

VISA PAK ISSUE 356 — 11 MAY 2018

## VARIATION OF CONDITIONS – DECLARED LABOUR SHORTAGE IN THE BAY OF PLENTY

Immigration New Zealand (INZ) may approve a Variation of Conditions (VOC) for holders of visitor visas for a maximum duration of six weeks to undertake seasonal work in any region where the Ministry of Social Development (MSD) has declared a seasonal labour shortage.

Seasonal work includes planting, maintaining, harvesting and picking crops in the horticulture or viticulture industries.

The MSD has declared a labour shortage in the Bay of Plenty from 7 May 2018 to 8 June 2018.

### Process

Applications for work in the Bay of Plenty received by NADO will be lodged as a priority and sent to Manukau for processing. Applications which are received in other offices should be lodged and processed in that office. Due to the short term nature of the labour shortage, it is recommended that any applications received are processed as a priority.

When processing VOC applications under instructions **E3.26.5**, immigration officers must ensure that the following lodgement requirements are met:

- Variation of Conditions Application Form
- Fee
- Passport
- Must be on a valid visitor visa (any category).

These applications must be lodged under the special category in AMS – **Visa, Visitor, Vary Conditions Hort/Vit**

### Visa label conditions

Please ensure that the following conditions are entered on the visa label:

*“The holder may undertake seasonal work for any horticulture/viticulture employer in the Bay of Plenty from 7 May 2018 to 8 June 2018”.*

It has also been confirmed that a VOC can be granted for up to six weeks as long as the VOC application is accepted before the end of the labour shortage period. This means that while the applicant’s original visa duration may exceed that of the labour shortage period, the conditions on the visa are very clear that employment may only be undertaken during the shortage period, after which point the applicant returns to their visitor visa requirements.



**Further VOCs as an exception to instructions**

E3.26.5 states that the applicant may be granted a VOC provided the applicant has not been granted a VOC for this purpose since their most recent entry to New Zealand. If an applicant has already been granted a VOC to allow them to undertake seasonal work as part of a declared labour shortage Immigration Officers may consider granting a further VOC as an exception to instructions.