



## BRIEFING

### Letter to horticulture and viticulture sector about RSE workers

<b>Date:</b>	13 May 2021	<b>Priority:</b>	Urgent
<b>Security classification:</b>		<b>Tracking number:</b>	2021-3685

Action sought		
	Action sought	Deadline
Hon Chris Hipkins <b>Minister for COVID-19 Response</b>	<b>Sign</b> the letter in Annex One and send to horticulture and viticulture sector representatives	17 May 2021
Hon Kris Faafoi <b>Minister of Immigration</b>		

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons	✓
Privacy of natural persons	General Manager, Refugee and Migrant Services		✓
	Senior Advisor, Allocation and Supply		

The following departments/agencies have been consulted

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

**Comments**



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### Purpose

To provide industry with clear expectations about timelines and processes for the implementation of the upcoming Recognised Seasonal Employer (RSE) worker border exception. In order for RSE workers to enter New Zealand in the timeframes desired by the sector, this letter is an urgent priority so officials and sector representatives can begin operational planning from 17 May.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Agree** to sign and send the letter in Annex One to horticulture and viticulture sector representatives.

*Agree / Disagree*

- b **Note** this letter sets out key expectations for how and when industry will provide information to INZ and MIQ, and the consequences if these expectations are not met.

*Noted*

- c **Agree** that this briefing be proactively released with any appropriate withholdings under the Official Information Act 1993

*Agree / Disagree*

Megan Main  
DCE, Managed Isolation and Quarantine  
MBIE

13 May 2021

Hon Chris Hipkins  
Minister for COVID-19 Response

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Catriona Robinson  
DCE Immigration  
MBIE

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Hon Kris Faafoi  
Minister of Immigration

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## Setting expectations for the horticulture and viticulture sector

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1. On 19 April, Border Ministers approved a border exception for a regular flow of RSE workers into New Zealand. This was publically announced on 10 May.
2. Officials have begun talks with the horticulture and viticulture sector on operationalising this border exception. In order for the continuous flow of RSE workers into MIQ to be sustainable, it is essential that the sector has a clear understanding of non-negotiable requirements and deadlines for provision of information.
3. In order for the first cohort of workers to arrive by late June as requested by the sector, work must start immediately on recruitment and visa preparation.
4. We have drafted a letter for you to send to sector representatives that outlines these requirements and expectations, attached in Annex One. We aim for this letter to reach sector representatives by Monday 17 May to ensure expectations and requirements for a successful working relationship are clear.

## Operational requirements

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### *MIQ fees*

5. As you previously agreed, industry will be charged the standard MIQ room rate as set in regulations. Industry will also be responsible for paying, via contract with MBIE, for the additional services required to meet the needs for RSE workers while they are in MIQ, such as additional translation services. These costs will be no more than \$828 + GST per worker. Officials will continue to explore options for costs savings, such as industry provision of the Welfare Packs.

### *Submission of visa applications*

6. In order for visas to be processed in time, applications must be received by the Visa Acceptance Centres (VACs) no less than 19 working days prior to arrival day for the first two cohorts. VACs required nine working days to receive, digitise and send applications to INZ offices overseas, who need five working days (normally 10 days) to process the visas for a cohort of this size. If Industry negotiate with VACs, as in the previous border exception, the timeline can be reduced to 15 working days prior to arrival day for the first two cohorts.
7. These processes must be complete five working days before arrival for the first two cohorts so MIQ has time to issue MIQ vouchers with the correct visa numbers in them to the applicants.
8. For the arrival of further cohorts under this border exception, visas applications must be received by VACs no less than 29 working days prior to the arrival of following cohorts, allowing 9 working days for VACs to process and lodge visas applications too INZ, 10 working days for INZ to assess and process visas applications, and 10 working days for MIQ to process and issue MIQ vouchers.

### *Provision of MIQ details*

9. MIQ requires the number of workers and names, dietary requirements and rooming lists for workers sharing rooms to be provided no less than ten working days before arrival day. This is in order to issue MIQ vouchers, arrange the provision of food, drink and appropriate wraparound services, and prepare the right number of rooms and welfare packs for the workers.
10. Changes to names and rooming lists cannot be made after this point, which means that if incorrect details are given for an individual, they will not be able travel on their planned arrival

day. This is because the creation and amendment of vouchers for these groups is an entirely manual process which is very resource intensive.

11. Due to the short timeframes available for first two cohorts, MIQ will accept final details of passport numbers and visa numbers five working days before arrival. This is the shortest time in which vouchers can be created and issued for cohorts of this size.
12. Our experience with expedited visa and MIQ processing for the last group of RSE workers was that the sector struggled to provide correct information by the dates agreed. This led to situations where workers were showing up to board the plane in their country of origin without the correct visa documentation, or where discrepancies between visa details and MIQ vouchers threatened the ability of some workers to arrival as scheduled.
13. The sector had high expectations of INZ and MIQ's ability to make last minute changes despite previously agreed timeframes, placing undue pressure on officials to respond to sector requests and make changes to MIQ vouchers outside of standard processes. This presented a threat to the integrity of our processes and the wellbeing of our workforce.

#### *Charging for late cancelations or 'no shows'*

14. 10 workings days prior to arrival, the sector are required to confirm the number of workers that will arrive in the next cohort. If fewer than the confirmed number arrive, or there are cancelations without 10 working days' notice (ie 'no shows'), industry will be liable for the standard room cost, as you previously agreed [2021-3426 refers].

#### *Flight delays*

15. Any delays to flights will lead to cohorts leaving MIQ later than planned on their final day, reducing the time available to clean and turn around rooms for the next cohort. Facilities require 48 hours between one cohort leaving MIQ and the next entering in order to clean rooms and prepare them for incoming guests.
16. In order to preserve adequate time for facility turnaround, if a flight is delayed and arrives outside of the five hour 'arrival window' provided by MBIE, all following flights will be pushed back a day to arrive twenty-four hours later than planned.

#### *Nominated authority and primary point of contact*

17. The sector must select a nominated authority before the Authority to Recruit process can begin (a necessary process before visa applications can be made). The sector will also need to choose a primary point of contact for entering into a contract with MIQ for additional services, as there are too many employers for MBIE to contract with them individually.
18. In order to ensure good communication flows and consistency of approach, MBIE will provide a primary point of contact for leading on all sector engagement. The sector will be expected to communicate to MBIE only via this contact person unless previously agreed.

#### *150 is the maximum number of arrivals per cohort*

19. To ensure MIQ remains within safe operating limits, 150 is the maximum number of arrivals of RSE workers in any single cohort. If one cohort includes a lower number than this, MBIE cannot 'make up the difference' by increasing the numbers in subsequent cohorts.

## **Next steps**

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20. Following your letter being sent, MBIE's primary point of contact will provide a more detailed project plan to the sector to begin work on the first arrival cohort.

## **Annexes**

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Annex One: Letter to horticulture and viticulture sector representatives

# Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response

Minister of Education

Minister for the Public Service

Leader of the House



14 May 2021

Mike Chapman

[Mike.chapman@hortnz.co.nz](mailto:Mike.chapman@hortnz.co.nz)

Dear Mike

The Government is committed to supporting the horticulture and viticulture sectors to play a key role in the economic recovery from COVID-19. As part of this commitment, we are pleased to confirm that a further border exception has been granted for RSE workers. This letter explains what will be required from participating sectors in order to ensure the border exception works well for all involved.

The RSE border exception will allow up to 2,400 additional workers to enter New Zealand in time for next summer's harvest season. Early groups will arrive in time to assist with this winter's pruning. Bringing this many workers through managed isolation and quarantine (MIQ) will be a large and challenging programme of work, requiring a high level of collaboration across government and industry.

Although the previous border exception that enabled the entry of 2,012 workers over three months was successful overall, it did put pressure on our managed isolation facilities and workforce that is not sustainable over a longer period of time.

For this reason, we are looking to make some changes to the way that border exceptions for RSE workers are managed, while continuing to maintain the effectiveness of our managed isolation protocols in keeping COVID-19 out of New Zealand. We know the importance of getting workers into New Zealand quickly for the winter pruning season, and as such we have been able to make an exception to some standard processing times for the first two cohorts of workers.

To ensure the smooth implementation of this border exception, this letter sets out our expectations for participating sectors:

- Employers will be required to pay the full cost of MIQ (as per current regulations) as well as any extra costs that relate to the additional needs of RSE workers while in MIQ, such as additional translation services. The costs for additional services will be no more than \$828 + GST per worker. Officials will continue to explore options for costs savings.
- Participating sectors are asked to appoint a nominated authority and single point of contact who will be responsible for coordinating industry input into this process. A nominated authority is legally necessary to begin the recruitment process (Authority to Recruit). A single point of contact is also needed to enter into a contract for services with MIQ to cover 'bespoke' MIQ costs. MBIE will also appoint a primary contact for industry to ensure consistency of information flow.

- Visa applications must be lodged with visa acceptance centres (VACs) no less than 19 working days before the arrival of the first two cohorts of workers, or 15 days if industry is able to negotiate a shorter processing time with the VACs as was the case last time. For future cohorts, visas must be lodged 35 working days before arrival. Visas received after this point cannot be processed in time for the applicants to enter New Zealand with their arrival cohort.
- The number and names of workers arriving must be submitted to MBIE no less than 10 working days before arrival day. Changes to the names of workers will not be possible after this date has passed. In order to expedite the arrival of the first two cohorts, their visa details can be provided five working days before arrival to allow visa and MIQ process to run concurrently. If confirmed workers do not show up, or cancel with less than 10 working days' notice, employers will remain liable to pay the standard MIQ room cost.
- Any flight arrivals outside of the 5 hour arrival window provided by MBIE will result in a day's delay to all future cohort arrivals. This is because a minimum of 48 hours is needed between cohorts for cleaning to COVID-19 protocols and preparation of rooms.
- To ensure MIQ remains within safe operating limits, 150 is the maximum number of RSE workers arriving in any single cohort. If a cohort includes a lower number than this, MBIE cannot 'make up the difference' by increasing the numbers in subsequent cohorts.

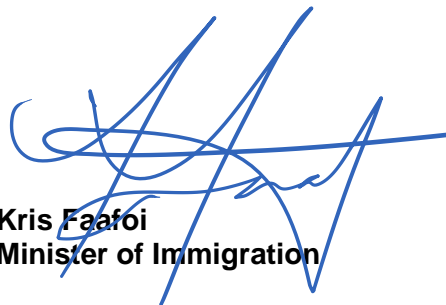
We understand the importance of getting as many workers here as possible for the upcoming summer season, and this is why we are seeking to ensure that the parameters that we need to work within are clearly communicated ahead of time.

We have also asked officials to raise any issues with the implementation of this programme with ministers and industry quickly, to ensure their timely resolution and the success of this programme.

Yours sincerely



**Chris Hipkins**  
**Minister for COVID-19 Response**



**Kris Faafoi**  
**Minister of Immigration**