



20 August 2020

Ryan Potts

fyi-request-13472-0768bd3b@requests.fyi.org.nz

File No: DOIA 2021 – 0298

Dear Ryan Potts

Thank you for your email on 6 August 2020, requesting the following information under the Official Information Act 1982 (the OIA):

According to figures obtained from the Migration Data Explorer there were a total of 2,217 work visas approved for the occupation "Fruit or Nut Picker" in June 2020.

I request the following information:

The number of these visas that were subject to Labour Market Testing; Confirmation that there were New Zealanders considered suitable and/or trainable for the job; and If any New Zealanders were considered suitable and/or trainable for the job, then please explain why visas were not declined.

Our response

The number of these visas that were subject to Labour Market Testing

We can advise that none of these 2,217 visa approvals during June that you refer to required labour market tests, as they were Variation of Conditions (VOC) approvals on existing visas held by individuals under the Recognised Seasonal Employer (RSE) Scheme. This information is publicly available using the Migration Data Explorer tool online:

Date	Application Criteria	Count
2020-06-30	RSE Variation of Conditions	2,217

The above data can be generated using the following criteria:

Dataset: 'W3 Work Occupations'

Time period: 'Monthly'

Variable: 'Application Criteria'



Filter: 'Decision type CONTAINS Approved' and 'Occupation CONTAINS Fruit or Nut Picker'

We can advise that VOC applications allow for conditions to be varied on visas that are already held, as long as the varied conditions still meet the objectives of the instructions which the visa was granted under.

Confirmation that there were New Zealanders considered suitable and/or trainable for the job; and If any New Zealanders were considered suitable and/or trainable for the job, then please explain why visas were not declined.

Recognised Seasonal Employers are required to apply for an Agreement to Recruit (ATR) before offering the role to a non-New Zealand citizen or residence class visa holder. The availability of suitable workers who are New Zealand citizen or residence class visa holders would have been assessed in consultation with the Ministry of Social Development prior to the ATR being approved. More information on the RSE programme can be found on the Immigration New Zealand website:

<https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/recognised-seasonal-employer-limited-visa>

As stated above, the labour market check was not conducted for these 2,217 approvals as they were VOC applications. We can further advise that in the instance of these approvals, they related to a specific situation of RSE workers who are in New Zealand and unable to depart due to COVID-19 circumstances. The Government has made changes to allow RSE workers who were unable to return to their country of citizenship to vary the specific employer that they could work for, while they awaited the opportunity to depart New Zealand.

If you wish to discuss any aspect of your request or this response, please contact Chung Man Charmaine Ho, Business Advisor, Operations Support, Immigration New Zealand at Charmaine.Ho@mbie.govt.nz.

Yours sincerely



Nicola Hogg
General Manager - Border and Visa Operations
Immigration New Zealand
Ministry of Business, Innovation and Employment