

## FAQs Recognised Seasonal Employer/Supplementary Seasonal Employer visa changes – For RSE Employers

### Key Messages:

- People in New Zealand with expiring working holiday visas will be able to stay in the country to fill short-term horticulture and viticulture roles.
- In addition, stranded former (Recognised Seasonal Employer) RSE workers who are still in New Zealand on flexible limited visas enabling to work part time and do non-RSE work, will be able to 're-enter' the RSE Scheme and work for RSE employers in the horticulture and viticulture industries with 30 hours per week average pay guaranteed.

Questions about the Supplementary Seasonal Employer (SSE) visas can be directed to the RSE Unit [rseunit@mbie.govt.nz](mailto:rseunit@mbie.govt.nz).

### Some questions and answers

**How do RSE employers go about varying their numbers and timeframe i.e. they have only been approved for 50 workers from a workforce of several hundred and they will need this number increased to be able to keep working with the working holiday visas?**

RSE employers will need to apply for (and be approved for) a new Agreement to Recruit (ATR) or Supplementary Seasonal Employment Approval in Principle (SSE AIP) or if the occupation and region has been included on a list published by MSD, where a shortfall of workers has been identified for a specified time period (<https://www.workandincome.govt.nz/about-work-and-income/news/2020/supplementary-seasonal-employer-visa.html>)

**Our SSE AIP application was only approved in the Otago region, it is our understanding that our RSE status will suffice if we want to offer employment to SSE work visa holders in other regions?**

Employers can only employ SSE visa holders if they have a current approved ATR or SSE AIP space available in the region of employment, or if the occupation and region has been included on a list published by MSD, where a shortfall of workers has been identified for a specified time period (<https://www.workandincome.govt.nz/about-work-and-income/news/2020/supplementary-seasonal-employer-visa.html>)

**We have workers on working holiday visas who had the automatic extension in March when lockdown 1 happened and all visas were automatically extended to 25th September. These workers now seem to fit outside of the release for extending visas that are expiring from November to March. Could you please clarify what are the options for these workers?**

These workers should have applied for a further visa before the 25th of September. They are not covered by the special direction but they may (if they wish) apply for a SSE visa in the usual way and be assessed under the immigration instructions which came into effect on 1 October. These workers can also apply for an SSE work visa if they are still lawfully in New Zealand (ie holding a valid visa). They will need a valid job offer and pay the application fee of \$495.

The following changes to instructions have been made:

- Allowing, until 30 June 2021, an SSE work visa holder can be employed (in addition to an SSE AIP employer) by the following:
  - a RSE employer with an approved Agreement to Recruit where places have been unable to be filled by RSE workers;
  - any employer for the specified role, region and period as published by the Ministry of Social Development (MSD) on the Work in Income website
- Requiring all applicants for an SSE visa for the 2020/21 season to provide a job offer with their application
- Granting SSE visas for the 2020/21 season with an expiry date of 30 June 2021
- Allowing an applicant who has not held a TRSE (Transitioning to Recognised Seasonal Employer) or SSE visa, and has not held a work visa since their most recent entry to New Zealand, to be granted a six month visa if this will result in a longer duration visa

### **Is there flexibility for the SSE Visa holders to work for other SSE approved employers?**

Yes. SSE visa holders who have been granted the SSE visa by Ministerial Special Direction can work for any of the following employers until 30 June 2021:

- An employer with an approved SSE Approval in Principle (AIP)
- A Recognised Seasonal Employer (RSE) with an approved Agreement to Recruit (ATR), where places haven't been filled by RSE workers, or
- Any employer in a role, region and during a period of time that's specified by MSD (and published on the Work and Income website)

In addition, anyone who applies for a SSE visa on and after 1 October will be able to work for any of the above employers until 30 June 2021.

After June 30<sup>th</sup> 2021 a worker will need to apply and be granted a valid SSE visa beyond this date and can only work for a SSE employer with an Approval in Principle.

### **Can workers move between SSE approved employers?**

Yes, SSE visa holders can work for any eligible employer as described above

### **I want to put SSE visa holders against my approved ATR that has available spaces on it. What is the process?**

- If the worker already has a SSE visa then they can go ahead and begin working for you.
- If the worker needs to apply for a SSE visa first then they will need to submit the requirements for a SSE visa, provide evidence of the approved ATR and confirmation from the employer that there are still available spaces under the ATR.

### **Can a person holding a Visitor Visa work for me in Horticulture/Viticulture?**

A person holding a Visitor Visa that has not held a work visa before can apply for a SSE visa if they wish to work in Horticulture or Viticulture. The person will be issued a SSE visa that either expires 30 June or 6 months from the date of their current visa, whichever is longer.

Example – I apply for a SSE in November when my Visitor Visa expires, I will get a SSE visa with an expiration of 30 June. I apply in February then I will get a SSE visa that expires 6 months later, August.

The Visitor Visa holder will need a job offer from a Hort/Vit employer through the following ways:

- From any SEE Employer
- From any RSE Employer who has unfilled places in their ATR
- Any employer for the specified role, region and period as published by the Ministry of Social Development (MSD) on the Work in Income website

Once the Visitor Visa holder has moved to a SSE visa and working in Hort/Vit, they can move to other Hort/Vit employers over the 6 months as they are not tied to the first employer who they received the job offer from.

Note – From an INZ perspective an offer of employment would be evidenced through an employment agreement. In general, a person would not accept an offer of employment without knowing all the terms of the employment agreement. The employment agreement can include a caveat that stipulates the job is dependent on the applicant being approved the SSE visa.

Also note – The original intention of a Visitor Visa holder is to visit New Zealand and return home. Not to come to New Zealand to work. Pathways exist for holders of Visitor Visas to apply for another type of visa onshore but they must meet Immigration instructions when applying.