



## COVERSHEET

<b>Minister</b>	Hon Kris Faafoi	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Immigration (Visa, Entry Permission, and Related Matters) Amendment (Covid-19—Applications) Regulations (No 2) 2021	<b>Date to be published</b>	28 January 2022

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
September 2021	Immigration (Visa, Entry Permission, and Related Matters) Amendment (Covid-19—Applications) Regulations (No 2) 2021	Office of the Minister of Immigration
15 September 2021	Immigration (Visa, Entry Permission, and Related Matters) Amendment (Covid-19—Applications) Regulations (No 2) 2021 CBC-21-MIN-0103	Cabinet Office

### Information redacted

YES /  NO

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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) Regulations (No 2) 2021

**Portfolio**                      **Immigration**

On 15 September 2021, the Cabinet Business Committee (CBC):

1        **noted** that:

- 1.1        as part of the government’s response to the impacts of the COVID-19 pandemic, regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the Regulations) establishes that most foreign nationals who are offshore cannot apply for a temporary entry class visa to travel to New Zealand, unless invited to apply;
- 1.2        in October 2020, Cabinet agreed to carve out, from the suspension, 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];
- 1.3        in December 2020, CBC agreed to amend the wording of the above carve out so it could not be construed to only apply to people making visa applications at check in [CBC-20-MIN-0138];
- 1.4        in March 2021, in the context of the implementation of wider quarantine-free travel, Cabinet:
  - 1.4.1        agreed to amend the Regulations to:
    - 1.4.1.1        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;
    - 1.4.1.2        amend the references to ‘safe travel zone’ to ‘quarantine-free travel zone’ (to reflect that such travel is lower-risk rather than safe);
  - 1.4.2        noted that, in the event that a short ‘pause’ became a formal suspension or termination of quarantine-free travel, Cabinet might be invited to consider the re-suspension of off-shore visa applications;  
[CAB-21-MIN-0081]
- 1.5        in July 2021, Cabinet suspended quarantine-free travel with all of Australia [CAB-21-MIN-0288];

- 2 **noted** that in September 2021, CBC, in the context of decisions to support the opening of limited one-way quarantine-free travel with three Pacific countries, agreed:
- 2.1 that that the general requirement to be invited to apply for a temporary entry class visa for a person offshore be reinstated, except for people in, and intending to travel from, the Cook Islands and Niue, until the situation in Australia becomes clearer;
  - 2.2 to a waiver of the 28-day rule, to enable the above change to come into effect to forestall people in the Pacific quarantine-free travel countries from being able to apply for temporary entry class visas once quarantine-free travel is in operation;
- [CBC-21-MIN-0089]
- 3 **authorised** submission to the Executive Council of the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 2) 2021 [PCO 24094/3.0], to give effect to the decisions in paragraph 2 above;
- 4 **agreed** to a waiver of the 28-day day rule on the basis that the Amendment Regulations will confer only benefits on the people affected, as:
- 4.1 potential applicants for temporary entry class visa in the Pacific would be likely to have their applications declined on the basis that the applicants would be unlikely to be able to leave New Zealand before the expiry of their visas; and
  - 4.2 applicants in Australia would have their applications go into limbo, not able to either be approved while travel is impossible, or declined if the applications meet policy;
- 5 **noted** that the Amendment Regulations will come into effect on 22 September 2021;
- 6 **noted** that the Minister of Immigration is satisfied that making the Amendment Regulations is reasonably necessary to manage the effects, or deal with the consequences, of the outbreak of COVID-19, or measures (legislative or otherwise), taken in New Zealand or elsewhere, to contain or mitigate the outbreak of COVID-19 or its effects.

Rachel Clarke  
Committee Secretary

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**Present:**

Rt Hon Jacinda Ardern (Chair)  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Carmel Sepuloni  
Hon Andrew Little  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Stuart Nash  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Michael Wood  
Hon Aupito William Sio

**Officials present from:**

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