



BRIEFING

Broadening the scope for discretionary MIQ emergency allocations

Date:	11 December 2020	Priority:	High
Security classification:		Tracking number:	2021-1775

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree that the Head of MIQ and Deputy Chief Executive MIQ will have discretion to allocate a place in MIQ where they are made aware of rare and exceptional cases where urgent travel to New Zealand is required to protect a person's health, safety and wellbeing.	14 December 2020

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Privacy of natural persons	Manager, Allocation and Supply, 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
Ministry of Foreign Affairs and Trade

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 Withdrawn |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

Broadening the scope for discretionary MIQ emergency allocations

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Purpose

To seek your agreement to a minor change in the scope for discretionary MIQ emergency allocations as an interim measure to provide consideration for immediate, exceptional cases that are not eligible under current settings.

Recommended action

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

- a **Note** the discretionary delegation to the Head or DCE of MIQ was intended to cater to exceptional cases that do not fall squarely into the eligibility criteria, but should nevertheless be considered for approval. *Noted*
- b **Note** some exceptional and time-critical cases cannot currently be considered for an emergency allocation, due to people's circumstances not explicitly fitting the criteria. *Noted*
- c **Agree** that the Head of MIQ and Deputy Chief Executive MIQ will have discretion to allocate a place in MIQ where they are made aware of rare and exceptional cases where urgent travel to New Zealand is required to protect a person's health, safety and wellbeing. **Agree** / Disagree / Discuss
- d **Note** these exceptional and time-critical cases will be processed through the same channel as other applications, and will not be prioritised ahead of cases that meet the eligibility criteria. *Noted*

Privacy of natural persons

Hon Chris Hipkins
Minister for COVID-19 Response

Manager, Allocation and Supply Policy
Managed Isolation and Quarantine Unit, MBIE

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Background

1. On 1 December, you agreed to a revised set of criteria for emergency allocations in Managed Isolation and Quarantine (**MIQ**) [briefing 2021-1599 refers]. In addition to the main criteria set out in two categories, the Head or Deputy Chief Executive of MIQ can issue an emergency allocation at their discretion on a case-by-case basis in response to urgent, unforeseen circumstances that do not fit squarely within the criteria.
2. Currently, this discretionary delegation is limited to cases where urgent travel is required to protect the health and safety of a New Zealand citizen or permanent resident. However, we have since received a small number of exceptional applications that we consider should be approved, yet the current wording of the delegation does not enable officials to approve these applications.
3. In addition, the Ministry of Foreign Affairs and Trade (**MFAT**) and the Ministry of Health (**MOH**) have also requested a change to enable people from Pacific countries, which rely on being able to transfer patients to New Zealand for essential and time-critical medical treatment, to be eligible for an emergency allocation. This was previously noted in separate advice [briefing 2021-1574 refers].
4. We therefore consider the discretionary delegation is unnecessarily restrictive and should be broadened as an interim measure, before we can fully assess the frequency of such exceptional cases and whether changes to the public-facing criteria are required.

A few exceptional and time-critical cases do not meet the current emergency allocation criteria

We have received a small number of exceptional cases outside current parameters for approval

5. We have received a very small number of applications that do not fit the eligibility criteria or the discretionary provision, but which should be considered for an emergency allocation on a case-by-case basis.
6. These include:
 - a. Privacy of natural persons
 - b.
 - c.
7. This is not to say that all such cases would be approved, nor that the current criteria are too restrictive. Keeping the eligibility criteria specific and consistent helps to give people clarity about the types of cases that will be approved, and limit the pressure on MIQ operational staff processing the applications.
8. However, while there is good reason to keep the full criteria specific to certain circumstances, we consider that the discretionary provision should be broadened to cater for exceptional and singular cases that do not fit the criteria, but which clearly meet the high threshold for consideration.

MFAT and MOH have provided additional information on Pacific medical referrals

9. There are a number of medical transfer schemes and arrangements in place with New Zealand medical providers that facilitate the transfer of Pacific patients to New Zealand for essential medical treatment. Without facilitating emergency allocations in MIQ, there is a risk of serious health issues and even deaths for some patients reliant on these schemes.

10. International relations

11. As previously noted, medical referrals are different to cases where people require medical evacuations and travel directly to hospital (these cases would receive an exemption from MIQ). However, in some situations there may be accompanying personnel or support people who would need to a place in MIQ once they arrive in New Zealand. Additionally, a few medevac patients are required to wait in MIQ for a few days while hospital beds become available.

12. Since we last briefed you, MFAT and MOH have provided additional information about Pacific medical referrals. This includes the number and type of applications we could expect to receive from the Pacific if the emergency allocation criteria were revised to accommodate their entry (around 5 applications per fortnight, plus accompanying clinical personnel and other necessary caregivers). This number is an estimate based on travel undertaken in 2019 and early 2020. We cannot be certain how many eligible people might apply if any changes are made to the criteria.

Further expanding the emergency allocation criteria at this stage would risk overloading emergency allocation capacity

13. The new criteria went live on 4 December, and we are still early in the process of implementing changes. Combined with the lack of certainty in potential applications from Pacific patients, we do not yet have enough information to be confident that the 150 places available per fortnight will be sufficient for all eligible applicants if we accommodate the changes to the criteria as requested by MFAT and MOH.

14. However, based on our international obligations to the Pacific, there is a strong case that the emergency allocation process should facilitate time-critical access to medical treatment in New Zealand for Pacific countries where such treatment is necessary to prevent serious risk to health or death.

We propose an interim measure to address immediate concerns ahead of a wider review in early 2021

15. As an interim measure, we propose a minor change to the delegation to the Head and DCE of MIQ to allocate emergency places in MIQ at their discretion on a case-by-case basis [briefing 2021-1599 refers].

16. This delegation sits outside the criteria, and is currently limited to exceptional cases where urgent travel is required to protect the health and safety of New Zealand citizens or permanent residents *only*. We recommend removing the text restricting this consideration to New Zealand citizens and permanent residents.

17. The new delegation will give the Head of MIQ and Deputy Chief Executive MIQ the discretion to allocate a place in MIQ where they are made aware of rare and exceptional cases where urgent travel to New Zealand is required to protect a person's health, safety and wellbeing.

18. This would also include cases where the person entering New Zealand is not the person in a difficult circumstance (for example, if someone in New Zealand is experiencing severe mental distress that would be alleviated by facilitating another person's urgent travel to New Zealand).
19. Applications will be assessed on a case-by-case basis and vouchers allocated only where rooms are available. That is, officials will not prioritise these cases ahead of people who meet the eligibility criteria. As noted in previous advice, this delegation will only be used in exceptional circumstances, and has a high threshold for assessment and approval.
20. This interim measure will likely only result in a small number of exceptional applications to be approved given the high bar for approval. This should address immediate and time-critical cases, while also providing officials more time to understand:
 - a. the demand for emergency allocations as the process beds in
 - b. whether wider changes to the criteria are required
 - c. the nature of the cases, and whether these travellers could book ahead in the Managed Isolation Allocation System (MIAS) if the wait time was shorter or health care services booked further in advance
 - d. whether any changes could be accommodated within the existing 150 rooms per fortnight available for emergency allocations, or whether more rooms need to be set aside.

Next steps

21. If approved, we will implement the change as soon as possible. As this change relates only to the discretionary delegation that sits outside the public-facing criteria, we do not consider any media release is required.
22. We will update the MIQ webpage for emergency allocations to state that in exceptional circumstances, applications not explicitly covered in the above criteria may be considered if time-critical travel is required to protect an individual's health, security and wellbeing.
23. We will work with MFAT and MOH on the operational arrangements to ensure urgent Pacific cases are referred to MBIE for assessment. Communications with Pacific countries and posts will be managed by MFAT.
24. Any wider changes to the criteria will be considered as part of our initial review of the emergency allocation process in early 2021.