

23 June 2009

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular  
No. 2009/07**

**To: *All Manual Holders***

**AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL  
MANUAL – JULY 2009 RELEASE**

**Introduction**

This circular outlines changes to Government immigration policy and Government residence policy in the INZ Operational Manual. A copy of the amended policies is attached to this circular.

All visa and immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended policies on and from the effective dates notified below.

**Note**

The amendments described in this circular will be published in the INZ Operational Manual on 27 July 2009.

**Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).**

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## **Changes to policy effective from 27 July 2009**

### ***WH4 Supplementary Seasonal Employment (SSE)***

Supplementary Seasonal Employer policy (SSE) replaces the Transitioning to Recognised Seasonal Employer policy (TRSE). The key features of the SSE policy are:

- employers will need an Approval in Principle (AIP) to recruit workers with SSE permits,
- employers will need to satisfy Immigration New Zealand (INZ) that they are financially viable, have good employment practices and are attempting to recruit New Zealand workers,
- INZ will conduct labour market checks to ensure the job prospects of New Zealanders are not undermined,
- SSE work permits allow work for any employer with an SSE AIP and have a maximum duration of six months, and
- to be approved an SSE work permit, applicants must:
  - be on a valid permit,
  - not have held an SSE or TRSE work permit previously, and
  - not have held any type of work permit since their most recent entry to New Zealand.

Minor amendments have been made to the following policies to reflect the introduction of SSE policy. These changes are outlined below:

### ***V3.10 Partners and dependent children of student or work visa or permit holders***

#### ***WF4.1 Who is eligible for a special work visa or permit***

#### ***U8.20 Partners and dependent children of holders of work permits***

SSE work permit holders have been added to the list of people ineligible to support their partner and dependent children for permits under visitor, student or work policies.

### ***WK2.1 Approval in principle to recruit overseas workers***

Employers are not able to apply for an approval in principle (AIP) under Essential skills work policy for workers to plant, maintain, harvest or pack crops in the horticulture and viticulture industries. This policy has been amended to direct them to apply under SSE (rather than TRSE) policy.

### ***WK2.5 Applications for work visas and/or permits under Essential Skills work policy***

Overseas workers are not able to apply for a work permit under Essential skills work policy to plant, maintain, harvest or pack crops in the horticulture and viticulture

industries. This policy has been amended to direct them to apply under SSE (rather than TRSE) policy.

***WH1.10 Agreement to Recruit (ATR)***

SSE visa or permit holders to be considered when determining whether an employer has a pre-established employment relationship with workers from outside of the Pacific.

***WH1 Recognised Seasonal Employer policy***

***WH1.10 Agreement to Recruit (ATR)***

***WH1.20 Requirements for employment agreements under RSE policy***

Employers recruiting workers from outside the Pacific have to show they have a pre-established relationship with workers from that country. Previously, AIPs granted after the introduction of RSE policy (April 2007) were not considered to form a pre-established relationship. From 27 July 2009 this date restriction will be removed so all workers recruited on AIPs can be considered in the assessment of pre-established relationships.

Employers have been restricted from making workers wage deductions which results in the workers' income falling below the minimum wage. This restriction has been removed.

***V3.115 Work permit holders dismissed during a trial period***

***U3.35 Definition of 'domestic student'***

A work policy has been established to grant a further three month temporary permit to work permit holders who have received a dismissal notice within a 90-day trial period. Partners may be included in the application and dependent children will qualify as domestic students.

***WK1 Essential Skills work policy***

***WK1.1 Objective***

***WK2.20 Policy on duration of Essential Skills work visas and/or permits***

Essential Skills policy has been amended to limit the visa and permit length for lower skilled workers to one year and to note that self-employment does not meet Essential Skills policy objectives.

***V3.40 Entry to New Zealand for the purpose of medical treatment or consultation***

An amendment has been made to allow immigration officers to consider whether referral to an INZ Medical assessor is required.

**WI4.1 Requirements for all working holiday scheme applicants**

**WI4.5 Canada Working Holiday Scheme**

**WI4.25 Germany Working Holiday Scheme**

**WI4.45 Japan Working Holiday Scheme**

**WI4.75 United Kingdom Working Holiday Scheme**

**WI4.90 Taiwan Working Holiday Scheme**

All working holidaymakers may now undertake more than one course of study, not exceeding three months in total during their stay in New Zealand. Working holidaymakers from Canada, Germany, Japan, the United Kingdom and Taiwan may study one or more courses not exceeding six months in total during their stay in New Zealand.

**Appendix 11 – List of Skilled Occupations**

**Appendix 6 – Long Term Skill Shortage List**

Changes have been made to Appendix 11 and Appendix 6 to align them with the revised version of the Australian and New Zealand Standard Classification of occupations (ANZSCO). These changes include the:

- addition of new occupations,
- addition of specialisations within occupations,
- occupation title changes,
- occupation scope changes, and
- merging of occupations.

**SM14.5 Recognition of qualifications**

**SM14.20 Evidence**

Amendments have been made to remove references to probationary registration for medical practitioners.

**WH3 Transitioning to Recognised Seasonal Employer (TRSE)**

The TRSE policy has been rescinded.

**Changes to policy effective from 1 August 2009**

**WI4.160 Peru Working Holiday Scheme**

The Peru Working Holiday Schemes opens on 1 August 2009, there are 100 places available to young citizens of Peru. Applicants must meet English language requirements funds or show additional maintenance funds, they must also show they have a minimum of three years study towards a tertiary qualification which has been verified by the Peru Ministry of Foreign Affairs.

## Appendix 1: Amended policy

### WH4 Supplementary Seasonal Employment (SSE)

#### WH4.1 Objectives

The objectives of the Supplementary Seasonal Employment (SSE) policy are to:

- a. allow employers in the horticulture and viticulture industries to supplement their New Zealand workforce with onshore non-New Zealand citizen or resident workers when peak labour demand exceeds the available and suitable New Zealand workforce and employers have made reasonable attempts to train and recruit New Zealand citizens and residents; and
- b. ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems.

#### WH4.1.1 Overview

- a. Employers who wish to recruit non-New Zealand citizen or resident workers in New Zealand to plant, maintain, harvest or pack crops in the horticulture or viticulture industry under this policy must first obtain SSE approval in principle.
- b. SSE approval in principle will only be given for periods when demand for seasonal workers in the horticulture or viticulture industry cannot be met from the available and suitable New Zealand workforce. INZ will assess the availability of suitable New Zealand citizen or resident workers in consultation with the Ministry of Social Development (MSD).
- c. SSE work permit applications will only be granted where there are available positions of employment, as determined by INZ in consultation with the MSD.
- d. An employer with SSE approval in principle may offer employment (to plant, maintain, harvest or pack crops) to non-New Zealand citizen or resident workers who hold a SSE work permit (see WH4.10) provided that the employer does not exceed the maximum number of SSE workers stated on their SSE approval in principle at any one time.
- e. Workers will be granted SSE work permits for a duration of six months, and will only be eligible for a SSE work permit once.

Effective 27/07/2009

## **WH4.5 Supplementary Seasonal Employment (SSE) - Approval in Principle**

SSE approval in principle is an approval for employers in the horticulture and viticulture industries to offer employment (to plant, maintain, harvest or pack crops) to workers who hold SSE work permits (see [WH4.10](#)).

### **WH4.5.5 Requirements for SSE approval in principle**

Employers applying for SSE approval in principle must:

- a. provide the details of the available employment including:
  - i. the number of workers required; and
  - ii. the nature of each position (planting, maintaining, harvesting, or packing crops); and
  - iii. the period for which each position is available; and
  - iv. the location(s) in which the work is to be undertaken; and
- b. ensure that workers recruited under SSE policy will have access to suitable accommodation for the duration of their employment; and
- c. have taken steps to obtain suitable and available New Zealand citizen or resident workers for the vacant position(s) through Work and Income; and
- d. provide a copy of the employment agreement that will be offered to the workers recruited under SSE policy that meets the requirements set out in [WH4.5.15](#); and
- e. comply with the employer requirements under Generic work visa and permit provisions (see [W2.10.5](#)); and
- f. satisfy INZ that they will:
  - i. make ongoing genuine efforts to recruit New Zealand citizen or resident workers throughout the period for which the SSE approval in principle applies, including regular contact with Work and Income, and
  - ii. comply with any request from the Department of Labour to audit the employer against SSE policy and the conditions set out in the employment agreements, and
  - iii. have direct responsibility for the daily work output and supervision of non-New Zealand citizen or resident workers recruited by them under SSE policy; and
  - iv. promptly notify INZ if they become aware that a worker is breaching or has breached the conditions of his or her SSE work permit; and
  - v. employ no more than the number of SSE workers stated on their approval in principle at any given time.

**Note:** The employment agreement provided to workers must be the same as that which is provided to INZ with the employer's application for SSE approval in principle, unless the terms and conditions of the employment agreement provided to the worker are more beneficial to the worker.

### **WH4.5.10 Determining an application for SSE approval in principle**

- a. SSE approval in principle will only be granted where:

- i. INZ is satisfied that an employer is a New Zealand employer as set out at WH1.5.1; and
  - ii. INZ is satisfied that an employer meets the requirements set out at WH4.5.5 above; and
  - iii. INZ is satisfied that the employer has established a relationship with the appropriate regional Work and Income office(s) concerning their seasonal labour requirements; and
  - iv. INZ, in consultation with MSD and relevant industry bodies, is satisfied that there are no suitable New Zealand citizen or resident workers available to undertake the work; and
  - v. INZ is satisfied the employer has complied with the conditions of any previous SSE approval in principle that has been granted to the employer.
- b. Where INZ is not satisfied that the number of positions requested in the SSE approval in principle is appropriate for the work required, or considers that the number of non-New Zealand citizen or resident workers the employer proposes to recruit exceeds the forecast labour shortage for the region and period requested, INZ may approve the recruitment of a lesser number of positions, or the recruitment of workers for a lesser period of work than requested.
  - c. INZ may consult with other services of the Department of Labour, the Inland Revenue Department, the Accident Compensation Corporation, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies when determining whether an employer meets the requirements set out at WH4.5.5.
  - d. INZ will decline an application for SSE approval in principle where it considers such approval would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

**Note:** To ensure that accurate information is available on the availability of suitable New Zealand citizen and resident workers in the region, a decision will not be made on an SSE approval in principle significantly in advance of the period requested.

#### **WH4.5.15 Minimum requirements for employment agreements under SSE policy**

Employment agreements between employers with SSE approval in principle and non-New Zealand citizen or resident workers must:

- a. be genuine; and
- b. be for planting, maintaining, harvesting or packing crops in the horticulture or viticulture industry; and
- c. be for a period of work of no more than six months; and
- d. specify a 'per hour' rate (the per hour rate for any training period must be specified separately in the employment agreement); and
- e. where piece rates apply to the work to be performed by the worker, also specify the piece rate(s); and

- f. provide that the worker will be paid no less than the market rate (see WH4.5.20); and
- g. comply with all relevant employment law in force in New Zealand, such as the requirements of the Injury Prevention, Rehabilitation, and Compensation Act; the Wages Protection Act; the Minimum Wage Act; the Health and Safety in Employment Act; the Employment Relations Act; and the Holidays Act.

#### **WH4.5.20 Market Rates for SSE**

For the purpose of SSE policy, 'market rate' is the typical rate a New Zealand citizen or resident is paid for doing the equivalent work or training, in the same period, in the same region. The 'market rate' may be expressed in terms of a 'per hour' rate or a piece rate.

#### **WH4.5.25 Reconsideration process for applications for SSE approval in principle which are declined**

There is no statutory right of appeal against the decision to decline a request for SSE approval in principle, however, INZ may reconsider a declined application where new information is promptly provided.

#### **WH4.5.30 INZ may impose further restrictions after grant of SSE approval in principle**

Where INZ, in consultation with MSD, considers that the number of positions or period of work approved in the SSE approval in principle is no longer appropriate to the labour market conditions in the region (for example, if suitable New Zealand citizen or resident workers become available due to a redundancy situation), further restrictions may be imposed on the number of positions or period of work that had been approved in the SSE approval in principle.

INZ will notify an employer in writing of any further restrictions imposed on the number of positions or period of work that had been approved in the employer's SSE approval in principle.

Note: Any further restrictions on the number of positions or period of work will only apply from the date of the written notification from INZ. The employment of non-New Zealand citizen or resident workers who commenced employment under SSE policy with the employer before that date will not be affected by the further restrictions.

#### **WH4.5.35 Applying for SSE approval in principle**

Application for SSE approval in principle must be:

- a. made in New Zealand; and
- b. made on the *Application for Supplementary Seasonal Employment (SSE) Approval in Principle* form; and
- c. accompanied by the prescribed approval in principle fee; and
- d. supported by evidence that demonstrates the employer meets the requirements set out at WH4.5.5.

**Effective 27/07/2009**

#### **WH4.10 Supplementary Seasonal Employment (SSE) work permit**

People holding work permits granted under the Supplementary Seasonal Employment (SSE) policy may undertake seasonal work in the horticulture and viticulture industries (which is planting, maintaining, harvesting or packing crops) for any employer who has a current SSE approval in principle.

##### **WH4.10.1 Who is eligible for a SSE work permit?**

- a. Applicants for SSE work permits must:
  - i. be aged 18 or older; and
  - ii. meet health and character requirements as set out at [E6](#); and
  - iii. meet the requirements for bona fide applicants as set out at [E5](#); and
  - iv. hold a return ticket to their home country, or provide evidence of sufficient funds to purchase a return ticket.
- b. To be granted a permit under SSE policy an applicant must:
  - i. be the holder of a current temporary permit; and
  - ii. not have previously held a TRSE or SSE work permit; and
  - iii. not have held any type of work permit since their most recent entry to New Zealand.
- c. SSE work permit applications will only be granted where there are available positions of employment, as determined by INZ in consultation with the Ministry of Social Development.

##### **WH4.10.5 Currency and conditions of a SSE work permit**

- a. SSE work permits will be granted for a period of six months.
- b. Work permits issued under SSE policy will be subject to the condition that the holder may undertake work planting, maintaining, harvesting or packing crops in the horticulture or viticulture industry only, for an employer who holds a SSE approval in principle or an approval in principle granted under the former TRSE policy.

**Note:** After the SSE work permit has been granted, it is recommended that workers who want information about the availability of work with employers who hold SSE or TRSE approvals in principle, or assistance with obtaining such work, contact a Seasonal Labour Co-ordinator in the region/s where they want to work. Contact details of Seasonal Labour Co-ordinators are available from INZ.

##### **WH4.10.10 Applying for a work permit under SSE policy**

Applications for a SSE work permit must:

- a. be made on *the Application for a SSE Work Permit* form; and
- b. meet all the requirements under Generic Temporary Entry policy for lodging an application for a temporary permit as set out at [E4](#); and
- c. meet all the requirements for eligibility under WH4.10.1.

**Effective 27/07/2009**

### **V3.10 Partners and dependent children of student or work visa or permit holders**

Subject to the provisions of E4.5:

- a. Partners (see E4.1.10) of student or work visa or permit holders may be issued with visitor visas or granted visitor permits if that type of visa or permit is appropriate to their needs for the currency of the spouse or partner's visa or permit.
- b. Dependent children (see E4.1.5) of student or work visa or permit holders may be issued with visitor visas or granted visitor permits if that type of visa or permit is appropriate to their needs for the currency of the parent's visa or permit.
- c. Notwithstanding (a) and (b) above, partners and dependent children of the following persons are not eligible for the issue of a visa or grant of a permit under this policy:
  - i persons who were unlawfully in New Zealand immediately before being granted a temporary permit under the October 2000 Transitional Policy; or
  - ii persons issued with a work visa or granted a work permit under the policy for Crew of foreign chartered fishing vessels (see WJ); or
  - iii persons issued with a work visa or granted a work permit under the Recognised Seasonal Employer (RSE) Work Policy (see WH1); or
  - iv persons granted a work permit under the Transitioning to Recognised Seasonal Employer (TRSE) Policy (see WH3); or
  - v persons granted a work permit under the Supplementary Seasonal Employment (SSE) Policy (see WH4).

**Effective 27/07/2009**

## WF4.1 Who is eligible for a special work visa or permit

- a. Partners (see E4.1.10) of people issued work visas and work permits (including visas and permits issued and/or granted under Long Term Business Visas Policy and Work to Residence (Skilled Migrant Category) Policy) allowing a stay in New Zealand of more than six months may apply for and be granted a multiple entry work visa and work permit under this policy, unless their partner has been issued with a work visa or granted a work permit under any one of the following policies:
  - i October 2000 Transitional policy (see WI5.35), or
  - ii Crew of foreign chartered fishing vessels (see WJ), or
  - iii a Working Holiday Scheme (see WI4), or
  - iv Pacific Quotas Residual Places Work Permit Policy (see WI6), or
  - v Horticulture and Viticulture Industries Seasonal Work Permit (SWP) Policy - 2006 Pilot (see WH).
  - vi Recognised Seasonal Employer (RSE) Work Policy (see WH1); or
  - vii Transitioning to Recognised Seasonal Employer (TRSE) Policy (see WH3) or
  - viii **Supplementary Seasonal Employer (SSE) Policy (see WH4).**
- b. Work visas and work permits will be issued or granted for the same period as the work visa and permit held by the applicant's partner subject to the generic policy requirements at E4.5 being met.
- c. Applicants under this policy are not required to produce a job offer.
- d. Any work permits granted under this policy may be endorsed with conditions that allow work for any employer.

**Effective 27/07/2009**

## WK2.1 Approval in principle to recruit overseas workers

- a. Applications for approvals in principle must be made on the form Request for Approval in Principle to Recruit Overseas Workers (NZIS 1112) and be lodged at the INZ branch nearest the place of proposed employment.
- b. Immigration officers must not grant an approval in principle, unless they are satisfied that:
  - i there are no New Zealand citizens or residents available to do the work offered (see WK2.10); and
  - ii the job offer is for genuine, sustainable and full time employment for the duration of the period for which employment is offered, as specified in the proposed employment agreement; and
  - iii the employer has previously complied and will comply in future with all relevant New Zealand employment and immigration law and immigration policy provisions.
- c. Where approval in principle to recruit foreign workers is granted, the approval must specify:
  - i the duration the approval is valid for; and
  - ii the duration of the work permit and/or visa(s) to be granted to the eligible applicants who apply on the basis of the approval in principle; and
  - iii the number of positions the employer has been approved to recruit for; and
  - iv the training and/or work experience necessary for applicants to be considered qualified for the position(s); and
  - v any undertakings the employer has agreed to as part of the job offer (such as provision of accommodation) and any other conditions deemed necessary by the immigration officer.
- d. No approval in principle application for the recruitment of workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries will be approved under this policy. All requests to recruit non-New Zealand citizen or resident workers to plant, maintain, harvest or pack crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) policy (see WH1) or the **Supplementary Seasonal Employment (SSE) policy (see WH4)**.

Effective 27/07/2009

## WK2.5 Applications for work visas and/or permits under Essential Skills work policy

- a. Applications for work visas and permits must:
  - i be made on the form Application to Work in New Zealand (NZIS 1015); and
  - ii include an Employer supplementary form (NZIS 1113) completed by the employer; and
  - iii be lodged at the INZ branch nearest their place of proposed employment if the applicant is in New Zealand; or
  - iv be lodged at the INZ receiving office responsible for receiving work visa applications from the country in which the applicant currently lives.
- b. Visa and immigration officers must not issue a work visa or grant a work permit to a non-New Zealand citizen or resident worker applying on the basis of an offer of employment, unless they are satisfied that:
  - i the applicant is suitably qualified by training and experience to do the work offered; and
  - ii there are no New Zealand citizens or residents available to do the work offered (see WK2.10); and
  - iii the job offer is for genuine, sustainable and full time employment for the duration of the period for which employment is offered, as specified in the proposed employment agreement; and
  - iv the employer has previously complied and will comply in future with all relevant New Zealand employment and immigration law and immigration policy provisions.
- c. If the applicant is applying on the basis that their employer has been granted an approval in principle, a visa or immigration officer should refer to the approval in principle application to satisfy (b)ii - iv above.
- d. Despite (c) above, where a visa or immigration officer has reasonable grounds for determining that the labour market or circumstances of the employment have materially altered since the grant of the approval in principle, they may undertake further checks to ensure the provisions of (b)ii - iv are still satisfied.
- e. Applications for permits from people holding Recognised Seasonal Employer (RSE) limited purpose permits will be declined, unless the applications are made under the RSE Work Policy (see WH1). Additionally, from 14 December 2007 onwards, applications for visas and permits related to planting, maintaining, harvesting or packing crops in the horticulture or viticulture industries must be made under the Recognised Seasonal Employer (RSE) policy (see WH1) or the **Supplementary Seasonal Employment policy (see WH4)** unless an employer has a valid approval in principle to recruit workers for this purpose.
- f. Immigration New Zealand may, on an exceptional basis, require an employer to apply for an approval in principle to recruit overseas workers (AIP) for the purposes of assessing any further work visa or permit applications supported by the employer. This requirement will be imposed only where an employer's recruitment of non-New Zealand citizen or resident workers is such that it is appropriate to undertake a labour market test for future applications collectively with an AIP, rather than on an individual basis. In these circumstances any further application for a work visa or permit supported by that employer which is not associated with a valid AIP may be declined.
- g. In cases where the employer supporting a work visa and/or permit application has previously held an AIP which has lapsed for that position, the conditions specified in the

AIP will continue to apply, unless the employer can satisfy the visa or immigration officer that the circumstances of employment have changed.

**Effective 27/07/2009**

## WH1.10 Agreement to Recruit (ATR)

- a. An Agreement to Recruit (ATR) is an approval for a Recognised Seasonal Employer (RSE) to offer employment (in planting, maintaining, harvesting, and packing crops) to non-New Zealand citizen or resident workers. This approval will only be given at times where demand for such workers in the horticulture and viticulture industries cannot be met from the available New Zealand workforce.
- b. The availability of suitable New Zealand citizen or resident workers will be assessed in consultation with the Ministry of Social Development (MSD).

### WH1.10.1 Requirements for an ATR

- a. An application for an Agreement to Recruit (ATR) will only be approved where the employer holds RSE status (WH1.5).
- b. INZ must be satisfied that the employer has taken all reasonable steps to recruit and train New Zealand citizens or residents for available positions before seeking an ATR to recruit workers who are not New Zealand citizens or residents. Evidence to support the employer's case for requiring an ATR must be provided with each application for an ATR.
- c. Each application must include the following information:
  - i the region(s) of seasonal demand; and
  - ii the number of workers required; and
  - iii the nature of each position (planting, maintaining, harvesting, or packing crops); and
  - iv the period for which each position is available (start and end date of employment); and
  - v the location where the non-New Zealand citizen or resident workers will be working; and
  - vi the country or countries from which the employer intends to recruit their workers; and
  - vii a copy of the employment agreement that will be offered to the workers, and that meets the requirements set out in WH1.20.

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**Note:** The employment agreement provided to workers must be the same as that which is provided to INZ at the ATR stage, unless the terms and conditions are more beneficial to the worker.

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- d. Where the RSE applying for an ATR intends to recruit workers to undertake work at the worksite of a third party, such as a grower or pack house operator, they must provide written evidence of that arrangement with the third party. Such arrangements between RSEs and third parties do not remove any of the RSEs' obligations under this policy (except where W1.5.5 (d) applies).
- e. Where two or more RSEs have an arrangement to provide consecutive periods of employment to the same workers, they must submit their separate ATRs (covering each consecutive period) to INZ together. Where INZ approves those jointly submitted ATRs, workers will be able to apply for a further permit to work for the second or subsequent RSEs without the need to depart from New Zealand.

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**Note:** In any case the maximum stay in New Zealand of seven months in any 11 month period (or nine months in any 11 month period for citizens of Tuvalu or Kiribati who are normally resident in Tuvalu or Kiribati) must be adhered to.

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- f. INZ must be satisfied that the employer will make available appropriate pastoral care to workers. Employers must provide full details of how they plan to address the following pastoral care, and health and safety requirements:
- i transportation to and from the port of arrival and departure; and
  - ii an induction programme; and
  - iii suitable accommodation; and
  - iv transportation to and from the worksite(s); and
  - v access to personal banking; and
  - vi provision of personal protective equipment; and
  - vii provision of onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water); and
  - viii necessary language translation, e.g. for health and safety purposes; and
  - ix opportunity for recreation and religious observance.
- g. An RSE who holds an ATR must:
- i comply with the conditions of the ATR; and
  - ii provide all prospective non-New Zealand citizen or resident workers to be employed under RSE policy with a written employment agreement that meets the requirements set out in WH1.20; and
  - iii comply with the terms and conditions of the employment agreements; and
  - iv comply with the minimum requirements set out in WH1.20 in relation to:
    - paying half the return airfare between New Zealand and the worker's country of residence for each worker recruited under the RSE policy, unless the worker is a citizen of Tuvalu or Kiribati who is normally resident in Tuvalu or Kiribati (in which case the employer must pay for half the return airfare between Nadi (Fiji) and New Zealand), or WH1.15.5(a) applies; and
    - minimum remuneration; and
    - pay deduction requirements; and
- h. comply with any request from the Department of Labour to audit the RSE against RSE Policy and the conditions of the RSEs ATR and employment agreements; and
- i. pay to the Department of Labour any costs reasonably incurred by the Department, to a maximum of NZ\$3000 per worker, in relation to the repatriation (including any maintenance and accommodation) of any non-New Zealand citizen or resident worker who requires repatriation as a result of a breach of the terms and conditions of their RSE limited purpose permit.

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**Note:** For the purposes of this policy, the return airfare is defined as the total cost of travel from the worker's country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

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### **WH1.10.5 Determining an application for an ATR**

- a. An ATR will be approved only where:
- i the appropriate regional Work and Income office(s) has been advised of the RSEs vacancies; and
  - ii INZ, in consultation with MSD, is satisfied that there are no suitable New Zealand citizen or resident workers available to undertake the work; and
  - iii there are sufficient places remaining within the annual limit (see WH1.1.15), for the grant of permits under this policy; and

- iv INZ is satisfied that the requirements set out in WH1.10.1 and WH1.10.10 are met.
- b. Where INZ is not satisfied that the number of workers requested in the ATR is appropriate for the work required, or this number of people exceeds the forecast labour shortage for the region and period requested, INZ may approve the recruitment of a lesser number of workers, or for a lesser period of work than requested.
- c. INZ will take into consideration the needs of the horticulture industry and viticulture industry as a whole when determining an ATR application and the number of workers that may be approved, to ensure that no particular region, crop or season is disadvantaged.
- d. Any supporting documentation to verify a regional labour shortage will be considered.

#### **WH1.10.10 Pacific countries eligible for the recruitment of workers**

- a. ATRs will only be granted for recruitment of citizens from the following eligible Pacific countries who are also normally resident in one of those countries, unless (c) below applies:

Federated States of Micronesia

Kiribati

Nauru

Palau

Papua New Guinea

Republic of Marshall Islands

Samoa

Solomon Islands

Tonga

Tuvalu

Vanuatu

- b. In response to the December 2006 Fiji coup, Fiji has been excluded from the list of eligible Pacific countries, however ATRs may be granted to citizens from the eligible Pacific countries who are normally resident in Fiji.
- c. ATRs will only be granted for recruitment of citizens other than those listed above where INZ is satisfied that:
  - i reasonable attempts to recruit from the eligible Pacific countries have not been successful (see WH1.10.15); or
  - ii the RSE has pre-established relationships with workers from countries other than the eligible Pacific countries (see WH1.10.20); or
  - iii the RSE has reasonable grounds for why it is not feasible to recruit from the eligible Pacific countries.
- d. Any request to recruit from outside the eligible Pacific countries must state the country or countries the RSE wishes to recruit from, and must be accompanied by evidence that supports this request.

#### **WH1.10.15 Reasonable attempts to recruit from eligible Pacific countries**

INZ may consider an RSE to have made reasonable attempts to recruit from eligible Pacific countries if:

- a. the RSE has failed, having made genuine and reasonable attempts, to recruit suitable potential workers from the eligible Pacific countries within six weeks of commencing recruitment; and
- b. evidence can be provided of genuine and reasonable attempts to recruit workers in the eligible Pacific countries, such as a written communication from a National RSE Officer stating that they have been consulted and agree that employing people from these nations is not feasible in the circumstances.

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**Note:** If any employment offers provided to workers from the eligible Pacific countries do not meet the criteria set out in WH1.20, the employer will not be considered to have made a reasonable attempt to recruit from eligible Pacific countries.

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### **WH1.10.20 Pre-established employment relationships with workers of other nationalities**

- a. When determining whether an employer has a pre-established employment relationship with workers who are not citizens of eligible Pacific countries, INZ will take into account factors such as (but not limited to):
  - i the number of workers employed from each country, relative to the total number of workers employed by the employer; and
  - ii the number of previous occasions on which workers have been recruited from these countries; and
  - iii the length of time for which these workers were employed; and
  - iv whether the employer has made a substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within these countries.
- b. When determining whether an employer has a pre-established employment relationship with workers who are not citizens of eligible Pacific countries, INZ will not take into account employment relationships with workers holding permits granted:
  - i under the Seasonal Work Permit policy, or
  - ii under a Working Holiday Scheme policy, or
  - iii under the Transitioning to Recognised Seasonal Employer policy, or
  - iv under the Supplementary Seasonal Employment policy, or
  - v on the basis of a Variation of Conditions to a visitor's permit.
- c. Where INZ is satisfied that an employer has a pre-established relationship with workers from a country not listed in WH1.10.10 (a) and the employer has applied to recruit a greater number of workers from that country than the number of workers from that country previously employed by the employer, INZ will then determine whether the number of workers requested is appropriate in the circumstances.
- d. When making a determination under (c) above, INZ may take into account such factors as:
  - i the nature of the pre-established relationship, such as whether the employer has made a substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within that country; and
  - ii whether the employer has made any attempts to develop relationships with countries listed in WH1.10.10(a) above.

### **WH1.10.25 Reconsideration process for applications for ATRs which are declined**

There is no statutory right of appeal against the decision to decline an application for an Agreement to Recruit (ATR), however INZ may reconsider a declined application for an ATR where new information is promptly provided.

### **WH1.10.30 Applying for an ATR**

An application for an ATR must be:

- a. made in New Zealand; and
- b. made on the Application for an Agreement to Recruit under the Recognised Seasonal Employer Policy (NZIS 1141) form; and
- c. accompanied by the prescribed fee; and
- d. supported by evidence that demonstrates the employer meets the requirements set out at WH1.10.1 and WH1.10.10.

**Effective 27/07/2009**

## WH1.20 Requirements for employment agreements under RSE policy

### WH1.20.1 Minimum requirements for employment agreements under RSE Policy

Employment agreements between RSEs who hold ATRs and non-New Zealand citizen or resident workers employed under RSE policy must:

- a. be in writing and current at the time the RSE limited purpose visa or permit application is assessed by INZ, and at the time the limited purpose visa or permit is issued or granted; and
- b. be consistent with the terms of any current ATR held by the employer; and
- c. be for employment in New Zealand planting, maintaining, harvesting, or packing crops in the horticulture or viticulture industries; and
- d. be for a period of no more than seven months, unless the workers are citizens of Tuvalu or Kiribati, who are normally resident in Tuvalu or Kiribati, in which case the period may be up to nine months (this period is inclusive of the time for internal travel and induction arrangements within New Zealand); and
- e. be genuine; and
- f. specify a "per hour" rate for the work to be performed by the worker, that is consistent with the typical rate a New Zealand citizen or resident worker is paid for the equivalent work, in the same period and region; and
- g. where piece rates apply to the work to be performed by the worker, also specify the piece rate(s), which must be consistent with the typical rate a New Zealand citizen or resident worker is paid for the equivalent work, in the same period and region; and
- h. comply with the minimum remuneration requirements set out below in WH1.20.5 and pay deduction requirements set out below in WH1.20.10; and
- i. comply with all relevant employment law in force in New Zealand, such as the requirements of the Employment Relations Act 2000, holiday and leave requirements, statutory health and safety obligations, and other minimum statutory requirements; and
- j. state that the employer will pay for half of the return airfare between New Zealand and the worker's country of residence, unless:
  - i. the employment agreement is for a worker who is transferring from one RSE to another (see WH1.15.5), or
  - ii. the employment agreement is for a worker who is a citizen of Tuvalu or Kiribati and is normally resident in Tuvalu or Kiribati (in which case the employment agreement must state that the employer will pay for half of the return airfare between Nadi (Fiji) and New Zealand).

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**Note:** For the purposes of this policy, the return airfare is defined as the total cost of travel from the worker's country of residence (or from Nadi (Fiji) for a worker who is a citizen of Tuvalu or Kiribati) to New Zealand and back, including all associated taxes and fees.

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### WH1.20.5 Minimum remuneration under RSE Policy

- a. The employment agreement must provide that:
  - i. the worker will be paid no less than the market rate\* for actual hours worked; and

- ii the worker will be paid at no less than the "per hour" rate specified in the employment agreement (see WH1.20.1 (f) above) for hours not worked but for which remuneration is required in terms of (b) and (c) below; and
  - iii the total payment to the worker will be no less than the relevant minimum remuneration set out in (b) and (c) and subject to (d) below.
- b. For employment agreements that are for a period of six weeks or longer, the minimum remuneration is the greater of the following amounts:
  - i payment at no less than 240 hours at the "per hour" rate, regardless of the actual availability of work; or
  - ii payment for an average of 30 hours per week at the "per hour" rate for the period worked.
- c. For employment agreements that are for a period of less than six weeks, the minimum remuneration is payment for 40 hours per week, at the "per hour" rate, over the period of work offered in the employment agreement, regardless of the actual availability of work.
- d. Despite (b) and (c) above, where a worker has transferred from one RSE to another (see WH1.15.5), the minimum remuneration will be payment for an average of 30 hours per week at the "per hour" rate for the period worked.

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**Note:** In cases where a worker has transferred from one RSE to another (see WH1.15.5), the first RSE remains liable for complying with the minimum remuneration requirements stated in (a) above in relation to the period for which the worker was employed by that RSE.

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#### **WH1.20.10 Pay Deductions**

Pay deductions will only be permissible where:

- a. the employer has submitted the proposed pay deduction arrangements to INZ for approval with the application for the ATR; and
- b. the employer has submitted any subsequent proposed changes to the pay deduction arrangements to INZ for approval in advance of the changes taking effect; and
- c. the requirements of relevant New Zealand employment legislation, in particular the requirements of the Wages Protection Act 1983, have been complied with; and
- d. the employer has obtained the written consent, freely given, of the worker before any deductions are made; and
- e. the employer has informed the worker that the worker can withdraw his or her consent to the deductions at any time; and
- f. the deductions are for a specified purpose and are for actual, reasonable, verifiable expenses in relation to that purpose; and
- g. the amount deducted is no greater than that deducted, in comparable circumstances, from the pay of workers who are New Zealand citizens or residents.

#### **WH1.20.15 Market Rate**

For the purpose of RSE policy, 'market rate' is the typical rate a New Zealand citizen or resident is paid for doing the equivalent work, in the same period, in the same region. The 'market rate' may be expressed in terms of a 'per hour' rate or a piece rate.

## U8.20 Partners and dependent children of holders of work permits

- a. Partners and dependent children (see E4.1) of work permit holders who wish to study in New Zealand may be issued with student visas or granted student permits unless the work permit holder has been issued with a work visa or granted a work permit under any one of the following policies:
  - i Crew of foreign chartered fishing vessels (see WJ), or
  - ii Recognised Seasonal Employer (RSE) Work Policy (see WH1), or
  - iii Transitioning to Recognised Seasonal Employer (TRSE) Policy (see WH3), or
  - iv **Supplementary Seasonal Employment (SSE) Policy (see WH4).**
- b. Dependent children of work permit holders are regarded as domestic students (see U3.35) for the purpose of all course fees at primary and secondary schools for the period of the parent's work permit.
- c. Partners and dependent children (see E4.1) of work visa and/or permit holders may be issued with student visas or granted student permits without the need to produce evidence of enrolment.
- d. Guarantees of accommodation and/or maintenance for partners and dependent children may be waived provided this is covered by the income of the partner or parent or by evidence of funds, sponsorship or guarantees submitted with the work visa and/or permit application of the partner or parent (see W2.15).

**Effective 27/07/2009**

### V3.115 Work permit holders dismissed during a trial period

- a. Holders of current work permits who:
  - i hold a permit subject to the condition that they may only take up employment with a specific employer; and
  - ii had provision for a trial period of up to 90 days under Section 67A of the Employment Relations Act 2000 included in their employment agreement; and
  - iii have been notified within the duration of the trial period that they are to be dismissed; and
  - iv have not previously been the principal applicant in a successful application under this policy;may be granted a visitor's permit for up to three months.
- b. Applicants for a visitor's permit under this policy must:
  - i meet funds or sponsorship requirements for visitors (see V2.20);
  - ii provide evidence of travel tickets, onward travel arrangements or sufficient funds for the purchase of onward travel tickets (see V2.25);
  - iii meet health and character requirements for temporary entry (see E6.1 and E6.5).
- c. Partners and dependent children may also be included in the principal applicant's visitor's permit application.

Effective 27/07/2009

### **U3.35 Definition of 'domestic student'**

For the purposes of student policy a 'domestic student' means a 'domestic student' as defined in Section 2 of the Education Act 1989. The Ministry of Education holds a complete list of who is considered to be a domestic student for the purpose of fee payment and enrolment.

#### **U3.35.1 Primary and secondary schooling domestic students who do not require a permit**

The following people are considered to be domestic students for the purpose of attending primary and secondary schools and do not require a permit in order to undertake study in New Zealand:

- a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue.
- b. New Zealand residents.
- c. People who are exempt from the requirement to hold a permit by virtue of section 11(1) paragraphs (a) (b) and (f) of the Immigration Act 1987. These are:
  - i people who are entitled to diplomatic or consular immunity (see U8.10); and
  - ii members of a visiting force or its civilian component and their dependants (see U8.15); and
  - iii members of, or people associated with, a scientific programme or expedition under the Antarctic Act 1960.
- d. Australian citizens.

#### **U3.35.5 Primary and secondary domestic students who require a student permit or limited purpose permit**

The following people require a student permit or limited purpose permit in order to undertake study in New Zealand but are considered to be domestic students for the purposes of attending primary and secondary schools and are exempt from paying foreign course fees:

- a. Dependent children of any person who is in New Zealand to study under an exchange programme approved by the New Zealand Government.
- b. Children whose application for permanent residence is under consideration and who are the dependent children of any person who is the holder of a New Zealand residence permit.
- c. Children whose application for New Zealand citizenship is under consideration and who are the dependent children of a New Zealand citizen.
- d. Dependent children of any person who is the holder of a valid work permit other than those excluded under U8.20.
- e. Dependent children of any person who is the holder of a Commonwealth Scholarship.
- f. Students who have, or dependent children of any person who has, made a claim to be recognised as a refugee in accordance with Part 6A of the Immigration Act 1987.
- g. Dependent children of a foreign student enrolled in any Doctor of Philosophy (PhD) programme in a New Zealand university.

- h. Dependent children of any person who, during the current calendar year, last ceased to be exempt from the requirement to hold a permit under the diplomatic or consular immunity provision of section 11(1)(a) of the Immigration Act 1987.
- i. Students who have entered New Zealand for the purposes of adoption and:
  - whose adoption application before the New Zealand Family Court (where the Final Order will entitle that student to education as a domestic student) is supported by the Department of Child, Youth and Family Services and who has a letter from the Department of Child, Youth and Family Services confirming this support; or
  - who are the subject of an Interim Order of Adoption granted by the New Zealand Family Court under section 5 of the Adoption Act 1955 (where the Final Order will entitle that student to education as a domestic student).
- j. People who are in the custody of the Chief Executive of the Ministry of Social Development pursuant to any of the following orders:
  - i an order, pursuant to sections 78, 101 or 238(1)(d) of the Children, Young Persons and their Families Act 1989, in favour of the Chief Executive of the Ministry of Social Development; or
  - ii an order, pursuant to section 110 of the Children, Young Persons and their Families Act 1989, appointing the Chief Executive of the Ministry of Social Development as sole guardian; or
  - iii an order, pursuant to section 33 of the Care of Children Act 2004, whereby a child or young person is placed under the Guardianship of the Family Court or the High Court and the Chief Executive of the Ministry of Social Development is appointed as agent of the court with power and discretion to place the child.
- k. People who are the holders of limited purpose permits granted for the purpose of determining their immigration status.
- l. Dependent children of any person who is the holder of a NZAID Scholarship.
- m. Dependent children of any person who is the holder of a visitor's permit granted under V3.115.

### **U3.35.10 Exchange students**

- a. Students who are in New Zealand to study under an exchange programme approved by the New Zealand Government (see P4) are considered to be international students and are entitled to attend a primary or secondary school which is a signatory to the Ministry of Education's Code of Practice for Pastoral Care of International Students (see U5.1), or a tertiary education institution.
- b. Such students require a student permit but do not have to pay course fees.

### **U3.35.15 Tertiary sector domestic students who do not require a permit**

The following people are considered to be domestic students for the purpose of attending an educational institution in the tertiary sector (see U5.20) and do not require a permit in order to undertake study or training in New Zealand:

- a. New Zealand citizens, including students from Tokelau, the Cook Islands and Niue.
- b. New Zealand residents.
- c. People who are exempt from the requirement to hold a permit by virtue of section 11(1) paragraphs (a) (b) and (f) of the Immigration Act 1987. These are:
  - i people who are entitled to diplomatic or consular immunity (see U8.10); and

- ii members of a visiting force or its civilian component and their dependants (see U8.15); and
  - iii members of, or people associated with, a scientific programme or expedition under the Antarctic Act 1960.
- d. Australian citizens.

### **U3.35.20 Tertiary sector domestic students who require a student permit**

Students enrolled for the first time in any Doctor of Philosophy (PhD) programme, after 19 April 2005, in any New Zealand university require a student permit in order to undertake study in New Zealand but are considered to be domestic students for the purpose of attending an educational institution in the tertiary sector (see U5.20) and are exempt from paying foreign course fees.

### **U3.35.25 French and German postgraduate students**

French and German postgraduate students are considered to be international students and are exempt from paying foreign course fees but must pay the appropriate New Zealand course fees.

**Effective 27/07/2009**

## WK1.1 Objective

Essential Skills work policy contributes to the overall work policy objective (see W1) by:

- a. incentivising the development of a highly skilled workforce, high quality jobs and workplaces, and high value industries;
- b. helping New Zealand firms maintain capacity and supporting the provision of services meeting important social needs; while
- c. not displacing New Zealanders from employment opportunities or hindering improvements to wages or working conditions; and
- d. managing fiscal risks, settlement risks and public perceptions of migration; and
- e. ensuring the integrity of the immigration system and promoting the international reputation of New Zealand.

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**Note: Self-employment does not meet the objectives of Essential Skills work policy.**

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**Effective 27/07/2009**

## WK2.20 Policy on duration of Essential Skills work visas and/or permits

- a. If an applicant meets the requirements for work visas and/or permits set out for applications under Essential Skills work policy (see WK2.5) then unless there are any special directions to the contrary, a work visa and/or permit may be granted for the period for which employment is offered, up to a maximum of 3 years.
- b. There is no limit on how many further work permits may be granted. Further work permits may be granted for the period for which further employment is offered, up to a maximum of 3 years each time, if for each period of employment the applicant still meets the requirements for applications based on offers of employment as set out in WK2.5.
- c. Despite (a) above, if an applicant meets the requirements for work permit and/or visa applications under Essential Skills work policy (see WK2.5) based on an offer of employment which:
  - i is for an ANZSCO Skill Level 1 occupation; and
  - ii offers a minimum base salary equal to at least that of the highest threshold stated in Residence from Work (Accredited Employer) policy (currently \$55,000 per annum, see RW2)

then a one-off work permit may be granted for the period for which employment is offered, up to a maximum of 5 years.

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**Note:** Where an employee is to work more than 40 hours per week, the minimum base salary must be calculated on the basis of 40 hours work per week.

**Note:** For the avoidance of doubt, the minimum base salary excludes employment related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation).

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- d. Despite (a) above, if an applicant meets the requirements for work permit and/or visa applications under Essential Skills work policy (see WK2.5) based on an offer of employment which is for an ANZSCO Skill Level 4 or 5 occupation, a work visa and/or permit may be granted up to a maximum of one year.

Effective 27/07/2009

## **V3.40 Entry to New Zealand for the purpose of medical treatment or consultation**

### *Immigration Regulations 1999 Schedule 1 Part 1 B (b)*

- a. Visitors who can show they have been accepted for and are able to pay for medical treatment or consultation in New Zealand may be issued with a visitor's visa authorising a permit for a maximum stay of six months.
- b. Visitors coming to New Zealand for medical treatment or consultation must apply for a visitor's visa before travelling to New Zealand, whether or not they are from a visa-waiver country.
- c. Citizens of South Pacific countries may be sponsored for specialised medical treatment in New Zealand if such treatment is not available in their home country and is funded by either:
  - i the home government, or
  - ii New Zealand's Official Development Assistance (ODA) Programme, administered by NZAID.
- d. An applicant from any country seeking obstetric treatment (including giving birth) or renal dialysis in New Zealand will not be issued with a visa unless sponsored as under paragraph (c).

### **V3.40.1 Evidence for visitors coming to New Zealand for medical treatment or consultation**

Visa officers must be satisfied that an applicant coming to New Zealand for medical treatment or consultation has provided:

- a. a completed Details of Intended Medical Treatment form; and
- b. written evidence of acceptance for treatment (such as a letter from the appropriate medical authorities to the health authority in the applicant's home country); and
- c. details of the expected costs of medical treatment; and
- d. evidence that the applicant will be able to and actually will pay for all medical costs, unless the treatment is to be funded under special sponsorship arrangements (see V3.40(c) above).

### **V3.40.5 Visitors requiring permits to stay for further medical treatment**

Visitors who require medical treatment for a period beyond the currency of their initial permit may be granted a visitor's permit for their intended further treatment if:

- a. they were issued visas to come to New Zealand for medical treatment and need further time here to continue treatment; or
- b.
  - i they have become ill or have had an accident during their visit and still require treatment (ie, cannot travel), and
  - ii will be able to and will actually pay for all ongoing medical costs, unless the treatment is to be funded under special sponsorship arrangements (see V3.40(c) above) or is covered by a Reciprocal Health Agreement.

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**Note:** Such applicants are not subject to the normal maximum stay requirement (see V2.5 (a) (ii)).

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### **V3.40.10 Evidence for visitors requiring permits to stay for further medical treatment**

- a. Immigration officers must be satisfied that an applicant for a visitor's permit to stay in New Zealand for further medical treatment has:
  - i completed a Details of Intended Medical Treatment form, and
  - ii provided a medical certificate from a registered medical practitioner stating:
    - the nature of the applicant's illness or disability, and
    - details of their treatment, and
    - their expected recovery time, and
  - iii provided evidence of how the costs of the treatment will be met.
- b. Applications **may** be forwarded to an Immigration New Zealand medical assessor for assessment unless the applicant is requesting a further permit for a period not exceeding one month and the immigration officer intends to approve the application.
- c. If the assessment is unfavourable, the applicant must be given the opportunity to comment on prejudicial information before a final decision is made.
- d. If the initial permit is due to expire while the applicant is awaiting the Immigration New Zealand medical assessor's assessment, an interim temporary permit may be granted.

### **V3.40.15 Escorts of patients coming to New Zealand for medical treatment or consultation**

- a. Escorts of patients visiting New Zealand for medical treatment or consultation may be issued with a visitor's visa authorising a permit for the length of the patient's stay.
- b. Escorts must be:
  - i a medical professional, and/or
  - ii a family member or friend, and
  - iii required because of the nature of the condition.

### **V3.40.20 Escorts of patients requiring permits to stay for further medical treatment**

Escorts of patients who require further medical treatment may be granted a visitor's permit to stay in New Zealand during the patient's further treatment, if they:

- a. meet the policy requirements for a visitor's permit (see V2.1); and
- b. have been issued with a visa as escort of the patient; and
- c. the patient they are escorting needs more time for treatment and has been granted a further permit.

### **V3.40.25 Emergency medical treatment**

- a. In emergency situations:
  - i patients may be issued or granted a visa or permit as an exception to policy to obtain medical treatment in New Zealand, and
  - ii escorts of patients may be issued or granted a visa or permit as an exception to policy to escort patients obtaining medical treatment in New Zealand.

- b. In emergency situations, an officer with Schedule 1 delegations may waive the mandatory requirements and conditions for a visitor's visa to be issued to a patient and escort.
- c. An emergency includes but is not limited to a situation where:
  - i local health authorities judge that it is vital to the patient's survival to transfer them immediately to New Zealand, or
  - ii a passenger or crew member on a ship or aircraft meets with an accident or sudden illness.

**Effective 27/07/2009**

## **WI 4.1 Requirements for all working holiday scheme applicants**

As well as meeting the specific requirements for the relevant working holiday scheme, applicants must also meet the requirements under Generic Temporary Entry Policy, and the conditions below.

### **WI 4.1.1 General conditions**

- a. Under the working holiday schemes, young citizens of approved countries may holiday in New Zealand and undertake employment during their stay in accordance with their scheme.
- b. To be eligible for a work visa and permit under these schemes, applicants, in addition to meeting the requirements of the particular scheme they are applying under, must:
  - i hold a valid passport from the country whose scheme they are applying under, and
  - ii be aged no less than 18 years of age and no more than 30 years of age, and
  - iii not be accompanied by children, and
  - iv have a return ticket, or sufficient funds to purchase such a ticket, and
  - v submit an application in the prescribed manner, and
  - vi pay the appropriate fee (if any), and
  - vii meet health and character requirements as set out at E6, and
  - viii be the holder of a valid temporary permit if applying from within New Zealand, and
  - ix not previously have been approved a visa or permit under a working holiday scheme.
- c. Applicants are not required to provide evidence of a job offer.
- d. Where a scheme has an 'ordinarily resident' requirement the applicant's usual place of permanent residence must be that country. This requirement is considered to be met if the applicant has not been absent from that country for more than two years immediately preceding the application.
- e. Successful applicants must not undertake permanent employment unless they apply for and obtain a work permit that enables this as provided by WI4.1.5 below.
- f. Successful applicants may enrol in one or more courses of training or study of up to 3 months' duration in total during their visit to New Zealand, unless their scheme allows a longer period.

### **WI 4.1.5 Ability to change status**

- a. Once in New Zealand holders of such permits may, at any time during the currency of that permit, apply to change their status to that of:
  - i a long-term temporary worker, or
  - ii a student, or
  - iii a resident, andwill be considered under those immigration policies relevant to the type of permit applied for.

### **WI 4.1.10 Ability to apply using the online system**

*Immigration Regulations 1999 Reg 3A*

The online application system is accessed through the INZ website at [www.immigration.govt.nz](http://www.immigration.govt.nz) under "Online Application for a NZ Working Holiday".

**Effective 27/07/2009**

## WI 4.5 Canada Working Holiday Scheme

- a. This scheme allows young citizens of Canada:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months. Successful applicants will also be issued a multiple entry work visa, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- b. To be eligible for a work visa or permit under this scheme, applicants must:
  - i be citizens of Canada at the time of applying, and
  - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand.
- c. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5).
- d. Applicants under this scheme must lodge their application in the prescribed manner (E4.45). Applicants may apply by using the online application system.

**Effective 27/07/2009**

## WI 4.25 Germany Working Holiday Scheme

- a. This scheme allows young citizens of the Federal Republic of Germany:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months.
- b. Successful applicants will also be issued multiple entry work visas, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- c. To be eligible for a work visa or permit under this scheme, applicants must:
  - i be citizens of the Federal Republic of Germany at the time of applying, and
  - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand, and
  - iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand.
- d. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5).
- e. Applicants under this scheme must lodge their application in the prescribed manner (E4.45). From 4 July 2005 they may apply by using the online application system.

**Effective 27/07/2009**

## WI 4.45 Japan Working Holiday Scheme

- a. This scheme allows young citizens of Japan:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months. Successful applicants will also be issued multiple entry work visas, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- b. To be eligible for a work visa or permit under this scheme, an applicant must:
  - i be a citizen of Japan at the time of applying, and
  - ii have a minimum of NZ\$4,200 available funds for maintenance during their first 6 months in New Zealand.
- c. Participants in this scheme must not work for the same employer for a period exceeding three months.
- d. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5)
- e. Applicants under this scheme must lodge their application in the prescribed manner (E4.45, E4.55). Applicants may apply by using the online application system.

**Effective 27/07/2009**

## WI 4.75 United Kingdom Working Holiday Scheme

- a. This scheme allows young citizens of the United Kingdom:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 23 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 23 months. Successful applicants will also be issued multiple entry work visas, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- b. To be eligible for a work visa or permit under this scheme, applicants must:
  - i be British citizens, ordinarily resident in the United Kingdom, and
  - ii have a minimum of NZ\$350 per month available funds for their maintenance during the period of stay in New Zealand.
- c. Participants in this scheme must not work for a period exceeding 12 months. This may be in one consecutive period or interspersed throughout the total stay.
- d. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5)
- e. Applicants under this scheme must lodge their application in the prescribed manner, (E4.45, E4.55). Applicants may apply by using the online application system.

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**Note:** Applicants **under this** working holiday scheme may apply for a 12-month visa or permit in the first instance and for a further permit up to their maximum entitlement of 23 months from the date the first work permit was granted.

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**Effective 27/07/2009**

## WI 4.90 Taiwan Working Holiday Scheme

- a. This scheme allows 600 young people from Taiwan annually:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months.
- b. Successful applicants will also be issued multiple entry work visas, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- c. To be eligible for a work visa or permit under this scheme, applicants must:
  - i hold a Taiwan passport at the time of applying and have household registration under the laws of Taiwan, and
  - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand, and
  - iii agree to hold medical and comprehensive hospitalisation insurance that will remain current throughout their stay in New Zealand.
- d. Participants in this scheme must not work for the same employer for a period exceeding three months.
- e. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5)
- f. Applicants under this scheme must lodge their application in the prescribed manner (E4.45).

**Effective 27/07/2009**

## WI4.160 Peru Working Holiday Scheme

- a. This scheme allows 100 young citizens of the Republic of Peru annually:
  - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
  - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months.
- b. Successful applicants will also be issued multiple entry work visas, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- c. To be eligible for a work visa or permit under this scheme, applicants must:
  - i be a citizen of the Republic of Peru at the time of applying, and either
  - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand, if they produce evidence that they hold an International English Language Testing System (IELTS) level 5 or over in speaking and one other of the four skills areas, or
  - iii have a minimum of NZ\$7,000 available for their maintenance during the period of stay in New Zealand, if they do not meet the English language requirement above, and
  - iv agree to hold medical and comprehensive hospitalisation insurance to remain in force throughout their stay in New Zealand, and
  - v provide evidence of having completed a minimum of three years' full time study towards a tertiary qualification.

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NOTE: For the purposes of this policy, the evidence required at W14.160 (c) (v) must be verified by the Peru Ministry of Foreign Affairs.

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- d. Participants in this scheme must not work for the same employer for a period exceeding three months.
- e. Applicants under this scheme must lodge their application in the prescribed manner (E4.45, E4.55).

Effective 1/08/2009