

QUESTIONS FROM INDUSTRY – 17 April 2020

1. Movement of backpackers between regions – this is an issue in both C-19 levels 3 and 4 – it would seem that at level 3 backpackers be able to move out of region to new regions for work – is there going to be approval process for this?
Our understanding from Govt is under a level 3 people will still be only able to travel within their region/town/city. If/Once we have clarity on this INZ would need to table an approval process if they agree to the movement.
2. Working holiday and visitor visa flexibility without declaring a labour shortage for hort and vit – is there a process to follow as the Immigration announcement on Wednesday stated that this was possible?
The information that came out on Wednesday mentions VOCs for essential skills workers and student visas. If a student is already working for a Hort/Vit employer on 16 April then the employer can send a request to INZ for the student's hours to increase. There is nothing in place for working holiday or visitor visa holders to work in Hort/Vit. It has been flagged by Pacific Migration team to Ops Policy and Visa Services.
3. For new ATRs / VOCs is guidance to be issued by Immigration on who pays for inter-regional travel or is that an agreement between employers and the workers – does industry think the new employer should pay?
A brief was signed by the Minister of Immigration on 24 March that outlined a few conditions when extending workers visas. One of the points states “employees should be no worse off, for instance the employer meets the costs of domestic travel and additional visa fees required for the visa extension”. We are currently looking into what this means from a legal or Ops Policy perspective.

We understand in the past when it is a new Joint ATR because the receiving Employer is urgently looking for workers, we have encouraged that receiving Employers be responsible for the cost of domestic travel just as a matter of good practice.

It may come down to an agreement between employers and workers, but employers should be mindful that they need to attract workers and lengths of contract vs returns may be an issue for the worker.
4. Will RSE unit and/or other Immigration services open up under C-19 level 3
INZ and MBIE in general is undertaking workforce planning to address what additional services will be operational under Level 3. There is already priority services being identified and will be resourced.
5. If the borders open for the workers to return home, can they stay until 25 September?
Our recommendation is they should go home, they haven't seen their family in over 7 or 9 months and we don't know when restrictions may come in again. We have also been told Tonga is closing its border until June and Samoa may only allow people in COVID free countries to return.
Having said that they do have a valid visa until September so they legally can work.

6. If the borders open and the workers return home, will the employers be able to bring out the workers that were pre C-19 programmed to arrive to replace them and come for the full 7 months?

That depends on the border restrictions for the Pacific country and NZ. If the borders allow it and the Pacific Govt allow it, then no problem from us. New visas may need to be issued though. A new ATR may need to be completed to extend the time period that the worker is allowed to be in NZ. Also if the employment period is extended then this may alter the normal 7 month ATR cycle and will effect workers arrival for the following year. A thought you may want to consider is, "*it may be best to keep to the normal cycle*".

7. What is Immigration position as to the employer's responsibilities where the current RSE employer doesn't have work for their RSE workers and the workers don't want to leave for a new employer or there is no new employer (i.e. no work)?

Current employer is responsible for the pastoral care but we would expect the employee and employer to negotiate this and may be could come to an arrangement like lower accommodation rates. With no announcement yet from Govt on any welfare packages for Temp migrants we don't know what kind of external support will be offered.

8. Does responsibility for the workers shift entirely to the new receiving employer – including their travel home and the payment for that?

The responsibility for paying the workers and pastoral care shifts to the receiving employer. Sometimes the original employer will take responsibility for organising travel home. This will need to be negotiated between the employers, this could be done at the new joint ATR stage. There may be instances where due to what has happened there may be an airline credit. Also in a lot of the cases the RSE employees would have already paid their share of half the return airfare with their current employer.

9. We understand Immigration is working on whether the 5 month stand down for workers returning to the Pacific can be waived – is there a timeline for the completion of this work?

This will require change to immigration instructions. Op Pol are aware of this. We haven't got a timeline yet.

10. For workers who complete their normal period of work and who want to return home before 25 September, is it possible for the Pacific countries to open their borders for these workers to return – this is a question for each Pacific Nation, can it be asked?

Govt to Govt discussion would be needed. MFAT level.

11. Can we split existing accommodation bubbles (but not combine them) Yes you can split existing accommodation bubbles. Accommodation still approved by the labour inspectorate.