



## COVERSHEET

<b>Minister</b>	Hon Kris Faafoi	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	COVID-19: Managing Exceptions to Border Restrictions	<b>Date to be published</b>	19 November 2020

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
September 2020	COVID-19: Managing Exceptions to Border Restrictions	Office of the Minister of Immigration
5 October 2020	CAB-20-MIN-0453	Cabinet Office

### Information redacted

**YES / NO** *(please select)*

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Some information has been withheld for the following reasons:

- Confidential advice to Government
- Legal professional privilege
- Commercial information
- Privacy of natural persons



# Cabinet

## Minute of Decision

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### COVID-19: Managing Exceptions to Border Restrictions

**Portfolios**                      **Housing / Immigration**

On 21 September 2020, Cabinet:

#### Background

- 1        **noted** 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        **noted** 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        **noted** 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        **noted** that new border exception categories for other groups other than workforces may also be proposed;

#### Decision making


- 5        **agreed** to establish a Ministerial group led by the Minister of Immigration, and comprising the Minister for Economic Development, Minister of Housing, Minister of Health, and Minister of Internal Affairs to consider proposals for class exceptions, for agreement by the group of Ministers with Power to Act over the general election and government formation period [CAB-20-MIN-0392];
- 6        **authorised** 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        **noted** 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 before being put forward for Cabinet approval;

**Policy framework**

- 8 **agreed** 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 **agreed** that the following considerations will be the framework for Ministers when considering class exceptions or the expansion of current exceptions:
- 9.1 workforce class exception proposals must satisfy the following bottom lines:
- 9.1.1 a critical workforce gap is identified that cannot be filled in total domestically;
- 9.1.2 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;
- 9.1.3 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;
- 9.2 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;
- 9.3 proposals for exceptions for groups other than workforces:
- 9.3.1 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);
- 9.3.2 must not create more than minimal labour market displacement risks;
- 9.3.3 must be reasonable in light of the tightly restricted border settings;
- 9.3.4 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;
- 9.3.5 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;
- 9.4 for all group exceptions, the impact on Managed Isolation and Quarantine (MIQ) capacity must be manageable in light of forecast pressures and the nature of the group, taking into consideration the following practical considerations:
- 9.4.1 MIQ total capacity;
- 9.4.2 MIQ timing;
- 9.4.3 MIQ facility requirements; and
- 9.4.4 public health risk/impost on the public health system;

- 10 **agreed** 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 **agreed** that given the need to manage demand for MIQ, 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 **agreed** that:
- 12.1 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;
  - 12.2 in addition, these lists can cover sports and cultural events, national security or foreign affairs interests and international treaty obligations;

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### Initial proposals for class exceptions


- 14 **noted** that the 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;
- 15 **agreed** to a workforce class exception for veterinarians who are needed for large animal and livestock roles, of up to 30 individuals;
- 16 **agreed** to a workforce class exception for rural contractors who are agricultural and horticultural mobile plant operators, capped at 210 workers;
- 17 **noted** that officials will work with the national association Rural Contractors New Zealand to identify the workers;
- 18 **agreed** 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;
- 19 **noted** that the Ministry for Primary Industries will report back to the Ministerial group on the fishing industry's progress in delivering its Industry Transition Action Plan;
- 20 **agreed** 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

- 21 **noted** that regular reporting will be provided to Cabinet on demand for exceptions and on supply and demand for places in MIQ;


**Further work**

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23 **noted** that the Minister of Immigration, in consultation with the Ministerial group, intends to report back to Cabinet in December 2020 with a more comprehensive review of the immigration criteria agreed by Cabinet [CAB-20-MIN-0268], which would allow for consideration of a wider range of border entries;

24 Confidential advice to Government



Michael Webster  
Secretary of the Cabinet