



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
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List of documents that have been proactively released

Date	Title	Author
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YES / NO *(please select)*

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- Legal professional privilege
- Commercial information
- Privacy of natural persons
- Constitutional conventions

Minister of Immigration

Minister of Housing

Cabinet

COVID-19: MANAGING EXCEPTIONS TO BORDER RESTRICTIONS

Proposal

1. This paper updates Cabinet on processes around exceptions to New Zealand's border restrictions and recommends a process for a group of Ministers to manage requests from specific sectors on class exemptions to the border restrictions. Tight management of the border remains a key part of the Government's strategy to protect New Zealanders from COVID-19. At the same time, we need to ensure our settings allow for a clear and robust process for those seeking to enter the country.
2. This paper seeks agreement on a set of considerations for Ministers to take into account in decision-making on exceptions and proposes that the Ministers of Immigration and Housing regularly report to Cabinet on management of border settings, including border exceptions and Managed Isolation and Quarantine uptake.

Executive summary

3. This paper proposes a way forward for considering border entry for groups that do not fit within the current border exceptions, but which could have benefit for New Zealand. It forms part of the overall strategy to manage our currently closed borders in line with New Zealand's broader objectives and with the public health objectives behind the border closure - while taking into account the need to prioritise and grow jobs for New Zealanders and to maintain sufficient Managed Isolation and Quarantine (MIQ) capacity for returning New Zealanders.
4. Current exemptions to the closed border allow New Zealand citizens and residents, their partners and children, Australians who live in New Zealand, diplomats and aircrew and maritime crews to enter. The current key categories for exceptions, include critical health workers, 'other critical workers' and people travelling for humanitarian reasons. The 'other critical worker' category includes those associated with specified major infrastructure projects, events and government approved programmes.
5. As expected, there are groups that do not fit within that exception category or within the current lists, but which could have benefit for New Zealand, including economic gain (or avoidance of loss) or cultural or social value. A non-exhaustive list of known opportunities is set out at Appendix 3. There are a variety of sectors, group sizes, and benefit propositions involved, but in many cases the group is or may be material to the sector or New Zealand as a whole.
6. Cabinet has previously agreed that the class exception approach is the intended approach for considering such groups. However, this pathway has not yet been utilised, and both the process for accessing such exemptions and the approach to

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considering them is not fully formed. As clarity about this issue has emerged, and as the capacity and management of MIQ resource and the operation of the INZ exceptions approach mature, it is timely to more clearly develop the approach to class exceptions and lists, and exceptions for other groups.

7. The decisions are not straightforward. They cumulatively involve large numbers of people potentially travelling as groups, with the associated impost on MIQ resource and its availability for returning New Zealanders. Prioritisation will be needed across different groups currently excluded with different economic, social or cultural benefit (or loss avoidance) for New Zealand.
8. The paper proposes that a Ministerial group consider proposals to allow entry for groups. To manage the competing demands and trade-offs required, a set of policy considerations is proposed, which assess the workforce priority and benefit against various labour market criteria including risks to jobs and conditions for New Zealanders. For non-workforce groups, there will need to be substantial economic or social, cultural or national interest benefits, and no more than minimal labour market displacement risks. Ministers will also be able to add programmes or events to lists such as the major projects and major infrastructure lists where similar criteria are met.
9. Alongside these policy considerations, the paper proposes that Ministers also take into account practical considerations including MIQ capacity, timing of entry, whether regular MIQ can be used **Confidential advice to Government**, public health risks and total costs. This process will be a comparative value assessment considering both current tight border restrictions (and exclusions) and proposals for other groups.
10. The paper recommends that the Ministerial group meets regularly to consider proposals for group entry in batches. Officials would provide supporting assessments containing advice on priority groups for decision, relative merits of each group against the criteria, and updates on MIQ utilisation. These assessments will help provide Ministers with confidence that decisions made will avoid exceeding MIQ capacity. It is also proposed that Cabinet receive more regular updates on border entry issues.
11. Ministers who will form the Ministerial group have held a preliminary meeting and propose three class exceptions now: up to 30 veterinarians for large animal and livestock roles; up to 210 rural contractors who are agricultural and horticultural mobile plant operators; and up to 570 deep-sea fishing crew members to work on identified ships for up to 6 months.

Background

12. On 17 June 2020 Cabinet agreed a border strategy designed to ensure New Zealand is well-positioned to preserve, protect and rebuild international connections as soon as it is safe to do so, and to allow New Zealanders to return home [CAB-20-MIN-0281]. This paper on managing exceptions to border restrictions is directly informed by that strategy and its principles.

Getting a border exception and then a visa (or variation to an existing visa)

13. On 19 March 2020, Cabinet agreed to restrict entry to New Zealand from all persons from other countries [CAB-20-MIN-0122]. New Zealand citizens and residents are exempt from this border closure. In addition, Cabinet agreed a small number of exceptions to the closed border for some temporary visa holders. On 8 June 2020 Cabinet agreed to some limited adjustments to the exception for 'other critical workers' and also clarified the policy for partners of New Zealand citizens and residents and the maritime border [CAB-20-Min-0268].
14. The thresholds for entry within these exceptions are high. Measures at the border form a critical component of the Government's COVID-19 elimination strategy. This restrictive strategy remains appropriate as it protects the public from the transmission of COVID-19 and also protects the ability and right of New Zealand citizens and residents to return home. The strategy also seeks to protect jobs for New Zealanders, balance the needs of humanitarian and family reunification entrants with economic entrants (with high thresholds for both groups) and to allow people with unique skills and talents to enter to support time critical projects or to realise substantial economic benefits.

15. Confidential advice to Government

16. The groups able to enter are as follows:

- a. **Border exemptions** – as well as New Zealand citizens and residence visa class holders, this group also includes:
 - i. Partners, guardians and children of a citizen or resident, if ordinarily resident in New Zealand, travelling with the person, or have a visa based on that relationship;
 - ii. Australian citizens and permanent residents who are ordinarily resident in New Zealand;
 - iii. Diplomatic and consular personnel.
 - iv. People described in Regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 – this includes air crew, cargo ship crew, members of foreign armed forces travelling on military craft, people travelling from Antarctica.
- b. **Border exceptions** – categories of non-New Zealanders that Cabinet has agreed can be approved case-by-case to come to New Zealand, including:
 - i. people travelling for humanitarian reasons;
 - ii. citizens of Samoa and Tonga for essential travel to New Zealand;
 - iii. temporary work visa holders 'normally resident' in New Zealand with strong connection to New Zealand;

- iv. partners or dependents of temporary work or visa holders who normally live in New Zealand;
- v. replacement cargo ship crew arriving by air;
- vi. marine crew arriving by the maritime border;
- vii. essential health workers, their partners and dependents; and
- viii. other critical workers, their partners and dependents.

The detailed criteria and thresholds relating to border exceptions are set out in Immigration Instructions, which are certified by the Minister of Immigration, based on policy approved by Cabinet. Immigration officials apply these criteria and thresholds in making decisions on whether to grant an exception. Once an exception has been granted, immigration officials consider the most appropriate visa or variation of visa to allow entry at the border.

- c. **Class exceptions** – exemptions for specific groups which would not meet the ‘other critical worker’ test as individuals or are not otherwise included. These exemptions require a Cabinet decision, but to date no class exceptions have been considered by Cabinet.

17. The criteria applied to create the lists of major infrastructure projects, events, government-approved programmes and government-to-government agreements to give effect to the critical worker exception were as follows:

- a. **Major infrastructure projects:** projects listed on the Infrastructure Commission’s Infrastructure Pipeline with an estimated value above \$100m.
- b. **Events:** current Major Event Fund portfolio events and those with investments agreed by Cabinet.
- c. **Major government-approved programmes:** no suitable externally-verified list was found, so only one programme is listed (Rocket Lab launches) so far, being a programme for which ‘other essential worker’ exceptions had already been granted.
- d. **Government-to-government agreements:** no externally-verified list was suitable, but the Antarctic Programme was included because officials had identified a need for people to enter New Zealand to support the programme.

There are economic and social benefits to using the class exceptions pathway

18. As expected, there are groups that do not fit within the ‘other critical workers’ exception category or within the current lists, but which could have benefit for New Zealand, including economic gain (or avoidance of loss) or cultural or social value. A non-exhaustive list of known opportunities is set out at Appendix 3. These, and in particular those in the ‘critical workforces’ section, demonstrate the types of groups that are at issue. There are a variety of sectors, group sizes, and benefit propositions involved, but in many cases the group is or may be material to the sector or New Zealand as a whole.

19. However, the decisions are not straightforward. They cumulatively involve large numbers of people potentially travelling as groups, with the associated impost on MIQ resource and its availability for returning New Zealanders.
20. All changes to border exceptions will go through the same group of Ministers – it will act as a clearinghouse to provide a consistent view, to prioritise, and to ensure that the full picture of demand for border entry is visible. Policy decisions such as creation of new border exception categories or changes to the critical worker exception criteria or rules for workforce exceptions (eg as set out in this Cabinet paper) would continue to require Cabinet decisions. For example, decisions on whether to open up the border to wider family members, to investors, to international students, to tourists or small crafts seeking refuge from cyclones, would require Cabinet decisions following consideration by the Ministerial group. This Ministerial group would, in contrast, be able to decide which specific groups or events should be approved within existing exception categories (eg add an event to the list, or add a specific group of workers to the critical worker class exception category). That is, Cabinet establishes the ‘sets’ that are allowed, and then populating the set is done by this Ministerial group. INZ then assesses individuals for, and approves or declines, border entry permission and visas based on these decisions.

Managed Isolation or Quarantine (MIQ) settings

21. Under Orders made under Section 11 of the COVID-19 Public Health Response Act 2020, all those entitled to travel to New Zealand are required to undertake 14 days of Managed Isolation or Quarantine (MIQ) when they first arrive at the border. This is the most effective way to ensure that any person entering New Zealand who has COVID-19 will not pass it on to others in the community. Only a very small number of people are not required to complete 14 days MIQ:
 - a. MIQ exclusions – a small group that are not required to attend a managed isolation facility, such as pilots, air crew¹ and foreign diplomats.
 - b. MIQ exemptions – where individuals are approved by the Chief Executive of MBIE to leave MIFs early on compassionate or other grounds.
22. Appendix 1 provides detail of the above framework and some information on how it is currently operating in practice.
23. A charging regime for MIQ came into force on 11 August 2020. This sets out a charge of \$3,100 for the first person in a room, \$950 for each additional adult and \$475 for an additional child aged 3-17 years. Critical workers and temporary visa holders that enter New Zealand on a border exception are liable for MIQ charges unless they were ordinarily resident in New Zealand on 19 March 2020 and departed New Zealand before that date [LEG-20-MIN-0141].²

¹ Foreign air crew from 28 September 2020 will be required to spend their layovers in a managed isolation facility.

² Currently, ‘other critical workers’ are charged at the same rate as New Zealanders.

MIQ demand management

- 24. To ensure demand for MIQ is aligned with current supply, the Government put in place an airline quota to limit the number of passengers each airline can bring into New Zealand. The quota system requires officials to divide up the number of places available in MIQ facilities among airlines in advance. This system is a significant intervention in airlines' commercial decisions and cannot quickly respond to changes in supply of MIQ facilities or under-utilisation³. The quota system was intended as an interim solution while a more fit-for-purpose demand management tool was developed.
- 25. To address some of the limitations of the airline quota system, Cabinet has agreed to introduce a new web-based tool to allocate places in managed isolation to those entering New Zealand. From 5 October, all travellers will be able to use the new Managed Isolation Allocation System (MIAS) to check that there is space available for them in managed isolation for their intended arrival date, before booking flights. MIAS will generate a voucher to confirm a traveller's place in a managed isolation facility, which a traveller will have to present at check-in before being permitted to board their flight to New Zealand⁴.
- 26. An amendment to the COVID-19 Public Health Response (Air Border) Order will make the presentation of a MIF voucher before boarding a legal requirement from 3 November. In addition, changes to immigration border entry requirements will mean that temporary visa holders cannot enter New Zealand unless they have a secured a place in a managed isolation facility.
- 27. One of the key benefits of MIAS will be its ability to provide more accurate information on the number of people entering New Zealand, and therefore the number of MIQ spaces used or available in the short to medium term. MIAS is also expected to increase MIQ utilisation rates because travellers will be able to time their travel for when MIQ spaces are free, and airlines will be able to more quickly respond to changes in demand. If successful, this should help minimise periods where not all MIQ places are being used.

28. Confidential advice to Government
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29. Legal professional privilege
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³ To date the MIQ system has seen periods of intermittent under-utilisation. Currently, facilities are running at around 75% occupancy.

⁴ An amendment to the COVID-19 Public Health Response (Air Border) Order will make the presentation of a MIF voucher before boarding a legal requirement from 3 November.

30. Confidential advice to Government

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32. Confidential advice to Government

33. Cabinet has agreed that MIAS will replace the current airline quota system in which airlines have a limit on the number of passengers they can each bring to New Zealand. Officials recommend the quota system continues to run in parallel with MIAS for a short period of time. The quota system provides a valuable back-up option in case passengers take longer to transition to the new system or there are operational issues. When the Secretary of Transport is satisfied the airline passenger quota is no longer necessary to manage risk to MIQ capacity, the Secretary can remove the quota.

MIQ supply and utilisation

34. As at 16 September, there is total effective capacity to accommodate 7,375 individuals in 32 Managed Isolation and Quarantine Facilities located in Auckland, Christchurch, Wellington, Hamilton and Rotorua. This represents an average of over 500 spaces per day at full utilisation. This level of supply is significantly less than demand, particularly from temporary visa holders. To date, the use of MIQ facilities has been dominated by returning New Zealand citizens and residents, with this group taking up 85 percent of available spaces.

35. Confidential advice to Government

36. Confidential advice to Government

Any decisions on new border exceptions will be informed by officials' advice on MIQ capacity

37. To inform decisions by the Ministerial group, and ensure the demand for MIQ does not exceed supply, officials will provide regular advice on the estimated number of individuals ministers can agree to permit into MIQ over a period of time. This advice will be based on current and forecasted MIQ utilisation rates as well as current waiting times for New Zealand citizens seeking to book a place in managed isolation. This will help ensure that the cumulative impact on MIQ capacity is taken into account when any new proposals for border exceptions for groups is considered and that any new decision does not have the effect of unreasonably displacing New Zealand citizens and residents seeking to return home.
38. Given the current underutilisation of MIQ, which is forecast to continue over the next few months, there is an opportunity now to bring in a small number of groups without the risk of displacing New Zealanders and permanent residents seeking to return home. However, the utilisation of MIQ is inherently difficult to predict, especially over longer timeframes, so decisions around border entry beyond one to two months requires careful consideration and planning.

There is value in Ministers having greater visibility and information on which to base any decisions on changes to border exceptions

39. Given the importance of tight border controls for our strategy to protect New Zealanders against COVID-19, but also mindful of the opportunities for entry from a range of non-New Zealanders from a variety of sectors, we propose to ensure regular reporting to Cabinet on this issue. This will cover the numbers of people seeking and being approved for exceptions, under which exception category, as well as the number of those entering New Zealand. We also propose to regularly report the demand for large groups (e.g. for workforce class exceptions) and utilisation of places in MIQ. These will be consolidated and given to all Ministers in a similar way that reporting on the health response to COVID-19 is regularly provided to Cabinet, given the breadth of sectoral interests in these issues.

A new decision making process

40. Given the cross sectoral interest involved in assessing requests for new class exemptions, we recommend that the Minister of Immigration convene a group of Ministers to jointly consider new proposals. This group should comprise the Ministers of Housing, Health, Internal Affairs and Economic Development.
41. This group of Ministers would also consult the Minister responsible for the sector concerned and the Minister for Social Development (where proposals have labour market implications).

42. The objective of the Ministerial group will be to consider proposals, and ensure the key considerations such as MIQ capacity, economic and social benefits, and labour market impacts have been adequately considered. Such proposals will be developed by officials with regard to the considerations outlined below, in consultation with the relevant sectors.
43. The Ministerial group will ensure that decisions take into account not just those requests that are presenting the most urgently but also the broad spectrum of possible proposals in the pipeline. This will ensure that an assessment of merit is not just on a first come, first served basis and that the above considerations can be applied transparently and consistently.
44. If supported by the Ministerial group, proposals would then be put to Ministers with Powers to Act. Power to Act is sought due to being a point in the election cycle with reduced Cabinet meetings. The group of Power to Act Ministers over the General Election and Government Formation Period is the Prime Minister, Deputy Prime Minister, Minister of Finance and Minister of Māori-Crown Relations (and the relevant portfolio Minister as appropriate).
45. The Ministerial group should be delegated the ability to decide additions to lists for major events, major infrastructure projects, Government-approved programmes and Government-to-Government agreements, when these additions fit both within the existing criteria for the lists or fall outside of the criteria. This will ensure that these additions are considered in the same context as requests for class exemptions. All such considerations should involve consultation with the relevant portfolio Minister. An example would be adding a major event onto the existing list of major events if it does not currently qualify, or adding a major infrastructure project to the list of key projects. A high threshold remains important to ensure only the most important events, projects and programmes are captured. Confidential
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46. The key feature of the proposed process is that it will be dynamic, allowing Ministers to target optimal levels of MIQ utilisation by admitting new groups when there is MIQ space, or by declining some groups or requiring them to wait when there is not sufficient MIQ space.
47. On a specific technical point, we note that the existing critical workers exception category enables workers to enter New Zealand if they are time critical for listed Government-to-Government agreements or Government-approved programmes, with the lists set by the Minister of Immigration. To date those lists have not included Defence agreements and programmes, but there is now a need to include them to achieve key Defence objectives. We seek Cabinet approval that the 'government approved programmes' list should include the highest priority Defence programmes for exchange and training commitments to foreign partners, and to maintain key Defence capabilities. The specific programmes will be decided by the Ministerial group, together with the Minister of Defence.
48. Policy decisions such as creation of new border exception categories, or changes to the critical worker exception criteria or rules for workforce exceptions (eg as set

out in this Cabinet paper) would continue to require Cabinet decisions. For example, decisions on whether to open up the border to wider family members, to investors, to international students, or to tourists would require Cabinet decisions following consideration by the Ministerial group.

Prioritisation between groups seeking new border exceptions or exemptions

49. Making judgements on relative priority between groups in a fair and transparent way is a complex and difficult task. The uncertainty created by the COVID-19 context further adds to the challenge.
50. If Cabinet supports allowing more groups to enter New Zealand, we consider the following considerations will help us balance between economic, social and humanitarian benefits, as well as ensure that entry of new groups is practically manageable. Under each heading, we have proposed a set of questions that would help frame an assessment. Doing an assessment for each proposal against this set of considerations will help Ministers understand the trade-offs implicit in agreeing to some groups and in declining to agree to others.

Policy considerations

51. Any proposal for a new exemption should demonstrate clear benefits to New Zealand.
52. To achieve this, the Ministerial group will take into account the factors set out below in making decisions on border exceptions for groups:

For critical workforce groups

53. For critical workforce groups, proposals must demonstrate that they meet the following criteria:
 - a. a critical workforce gap is identified that cannot be filled in total domestically; and
 - b. labour market risks for New Zealanders are minimal or conditions can be put in place as part of a class exception that will support improvements to the industry's working conditions and employment of New Zealanders over the short-medium term; and
 - c. the proposal does not undermine the longer term immigration system objective of reducing reliance on low skilled migrants and improving quality of jobs in a sector;
54. Workforce groups must demonstrate a strong overall case, with higher priority given to sectors where training of New Zealanders is not realistically achievable in the short term and where the short term absence of that workforce will have a significant impact on that sector's production or productivity. Border entry under these criteria is a higher bar to meet than standard immigration work visa policy settings – the border entry requirements mean that only the highest priority subset of workers are able to enter. This continues to support the Government's objectives of supporting the local workforce to be developed to fill skill gaps.

55. Workforces which do set out a compelling case against the above criteria will be further assessed against the following considerations:

- a. Are the workers essential to supporting a substantial number of jobs for New Zealanders?
- b. Does the industry supply critical services that will fail without the workforce?
- c. Is it a key growth sector New Zealand wishes to develop, where the workforce is critical to this expansion?
- d. Has the sector acted to provide good quality jobs that are attractive to New Zealanders, including seeking opportunities to train New Zealanders?
- e. Does the workforce hold top talent and skills we wish to attract to New Zealand?
- f. Is the work highly seasonal and reliant on a global talent pool?

Other groups (such as wider family categories, investors, international students or tourists)

56. For other groups, proposals must demonstrate that they meet the following criteria:

- a. The economic benefits are substantial at a national or regional level - including critical to maintaining/securing export markets, to future growth of the economy or to the maintenance of jobs or job growth; or
- b. There are other social, cultural, academic, foreign policy, security, defence or national interest benefits for the wellbeing of New Zealanders that are significant in scale or to New Zealand's reputation; or
- c. There are significant benefits to the Pacific (eg travellers to the Pacific quarantining in New Zealand);

And:

- d. Prioritising these groups is in line with the Government's strategic objectives for that policy area; and
- e. The groups do not create more than minimal labour market displacement risks; and
- f. Entry would be reasonable in light of the tightly restricted border settings more generally – ie can be justified against those currently not able to enter New Zealand.

For additions to lists

57. The following criteria will be used:

- a. **Events:** The event is a government-funded 'major event', or the event is critical to NZ's national identity or sporting, cultural or economic interests
- b. **Government-approved programmes:** the programme is a government priority for any reason and has government oversight of some nature
- c. **Government-to-government agreements** are those which cannot be deferred and are of highest strategic value
- d. **Major infrastructure projects** are already defined as projects with a whole of life value of \$100m plus.

And:

- e. For all group exceptions, the impact on MIQ capacity must be manageable in light of forecast pressures and the nature of the group

Assessment for Ministers

58. Officials will score proposals on the relevant factors above, and present options to the Ministerial group based on:
 - a. the relative value of proposals, against decisions to date and the pipeline of future potential proposals
 - b. the risks associated with proposals
 - c. the ability to manage in terms of MIQ; and
 - d. delivering a balanced portfolio of economic, cultural and social benefits.
59. In considering groups, Ministers will also want to give due regard to groups of people with established lives in New Zealand, who would have expected to be able to return here, or who would have a realistic expectation of living in New Zealand permanently.
60. MBIE and the Ministry of Primary Industries are working together to develop solutions to meet labour demand for the primary industries, consistent with wider domestic workforce development and labour market objectives for these industries. This work will inform assessment of workforce class exceptions.

Practical considerations

61. The follow are proposed practical considerations Ministers may wish to take into account (noting that these apply to each group, and to all proposals for groups collectively):
 - a. MIQ total capacity;
 - b. MIQ timing;
 - c. MIQ requirements (e.g. type of facility and location);
 - d. Public health risk/impost on the public health system; and
 - e. Fiscal cost.

Process for Ministerial group

62. The Ministerial group held a preliminary meeting on 16 September 2020 to discuss the process it would follow if the proposals in this paper are supported by Cabinet, and to discuss some initial proposals for class exceptions. The group agreed on the importance of seeing evidence that industries have transition plans showing a plan for education, training, wages, and attracting New Zealanders when workforce class exception proposals are considered, and the group plans to build in conditions to that effect where appropriate. Any grant of a class exception should not create any expectation of future exceptions, and the group has agreed that it will want to see progress on conditions or workforce plans, a prerequisite before it even considers any further exception for a workforce.

63. The group plans to consider capping numbers within each class exception, and will also consider whether arrivals and MIQ can be coordinated. The group agreed that for critical workforce class exceptions, the industry will be required to play a role in allocating caps and in working with MIQ officials to plan arrivals in a way that manages MIQ capacity (in terms of both timing and location).
64. The Ministerial group will meet fortnightly, and will consider:
- a. A set of proposals prepared by officials in template form comprising the criteria set out in this paper, with advice about the relative priority of each.
 - b. An updated overview of groups in the potential pipeline (a current version is attached as Appendix 3);
 - c. A dashboard on flow and demand for border exceptions categories and MIQ forecasts;
 - d. A table of the items on the major infrastructure, Government-approved programmes, Government-approved events, Government-to-Government agreements lists, with any proposed additions to be considered;
 - e. Suggested priorities for future meetings.
65. The template for proposals will contain the following key information for Ministers:
- a. Key information about the proposal (numbers of people sought, timing considerations)
 - b. An assessment of the proposal against the mandatory criteria, using red/amber/green ratings, as well as any information which further strengthens the case
 - c. Information about wages / pay in the industry (where relevant)
 - d. Workforce plans in the industry (where relevant)
 - e. Any requirements or conditions to be attached to the class exception (where relevant)
 - f. An appropriate 'end date' or sunset clause for the exception (where relevant)
 - g. Detail on how MIQ will be managed for each proposal (including timing considerations, tranches for travel, whether charter flights will be considered)
 - h. Any legal risks and Bill of Rights Act considerations.
 - i. Comments from Ministries of Social Development and Education / Tertiary Education Commission
 - j. An overall recommendation

Initial proposals for class exceptions

66. Four groups (veterinarians, rural contractors, fishing crew and halal slaughterers) were initially identified for initial consideration, based on a mix of the following considerations: the urgency and time sensitivity of the workforce need; the readiness of the proposal for assessment and officials' ability to pull together an assessment at pace; and the feasibility of a rapid decision from an MIQ perspective. The groups also share some similar characteristics so they can be considered in conjunction.

The Ministerial group seeks Cabinet endorsement of the following in-principle decisions. The Ministerial group has deferred a decision on halal slaughterers, as more information is needed about the size of the workforce gap and whether more migrants are needed.

Veterinarians

67. We propose to grant a class exception for veterinarians who are needed for large animal and livestock roles, capped at 30 veterinarians. Officials will seek the industry's input to identify the most needed veterinarians. In agreeing to recommend this we have made our expectations clear that the industry is engaging with the Ministry of Education or Tertiary Education Commission to increase training of vets in New Zealand.

Rural contractors

68. We propose to grant a class exception for rural contractors who are agricultural and horticultural mobile plant operators, capped at 210 workers. These places will be limited to only those workers highly skilled in operating highly sophisticated machinery. These types of workers are not currently available in the New Zealand labour market and are needed to ensure the harvesting and processing of crops important to our farming industries. Officials will work with the national association Rural Contractors New Zealand to identify the 210 contractors who will be accepted under this class exception. We have asked MPI to monitor progress on absorbing up to 250 additional trainees for the 2020/21 season and the pay rates among this group.

Deep-sea fishing crews

69. We propose to approve a class exception for up to 570 crew members, as a one-off entry, to work on identified fishing ships in New Zealand for up to 6 months. These crews are needed to replace existing crew members in continuation of existing fishing operations. The fishing industry has committed to an Industry Transition Action Plan to reduce reliance on foreign crew and attract more New Zealanders into roles, including through clear training pathways, guaranteed employment following training, and paid transport from home bases to the vessels. MPI will report back to the Ministerial group on the industry's progress in delivering that Action Plan, and we expect to see significant progress before any further proposals for class exceptions are considered in the future.

Implementation

Accessing the class exceptions process

70. It will be important for the Ministerial group to maintain a clear picture of emerging needs for class or other border exceptions. The group will consider how further workforces, events or other areas of need should be identified, in addition to ongoing stakeholder engagement and referrals from INZ. The senior officials group will provide further advice to the Ministerial group on communications issues.

71. Officials expect to work with industry groups or event sponsors in a dynamic process to understand, assess and surface their needs. This will include engaging on the relative merits of their case for broader group-based entry permission, the MIQ issues that would need to be resolved, and the conditions that might be put around approval. Officials will ensure that there are clear communications and engagement with the range of groups so that the process is well understood (this will include specific engagement with groups and webinars).
72. INZ will also have a role in providing feedback on trends and issues in visa applications they are seeing, which may highlight classes of applicants that require consideration. The Ministry of Social Development will also have a role in providing feedback and assessments in regard to opportunities for job seekers and trends.
73. The proposed system will ultimately rely on the discretion of Ministers to consider any changes in policy to expand the exceptions regime, either by granting a class exception or adding to the list of approved programmes/events. Ministers reserve the right not to consider or approve any class exceptions or further additions to lists.
74. A summary of the process is as follows:
 - a. *Individual employers* – can continue to apply through the critical worker application process, via the online form on the INZ website.
 - b. *Critical workforce groups* – As described above, the Ministerial group will consider how to identify emerging needs. MBIE (Employment, Skills and Immigration Policy) will work with the key relevant agencies to coordinate Senior Officials' assessment and advice to the Ministerial group, in consultation with other relevant portfolio Ministers. Agreed changes will be implemented by the Minister of Immigration in amendments to Immigration Instructions.
 - c. *Other groups (eg students, superyachts and family)* – Proposals can only be made by Ministers or officials based on engagement with an interest group or policy work. MBIE (Employment, Skills and Immigration Policy) will work with the key relevant agencies to coordinate Senior Officials' assessment and advice to the Ministerial group, in consultation with other relevant portfolio Ministers. Cabinet approval will be needed if policy changes are required (eg for new exception categories like students). Agreed changes will be implemented by the Minister of Immigration in amendments to Immigration Instructions.
 - d. *Additions to the major infrastructure and major events lists* – proposals meeting the criteria (eg over \$100 million for major infrastructure) will be identified by agencies or INZ through normal stakeholder engagement or Ministerial referral. These will be directed to MBIE (Employment, Skills and Immigration Policy) to coordinate Senior Officials' assessment and advice to the Ministerial group in consultation with other relevant portfolio Ministers.

Agreed changes will be implemented by the Minister of Immigration in amendments to Immigration Instructions.

Advice and support for Ministers

75. MBIE will convene a cross-agency reference group, comprising Senior Officials in key portfolio agencies, to support this process.
76. This Senior Officials Group will play a key role in:
- a. *Identifying proposals/candidates put forward by industry and sector groups for class exceptions and/or additions to the lists.*
 - b. *Reviewing preliminary assessments of proposals against the criteria outlined in paragraphs 53-57 above.* Advice will also include:
 - i. Advice on specific MIQ concerns or MIQ management and implications in light of forecast capacity, and other relevant information including the time sensitivity of the request; and
 - ii. Comparisons with other border exceptions granted over time, comments on why the proposals fall short of the current critical worker criteria, analysis of relative benefits and risks in relation to other requests.
 - iii. Legal considerations, including BORA implications.Views of all relevant agencies will be clear.
 - c. *Advising which proposals should be prioritised for presentation to Ministers* (either for immediate approval or decline, or approved for further development). Groups will be bundled together for Ministers according to urgency, likeness, and readiness for assessment/decisions. An updated overview of groups in the potential pipeline will be maintained and the Ministerial group will be asked to confirm if any of the groups should be removed from further consideration.
77. MBIE will support the Ministerial and Senior Officials group, to assess proposals and to handle enquiries/communications.

Impacts

78. The expected impact of this paper is to improve transparency and certainty around border exceptions requests and decisions, particularly for workers and workforces not managed by the current individual critical worker exceptions criteria run by INZ. This will enable more critical workforce needs to be met through access to migrants, where the case is made that this is necessary and a significant issue that cannot be addressed without a border exception being in place.
79. It is not possible to quantify the impact in terms of border entries ahead of the assessments of proposals that will come forward. The list at Appendix 3 provides a good overview of currently identified issues and unmet needs, and an indicative sense of potential numbers involved in these known cases. The impacts will also be spread over time, as actual border entries depend on a number of other factors

outside of permission being granted including when the need is, meeting other visa and entry requirements, and getting flights. Additional needs and opportunities will emerge over time for consideration by Ministers. Ongoing regular reporting around border entries and emerging issues will also allow us to update Ministers over time.

80. We can be confident that, as consistent with our border strategy which seeks to open the border safely over time, and with the ongoing success of our public health and MIQ measures, we will be able to meet more of the high priority needs and opportunities presented for foreigners to enter New Zealand. Our work on MIQ demand management ensures that this is done in a way which will not inappropriately limit the ability of New Zealanders (citizens and permanent residents) to return.
81. The changes proposed in this paper are the next step in our ongoing widening of border entry as and when possible, from the time when it was closed to all but those absolutely required for 'keeping the lights on' or limited family reunification to taking in wider groups to meet the needs of the country and to support the wellbeing of New Zealanders.

Future work

82. As indicated by the *Future Border Settings* Cabinet paper [CAB-20-SUB-0281 refers], officials are monitoring the current border entry restrictions and requests for border entry with a view to ensuring that the restrictions remain fit for purpose and to support Government decisions on progressively opening the border as and when conditions allow. The Minister of Immigration has directed MBIE to coordinate views on this and provide Cabinet with an update by December 2020. Any proposals the Minister of Immigration wishes to take forward would first be discussed and agreed by the Ministerial group, then presented to Cabinet for a decision.

Financial implications

83. A charging regime for Managed Isolation and Quarantine came into force on 11 August 2020. This sets out a charge of \$3,100 for the first person in a room. Temporary visa holders will generally be liable for the charges unless they were ordinarily resident in New Zealand on 19 March 2020 and departed New Zealand before that date. All critical workers entering New Zealand are liable for the charges.
84. Confidential advice to Government [REDACTED]
[REDACTED]
[REDACTED] It is also possible that any new or expanded border exceptions would have implications for operational processes and could require new resourcing. As yet, these considerations have not been worked through.

Legislative implications

85. No changes to law or regulations are proposed. The Minister of Immigration will certify changes to immigration instructions in order to implement policy decisions.

Impact analysis

86. Changes to Immigration Instructions do not require a Regulatory Impact Statement (RIS). While RIS is not required for this paper, these proposals should be included in comprehensive analysis of the suite of border settings in response to COVID-19 to be developed by Government agencies.

Population implications

87. The health impact of COVID-19 on priority groups such as the elderly, Māori, Pasifika, and ethnic communities is clear. We know that some groups are more at risk of severe illness from COVID-19 due to age or underlying health conditions. A decision to maintain the border restrictions, with only a marginal change in the exceptions criteria will ensure that the risk of transmission of COVID-19 to these communities is effectively managed. The ongoing border restrictions (and associated isolation/quarantine) will also support the ability of our healthcare systems to meet the ongoing health and disability needs of priority communities, especially in Māori and rural communities.

88. The high thresholds envisaged for proposed exceptions will minimise any risk that future employment opportunities for Māori and other priority groups would be displaced in core industries/sectors, as the process is targeted at individuals who have the skills, expertise or talents that are critically needed short term.

89. More broadly, impacts of entry of the temporary visa holders on populations and communities in New Zealand forms a key part of the consideration that will be undertaken for any new proposal.

Human Rights

90. The key right impacted by the border restrictions generally is the right of New Zealand citizens to enter New Zealand (as affirmed in s.18(2) of the New Zealand Bill of Rights Act 1990). This paper recognises that right, and takes steps to ensure that the ability for New Zealanders to enter New Zealand is not unjustifiably further impacted by any expansion of border exemptions/exceptions.

91. No other significant impacts on Human Rights are identified that have not already been addressed in the considerations of other initiatives. For example, the limitations on other expression of the right of the freedom of movement imposed by the requirement to undertake managed isolation need not be re-litigated here.

Consultation

92. This paper was prepared by the COVID-19 All of Government Response Group in the Department of Prime Minister and Cabinet, working with the Ministry of Business Innovation and Employment. The following agencies were consulted: Immigration New Zealand, Maritime New Zealand, Ministry of Education, Ministry of Foreign Affairs and Trade, the Ministry of Health, the Ministry for Primary

Industries, the Ministry of Transport, the National Emergency Management Agency, New Zealand Customs Service, New Zealand Defence Force, the Treasury, and the Department of Prime Minister and Cabinet (Policy Advisory Group).

Proactive Release

93. This paper will be proactively released following Cabinet consideration.

Recommendations

The Minister of Immigration and the Minister of Housing recommend that Cabinet:

1. **note** that the closed border with tight restrictions on exceptions for travellers other than New Zealand citizens and residents remains the appropriate strategy for protecting New Zealand against COVID-19;
2. **note** that the current approach to border exceptions is intended to balance both economic, social and humanitarian objectives, including in terms of family reunification and access to necessary skills for the economy;
3. **note** that class exceptions may be proposed for a class of critical workers with certain characteristics where this workforce is needed across a range of employers, consistent with broader labour market objectives;
4. **note** that new border exception categories for other groups other than workforces may also be proposed;

Decision making

5. **agree** to establish a group of Ministers led by the Minister of Immigration, and comprising also the Ministers of Housing (MIQ), Health, Internal Affairs and Economic Development to consider proposals for class exceptions, for agreement by Ministers with Powers to Act;
6. **agree** to delegate decision-making power to the Ministerial group to make changes to the lists, or criteria used to create the lists, of major infrastructure projects, events, Government-approved programmes, and Government to Government agreements;
7. **note** that any other proposals for changes to border entry policies and rules (such as the expansion of current critical worker exception criteria, or proposals for new categories of exceptions) will be assessed by the Ministerial group referred to in recommendation 5 before being put forward for Cabinet approval;

Policy framework

8. **agree** that for any exemption, a strong case needs to be made taking into account the overall strength of the case based on the above considerations, the risks and the relative priority against other groups being assessed;

9. **agree** the following considerations will be the framework for Ministers when considering class exceptions or the expansion of current exceptions:
- a. Workforce class exception proposals must satisfy the following bottom lines:
 - i. a critical workforce gap is identified that cannot be filled in total domestically;
 - ii. labour market risks for New Zealanders are minimal or conditions can be put in place as part of a class exception that will support improvements to the industry's working conditions and employment of New Zealanders over the short-medium term;
 - iii. the proposal does not undermine the longer term immigration system objective of reducing reliance on low skilled migrants and improving the quality of jobs in a sector; and
 - b. Workforce class exception proposals must also demonstrate a strong overall case against considerations relating to job creation, nature of the industry, the industry's approach to job creation for New Zealanders, skill level and the nature of the work;
 - c. Proposals for exceptions for groups other than workforces:
 - i. Must provide net economic, social, cultural or academic benefits that have national significance for New Zealand (including for defence, national security and foreign policy including benefit for our relationships in the Pacific);
 - ii. Must not create more than minimal labour market displacement risks;
 - iii. Must be reasonable in light of the tightly restricted border settings;
 - iv. Should focus on whether proposed group exceptions deliver a high level of benefits, and are aligned to strategic objectives for the sector and the Government; and
 - v. When considering these groups, in addition, due regard should be given to groups of people who have previously lived in New Zealand or who have an expectation of being able to live in New Zealand permanently;
 - d. For all group exceptions, the impact on MIQ capacity must be manageable in light of forecast pressures and the nature of the group, taking into consideration the following practical considerations:
 - i. MIQ total capacity;
 - ii. MIQ timing;
 - iii. MIQ facility requirements; and
 - iv. Public health risk/impost on the public health system;

I N C O N F I D E N C E

10. **agree** that despite the above considerations, any policy change to the border settings, including changes to lists or approval of class exemptions, remains at the discretion of Ministers;
11. **agree** that given the need to manage demand for managed isolation and quarantine, any new proposals for class exceptions should only be those that are of critical importance and should be scaled back to the minimum numbers possible to achieve the benefits proposed;
12. **agree** that the Government approved programmes list should incorporate Defence programmes for exchange and training commitments with foreign partners, as well as programmes to deliver and maintain key Defence capabilities;
13. **agree** and that in addition, these lists can cover sports and cultural events, national security or foreign affairs interests and international treaty obligations;
14. Confidential advice to Government

Initial proposals for class exceptions


15. **note** that the proposed Ministerial group has held a preliminary meeting and considered four initial proposals, chosen based on considerations of urgency, time sensitivity, readiness of proposals and feasibility of a rapid decision from an MIQ perspective;
16. **agree** to a workforce class exception for veterinarians who are needed for large animal and livestock roles, up to 30 individuals;
17. **agree** to a workforce class exception for rural contractors who are agricultural and horticultural mobile plant operators, capped at 210 workers;
18. **note** that officials will work with the national association Rural Contractors New Zealand to identify the workers;
19. **agree** to a workforce class exception for up to 570 deep-sea fishing crew members, as a one-off entry, to work on identified fishing ships in New Zealand for up to 6 months;
20. **note** that MPI will report back to the Ministerial group on the fishing industry's progress in delivering its Industry Transition Action Plan;
21. **agree** that any future proposal for fishing crew exceptions will be considered in light of the industry's progress in delivering its Industry Transition Action Plan;

Implementation

22. **note** that regular reporting will be provided to Cabinet on demand for exceptions and on supply and demand for places in Managed Isolation and Quarantine;

Further work

23. Confidential advice to Government



24. **note** that in December the Minister of Immigration, in consultation with the Ministers noted above, will report back to Cabinet with a more comprehensive review of the immigration criteria agreed in CAB-20-MIN-0268, which would allow for consideration of a wider range of border entries.

Appendix 1 : Border exemptions framework: Categories and decision-makers

Border Exemption Categories: Those to whom the border restrictions do not apply

Exempt: do not need approval before travelling

- New Zealand citizens and residence class visa holders
- The partner or dependent children of a New Zealand citizen or residence class visa holder, who holds or obtains a visa based on that relationship
- Air crew and marine crew (only cargo)
- Diplomats and consular personnel

Exempt but should seek clarification before travelling

- Partners, dependent children (aged 19 years or under) or legal guardians of New Zealand citizens or residents who do not hold a visa based on their relationship and either:
 - are travelling with their New Zealand citizen or resident family member, or
 - ordinarily reside in New Zealand
- Australian citizens and permanent residents ordinarily resident in New Zealand

INZ confirms these people are exempt

Only Cabinet can decide:

- Any expansion of an exception category (eg changing criteria agreed by Cabinet)
- Any additional border exemption or exception categories
- Any exceptions for *classes of critical workers* (ie anyone who has a specified characteristic, rather than named individuals)

Border Exception Categories: Groupings under which people can request exceptions to the border restrictions

Exception categories	Who can expand scope of category	Who can grant exceptions	Definitions
Partners/dependents of temporary migrants who normally live in New Zealand		INZ	To support family reunification, the partner or dependent children (under 20 years of age) of temporary visa holders who live in New Zealand (student or work visas) and who normally live in New Zealand themselves (and hold a visitor, work or student visa).
Humanitarian reasons	Immigration instructions set the factors to be considered (see 'definitions' at right). Factors can be changed/updated by Minister of Immigration (in consultation with other Ministers), eg change to enable Mosque attack victims to attend sentencing.	INZ If purpose of travel is to receive medical treatment, MOH or DHB must approve first.	"Humanitarian reasons" are exceptional circumstances that make it strongly desirable for the applicant to travel to NZ. INZ considers connection to NZ, connection to current location, whether NZ is primary place of residence, length of absence, any alternatives open to applicant and their impact on them of not granting entry permission.
Critical workers	Minister of Immigration can add projects to specified lists in consultation with relevant Ministers (eg major infrastructure projects, major events etc) to give effect to existing criteria. Any widening of criteria (what constitutes a critical worker) must be agreed by Cabinet.	INZ Senior Immigration Officers (INZ National Managers the in Border, Visa and Operations Group of INZ)	"Critical worker" is undertaking a time-critical role, and has unique experience/technical skills OR is undertaking work that is significant (either a named project/event or has significant wider benefit to the regional/national economy). If staying longer than 6 months, worker must also earn 2x median wage (ie \$106,000 plus), work in a science programme or be essential for a major event or significant programme.
Critical health workers	Ministry of Health and MBIE can agree amendments to the list of occupations and the places of employment.	INZ	Critical health and disability workers across a wide-range of occupations and working across a range of employment settings (eg DHB, aged residential care, hospice, primary health care), and taking up their job from March to 31 December 2020 .
Maritime • Marine crew arriving at the maritime border • Replacement cargo crew arriving by air	Minister of Health can expand the types of foreign ships that are permitted in New Zealand under the <i>COVID-19 Public Health Response (Maritime Border) Order 2020</i> . Cabinet can expand replacement maritime crew	INZ Some ships need to be individually permitted to arrive by the Director-General of Health (ie Maritime Border Orders s.10(2) (e)-(f)).	Marine crew is any person arriving at the maritime border who is on a ship permitted to arrive in New Zealand, and where the crew is required for the ship's operation. Ships permitted to are specified in <i>COVID-19 Public Health Response (Maritime Border) Order (No 2)</i> (s.10), including cargo, fishing, or a ship approved by the D-G of Health for refit, repair, reprovisioning, refuelling, or delivered to a business, or on humanitarian grounds.
Samoan and Tongan citizens making essential travel		INZ, with MFAT confirming 'essential travel'	Essential travel is narrowly defined as: travel officially requested by the Governments of Samoa or Tonga of the New Zealand Government, formally approved by MFAT
Temporary migrants normally resident in New Zealand	Cabinet have agreed to establish this category and the Minister of Immigration and Minister responsible for oversight of MIQ have agreed that it can 'go live' in early October 2020. Any decisions on changes to the scope of this category require Cabinet agreement.	INZ	The exception will enable people who normally live and work in New Zealand but were offshore when our borders closed, to return. The eligibility criteria is tightly focussed on those with a strong connection to New Zealand up to 850 people), namely: they have retained their job/business; have lived here for 2+ years (or if less, can show other strong connections; departed New Zealand after 1-Dec-2019; and have a higher-skilled work visa that does not expire before end-2020.

Isolation and Quarantine Framework: Categories and decision-makers

Generally, all people arriving in New Zealand need to undertake 14-day managed isolation. However, some people are excluded from managed isolation requirement, can leave a managed isolation facility early, or alternatively, can undertake managed isolation in a bespoke 'approved' facility. Rules for people arriving by air are outlined in the *COVID-19 Public Health Response (Air Border) Order (No.2) 2020* and people arriving by sea *COVID-19 Public Health Response (Maritime Border) Order (No.2) 2020*.

MIQ Exclusions: People who do not need to enter Managed Isolation Facility on arrival

Categories	Who can expand the scope of the category	Who can grant exclusions	Definitions
Air border <ul style="list-style-type: none"> Air crew Maritime crew who will depart New Zealand Diplomats and consular staff Critical COVID-19 responders Medical attendants for medivac Returning NZ Defence Force 		<p>Medical Officer of Health/ Health Protection Officer currently approve transport plans of replacement marine crew to travel from airport to ships (to depart NZ). MBIE MIQ will shortly become responsible for management of all transfers (new Maritime Border Order, Sept 2020).</p> <p>Director-General of Health can designate people delivering services critical to supporting the response to COVID-19</p> <p>Ministry of Health (MoH/HPO) to agree MFAT's proposed self-isolation plan for each diplomatic and consular personnel who choose not to enter a managed isolation facility.</p>	<p>Excluded arrival are persons specified in <i>Air Border Order (s.4(1))</i>:</p> <ol style="list-style-type: none"> aircraft pilots or flight crew members maritime crew members transferring to a ship immediately after their arrival, to depart New Zealand (<i>Maritime Border Order s.17-18</i>) medical attendants assisting with medical air transfers any person designated by the Director-General as critical to providing services to assist with the response to COVID-19 (eg critical health workers). Diplomatic and consular staff NZ Defence Force member returning from service outside New Zealand.
	<p>Minister of Health, with Cabinet agreement, can make changes to the rules covering the requirements to be isolated or quarantined <i>COVID-19 Public Health Response (Maritime Border) Order 2020</i>.</p>	<p>Medical Officer of Health/ Health Protection Officer determines:</p> <ul style="list-style-type: none"> Which people on board a ship must transfer to MIQ Approve plan for crew to travel from ship to international airport to depart New Zealand (MBIE MIQ will be responsible for all arranging all crew transfers from Sept 2020 under the new Maritime Border Order) Approve the plan for short duration stay at MIQ prior to departure Determine if people cannot self-isolate on board their vessel, when they arrive in New Zealand. <p>MFAT grant diplomatic clearance for a foreign state ship.</p>	<p>Crew arriving in New Zealand to depart on international flight on same day do not need to enter MIQ, and are transferred on approved transport to airport. People do not need to enter MIQ if all crew on vessel test negative, it has been 14 days since last port or contact, all people have been symptom-free for past 14 days, and all on board the vessel are assessed as meeting low-risk indicators (new Maritime Border Order, Sept 2020).</p> <p>People arriving on NZ Government ship or warship, or approved foreign state ship (s.15(3), Maritime Border Order).</p> <p>Medical Officer of Health/Health Protection Officer to notify MIQ and relevant border agencies of people approved as MIQ exclusions.</p>
People approved to enter an bespoke managed isolation facility	<p>MBIE-MIQ can expand the numbers of MI facilities, including approval of bespoke facilities for isolation of specific groups.</p>	<p>Assessment of sites to meet the health, security and public safety standards to limit public risk of COVID-19. Undertaken by representatives from DHB/MoH, NZDF (lead for report/recs), Police, Aviation Security (AVSEC) and Fire and Emergency New Zealand (FENZ) (any agency can veto facility if not meeting agreed standards).</p>	<p>Hotels are the main sites approved as MI facility, but further bespoke MIFs may be required for specific groups, eg major sporting events which requires access to training facilities and contact within teams, use of the Mangere Refugee Resettlement Centre for refugees entering under refugee quota programme, or one-off hotels for large fishing crews.</p>

MIQ Exemptions: People who may be able to leave Managed Isolation Facility early or temporarily

Categories	Who can expand the scope of the category	Who can grant exemptions	Definitions
Exceptional Circumstances	<p>Director-General of Health</p>	<p>Chief Executive MBIE. Requires advise from Medical Officer of Health about risk of outbreak or spread of COVID-19, low risk health assessment and satisfied person will comply with any conditions.</p>	<p>There is a narrow set of criteria and exceptional reasons for leaving MIQ early or temporarily, for example, to visit with a family member who is terminally ill, usually with less than four weeks to live, or to grieve with family if the person has died.</p>
		<p>Director-General of Health</p>	<p>This is for those who require hospital care. If they are discharged within 14 days, they will complete the required isolation in a managed isolation facility</p>
Individuals with physical or medical needs		<p>Director-General of Health</p>	<p>Some people have needs that can't be met within the MIQ system and will be required to undergo self-isolation.</p>
Maritime crew members departing New Zealand (via sea or air)			

Coming to New Zealand (maritime and air)



Border Exemption
New Zealand citizens, permanent residents and Australians normally resident (also includes partners and dependent children), diplomats, air crew and some marine crew (cargo)

Border Exception
Humanitarian (incl medical transfers), critical health workers and other critical workers, marine crew arriving at the maritime border and replacement cargo crew arriving by air, Samoan and Tongan essential travellers, normally resident temporary visa holders including partners and dependents

Allocation of space

- Request by individuals, employers, shipping agents etc for space in managed isolation facility
- Rooms allocated

People not required request MI place

- Air crew
- Diplomats and consular staff
- Critical workers for COVID-19 response approved by D-G
- Transit passengers departing New Zealand within 24 hours
- Replacement cargo and other maritime crew departing New Zealand on arrival
- Maritime crew who will have been at sea with no contact for 14 days with expectation of all returning negative COVID-19 test and low-risk

Notice of arrival

Maritime

- Maritime Border Order Notice provided by ship or agent one week (168 hours) prior to arrival
- Advance Notice of Arrival (ANA) provided by ship 48 hours prior to intended arrival
- Health Pratique submitted by ship's master 12-24 hours before arrival

Air

Arrivals notified by:

- Passenger Name Record (PNR) (72 hours before departure) and
- Advanced Passenger Processing (APP) (less than 24 hours notice, ie check-in)

Entry to New Zealand

- Border agencies approve entry to New Zealand
- Medical examination, testing and quarantine at port/airport to determine MI or quarantine

Travel to MIQ

- All people arriving at border enter MI facility or quarantine
- Transported from airport/port to MIQ (notice of transfers advised to MBIE MIQ at least 4 days prior)

Travel to Ship/Aircraft

People who are departing New Zealand travel directly from:

- Ship to airport if departing the same day
- Aircraft to port if departing within 48 hours

14-days isolation

- All people enter managed isolation at approved facilities for 14-days
- Testing at day-3 and day-12
- Negative COVID-19 tests and no symptoms

Less than 14-days isolation

- Maritime arrivals/departures can leave the MI facility if they are departing New Zealand (by sea or aircraft) on that day
- People approved for exemption to managed isolation under exceptional circumstances, medical transfers or individual with physical/medical needs

No entry to managed isolation

- Air crew, diplomats and consular staff, D-G approved critical workers
- Maritime crews who arrive by air and depart New Zealand, generally on same day
- Maritime crew/passengers who have been at sea with no contacts for **14 days**, with all crew testing COVID-19 negative, with no symptoms and meeting low-risk health assessment.



MBIE (INZ)

- INZ Approve Request to Travel or Invitation to Apply (ITA)
- Visa application assessed
- Visa issued

MoH

- MOH/HPOs at DHBs approve alternative isolation arrangements (eg diplomats, on-board ships)

MBIE (MIQ)

- Approve request for space at MI facility
- Manage transfer to and from airport/port and MI facility

Border Agencies

- Customs - Border Order Notice (1 week) and ANA (48 hours) received, passenger details collected, port arrival/departure, date
- Customs - PNR received (fwd to INZ/MPI), with profiling/risk assessment
- INZ - API (board decision), and entry granted at border
- MOH/HPO and Customs - Review health pratique

MoH

- Testing and medical exam
- MOH/HPOs assess 14-day isolation of maritime and ongoing health checks.

MBIE (MIQ)

Manages transfers

- to and from airport (or port) to MI facility

OR

- to and from port/airport, if crew are departing NZ.
- Shipping agents advise transfer needs 4 days (96 hours) prior to arrival

MoH

- Testing & medical examinations within MI and any people who are not entering MI
- D-G Health approves MI exemptions

MBIE (MIQ)

- Manage transport for early departures and transfers from MI (liaising with Customs for movements at port and airport sites)
- Manage entry and exit to MI facilities



Current criteria

There are three broad categories of border exceptions:

Workers

“Other critical workers” are split in two categories: short-term and long-term roles.

Short-term criteria: worker has unique experience and technical or specialist skills that are not obtainable in New Zealand, OR worker is undertaking a time-critical role essential for a pre-approved event/project/programme or work which has significant wider benefit to the economy.

Long-term criteria: 1 short-term criteria plus: worker earns at least twice the median salary OR is essential for a government funded science programme OR is undertaking a time critical role essential for one of pre-approved lists of events/projects/programmes.

Critical health workers border exceptions are for workers holding key positions required to deliver critical services within the health and disability system (as defined on INZ website).

Family

To support family reunification, the partner or dependent children (under 20 years of age) of temporary visa holders who live in New Zealand (student or work visas) and who normally live in New Zealand themselves (and hold a visitor, work or student visa).

Humanitarian

Humanitarian reasons are exceptional circumstances that make it strongly desirable for the applicant to travel to NZ. INZ considers connection to NZ, connection to current location, whether NZ is primary place of residence, length of absence, any alternatives open to applicant and the impact on the applicant of not granting entry permission.

Demand and flows through the current system

Category	EOIs received	Approved	Declined	People approved a visa *	Border entries
Humanitarian	10,469		9319	477	291
Family of a NZ citizen, resident or temporary visa holder residing in NZ	20,404		14,273	2,020	818
Other critical workers (from 18 June)	733	162 (*plus 5 mixed outcomes)	375	705	271
Critical health workers	3,074		1,424	1,174	512

Data as at 14 August 2020

*People approved a visa or a variation of an existing visa that will allow them to cross the border

EOI: Expression of interest (measure of demand, noting that a requestor may have submitted more than one EOI, so potentially overstates demand)

Approval/Refused: has been assessed as either meeting/not meeting immigration policy criteria

ITAs issued: Invitations to Apply issued – measure of potential flow (number of individuals who have been approved an EOI, including dependents)



Case studies who is and isn't getting through the EOI process?

Issues to consider in future

Free and frank opinions

Appendix 3

Significant Group	Agency with responsibility for the sector or group	Numbers (agency estimate)	Timing	Eligible Under Current Border Exceptions	Need or could use bespoke MIQ?	Key update	Comments/next steps
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Constitutional conventions							
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