

KIA ORA – WELCOME

New Zealand's Recognised Seasonal Employer (RSE) Policy 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 policy aims to encourage economic development in the Pacific, and therefore allows preferential access to workers who are citizens of eligible Pacific countries.

This guide contains important information that we recommend you use during the RSE limited purpose visa application process, if you have your RSE limited purpose visa approved, and after you arrive in New Zealand.

Please take time to read this guide carefully and use it when completing the *Application to Work in New Zealand for a Recognised Seasonal Employer (NZIS 1142)* form.

Limited purpose visas and permits

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

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

Who can obtain an RSE limited purpose visa?

Anyone 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 purpose visa and limited purpose permit?

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

An RSE limited purpose permit is an approval in your passport that allows you to work in New Zealand. Limited purpose permits are either stamped in your passport when you enter New Zealand, or they can be issued by an onshore INZ branch if you are already in New Zealand with an RSE limited purpose permit.

Your limited purpose visa or permit 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 policy require a valid RSE limited purpose permit to work in New Zealand.

Limited purpose permit restrictions

There are several restrictions on people who hold limited purpose permits.

- You must leave New Zealand no later than the date that your permit expires.
- You may not apply for a different kind of permit while you are in New Zealand. You can apply for a further limited purpose permit, but it must be for the same express purpose.
- You may not request a special direction or a permit under section 35A of the Immigration Act 1987 while you are in New Zealand.
- You do not have any of the appeal rights that holders of other kinds of permits have, such as the right to appeal to:
 - the Removal Review Authority
 - the Residence Review Board
 - the Deportation Review Tribunal
 - the High Court.

If you are in New Zealand unlawfully after your limited purpose permit expires, you will be liable for immediate removal from New Zealand.

What businesses in New Zealand can offer me employment?

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

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* (NZIS 1145).

Requirements your employer must meet

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 purpose visa under this policy 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.

* Note: all payment rates 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.

Minimum remuneration

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

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 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

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?

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

- your passport,
- one recent passport-sized photograph of yourself,
- the application fee,
- a copy of your signed employment agreement,
- a completed *Temporary Entry X-ray Certificate* (NZIS 1096), if required (see RSE health requirements below), and
- a completed *Recognised Seasonal Employer Policy Supplementary Medical Certificate* (NZIS 1143), if required (see RSE health requirements below).

RSE health requirements

You will need to provide a *Temporary Entry X-ray Certificate* (NZIS 1096) if you have a passport issued by a country not listed in table one on page 6, 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 6 as a country with a low incidence rate of TB.

You will need to provide a completed *Recognised Seasonal Employer Policy Supplementary Medical Certificate* (NZIS 1143) if you have a passport issued by a country listed in table two on page 6, or are normally resident in a country that is listed in table two on page 6.

Where do I submit my limited purpose visa application?

Listed below is the nearest processing office for your RSE limited purpose 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 Apia 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.

What is the RSE limited purpose visa application fee?

The RSE limited purpose visa and limited purpose permit application fees are the same as the work visa and work permit fees. The fees are set by the New Zealand Government and are available at 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 purpose visa application.

Will my application for an RSE limited purpose 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 purpose visa application. INZ does not process applications more quickly if they are submitted by an agent or an adviser.

Could I be refused a limited purpose visa or permit to work in New Zealand?

Yes,

- if your standard of health or your character are not acceptable,
- if an immigration officer thinks that you do not genuinely intend to stay temporarily or that you are entering New Zealand for an unlawful purpose,
- if an immigration officer thinks you might stay in New Zealand unlawfully or are likely to breach the conditions of your permit, or
- if you are a person to whom section 7 of the Immigration Act 1987 applies and you have not been given a special direction authorising entry.

Section 7 applies 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 removal 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 purpose visa application has been approved. What happens now?

If your RSE limited purpose visa application has been approved, you must travel to New Zealand within the time period that is on the limited purpose 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.

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

You can only work for the employer and in the job that is specified in your RSE limited purpose visa and permit. 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 purpose permit. If this happens, INZ may cancel your limited purpose permit and you will have to leave New Zealand. Also, your employer may lose their RSE status.

What can I expect from my employer?

Your employer must make sure your pastoral care needs are met (see previous section "Requirements your employer must meet").

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. 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?

This will depend on how long your employment agreement is for, but your total time in New Zealand on an RSE limited purpose permit 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 purpose permit expires.

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

If you have been offered more seasonal work with the same RSE or another RSE, you may be issued another RSE limited purpose permit (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 purpose permit or 'variation of conditions' can be made at your nearest INZ branch.

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

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

Can I return to New Zealand under the RSE Policy?

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 Policy providing INZ's requirements are met.

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

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?

For information about your immigration status you can go to an INZ branch or visit the INZ website at 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, 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)

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

