



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	Immigration (Visa, Entry Permission, And Related Matters) Amendment (Covid-19—Applications) Regulations 2021	Date to be published	4 June 2021

List of documents that have been proactively released

Date	Title	Author
April 2021	Immigration (Visa, Entry Permission, And Related Matters) Amendment (Covid-19—Applications) Regulations 2021	Office of the Minister of Immigration
8 April 2021	LEG-21-MIN-0034 Immigration (Visa, Entry Permission, And Related Matters) Amendment (Covid-19—Applications) Regulations 2021	Cabinet Office
1 March 2021	2021-2592 Minor and technical change to Regulations	MBIE

Information redacted

NO

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.



BRIEFING

Minor and technical change to Regulations

Date:	1 March 2021	Priority:	High
Security classification:	In Confidence	Tracking number:	2021-2592

Action sought		
	Action sought	Deadline
Hon Kris Faafoi Minister of Immigration	Agree to issue drafting instructions to extend the expiry date of the regulations suspending the ability of persons offshore to apply for a temporary entry-class visa	3 March 2021
Hon Phil Twyford Associate Minister of Immigration	For information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Kirsty Hutchison	Manager, Immigration Policy (Border and Funding)	04 901 4131	021 569 947	✓
Christine Hyndman	Principal Policy Advisor	04 901 8575	027 408 1737	

The following departments/agencies have been consulted
Ministries of Foreign Affairs and Trade, Education (and Education New Zealand), and Social Development; the Department of Prime Minister and Cabinet; and The Treasury

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Minor and technical change to Regulations

Date:	1 March 2021	Priority:	High
Security classification:	In Confidence	Tracking number:	2021-2592

Purpose

This note asks you to direct the Ministry of Business, Innovation and Employment (MBIE) to issue drafting instructions to Parliamentary Counsel Office (PCO) to extend the expiry date of the regulations suspending the ability of persons offshore to apply for a temporary entry-class visa by a further three months from 7 May 2021.

PCO has advised that, as this change is minor and technical, your agreement to those drafting instructions is sufficient for PCO to draft the required amendment regulation, and a formal Cabinet decision is not required.

We note that:

- two further technical changes to these regulations may be agreed to by Cabinet through a separate paper from the Minister for COVID-19 Response seeking decisions on quarantine-free travel settings, and
- a draft paper seeking Cabinet's approval of the amendment regulations will be provided to your office for ministerial consultation on Thursday 4 March 2021.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19 – Visa Applications and Fees) Regulations (No.3) 2020*, which have suspended the ability of persons offshore to apply for temporary entry-class visas, expire on 7 May 2021
Noted
- b **Direct** officials to issue drafting instructions to PCO to extend the suspension of the ability of persons offshore to apply for temporary entry visas by three months
Agree / Disagree / Discuss
- c **Note** that a paper currently under development by the Minister for COVID-19 Response, which will seek decisions on quarantine-free travel settings, may seek a further two technical changes to those regulations
Noted
- d **Note** that a draft paper seeking Cabinet's approval of the amendment regulations will be provided to your office for ministerial consultation on Thursday 4 March 2021.
Noted

Kirsty Hutchison
Manager, Immigration Policy
Labour, Science and Enterprise, MBIE

Hon Kris Faafoi
Minister of Immigration

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We seek your approval to issue drafting instructions to PCO

1. The *Immigration (COVID-19 Response) Amendment Act 2020*, which gave the Minister of Immigration a number of powers to address the impacts of COVID-19, came into force on 16 May 2020. One of those powers suspends the ability of persons outside of New Zealand from applying for a temporary entry class visa for a period of three months. It must be exercised through Order in Council (Regulations).
2. In July 2020, Cabinet agreed for the first time to suspend the ability of most persons outside of New Zealand from applying for a temporary entry class visa for a period of three months [CBC-20-MIN-0069, LEG-20-MIN-0108]. Cabinet approved the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19 – Visa Applications and Fees) Regulations 2020*, which implemented that decision, and which came into effect on 10 August 2020.
3. Cabinet has approved two further extensions to those Regulations in the interim. The current term will expire on 7 May 2021, just over a week before it is anticipated that the proposed *Immigration (COVID-19 Response) Amendment Act 2021* will come into effect. That Act is intended to, among other things, extend the suspension period to up to six months at a time.
4. The two extensions to date have been effected through Cabinet papers which simultaneously sought agreement to the policy (further extending the suspension period) and the amendment regulations effecting it (most recently the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19 – Visa Applications and Fees) Regulations (No. 3) 2020*) [CAB-20-MIN-0528].
5. Similarly, PCO is prepared to draft this change prior to formal Cabinet agreement, but has requested that we provide a document indicating your agreement to the extension proceeding. This will meet standard requirements to authorise minor and technical changes. We therefore recommend that you direct officials to issue drafting instructions to PCO to extend the expiry date of the Amendment Regulations by a further three months from 7 May 2021.

A paper seeking decisions on quarantine-free travel settings may further amend the regulations

6. Your colleague, the Minister for COVID-19 Response, is currently developing a paper aimed at seeking agreement on settings and implementation details for quarantine-free travel zones. If that paper proceeds, it will propose two additional regulation changes, to:
 - a. ensure that once a quarantine-free travel zone is in place, third country nationals in that zone can continue to make applications for temporary entry class visas, regardless of whether quarantine-free travel is in effect or not; and
 - b. amend the references to Safe Travel Zone to Quarantine-free travel zone (in line with preferences expressed by the Ministry of Health, which considers such travel to be low-risk rather than safe).
7. Those changes, if agreed, will be incorporated into the Amendment Regulations to be considered by Cabinet towards the end of this month.

Next steps

8. The table below sets out our current understandings of timeframes.

Deliverables	Date
Draft Cabinet paper provided to office for circulation / consultation	Thursday 4 March [during recess]
Feedback received and fed back to MBIE	Thursday 18 March
Final paper and talking points provided to office	Tuesday 23 March
Paper lodged with Cabinet Office	Thursday 25 March
Considered by Cabinet Business Committee	Monday 29 March
Cabinet and Executive Council	Tuesday 6 April [Easter Tuesday]
Gazetted [+ 28 days]	Friday 9 April
Into effect	Friday 7 May