



25 March 2026

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2026-04
AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions from the effective date.

Note

The amendments described in this circular will be published in the Immigration New Zealand Operational Manual in due course.

Information about these changes is available on our website www.immigration.govt.nz.

Description of changes

WH1.5 Recognised Seasonal Employer (RSE)

WH1.10 Agreement to Recruit (ATR)

WH1.20 Requirements for employment agreements under RSE Instructions

Changes have been made to Temporary Entry instructions to implement the new accommodation cost methodology for Recognised Seasonal Employers, including:

- a level-based pricing methodology for Recognised Seasonal Employer (RSE) accommodation costs
- allowing costs to continue to be recovered at a higher level where a property falls into a lower level solely based on property age; and
- providing a transitional period of up to two years for employers currently charging a higher amount than they would be able to under the new methodology.

These changes are effective on and after 01 April 2026.

Appendix 1: Amendments to Temporary Entry instructions, effective on and after 01 April 2026

WH1.5 Recognised Seasonal Employer (RSE)

For the purpose of these instructions, a Recognised Seasonal Employer (RSE) is a New Zealand employer whose core area of business is horticulture or viticulture and who has had an application for RSE status approved by INZ. An RSE is able to apply for an Agreement to Recruit (ATR) that will allow them to recruit workers who are not New Zealand citizens or residence class visa holders under the RSE Instructions.

WH1.5.1 Definition of a New Zealand employer under RSE Instructions

New Zealand employer for the purposes of RSE Instructions is an employer who:

- a. has the power to enter into employment agreements; and
- b. is a natural person who is ordinarily resident in New Zealand; or
- c. is a company that is incorporated in New Zealand and carries on business in New Zealand; or
- d. is an overseas company that is registered under the Companies Act 1993 and carries on business in New Zealand; or
- e. is an incorporated society that is incorporated in New Zealand.

WH1.5.5 Requirements for RSE status

- a. RSE status may be granted where INZ is satisfied that an employer (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer):
 - i. is a New Zealand employer as set out at WH1.5.1; and
 - ii. is in a sound financial position; and
 - iii. has human resource policies and practices which are of a high standard, promote the welfare of workers, and include dispute resolution processes; and
 - iv. has a demonstrable commitment to recruiting New Zealanders; and
 - v. has a demonstrable commitment to training New Zealanders; and
 - vi. has good workplace practices and a history of compliance with New Zealand immigration and employment law (see W2.10.5), including meeting the requirements of the following legislation:
 - Accident Compensation Act 2001; and
 - Employment Relations Act 2000; and
 - Equal Pay Act 1972; and
 - Health and Safety at Work Act 2015; and
 - Holidays Act 2003; and
 - Immigration Act 2009; and
 - Minimum Wage Act 1983; and
 - Parental Leave and Employment Protection Act 1987; and
 - Wages Protection Act 1983; and
 - vii. will meet the requirements set out at (c) below; and
 - viii. has not been convicted at any time of an offence under the following sections of the Crimes Act 1961: section 98 (Dealing in slaves), section 98C (Smuggling migrants), section 98D (Trafficking in persons).
- b. To ensure that INZ can verify an employer's ability to meet the requirements in (a) above, applicants must consent to INZ seeking information from other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies. Where such consent is not given an application for RSE status may be declined.
- c. RSEs must:
 - i. take all reasonable steps to recruit and train New Zealanders for available positions before seeking to recruit non-New Zealand citizen or residence class visa holder workers; and
 - ii. not use a recruitment agent who seeks a commission from workers in exchange for securing an employment agreement, to recruit non-New Zealand citizen or residence class visa holder workers; and
 - iii. pay for half the return airfare between New Zealand and the worker's country of residence for each worker recruited under the RSE instructions, 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

- iv. comply with the requirements for employment agreements including the minimum remuneration, minimum sick leave requirements, and pay deduction **and accommodation cost recovery** requirements as set out at WH1.20; and
 - v. make available appropriate pastoral care (including food and clothing and access to health services and suitable accommodation) to their non-New Zealand citizen or residence class visa holder workers at a reasonable cost during the period of the workers' RSE limited visas; and
 - vi. promptly notify INZ if any of their non-New Zealand citizen or residence class visa holder workers breach the conditions of their visas; and
 - vii. promptly notify INZ of any dispute with the holder of an RSE limited visa that has resulted in the suspension or dismissal of the worker; and
 - viii. not engage the services of a contractor, who does not have good workplace practices as outlined at WH1.5.5(a)(vi) and who employs non New Zealand citizen or residence class visa holder workers; and
 - ix. have direct responsibility for the daily work output and supervision of non-New Zealand citizen or residence class visa holder workers recruited under RSE instructions, except where (d) below applies; and
 - x. pay to the Ministry of Business, Innovation and Employment any costs reasonably incurred by the Ministry, 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 visa; and
 - xi. on request disclose to representatives of the Ministry of Business, Innovation and Employment all payments received from RSE workers (including payments for airfares, accommodation and other pastoral care); and
 - xii. take all reasonable steps to find full time work for the duration of an RSE worker's visa, including by finding work opportunities with other RSE employers if necessary; and
 - xiii. Where an application for RSE status was submitted before 27 January 2025 and has not been decided, or the application was approved before 27 January 2025, employees involved in the recruitment or management of RSE workers are no longer required to complete all the Employment New Zealand employer e-modules.
- d. An RSE is not required to have direct responsibility for the daily work output and supervision of non-New Zealand citizens and residence class visa holder workers recruited under RSE instructions when the workers are temporarily working on the worksite or worksites of another RSE (the recipient RSE), and the recipient RSE has agreed to take on these responsibilities. The RSE who employed the workers under RSE instructions (the first RSE) remains accountable for all other responsibilities under RSE instructions. This arrangement may only occur where:
- i. the total period of work on the recipient RSE's worksite or worksites is of one month or less;
 - ii. the worksite or worksites of the recipient RSE is within the same region as that specified in the ATR held by the first RSE; or
 - iii. the worksite or worksites of the recipient RSE is within another region where the workers are temporarily relocating for the purposes of repatriation; and
 - iv. the first RSE has notified INZ in advance of the workers starting work at the recipient RSE's worksite or worksites.
- e. Employers (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer) are considered to not have a history of compliance with employment and immigration law if they fail to meet the requirements set out at W2.10.15 and W2.10.20 or if they are included on a list of non-compliant employers maintained by the Ministry of Business, Innovation and Employment (MBIE) (see Appendix 10 and Appendix 18).

Note: For the purposes of instructions, 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.

WH1.5.10 Determining applications for RSE status

- a. In determining whether employers may be granted RSE status, INZ will assess applications and associated documents taking into account such factors as:
 - i. the period for which the employing organisation has been established as a going concern; and
 - ii. whether the employer has engaged with the Ministry of Social Development - Work and Income; and
 - iii. whether the employer has engaged with the relevant Industry Training Organisation; and
 - iv. whether the employer is a member of any relevant industry bodies (eg Horticulture New Zealand, New Zealand Kiwifruit Growers Inc., Pipfruit New Zealand, Hawkes Bay Fruitgrowers Association,

New Zealand Wine, Rural and Associated Contractors Federation or a regional contractors association); and

- v. whether the employer is certified by any quality standard organisation (eg New Zealand GAP); and
 - vi. whether the criteria in WH1.5.5(a) and (b) have been met by the employer; and
 - vii. whether INZ is satisfied that the requirements in WH1.5.5(c) will be met by the employer; and
 - viii. where there has been any previous breach of the requirements of immigration instructions (regardless of whether or not that resulted in RSE status being rescinded), whether any evidence has been provided to satisfy INZ that the cause and consequence of that breach has been remedied.
- b. INZ must be satisfied that the information and documents included in an application for RSE status are genuine and accurate, and may take any steps it determines necessary to verify such documents and the information they contain.
- c. Representatives of the Ministry of Business, Innovation and Employment may, where it is deemed necessary, conduct a site visit to the employer's premises.
- d. INZ may consult with other services of the Ministry of Business, Innovation and Employment, the Ministry of Social Development, Inland Revenue, the Accident Compensation Corporation, WorkSafe New Zealand, the New Zealand Council of Trade Unions, and any relevant unions, agencies, and industry bodies when determining whether an employer has been compliant with relevant statutory law and policies, and has a demonstrable commitment to recruiting and training New Zealanders.
- e. Where any information is identified by the employer as commercially sensitive and:
- i. that information is provided in confidence to INZ; and
 - ii. INZ considers that disclosure of that information is necessary for the determination of an application,

INZ will seek the consent of the employer for the disclosure of that information. Where such consent is not given, an application for RSE status may be declined.

- f. Where INZ, comment in consulting with other agencies, receives information that may be prejudicial to the positive outcome of an employer's application for RSE status, that adverse information will be put to the employer for before a decision is made on their application.
- g. INZ will decline an application for RSE status where it considers granting RSE status to the employer would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.

WH1.5.15 Evidential requirements

- a. Set out below are examples of evidence that may be provided in support of an application for recognition. The provision or non-provision of any of these examples of evidence will not be determinative.
- b. Evidence that an employer is in a sound financial position includes but is not limited to:
- i. a signed statement of creditworthiness from the applicant stating that the business seeking RSE status is financially viable and the applicant knows of no adverse credit matters affecting the business;
 - ii. a statement from a chartered accountant confirming the business is financially sound and is able to meet all outstanding obligations;
 - iii. an authenticated set of accounts showing a sound financial position.
- c. Evidence of an employer's human resource policies and practices includes but is not limited to:
- i. a copy of the business's human resource manual or guidelines;
 - ii. a written statement describing the employer's human resource policies and practices such as information on:
 - how the business recruits workers;
 - what checks are carried out on prospective New Zealand and non-New Zealand citizen or residence class visa holder workers, including any checks done by a recruitment agent on behalf of an employer;
 - what remuneration structure is in place;
 - any internal disputes resolution policies, including any performance management processes;
 - health and safety practices, including any provision of health and safety equipment for workers.
- d. Evidence of an employer's commitment to training New Zealand citizens and residence class visa holders includes but is not limited to:

- i. records of in-house training and development programmes;
 - ii. involvement with any New Zealand Industry Training Organisation;
 - iii. records of funding provided to workers to allow attendance at training courses by external training providers.
- e. Evidence of an employer's commitment to recruiting New Zealand citizens and residence class visa holders includes but is not limited to:
 - i. a written description of the steps taken in the previous 12 months to recruit workers;
 - ii. evidence of previous advertising;
 - iii. a letter of support from an industry body confirming the employer's commitment to recruiting New Zealanders;
 - iv. records of any previous communication with Work and Income regarding the recruitment of workers.
- f. Evidence (if applicable) of an employer's previous attempts to find full time work for the duration of an RSE worker's visa, including by finding work opportunities with other RSE employers.
- g. Where any previous breach of the requirements of immigration instructions has occurred (regardless of whether or not that breach resulted in RSE status being rescinded) the employer must provide evidence to satisfy INZ that the cause and consequence of that breach has been remedied.

WH1.5.20 Rescinding RSE status

- a. INZ may rescind an employer's RSE status where:
 - i. there is any breach of RSE or ATR requirements, or commitments made by the RSE employer in an undertaking to INZ in relation to the approved class of worker border exception (see items (e) and (f) of H5.30.20(c)), other than of a minor nature; or
 - ii. the conduct of that employer has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies; or
 - iii. the employer has breached the obligations of any undertaking made to INZ, other than of a minor nature, in relation to RSE limited visa holders to enable them to benefit from a special direction of the Minister of Immigration granting limited visas to a class of persons.
- b. Where an employer's RSE status has been rescinded, INZ will not approve any further applications for RSE status from the employer that are made within one year of the date their RSE status was rescinded.
- c. Any decision to rescind RSE status must be approved by an INZ Head of Operations in consultation with their Operations Director.

WH1.5.25 Reconsideration process for applications for RSE status which are declined

- a. There is no statutory right of appeal against the decision to decline an application for RSE status.
- b. INZ may reconsider a declined application for RSE status where the reconsideration request is made in writing and any new information (not amounting to a completely new application) is promptly provided.

WH1.5.30 Currency of RSE status and subsequent applications

- a. If an initial application for RSE status is successful, RSE status may be granted for a period of two years.
- b. If a subsequent application for RSE status is successful and the employer has previously held RSE status, and that status was not rescinded, the subsequent RSE status may be granted for a period of three years.
- c. Where an employer holds RSE status at the time a subsequent RSE application is accepted for consideration by INZ, their current RSE status will continue until the date their subsequent application is decided, unless their RSE status is rescinded during that interim period.

WH1.5.35 Applying to become an RSE

An application for RSE status must be:

- a. made in New Zealand; and
- b. made on the Application for Recognised Seasonal Employer Status (INZ 1140) form; and
- c. accompanied by the prescribed fee; and
- d. supported by evidence that demonstrates the employer meets the requirements set out at WH1.5.5.

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 residence class visa holder 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 residence class visa holder workers will be assessed in consultation with the Ministry of Social Development.

WH1.10.1 Requirements for an ATR

- a. An application for an 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 residence class visa holders for available positions before seeking an ATR to recruit workers who are not New Zealand citizens or residence class visa holders. 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 residence class visa holder 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
- d. The employment agreement offered 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.

Note: Compliance with the requirements set out in [WH1.20](#) includes ensuring the employment agreements of RSE workers are updated as required to reflect any changes to the RSE minimum remuneration as a result of an increase to the New Zealand minimum wage.

- e. 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 these instructions (except where WH1.5.5(d) applies).
- f. 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, INZ may grant a visa allowing work for each RSE (if requirements at WH1.10.1 (j) and (k) are met).

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.

- g. 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. access to lawful and reputable remittance services; and
 - vii. access to acceptable medical insurance (see WH1.25); and
 - viii. provision of personal protective equipment; and
 - ix. provision of onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water); and
 - x. necessary language translation, e.g. for health and safety purposes; and
 - xi. opportunity for recreation and religious observance.
- h. 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 residence class visa holder workers to be employed under RSE instructions 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 instructions, 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 and accommodation cost recovery requirements; and
 - minimum sick leave requirements; and

Note: The minimum remuneration specified at [WH1.20.5\(a\)\(iv\)](#) applies to all RSE workers who are linked to an existing ATR and hold a valid RSE limited visa. From 1 October 2023, any increase to the New Zealand minimum wage means that the minimum remuneration for all RSE workers will increase accordingly to 10 minimum sick leave requirements; and percent above the New Zealand minimum wage.

- v. comply with any request from the Ministry of Business, Innovation and Employment (the Ministry) to audit the RSE against RSE instructions and the conditions of the RSE's ATR and employment agreements; and
- vi. pay to the Ministry any costs reasonably incurred by the Ministry, 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 visa; and
- vii. inform the Ministry of the expected final departure date of non-New Zealand citizen or residence class visa holder workers employed under RSE instructions once bookings for outward flights have been made; and
- viii. arrange, but not necessarily pay for, acceptable medical insurance WH1.25) for workers recruited under RSE instructions for the duration of their stay in New Zealand.
- i. In cases where two or more employers apply for ATRs to provide consecutive periods of employment to the same workers, each employer must provide:
 - i. full details of how the pastoral care and health and safety requirements set out at (f) above will be arranged by the employers (including accommodation arrangements for both or all periods of employment); and
 - ii. the start and end dates in which RSE workers will work for each employer during their visa.
- j. If the requirements at (h) above are met and INZ is satisfied that appropriate pastoral care will be available to workers for the duration of their visa, immigration officers may grant an RSE limited visa valid for any or all periods of employment within the term of the visa.

Note: For the purposes of these instructions, 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.

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 residence class visa holder 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 visas under these instructions; and
 - iv. INZ is satisfied that the requirements set out in WH1.10.1 and WH1.10.10 and WH1.10.35 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.
- e. INZ will decline an application where the employer (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer) or any relevant third party (see WH1.10.1(f) and (g)) has a history of non-compliance with immigration or employment law, including if they fail to meet the requirements set out at W2.10.15 and W2.10.20 or are currently included on a list of non-compliant employers maintained by the Ministry of Business, Innovation and Employment (MBIE) (see Appendix 10 and Appendix 18).
- f. INZ will decline an application where the employer (including any person associated with the employer who is able to influence the recruitment, employment or supervision of workers of that employer) has been convicted at any time of an offence under the following sections of the Crimes Act 1961: section 98 (Dealing in slaves), section 98C (Smuggling migrants), section 98D (Trafficking in persons).

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 (b) below applies:
 - Federated States of Micronesia
 - Fiji
 - Kiribati
 - Nauru
 - Palau
 - Papua New Guinea
 - Republic of Marshall Islands
 - Samoa
 - Solomon Islands
 - Timor-Leste
 - Tonga
 - Tuvalu
 - Vanuatu
- b. 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.
- c. 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.

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.

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 visas granted:
 - i. under the Seasonal Work Permit instructions; or
 - ii. under a Working Holiday Scheme; or
 - iii. under the Transitioning to Recognised Seasonal Employer instructions; or
 - iv. under the Supplementary Seasonal Employment instructions; or
 - v. on the basis of a Variation of Conditions to a visitor visa.
- 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 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 (INZ 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.

WH1.10.35 Worker accommodation must not exacerbate housing pressures

- a. INZ must be satisfied that the accommodation proposed for RSE workers will not exacerbate residential housing pressures.
- b. RSE worker accommodation is considered to exacerbate residential housing pressure if it is a residential house which was not included in an ATR approved before 26 September 2019 and the accommodation meets the following region and restriction conditions:

Region	Restriction
Bay of Plenty Hawke's Bay	Accommodation in any residential house, excluding employer-owned houses purchased on or before 26 September 2019.
Auckland (including Upper Auckland) Marlborough Nelson/Tasman Northland Otago	Accommodation in any residential house, excluding employer-owned houses.

Note: For the purposes of these instructions, "residential house" does not include boarding houses or guest accommodation such as home-stays (or similar arrangements), nor houses built specifically to provide seasonal worker accommodation.

WH1.20 Requirements for employment agreements under RSE Instructions

WH1.20.1 Minimum requirements for employment agreements under RSE Instructions

Employment agreements between RSEs who hold ATRs and non-New Zealand citizen or residence class visa holder workers employed under RSE instructions must:

- a. be in writing and current at the time the RSE limited visa application is assessed by INZ, and at the time the limited visa is 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) (see WH1.15.20); 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 residence class visa holder 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 residence class visa holder 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); and
- k. comply with the minimum sick leave requirements set out below in WH1.20.25; and
- l. state the amount per worker per week that will be recovered for the provision of suitable accommodation.**

Note: For the purposes of these instructions, 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.

WH1.20.5 Minimum remuneration under RSE Instructions

- 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; and
 - iv. the worker must be paid for actual hours worked at a rate no less than:
 - minimum wage for their first two seasons; or
 - minimum wage plus 10% for their third and subsequent seasons.
- 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 each four-week period of employment.

- 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 each four-week period of employment.

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.

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 residence class visa holders.

Note: Employers must ensure any pay deductions to recover costs comply with New Zealand employment law. Where an employer is recovering costs from RSE workers by making deductions from wages, despite the worker's consent to the deductions as outlined in (d) and (e) above, these deductions cannot reduce the worker's pay actually received below minimum wage for hours worked, except for accommodation costs where the cash value is fixed in the employment agreement and the amount agreed is not unreasonable, or otherwise must not exceed 5% for lodging or 15% for board.

WH1.20.15 Market Rate

For the purpose of RSE Instructions, 'market rate' is the typical rate a New Zealand citizen or residence class visa holder 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.

WH1.20.20 Accommodation costs

- a. For the purpose of RSE Instructions, any costs recovered from workers for the provision of suitable accommodation:
 - i. must be actual, reasonable, and verifiable; and
 - ii. must be no greater than the accommodation costs in the most recent approved ATRs; and
 - iii. for ATRs submitted after 31 March 2026, must be no greater than the applicable weekly limit for the accommodation offered as detailed in the RSE Accommodation Cost Table in (see WH1.20.21(c) below), unless WH1.20.22 applies.
- b. Suitable accommodation under WH1.10.1(g)(iii) requires that the accommodation must meet all the minimum standards as detailed in the INZ 1401 Employer Self-Audit of RSE Worker Accommodation form.

WH1.20.21 RSE Accommodation Cost Framework

- a. The RSE Accommodation Cost Table in (c) below provides a capped pricing framework for employers to determine the maximum accommodation costs that may be recovered from workers.
- b. To qualify for a particular level within the framework, the suitable accommodation must meet all minimum standards (see WH1.20.20(b)), and:
 - i. for the level claimed, the set proportion of criteria specified in the column heading; and
 - ii. all criteria of the prior level, with one permitted exception that cannot be the 'bedroom occupancy' criterion.
- c. The RSE Accommodation Cost Table:

	Meets minimum standards	Level 1	Level 2	Level 3	Level 4
Price and applicability	Actual and reasonable, up to \$150 per week. All minimum standards are met.	Actual and reasonable, up to \$165 per week. Meets all minimum standards and 4 out of 6 Level 1 criteria.	Actual and reasonable, up to \$180 per week. Meets all minimum standards Meets 5 out of 6 Level 1 criteria and 3 out of 5 Level 2 criteria.	Actual and reasonable, up to \$190 per week. Meets all minimum standards and all Level 1 criteria. Meets 4 out of 5 Level 2 criteria and 4 out of 6 Level 3 criteria.	Actual and reasonable, up to \$211 per week. Meets all minimum standards and all Level 1 & 2 criteria. Meets 5 out of 6 Level 3 criteria and 4 out of 6 Level 4 criteria.
Applicability criteria					
Bedroom occupancy	9m2 for 2 people in a bedroom, plus 4.5m2 for every extra person thereafter.	Average room occupancy of 5 or less people, maximum room occupancy of 6.	Average room occupancy of 4 or less people, maximum occupancy of 5.	Average room occupancy of 3 or less people, maximum occupancy of 4.	Twin-share rooms only.
Property age			Built or substantially renovated within 10 years.	Built or substantially renovated within 10 years.	Built or substantially renovated within 5 years.
Bathroom facilities	Each shower has an attached dressing area. Each compartment should have a floor area of at least one metre squared Ratio of 1 toilet & shower per 7 people	Untimed showers		Untimed showers Shower and dressing area at least 1.7m2	Untimed showers Shower and dressing area at least 1.7m2 Toilet & shower ratio of 1 per 6
Access route to toilets and showers from bedrooms	N/A			External covered access (roof, but no walls) from the same building as bedroom	Internal access only (from same building as bedroom) - i.e. don't have to leave the same building
Beds	'Suitable' beds, mattresses & bedding		If no bunk beds, then any size of bed. If bunk beds, a minimum of King Single	No bunk beds	No bunk beds. King single bed size
Cleaning	Property is kept clean and hygienic.	Cleaning materials provided		Weekly cleaning for shared areas provided by employer without additional charge.	Weekly cleaning of all shared areas and fortnightly linen wash provided by employer without additional charge.
Healthy Homes	Healthy Homes documentation required (independent certificate not specified)	Independent healthy homes certification	Independent healthy homes certification (every 5 years)		
Internet	The RSE pastoral care guide requires there to be internet.	Unlimited data and internet signal across all accommodation facilities.			

Washing	Sufficient facilities should be provided. Including a washing machine, laundry tub & sufficient space to dry clothes adequately for the number of residents.	Unpaid use of washing machines. On-site dryers available for paid use.	Washing machine AND dryer facilities available on site for no additional charge.		
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Notes:

- The accommodation cost limits set out in the RSE Accommodation Cost Table at WH1.20.21(c) will normally be updated each March based on Consumer Price Index annual percentage change for the period ended the previous December.

- Where there is no detail listed for a given criterion, the highest standard of the levels below will apply.

- The RSE Accommodation Cost Table only lists a high-level categorisation of the required minimum standards for the purposes of the RSE Accommodation Cost Framework. The full details of all standards are available in the *INZ 1401 Employer Self-Audit of RSE Worker Accommodation* form.

WH1.20.22 RSE Accommodation Cost Table Provisions

- a. As of 31 March 2026, employers who are recovering accommodation costs from workers at a rate higher than what would be permitted under the applicable level in the RSE Accommodation Cost Table, but in accordance with an approved and current ATR:
 - i. may continue charging the approved amount for a maximum period of two years until 31 March 2028 inclusive (that is, for any ATRs which allow recruitment of RSE workers within that time), provided that:
 - the property remains the same (except for age-related changes as described in (c) below), and
 - the amount charged continues to be supported by actual, reasonable, and verifiable costs; and
 - ii. must not increase the current amount during this two-year period, including making Consumer Price Index adjustments, if recovering a higher rate.
- b. Despite (a) above, employers must still comply with any applicable New Zealand employment and tax law obligations when determining or recovering accommodation costs.
- c. If the accommodation has previously qualified for a specific accommodation cost level through an approved ATR but falls into a lower level solely due to the aging of the property, the employer:
 - i. may continue to charge the accommodation cost amount that they were previously eligible to charge; and
 - ii. must not increase the accommodation cost amount (including through Consumer Price Index adjustments), unless property age is one of the chosen exceptions for the higher level.
- d. For the avoidance of doubt, where a property ages out of a level and property age is one of the chosen exceptions for that level, the employer may increase the accommodation cost amount in line with the RSE Accommodation Cost Table caps provided that the accommodation continues to meet the requirements of the higher level.

WH1.20.25 Minimum sick leave under RSE Instructions

The employment agreement must provide that the work will be entitled to paid sick leave accumulated as follows:

Day 1	1-month anniversary	2-month anniversary	3-month anniversary	4-month anniversary
2 days	2 days	2 days	2 days	2 days

Notes:

- In cases where a worker has transferred from one RSE to another (see WH1.15.5), the new employment agreement must comply with the minimum sick leave requirements in WH1.20.25.
- 'Anniversary' refers to the employment anniversary which is the date a worker began employment. For example, if the worker started on 10 October 2023, the one-month anniversary would be 10 November 2023. If they start employment on 31 October 2023 the one-month anniversary is 30 November 2023.