



RSE Undertaking for the grant of Limited Visas for certain RSE workers awaiting repatriation

Undertaking in regards to the employment, work and care of onshore RSE workers who are awaiting repatriation

The commitments in this undertaking are given to Immigration New Zealand (INZ) (a business unit of the Ministry of Business, Innovation and Employment, the responsible department for the administration of the Immigration Act 2009) by

(being the employer of the persons named in this undertaking, and a Recognised Seasonal Employer (RSE) under the Recognised Seasonal Employer immigration instructions, as published in the *Immigration New Zealand Operational Manual*) (the employer).

This undertaking is given on the date that it is provided to INZ.

The information provided in this document is for the purpose of an undertaking given to INZ, committing the employer to certain requirements in respect of named employees.

The employer, in giving this undertaking, confirms that each person named and attached to this undertaking is employed by them and is awaiting repatriation (either because there is a gap between the end of their contract and the next repatriation flight, or because a flight has been deferred or cancelled).

The employer, in giving this undertaking, warrants that they have the full knowledge and informed consent of each person named. Each named person will, on the giving of this undertaking and verification by INZ that they otherwise are a person within a class of persons granted a visa by special direction of the Minister of Immigration under section 61A of the Immigration Act 2009, be granted a limited visa on the terms set out by the Minister.

Information provided by the employer will be managed within the requirements of the Privacy Act 2020 (where personal information), the Official Information Act 1982 and the Public Records Act 2005. This undertaking (and verification of meeting the commitments within) will be relevant to the employer's future status as a RSE and for determining an application for an Agreement to Recruit.

Details of the person/persons/entity giving the undertaking

Person(s) giving the undertaking on behalf of the employer:

Nominated person (point of contact for INZ communications):

Phone number and email address for INZ communications:

Commitments given

The employer acknowledges and agrees that they will abide by the following terms:

- 1) They will work cooperatively with any and all relevant parties and authorities (as determined by INZ in its sole discretion) to coordinate the repatriation of each named person that is granted a limited visa following the giving of this undertaking, at the earliest practicable opportunity.
- 2) For the duration of any limited visa granted by special direction of the Minister of Immigration to a person named in this undertaking, they will guarantee that they will, for the duration of the visa:
 - a) take all reasonable steps to provide full time work, including finding opportunities with other RSE employers if necessary
 - b) arrange for the named persons medical insurance to be extended
 - c) provide the named persons with pastoral care (as set out at WH1.10.1(f)) of immigration instructions)
- 3) They will comply with the RSE commitments specified in WH1.5.5(c) of the immigration instructions with the exception of:
 - a) the requirement that employment agreements comply with minimum remuneration and RSE work restrictions under WH1.5.5(c)(iv), and
 - b) the requirement to have direct responsibility for the daily work output and supervision under WH1.5.5(c)(ix), which does not apply if workers are contacted to a third party.

- 4) That no person named below will be deployed to a third party that is on the stand down list of non-compliant employers maintained by the Labour Inspectorate.

Acknowledgements

The employer acknowledges that:

- they commit to meeting the obligations of this undertaking as it relates to the named persons in order to establish that they are members of a class of persons and facilitate the granting of limited visas by special direction under section 61A of the Immigration Act 2009 by the Minister of Immigration. If any of the named persons are not, in fact, in the class of persons the employer is not bound to fulfil this undertaking in respect of that individual.
- they may be required to provide information (including documents) to INZ to demonstrate that they have met the commitments above and/or have otherwise complied with their obligations in this undertaking.
- failure to meet the commitments given, or to provide information (including documents) to demonstrate they have met their commitments, may negatively impact future applications by the employer to obtain or renew RSE accreditation or Agreement to Recruit under the RSE Scheme.
- that they enter this undertaking with the full knowledge and informed consent of each person named.

Named persons

Include the following identifying details of each named person in a spreadsheet attached to this undertaking:

- Full name with family name in CAPITALS
- Date of birth

The undersigned declares that they have the full authority of the employer to make this undertaking.

SIGNED for and on behalf of the employer,

[name]

[role]

Date

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