



Ministry of Internal Affairs
GOVERNMENT OF THE COOK ISLANDS
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Standard Operating Procedure

SOP Title:	Short Term Employment Permit for NZ passport holders (STePNZ)	Effective Date:	01/11/2016
SOP No.:	0001/STePNZ/INTAFF	Review Date:	31/06/2017
		Review Date:	01/11/2017

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1. PURPOSE

The purpose of this standard operating procedure (SOP) is to provide a procedural guideline for the efficient and effective management of the 'Short Term Employment Permit for NZ passport holders' (STePNZ) application process. This will provide prospective Cook Islands employers of New Zealand passport holders the ability to meet their labour shortage needs with a clear immigration and labour employment application process pathway.

This SOP fulfils the statutory requirements of the Ministry of Foreign Affairs and Immigration under the Cook Islands Entry, Residence and Departure Act 1971-72 and the statutory requirements of the Ministry of Internal Affairs under the Cook Islands Employment Relations Act 2012.

It also fulfils an agreed interagency and stakeholder partnering arrangement that provides clarity and responsibility regarding specific roles and accountabilities in the STePNZ application process.

2. INTRODUCTION

The Cook Islands has seen a steady decline in its employable population over the past forty years, with Cook Islanders leaving to take advantage of opportunities in New Zealand and Australia that are not available to the same extent nor at equivalent remuneration rates in the Cook Islands. They leave partly because they have New Zealand passports and they leave partly because they can aspire to higher paying job opportunities as compared to within the Cook Islands. Cook Islanders aspire to lifting their living standards and to provide more education opportunities for their children, and they become part of a NZ welfare system that looks after them when they are sick, aged and unemployed.

This has had a major impact on the job market in the Cook Islands and the downside is that local employers are forced to look overseas to address acute labour shortages in the tourism and hospitality sectors as tourist numbers into the Cook Islands are rising. In the construction and building industry there is an acute shortage of trained and qualified construction workers and this places a premium on skills which are not readily available or at the right skills level in sufficient quantity in the job market in the Cook Islands.

Employers are concerned that contract orders and business as usual are being adversely affected by this skilled labour shortage and are finding it challenging in the current economic climate. In the public sector many government ministries are struggling to hire the right people with the right skills in a very competitive and shrinking labour pool.

Government has recognised that employers are facing labour shortages now and for the foreseeable future and are keen to take advantage of skilled New Zealanders and are wishing to introduce a STePNZ process that will only be available to current holders of NZ passports. It is envisaged that this will help alleviate some of the labour capacity issues facing employers as it brings together the Ministry of Foreign Affairs and Immigration (MFAI) and the Ministry of Internal Affairs (INTAFF) under an interagency partnering arrangement as the agencies for the management of the STePNZ application process.

3. SCOPE

This SOP outlines the roles that MFAI and INTAFF will be responsible for in the STePNZ application process as both agencies have requirements mandated by their legal statutes.

This SOP is specific to the STePNZ application process.

4. DEFINITIONS

ERA - Employment Relations Act 2012

INTAFF – Ministry of Internal Affairs

MFAI – Ministry of Foreign Affairs and Immigration

MOH – Ministry of Health

Police – NZ Ministry of Police

STePNZ - Short Term Employment Permit for NZ passport holders

SOP – Standard Operating Procedure

5. RESPONSIBILITIES

INTAFF will be primarily responsible for providing an advisory service to employers wishing to hire New Zealand passport holders through the STePNZ application process. The employer will submit a draft contract of employment to INTAFF who will ensure that the contract meets minimum ERA 2012 provisions and the mandatory requirements of MFAI.

MFAI will be primarily responsible for statutory requirements that relate to processing STePNZ applications and border entry and departure.

The EMPLOYER will be responsible for all costs associated with the STePNZ permit and will not recover these costs from the STePNZ worker.

6. SPECIFIC PROCEDURE

(Refer to Annex 1 – process map)

This procedure is to be read with reference to the attached process map at Annex 1 with specific focus on the stakeholder responsibilities and the numbered sequence of (12) activities. Please note some of these activities are concurrent, some of these activities depend on the completion and verification of related activities and specific details not discussed here regarding each activity rests with INTAFF and MFAI. Hence this procedure provides an overall picture of the activities involved in the STePNZ application process.

1. Employer meets with INTAFF and provides a draft contract of employment. INTAFF vets contract against a contract checklist which identifies mandatory INTAFF and MFAI requirements under their statutes and requirements. INTAFF checklist includes checks for:

- NZ Passport
- Minimum ERA provisions
- Repatriation clause
- Health provisions clause
- Accommodation clause
- Termination clause
- Return airfare clause
- Recent CV aligned with contract role

2. INTAFF sends completed STePNZ application with corroborating documents to MFAI. MFAI processes include:
 - I. INTAFF applying employer/employee contract confirmation
 - II. MOH report and Police check clearance of the prospective STePNZ employee, either evident or pending.
 - III. Fees charges to the applying employer for a non-refundable per application fee (\$100) and refundable per work permit fee (\$240) if not approved
 - IV. A fee of \$50 will be charged for processing each STePNZ application for a 6 month extension including fees at 2 iii).
 - V. Advice to the applying employer that there is no family entry under STePNZ
 - VI. The applying employer to provide evidence of unsuccessful local job advertising
3. MFAI advises employer that the application will be processed within five working days and pending submission of the MOH report, Police check clearances, application for RMD and CINSF within a month and monitors the immigration status of the contract. MFAI then:
 - Enters STePNZ application data onto the Border Management System
 - Enters STePNZ one month temporary work permit into Cusmod system
4. If the application passes both MOH report and Police clearance checks, the application will meet the minimum requirements for a STePNZ.
5. If the application fails either an MOH or Police clearance check, the applicant will be repatriated at the employer's cost and MFAI monitors departure.
6. MFAI will issue a STePNZ permit entry for up to 6 months to date of departure. This 6 month work permit will be backdated to the 1 month time spent awaiting verification of MOH report, Police clearance, RMD and CINSF.
7. Two weeks before the end of the contract the employer can apply to MFAI for a once only extension to the STePNZ. MFAI will respond to the request within five working days and:
 - Update STePNZ data onto the Border Management System
 - Update STePNZ approval for a once only 6 month extension to a new date of departure
 - Update STePNZ to Cusmod system
8. If within the current 6 month contract another in-country employer wishes to hire the STePNZ worker, they can make a new application (as at activity 1 above) to MFAI to employ that STePNZ worker.
9. If the employer does not apply for a once only extension, or a new employer wants to employ the STePNZ worker the contract ends and the original employer pays to repatriate the worker and MFAI monitors departure.
10. However If the contract ends early:
 - No reimbursement of fees for less than 6 months of the contract
 - No transfer within the 6 months to another employer in-country (unless activity 12 is fulfilled)

11. Employer pays to repatriate employee as per the contract and MFAI monitors departure.
12. New in-country employer approved and worker must leave the country before returning and being border processed as usual and MFAI monitors departure.

6.1 – Repatriation

There are several activities on the process map relating to repatriation of the worker which will be monitored by MFAI. These include repatriation when:

- an application fails the Police check
- an application fails the Ministry of Health report
- the contract ends early for any number of reasons including being convicted of serious criminal charges in-country
- the employer does not apply for a 6 months extension to the STePNZ
- the STePNZ worker ends his/her current contract and is to be engaged by a new in-country employer under a new STePNZ contract. The worker is repatriated under the terms of the original contract and then returns to the country under the contract terms of a new STePNZ employer and the employer applies or has already applied for a new STePNZ permit.

In all such cases the STePNZ worker must leave the country under the terms of their current contract when the workers current contract ends.

7. FORMS/TEMPLATES TO BE USED

- I. STePNZ application form

8. INTERNAL AND EXTERNAL REFERENCES

- I. Cook Islands Entry, Residence and Departure Act 1971-72
- II. Cook Islands Employment Relations Act 2012

9. CHANGE HISTORY

Short Term Employment Permit for NZ Passport Holders:

- SOP No: 0001/STePNZ/INTAFF
- Effective Date: “see page 1”
- Significant Changes: “Initial version”
- Previous SOP no.: “NA”.

SOP no.	Effective Date	Significant Changes	Previous SOP no.
0001/STePNZ/INTAFF	xx/xx/20xx	N/A	N/A

STePNZ Application Process Map

