

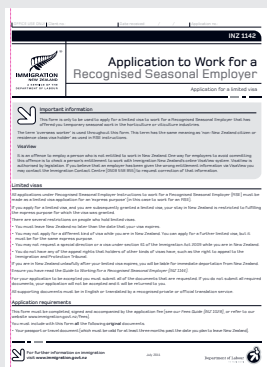
# Guide to Working for a Recognised Seasonal Employer

A guide to applying for an RSE limited visa



## Information about this guide

You should read this guide before completing your *Application to Work for a Recognised Seasonal Employer (INZ 1142)*. The guide gives you important information that we recommend you use during the RSE limited visa application process, if you have your RSE limited visa approved, and after you arrive in New Zealand.



## Who can obtain an RSE limited visa?

Anyone can obtain an RSE limited visa who:

- has an offer of employment to plant, maintain, harvest or pack crops, from an employer who has RSE status, and holds an Agreement to Recruit (ATR) workers from offshore
- is 18 years or older
- meets Immigration New Zealand (INZ) health and character requirements
- is a bona fide applicant, and
- holds a return ticket to their home country.

## What is an RSE limited visa?

An RSE limited visa is an approval in your passport to allow you to travel to New Zealand to work for a particular employer. RSE limited visas are granted offshore, before you travel to New Zealand.

Your limited visa will include an expiry date and your employment conditions, such as what your job is, the name of the business that you can work for, and the location in New Zealand that you can work.

All successful applicants under RSE instructions require a **valid** RSE limited visa to work in New Zealand.

## Limited visa restrictions

There are several restrictions on people who hold limited visas.

- You must leave New Zealand no later than the date that your visa expires.
- You may not apply for a different kind of visa while you are in New Zealand. You can apply for a further limited visa, but it must be for the same express purpose.
- You may not request a special direction or a visa under section 61 of the Immigration Act 2009 while you are in New Zealand.
- You do not have any of the appeal rights that holders of other kinds of visas have, such as the right to appeal to the Immigration and Protection Tribunal.

If you are in New Zealand unlawfully after your limited visa expires, you will be liable for immediate deportation from New Zealand.

## Kia Ora – Welcome

New Zealand's Recognised Seasonal Employer (RSE) scheme allows for a set number of overseas workers (currently up to 8000) to work for Recognised Seasonal Employers in New Zealand in the horticulture and viticulture industries in the following types of jobs:

- planting
- maintaining
- harvesting, and
- packing.

The RSE scheme aim to encourage economic development in the Pacific, and therefore allow preferential access to workers who are citizens of eligible Pacific countries.

## Limited visa

All applications under Recognised Seasonal Employer instructions to work for a Recognised Seasonal Employer (RSE) must be made as a limited visa application for an 'express purpose' (in this case to work for an RSE).

If you apply for, and are subsequently granted a limited visa, your stay in New Zealand is restricted to fulfilling the express purpose for which the visa was granted.



## What businesses in New Zealand can offer me employment?

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Only recognised New Zealand horticulture and viticulture businesses are eligible to recruit under the RSE instructions.

Employers must have:

- Recognised Seasonal Employer status – we will only recognise employers who meet our requirements, and
- an Agreement to Recruit which is an approval to employ a number of overseas workers.

If you want to find out more about this process, or you are an employer, see the *Guide to Becoming a Recognised Seasonal Employer (INZ 1145)*.

## Requirements your employer must meet

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As part of the process to be allowed to employ overseas workers, the employer must have complied with New Zealand's immigration, health and safety, and employment laws. INZ must also be satisfied that the employer will continue to comply with these laws. Employers must also meet specific requirements regarding employment agreements, minimum remuneration, airfares and pastoral care.

### Employment agreements

When you apply for a limited visa under these instructions we will ask to see your employment agreement, and we will want to know that it meets our requirements for employment agreements. Employment agreements must:

- specify a 'per hour' rate\* for the work to be performed
- where piece rates\* apply, also specify the piece rate(s)
- comply with the minimum remuneration requirements
- comply with permissible pay deductions, and
- comply with all relevant employment law in force in New Zealand.

### Minimum remuneration

Employers must guarantee a minimum payment to workers regardless of the availability of work.

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\* All payment rates must be consistent with the typical rate a New Zealand citizen or residence class visa holder worker is paid for the equivalent work, in the same period and region.

If your employment agreement is for a period of six weeks or longer, the minimum amount you must be paid is the greater of the following:

- 240 hours at the 'per hour' rate, or
- payment for an average of 30 hours per week at the 'per hour' rate for the period worked.

If your employment agreement is for a period of less than six weeks, the minimum amount you must be paid is 40 hours per week, at the 'per hour' rate, over the period of work offered in the employment agreement.

### Airfares

Employers must pay for half of the return airfare from your home country to New Zealand.

### Pastoral care

Employers must also ensure workers are well looked after (we call this 'pastoral care') by providing:

- transportation to and from the port of arrival and departure
- an induction programme
- suitable accommodation
- transportation to and from the worksite(s)
- access to acceptable medical insurance
- access to personal banking
- personal protective equipment
- onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water)
- necessary language translation (eg for health and safety purposes), and
- opportunities for recreation and religious observance.

## Recruitment agents

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You may decide to use an agent based in New Zealand or in your own country to help you find a job in New Zealand. If an employer in New Zealand uses a recruitment agent to help you find a job in New Zealand, you are not required to pay that agent a fee.

## I have been offered employment by an RSE. What happens next?

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If you have an offer of employment from an RSE, you are required to submit a completed *Application to Work for a Recognised Seasonal Employer (NZIS 1142)* to your nearest INZ branch that accepts RSE limited visa applications. You must also provide the following documents.

- Your passport.
- One recent passport-sized photograph of yourself.
- The application fee (the application fee may be provided separately by the employer if they have agreed to this in advance).
- A copy of your signed employment agreement.
- A completed *X-ray Certificate for Temporary Entry (INZ 1096)*, if required (see RSE health requirements below).
- A completed *RSE Scheme Supplementary Medical Certificate (INZ 1143)*, if required (see RSE health requirements below).
- Evidence you have been approved for acceptable medical insurance.

## RSE health requirements

You will need to provide an *X-ray Certificate for Temporary Entry (INZ 1096)* if you have a passport issued by a country not listed in table one on page 7, or you have lived in a country for more than three months in the previous five years that is not listed in table one on page 7 as a country with a low incidence rate of TB.

You will need to provide a completed *RSE Scheme Supplementary Medical Certificate (INZ 1143)* if you have a passport issued by a country listed in table two on page 7, or are normally resident in a country that is listed in table two on page 7.

## RSE medical insurance requirements

You will need to provide evidence that you have been approved for acceptable medical insurance, such as an insurance certificate or letter of approval from an insurance company.

Your insurance must cover the full costs of:

- all medical expenses including diagnosis and treatment, prescribed medicines, ambulance, hospital and post-hospital discharge care, home nursing care
- emergency dental care, including the provision of antibiotics and treatment for the relief of sudden and acute pain
- evacuation/return home in the event of serious illness or disability, and
- the return of remains to your country of origin in the event of death.

Despite the above, your medical insurance may exclude costs related to:

- suicide or attempted suicide

- sexually transmitted disease
- any situation or action when under the influence of alcohol or non-prescribed drugs
- human immunodeficiency virus (HIV) and/or HIV-related illness including Acquired Immune Deficiency Syndrome (AIDS)
- childbirth or pregnancy unless they arise from medical complications that occur before the end of the 24th week of pregnancy, or
- pre-existing conditions.

## Where do I submit my limited visa application?

Listed below is the nearest processing office for your RSE limited visa application if you are in the Pacific.

Your country of residence	Processing office	Processing office address
Federated States of Micronesia, Kiribati, Nauru, Tuvalu, Palau, Papua New Guinea, Republic of Marshall Islands, Solomon Islands, Vanuatu	Suva	Immigration New Zealand New Zealand High Commission Reserve Bank of Fiji Building Pratt St PO Box 15183, Suva
Samoa	Apia	Immigration New Zealand c/o New Zealand High Commission Building Beach Road Postal address: c/o New Zealand High Commission Building PO Box 2277, Apia
Tonga	Nuku'alofa	Immigration New Zealand 1st Floor, Kupu House Fatafehi Road PO Box 830, Nuku'alofa

If you are applying from another country, you will need to contact your nearest Immigration New Zealand office for advice on where to send your application, or check our website [www.immigration.govt.nz/fees](http://www.immigration.govt.nz/fees).

## What is the RSE limited visa application fee?

The RSE limited visa fees are the same as the work visa fees. The fees are set by the New Zealand Government and are available at [www.immigration.govt.nz/fees](http://www.immigration.govt.nz/fees) or in our *Fees Guide (INZ 1028)*, also available on our website.

This fee is the only fee that INZ requires you to pay for your limited visa application.

Your prospective employer may provide the application fee directly to INZ if they have agreed to this in advance.

Please note that our Pacific branches in Suva, Apia and Nuku'alofa do not accept cash.

## **Will my application for an RSE limited visa be processed more quickly if I use an agent or adviser?**

No, your application will not be processed more quickly if you use an agent or adviser to find you employment or to submit your limited visa application. INZ does not process applications more quickly if they are submitted by an agent or an adviser.

## **Assessing your application: bona fides**

When we assess your application and the information you provide, we ensure that it meets all the requirements of the visa you are applying for. This includes the requirement to be 'bona fide', which means you intend a genuine temporary stay to work.

When we assess if you are a bona fide worker, we consider all of the information that we have. For example, we will consider:

- your personal circumstances, such as:
  - your family ties in your home country and New Zealand;
  - personal, financial, employment or other commitments in your home country and New Zealand;
  - any circumstances that might mean you may not want to return to your home country when any visa expires,
- information that we have about previous applications, such as whether you have previously overstayed or breached visa conditions,
- whether you have dependants who are unlawfully in New Zealand, and
- your ability to leave or be deported from New Zealand to your country of citizenship.

INZ will consider all of the information you provide in support of your application but is not obliged to ask you for more. So, with evidence that you meet the particular requirements for the type of visa you are applying for, you should provide any evidence that you think demonstrates that you are a bona fide applicant.

## **Could I be refused a limited visa to work in New Zealand?**

Yes, your application could be declined if:

- your standard of health or your character are not acceptable
- an immigration officer thinks that you do not genuinely intend to stay temporarily or that you are entering New Zealand for an unlawful purpose
- an immigration officer thinks you might stay in New Zealand unlawfully or are likely to breach the conditions of your visa, or
- you are a person to whom sections 15 and 16 of the Immigration Act 2009 apply and you have not been given a special direction authorising entry.

Sections 15 and 16 apply to people who:

- have been convicted and sentenced to imprisonment for five years or more (this applies even if any of your offences have later been taken off the record)
- in the past 10 years were convicted and sentenced to imprisonment for 12 months or more
- are the subject of a current New Zealand prohibition order
- have been deported from any country,
- are suspected of being likely to constitute a danger to New Zealand's security or public order
- are believed to be associated with an organisation or group with criminal objectives and, for that or any other reason, are considered to be a threat to the public interest or public order, or
- are considered likely to commit an offence against the Crimes Act 1961 or Misuse of Drugs Act 1975.

## **My RSE limited visa application has been approved. What happens now?**

If your RSE limited visa application has been approved, you must travel to New Zealand within the time period that is on the limited visa label that is in your passport. If you are from a Pacific Kick Start State (Tonga, Tuvalu, Kiribati, Samoa), you will be invited to attend a pre-departure settlement seminar.

## **How do I meet my tax obligations?**

To meet New Zealand tax obligations you will need an IRD number for Inland Revenue to

correctly assess the amount of tax you need to pay. This means if you work in New Zealand without an IRD number, you will be taxed at a no notification rate, which is higher than the normal rate.

If you tick 'Yes' in 'Section D: Tax obligations' of the *Application to Work for a Recognised Seasonal Employer (INZ 1142)*, you will give permission for INZ to share information from your application with Inland Revenue for the purpose of issuing you with an IRD number. Such information will be retained by Inland Revenue in accordance with the Tax Administration Act 1994.

An IRD number will not be issued if your application is declined. Any queries regarding your IRD number should be directed to Inland Revenue, not INZ.

You will receive a letter from Inland Revenue confirming issuance of your IRD number. This will be sent to your New Zealand employer's address.

You may need to complete additional forms for your employer upon arrival in New Zealand.

Please go to [www.ird.govt.nz](http://www.ird.govt.nz) or call 0800 227 774 from within New Zealand or +64 4 978 0779 from overseas for more information about meeting your tax obligations in New Zealand.

## Who can I work for once I am in New Zealand?

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You can only work for the employer and in the job that is specified in your RSE limited visa. If you work for another employer or in another job with your RSE (without INZ knowing) you will be breaching the conditions of your limited visa. If this happens, you may be liable for deportation. Also, your employer may lose their RSE status.

## What can I expect from my employer?

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Your employer must make sure your pastoral care needs are met (see previous section 'Requirements your employer must meet' on page 2).

With your permission, your employer may make deductions from your pay for certain costs (such as for accommodation or food). They can only take money if the deductions have been specified in the employment agreement which was approved by INZ.

Your employer must pay you market rates. Market rates may be the same as or greater than the minimum wage. All workers in New Zealand must

be paid at the minimum wage or above. The minimum wage usually increases once a year in March and is available at [www.ers.govt.nz/pay/minimum.html](http://www.ers.govt.nz/pay/minimum.html). For further information about the minimum wage, when in New Zealand, you can also call 0800 20 90 20 (free call).

## How long can I stay in New Zealand?

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This will depend on how long your employment agreement is for, but your total time in New Zealand on an RSE limited visa can not exceed seven months in an 11-month period (unless you are a citizen and resident of Tuvalu or Kiribati, in which case you are eligible for a maximum of nine months in an 11-month period). You must leave New Zealand before your RSE limited visa expires.

## I am in New Zealand with an RSE limited visa and have been offered more seasonal employment. Can I do this new work?

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If you have been offered more seasonal work with the same RSE or another RSE, you may be granted another RSE limited visa (or a 'variation of conditions' if you have not yet met the maximum time allowed in New Zealand). If you are changing employers, your first RSE must provide a written agreement to you working for the new RSE. It is very important that the new RSE obtains prior approval to you working for them.

Applications for a new RSE limited visa or 'variation of conditions' can be made at your nearest INZ branch.

## I am in New Zealand with an RSE work or limited visa and want to apply for another visa that is not in the RSE Category. Can I do this?

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While in New Zealand, any application that you submit for a temporary or residence class visa (other than under the RSE instructions) will be declined.

## Can I return to New Zealand under the RSE Scheme?

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Yes, if you and your employer followed immigration and employment rules while you

were in New Zealand you may be able to return to work for an RSE in the next season. There is no limit to the number of times you can come to New Zealand as a worker under the RSE Scheme providing INZ's requirements are met.

## How do I resolve a disagreement I might have with my employer?

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In your employment agreement there is a plan to resolve disagreements (this section is commonly referred to as 'disputes resolution') you may have with your employer. Please refer to your employment agreement.

If this does not solve the disagreement, you can get further information about what to do next, from the Department of Labour (contact details below), and contact your nearest INZ branch to advise them of your situation.

## Who can I go to for further information and assistance?

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For information about your immigration status you can go to an INZ branch or visit the INZ website at [www.immigration.govt.nz](http://www.immigration.govt.nz). If you are in New Zealand, you can call INZ on 0508 55 88 55 (free call).

For information about employment conditions and rights as an employee in New Zealand, you can visit the Department of Labour's website [www.dol.govt.nz](http://www.dol.govt.nz), or if you are in New Zealand you can call 0800 20 90 20 (free call).

Table one: Countries, areas and territories with a low incidence of tuberculosis (TB)

## VisaView

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It is an offence to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work with Immigration New Zealand's online VisaView system. The sharing of information through VisaView is authorised by legislation.

If you believe that an employer has been given the wrong entitlement information via VisaView you may contact the Immigration Contact Centre (0508 558 855) to request correction of that information.

**Table one: Countries, areas and territories with a low incidence of tuberculosis (TB)**

Andorra	France	Netherlands
Antigua and Barbuda	Germany	New Zealand
Australia	Greece	Norway
Austria	Grenada	Oman
Barbados	Iceland	Puerto Rico
Belgium	Ireland	Saints Kitts and Nevis
Bermuda	Israel (including the Occupied Palestinian Territory, and including East Jerusalem)	Saint Lucia
British Virgin Islands	Italy	San Marino
Canada	Jamaica	Slovenia
Cayman Islands	Jordan	Sweden
Chile	Lebanon	Switzerland
Costa Rica	Libyan Arab Jamahiriya	Trinidad and Tobago
Cuba	Liechtenstein	Turks and Caicos Islands
Cyprus	Luxembourg	United Arab Emirates
Czech Republic	Malta	United Kingdom
Denmark	Monaco	United States of America
Dominica	Montserrat	United States Virgin Islands
Finland	Netherlands Antilles	Vatican City

**Table two: Countries that have high risk factors for HIV/AIDS**

Angola	Eritrea	Niger
Bahamas	Estonia	Nigeria
Barbados	Ethiopia	Papua New Guinea
Belize	Gabon	Republic of Moldova
Benin	Gambia	Russian Federation
Botswana	Ghana	Rwanda
Burkina Faso	Guinea	Sierra Leone
Burma	Guinea-Bissau	South Africa
Burundi	Guyana	Sudan
Cambodia	Haiti	Suriname
Cameroon	Honduras	Swaziland
Central African Republic	Jamaica	Thailand
Chad	Kenya	Togo
Congo	Lesotho	Trinidad and Tobago
Côte d'Ivoire	Liberia	Uganda
Democratic Republic of Congo	Malawi	Ukraine
Djibouti	Mali	United Republic of Tanzania
Dominican Republic	Mozambique	Zambia
Equatorial Guinea	Namibia	Zimbabwe

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