



BRIEFING

MIQ exemptions and emergency allocations

Date:	19 November 2020	Priority:	Medium
Security classification:		Tracking number:	2021-1395

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Note the contents of this briefing.	23 November 2020

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Melleny Black	General Manager, MIQ Policy	Privacy of natural persons		✓
Privacy of natural persons	Manager, Implementation Policy, MIQ Policy	Privacy of natural persons		
Privacy of natural persons	Policy Advisor, MIQ Policy	Privacy of natural persons		

The following departments/agencies have been consulted

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 Withdrawn |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

This paper provides background information on the process and criteria for granting exemptions from managed isolation and quarantine (**MIQ**), and explains the differences between this process and the emergency allocation process.

Key communications messages are attached at **Annex One**.

Recommended action

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

- a **Note** the contents of this briefing.

Noted

Melleny Black
General Manager, MIQ Policy
Managed Isolation and Quarantine Unit, MBIE

19 / 11 / 2020

Hon Chris Hipkins
Minister for COVID-19 Response

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Background

1. On Friday 13 November, we provided a briefing recommending revised criteria for assessing and prioritising applications for emergency allocations for a place in MIQ [briefing 2021-1310 refers].
2. Since 9 April 2020, most people entering New Zealand by air are required to undergo managed isolation or quarantine in an approved facility for 14 days.
 - a. The COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (**Air Border Order**) sets out circumstances where people are automatically exempt from MIQ.
 - b. The COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (**Isolation and Quarantine Order**) sets out where people may be exempt from either MIQ, or the standard MIQ arrangements, depending on their individual circumstances.
3. Entry into MIQ for most people requires booking a voucher online via the Managed Isolation Allocation System (**MIAS**).
4. Emergency allocations allow MBIE to allocate vouchers in circumstances where people need to travel urgently to New Zealand, and no vouchers are available on MIAS in the required timeframe. Unlike exemptions, they do not change the requirement to undergo 14 days of managed isolation in an approved facility.
5. This paper sets out the circumstances in which exemptions and emergency allocations apply, how these are granted, and how the processes differ.
6. We have attached suggested key communications messages at **Annex One**.

Exemptions allow for deviations from standard MIQ arrangements

7. Most people entering New Zealand must stay for 14 days at a standard Managed Isolation Facility (**MIF**). In a few limited circumstances, people are permitted to deviate from the standard arrangements provided they meet certain criteria.

There are set exemptions in place from the requirement to stay in Managed Isolation

8. The Air Border Order specifies classes of people that are exempt from the requirement to enter MIQ.¹ Currently, this applies to:
 - a. Transit passengers (and foreign aircrew) who are transiting for less than 24 hours and remain airside
 - b. Foreign diplomatic and consular officials
 - c. New Zealand Defence Force personnel
 - d. New Zealand based air crew
 - e. Maritime crew provided they are immediately transferring from the airport to the ship and departing New Zealand.
9. The exemptions above are not granted in response to applications. They are set circumstances provided for in the Air Border Order.

¹ The Minister of Health can replace or add to the persons listed above, provided the exemption aligns with the purpose of the COVID-19 Public Health Response Act 2020 or Air Border Order, and the exemption is not broader than necessary to achieve the desired outcome.

People can apply for exemptions not set out in the Air Border Order

10. Under the Isolation and Quarantine Order, there are several grounds on which people can apply for exemptions to enter, leave or not enter a MIF. Current grounds include people who are:
 - a. transit passengers who are in New Zealand for more than 72 hours
 - b. seeking allocation to another place of isolation or quarantine (eg self-isolation at home)
 - c. accessing medical services or moving to another place of isolation or quarantine for medical needs
 - d. assisting or accompanying a fellow resident to travel somewhere
 - e. joining a vulnerable person, including a child, an elderly person, or a person with a disability, in a MIF
 - f. leaving for an exceptional reason.
11. The Chief Executive of MBIE has responsibility for making exemption decisions under the Isolation and Quarantine Order. This function has been delegated to the Deputy Chief Executive MIQ and the Head of MIQ. Applications for exemptions are considered on a case-by-case basis, according to the criteria set out in the Isolation and Quarantine Order.

MBIE must assess exemption applications against strict criteria

12. The most common application type is permission to leave for an exceptional reason (e.g. to see a deceased person). For MBIE to approve an exemption, the reason must be considered truly exceptional and the risk of COVID-19 transmission very low.
13. To determine the public health risk, we use a risk assessment tool approved by the Director-General of Health. This is used to indicate that people leaving would not create a high risk of outbreak or spread of COVID-19. If this is met, we then consult a Medical Officer of Health for advice on the person's risk and any conditions required to minimise that risk. The person must meet the low risk indicators based on the advice of a suitably qualified health practitioner.² In addition, we consider whether a person will comply with any conditions of the permission to leave.
14. In the case of exemptions where people request to isolate in a place other than a managed isolation and quarantine facility, we undertake an independent medical assessment to ascertain whether the person's medical needs can be met in a MIF. In most cases they can be met, sometimes with additional organised support.
15. Exemptions are a high-profile area of MIQ and have been the subject of significant media and public interest. Most applications will not meet the high threshold for approval and this can be very distressing, particularly where people are returning to New Zealand in difficult circumstances (e.g. to attend a funeral or visit a dying relative). A large proportion of complaints to MIQ and to the Ombudsman are related to the exemption process or decision outcomes.
16. Steps have been taken to improve the exemptions process. This includes providing information and advice on the MIQ website for applicants and standardising and clarifying

² A person will meet the low risk indicators if they have undergone medical examination and testing required to assess whether they have COVID-19 and have received a negative result. Where it is inappropriate for them to undergo medical examination and testing, other medical tests or information must indicate they are at low risk of having or transmitting COVID-19. In most cases, the advice on whether a person meets the low risk indicators should be obtained from a relevant health practitioner.

application processes through Standard Operating Procedures, including examples of what circumstances may be considered 'exceptional'.

The difference between emergency allocations and exemptions

17. Emergency allocations provide an avenue for people to obtain MIAS vouchers when none are available online in the required timeframe. This is a last resort option and the threshold for granting applications is very high.
18. People who are granted an emergency allocation must still complete their 14 days of managed isolation. In some circumstances, they may also meet criteria to be granted an exemption from MIQ, but must still be assessed against the criteria mentioned above.
19. The current framework for assessing and prioritising emergency allocation applications [briefing 2021-1310 refers] is as follows:

Priority	Circumstances or reasons that apply
Category One	<ul style="list-style-type: none"> • New Zealand citizens³ or residents where a serious risk to health exists for the applicant or their dependant, which requires urgent travel to New Zealand; OR • Where urgent travel is required to ensure a child is provided with appropriate care and protection.
Category Two	<ul style="list-style-type: none"> • New Zealand citizens or residents who are required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so; OR • New Zealand citizens or residents, or critical workers (visa class), whose entry to New Zealand is time-critical for the purpose of delivering a critical health or public service, including the maintenance of essential infrastructure; OR • New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand; OR • New Zealand and non-New Zealand citizens, where urgent travel to New Zealand is required for national security, national interest or law enforcement reasons.
Category Three	<ul style="list-style-type: none"> • New Zealand citizens or residents entering New Zealand to visit a close relative who is dying or seriously ill, where timely travel is unlikely to be possible if the person books through MIAS.

20. The criteria above relate only to reasons why people need to travel urgently to New Zealand, whereas exemptions relate to reasons why people need permission to deviate from standard MIQ arrangements once they are in the country. Emergency allocations do not have to meet the strict public health and other criteria applied to exemption applications.
21. While some of the criteria in the table above are likely to also align with reasons for granting an exemption, this will not always be the case. For example, people whose overseas visas expire and are at risk of arrest or other legal action may be granted an emergency allocation to travel to New Zealand, but once they arrive in New Zealand the risk is no longer relevant and they can complete their stay in MIQ.

³ New Zealand citizens include people from the Realm countries: Tokelau, Niue and Cook Islands.

22. Conversely, people may be granted an exemption from MIQ due to a situation that occurs after they arrive or ongoing health requirements that standard MIQ facilities cannot accommodate. These circumstances may be valid reasons to leave MIQ early or receive other special treatment, but would not always be valid or applicable reasons for granting an emergency allocation for urgent travel.
23. By bringing people into MIQ via an emergency allocation to complete their 14 days managed isolation as soon as possible, rather than experiencing a delay off-shore, we may in some situations also be able to reduce the case for an exemption.

Annexes

Annex One: Suggested key communications messages

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The difference between emergency allocations and exemptions

- We are sympathetic to the distressing and heart-breaking situations facing some people who want to return or come to New Zealand. However, the safety of New Zealanders during this global pandemic is critical.
- The reasons we might grant an emergency allocation space in a managed isolation or quarantine facility are different to the reasons for exempting a person to depart or leave one of those facilities early.
- Emergency allocations relate to Managed Isolation Allocation System (MIAS) vouchers.
 - Sometimes there will be no places available in the Managed Isolation Allocation System for particular dates when travellers want to arrive in New Zealand.
 - People can apply for an emergency allocation if you are a NZ citizen or resident-class visa holder without a voucher who has an imminent threat to your life or serious risk to health, which requires urgent travel to New Zealand.
 - People still need to complete their 14 days Managed Isolation.
- Exemption applications mainly relate to being exempt from a requirement to stay in isolation facilities for the full 14 days.
 - Once you have a voucher, there are four exemption application types available via the online application process: Transit passenger, Medical Exemption; Joining Someone in Managed Isolation and Exceptional Circumstances.
 - All the exemptions must meet strict criteria as we receive a large number of applications.
 - The Exceptional Circumstances exemption is usually the most appropriate category for those applying on compassionate grounds. For example, returning to New Zealand after the death of a family member or to visit a seriously ill relative. To be successful, a strict public health assessment is undertaken, you must meet the low risk indicators for COVID-19 and we need a strict and detailed release plan.
 - The Medical Exemption is usually the most appropriate exemption for those needing to access medical services during their stay in a managed isolation and quarantine facility. To be successful, you must be unable to receive those services in a managed isolation facility and a strict and detailed release plan is required.
- Understandably the threshold for approval of emergency allocations and exemptions is high.
- We have to balance the needs of people facing exceptional circumstances with the need to protect the New Zealand public from COVID-19. There are only a limited number of spaces available in our managed isolation facilities.

Q+A responses

I've got an emergency allocation voucher. Why can't I automatically get an exemption from MIQ?

- We are sympathetic to the distressing and heart-breaking situations of people applying for emergency vouchers. However, no public health assessment is undertaken when you receive an emergency voucher.
- For most applications to leave MIQ early, a suitably qualified health practitioner has to confirm that the person departing meets the low risk indicators for COVID-19.

I've got a life-threatening illness and I've received an emergency allocation voucher. Will I get an exemption to leave MIQ early?

- If your medical needs can't be met in a managed isolation facility, then you can apply to access medical services in an alternative location.
- If successful, you will need to adhere to a strict release plan whilst outside of managed isolation facilities.
- If your needs can be met in the isolation and quarantine facility, then we usually require you to complete your stay.