



## AIDE MEMOIRE

### Revised draft Cabinet Paper on residence options for currently onshore migrants

<b>Date:</b>	20 August 2021	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-0650

<b>Information for Minister(s)</b>
Hon Kris Faafoi <b>Minister of Immigration</b>
Hon Phil Twyford <b>Associate Minister of Immigration</b>

<b>Contact for telephone discussion (if required)</b>				
<b>Name</b>	<b>Position</b>	<b>Telephone</b>		<b>1st contact</b>
Andrew Craig	Manager, Immigration (Skills and Residence) Policy	04 897 5275	s 9(2)(a)	✓
Rachel Carruthers	Senior Policy Advisor	04 830 7379		

<b>The following departments/agencies have been consulted</b>

**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 Withdrawn           |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**



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### Purpose

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To provide you with a revised draft Cabinet Paper outlining residence options for currently onshore migrants (**Annex One**), reflecting the Cabinet Business Committee's (CBC) feedback and to be lodged for Cabinet consideration on 30 August.

Andrew Craig  
**Manager, Immigration (Skills and Residence) Policy**  
Employment, Skills and Immigration, MBIE

20/08/2021

## Context

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1. You presented a previous version of this paper to the CBC on 16 August, and you were invited to lodge a revised version for consideration by Cabinet on 30 August. The draft Cabinet Paper attached at Annex One incorporates requested changes.

### Summary of changes

2. The main changes made to the Paper from the version considered by CBC are:
  - a. Changing the opening and closing dates for applications (throughout paper): the opening date for this pathway has been delayed until 1 December 2021 (was 1 November 2021), and will now close on 31 July 2022 (previously 30 June 2022).
    - i. The previously provided timeframes assumed that CBC would decide on an option on 16 August. Decisions have been deferred until Cabinet on 30 August, which pushes out the time Immigration New Zealand needs to prepare for implementation. This delay also means that necessary regulation change process now falls across recess weeks, creating further delays.
  - b. Inclusion of Option Three, a pathway for 'skilled and scarce' onshore migrants (throughout paper): this option will be available to approximately 90,000 eligible applicants, representing an estimated 135,000 people.
  - c. Additional rebalance context (paragraphs 2 and 3): to better articulate the link between this policy and the broader Immigration Rebalance.
  - d. Further detail on the options available for character checks (paragraphs 55-61): further discussions with Police and INZ have indicated that normal NZ Police vets can be managed for this volume (with immigration fee funding to Police) with minimal impacts on INZ processing times. We therefore present normal character vetting as the preferred option (recommendation 13). There are some operational details we are still working through to confirm this situation and will update you if this advice changes.
  - e. s 9(2)(f)(iv)  
[Redacted text]
  - f. Noting the intention to resume Pacific Access Category and Samoan Quota when reasonable and to rollover any forgone quota amounts due to the pause in these categories (paragraph 91).
  - g. Lists of eligible visa types, and what occupations are considered 'scarce' (placeholder only) have been added at Annexes One and Two. The list of scarce occupations is still being discussed with relevant agencies (see below), and any changes will be made prior to lodgement.

### Outstanding issue – primary sector (non-seasonal) roles

3. It has been agreed by Ministers that primary sector (non-seasonal) occupations will be included as a 'scarce' role list. There are choices about how broad this list is. For example,

this could be a list of all primary industry roles (and associated processing roles) which could be very broad, or a narrower list of a few specific core roles Ministers have focused on in (non-seasonal) workforce pressure discussions such as dairy and cattle farm workers, and meat processing (excluding other role like fishing hands, forestry workers and cellar hands). A key consideration in the breadth of the list will be explaining the rationale for why this is applied to primary industry roles and not other sectors (which is easier with a shorter, more focused list).

4. Officials will present a paper to you early next week presenting several different options for this list of roles, for you to share and discuss with relevant portfolio Ministers. Officials will then include the agreed list in the draft Cabinet Paper prior to lodgement.

### **Next steps**

5. Officials will incorporate any feedback you or your Ministerial colleagues may have on this draft as well as the agreed list of primary sector (non-seasonal) roles, before returning the final draft to your office for approval on Wednesday 25 August. Lodgement is expected to be Thursday 26 August.

### **Annexes**

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Annex One: Revised draft – Cabinet Paper on one-off residence pathway for onshore migrant workers

Annex Two: One-off residence options and family reunification implications

**Annex One: Revised draft – Cabinet Paper on one-off residence pathway for onshore migrant workers**

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