



## COVERSHEET

|                               |   |                             |              |
|-------------------------------|---|-----------------------------|--------------|
| <b>Minister</b>               | Hon Kris Faafoi                                     | <b>Portfolio</b>            | Immigration  |
| <b>Title of Cabinet paper</b> | Immigration (COVID-19 Response) Amendment Bill 2021 | <b>Date to be published</b> | 1 April 2021 |

### List of documents that have been proactively released

| <b>Date</b>      | <b>Title</b>  | <b>Author</b>                         |
|------------------|---|---------------------------------------|
| February 2021    | Immigration (COVID-19 Response) Amendment Act 2020: proposed extension of powers                    | Office of the Minister of Immigration |
| 24 February 2021 | Immigration (COVID-19 Response) Amendment Act 2020: proposed extension of powers<br>DEV-21-MIN-0016 | Cabinet Office                        |
| March 2021       | Immigration (COVID-19 Response) Amendment Bill 2021: Approval for Introduction                      | Office of the Minister of Immigration |
| 25 March 2021    | Immigration (COVID-19 Response) Amendment Bill 2021<br>LEG-21-MIN-0030                              | Cabinet Office                        |

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of Confidential advice to Government.



# Cabinet Economic Development Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### Immigration (COVID-19 Response) Amendment Act 2020: Proposed Extension of Powers

Portfolio                      Immigration

On 24 February 2021, the Cabinet Economic Development Committee (DEV):

- 1        **noted** that the Immigration (COVID-19 Response) Amendment Act 2020 (the 2020 Act) introduced eight powers to provide additional flexibility in the immigration system to support appropriate and efficient responses to the COVID-19 outbreak;
- 2        **noted** that the powers under the 2020 Act are subject to a number of safeguards, including that:
  - 2.1      most can only be exercised through a special direction (in the case of groups, only by the Minister of Immigration, through an instrument that must be published);
  - 2.2      the decision maker must be satisfied in each case that the exercise of the power (such as the making of the special direction) is reasonably necessary to manage the effects and deal with the consequences of measures taken to contain or mitigate the outbreak of COVID-19;
  - 2.3      almost all powers can only be exercised to benefit (or at a minimum not disadvantage) visa holders, while the major exception to this (the ability to suspend the making of applications) must be done through regulations;
- 3        **noted** that the powers under the 2020 Act are due to be repealed on 15 May 2021;
- 4        **agreed** to amend the Immigration Act 2009 to extend by a further two years the date of repeal of the powers granted to the Minister of Immigration under the 2020 Act to respond to the COVID-19 situation;
- 5        **agreed** to extend the duration of regulations made under the power to suspend the ability to make applications for visas by classes of people, from three to six months;
- 6        **invited** the Minister of Immigration to report back to DEV at a later date to discuss a broader review of the Immigration Act 2009, including whether these powers should be maintained beyond the COVID-19 pandemic and the implications for the provision of any social welfare support provided by the Ministry for Social Development;

Confidential advice to Government

- 8 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to amend the Immigration Act 2009 in accordance with the above paragraphs;
- 9 **authorised** the Minister of Immigration to make decisions on any minor or technical matters, consistent with the policy proposals in the paper under DEV-21-SUB-0016, that may arise during the drafting process.

Janine Harvey  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Dr Megan Woods  
Hon Carmel Sepuloni  
Hon David Parker  
Hon Poto Williams  
Hon Damien O'Connor  
Hon Stuart Nash  
Hon Kris Faafoi  
Hon Michael Wood  
Hon Dr David Clark  
Hon Dr Ayesha Verrall  
Hon Meka Whaitiri  
Hon Phil Twyford  
Rino Tirikatene, MP  
Dr Deborah Russell, MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for DEV

**Hard-copy distribution:**

Minister of Immigration