



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	Immigration (Visa, Entry Permission, And Related Matters) Amendment Regulations 2021	Date to be published	5 August 2021

List of documents that have been proactively released		
Date	Title	Author
June 2021	Immigration (Visa, Entry Permission, And Related Matters) Amendment Regulations 2021	Office of the Minister of Immigration
10 June 2021	Immigration (Visa, Entry Permission, And Related Matters) Amendment Regulations 2021 LEG-21-MIN-0090 Minute	Cabinet Office

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.



Cabinet Legislation Committee

Minute of Decision

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.

Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2021

Portfolio Immigration

On 10 June 2021, the Cabinet Legislation Committee:

Online visa application processing platform (ADEPT)

1 **noted** that:

- 1.1 in 2019, Cabinet agreed to reform Employer Assisted Work Visa Policy and approved the associated business case;
[GOV-19-MIN-0064]
- 1.2 in July 2020, Cabinet approved a business case for the implementation of Automated Decision Assist capability for Immigration New Zealand;
[GOV-20-MIN-0026]

2 **noted** that:

- 2.1 the combined visa reform and technology upgrade projects have been developed together as the Advanced Digital Employer-led Processing and Targeting (ADEPT);
- 2.2 two technical changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 have been identified as necessary to support the movement of visa applications onto the ADEPT platform;

3 **agreed** to two technical changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, to:

- 3.1 enable the reconsideration of declined visa applications to be effected online; and
- 3.2 clarify the process for making visa applications online, and the requirements for such applications;

Continued suspension of offshore temporary entry applications

4 **noted** that:

- 4.1 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 and LEG-20-MIN-0108]
- 4.2 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 that decision;

5 **noted** that:

- 5.1 Cabinet has agreed three times to continue that suspension;
[CAB-20-MIN-0448, CBC-20-MIN-0138, LEG-21-MIN-0034]
- 5.2 the Immigration (COVID-19 Response) Amendment Act 2021 has now extended the maximum allowable suspension period to six months;
- 5.3 unless the suspension is extended through a further regulation change before 6 August 2021 the suspension will end, and the suspension regulation will be repealed;

6 **noted** that the Minister of Immigration considers that:

- 6.1 the current suspension of certain applications should be continued beyond the August expiry date; and
- 6.2 this continues to be reasonably necessary to manage the effects of, or deal with the consequences of, the outbreak of COVID-19, and to manage the impacts of the measures that have been taken to manage COVID-19;

7 **agreed** to extend the current suspension of applications for most offshore temporary visas for a further six months, to 5 February 2022;

8 **noted** that in July 2020, CBC authorised a group of Ministers to have Power to Act to revoke the regulations, in whole or in part, should the Minister of Immigration recommend that:

- 8.1 suspending the ability of persons outside of New Zealand from applying for a temporary entry class visa is no longer required; or
- 8.2 applications for certain temporary entry class visas should be reopened before the end of the suspension period;
[CBC-20-MIN-0069]

9 **agreed** that the group of Ministers with Power to Act

- 9.1 continue to be authorised to revoke the regulations, in whole or in part;
- 9.2 comprise the Minister of Immigration, the Minister of Foreign Affairs, the Minister for COVID-19 Response and the Minister of Health;

Waiver of immigration fee and levy charges for victims of exploitation and their families

- 10 **noted** that, in March 2020, in the context of decisions intended to reduce the exploitation of temporary migrant workers, the Cabinet Economic Development Committee agreed to:
- 10.1 establish a new visa category for temporary migrant workers who are exploited (since named the Migrant Exploitation Protection Visa or MEPV), with a maximum six months' duration;
 - 10.2 enable partners and dependent children of exploited migrant workers who are onshore to be granted temporary entry class visas in line with the MEPV duration;
 - 10.3 waive immigration fees and levies that would otherwise be chargeable for the visas granted in line with 10.1 and 10.2 above;
[DEV-20-MIN-0034]
- 11 **noted** that the MEPV will be implemented on 1 July 2021, at the same time that changes associated with the programme of work to address migrant exploitation come into effect;

Update name of special visa category for victims of family violence

- 12 **noted** that, following the passing of the Family Violence Act 2018, the name of the previous Special Category for Victims of Domestic Violence has been updated to Special Category for Victims of Family Violence in immigration instructions, but the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 still refer to the Victims of Domestic Violence immigration instructions ;
- 13 **agreed** to amend the wording in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 from Special Category for Victims of Domestic Violence to Special Category for Victims of Family Violence;

Regulation decisions

- 14 **authorised** the submission to the Executive Council the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2021 [PCO 23814/3.0], which give effect to the decisions made in paragraphs 3, 7 and 13, and referenced in paragraph 10.3 above;
- 15 **authorised** the Minister of Immigration to make decisions on any minor or technical matters that may arise during the drafting process;
- 16 **noted** that a waiver of the 28-day rule is sought for the waiver of charges for immigration fee and levy charges for migrant worker victims of exploitation and their families, in order that it can come into effect from 1 July 2021 at the point that the 0800 number to report migrant exploitation is launched, and on the grounds that the changes are of a machinery nature and confer only benefits on temporary migrant workers who are exploited and their families;
- 17 **noted** that the change to terminology from Special Category for Victims of Domestic Violence to Special Category for Victims of Family Violence is in the same clause as the reference to the new MEPV, and that it is appropriate from an implementation perspective to make that change, which is minor and confers only benefits, at the same time;

- 18 **agreed** to a waiver of the 28-day rule for the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2021 so that the new MEPV and the reference to the Special Category for Victims of Family Violence can come into effect from 1 July 2021;
- 19 **noted** that, if it is considered appropriate to continue suspending offshore temporary visa applications after 5 February 2022, the Minister of Immigration will report to Cabinet to seek further agreement before December 2021.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Jan Tinetti
Kieran McAnulty, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG