of Accredited Employer work visas

- a. An Accredited Employer work visa may be granted for the period for which the employment is offered, up to a maximum of 3 years.
- b. Accredited Employer work visas will be subject to conditions that the holder:
 - i. may only work in a specified occupation; and
 - ii. may only work for a specified employer; and
 - iii. may only work in a specified location; and
 - iv. must be paid at or above a specified remuneration level; and
 - v. must provide evidence of the payment of remuneration if requested by an immigration officer; and
 - vi. unless (c) below applies, may not be placed in a triangular employment arrangement with a controlling third party ([WA2.60.15](#)).
- c. An Accredited Employer work visa holder may be placed with a controlling third party if the job approved as part of the employer's Job Check application involved the employee being placed in a triangular employment arrangement.