

The Importance of being Compliant

Understanding Your Business' Immigration Obligations

New Zealand's immigration and employment landscape is built to protect both employers and employees. Non-compliance with immigration and employment laws can lead to severe penalties.

Understanding New Zealand's legal framework

These laws set clear obligations for employers, including:

- ☐ Employing only those who have the legal right to work in New Zealand
- ☐ Complying with the terms and conditions of work visas and employment agreements
- ☐ Paying the minimum wage and providing required leave, holidays, and breaks
- ☐ Maintaining sufficient employment and immigration records
- ☐ Ensuring a workplace free from discrimination, exploitation, or unfair treatment

Infringement notices and fines: what you need to know

A breach - such as employing a person without the correct visa or allowing them to work outside their visa conditions — is likely to result in Immigration New Zealand (INZ) issuing an infringement notice, which will include a fine.

The fine will depend on the seriousness of the breach. For instance, employing someone to undertake unpermitted work can attract a fee of NZ\$3000.

An employer can also receive an infringement notice for failing to provide INZ with wage and time records within ten working days.

In addition to a fine, any business receiving an infringement notice will appear on a list that is published on INZ's website.

Loss of accreditation

An accredited employer issued with an infringement notice will also lose their accreditation. Therefore, the employer will be unable to support employees to obtain Accredited Employer Work Visas or residence. This also extends to preventing employers from transferring migrants into their operations from overseas.

Employment law breaches

A breach of employment law requirements - such as failing to pay the minimum wage, not meeting holiday pay obligations, or engaging in unfair dismissal — can also result in an infringement notice issued by the Labour Inspectorate.

Compliance best practice

To avoid the above, we recommend that employers:

- ☐ Implement robust recruitment processes that verify and monitor immigration status
- ☐ Maintain comprehensive and up-to-date employment and immigration records
- ☐ Conduct regular internal audits of workplace practices
- ☐ Stay informed about changes to immigration and employment laws
- ☐ Train managers and HR personnel in compliance obligations
- ☐ Seek professional advice early, not just when in doubt or when complex situations arise

How Duncan Cotterill can help

Duncan Cotterill's immigration team is highly experienced in helping employers navigate the complexities of immigration compliance. Whether your business needs guidance on obtaining accreditation, responding to an infringement notice, or undertaking a workplace systems audit, our team provides practical, responsive advice and services tailored to your circumstances.

Duncan Cotterill's employment team can also assist employers to comply with New Zealand's employment laws.

For more information or to arrange a confidential discussion, please reach out via our website or speak directly with one of our immigration specialists.

Contact our immigration team today for expert advice tailored to your situation.

Contact us



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