

VISA PAK ISSUE 484 — 01 OCTOBER 2021

RSE BORDER EXCEPTION AND CHANGES RELATING TO ONE-WAY QUARANTINE FREE TRAVEL

Cabinet has agreed to commence limited one-way quarantine-free travel (QFT) from Vanuatu, Samoa and Tonga. One-way QFT will initially be a trial for Recognised Seasonal Employer (RSE) workers only.

There are additional health requirements for RSE workers travelling to New Zealand on a QFT flight. These include:

- having had at least one COVID-19 vaccination that is recognised by their country of departure before departing,
- completing a 7 day period of self-isolation arranged by their employer on arrival, and
- completing a COVID-19 test on day 0 and day 5 and returning negative results.

Immigration instructions implementing these changes came into effect on 28 September 2021, along with other changes to RSE settings. The Minister of Immigration also recently made related special directions to help facilitate visas for certain RSE workers.

RSE Border Exception

RSE workers must meet the critical purpose requirements for a border exception to be eligible to travel to New Zealand. To be eligible for an RSE limited visa based on having a critical purpose, workers must be on a list of nominated workers. There are now two RSE border exceptions in effect:

1. RSE workers who are from Samoa, Tonga or Vanuatu, based on these countries having a one-way QFT arrangement with New Zealand, or
2. up to 150 RSE workers from the Solomon Islands who are travelling to New Zealand in November (these workers will be required to enter Managed Isolation and Quarantine)

RSE policy amendments

Changes have been made to RSE settings which are summarised below. These are reflected in immigration instructions.

Remuneration requirements

All RSE workers must be paid at least \$22.10 per hour for a minimum of 30 hours per week. Hours can no longer be averaged (i.e. the employer must pay the workers for a minimum of 30 hours per week). This requirement applies to all RSE workers – whether they are onshore or applying from offshore as a border exception. This applies to all employment contracts submitted as supporting evidence with any application submitted after 28 September 2021.

First entry dates

First entry dates for RSE workers travelling as a border exception have also been extended to allow for greater flexibility. Visas will now allow entry up to a month after the start date of employment.

Maximum periods of stay

Maximum periods of stay are also being reinstated. This will allow for greater in and out flows of workers to reflect the seasonality of RSE work and to assist with transitioning the RSE scheme back to normal policy settings through QFT. The following periods of stay apply:

- 25 consecutive months for RSE workers who have been onshore since before the border closed (before 20 March 2020) and are from Samoa or Tonga (this does not currently apply to workers from Vanuatu due to proposed border closures in Vanuatu)
- 16 consecutive months for workers who entered New Zealand through the first RSE border exception (before April 2021) and are from a QFT country
- 7 months in any 11 month period for border exception workers arriving after June 2021 and any new QFT arrivals

For RSE workers who have previously been in New Zealand and have subsequently repatriated, they will be able to return to New Zealand through the QFT border exception after they have been home for two months (the stand down period has been shortened to two months). Additionally, the 'time spent in New Zealand' will not be retrospective and will not include time spent in New Zealand as a result of COVID-19.

The proposed maximum periods of stay will not apply to onshore RSE workers from countries still offering no repatriation options (e.g. Fiji, Kiribati, Tuvalu, Papua New Guinea, Solomon Islands and RSE workers from non-Pacific countries) who will remain eligible to apply for further visas with no maximum stay limit. For RSE workers from countries who have repatriation options and who have exceeded the maximum stay, they may be eligible for a further RSE limited visa if they have been affected by cancelled or rescheduled flights.

Special direction for some offshore RSE workers

Some RSE flights from Vanuatu and Samoa were deferred due to New Zealand's lockdown. This impacted the visas that had already been granted and resulted in the 'first entry before' travel conditions on these visas expiring.

The Minister has made a special direction granting RSE limited visas to certain RSE workers who were due to arrive on the flights from Vanuatu and Samoa in late August and early September, and who were scheduled to travel to New Zealand on the initial QFT flights. These visas will have the same employment conditions and expiry date – the only change is to the entry date.

To qualify, the employer must submit an undertaking to INZ confirming that they will meet certain QFT related requirements, including paying the workers while they are in isolation. Employers are being contacted directly regarding visa arrangements. These workers and their employers do not need to submit a new application or pay a further fee.

Special direction for onshore RSE workers who were due to repatriate

The Minister has also made a special direction granting three-month limited visas to certain RSE workers onshore. These visas will be granted to workers whose visas are due to expire and who cannot be repatriated, subject to meeting the following eligibility criteria. The worker must:

- be in New Zealand,
- hold an RSE limited visa that expires in 30 days or less,
- be unable to be repatriated to their home country before their visa expires because they have either booked a flight which has been cancelled, or are booked on the next available flight which is after the date of their visa expiry,
- have an employment agreement with an RSE, and
- be named by the RSE in an undertaking that has been provided to Immigration New Zealand.

The visa allows the named workers to undertake some work for an RSE employer while they await a rescheduled flight. These are limited visas, not RSE limited visas, as the express purpose of these visas is to allow the holder to work while awaiting repatriation, and there are no restrictions on the type of work they can do.



An Agreement to Recruit (ATR) or RSE Limited Visa application is not required, and there is no application fee. However, employers are required to submit an undertaking to INZ confirming that the worker is awaiting repatriation, and that the employer will take all reasonable steps to provide full time work and will meet pastoral care requirements.

The employer must complete the form *INZ 1270 RSE Undertaking for the grant of Limited Visas for certain RSE workers awaiting repatriation* (available on the INZ website) and email it to the RSE unit at RSEBridgingVisa@mbie.govt.nz. The RSE unit will check whether the named worker(s) meets the eligibility criteria, record the visa in AMS and notify the RSE as appropriate.

If an undertaking is submitted for an RSE worker who was not booked on a cancelled flight, or does not have a rebooked flight, they do not meet the class criteria to be granted a visa via this special direction and should be directed to apply for an RSE limited visa through the standard process.

The special direction is in effect from 28 September 2021 to 31 August 2022.

Streamlined application form

Applicants for an RSE Limited Visa who are onshore can now make the application using the new form –*Application from an Onshore RSE Worker INZ1269*. Applicants will not be required to provide passport photos with this application, but must provide an original or certified copy of their passport.

Chest X-Ray waiver by Special Direction

Onshore RSE workers who are from Samoa, Tonga and Vanuatu will continue to have the requirement to provide a chest x-ray waived by special direction until 31 August 2022. The Ministry of Health has agreed to this approach.

Onshore RSE workers from countries other than Samoa, Tonga and Vanuatu are still required to provide a chest x-ray with their application.

RSE workers who are applying for RSE limited visas from offshore will need to meet the standard health requirements, including providing a valid chest x-ray with their application.