

24 January 2017

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2017/01

To: All Manual Holders

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 in Appendix 1 and operate in accordance with the amended instructions on and after 24 January 2017.

Note

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

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

Changes to temporary entry instructions effective on and after 24 January 2017

WH1.1.15 Annual limit to number of visas available under RSE instructions

This provision has been amended to increase the cap on the number of seasonal workers able to be granted visas under the Recognised Seasonal Employer (RSE) policy, from 9,500 to 10,500.

APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER 24 JANUARY 2017

WH1.1.1 Objectives

The objectives of the RSE Instructions are to:

- a. allow horticulture and viticulture businesses to supplement their New Zealand workforce with non-New Zealand citizen or residence class visa holder workers when labour demand exceeds the available New Zealand workforce and employers have made reasonable attempts to train and recruit New Zealand citizens and residence class visa holders; and
- b. promote best practice in the horticulture and viticulture industries to support economic growth and productivity of the industry as a whole, while ensuring that the employment conditions of both New Zealand and non-New Zealand citizen or residence class visa holder workers are protected and supported; and
- c. encourage economic development, regional integration and good governance within the Pacific, by allowing preferential access under RSE Instructions to workers who are citizens of eligible Pacific countries; and
- d. ensure workers recruited under these instructions are adequately paid and financially benefit from their time in New Zealand; and
- e. ensure outcomes which promote the integrity, credibility and reputation of the New Zealand immigration and employment relations systems.

WH1.1.5 Meeting the objectives of RSE Instructions

To ensure these objectives are met:

- a. RSE limited visas will only be granted under the RSE Instructions where:
 - i. there are available places for employment in the horticulture and viticulture industries as determined by INZ in consultation with Ministry of Social Development (MSD); and
 - ii. INZ is satisfied the RSE will:
 - iii. continue to have direct responsibility for those workers and their work output (except where [WH1.5.5\(d\)](#) applies); and
 - iv. comply strictly with the requirements for RSE status and Agreements to Recruit (ATRs) under the RSE instructions; and
- b. a high standard of proof is required to satisfy INZ that requirements set out in instructions will be and are being met; and
- c. INZ may consider the compliance history and particular employment or other arrangements (including recruitment practices) of the RSE and other organisations or individuals associated with the RSE; and
- d. permission to use non-New Zealand citizen or resident workers will be withdrawn and further permission refused where there is any breach of requirements other than of a minor nature; and
- e. RSE status will not be granted to employers whose core area of business activity is the facilitation of entry to New Zealand of non-New Zealand citizens and residence class visa holders or who are not engaged directly in the industries to which these instructions apply.

WH1.1.10 Overview

- a. An employer who wishes to recruit non-New Zealand citizen or residence class visa holder workers to plant, maintain, harvest and pack crops in the horticulture and viticulture industries under these instructions must apply to become an RSE (see [WH1.5](#)).
- b. An employer with RSE status may then apply for an ATR. An ATR allows the recruitment of a set number of non-New Zealand citizen or residence class visa holder workers for each period where demand requires it (see WH1.10). ATRs will be restricted to recruitment from specified Pacific countries, unless RSEs can satisfy INZ that they:
 - i. have pre-established relationships with workers of other nationalities (see [WH1.10.20](#)); or
 - ii. have made reasonable attempts to recruit from the specified Pacific countries, but were unsuccessful (see [WH1.10.15](#)); or
 - iii. have reasonable grounds for why it is not feasible to recruit from the specified Pacific countries.
- c. An employer with a current ATR may offer seasonal employment to non-New Zealand citizen or residence class visa holder workers.

- d. Workers who hold such an offer of employment may then apply for an RSE limited visa (see [WH1.15](#)) consistent with the terms and conditions of the RSE's ATR.
- e. All visas granted to plant, maintain, harvest and pack crops in the horticulture or viticulture industry for an RSE under the RSE instructions will be granted under the RSE Limited Visa instructions (see WH1.15).

WH1.1.15 Annual limit to number of visas available under RSE instructions

- a. The number of visas that can be granted under these instructions is limited to 10,500 for each year ending 30 June.
- b. Applications for ATRs or RSE limited visas submitted after this limit has been reached will not be approved for places within that year and the application fee and immigration levy will be refunded.
- c. INZ will take into consideration the following matters when determining whether the annual limit has been reached:
 - i. the number of visas granted in the year ending 30 June; and
 - ii. the number of workers requested in ATRs approved for each year ending 30 June.