



04 AUG 2017

Manoj Kumar
fyi-request-6163-2a7201fc@requests.fyi.org.nz

Ref: DOIA 1718- 0039

Dear Manoj Kumar

On behalf of the Ministry of Business, Innovation and Employment I acknowledge your emails of 8 July 2017 requesting under the Official Information Act 1982 (the Act), the following:

"1) I am willing to get no of Work Visa Issued with the History of non-complying with immigration and employment law under Immigration Instruction W2.10.5 since Jan 2015.

2) I am willing to get no of Work Visa Issued with the History of non-complying with immigration and employment law under Immigration Instruction (W2.10.5(b)(ii)) since Jan 2015.

3) If the employer was non-compliant with employment minimum standards in past and was issued an improvement notice and he has done all the required changes within the timeline and case has been closed with no penalty accepting the improvements by labour inspectorate and became fully complaint till what time he cannot employ an immigrant?

4) Dose it means if the employer had a past non-complying history, he cannot employee an immigrant any time in future. Even though the notice that was served was just an Improvement notice with no evidence to show that any employee has suffered loss on account with those breaches."

In regard to questions 1 and 2 I am refusing your request under section 18(f) of the Official Information Act as it would require substantial collation. The information requested is not held in a reportable format, and would require staff to manually review a large number of individual files. Providing this information would remove Ministry staff from their core duties and therefore the greater public interest in the effective and efficient administration of the public service would not be served. I have considered whether the Ministry would be able to respond to your request given extra time or the ability to charge for the information requested. I have concluded that, in both cases, the Ministry's ability to undertake its work would still be prejudiced.

In regard to questions 3 and 4 I direct you to the publically available information <https://www.employment.govt.nz/resolving-problems/steps-to-resolve/labour-inspectorate/employers-who-have-breached-minimum-employment-standards> . You will note that there is no reference there to Improvement Notices in the enforcement actions which may result in a stand down period. I also refer you to the publically available information contained in immigration instructions for further information (<https://www.immigration.govt.nz/opsmanual/>). Whether a visa is granted will depend on the outcome of the assessment of an application against immigration instructions, including the assessment of whether the immigration officer is satisfied the employer



does currently comply and will comply in the future with employment law. Evidence of past non-compliance will be considered by a decision maker.

You have the right to seek an investigation and review of my response by the Ombudsman, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
WELLINGTON 6143

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact Mark Riddle, Senior Business Advisor, Operations Support at mark.riddle@mbie.govt.nz.

Yours sincerely

P.P. 

Geoff Scott
Assistant General Manager – Visa Services
Immigration New Zealand
Ministry of Business, Innovation and Employment