



BRIEFING

Enabling time-sensitive entry to New Zealand for urgent work

Date:	26 February 2021	Priority:	Medium
Security classification:		Tracking number:	2021-2119

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	<p>Agree to MIQ creating a new allocation process to accommodate time-sensitive workers, who will provide significant benefits or prevent major loss to New Zealand, subject to final design.</p> <p>Agree that MIQ officials design and implement the new process in accordance with key principles.</p> <p>Agree to high level design parameters for the new allocation process.</p>	5 March 2021

Contact for telephone discussion (if required)				
Name	Position	Telephone	1st contact	
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons		✓
Privacy of natural persons	Manager, Allocation and Supply, MIQ Policy			
	Policy Advisor, MIQ Policy			

The following departments/agencies have been consulted
Immigration Policy (MBIE)

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 Withdrawn |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

Enabling time-sensitive entry to New Zealand for urgent work

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Purpose

This paper seeks your agreement to establish a new MIQ room allocation mechanism to facilitate time-sensitive travel by workers who will provide significant benefits to New Zealand, along with key high-level design parameters.

Executive summary

Current levels of high demand for space in Managed Isolation and Quarantine (MIQ) is increasing the pressure on Government to prioritise the entry of some travellers over others, particularly where there is urgent need. While the Emergency Allocation process enables travel by individuals in some urgent circumstances, this is mostly for compassionate reasons and people must be able to travel within 14 days from approval (as of 1 March).

We have received many ad hoc requests from stakeholders who are seeking MIQ places for workers entering New Zealand, many of whom have secured visa approval as critical workers. In some of these situations, facilitating timely entry would have significant benefits (or prevent loss) to New Zealand. However, in most cases these people are either not eligible under Emergency Allocation criteria or require more advance certainty than that process allows.

This paper sets out our recommended solution to enable time-sensitive entry by people who meet a high bar of approval. We seek your agreement to:

- a. create a new MIQ allocation process for time-sensitive travel, with an initial allocation of 50 rooms per fortnight
- b. principles to guide the design and implementation of the new process
- c. high-level design parameters.

We have attached draft eligibility criteria at **Annex One**, to give an indication of the type of requests that would be prioritised using the new allocation process.

Subject to your agreement to the three recommendations above, MIQ officials will develop a detailed design and implementation plan for the new allocation in coordination with relevant government agencies and report back to you with final recommendations by 12 March.

Recommended action

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

- a **Note** there is no clear pathway into MIQ for travellers entering New Zealand to carry out time-sensitive work, which may have significant public benefits, when no vouchers are available online.

Noted

- b **Agree** that MBIE create a new allocation process to accommodate time-sensitive workers who will provide critical benefits or prevent major loss to New Zealand, subject to final design.

Agree / Disagree

- c **Agree** that MIQ officials design and implement the new process in accordance with the following principles:

- cases should be prioritised and approved on merit;
- decision-making should be transparent, fair and robust;
- the process must be operationally feasible, efficient and cost-effective;
- there should be a clear distinction between this and other allocation processes to avoid confusion;
- application forms and criteria should be made publically available.

Agree / Disagree

- d **Agree** to the following high level design parameters for the new allocation process:

Design parameter	Recommendation	Decision
<i>Allocation mechanism</i>	<ul style="list-style-type: none"> • Rooms will be allocated manually offline, as is done for emergency and group allocations; • The allocation will initially be set at an average of 50 rooms per fortnight, to be reviewed over time, with any unallocated rooms released onto MIAS; 	<i>Agree / Disagree</i>
<i>Room allocation</i>	<ul style="list-style-type: none"> • The 50 rooms will be taken from the existing allocation of 400 rooms set aside for group arrivals; 	<i>Agree / Disagree</i>
<i>Decision-making</i>	<ul style="list-style-type: none"> • Eligibility criteria will be set by the Minister for COVID-19 Response in consultation with the Border Exceptions Ministerial Group; • MIQ officials will assess and recommend specific applications on a case-by-case basis against these criteria; • A cross-agency group of senior officials will approve applications; 	<i>Agree / Disagree</i>

Design parameter	Recommendation	Decision
<i>Eligibility criteria</i>	<ul style="list-style-type: none"> • Criteria will ensure that approved cases are for work that has a <i>significant public benefit</i> (or avoids a significant public loss), has <i>no local alternative</i>, and is <i>time-sensitive</i>; • Criteria will initially be narrow to: <ul style="list-style-type: none"> ○ reduce the risk of receiving large numbers of eligible requests that cannot all be accommodated; ○ limit the total number of requests to alleviate workload on case assessors, as this process will be resource intensive; ○ ensure decision-makers have sufficient tools to screen applicants, many of whom will already have met strict critical worker criteria for a temporary visa • Applicants must first have tried to secure vouchers on MIAS, as is the case for emergency allocations; 	<i>Agree / Disagree</i>
<i>Prioritisation</i>	<ul style="list-style-type: none"> • If the number of eligible applications exceeds the number of rooms available, cases will be prioritised based on the scale of impact and time-sensitivity of the work; 	<i>Agree / Disagree</i>
<i>Cost recovery</i>	<ul style="list-style-type: none"> • An application fee will be charged on a cost recovery basis (subject to further consideration of legal implications). 	<i>Agree / Disagree</i>

e **Note** we have attached draft eligibility criteria at **Annex One**, to give an indication of the type of requests that would be prioritised using the new allocation process.

Noted

f **Note** the draft criteria would exclude many cultural and sporting requests, which could instead be accommodated via the group allocation process already in place.

Noted

g **Note** the new allocation process would likely require MIQ to stand up a new assessment team, and take 4-6 weeks to fully implement.

Noted

a **Note** MIQ officials will develop a detailed design and implementation plan for a new allocation in coordination with relevant agencies and report back with final recommendations by 12 March.

Noted



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 Managed Isolation and Quarantine, MBIE

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Hon Chris Hipkins
Minister for COVID-19 Response

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Background

1. Since 3 November 2020, all people entering New Zealand by air have been required to secure a voucher for a place in MIQ, unless exempt.
2. There are currently three ways for people to secure a voucher:
 - a. The Managed Isolation Allocation System (MIAS), where travellers secure their own MIQ vouchers online on a first-come first-served basis
 - b. Emergency Allocations, where MIQ officials assess applications for urgent travel against agreed criteria
 - c. Group Allocations, where MIQ officials allocate vouchers well in advance to groups (approved by Ministers) with special requirements.
3. MIAS is intended as the main channel for people to secure their voucher, as it is the only process that does not require officials to manually allocate places, which is a time-consuming process. Of the 4,500 allocable rooms in MIQ, roughly 3,800 are currently loaded into MIAS for travellers to book online. Upcoming changes to emergency allocations will reduce this number by 100, as you have agreed to increase the number of rooms for emergency allocation from 250 to 350 [briefing 2021-2091 refers]. These changes will take effect on 1 April.
4. Wider changes in the MIQ system will lower total MIQ capacity, such as the Pullman going offline, scheduled hotel maintenance, and changes to how cohorts are managed in MIQ. Officials will provide you with further advice on this in early March.
5. If no places are available on MIAS, and people have no unique group requirements that makes them eligible for consideration by Ministers through the Group Allocation process, the only pathway into MIQ is the Emergency Allocation. Eligibility criteria for this allocation are based mostly on compassionate grounds and are intended to deal with unforeseen emergencies (for example, people must be willing to travel at very short notice, and there is a very high bar for approval).

High demand is putting more pressure on offline allocation processes

6. Before January this year, current allocation settings were, by and large, fit for purpose. While there was a wait time for vouchers, there were almost always places available on MIAS (albeit with a two-month wait time). If people had a genuine and very urgent need to travel sooner, the emergency allocation process could cater to this.
7. However, MIAS vouchers are currently all booked out through to the end of May, and none are released from June onwards. MBIE will shortly release the final contingent of vouchers over the April - May period, but given demand, it is very likely these will all be booked within 24 hours of release. This is creating considerable uncertainty for incoming travellers, particularly those with time-sensitive travel needs.
8. You have previously agreed to increase the scope, and rooms available for, emergency allocations to deal with additional demand for compassion travel. We consider there is also a strong case for establishing a new process for people entering New Zealand to carry out urgent or time-sensitive work that has a wider public benefit [briefing 2021-2075 refers].

Officials propose a new pathway into MIQ for time-sensitive and urgent work

9. There is no clear pathway into MIQ for travellers entering New Zealand to carry out work on or by a specific date, which may have wider benefits to the public. These travellers are often not eligible for an emergency allocation, or require more advance certainty than that process

allows. Expanding the Emergency Allocation criteria to these cases, many of which are seeking places months in advance, would risk displacing other more urgent cases and would shift the purpose of emergency allocations away from 'emergencies'.

10. The issue in part stems from differences between the Immigration settings around *who* can enter New Zealand, and the MIQ settings that determine *when* people can enter New Zealand. We have seen a number of examples where people are approved critical worker visas to carry out work in New Zealand within a certain timeframe, but they cannot secure a timely place in MIQ.
11. For example, we recently received a request seeking to bring in international workers critical to running a high-profile, government-funded exhibition scheduled in May. While this would not necessarily qualify under the new allocation, it does show how current processes are frustrating workers with time-sensitive needs.
12. We are seeking your approval to create a new allocation process in MIQ, by ring-fencing a small number of rooms per fortnight (initially 50) for time-sensitive workers who meet a high threshold for approval.
13. This would not act as a replacement for any existing processes. When people know they need to travel to New Zealand, they should always first seek to secure an MIQ voucher through MIAS.

High-level design parameters for a 'Time-sensitive Work Allocation'

14. We seek your agreement for high-level design parameters for the proposed allocation.

The allocation should be designed and implemented according to clear guiding principles

15. We recommend the following:
 - a. Cases should be prioritised and approved on merit and not exclude New Zealand citizens or residents.
 - b. Decision-making should be transparent, fair and robust.
 - c. The process must be operationally feasible, efficient and cost-effective.
 - d. There should be a clear distinction between this and other allocation processes to avoid causing public confusion.
 - e. Application forms and criteria should be made publically available.

Rooms should be allocated offline to enable case-by-case assessments

16. This is similar to the process for emergency allocations. While this is resource-intensive, it enables the prioritisation of applications based on merit, which would not be possible with an automated process.
17. We recommend starting with an allocation of up to 50 rooms per fortnight, taken from the 400 rooms currently set aside for group allocations. This should be sufficient to accommodate the most urgent cases while ensuring enough rooms remain available for groups.
18. While the rooms could alternatively be taken from the general pool made available on MIAS, this would risk displacing New Zealanders seeking to return home (given the likelihood that most eligible applicants will be temporary visa holders). The group allocation already takes up nearly 10% of total MIQ capacity, and is already challenging for MBIE to administer.

Groups often require additional assistance which places a considerable strain of MIQ staff, particularly if they require bespoke MIQ arrangements.

Eligibility criteria should be narrow and set by the Minister for COVID-19 Response

19. We recommend that eligibility for a time-sensitive work allocation is assessed by officials against criteria set by the Minister for COVID-19 Response with consultation with the members of the Border Exceptions Ministerial Group. This aligns with MIQ's approach to emergency allocations.
20. Given the high demand we expect under the new process, criteria will need to be narrow to reduce the risk that:
 - a. applicants who meet the criteria get turned down due to limited places
 - b. decision-makers have insufficient tools to screen applicants, many of whom will already have met strict 'critical worker' criteria to get a temporary visa
 - c. we receive a very large number of applications requiring considerable resources to process.
21. We have attached draft criteria as **Annex One**, to indicate what type of cases the new process will cater to. While the criteria may exclude some time-sensitive work, we will review criteria over time, as we do with emergency allocations, to ensure we strike the right balance between excluding urgent requests and filling available capacity on a regular basis.

Where eligible applications exceed available capacity they should be prioritised based on impact and time-sensitivity

22. Operationalising the criteria will require a framework to assist those making decisions to distinguish between close cases. Our view is that this should primarily be based on the scale of impact (e.g. how many people will be affected) and time-sensitivity (e.g. whether entry is required by a specific date or whether it is simply 'urgent').
23. The main benefit of this type of prioritisation is that it avoids putting one sector's needs over another (e.g. critical transport vs health infrastructure), which would be difficult and complex for decision makers.
24. We will develop this framework over the next two weeks in consultation with agencies, and publish this online before inviting applications.

Applicants should be charged a fee to recover additional MIQ resourcing costs

25. Creating the new allocation process will require a new team to be stood up to process and assess requests. Based on the emergency allocation resourcing requirements, we estimate this will be an additional 10 FTE, which would cost around \$1.3 million annually in staffing costs (excluding ICT costs).
26. We therefore recommend charging an application fee to recover additional MIQ costs, subject to a more detailed review of any legal and ICT implications. This would also limit the number of applications that are highly unlikely to meet the high threshold for approval.

Implementation

Authorising environment

27. The draft COVID-19 Public Health Response (Air Border and Isolation and Quarantine) Amendment Order 2021 (the Amendment Order), which is yet to complete the approvals process, would authorise the MBIE Chief Executive to allocate MIQ places offline against

criteria decided by the Minister for COVID-19 Response. Criteria would have to be published on the MBIE website so that anyone may apply.

28. We understand the Amendment Order is likely to come into force sometime in late March. The recommended new allocation process will likely be implemented after this, and so will have a clear authorising framework in place.
29. In addition, the new process will likely require considerable information-sharing between MIQ and Immigration New Zealand (INZ). The exact information to be shared is not yet certain, but it is likely MIQ will need to verify visa status, and potentially expiry date, of potentially successful applicants before issuing a voucher.
30. This is likely to be covered by an upcoming information-sharing memorandum of understanding between MIQ and INZ, which we expect will be signed before the new allocation process is stood up. We will confirm this during the detailed design.

Timeframe and cost

31. We expect the new allocation would have similar timeframes and costs to the full implementation of the Emergency Allocation process.
32. The Emergency Allocation process and assessment team was initially stood up in 1-2 weeks, however this came with significant difficulties and it took closer to 4-6 weeks until the team was fully-staffed and operating smoothly.
33. We will likely need to make a trade-off between fast implementation to accommodate urgent requests, and following due process to ensure we 'get things right'.

Integration with existing processes

34. The new allocation will need to be clearly distinct from the Emergency Allocation and Group Allocation. There is a risk that applicants will not know where to apply, or attempt to apply through multiple channels and 'clog up' the system.
35. Our initial view is that there are three distinct purposes for each process:
 - a. Emergency Allocations are for the most time-critical, urgent or compassionate circumstances, where people are willing to travel at very short notice and there was no opportunity to plan in advance.
 - b. Time-sensitive Work Allocations will be for people or businesses who either require certainty of travel date to guarantee the work will go ahead, or whose work is important (but non-emergency) and merits 'skipping the queue' for a MIAS voucher.
 - c. Group Allocations are for groups of people who have additional needs or requirement bespoke arrangements, who are a priority for Ministers, and who are planning travel months in advance.

Risk mitigation

36.

Legal professional privilege

 - a. The allocation is not ring-fenced for critical worker visa holders (who would not be New Zealanders), but for a certain type of work.
 - b. Rooms will not come from those uploaded to MIAS to be available online, but from the Group Allocation (currently 400 rooms).

- c. The draft Amendment Order would strengthen the legal basis for MBIE to allocate places offline against criteria set by Ministers.

Communications

37. The new allocation will need to be accompanied with an extensive and clear communications strategy.
38. This will need to:
 - a. explain the purpose of the new allocation
 - b. alleviate any concerns this will further displace New Zealanders seeking to come home
 - c. communicate to interested stakeholders who will be eligible under the initial criteria
 - d. manage expectations of interested stakeholders.
39. We will develop messaging and provide this in our final advice by 12 March.

Next Steps

40. If you agree to the recommendations, we will develop a detailed design and implementation plan in coordination with other agencies, and come back to you with recommendations on the final design and implementation timeframe in 12 March.

Annexes

Annex One: Draft eligibility criteria

Annex One: Draft eligibility criteria

To be eligible for a time-sensitive work allocation, applicants must meet all of the following criteria:

1. The individual's entry to New Zealand will enable work ***essential*** for:
 - a. preventing the loss of life; OR
 - b. the continued operation of critical regional or national infrastructure; OR
 - c. the continued operation of lifeline utilities; OR
 - d. the continued operation of supply chains of regional or national significance; OR
 - e. the continued operation of public health services in a community or region; OR
 - f. New Zealand's national security, international relations or obligations under international law; AND
2. The work cannot be undertaken unless the individual is:
 - a. guaranteed entry to New Zealand on or by a specific date; OR
 - b. permitted to enter New Zealand urgently; AND
3. No local alternative is available.

The criteria above have been worded specifically to:

- include people entering New Zealand to undergo quarantine before travelling on to a Pacific Island country where they will do work that meets the three conditions
- exclude people who, while they may alleviate stress on a local economy, national system or infrastructure, are not 'make or break'
- include cases where certainty of *any* date (not a specific date) is essential for the work to proceed.

People likely to be eligible

- Maintenance workers for electric companies who supply households across the country
- Technicians for national interest projects with set deadlines
- Health workers travelling to the Pacific to deliver essential services not otherwise available, who need an allocation on their return

People unlikely to be eligible

- Sports teams or athletes competing in an event
- People travelling for private business reasons with little impact on a wider community
- Cultural / entertainment events