

November 2017

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.

Section A Employer details

All applicants must complete this section.

A1 New Zealand employer name.

New Zealand Business Number

For help search: www.nzbn.govt.nz

A2 Employer contact details.

Address

Telephone (daytime) Telephone (mobile)

Fax Email

A3 Full name of person completing this request for approval in principle.

Family/last name Given/first name(s)

Position or title

A4 Employer legal status (for example, limited liability company, sole trader, partnership).

A5 List the names of the company directors (if applicable)

A6 State the names of any other companies or businesses you operate

A7 Have you received immigration advice on this application?

Yes *Please make sure that your immigration adviser completes Section H: Immigration adviser's details.*

No

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

Section B Manning Agent

B1 Contact details of the manning agent (if applicable).

Family/last name

Given/first name(s)

Company name (if applicable) and address.

New Zealand Business Number (for New Zealand businesses only)

For help search: www.nzbn.govt.nz

Telephone (daytime)

Telephone (evening)

Fax

Email

If there is more than one manning agent, please provide contact details on a separate sheet.

Section C Vessel and crew details

C1 What is the name of the vessel the approval in principle request relates to?

C2 Vessel details.

Vessel type

Main fisheries

C3 Length of time required in the New Zealand Exclusive Economic Zone.

From

To

C4 Please provide details of the crew position(s) you wish to fill from overseas.

Crew positions (job title)	ANZSCO occupation code	Number required

An employment contract for each crew position must be provided. Each contract must be in accordance with section *WJ5.45.10 Employment Agreement* of the INZ Operational Manual.

C5 Have there been any incidents of crew desertion or complaint since the previous approval in principle was granted?

Yes *Provide details below, along with what actions have been undertaken to prevent this from happening again.*

No

Section D Fit and proper persons/Financial capacity

D1 Have you, or any of the directors or managers of your business, ever been declared bankrupt?

Yes *Provide details including names, dates and when discharged.*

No

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 either a. or b. 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.
- b. The position is for an occupation which is included on the current Long Term Skill Shortage List or Immediate Skill Shortage List.

In either case 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

Section H 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.

H1 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 **H2**
- I am exempt from licensing under the New Zealand Immigration Advisers Licensing Act 2007. Go to **H3**

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

H2 Licensed advisers. Provide your licence details.

Licence type: full provisional limited. List conditions specified in the register.

Licence number

2	0																			
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 Go to Section G: Declaration by person helping the employer to complete this form.

H3 Exempt from licensing. Tick the boxes 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 I: Declaration by person helping the employer to complete this form.

Section I**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 **A2**, or as below.

Family/last name

Given/first name(s)

Company name (if applicable) and address

New Zealand Business Number (for New Zealand businesses only)

For help search: www.nzbn.govt.nz

Telephone (daytime)

Telephone (evening)

Fax

Email

I understand that after the employer has signed this form it is an offence for me to change or add further information, change any documents attached to the form, or attach any further documents to the form. However, if changes are needed, the person making the changes must state on the form what information or documents have been changed or attached and give reasons for the changes or attachments.

I note 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. *Please specify*

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

Signature of person assisting

Date

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

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

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 call centre on 0508 558 855 (within New Zealand).

Section I Paying your application fee

To find out how much the fee is and where to send your application, use our office and fees finder at www.immigration.govt.nz/fees.

Note: some offshore branches do not accept credit cards. The office and fees finder contains information about alternative methods of payment.

Your application fee and immigration levy

Amount you are paying:

Amount

Currency
(e.g. NZD, USD, RMB)

Application number
(office use only)

Preferred methods of payment

We recommend that you use one of the following methods of payment for better security and faster processing:

Bank cheque/bank draft

Credit card (choose one)

Mastercard

Visa

SWITCH card (UK only) SWITCH card issue number

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 card.

Expiry date

Signature of cardholder

Date

Other methods of payment

Personal cheque. *Note that we will hold your application for 10 working days to allow the cheque to be cleared.*

Cash. *Our New Zealand branches do not accept cash. Most of our branches outside New Zealand do not accept cash.*

We do not accept money orders.



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.

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

New Zealand Government