

SUBJECT: Interim COVID-19 RSE ATR and VOC process

Kia ora koutou

As you are aware New Zealand is now at Alert Level 3. Immigration New Zealand's Porirua Office remains closed and we are not currently able to process paper-based applications, including Agreements to Recruit (ATR) for Recognised Seasonal Employers (RSE) and Variations of Conditions (VOC) for visa holders. We are unsure at this stage when the Porirua Office will reopen, but when it does, staff numbers will be limited due to strict guidelines under Alert Level 3 and 2.

Due to the Porirua office remaining closed, we have now set up a temporary electronic process to be able to assess and decide ATR and VOC applications for RSE employees who are onshore. The two separate processes are set out below and apply to:

1. onshore RSE employees who require a VOC to allow them to work for another RSE or
2. where a new ATR is required by an RSE to retain RSE employees for a period of time.

Agreement to Recruit process

Visa applicants and holders under the RSE scheme must be employed by RSE with current ATR. Application requirements for ATR must meet WH1.10.30. How to submit your application has been temporarily changed. Please note that under immigration instructions the application for ATR will not have been completed until payment is made in accordance with step 2 below.

The temporary process is two steps.

1. Submit the approved ATR form (INZ1141) to RSE Unit

Complete pages 5 to 18 of the [Application for an Agreement to Recruit \(INZ 1141\)](#). Please **DO NOT** complete the fees section.

Once completed, please email this to the RSE Unit. The email address is RSEUnit@MBIE.govt.nz.

IMPORTANT: Please place in your email subject header **Covid19 ATR** so we can prioritise these applications.

2. INZ will call you to take the ATR application fee

The prescribed fee for an ATR is \$260. INZ will phone you to take your credit card details as we are not able to accept payment details via email and we currently do not have an online platform for you to submit your payment details.

The RSE Unit will then process your ATR and will contact you once the ATR is decided or if we need additional evidence or information.

RSE Worker's Variation of Visa Conditions Process

An RSE worker with a current Limited Visa (or their agent) may apply for a variation of their visa conditions. This process has been agreed in order to facilitate VOC applications, due to the unprecedented nature of circumstances created by COVID-19 and the impact on normal application processes. This process facilitates RSE requests for consideration of an application without using the approved application form (this is provided for by immigration regulations). An immigration officer may approve that request and consider the application, so long as certain information is provided.

RSE may make these requests and provide the necessary information on behalf of each affected visa holder working for them.

This is also a two-step process.

1. Obtain Travel and Accommodation Plan Approval

Obtain the Travel Authorisation Letter from the Pacific Migration team to transfer workers between regions. More details on this was outlined in an email from INZ's Manager Pacific Migration, Maile Giffin on 16 April 2020. If you need more information, contact your RSE Relationship manager whose details are below:

Oikoumene Maualaivao-Chan Tung: oiko.mchantung@mbie.govt.nz

Tony Jensen: tony.jensen@mbie.govt.nz

2. Submit VOC request to RSE Unit

Once the Travel and Accommodation Plan has been approved, employers will need to complete the attached **VOC employee data for RSE Unit** spreadsheet with the required details and email this with a copy of the approved Travel Authorisation Letter to the RSE Unit at RSEUnit@MBIE.govt.nz.

IMPORTANT: The email must contain the following declaration from the employer:

Declaration

I confirm that:

- each person listed in the table provided has given their permission for this application on their behalf, seeking to vary their current limited visa as indicated in the spreadsheet
- minimum employment standards have been and will continue to be adhered to
- a new or varied employment agreement that is compliant with New Zealand's employment laws and market/industry standards has been provided to each person listed in the spreadsheet
- each person listed in the table provided holds, or has been approved for, acceptable medical insurance meeting the standards set out by [immigration instructions](#).

I agree to:

- tell Immigration New Zealand about any relevant changes to the circumstances of my business that occur after I submit this form that may impact on a current or prospective employee's employment, and to the best of my knowledge, any relevant changes to the circumstances of the visa holder.

I authorise Immigration New Zealand (INZ) to:

- seek any information concerning my compliance with New Zealand's immigration and employment laws from any records held by the Ministry of Business, Innovation and Employment
- make any enquiries INZ deems necessary in respect of the documents or information provided in respect of this form
- share information provided about me or my business with other government agencies (including overseas agencies) to the extent necessary to make decisions.

I acknowledge:

- that the details supplied in support of each application are true and correct to the best of my knowledge.

IMPORTANT: Please place in your email subject header **Covid19 VOC** so we can prioritise these requests.

The RSE Unit will then commence the processing of these and will contact you once the VOC applications are decided. The Immigration Officer may contact you for further evidence or information if necessary.

Please speak to your relationship managers if you have any questions after reading the Questions and Answers.

Yours sincerely

Craig Pontifex
Head of Operations - Porirua

&

Maile Giffin
Manager Pacific Migration

Questions and Answers

I submitted an ATR request to the unit prior to Alert Level 4. What will happen to it?

The Porirua office remains closed. We are unsure when it will reopen at this stage. As such, we recommend that you follow the process to submit an electronic ATR. When we return to the office, open the mail and locate your ATR requests, we will check our system before lodging the ATRs and check with you whether you still need the original paper-based ATR to be considered.

My RSE status has, or is about to expire. What do I do?

We understand that some employers RSE status may be about to expire. The RSE Unit is currently looking into this issue and we will provide advice as soon as we are able. If this is the case for you, please contact the RSE Unit at RSEUnit@MBIE.govt.nz. Please be reminded that INZ is not able to grant ATRs to employers who do not currently hold RSE status.

My RSE status has or is about to expire. I have sent another application to the RSE unit during Alert Level 4. What happens now?

As the RSE Unit is not currently open, we are not able to access mail. We understand that the RSE status expiry date may be an immediate issue for some employers. If this is the case for you, please contact the RSE Unit at RSEUnit@MBIE.govt.nz.

The ATR covering my current RSE workers has or is about to expire. I would like these employees to continue working with me. What do I need to do?

You will need to submit a new ATR request following the process above.

My RSE worker's original visa expires after 10 July and wasn't extended under the Epidemic Management Notice. What happens after the 10 July if the worker is still in New Zealand?

All RSE workers must hold a valid visa while they are in New Zealand. If they cannot return home a further visa application will be required.

The ATR covering my current RSE workers has or is about to expire. I have run out of work for the workers. What are my options?

As the employer, it is up to you as to formulate a plan with the workers and then for you or the worker to seek appropriate approvals. However, the workers could move to another recognised seasonal employer once the appropriate ATR and travel and accommodation plan is in place and they have a variation of the visa condition that currently prevents them from doing that.

How long will the ATR and VOC applications take?

We understand that you need workers as soon as possible. We have temporarily increased capacity within the RSE Unit and we will assess and decide ATRs and VOCs as quickly as we can. We will continue to engage the Ministry of Social Development and the Labour Inspectorate in any ATR application assessments.

When should I submit ATRs for this coming 2020/2021 season?

These can be submitted in June 2020.

When will the borders open up and how will I know?

Any decisions on when to lift the border restrictions will be made by the New Zealand Government.

There is currently a four month stand down for RSE workers (except from Tuvalu and Kiribati which is 2 months). Will this time period be reduced or removed (if necessary) for this upcoming season to get the ATR dates back into synchronisation?

There are many impacts to migrants as a result of COVID-19. INZ is currently looking at this issue and will make provide an update when it becomes available.

I have 60 summer workers who were due to return home on 1 April. I still have an approved ATR for my 80 winter workers that did not arrive in the country. Can I use that ATR for 80 to re-employ my 60 summer workers for winter, and also get 20 VOCs from another employer to fill up the remaining 20?

Yes, as long as all these onshore workers have a valid work visa to be employed by you as the employer in line with the start and finish dates of the ATR.