

September 2024

INZ 1141



Application for an Agreement to Recruit

under the Recognised Seasonal Employer Scheme

Please download a copy of this form from our website each time to ensure you get the current version.
www.immigration.govt.nz

Information for employers

If you are an employer who has been granted Recognised Seasonal Employer (RSE) status and want to recruit overseas workers under the RSE Scheme, you need to complete this form to obtain an Agreement to Recruit (ATR) from Immigration New Zealand (INZ).

The term 'overseas worker' is used throughout this form. This term has the same meaning as 'non-New Zealand citizen or residence class visa holder worker' as used in RSE instructions.

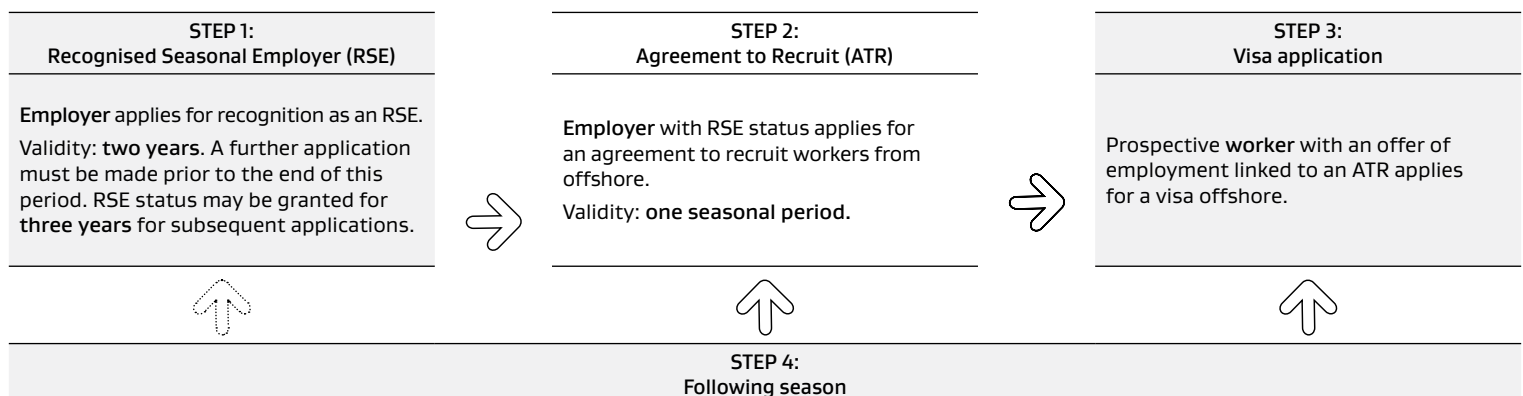
The term 'business' is used in some places in this form. This term refers to the business of the RSE who is applying for an ATR.

Agreement to Recruit (ATR)

An ATR is an approval for an RSE to employ workers, who are not New Zealand citizens or residence class visa holders, at times where high demand exceeds the available New Zealand workforce for the horticulture and viticulture industries. Before an ATR is granted, INZ must be satisfied that there are no suitable New Zealand citizens or residence class visa holders available and willing to work in the seasonal horticulture and viticulture positions that the RSE needs to fill. The availability of New Zealanders will be assessed in consultation with the Ministry of Social Development (MSD).

Obtaining an ATR is step two in a four-step process to employ overseas seasonal labour in the horticulture and viticulture industries.

RSE process



Options for the overseas worker to return to New Zealand next season if conditions are met, and:

- they have complied with all immigration requirements, and
- there is a continued labour shortage present, and
- a new Agreement to Recruit is obtained.

ATR requirements

An ATR will only be granted where:

- the employer has RSE status, and
- all reasonable steps have been taken by the employer to recruit and train New Zealanders for the positions available before seeking an approval to recruit overseas workers, and
- INZ is satisfied with the employer's case for requiring an ATR, and
- satisfactory evidence is provided of an agreement with a third party, where the business intends to recruit workers to undertake work at the worksite of a third party (such as a grower or packhouse operator), and
- INZ is satisfied that the employer will satisfactorily address the following pastoral care and health and safety requirements:
 - Transportation to and from the port of arrival and departure.
 - An induction programme.
 - Suitable accommodation.
 - Transportation to and from worksites.
 - Access to personal banking.
 - Access to acceptable medical insurance.
 - Provision of personal protective equipment.
 - Provision of onsite facilities (toilets, hand washing, first aid, shelter, fresh drinking water).
 - Necessary language translation.
 - Opportunity for recreation and religious observance.
- INZ is satisfied that the RSE worker accommodation will not exacerbate residential rental housing pressures. Residential accommodation must be owned by the employer and/or purpose built for use by horticulture and viticulture workers if located in Auckland (including Upper Auckland), Marlborough, Nelson/Tasman, Northland and Otago). In addition, residential accommodation purchased by the employer after 26 September 2019 cannot be used as RSE worker accommodation in the Bay of Plenty and the Hawke's Bay due to higher housing pressures in these regions. These housing restrictions do not apply to accommodation included in an ATR approved before 26 September 2019.

Before an ATR will be granted, INZ must be satisfied that the RSE will:

- comply with the ATR conditions
- provide all prospective overseas workers with a written employment agreement that meets RSE instructions requirements
- comply with the terms and conditions of the employment agreements
- comply with the minimum remuneration requirements (including payment of half the return airfare between New Zealand and the worker's country of residence), sick leave and pay deductions requirements that are set out in RSE instructions
- pay to the Ministry of Business, Innovation & Employment (MBIE) any costs reasonably incurred by MBIE, to a maximum of NZ\$3,000 per worker, in relation to the repatriation (including any maintenance and accommodation) of any overseas worker who requires repatriation as a result of a breach of terms and conditions of their RSE limited visa
- comply with any request from MBIE to audit the business against RSE instructions, the conditions of the ATR, and employment agreements
- disclose, on request, to representatives of MBIE all payments received from RSE workers (including payments for airfares, accommodation and other pastoral care)
- inform MBIE of the expected final departure date of the overseas workers once bookings for outward flights have been made, and
- arrange, but not necessarily pay for, acceptable medical insurance for the overseas workers for the duration of their stay in New Zealand, as set out in the RSE instructions.

INZ may approve fewer overseas workers, or a lesser period of work, than requested where it is not satisfied that the number of people requested in the ATR application is appropriate for the work required or the number of people exceeds the forecast labour shortage for the region and period requested.

INZ will take into consideration the needs of the horticulture and viticulture industries as a whole when determining an ATR application and the number of workers which may be approved, to ensure that no particular region, crop or season is disadvantaged.

Any other supporting documentation to verify a regional labour shortage will be considered.

Key points for employment agreements

Employment agreements must:

- be in writing
- be consistent with the terms of the ATR
- be for employment in planting, maintaining, harvesting, or packing crops in the horticulture or viticulture industries
- be for a period of no more than seven months (or nine months if the workers are citizens and residents of Tuvalu or Kiribati)
- comply with all relevant New Zealand employment law
- state that the employer will pay for half of the return airfare between New Zealand and the worker's country of residence (or half the return airfare between New Zealand and Nadi, Fiji, for workers from Kiribati and Tuvalu).
- ensure that workers will be paid no less than the market rate (which 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) for actual hours worked
- specify a 'per hour' rate for the work to be performed by the worker, and where piece rates apply, also specify the piece rate(s), and
- comply with the following minimum remuneration, sick leave and pay deductions requirements.

Note: for the purposes of this 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.

Minimum remuneration requirements

The minimum remuneration requirement for employment agreements that are for a period of six weeks or longer, is the greater of the following amounts:

- payment for 240 hours at the 'per hour' rate, regardless of the actual availability of work, or
- payment for an average of 30 hours per week at the 'per hour' rate for each four-week period of employment.

The minimum remuneration requirement for employment agreements that are for a period of less than six weeks, 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.

For more information on the remuneration requirements, see www.immigration.govt.nz/wages

Pay deduction requirements

Any pay deductions must:

- comply with relevant New Zealand employment legislation
- be freely consented to (in writing) by the worker
- be for a specified purpose and for actual, reasonable, verifiable expenses, and
- be no greater than deductions from New Zealanders (in comparable circumstances), and

the business must submit the proposed pay deduction arrangements to INZ for approval with this application. Any subsequent proposed changes to the pay deduction arrangements must be submitted to INZ for approval in advance of the changes taking effect.

For comprehensive information on all employment agreement requirements (including minimum remuneration, sick leave and pay deduction requirements) see WH1.20 in the INZ Operational Manual available on our website www.immigration.govt.nz/opsmanual

Where to recruit from

If a business is granted an ATR, it will be able to recruit a set number of overseas workers from the Pacific nations listed below.

Citizens of the Pacific nations listed, who are also normally resident in one of those countries, and who are aged 18 years or over, may be granted a limited visa if they hold an acceptable job offer, hold a return ticket to their home country, meet health and character requirements and meet the requirements for a bona fide applicant.

RSE Instructions Pacific Nations

Federated States of Micronesia	Palau	Solomon Islands
Fiji	Papua New Guinea	Tonga
Kiribati	Republic of Marshall Islands	Tuvalu
Nauru	Samoa	Vanuatu

In circumstances where the employer cannot recruit overseas workers from the nations listed in the table above, they may be granted an agreement to recruit overseas workers from other countries if the RSE:

- was unsuccessful in recruitment after reasonable attempts to recruit from the nations listed above, or
- has pre-established employment relationships with workers who are not citizens of the nations listed above, or
- can provide reasonable grounds why it is not feasible to recruit from the nations listed above.

When assessing whether an employer has made genuine and reasonable attempts to recruit from the eligible Pacific nations, INZ will require evidence that such attempts to recruit have been made, such as a written communication from a national RSE officer stating that they have been consulted and agree that employing workers from the Pacific nations is not feasible in the circumstances.

When assessing whether an employer has a pre-established employment relationship with workers who are not citizens of the eligible Pacific nations listed above, INZ will consider a variety of factors. The factors will include: the number of workers employed from each country relative to the total number of workers employed by the business, the number of previous occasions on which workers have been recruited from these countries, the length of time for which these workers were employed, and whether the employer has made a substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within these countries.

Any ATR application to recruit outside the Pacific nations listed above must be accompanied by a written request stating the country/countries that the employer wants to recruit from and supporting evidence documenting why they have not been able to recruit workers from the Pacific.

Applications for reconsideration

There is no statutory right of appeal against a decision by INZ to decline an application for an ATR; however, INZ may reconsider a decline decision if the employer provides new information and does so promptly.

Rescinding an employer's RSE status

RSE status may be rescinded if there is any breach of RSE or ATR requirements, or commitments made by the RSE employer in an undertaking that was made as a requirement of the approved class of worker border exception other than of a minor nature, or if INZ considers an employer's conduct has created an unacceptable risk to the integrity of New Zealand's immigration or employment laws or policies. 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 from the date their RSE status was rescinded.

Checklist of required documents

'Section H: Evidence required' includes a checklist of the documents that are required to be submitted with this application for an ATR.

Send your completed application to:

Recognised Seasonal Employer Unit
Immigration New Zealand
PO Box 50728
Porirua 5240

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, INZ will return your application.

For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

Lawyers provide immigration advice and are exempt from licensing under the Immigration Advisers Licensing Act 2007. For more information and to view the register of immigration lawyers, go to the New Zealand Law Society website www.lawsociety.org.nz.

Work entitlement

It is an offence under the Immigration Act 2009 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 through INZ's online VisaView system. For more information or to register please visit www.immigration.govt.nz/visaview. Disclosure of information through VisaView is authorised by legislation.

When filling in this form, please print clearly in English using CAPITAL LETTERS.

Tear off and retain pages 1 to 4 if you wish.

September 2024

INZ 1141



Application for an Agreement to Recruit

under the Recognised Seasonal Employer Scheme

Section A

Business details

All employers must complete this section.

A1 Recognised Seasonal Employer number

A2 Full name of the person completing this application

Family/last name

Given/first name(s)

A3 Preferred title Mr Mrs Ms Miss Dr Other (*specify*)

A4 Your title or position in the business

A5 Employer's contact details for any communications about this application

Name of contact person (if different from above)

Address

Telephone (daytime)

Telephone (evening)

Telephone (mobile)

Email

Business website address

A6 Are you the representative of the RSE who is responsible for recruiting overseas workers under the Recognised Seasonal Employer Scheme?

Yes No

A7 Do you have authority to make representations and enter into legally binding agreements on behalf of the business/employer?

Yes No

A8 Full name of the business

Address

New Zealand Business Number For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Telephone (mobile) Email

Business website address

A9 Name and address for communication about this application

Same as address at **A5**, or other

Name

Address

New Zealand Business Number (if applicable) For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Telephone (mobile) Email

Business website address

A10 Do you authorise the person named at **A5** to act on your behalf? Yes No

A11 Have you received immigration advice on this application?

i You can find a definition of immigration advice at www.immigration.govt.nz/advice.

Yes *Make sure that your immigration adviser completes Section I: Immigration adviser's details.*

No

Section B Contract for service details

B1 Does the business perform work for other businesses in the horticulture or viticulture industries under a contract for service?

Yes *Go to **B2***

No *Go to Section C: Recruitment practice*

B2 Is the business applying for an ATR for the purpose of recruiting overseas workers who will perform work for other businesses in the horticulture or viticulture industries under a contract for service?

Yes *Go to **B3***

No *Go to Section C: Recruitment practice*

B3 Will the business have direct responsibility (including responsibility for work output) for the workers who are recruited under these instructions?

Yes *Go to **B4***

No *Go to Section C: Recruitment practice*

B4 If you answered 'Yes' to questions **B1**, **B2** and **B3**, provide details of the other businesses to whom the business intends to provide a contracted service.

Section C Recruitment practice

Provide the following details about the business.

C1 During the last six months, has the business filled any seasonal positions with New Zealand citizens or residence class visa holders?

- Yes *Provide further information, eg how they were recruited and how many New Zealand citizen and residence class visa holder seasonal workers were employed by this method.*
- No

C2 Have you, or any of the directors or managers of the business taken any other steps to fill the positions listed in Section D of the MSD ATR Consultation Form with New Zealand citizens and residence class visa holders?

- Yes *Provide details.* No

C3 What steps has the business taken to train New Zealand citizens and residence class visa holders to fill the seasonal positions, or retain existing workers?

C4 Does the business have any workers who are currently on temporary or limited visas?

- Yes *Supply each worker's name, nationality, date of birth, passport number, position held and details on when their visa expires (in the table below).*
- No

Name of worker	Nationality	Date of birth	Passport number	Position held	Visa expiry date
		/ /			/ /
		/ /			/ /
		/ /			/ /
		/ /			/ /
		/ /			/ /

C5 Which countries does the business intend to recruit overseas workers from?

C6 If you intend to use a recruitment agency or other facilitative measures (such as a Pacific Island Government initiative) to recruit employees, provide further details in the table below.

Name of organisation	Private or Government organisation	Location of organisation

Attach any supplementary pages required to provide this information.

Section D Recruiting from outside the Pacific

D1 Is the business seeking an ATR to recruit overseas workers from outside the Pacific nations listed on page 3?

Yes Go to **D2** and note the requirements at Section G: Evidence required.

No Go to Section E: Pastoral care and health and safety requirements.

D2 Is the business requesting an agreement to recruit workers from outside the Pacific because:

- following reasonable attempts, the business was not successful in recruiting workers from the eligible Pacific nations?

Yes No

- the business has pre-established relationships with workers from countries other than the eligible Pacific nations?

Yes No

- there are reasonable grounds for why it is not feasible to recruit from the eligible Pacific nations?

Yes No

Section E Pastoral care and health and safety requirements

Provide details of how the business plans to address the following pastoral care and health and safety requirements for the overseas workers. INZ must be satisfied that all of the following requirements will be met before an ATR is granted. Please attach any supplementary pages required to provide this information.

E1 Transportation to and from the port (airport) of arrival and departure

E2 Induction programme

E3 Transportation to and from the worksite(s)

E4 Access to personal banking

E5 Access to acceptable medical insurance

E6 Provision of personal protective equipment

E7 Provision of onsite facilities such as toilets, hand washing, first aid, shelter and fresh drinking water

E8 Necessary language translation, eg for health and safety purposes

E9 An opportunity for recreation and religious observance

Section F Suitable accommodation

F1 What is the full physical address of the accommodation being provided to workers?

F2 Is the accommodation residential or commercial (provide details of type of accommodation – eg boarding house, motel, home-stay)?

F3 Is this accommodation owned by the employer?

Yes No

F4 Is this accommodation purpose-built for use by horticulture and viticulture workers?

Yes No

F5 Has the accommodation been included in an Agreement to Recruit approved before 26 September 2019?

Yes No

Section G Employer requirements

- G1** If granted an ATR, will the business comply with all of the conditions of the ATR?
 Yes No
- G2** Will the business provide all prospective overseas workers with a written employment agreement that meets the requirements set out in RSE instructions?
 Yes No
- G3** Will the business ensure that the terms and conditions of the employment agreements offered to prospective overseas workers are the same (or more beneficial to the worker) as the sample agreement provided with this ATR application?
Yes No
- G4** Will the business comply with the minimum remuneration requirements, sick leave and pay deductions requirements as set out in RSE instructions, and the requirement to pay for half the return airfare between New Zealand and the worker's country of residence (or half the return airfare between New Zealand and Nadi, Fiji, for workers from Kiribati and Tuvalu)? *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.*
Yes No
- G5** Will the business pay to the Ministry of Business, Innovation & Employment (MBIE) any costs reasonably incurred by MBIE, to a maximum of NZ\$3,000 per worker, in relation to the repatriation (including any maintenance and accommodation) of any overseas worker who requires repatriation as a result of a breach of the terms and conditions of their RSE limited visa?
Yes No
- G6** Will the business comply with any request from MBIE to audit the business against RSE instructions, the conditions of the ATR and employment agreements?
Yes No
- G7** Will the business disclose on request, to representatives of MBIE, all payments received from RSE workers (including payments for airfares, accommodation and other pastoral care)?
Yes No
- G8** Will the business inform MBIE of the expected departure date of the overseas workers once bookings for outward flights have been made?
Yes No
- G9** Will the business arrange acceptable medical insurance for the overseas workers for the duration of their stay in New Zealand?
Yes No

Section H Evidence required

Provide the following evidence that is required to assist in assessing this application for an ATR.

Sample employment agreement

A sample employment agreement that will be offered to overseas workers and meets the requirements set out in RSE instructions must be provided.

Deductions

Details of any proposed pay deduction arrangements.

Recruitment outside the Pacific

If you answered 'yes' to question D1 you must provide:

- evidence to confirm that after reasonable attempts to recruit workers from the eligible Pacific nations the business was not successful (such as written communication from a national RSE officer stating that they have been consulted and agree that employing people from the Pacific is not feasible in the circumstance), or
- evidence of pre-established relationships with workers from outside the eligible Pacific nations.

When determining whether an RSE has a pre-established employment relationship with workers who are not from the eligible Pacific nations, the factors that will be considered include:

- the number of workers employed from each country relative to the total number of workers employed by the business
- the number of previous occasions on which workers have been recruited from these countries
- the length of time for which these workers were employed, and
- whether the RSE has made a substantial investment in establishing formal training opportunities or recruitment processes with workers or communities within these countries, or
- evidence of reasonable grounds for why it is not feasible to recruit from the Pacific nations listed on page 3, and
- an accompanying written request stating the country/countries from which the business wants to recruit.

When determining a pre-established employment relationship, INZ will not take into consideration previous employment agreements entered into with workers holding visas granted under Seasonal Work Visa Instructions, or Working Holiday Scheme Instructions, or Transitioning to Recognised Seasonal Employer Instructions, or Supplementary Seasonal Employer Instructions, or on the basis of a Variation of Conditions to a visitor visa.

Housing Requirements

For the accommodation stated at F1:

- if the accommodation is employer owned, you must provide evidence of ownership (including date of purchase if accommodation is located in the Bay of Plenty or Hawke's Bay); or
- if the accommodation is not employer owned, you must provide evidence that the accommodation meets the housing requirements, for example evidence of rental agreement or similar, booking information, or council consent information (if purpose built for horticulture and viticulture workers).

Contractual services

If you answered 'yes' to question B3 you must provide evidence of contracts for service that the business holds with third parties.

Letter of Guarantee

A written Letter of Guarantee must be provided which states that the business will pay MBIE any associated repatriation costs reasonably incurred by MBIE, to a maximum of NZ\$3000 per worker, as a result of the repatriation of an overseas worker, recruited under the RSE Instructions, who breaches the terms and conditions of his/her limited visa. *Note: the form for this guarantee "Repatriation Agreement" is available at: www.immigration.govt.nz/repatriation-costs*

Regional labour shortage

You may supply any further supporting documents to verify a regional labour shortage.

Section I Declaration by employer

I understand the questions in, and contents of, this form and I declare the information I have provided is true and correct.

I consent to INZ seeking information concerning the business's compliance with New Zealand's immigration and employment laws and the business's commitment to recruit and train New Zealanders from any records held by MBIE.

I understand that if I make any false statements or provide any false or misleading information, or have changed or altered this form in any material way after it has been signed, I may be committing an offence and I may be imprisoned.

I have included the completed written Letter of Guarantee in the required form that the business will pay MBIE any associated repatriation costs reasonably incurred by MBIE, to a maximum of NZ\$3,000 per worker, as a result of the repatriation of an overseas worker, recruited under the RSE instructions, who breaches the terms and conditions of his/her limited visa. *Note: the form for this guarantee "Repatriation Agreement" is available at: www.immigration.govt.nz/repatriation-costs*

I consent to INZ consulting with the Ministry of Social Development to determine if seasonal shortages exist in the location and jobs that I have requested approval to recruit for.

I authorise INZ to make any enquiries it deems necessary in respect of the documents or information provided in respect of this application, and to share information provided about me or the business with other government agencies for the purposes of RSE instructions.

I understand that the information provided in this form may be used by MBIE for in-house research purposes.

I agree to comply with reasonable requests from MBIE for additional information that may be required for research purposes, eg by taking part in a survey.

Note: this form must be signed by a person who has authority to make representations and enter into legally binding agreements on behalf of the business.

Job title or position

Name:

Signature of employer Date / /

Information sharing

INZ may need to share the information you have provided in this application with regional groups of employer and employee representatives (including union representatives) to assist INZ's work towards ensuring the needs of the horticulture industry and viticulture industry as a whole are met.

On behalf of the business, do you consent to INZ sharing the following information with **the regional employer and employee representatives** for RSE instructions purposes? *Note that your decisions below on information sharing will not affect the outcome of your ATR application.*

	Yes	No
Name and contact details		
Position details (Section B: Position details)		
Recruitment practices (Section C: Recruitment practice)		
Pastoral care and health and safety (Section E: Pastoral care and health and safety requirements)		
Sample employment agreement		

INZ may also need to share the information with overseas government agencies (such as Pacific government agencies) for the purposes of RSE policy. On behalf of the business, do you consent to INZ sharing the following information with overseas government agencies for RSE policy purposes? *Note that your decisions below on information sharing will not affect the outcome of your ATR application.*

Name and contact details	Yes	No
Position details (Section B: Position details)	Yes	No
Recruitment practices (Section C: Recruitment practice)	Yes	No
Pastoral care and health and safety (Section E: Pastoral care and health and safety requirements)	Yes	No
Sample employment agreement	Yes	No

Section J Immigration adviser's details

This section must be completed by the employer's immigration adviser. If the employer does not have an immigration adviser, this section does not have to be completed.

J1 Tick the one option that applies to you.

- I am a licensed immigration adviser under the New Zealand Immigration Advisers Licensing Act 2007. Go to **J2**
- I am exempt from licensing under the New Zealand Immigration Advisers Licensing Act 2007. Go to **J3**

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence, unless you are exempt.

J2 Licensed advisers. Please provide your licence details.

Licence type

- full provisional limited. *List conditions specified in the register.*

Licence number *Go to Section J: Declaration by person helping the employer to complete this form.*

J3 Exempt from licensing. Tick one box below to show why you are exempt from licensing.

- I provided immigration advice in an informal or family context only, and I did not provide the advice systematically or for a fee.
- I am a New Zealand member of Parliament or member of their staff and I provided immigration advice as part of my employment agreement.
- I am a foreign diplomat or consular staff.
- I am an employee of the New Zealand public service and I provided immigration advice within the scope of my employment agreement.
- I am a lawyer and I hold a current practising certificate as a barrister or as a barrister and solicitor of the High Court of New Zealand.
- I am employed by, or I am working as a volunteer for, a New Zealand community law centre where at least one lawyer is on the employing body of the community law centre or is employed by or working as a volunteer for the community law centre in a supervisory capacity.
- I am employed by, or I am working as a volunteer for, a New Zealand citizens advice bureau.

Go to Section J: Declaration by person helping the employer to complete this form.

Section K Declaration by person helping the employer to complete this form

This section must be completed and signed by the employer's immigration adviser, or by any person who has assisted the employer by providing immigration advice, explaining, translating, or recording information on the form for the employer. If the employer does not have an immigration adviser, and no one helped the employer to fill in this form, this section does not have to be completed.

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence.

For more information, go to the Immigration Advisers Authority website www.iaa.govt.nz, or email info@iaa.govt.nz or write to them at PO Box 6222, Wellesley Street, Auckland 1141, New Zealand.

Name and address of person assisting employer. Same as address given at A5, or as below.

Family/last name

Given/first name(s)

--	--

Company name (if applicable) and address

--

New Zealand Business Number (if applicable) For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Fax Email

I understand that after the applicant has signed this form it is an offence for me to change or add further information, or change or add any documents attached to the form, without making a statement identifying what information or material has been changed, added or attached and by whom. If I make these changes or additions, I must state on the form what they were, who made them and the reason they were made.

I understand that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to seven years.

I certify that the employer asked me to help them complete this form and any additional forms. I certify that the employer agreed that the information provided was correct before signing the declaration.

I have assisted the employer as an interpreter/translator

I have assisted the employer with recording information on the form

I have assisted the employer in another way. Specify

I have provided immigration advice (as defined in the Immigration Advisers Licensing Act 2007) and my details in Section I: Immigration adviser's details are correct.

Signature of person assisting

Date / /

About the information you provide

Immigration New Zealand collects the information about you on this form to determine your request for an Agreement to Recruit overseas workers.

The address of Immigration New Zealand is PO Box 1473, Wellington, 6140 New Zealand.

Do not send your application to this address.

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

Immigration New Zealand may also share the information you have provided with other government agencies that are entitled to it by law, or with other agencies (as you have agreed in the declaration).

You are able to ask to see the information we hold about you and have any of it corrected if you think it is necessary.

For more information

If you have questions about completing the form:

- see our website www.immigration.govt.nz
- telephone our call centre on **0508 558 855** (within New Zealand)

Section L Paying your application fee

To find out how much to pay, payment methods, where to send your application, and how long a decision may take, see www.immigration.govt.nz/fees.

Your application fee and immigration levy

Amount you are paying:

Amount

Currency

(e.g. NZD, USD, RMB)

Application number

(office use only)

Credit/debit card details

Mastercard

Visa

Name of cardholder

Card number

CVC/CVV number

Note: Your CVC/CVV number is the three-digit number found on the signature strip on the back of your credit/debit card.

Expiry date / /

Signature of cardholder

Date / /

September 2024



MSD ATR Consultation Form Recognised Seasonal Employer

Accessing workers from overseas for the horticulture/viticulture sector

RSE employers please complete sections A, B and D.

TO BE COMPLETED BY RSE UNIT (OFFICE USE ONLY)

From: (Agency)

(Name)

To: Ministry of Social Development

Date:

Information for MSD

Response required within 10 working days

Please complete this form with your findings, assessment and conclusion as to whether the employer below has done adequate pre-season labour planning in pursuit of obtaining RSE accreditation, along with any information on joint ATRs.

The Recognised Seasonal Employer (RSE) whose details are listed below has applied to Immigration New Zealand (INZ) for an Agreement to Recruit (ATR).

Relevant details of the ATR application have been provided in order for the Ministry of Social Development (MSD) to provide comment on the Immigration instructions that stipulate (amongst other things) that an ATR will only be granted where:

- the appropriate regional Work and Income office(s) has been advised of the RSE's vacancies, and
- INZ, in consultation with MSD, is satisfied that there are not suitable New Zealand citizen or resident workers available to undertake the work.

To aid us in making this assessment we would appreciate you filling out the relevant sections of this form. If you have any queries please do not hesitate to contact me via phone or email.

This form contains information to be used for immigration purposes only. In particular, the information is to be used in determining whether an employer has a demonstrable commitment to recruiting and training New Zealanders, and assessing the availability of suitable New Zealand citizens and resident workers to fill the available positions.

The information provided in this form must not be used for any other purpose and must not be forwarded by the recipient to any other persons or agencies other than the appropriate MSD and INZ branches. Any information provided in this form may be presented to the applicant for comment.

Section A RSE applicant details (employer to complete)

This form has been designed to be filled in online.

A1 ATR number (INZ to complete)

A2 Person that completed application for ATR

A3 Employer name

A4 Employer RSE number

A5 Employer's address

A6 Employer phone numbers

Email

Section B Background information for MSD (employer to complete)

B1 Estimated total number of workers the business is likely to employ over the period of the ATR (including New Zealand citizen and resident workers and overseas workers):

B2 Employer has provided the following information on contacting Work and Income office(s) to advise of the vacancies or seek assistance with recruiting workers for the positions which the business is applying an ATR for:

Approximate date of contact with W&I	Person contacted at W&I	Number of positions filled by W&I as a result of this contact	What positions did they fill?

B3 Complete the tables below by entering the number of workers you have employed in the last 12 months and the number of workers you expect to employ in the following 12 months. This will enable Immigration New Zealand to consider the needs of the horticulture and viticulture as a whole, and determine the number of workers that may be approved.

Note that this information may also be provided to the Ministry of Social Development, Work and Income.

Region(s) of work:

Table 1: Historical Labour Force Mix (previous 12 months)

Month/ Year												
NZ												
RSE												
WHS												
VOC												
Other												
Total												

Table 2: Planned Future Labour Force Mix – permanent workers (upcoming 12 months)

Month/ Year												
NZ												
RSE												
WHS												
VOC												
SSE												
Other												
Total												

Table 3: Planned Future Labour Force Mix – seasonal workers (upcoming 12 months)

Month/ Year												
NZ												
RSE												
WHS												
VOC												
SSE												
Other												
Total												

Key	Workers
NZ	New Zealand
RSE	Recognised Seasonal Employer limited visas
WHS	Working holiday scheme work visa
VOC	Variations of Conditions to visitor visas
SSE	Supplementary Seasonal Employment work visa

Section C Number of vacancies historically listed and filled (MSD to complete)

C1 Please provide the number of vacancies historically listed with MSD by the employer.

Time Period	# Requested	# Filled	# Unfilled
1. This year			
2. Last year			
3. Previous years			

Section D ATR details (completed by employer and MSD)

Note: the maximum length of employment allowed is seven months (inclusive of internal travel and induction arrangements) in any 11-month period. However, nationals of Tuvalu or Kiribati may be granted limited visas to allow a stay of up to nine months in any 11-month period in New Zealand.

List of regions		
Auckland	Manawatu	Waikato
Bay of Plenty	Marlborough	Wairarapa
Canterbury	Nelson	Wanganui
Central Plateau	Northland	West Coast
Coromandel	Otago	Wellington
Gisborne	Southland	Other (please state)
Fiordland	Stewart Island	
Hawke's Bay	Taranaki	

D1 ATR Workgroups (not joint)

Details of the seasonal position(s) for which the business is applying for an ATR.

Complete table below for each workgroup. Assign a number to each group that corresponds with the same group in subsequent tables. For additional workgroups, please use separate page. Please ensure workgroups are completed in format provided.

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

D2 ATR Workgroups (joint)

Details of the seasonal position(s) for which the business is applying for an ATR. Please ensure all linked joint ATRs are submitted to INZ together and that a primary employer is selected for each.

Complete table below for each workgroup. Assign a number to each group that corresponds with the same group in subsequent tables. For additional workgroups, please use separate page. Please ensure workgroups are completed in format provided.

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer

Additional ATR Workgroups (not joint)

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Additional ATR Workgroups (joint)

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

Item	Region where jobs are located	Position description	Number of positions	Period of employment	Workgroup #
Employer to complete					
MSD to complete	MSD supports recruitment of:				

Joint ATR Employer	Primary Employer	Workgroup to start with employer	During dates	Transfer to employer
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

Please provide any other relevant information that may be helpful for the RSE Unit of Immigration New Zealand to be aware of in relation to this request.

Section E MSD signature (MSD to complete)

- E1** Support Not Support
- E2** Conclusion reason
- E3** Completed by
- E4** Completed by
- E5** Date completed / /
- E6** Signature

Please forward your completed form with any other helpful information back to the sender listed at the top of this form.



Te Kāwanatanga o Aotearoa
New Zealand Government