



## BRIEFING

### Final Cabinet paper- Proposed immigration work programme to improve Pacific migration policies

<b>Date:</b>	15 May 2018	<b>Priority:</b>	Medium
<b>Security classification:</b>	Restricted	<b>Tracking number:</b>	3405 17-18

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway <b>Minister of Immigration</b>	<b>Agree</b> to lodge the attached Cabinet paper on 17 May for consideration at DEV Cabinet Committee on 23 May.	17 May 2018
Hon Kris Faafoi <b>Associate Minister of Immigration</b>	<b>Note</b> the contents of this briefing	N/A

Contact for telephone discussion (if required)				
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Siân Roguski	Manager, Immigration Policy	(04) 901 3855	s9(2)(a)	✓
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The following departments/agencies have been consulted
N/A

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments

Released under the Official Information Act



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#### Purpose

This briefing provides you with a final draft Cabinet paper for your feedback and seeks your agreement to lodge the paper for consideration at the Cabinet Economic Development Committee on 23 May.

#### Recommended action

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

- a **Note** that there were no changes from Ministerial consultation, and some minor changes from broader agency consultation.

*Noted*

- b **Agree** to lodge the attached Cabinet paper by 10am on 17 May, for consideration at Cabinet committee on 23 May.

*Agree / Disagree*

- c **Note** that as you are scheduled to take five papers to Cabinet on 23 May, officials will separately provide you with talking points to support you covering all five papers.

*Noted*

Siân Roguski  
**Manager, Immigration Policy**  
LSE, MBIE

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Hon Iain Lees-Galloway  
**Minister of Immigration**

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## Background

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1. This paper seeks Cabinet endorsement of a proposed phasing of immigration policy work over 2018-2020 to ensure that immigration policy settings, as they relate to Pacific peoples, and sit alongside and support the New Zealand Government's refreshed approach to the Pacific Islands region.
2. This paper reflects your incoming commitments as indicated in briefing 2647 17-18, to undertake a programme of work that seeks to address challenges related to Pacific migration.

## Agency feedback

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3. Agency consultation was undertaken in parallel with Ministerial consultation in the week beginning 7 May. Agencies consulted were: Ministry of Foreign Affairs and Trade; the Ministry for Pacific Peoples; Oranga Tamariki; the Ministry of Education; the Ministry of Health; the Ministry of Social Development; the Ministry for Primary Industries; the Ministry of Justice; The New Zealand Police and the Ministry for Primary Industries, the Department of Prime Minister and Cabinet.
4. Agencies were either supportive of the proposal, or noted the paper with no comment. 

s 9(2)(g)(i)

s 9(2)(g)(i)

6. The comments provided will however contribute to the shaping of policy reviews, and we will continue to engage with agencies on this work.

## Next steps

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7. This paper is proposed to be lodged by 10am on 17 May, for consideration at the DEV Cabinet Committee on 23 May.
8. As you are scheduled to take five papers to Cabinet committee on 23 May, officials will separately provide you with talking points to cover all five papers.

## **Annexes**

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Annex One: Final draft Cabinet paper

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[In Confidence]

Office of the Minister of Immigration

Chair, Cabinet Economic Development Committee

## **Proposed immigration work programme to improve Pacific migration policies**

### **Proposal**

- 1 This paper seeks Cabinet endorsement of a proposed phasing of immigration policy work over 2018-2020 to ensure that immigration policy settings, as they relate to Pacific peoples, sit alongside and support the New Zealand Government's refreshed approach to the Pacific Islands region.

### **Executive Summary**

- 2 In February 2018, Cabinet agreed to a refreshed approach to the Pacific (the Pacific Reset), which includes developing deeper partnerships with Pacific Island countries and adopting principles of engagement based on understanding, friendship, mutual benefit, collective ambition, and sustainability. Migration is an important part of New Zealand's relationship with the Pacific, and as such, it is vital that our immigration policy reflects the principles agreed to in this Reset.
- 3 In practice this means we need to ensure that Pacific-focused temporary migration and residence policies, including family categories, are: accessible; that people's settlement needs are being met; policy settings minimise the risk of migrant exploitation; and that existing immigration policies recognise climate change displacement in the Pacific where appropriate.
- 4 This paper sits alongside the Minister of Foreign Affairs' paper: *Pacific climate change-related displacement and migration: a New Zealand action plan, [CAB-18-MIN-0218 Refers]* While the Minister of Foreign Affairs' paper proposes a work programme related to climate change-induced migration within and across Pacific Island country borders, this paper proposes a work programme focussed on improving the outcomes for Pacific peoples from immigration policies to New Zealand.
- 5 Consistent with the Pacific Reset, I propose a set of policy objectives to guide the Pacific immigration policy work (outlined in paragraph 18). These objectives balance the impacts of policies, and potential policy change on New Zealand, on Pacific Island countries, and on the migrants themselves.
- 6 Based on these objectives, I propose to undertake a phased policy work programme, over 2018-2020 that will include:
  - 6.1 ensuring our current Migrant Settlement and Integration Strategy is informed and equipped for supporting the migration needs of Pacific peoples;

- 6.2 undertaking a policy review of Pacific-focussed residence categories to ensure that pathways into New Zealand support good settlement outcomes;
  - 6.3 conducting an operational review of temporary migration (specifically the Recognised Seasonal Employer (RSE) scheme) to ensure the process is transparent and not unnecessarily bureaucratic for migrants and employers; and
  - 6.4 undertaking a policy review of Pacific focussed temporary migration options to ensure they align with New Zealand's broader policy objectives in the Pacific and domestically in New Zealand, and are consistent with the intent and principles of the Pacific Reset.
- 7 Delivering this work programme in many instances requires foundational work to be done first in order to deliver real and lasting improvements. I propose to phase the work programme over 2018 and 2019, to balance the need for foundational work with the need to deliver visible action in the near term on Pacific migration.

*Where this work fits within my broader work programme*

- 8 Well-managed immigration is essential to our economic and social success as a country. My key immigration priorities are to:
- 8.1 Better match the skills New Zealand needs with the skills New Zealand gets in order to improve the contribution of immigration to the labour market outcomes of New Zealanders
  - 8.2 Tackle the exploitation of migrants
  - 8.3 Review New Zealand's approach to Pacific migration issues
  - 8.4 Increase New Zealand's refugee intake
  - 8.5 Make immigration system improvements and contribute to the security of New Zealand's borders.
- 9 **Annex one** provides a summary of upcoming papers that I intend to take to Cabinet in the immigration portfolio and outlines how they align to my portfolio priorities and the Government's wider economic, labour market, foreign relations and security objectives.

## **Background**

- 10 Cabinet agreed on 26 February 2018 to a broad overarching set of principles for refreshing New Zealand's relationship with the Pacific [Cabinet Minute CAB-18-MIN-0054 refers]. This refreshed approach to the Pacific has been publicly described as the New Zealand Government's "Pacific Reset". Migration is an important and long standing part of New Zealand's relationship with the Pacific, and therefore should form part of the Reset.

*There is a range of related but separate work underway*

- 11 There are several pieces of work underway (both new and existing), that either contribute to, or have aspects that are pertinent to Pacific migration. My proposed work programme is distinct, but sits alongside these, which include:
  - 11.1 Work led by the Minister of Foreign Affairs on early development and foreign policy on Pacific climate migration, within and across Pacific Island country borders (but not within New Zealand borders). [Cabinet paper ENV-18-SUB-0013 *Pacific climate change-related displacement and migration: a New Zealand action plan* refers.]
  - 11.2 Work underway on the Global Compact on Migration and the Global Compact on Refugees, which are currently being developed through the United Nations system and provide a non-binding set of principles for enabling migration with dignity.
  - 11.3 The review into migrant exploitation which is currently being developed, given that it is possible that there are factors under current Pacific migration policies that could make migrants from the Pacific vulnerable to exploitation (for example via non-compliance with minimum employment standards).

## **Comment**

*Current immigration policy provides a range of temporary and permanent migration pathways for Pacific peoples*

- 12 Generally speaking, immigration to New Zealand is divided between residence class visas and temporary entry visas:
  - 12.1 Residence class visas are intended to allow the holder to reside on a permanent basis in New Zealand with unrestricted rights to work, live and study.
  - 12.2 Temporary entry visas are usually issued for specific purposes such as work, study or visiting and are usually not intended to be a pathway to residence.
- 13 In addition to general immigration options that are more widely available, there are several immigration policies that are available specifically to Pacific peoples. These options include both residence and temporary visa categories (a more detailed outline of the key Pacific policies has been attached as **Annex One**):
  - 13.1 Citizens of the Cook Islands, Niue and Tokelau (the Realm countries) are New Zealand citizens, and have full rights to enter and live in New Zealand and receive the same benefits as other New Zealanders.
  - 13.2 The Samoan Quota (SQ) is a residence class visa for up to 1,100 Samoan nationals per year.
  - 13.3 The Pacific Access Category (PAC) is a residence class visa for up to 75 i-Kiribati, 75 Tuvaluan citizens, 250 Tongan citizens and 250 Fijian citizen per year.

13.4 The Recognised Seasonal Employer (RSE) scheme is a capped (currently 11,100 places) temporary work visa designed to allow workers to undertake seasonal work in New Zealand in the horticulture and viticulture industries.

14 In addition to specific visa categories, New Zealand has undertaken to explore new labour mobility opportunities under the Labour Mobility Arrangement signed alongside the Pacific Agreement on Closer Economic Relations Plus (PACER Plus). Labour mobility schemes have been piloted that are designed to facilitate Pacific peoples to undertake temporary skilled work in New Zealand in sectors where New Zealand has a persistent skills shortage. To date, pilots have been undertaken in the construction and fishing industries, with plans for the tourism industry underway.

*In order to improve on existing migration pathways, and support the Pacific reset, a set of immigration policy objectives to need to be agreed to inform the work programme*

15 Policy settings for migration from the Pacific need to balance:

15.1 the impacts on New Zealand;

15.2 the impacts on the migrant's country of origin; and

15.3 the impacts on the people migrating.

16 There are trade-offs in balancing the factors above, such as meeting development objectives in a migrant's home country and managing impacts on New Zealand's domestic labour market.

17 New Zealand's relationship with Australia is also an important consideration. s 6(a)

[Redacted text block]

18 In order to best manage trade-offs, I propose that Cabinet agree the following set of policy objectives to guide Pacific Immigration policy work:

18.1 Ensuring policies contribute to **good settlement outcomes** for Pacific people migrating to New Zealand and that the cross-government settlement support system for recent migrants meets the specific settlement needs of Pacific migrants including child migrants and the children of Pacific migrants.

18.2 Taking into account **the views of Pacific island countries and the impacts on their domestic labour markets**. This will include balancing policies in such a way that they: facilitate skills growth in source countries; do not act as a drain on source countries' domestic labour markets; and ensure that changes to policies are developed and appropriately consulted with business and Pacific island countries.

18.3 Ensuring that the immigration system **contributes to short- and long-term development objectives**. This will include factors such as the facilitation of remittances and skills, ensuring accessibility across genders and whether or



not a labour market test is consistent with the purpose of the visa. It will also include considering how immigration policies recognise **people displaced by climate change** in the longer term, from 2024.<sup>1</sup>

- 18.4 Delivering **domestic outcomes for New Zealand**. This includes labour market outcomes such as ensuring that where there is a genuine need and where appropriate, ensuring the Pacific is facilitated to meet those needs. It also includes ensuring that pressures such as those on the health and education system are managed.
- 18.5 Ensuring that **policies are accessible** both to the people migrating to New Zealand and to the businesses seeking to employ them, including at a regional level.
- 18.6 **Managing security and risk** to the integrity of the immigration system. This includes managing risks such as, people trafficking, migrant exploitation, unintended pathways to residence, over-staying and character requirements.

*I propose to review temporary immigration policies for consistency with the Pacific reset, and to improve their contribution to broader Government priorities*

- 19 The Pacific Reset provides an opportunity to review the temporary migration settings for Pacific migrants to ensure that we have the balance right in delivering on both domestic labour market and development objectives. Industry and Pacific Island countries themselves have also publicly expressed an appetite to see temporary migration and labour mobility options reviewed.
- 20 Over 2018, I propose to conduct an operational review of the RSE with the intention of increasing transparency and reducing the level of bureaucracy of the scheme. This would include addressing factors such as the method of determining and allocating available numbers under the cap and the challenges related to the capacity of Pacific Island countries to undertake medical screening of RSE workers, given the demand for increased numbers under the scheme. The RSE cap will also be reviewed to ensure that it effectively balances the needs of industry to fill shortages with the need to protect opportunities for domestic workers.
- 21 Building on the near-term work, and taking into account research currently underway on the impacts on migrant's home communities, there is an opportunity in the medium-term to undertake a more fulsome review of Pacific-focussed temporary migration and labour mobility policies. This review would include:
  - 21.1 investigating how the temporary migration policies can better contribute to migration readiness and climate-related outcomes in Pacific countries;
  - 21.2 the impacts on other government priorities such as migrant exploitation;
  - 21.3 the role of temporary Pacific labour mobility including RSE in supporting regional economic development; and

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<sup>1</sup> This follows from robust research, regional dialogue, stakeholder consultation and other early actions undertaken by the Ministry of Foreign Affairs and Trade and includes identifying where existing policies may be able to be adapted to include climate change displacement.

21.4 assessing if the immigration needs of labour mobility schemes are being adequately met by existing immigration policies.

22 Outside the immigration portfolio, MBIE has commissioned research, funded by MFAT, on the impacts of the RSE scheme on participating migrants' home communities, which is anticipated to be completed in early 2019. This research will be useful in informing any policy review of Pacific-focused labour mobility.

*Work is underway to understand the long-term settlement outcomes of PAC and SQ migrants in New Zealand, to better support them through the Settlement Strategy*

23 There is a cross-government settlement support system for recent migrants in place through the New Zealand Migrant Settlement and Integration Strategy, agreed by Cabinet in 2014 [EGI Min (14) 15/8]. The Strategy is the government's approach to effectively settle and integrate all recent migrants in New Zealand so that they "Make New Zealand their home, participate fully and contribute to all aspects of New Zealand life."

24 The Strategy identifies five measurable outcome areas integral to the successful settlement and integration of recent migrants – Employment, Education and Training, English Language, Inclusion, and Health and Well-Being.

25 Pacific migrants face settlement challenges in each of these outcome areas when in New Zealand. Currently there is a knowledge gap in terms of how well settlement support services address the specific challenges and needs of Pacific migrants, and the extent to which they are accessing them.

26 s 9(2)(f)(iv) [Redacted]

*Building on the outcomes of the settlement work I propose to review opportunities to improve the functioning of the residence categories*

27 PAC and SQ broadly function well as pathway for Pacific peoples to gain residence in New Zealand, and despite historic challenges in job matching and filling places, both schemes were filled in 2016/17.

28 While they function well as a pathway, and valuable pre-migration support is being provided, there are also potential opportunities to improve both categories.

29 s 9(2)(f)(iv) [Redacted]

*I propose to phase work on Pacific immigration policies in a way that balances near term delivery with necessary foundational work*

- 30 Based on the objectives outlined in paragraph 18, and opportunities to improve our approach to temporary and permanent migration from the Pacific, I propose to undertake a phased immigration work programme that balances the foundational work necessary for lasting improvements, with the need to deliver in the near term.
- 31 The first phase of work will take place over 2018 and include:
- 31.1 An operational review of the RSE scheme to improve the transparency and functioning of the scheme, and develop the foundations of a policy review in 2019.
  - 31.2 Undertaking research on the settlement outcomes of Pacific migrants to New Zealand under residence categories to inform advice on how Pacific peoples could be better supported by agencies through the Migrant Settlement and Integration Strategy.
- 32 The second phase of work will begin in 2019, build on the first phase, and will include:
- 32.1 A policy review of labour mobility and temporary migration settings from the Pacific, including reviewing the RSE scheme, and considering broader policy issues, s 9(2)(f)(iv)
  - 32.2 A policy review of the residence categories, including PAC, SQ and the Family categories. s 9(2)(f)(iv)
- 33 A possible third phase of work (likely post-2024), as indicated in the Minister of Foreign Affairs's paper: *Pacific climate change-related displacement and migration: a New Zealand action plan* to investigate the need for, and design of, changes to visa setting for people displaced by climate change.

## Consultation

- 34 Agency consultation was undertaken with The Ministry of Foreign Affairs and Trade; the Ministry for Pacific Peoples; Oranga Tamariki; the Ministry of Education; the Ministry of Health; the Ministry of Social Development; the Ministry for Primary Industries; the Ministry of Justice; the New Zealand Police; the Department of Prime Minister and Cabinet.
- 35 Agency consensus was supportive, with most agencies signalling the importance of continued cross agency involvement in the development of more detailed work programmes as policy reviews begin.
- 36 Oranga Tamariki has made particular mention of the importance of the cross government approach to this work, citing the impact of the large number of cases that come to their attention as a result of migrant parents being ill prepared to adjust to a new environment.

37 The Ministry of Education has similarly signalled their interest in ongoing engagement and the importance of the cross government approach to this work, given the significant downstream role that the education system has in the settlement of migrants and their children, and the potential for immigration status to impact on outcomes for migrant children's long term outcomes. Particularly with regard to unlawful status and transitioning from secondary to tertiary education.

38 The Ministry of Health of health signalled their ongoing interest at being involved in work relating to the reviews of Pacific focused temporary migration and residence policies (including access to healthcare and salary limits) and the long-term settlement outcomes of Pacific migrants in New Zealand.

### **Financial Implications**

39 There are no financial costs associated with this paper

### **Human Rights**

40 This proposal is consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### **Legislative Implications**

41 There are no legislative implications associated with this paper.

### **Regulatory Impact Analysis**

42 There are no regulatory implications associated with this paper.

### **Gender Implications**

43 There are no gender implications associated with this paper.

### **Disability Perspective**

44 There are no disability implications associated with this paper.

### **Publicity**

45 Public consultation is proposed to be undertaken including with Pacific Island countries (facilitated by MFAT), industry, and migrants as part of relevant proposals.

46 A press release will be drafted following Cabinet discussion, as will a detailed communications and stakeholder engagement plan.

### **Recommendations**

The Minister of Immigration recommends that the Committee:

1 Note that the proposals in this Cabinet paper are consistent with, and sit alongside the refreshed approach to the Pacific agreed by Cabinet in February 2018.

- 2 Note that the Minister of Foreign Affairs has brought a paper to Cabinet, *Pacific climate change-related displacement and migration: a New Zealand action plan, [CAB-18-MIN-0218 Refers]* that proposed a work programme related to climate change and Pacific migration, that is separate but aligned with this paper.
- 3 Note that there are opportunities to improve temporary and residence immigration policies as they relate to the Pacific in line with the Pacific Reset.
- 4 Agree that the following policy objectives be set for the review of immigration policies as they relate to the Pacific:
- 4.1 Ensuring policies contribute to good settlement outcomes for Pacific people migrating to New Zealand and that the cross-government settlement support system for recent migrants meets the specific settlement needs of Pacific migrants.
  - 4.2 Taking into account the views of Pacific Island countries and the impacts on their domestic labour markets.
  - 4.3 Ensuring that the immigration system contributes to short- and long-term development objectives.
  - 4.4 Delivering on domestic outcomes for New Zealand.
  - 4.5 Ensuring that policies are accessible both to the people migrating to New Zealand and to the businesses seeking to employ them, including at a regional level.
  - 4.6 Managing security and risk to the integrity of the immigration system.
- 5 Agree that the Minister of Immigration undertakes a phased work programme on Pacific migration over the 2018 to 2020 period, including:
- 5.1 A first phase of work taking place over 2018 that includes:
    - 5.1.1 An operational review of the RSE scheme to improve the transparency and functioning of the scheme, and develop the foundations of a policy review in 2019.
    - 5.1.2 s 9(2)(f)(iv) [REDACTED]
  - 5.2 A second phase of work beginning in 2019, building on the first phase, that will include:
    - 5.2.1 A policy review of labour mobility and temporary migration settings from the Pacific, including reviewing the RSE scheme, and considering broader policy issues.
    - 5.2.2 A policy review of the residence categories, including PAC, SQ and Family categories.

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5.3 A possible third phase of work (likely post-2021), as indicated in the Minister of Foreign Affairs' paper: *New Zealand action on Pacific climate migration*, to investigate the need for, and design of, changes to visa setting for people displaced by climate change.

6 Note that work on climate change driven immigration options will be developed post 2024 following the completion of necessary foundational work as set out in the Minister of Foreign Affairs' paper: *Pacific climate change-related displacement and migration: a New Zealand action plan [CAB-18-MIN-0218 Refers]*.

Authorised for lodgement

Hon Iain Lees-Galloway

Minister of Immigration

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# Summary of Upcoming Cabinet Papers in the Immigration Portfolio

The Government's vision is to improve the wellbeing and living standards of New Zealanders, including through productive, sustainable and inclusive economic growth.

## Vision

The immigration system supports this vision by:

Improving New Zealand's labour market outcomes including by filling skill and labour shortages and raising overall skill levels

Encouraging investment and supporting innovation and exports

Supporting foreign relations objectives and New Zealand's international and humanitarian commitments

Supporting social inclusion, including through family reunification

Protecting the security of New Zealanders and the border

The key priorities for the Future of Work Ministerial group are:

- Better aligning and co-ordinating policies, systems and processes across the immigration, workplace relations and safety, income support, education, and employment portfolios to get more New Zealanders into work, with a particular focus on improving labour market outcomes for priority groups
- Supporting the transformation of the New Zealand economy from low skill/wage jobs towards high skill/wage jobs, and (as part of this)
- Helping workers and firms anticipate and constructively respond to the impact of technology change on jobs and skill requirements, including those workers at the highest risk of job displacement and those facing mid-career transitions

Other Government priorities with implications for immigration include:

- Refreshing New Zealand's approach to the Pacific islands region, including developing deeper partnerships and adopting principles of engagement based on mutual understanding, friendship, mutual benefit, collective ambition, and sustainability
- Deepening cooperation with Australia to enhance New Zealand's security and prosperity, including by streamlining trans-Tasman travel and working together to s 6(a)
- Supporting the rules-based international system and increasing New Zealand's overseas development contribution and improving responses to global emergencies and issues

## Government Priorities

## 2018 Immigration portfolio priorities

Better match the skills New Zealand needs with the skills New Zealand gets and ensure that the immigration, education and welfare systems work together to improve labour market outcomes for New Zealanders\*

\*below are the first steps of immigration's contribution to wider work to better align labour market systems and to address skill and labour shortages that is underway

Tackle the exploitation of migrants, particularly of international students and temporary workers

Review New Zealand's approach to Pacific migration issues

Increase New Zealand's refugee intake

Make immigration system improvements and contribute to the security of New Zealand's borders

## Upcoming papers

Changes to Labour Market Test and Accredited Employer policy s 9(2)(f)(iv)

Changes to immigration settings to facilitate the KiwiBuild programme

Regionalisation of labour market policies

New Zealand Residence Programme

Changes to immigration settings for international students

Establishing an inquiry into temporary migrant worker exploitation

Pacific migration Review

Increasing the Annual Refugee Quota to 1,500 Places

s 9(2)(f)(iv)

Proposal to develop an Electronic Travel Registration

Removal of departure card

Sets out the key elements of an immigration package for KiwiBuild and seeks agreement to consult

MBIE to provide initial advice on how immigration can better support the needs of regional labour markets

Seeks agreement to the next iteration of the New Zealand Residence Programme, which sets out who gets residence in New Zealand

Seeks agreement to consult on proposed changes to restrict access to post-study work visas to higher qualified former international students and tighten access to work and student visas for family members of students

To seek agreement to establish an inquiry into temporary migrant worker exploitation (including international students) to make recommendations to mitigate migrant vulnerability and reduce exploitation

Seeks agreement to a proposed immigration policy work programme from 2018-2020 for Pacific immigration policies

Seeks Cabinet agreement to increase the annual Refugee Quota to 1,500 by June 2020, and to the funding required to implement the increase

Seeks agreement to consult on proposal to introduce Electronic Travel Registration (ETR), which would be mandatory for most people who currently travel to or transit New Zealand visa free

Seeks agreement to the removal of the requirement that travellers complete a physical departure card at the border (Statistics New Zealand has developed new measures which do not depend on departure card data)

Would target more facilitative visa settings at construction occupations whilst ensuring better labour market outcomes for the domestic construction workforce

Unknown - Impacts will depend on the decisions made by Cabinet

Unknown - Impacts will depend on the decisions made by Cabinet

The changes would reduce the number of students who stay and work here after study and may reduce the number of international students

Strengthen the labour market and immigration protections for migrants.

s 9(2)(f)(iv)

Increase in number of permanent residence visas granted (by 500 annually)

An estimated 1.3 million visa free visitors per annum would be required to hold an ETR

Would facilitate border processes for all passengers departing New Zealand

## Expected impacts

s 9(2)(f)(iv)

Visa approvals ↑

s 9(2)(f)(iv)

Visa approvals ↓

Visa approvals ↔

Visa approvals ↔

Visa approvals ↑

## Status / Timing

Cabinet paper due DEV 23 May 2018

Cabinet paper due DEV 23 May 2018

Cabinet paper due in July 2018

Cabinet paper due DEV 23 May 2018

Cabinet paper due in July 2018

Cabinet paper due DEV 23 May 2018

Cabinet paper due in July 2018

## **Annex Two: Outline of Pacific Categories**

### **Recognised Seasonal Employer (RSE) policy**

1. The RSE immigration policy was established in 2006 to meet the seasonal needs for labour in the horticulture and viticulture sectors. The three key principles of RSE are:
  - a. "recognition" of employers: employers must be able to demonstrate that their employment and pastoral care practices are sufficiently high quality for them to be permitted to access the scheme;
  - b. New Zealanders First : employers should seek to employ local workers first; if they are unable to find New Zealanders, then migrant workers can be employed; and
  - c. Pacific preference: employers should employ migrant workers from the Pacific, unless they have an established relationship with workers from outside the Pacific. As a result, around 85 per cent of RSE workers come from nine Pacific countries – Vanuatu, Samoa, Tonga, Solomon Islands, Kiribati, Tuvalu, Nauru, Fiji and Papua New Guinea.
2. RSE employers must pay half the cost of airfares for RSE workers, and must provide pastoral care and access to accommodation. The expense and effort for employers is considerable, and as a result, many employers in the horticulture and viticulture sector are not part of RSE.
3. RSE workers may only stay in New Zealand for seven months each year, apart from workers from Kiribati and Tuvalu, who are allowed up to 9 months to compensate for the expense of getting to New Zealand. They can return each year if an RSE employer offers them further work. A significant proportion of RSE workers have come to New Zealand multiple times.
4. The RSE policy has a cap on the number of visas that can be issued each year. The cap has increased from 5,000 in 2006/07 to 11,100 in 2017. RSE operates under a regional and national governance process, comprising the industry, the Ministry of Business, Innovation and Employment (MBIE) and the Ministry of Social Development (MSD).
5. The industry identifies its labour needs, and MBIE and MSD test this against available sources of labour (including efforts being made by employers to recruit New Zealanders, particularly Work and Income clients) to determine regional allocations of RSE workers. The cap and the governance process ensure that the industry remains under pressure to demonstrate its commitment to employing New Zealand workers.



## **Pacific Access Category (PAC) Samoan Quota (SQ)**

1. Pacific Access Category (PAC) annual quota:
  - a. 75 i-Kiribati citizens
  - b. 75 Tuvaluan citizens
  - c. 250 Tongan citizens
  - d. 250 Fijian citizens
2. Annual Samoan Quota (SQ):
  - a. 1100 Samoan citizens
3. Both PAC and SQ work on a ballot system where registrations are drawn randomly from the pool of potential applicants (registrants). Under PAC there is a registration fee of \$120 in the first year that someone applies to enter the ballot and \$48 in subsequent years. Under the SQ there is no fee to register for the ballot.
4. Principal registrants who have been drawn from the pool are invited to apply for a resident visa under the SQ or PAC scheme.
5. In order to be granted residence under either PAC or SQ, principal applicants or their partners must have evidence of an employment offer in New Zealand (among general health and Character requirements). If there are dependent children included on the application, the offer of employment must meet a minimum threshold (currently \$33,739.68).
6. MBIE plays an active role in supporting Pacific Quota Employers (PQEs) to recruit PAC and SQ migrants.

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