

November 2017

INZ 1167



Supplementary Seasonal Employment Approval in Principle

Application for supplementary seasonal employment

Information for employers

Supplementary Seasonal Employment (SSE) instructions allow employers in the horticulture and viticulture industries to supplement their New Zealand workforce with onshore non-New Zealand citizen or residence class visa holder workers when labour demand exceeds the available New Zealand workforce.

Approval to recruit workers through the SSE instructions will only be given if Immigration New Zealand (INZ) is satisfied that:

- the employer has established a relationship with the appropriate Ministry of Social Development's (MSD) regional Work and Income office,
- the employer will continue to make ongoing genuine efforts to recruit New Zealand citizens and residence class visa holder workers, including regular contact with Work and Income, throughout the period for which the SSE approval in principle applies,
- there are no suitable and available New Zealand workers (determined in consultation with MSD), and
- the employer is a 'New Zealand employer' as defined under RSE instructions at WH1.5.1.

The SSE instructions are a two-stage process:

Stage 1 – Horticulture or viticulture employers apply for SSE Approval in Principle.

SSE Approval in Principle allows employers to recruit non-New Zealand citizens or residence class visa holders who are in New Zealand to fill a set number of positions. The employment agreement provided to these workers must be within the period of time indicated in the SSE Approval in Principle and must be for seasonal work* in the horticulture and viticulture industries.

Stage 2 – Non-New Zealand citizens or residents who are in New Zealand apply for a SSE work visa.

SSE work visas allow the holder to undertake seasonal work* for any employer who holds a current SSE Approval in Principle, for a period of six months. SSE work visas will only be granted to people who are in New Zealand, and have not previously held:

- an SSE work visa or a work visa granted under the previous Transitioning to Recognised Seasonal Employer (TRSE) instructions (ie a person is only allowed one SSE or TRSE work visa), or
- any type of work visa (including a working holiday visa) since their most recent entry to New Zealand.

Immigration Advisers Licensing Act 2007

Under the Immigration Advisers Licensing Act 2007 it is an offence to provide immigration advice without being licensed or exempt. If your immigration adviser is not licensed when they should be, Immigration New Zealand will return your application.

For more information and to view the register of licensed advisers, go to the Immigration Advisers Authority website www.iaa.govt.nz or email info@iaa.govt.nz.

* Seasonal work in the horticulture and viticulture industries is planting, maintaining, harvesting or packing crops.

Work entitlement

It is an offence under the Immigration Act 2009 to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work through Immigration New Zealand's online VisaView system. For more information or to register please visit www.immigration.govt.nz/visaview. Disclosure of information through VisaView is authorised by legislation.

General requirements – key points

Employers seeking an SSE Approval in Principle must:

- have taken steps to obtain New Zealand workers through Work and Income
- provide a sample employment agreement* that will be offered to SSE workers
- ensure that SSE workers will have access to suitable accommodation, and
- have complied with the conditions of any previous SSE approval in principle.

Documents required with this application

Provide the following evidence with this application for SSE Approval in Principle.

- A sample employment agreement that will be offered to SSE workers and meets the minimum requirements for employment agreements under SSE instructions must be provided.
- Evidence that the business has made ongoing and genuine attempts to recruit New Zealand citizen and residence class visa holder workers throughout any previous periods of SSE approval in principle (for example, listed vacancies with Work and Income, advertising in newspapers, websites etc).

Notes:

- INZ may approve fewer workers, or a lesser period of work, than requested where it is not satisfied that the number of people requested in the SSE Approval in Principle application is appropriate for the work required or the number of people exceeds the forecast labour shortage for the region and period requested.
- Where INZ, in consultation with MSD, considers that the number of positions or period of work approved in the SSE approval in principle is no longer appropriate to the labour market conditions in the region (for example, if suitable New Zealand citizen or residence class visa holder workers become available due to a redundancy situation), further restrictions may be imposed on the number of positions or period of work that had been approved in the SSE approval in principle.
- INZ will notify an employer in writing of any further restrictions imposed on the number of positions or period of work that had been approved in the employer's SSE approval in principle.

* Employment agreements – key points.

Employment agreements under SSE instructions must:

- be for employment in planting, maintaining, harvesting, or packing crops
- be for a period of no more than six months
- specify a 'per hour' rate, and if piece rates apply then also specify the piece rate(s)
- ensure that workers will be paid no less than the market rate (which is the typical rate a New Zealand citizen or residence class visa holder is paid for doing the equivalent work or training, in the same period, in the same region), and
- comply with all relevant New Zealand employment law.

Note: The employment agreement you provide the SSE worker must be the same as the employment agreement submitted with this SSE Approval in Principle application, unless the terms and conditions of the employment agreement provided to the SSE worker are more beneficial to the SSE worker.

For the full list of employment agreement and instructions requirements, see section WH3 of the Immigration New Zealand Operational Manual.

Section A Business details

Complete the following questions relating to the business.

A1 Your name as shown in passport

Family/last name

Given/first name(s)

Position in the business

A2 Are you the representative of the business who is responsible for recruiting workers under the SSE instructions?

Yes No

A3 Do you have authority to make representations and enter into legally binding agreements on behalf of the business/employer?

Yes No

A4 Are you a Recognised Seasonal Employer? Yes No

RSE number (if applicable)

Go to Section B: Contact details

A5 Full name of employer (eg business name)

New Zealand Business Number

For help search: www.nzbn.govt.nz

A6 Employer's legal status (eg limited liability company, sole trader)

A7 Date the business was established

A8 Number of New Zealand citizens or residence class visa holders who are permanent full-time employees

A9 What is the core area of business (eg planting crops, crop maintenance, harvesting crops, packing crops)

A10 Indicate what type of crop(s) and crop size the business grows.

Crop	Tick	Crop size (hectares)	Crop	Tick	Crop size (hectares)
Avocados			Fruit – summer plums		
Flowers and foliage			Fruit – other (specify)		
Fruit – berryfruit			Grapes – table		
Fruit – citrus grapefruit			Grapes – wine		
Fruit – citrus lemons			Hops		
Fruit – citrus mandarins			Olives		
Fruit – citrus oranges			Vegetables – asparagus		
Fruit – citrus tangeloes			Vegetables – onions		
Fruit – kiwifruit gold			Vegetables – potatoes		
Fruit – kiwifruit green			Vegetables – squash		
Fruit – pipfruit apples			Vegetables – sweetcorn		
Fruit – pipfruit nashi			Vegetables – other (specify)		
Fruit – pipfruit pears					
Fruit – subtropical					
Fruit – summer apricots			Other (specify)		

Crop	Tick	Crop size (hectares)	Crop	Tick	Crop size (hectares)
Fruit – summer cherries					
Fruit – summer nectarines					

Section B Contact details

All employers must complete this section.

B1 Your contact address and telephone number

Address

Telephone (daytime) Telephone (evening)

Fax Email

B2 Name and address for communication about this application.

Same as address at **B1**, or As below

Family/last name Given/first name(s)

Company name (if applicable) and address

New Zealand Business Number

For help search: www.nzbn.govt.nz

Telephone (daytime) Telephone (evening)

Fax Email

B3 Do you authorise the person stated at **B2** to act on your behalf? Yes No

B4 Have you received immigration advice on this application?

Yes *Make sure that your immigration adviser completes Section J: Immigration adviser's details.*

No

Section C Position details

C1 Provide details of the position(s) for which the business is applying for SSE Approval in Principle.

Region where jobs are located (see the list of regions which follows) and work site addresses	Position description	Number of positions	Duration of positions (indicate specific start and finish dates)	
			Start	Finish
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY
			DD/MM/YYYY	DD/MM/YYYY

Attach additional sheets if required.

Note: If this SSE Approval in Principle is granted, the business must not employ more than the number of SSE workers approved (as stated on the INZ approval letter) at any one time. The business may replace any SSE workers who leave, provided the total number of SSE workers employed at any one time does not exceed the number approved. Failure to comply with this condition may result in future SSE Approval in Principle applications being declined.

LIST OF REGIONS

Auckland	Gisborne	Northland	Waikato
Bay of Plenty	Hawke's Bay	Otago	Wairarapa
Canterbury	Manawatu	Southland	Wanganui
Central Plateau	Marlborough	Stewart Island	Wellington
Coromandel	Nelson	Taranaki	West Coast
Fiordland			

Other (state)

G2 Over the period of this SSE Approval in Principle, how many positions do you plan to fill using:

- New Zealand citizens or residence class visa holders?
- Non-New Zealand citizen or residence class visa holders recruited under other instructions (eg working holiday schemes)?

Recognised Seasonal Employers may go to Section F: RSE Declaration.

Section D Recruitment details

D1 Have you, or any of the directors or managers of the business, contacted Work and Income (a service of the Ministry of Social Development) to advise them of vacancies or seek assistance recruiting workers for the positions listed in **G1**?

Yes No

When was Work and Income contacted (approximately)	Who was the contact person at Work and Income?	How many people were employed as a result of contacting Work and Income?	What positions did these workers fill?

D2 Have you, or any of the directors or managers of the business taken any other steps to fill the positions listed in **G1** with New Zealand citizens and residence class visa holders?

Yes *Provide details below.*
 No

D3 Have you previously held an SSE approval in principle?

- Yes *Most recent period of SSE approval in principle (if applicable)* | D | D | M | M | Y | Y | Y | Y | to | D | D | M | M | Y | Y | Y | Y |
- No *Go to Section E: Accommodation*

D4 What efforts did you, or any of the directors or managers of the business, make to recruit New Zealand citizen and residence class visa holder workers throughout the most recent period for which the business was granted an SSE approval in principle?

Attach any evidence to support this.

Section E Accommodation

E1 Provide details of the access to suitable accommodation for workers recruited under SSE instructions.

Section F Recognised Seasonal Employer declaration

You should only complete this section if the business is a Recognised Seasonal Employer.

F1 Have you, or any of the directors or managers of the business, contacted Work and Income (a service of the Ministry of Social Development) to advise them of vacancies or seek assistance recruiting workers for the positions listed in **G1**?

- Yes No

F2 Have you, or any of the directors or managers of the business, made genuine attempts to recruit New Zealand citizen and residence class visa holder workers throughout any previous periods for which SSE approval in principle was granted?

- Yes No Not applicable

Attach any evidence to support this.

F3 Will the workers recruited under the SSE instructions have access to suitable accommodation?

- Yes No

Section G Employer requirements

- G1** If a SSE Approval in Principle is granted, will the business comply with all of the conditions of the SSE Approval in Principle, including compliance with all relevant employment and immigration law in force in New Zealand?
 Yes No
- G2** Will the business provide all prospective SSE workers with a written employment agreement that meets the requirements set out in SSE Instructions?
 Yes No
- G3** Will the business ensure that the terms and conditions of the employment agreements offered to prospective overseas workers are the same (or more beneficial to the worker) as the sample agreement provided with this SSE Approval in Principle application?
 Yes No
- G4** Will the business comply with any request from the Ministry of Business, Innovation and Employment (MBIE) to audit the business against SSE Instructions and the conditions of the employment agreements?
 Yes No
- G5** Will the business make genuine attempts to recruit New Zealand citizen and residence class visa holder workers throughout the period for which SSE Approval in Principle is granted?
 Yes No
- G6** Will the business have direct responsibility for the daily work output and supervision of non-New Zealand citizen or residence class visa holder workers recruited under SSE instructions?
 Yes No
- G7** Will the business promptly notify Immigration New Zealand if it becomes aware of any of its non-New Zealand citizen or residence class visa holder workers breaching the conditions of their work visas?
 Yes No

Section H Publishing your details

- H1** If your application for SSE Approval in Principle is approved, do you want the name and contact details of your business to be included in a list of employers with SSE Approvals in Principle that will be made publicly available on the Immigration New Zealand website?
 Yes No

Please note your answer to this question will not affect the outcome of your application.

Section I Employer's declaration

I understand the questions in, and contents of, this form and I declare the information I have provided is true and correct.

I understand that if false or misleading information is submitted, my application may be declined without further warning.

I authorise Immigration New Zealand (INZ) to make any enquiries it deems necessary in respect of the documents or information provided in respect of this application, and to share information provided about me or the business with other services of MBIE, and other government agencies to the extent necessary to make decisions about this application.

I understand that if I make any false statements, or provide any false or misleading information, or have changed or altered this form in any way, this application for an SSE Approval in Principle may be declined, and that I may also be committing an offence under section 342 of the Immigration Act 2009 and may be liable to prosecution and imprisonment or deportation.

I consent to INZ consulting with the Ministry of Social Development to determine if seasonal shortages exist in the location and jobs for which I have requested SSE Approval in Principle.

I understand that the information provided in this form may be used by MBIE for in-house research purposes.

I agree to comply with reasonable requests from MBIE for additional information that may be required for research purposes, eg by taking part in a survey.

Note: This form must be signed by a person who has authority to make representations and enter into legally binding agreements on behalf of the business.

Full name

Job title of position

Signature of employer

Date

Section K Declaration by person assisting the employer

This section must be completed and signed by the employer's immigration adviser, or by any person who has assisted the employer by providing immigration advice, explaining, translating, or recording information on the form for the employer. If the employer does not have an immigration adviser, and no one helped the employer to fill in this form, this section does not have to be completed.

If you are unlicensed when you should be licensed under the Immigration Advisers Licensing Act 2007, Immigration New Zealand will return your client's application. It is an offence to provide immigration advice without holding a licence. For more information, go to the Immigration Advisers Authority website www.iaa.govt.nz, or email info@iaa.govt.nz or write to them at PO Box 6222, Wellesley Street, Auckland 1141, New Zealand.

Name and address of person assisting employer. Same as address given at **B2**, or as below.

Family/last name

Given/first name(s)

Company name (if applicable) and address

New Zealand Business Number (for New Zealand businesses only)

For help search: www.nzbn.govt.nz

Telephone (daytime)

Telephone (evening)

Fax

Email

I understand that after the employer has signed this form it is an offence to change or add further information, change any documents attached to the form, or attach any further documents to the form.

I note that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to seven years. However, if changes are needed, the person making the changes must state on the form what information or documents have been changed and give reasons for the changes.

I certify that the employer asked me to help them complete this form and any additional forms. I certify that the employer agreed that the information provided was correct before signing the declaration.

I have assisted the employer as an interpreter/translator

I have assisted the employer with recording information on the form

I have assisted the employer in another way. *Specify*

I have provided immigration advice (as defined in the Immigration Advisers Licensing Act 2007) and my details in Section J: Immigration adviser's details are correct.

Signature of person assisting

Date

Section L Lodging this application

Specific information related to the RSE and SSE instructions is available at www.immigration.govt.nz or by telephoning 0508 55 88 55 (toll free in New Zealand).

Send your completed application to:

Recognised Seasonal Employer Unit
Immigration New Zealand
PO Box 27-149
Wellington

About the information you provide

Deciding whether you are eligible for an approval in principle

Immigration New Zealand collects the information about you on this form to decide whether you are eligible for an approval in principle. We may also use the information to contact you for research purposes or to advise you on immigration matters.

Collecting the information is authorised by the Immigration Act 2009 and the Immigration Regulations made under that Act. You do not have to provide the information, but if you do not we are likely to decline your application.

You are able to ask for the information we hold about you and have any of it corrected if you think it is necessary. The address of Immigration New Zealand is PO Box 1473, Wellington 6140, New Zealand. This is not where your application should be sent.

Other documents we may need

Sometimes we may ask for additional documents or information so that we can consider it with this application.

Other documents you may wish to send

You may wish to send other documents or information so that we can consider it with this application. Please send photocopies only (not original documents), as these documents will not be returned to you. If we need to see an original document, you will be asked to produce it later.

Section M Paying your application fee

Your application fee

See our *Fees Guide (INZ 1028)* or our website www.immigration.govt.nz/fees for more information about current fees and payment methods.

Application number

(office use only)

Preferred methods of payment

We recommend that you use one of the following methods of payment for better security and faster processing:

Bank cheque/bank draft

Credit card (choose one)

Mastercard

Visa

Name of cardholder

Card number

Expiry date

Signature of cardholder

Date

Other methods of payment

Personal cheque. *Note that we will hold your application for 10 working days to allow the cheque to be cleared.*

Cash. *Our New Zealand branches do not accept cash.*

We do not accept money orders.



Section N Collection of Labour Market Information

To assist the Ministry of Social Development – Work and Income to assess the labour market in your region, we would appreciate it if you could complete the tables below. It will not affect the outcome of your SSE Approval in Principle application, if you do not complete these tables.

Please complete the tables by entering the number of workers you have employed in the last 12 months in Table 1, and the number of workers you expect to employ in the following 12 months in Table 2. Please submit this page together with your application form to the RSE Unit. MBIE will provide this information to the Ministry of Social Development – Work and Income.

Employer's name

Address

Table 1: Historical Labour Force Mix (previous 12 months)

Month/Year												
NZ												
RSE												
AIP												
TRSE												
WHS												
VOC												
Other												
Total												

Table 2: Planned Future Labour Force Mix (upcoming 12 months)

Month/Year												
NZ												
RSE												
AIP												
SSE												
WHS												
VOC												
Other												
Total												

Key	Workers
NZ	New Zealand
RSE	Recognised Seasonal Employer work/limited visas
AIP	Approval in Principle work visa
SSE	Supplementary Seasonal Employment
WHS	Working holiday scheme work visa
VOC	Variations to Conditions to visitor visas
TRSE	Transitioning to Recognised Seasonal Employer work visa