



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	COVID-19: New exception to border restrictions for some people who normally live and work in New Zealand	Date to be published	5 February 2021

List of documents that have been proactively released		
Date	Title	Author
August 2020	COVID-19: New exception to border restrictions for some people who normally live and work in New Zealand	Office of the Minister of Immigration
24 August 2020	COVID-19: New Exception to Border Restrictions CAB-20-MIN-0414	Cabinet Office
12 June 2020	Briefing: COVID-19: Border restrictions – Exceptions for humanitarian and people ordinarily resident	MBIE

Information redacted

YES / NO (please select)

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Some information has been withheld for the following reasons:

- Privacy of natural persons
- Confidential advice to Government



Cabinet

Minute of Decision

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COVID-19: New Exception to Border Restrictions

Portfolio **Immigration**

On 24 August 2020, Cabinet:

- 1 **noted** that travel restrictions effectively closing New Zealand's borders to all countries and requiring 14-day managed isolation for all arrivals will continue, but that particular groups (including New Zealand citizens and resident class visa holders, and their families, diplomats, air and some marine crew) can continue to enter the country;
- 2 **noted** that exceptions to the border restrictions have been agreed by Cabinet for people meeting specific criteria, including essential health workers and other essential workers, humanitarian reasons, partners and dependants of a temporary work or student visa holder normally living in New Zealand, people arriving at the maritime border on an approved vessel, replacement marine cargo crew and essential travel to New Zealand by citizens of Tonga and Samoa [CAB-20-MIN-0122, CAB-20-MIN-0268 and CAB-20-MIN-0281];
- 3 **noted** that work to consider further exceptions to border restrictions to support social recovery (eg return of temporary work visa holders) was identified as part of the cross-agency work programme to support the border and global markets reconnection [CAB-20-MIN-0281];
- 4 **noted** that there are approximately 10,000 temporary visa holders who had been living in New Zealand and hold a current work visa but are currently outside New Zealand, and that some of this group still have jobs, family and homes in New Zealand, and are unable to return due to the tight border restrictions;
- 5 **agreed** to establish a new exception category that is narrowly targeted on a small proportion of these temporary visa holders currently offshore (less than ten percent or 1,000) – those who have strong connections to New Zealand who have been living in New Zealand for some time, with an expectation of residing in New Zealand long term, and who still have a job (or business) in New Zealand;
- 6 **noted** that there is currently limited capacity at managed isolation facilities, but that work is ongoing to ensure a more sustainable, scalable model for isolation of arrivals, including an allocation system that will help smooth demand to ensure places in isolation facilities can be managed effectively;
- 7 **agreed** that this new border exception category will remain 'closed' to applications until the Minister of Immigration and the Minister of Housing (responsible for managed isolation and quarantine facilities) are confident that there are sufficient places available in managed isolation facilities for these arrivals (and their placement will not displace those of New Zealand citizens and residents);

- 8 **agreed** to the following criteria for the new border exception category for temporary visa holders, who normally live and work in New Zealand, namely, that the person:
- 8.1 holds a current job (and this was held before departing New Zealand) or operates a business in New Zealand (and operated prior to departing) as part of an entrepreneur work visa;
 - 8.2 at the time of departing New Zealand, held either a work to residence visa, or an essential skills visa that is not subject to the stand-down period;
 - 8.3 departed New Zealand since 1 December 2019;
 - 8.4 has lived in New Zealand for at least two years, or if living in New Zealand for at least one year, must have one of the following:
 - 8.4.1 has an entrepreneur work visa and operates a business in New Zealand (and operated it before departing New Zealand);
 - 8.4.2 had their dependent children with them in New Zealand (for at least six months);
 - 8.4.3 has parents or adult siblings who are ordinarily resident in New Zealand;
 - 8.4.4 had submitted an application for residence by July 2020;
 - 8.5 held a visa at the time of departing that does not expire before the end of 2020, or if expiring before that date, has applied for a further visa by 31 July 2020 (or date to be determined by Minister of Immigration) allowing them to remain for 12 months or more, and that this visa is approved before an exception is granted;
- 9 **agreed** that an application for the ‘normally resident’ exception can also cover the person’s partner and dependent children (under 20 years of age);
- 10 **agreed** that the number of successful border exceptions approved under this category will be closely monitored, and that if numbers look likely to exceed 850 principal applicants, the Minister of Immigration will report back to Cabinet on options to suspend or alter this exception category;
- 11 **authorised** the Minister of Immigration and the Minister of Housing (responsible for managed isolation and quarantine facilities) to determine when this new exception category commences based on the availability of managed isolation capacity;
- 12 **noted** that the Minister of Immigration, through the certification of Immigration Instructions, will provide further detail and definitions to the criteria as required to operationalise these decisions;
- 13 **invited** the Minister of Immigration to give effect to these decisions through certifying Immigration Instructions.

Michael Webster
Secretary of the Cabinet
