

November 2024

INZ 1213



Supplementary Form for Foreign Crew of a Fishing Vessel

Information for New Zealand employers

You will need to complete this form if you want to recruit up to a maximum of six foreign fishing crew on a single New Zealand flagged vessel for a specified period up to a maximum of 12 months.

Note: If you want to recruit seven or more foreign fishing crew on a single vessel, an approval in principle is required and you must complete the form *Request for Approval in Principle to Recruit Foreign Crew of Fishing Vessels (INZ 1204)*.

This form, along with supporting documentation, must be submitted with fishing crew work visa applications. If you are submitting work visa applications for multiple crew on the same vessel, this form only needs to be provided once.

You will need to demonstrate that:

- there are no (or insufficient) New Zealand citizens or residence class visa holders who are suitably qualified by training and experience available to do the work
- your company is financially sound
- your company directors and senior management are 'fit and proper' people
- the terms and conditions offered will comply with all the employment requirements and obligations set out in the INZ Operational Manual at *WJ5 Employer responsibilities and obligations*
- your company is an acceptable sponsor, and
- you have previously complied and will comply in future with all relevant New Zealand employment and immigration law, and immigration instructions.

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, Immigration New Zealand 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 Immigration New Zealand'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 write clearly in English using CAPITAL LETTERS.

D2 Have you, or any of the directors of your business, ever been directors of a company that has been put into liquidation or receivership?

Yes *Provide details including the company name and dates.*

No

D3 Have you, or any of the directors or managers of your business, ever been investigated by the Serious Fraud Office or the New Zealand Police for any offences arising in the course of, or resulting from, business dealings?

Yes *Provide details including name, date and outcome and any penalty imposed and/or remedial action required.*

No

D4 What evidence can you provide of your business record and financial position? (Where possible, information supplied should cover at least two financial years. The more evidence you can enclose, the sooner INZ will be able to complete its assessment of your application.)

Available	Business record information available	Evidence enclosed with application?
	Please tick to show whether information is available and whether evidence enclosed with your application. Where any information listed is contained in another document, please state this (for example "See annual reports attached").	
<input type="checkbox"/>	Our business reputation and history in the marketplace as a successful established business	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Annual reports	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Business plans	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Sets of accounts certified by an accountant	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Companies Office registration details, showing directors, shareholders etc	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Evidence of our business reputation and history in the marketplace as a successful established business	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	Other evidence (please specify below)	<input type="checkbox"/> Yes <input type="checkbox"/> No

Section E Overseas recruitment based on non-availability of New Zealand residents

To recruit foreign fishing crew, you must establish that there are no New Zealand citizens or residence class visa holders suitably qualified by training and experience available, or readily able to be trained to do the work.

When New Zealand citizens or residence class visa holders are not considered to be 'available'

New Zealand citizens or residence class visa holders are not considered to be 'available' if the circumstances described in a. below apply.

- a. If, as a result of a labour market test, an immigration officer establishes that there are no suitable New Zealand citizens or residence class visa holders who can:
- i. take up the work on offer; or
 - ii. readily be trained to do the work on offer.

In the above cases it is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

As part of a labour market test, an immigration officer must be satisfied that an employer has made a genuine attempt to recruit suitable New Zealand citizen or residence class visa holder workers.

For the purposes of work instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:

- i. any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
- ii. the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
- iii. the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:
 - listing the vacancy with Work and Income
 - advertising the vacancy in a national newspaper and/or website
 - contracting a recruitment company appropriate to the industry.

Detail the attempts you have made to recruit New Zealand citizens or residence class visa holders to fill the position by answering the following questions.

- E1** Provide details of the advertising medium used (eg national newspaper, internet, etc). Include dates, duration, and frequency of advertising. Please provide copies of advertising and evidence of receipts for paid advertising.

- E2** What was the advertising audience? Tick one or more of the following options:

Local National International

- E3** Did you use a recruitment agency?

Yes *Provide evidence such as a letter from the recruitment agency.* No

E4 Have you listed the vacancy with the Ministry of Social Development (MSD) — Work and Income? *Listing the vacancy with Work and Income will speed up the processing of your request. For more information about your regional Work and Income office, see the website www.workandincome.govt.nz.*

Yes *Provide information regarding the outcome of that listing eg number of Work and Income clients referred, percentage of those referred who took up employment, and duration of employment of those who took up employment). Please also provide the contact name and phone number of the Work and Income work broker.*

No

E5 Please explain and provide full details why any New Zealand applicants were unsuitable or unable to be trained.

E6 Please detail the efforts you have made as an employer to train New Zealanders to fill the positions available. Include details of the type of training provided and outcome of the training.

E7 Detail your future plans regarding the training and upskilling of New Zealanders to fill the positions available in the longer term.

E8 Have you contacted your relevant industry organisation/union? For example, the New Zealand Industry Fishing Guild, New Zealand Industry Training Organisation (NZITO) or the New Zealand Council of Trade Unions (CTU). *Contacting your relevant industry organisation/union will speed up the processing of your request. For information on trade unions you can contact the New Zealand Council of Trade Unions. See www.union.org.nz.*

Yes Provide a copy of the comment received from the industry organisation/union. This comment should provide recent information on the terms and conditions of employment being offered and any other relevant information concerning the stated need for foreign labour, including comment on the availability of New Zealanders for the position(s) and whether your request is supported.

No

Section F Employer conditions

To recruit foreign fishing crew, as a New Zealand employer, you must agree to meet the following conditions for the duration of the work visas.

You must tick each box to show your agreement with the conditions listed below.

I agree to:	
• comply with inspections as required by Maritime New Zealand and the Ministry of Business, Innovation and Employment to ensure adherence to the Immigration Instructions for Foreign Crew of Fishing Vessels.	<input type="checkbox"/>
• ensure that I will only use acceptable manning agents for the recruitment and placement of foreign crew.	<input type="checkbox"/>
• ensure that a representative will meet each arriving foreign crew member in New Zealand and transports them to the vessel, their onward domestic flight or their accommodation.	<input type="checkbox"/>
• educate and inform foreign crew of their rights and obligations in respect of employment and immigration matters.	<input type="checkbox"/>
• implement measures to assist in managing the risk of desertion while the vessel is in port.	<input type="checkbox"/>
• advise Immigration New Zealand as soon as practicable of any information: <ul style="list-style-type: none"> – that may assist to prevent any desertion or to apprehend foreign crew who have deserted, and – of those people who encourage or assist foreign crew to desert in breach of their work visa conditions. 	<input type="checkbox"/>
• undertake a full investigation of any complaints or concerns raised by foreign crew and co-operate fully with any investigation of complaints by the Ministry.	<input type="checkbox"/>
• keep and make available accurate employment records.	<input type="checkbox"/>
• make employment records available to the Ministry, or any auditors engaged by the Ministry, at the commencement of any regularly scheduled audit.	<input type="checkbox"/>
• adhere to all the conditions for the employment of crew as set out in section WJ5.45 of the INZ Operational Manual including the ability to pay crew wages into New Zealand bank accounts.	<input type="checkbox"/>
• have out-going foreign crew transported to their airport of departure and give sufficient notice of at least 24 hours of crew departure to allow crew members the opportunity to contact and meet with their authorised representative before departing New Zealand.	<input type="checkbox"/>

Section G Employer declaration

I understand the notes and questions in this form and I declare that the information given about my business is true and correct.

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 way, this request for approval in principle to recruit foreign fishing crew may be declined.

I understand that I am required to inform Immigration New Zealand (INZ) about any relevant changes to the circumstances of my business that occur after I submit this request.

I agree to liaise and co-operate with the Ministry of Business, Innovation and Employment as appropriate and required.

I agree to comply with all relevant employment law in force in New Zealand. This includes, but is not limited to, meeting holiday and special leave requirements or other minimum statutory criteria, for example occupational health and safety obligations.

I understand that if I have received immigration advice from an immigration adviser and if that immigration adviser is not licensed under the Immigration Advisers Licensing Act 2007 when they should be, Immigration New Zealand will return my application.

If I am found to breach New Zealand immigration or employment law, this will adversely affect my ability to recruit foreign fishing crew in the future.

I understand that if I fail to comply with the conditions listed in this form at Section F: Employer conditions, and those set out under WJ5 of the INZ Operations Manual, this may adversely affect any future foreign fishing crew work visa applications.

I declare that there are no matters or warrants outstanding, or investigations of any kind, which could have any current or future effect on the ability of my business to honour its obligations as an employer to recruit foreign fishing crew granted under the Foreign Crew of Fishing Vessels Instructions.

I authorise INZ to make any enquiries it deems necessary in respect of the documents or information provided in respect of this request, and to share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions about whether I qualify for an approval in principle to recruit overseas workers under the Foreign Crew of Fishing Vessels Instructions.

Note: where any information is identified by the employer as commercially sensitive and is provided in confidence to INZ, and INZ considers that disclosure of that information is necessary for the processing of this request, it will consult the employer for the disclosure of that information.

I accept that any advice given to me by INZ before submitting this request was intended to assist me, and that acting on that advice does not mean that this request for approval in principle to recruit overseas workers under the Foreign Crew of Fishing Vessels Instructions will be approved.

Signature Name

Position held within company Date

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

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About the information you provide

Deciding whether you are eligible to recruit overseas workers

Immigration New Zealand collects the information about you on this form to determine your request to recruit overseas workers. We may also use the information to contact you for research purposes or to advise you on immigration matters.

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 have the right to access 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 this form:

- see our website www.immigration.govt.nz/contactus
- telephone our Customer Service Centre on 0508 558 855 (within New Zealand).

Section I 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

Checklist

	The employer must provide:
<input type="checkbox"/>	Copy of crew list.
<input type="checkbox"/>	Sample employment contract, in English and crew's own language, for all positions (as applicable).
<input type="checkbox"/>	Copy of job descriptions for all positions.
<input type="checkbox"/>	Wages schedule.
<input type="checkbox"/>	Catch bonus schedule (if applicable).
<input type="checkbox"/>	Evidence of attempt to recruit New Zealanders.





Te Kāwanatanga o Aotearoa
New Zealand Government