



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020	Date to be published	25 February 2021

List of documents that have been proactively released

Date	Title	Author
December 2020	Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020	Office of the Minister of Immigration
16 December 2021	CBC-20-MIN-0138	Cabinet Office

Information redacted

YES / NO [select one]

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Cabinet Business Committee

Minute of Decision

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Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020

Portfolio Immigration

On 16 December 2020, the Cabinet Business Committee, having been authorised by Cabinet to have Power to Act [CAB-20-MIN-0536]:

- 1 **noted** that:
 - 1.1 in July 2020, the Cabinet Business Committee agreed to suspend, for the maximum period of three months, the ability of people offshore to apply for, or express interest in applying for, most temporary entry class visa types [CBC-20-MIN-0069];
 - 1.2 the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19 – Applications and Fees) Regulations 2020, which came into effect on 10 August 2020, gave effect to the decision;
- 2 **noted** that:
 - 2.1 in October 2020, Cabinet agreed to continue the suspension [CAB-20-MIN-0448];
 - 2.2 this was given effect through the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 2) 2020, which came into effect on 9 November 2020 and will expire on 8 February 2021 unless extended through a further regulation change;
- 3 **noted** that the Minister of Immigration considers that the suspension of applications should be continued beyond the February 2021 expiry date, and that this continues to be reasonably necessary to manage the effects of, or deal with the consequences of, the outbreak of COVID-19;
- 4 **agreed** to extend the current suspension of applications for, and expressions of interest in applying for, most offshore temporary visas for a further three months to 7 May 2021;
- 5 **agreed** that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Housing and the Minister of Health) continue to be authorised to revoke the regulations, in whole or in part, should the Minister of Immigration recommend that:
 - 5.1 suspending the ability of persons outside of New Zealand from applying for a temporary entry class visa is no longer required; or

5.2 applications for certain temporary entry class visas should be reopened before the end of the suspension period;

6 **noted** that, in October 2020, Cabinet agreed that the suspension not apply to people applying for visas from within a Safe Travel Zone that is in effect, where they intend to travel to New Zealand from that Safe Travel Zone [CAB-20-MIN-0448] ;

7 **agreed** to a minor and technical change (removing wording at 9A(1)(aa)(ii), which refers to an Air Border Order) which will enable the Safe Travel Zone carve out to work as intended;

8 **noted** that the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020 give effect to the decisions in paragraphs 4 and 7 above;

9 **authorised** the submission to the Executive Council of the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020 [PCO 23312/9.0];

10 **agreed** that the amended date in the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 3) 2020 come into effect on 8 February 2021;

11 **noted** that a waiver of the 28-day rule is sought for the minor and technical change in paragraph 7 above (removing wording):

11.1 so that the regulations can come into force as soon as possible;

11.2 on the grounds that this change will only confer benefits, as it will enable visa-required nationals in a Safe Travel Zone to apply for visas as soon as a Safe Travel Zone comes into effect;

12 **agreed** to a waiver the 28-day rule for the minor and technical change in paragraph 7 above so that the regulations can come into force as soon as possible;

13 **noted** that if it is considered appropriate to continue suspending offshore temporary visa applications after 7 May 2021 the Minister of Immigration will return to Cabinet to seek further agreement;

14 **noted** that the power to make these regulations will expire, along with other immigration powers intended to respond to COVID-19, on 15 May 2021;

15 **invited** the Minister of Immigration to submit a proposal to Cabinet to amend the Immigration Act 2009 to extend or remove the expiry date for this and other relevant immigration COVID-19 powers early in 2021.

Gerrard Carter
Committee Secretary

Present: (see over)

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Jan Tinetti
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon James Shaw

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet