



BRIEFING

Border Exception Ministers - Meeting 6

Date:	9 April 2021	Priority:	High
Security classification:		Tracking number:	2021-3123

Action sought		
	Action sought	Deadline
Hon Kris Faafoi Minister of Immigration	Agree to the balanced package of group allocation requests for June to October. Agree to border class exceptions and list addition proposals for: <ul style="list-style-type: none"> • Renewal Polynesian Border Exception • Shearers • Rural Contractors • Italian Rugby Team Tour. Forward briefing to sector Ministers.	As soon as possible.
Hon Chris Hipkins Minister for COVID-19 Response		
Hon Megan Woods Minister of Research, Science and Innovation		
Hon Carmel Sepuloni Minister of Social Development and Employment		
Hon Stuart Nash Minister of Economic and Regional Development		
Hon Willie Jackson Minister for Māori Development		

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Ruth Isaac	General Manager, Employment, Skills and Immigration		✓
Kara Isaac	General Manager, MIQ Policy		✓

The following departments/agencies have been consulted
MPI, MSD, Treasury, DPMC (AOG), DPMC (PAG), MFAT, MBIE (ED, MIQ), MOH

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

See Minister's Notes

Withdrawn

Comments



BRIEFING

Border Exception Ministers - Meeting 6

Date:	9 April 2021	Priority:	High
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Purpose

This briefing provides advice and supporting documentation for meeting 6 of Border Exception Ministers. We seek your decisions on a 'package' of group allocations between June and October, and on requests for border and class exceptions.

Recommended action

The Ministry of Business, Innovation and Employment recommends that Border Exception Ministers:

- a **Note** that at the meeting of Border Exception Ministers on 17 March, Ministers requested an overarching pipeline of border exception requests and group allocations be prepared to enable high level prioritisation.

Noted

Pipeline border exception requests year ahead

- b **Note** the pipeline of border exception requests attached in annex 1, includes:
- 4 requests for decision (renewal of essential travel from the Pacific; rural contractors; shearers and Italian Rugby tour);
 - Over 7 requests in development including RSE workers and deep sea fishing crew.

Noted

- c **Note** the border exception requests for RSE workers and deep sea fishing crew are numerically large and if granted a border exception and associated group allocation, have a material impact on who else can be accommodated in the MIQ group allocation for June to October.

Noted

- d **Note** for the RSE border exception a separate briefing has been provided seeking a monthly allowance from July with further advice to be provided on size.

Noted

- e **Note** there will be some capacity to accommodate additional border requests that book space in managed isolation through MIAS.

Noted

Options for MIQ group allocations June to October

- f **Note** in order to give Ministers better visibility of the pipeline of group requests and the ability to effectively prioritise between them, officials have prepared a number of allocation 'packages' for discussion

Noted

- g **Note** due to the lead-in time needed for group allocation requests, group allocations for May are not possible.
Noted
- h **Note** the number and size of group allocation requests over the June-October period exceeds the current group allocation of 300 rooms a fortnight.
Noted
- i **Note** there is likely to be reduced demand on MIAS for MIQ places following the introduction of quarantine-free travel with Australia.
Noted
- j **Note** in order to accommodate groups in the balanced package, the number of rooms set aside for group allocations needs to increase.
Noted
- k **Agree** to increase the group allocation to 400 rooms a fortnight on an ongoing basis.
Agree / Disagree
- l **Agree** to temporarily increase the group allocation to 500 rooms a fortnight for the months of August and September 2021, noting the Minister for COVID-19 Response has already agreed this increase for July 2021.
Agree / Disagree
- m **Agree** group allocations will not be granted for groups travelling to or from Australia who want to hold MIQ space as contingency in the event of quarantine-free travel being paused.
Agree / Disagree
- n **Agree** to the balanced package of group allocation requests set out in Annex 3 (preferred by the majority of the Senior Officials Group) and that the Minister for COVID-19 Response will make final decisions on numbers and timing based on MIQ advice.
Agree / Disagree
- o **Note** the Ministry of Foreign Affairs and Trade broadly supports the balanced package, except for the lack of provision in October for the Italian, Korean, French or German Antarctic Programme requests.
Noted
- p **Note** groups must submit an EOI through the group allocation process before final approval can be given.
Noted
- q **Agree** any significant changes to the content of a group allocation request, or the agreed package, should return to the Ministerial Group for consideration and approval.
Agree / Disagree
- r **Agree** to consider allocation packages for the October 2021-March 2022 period no later than July 2021.
Agree / Disagree

- s **Direct** officials to work collaboratively with EOI applicants that require long-term certainty as their requests extend across the June-October 2021 package and into the October 2021-March 2022.

Agree / Disagree

Border Class Exceptions for Decision to refer to Cabinet

Renewal of the Polynesian Gateway Border Exception

- t **Note** a border exception for 100 essential travellers to and from New Zealand and the Cook Islands, Niue, Samoa, Tokelau, Tonga was approved for 6-months in 2020 (expiring in May 2021) and that 28 travellers have entered under this border exception.

Noted

- u **Note** Polynesian governments consider the critical need for the border exception to be unchanged as New Zealand remains the only gateway to the rest of the world for these countries.

Noted

- v **Agree** to a 6-month renewal of the Cook Islands, Niue, Samoa, Tokelau, Tonga Essential Travel Border Exception ('Polynesian Gateway Border Exception') for 100 travellers.

Agree/Disagree

- w **Note** the renewed Polynesian Gateway Border Exception would be on the same terms and require Cook Islands, Niue, Samoa, Tokelau, or Tonga government to nominate essential travellers through the Ministry of Foreign Affairs and Trade.

Noted

Shearers

- x **Note** a border class exception for 60 shearers was approved in 2020 and that 27 shearers entered under this border exception.

Noted

- y **Note** the border class exception included commitments to develop a workforce plan addressing the shortage of local shearers and to training and upskilling New Zealanders and significant progress has been made on these commitments.

Noted

- z **Agree** to a border class exception for up to 40 shearers booking through MIAS subject to implementing the workforce plan and developing a sustainable model for training and upskilling New Zealanders.

Agree/Disagree

Rural contractors

aa **Note** a border class exception for 210 rural contractors was approved in 2020 and 157 rural contractors entered under this border exception.

Noted

bb **Note** the sector committed to absorb up to 250 additional trainees for the 2020/21 season as a condition of the 2020/2021 Border Exception and the industry estimates that over 450 onshore workers have entered the industry, numerous training programmes have been provided and the overall level of remuneration has increased for skilled workers.

Noted

cc **Agree** to a border class exception for up to 125 rural contractors booking through MIAS subject to the sector continuing to upskill New Zealanders and guaranteeing the border exception workers and New Zealanders of similar skill and experience a wage rate of at least \$25.50 per hour.

Agree/Disagree

dd **Agree** to prioritise applications, under the border class exception in recommendation (cc), from employers who can demonstrate efforts to upskill and / or employ New Zealanders over the past 12 months.

Agree/Disagree

Addition to Government-approved event list

ee **Agree** to add the Italian Rugby Team Tour of New Zealand to the government-approved event list.

Agree/Disagree

Border Exception for Recommendation to Cabinet

ff **Note** the Minister of Immigration intends to recommend to Cabinet that the 'other critical worker' border exception criteria be amended to streamline the process for employers to bring in highly skilled workers through a criterion of a job offer with a salary of more than three times the median salary (currently \$159,120).

Noted

Immigration Instructions update

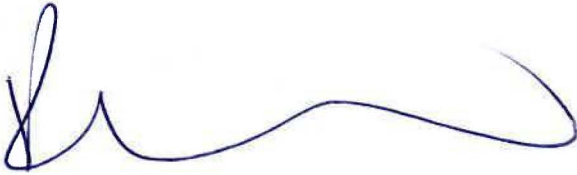
gg **Note** the Minister of Immigration has agreed updates to the major infrastructure list (referenced in the 'other critical worker' border exception criteria) will occur by directly referencing projects on the infrastructure commission pipeline where the cost range is in excess of \$100 million.

Noted

hh **Note** that any new class exceptions require implementation by the Minister of Immigration through certifying changes to Immigration Instructions, which may require further work on detailed eligibility requirements for applying the exception and changes to online forms, ICT systems and business processes.

Noted

- ii **Refer** this briefing to relevant Ministers for the Agriculture, Fisheries, Sport, Defence, Foreign Affairs, Trade, Building and Construction sectors.



Ruth Isaac
General Manager, Employment, Skills and Immigration Policy
Labour, Science and Enterprise, MBIE

9 / 4 / 21

Hon Kris Faafoi
Minister of Immigration

..... / /

Hon Megan Woods
Minister of Research, Science and Innovation

..... / /

Hon Willie Jackson
Minister for Māori Development

..... / /



Kara Isaac
General Manager, MIQ Policy

9 / 4 / 21



Hon Chris Hipkins
Minister of COVID-19 Response

19 / 04 / 2021

Hon Carmel Sepuloni
Minister of Social Development and Employment

..... / /

Hon Stuart Nash
Minister for Economic and Regional Development

..... / /

Background

1. At the 17 March Border Exception Ministers meeting, Ministers agreed:
 - a. To add the NZTE Investment Attraction Programme and Innovative Partnerships Programme to the Government Approved Programmes list; and
 - b. In principle to a border exception for investor migrants.
2. Ministers also agreed to group allocations for the US Antarctic research programme and the returning Olympians subject to final advice on possible scaling and sequencing options.

Pipeline border exception requests for year ahead

3. Border Exception Ministers requested an overview of border exception requests and group allocations for the year ahead to enable high level prioritisation decisions to be taken. An indicative pipeline of border exception requests, including those with group allocation requirements for the forthcoming year has been prepared (refer annex 1).
4. Some Border Exceptions that are in development (i.e. RSE workers, deep sea fishing crew and Sports NZ requests such as the Fijian rugby tour and English Roses netball tour) are also seeking to be allocated space in the group allocation for the June to October period. The RSE workers and deep sea fishing crew are numerically large requests that, if they are granted a border exception and associated group allocation, have a material impact on who else can be accommodated.
5. Four groups that were granted border exceptions last year are also seeking border exceptions this year - RSE workers, deep sea fishing crew, agriculture and horticulture mobile plant machinery operators (rural contractors) and shearers. The border exceptions granted last year placed conditions on the sectors to develop the New Zealand workforce through training and upskilling and to make the roles more attractive to New Zealanders by improving pay and conditions. A high level review of progress against these commitments is provided (refer annex 2). Significant progress has been made in respect of rural contractors and shearers, with some progress made and discussions continuing in respect of RSE workers and deep sea fishing crew.
6. A briefing [2021-3074 refers] has been provided seeking a monthly allowance for RSE workers from July. The proposed size is 150 every 15 days. However, further MIQ advice is being provided to support final decisions as RSE workers are a complex group and place high demands on the MIQ system. This advice could be ready for the Border Exception Ministers meeting or a decision taken earlier.
7. The Ministry of Education has several proposals in development that are still to be considered against the high threshold for border exceptions. Past experience indicates that further requests for border exceptions are also likely to come forward during the year ahead.
8. Border exception requests that are in development (or still to come forward) could book space in managed isolation via MIAS. This provides some capacity to accommodate additional border requests. There may also be some capacity to accommodate additional border exceptions that also require a group allocation from November 2021 as this space has not been allocated although several requests have already been received.

Group Allocations June to October

9. To help Ministers prioritise group allocation requests, officials have prepared a number of possible packages for group arrivals between June and October based on different areas of focus (eg primary industries).

10. The number of requests for MIQ group allocations exceeds the number of rooms currently set aside for this purpose (300 a fortnight) between June and October. We also seek your direction on what number of rooms should be allocated to group arrivals at over this period, noting that demand on MIAS is likely to be lower following the commencement of quarantine free travel with Australia.

Using the group allocation

11. The recommended package 'balanced package' seeks to include group allocation requests from a range of different sectors based on their merit. The other three packages represent options from the three sectors with the most requests in for the group allocation: foreign affairs, sport and primary industries.
12. Decisions are being sought on a preferred package. Numbers and exact arrival dates from each group are not fixed. Past experience has taught us that numbers generally decrease from those initially requested; for this reason we have allowed some level of 'overs' in planning cycles.
13. Following a decision on a preferred package, groups will still need to submit an Expression of Interest to MIQ and, where necessary, a border exception request, with more detailed information. We recommend the Minister for COVID-19 Response is responsible for the final confirmation of the package if it remains broadly similar to the package agreed by the Ministerial group. However, we suggest that if there are significant changes to the group proposals they should return to the Ministerial Group for consideration.

Size of the group allocation

14. There are currently 400 rooms per fortnight set aside for the group allocation, decreasing to 300 due to the establishment of the time sensitive travel allocation [briefing 2021-2622 refers]. In the period June-October, only one month (June) does not have requests for places exceeding the current 300 rooms set aside.
15. As the commencement of quarantine-free travel (QFT) with Australia will lower demand for individuals travelling to New Zealand, we recommend you remove more rooms from MIAS and include them in the group allocation to keep the size of the group allocation at 400 rooms per fortnight on an ongoing basis.
16. This will still be insufficient for managing the peak in demand in July, August, September and October. In order to allow all priority groups entry, we recommend you temporarily increase the number of rooms in the group allocation to 500 for July, August and September by taking additional spaces from MIAS.
17. We do not recommend any increase above 500 due to the potential impact this would have on MIQ capacity for New Zealanders seeking to return home. We do not recommend extending the temporary increase in rooms into October as it is likely we will see demand from New Zealanders increasing around this time to travel home before Christmas.
18. If the number of rooms in the group allocation were increased to 500 in October as well, MFAT would seek to use the additional rooms to allocate space to the European Antarctic programmes, however this would need to be prioritised against other demands such as deep-sea fishers.

Balanced package

19. Ministers have indicated that they are interested in accommodating athletes returning from the Olympics, the US Antarctic Programme (USAP) and RSE workers. In order to accommodate all of these groups in full, we recommend that the group allocation be raised temporarily to 500 for July, August and September.

20. At 400 rooms, these groups would need to be scaled further. While the size of the post-Olympics group may reduce, USAP has already indicated to us that they have scaled their programme to the minimum possible size. Reducing the number of RSE workers in August and September would significantly impact the horticulture and viticulture sectors ability to get workers into the country for peak summer harvests.
21. Where the number of requests exceeds the number of spaces available, MIQ officials have sought to balance the number of spaces each sector is granted in order to not advantage one sector above others.

Requests included in this package

Group	Request
Italian rugby team	60 players and staff for rugby tournament in June (note this is subject to border exception approval).
NZDF	NZDF programme of arrivals – total of 255 people in four groups over 5 months. These arrivals are a combination of returning from duty and returning from training exercises.
Construction Accord	Allocation of 60 spaces per month – policy development still ongoing but acknowledged that construction is a government priority. This may result in a quota of 60 space per month rather than a regular group of 60 (ongoing).
International students	Up to 400 students previously granted a class exception, entering in cohorts in late June/early July to return to their studies in New Zealand.
Refugee programme	70 refugees every 8 weeks (ongoing).
Black Caps	Black Caps returning from tours in England (July) and India/Bangladesh (October).
RSE workers	150 workers every 15 days from late July (ongoing) (note this is subject to border exception approval).
US Antarctic Programme (USAP)	839 Antarctic workers arriving in 6 groups. The group allocation EOI is for 1045 over 8 months. Treaty obligations make this a high priority.
Post-Olympics and Paralympics travel	Approximately 700 athletes and staff returning from the Tokyo Olympics and Paralympics.
English Roses netball	English Roses netball team touring New Zealand in August (note this is subject to border exception approval).
Dubai Expo	For the month of October, 72 returning representatives arriving in 3 groups. The group allocation EOI is for 444 representatives in 14 delegations from October 2021 to March 2022. A further 112 individuals are not included in the EOI.

	NZ at Expo is the Government's largest offshore investment (\$64 million). Appropriate in person representation is critical to ensure return on investment.
Italian Antarctic programme	This is a scaled allocation of 90 places for these Programmes in October. The full allocation of 350 is not included in this package. The scaled allocation will limit these partners from using Christchurch as their Antarctic gateway (see below for more information).
Crankworx	Approximately 70 athletes and staff for Crankworx mountain biking competition. This is on the government Major Events list and is supported by Sport New Zealand.

Requests not included in this package

The full European and Korean Antarctic programmes

22. The Italian, French, German and Korean programmes are in the process of finalising their operational plans for the 2021/22 season in the Ross Sea Dependency in Antarctica. The initial EOI for group allocation estimated 220 scientists and technical specialists would be needed. As planning was refined this has increased to approximately 455 from October to December 2021. MFAT continues to engage with the Programmes to seek how this number may be reduced and to manage expectations on numbers of arrivals that might be possible under MIQ capacity constraints. This is an increase on the number you considered at the Border Exceptions Ministerial Group. If agreed, the total number of people travelling to Antarctica would be approximately 1,500, a 74% increase on last year (though still significantly below pre-COVID activity).
23. New Zealand has legally binding, treaty-level government-to-government agreements with the USAP and these other programmes. These include obligations to facilitate their Antarctic operations through New Zealand to the extent possible. Ministers with Power to Act on COVID-19 noted New Zealand's Antarctic responsibilities and that New Zealand has an essential role in providing support to Antarctic stations through New Zealand [CAB-20-MIN-0130].
International relations
International relations
24. International relations
25. The Antarctic Programmes as a whole have been estimated as worth \$132 million per year to Canterbury and \$193 million per year to New Zealand in years when the border is open. These figures also include the US Antarctic Programme, which is the largest of all programmes operating out of New Zealand.
International relations
International relations
26. MBIE's view is that as the European and Korean Antarctic programmes International relations International relations the minimum viable option for this programme is 90 MIQ places between October and December. This scaled option is included in the balanced package.
27. MFAT does not support this view and considers that the proposal to scale the Antarctic Programmes in October is inconsistent with what Ministers with Power to Act noted in 2020.

Winter Games

28. Based on the information received from Major Events, at face value the Winter Games request does not meet the criteria for group allocation. The information provided implies that 60 individuals are travelling from 12 different countries and are flying separately and arriving at different days and times. Noting that Winter Games athletes do not need a class exception (as Winter Games is already on the Major Events List) and that there has been availability on MIAS for June and July, we recommend that other groups needing to travel should be prioritised above them for group allocation.

The Rugby Tournament

29. The Rugby Tournament (involving South Africa, Argentina and Australia) would not be able to proceed in October as currently planned. At present, the request for this group is for 150 people; this may reduce following the introduction of QFT. It may be possible to accommodate a scaled option (approximately 70 people).
30. As these players are travelling to New Zealand to compete in a tournament, they will likely require off-site training and bespoke MIQ arrangements. Because of this, they are not good candidates to book spaces through MIAS instead.
31. There is a risk that not being granted space in the group allocation will lead to this tournament not proceeding.

The White Ferns

32. The White Ferns are due to tour England in September and return to New Zealand at the start of October. This is a similar time that a number of Black Caps players are returning from tours abroad. If the Rugby Tournament does not proceed, there will be room in the group allocation for both cricket teams, however if a scaled Rugby Tournament is held, there will be space for only one additional sports team in October.
33. As the White Ferns and the Black Caps groups at this time are both returning from tours overseas, they would not require bespoke MIQ arrangements. As such, these groups could book on MIAS if not granted space in the group allocation.

Deep-sea fishers

34. MPI are developing a request for between 450 and 650 deep-sea fishers to enter the country, the majority in a large group in September.
35. The fisheries sector received a class exception for a large number of deep-sea fishers in late 2020/early 2021. At the time, a number of conditions were imposed on the employers to improve conditions and encourage more New Zealanders into fisheries. There has been a mixed result in the sector's compliance with these conditions, which means a full complement of deep-sea fishers may not be appropriate. For this reason, this request is not included in the balanced package.
36. As deep-sea fishers are a complex group, if not granted space in the group allocation, they will not be able to come to New Zealand. Work is still being done on economic ramifications of this, but we understand that it would be significant for the sector and could have ramifications for New Zealanders employed in related onshore roles such as processing.

Refugee programme

37. We understand that advice is being prepared for the Minister of Immigration on the possibility of increasing the frequency of arrival of refugee cohorts, possible from 70 every eight weeks to 70 every four weeks from July 2021. This increase is not included in the balanced package.

38. Increasing the refugee programme to 70 every four weeks would mean that scaling of other groups over August and October would be needed. A further MIQ assessment is needed to ensure that facilities can accommodate an increased arrival frequency, as refugees are a complex group that require significant resourcing.

Trans-Tasman travel

39. A number of sports teams have requested group allocations for post-Australia travel. With QFT confirmed from 19 April, these requests are not included in the package.
40. We recommend Ministers agree that no group should be assigned spaces from the group allocation as an 'insurance policy' for Australian travel.

Alternative packages

41. Three alternative packages have been prepared, focusing on sectors with the most requests.

Antarctic package

42. This package reflects the noting decision that Ministers with Powers to Act took in 2020, in particular for the full German, Italian, French and Korean Antarctic programmes. As noted above, these programmes ordinarily enter Antarctica through Christchurch and bring considerable economic, scientific and reputational benefit to New Zealand. International relations

International relations

43. The balance of this package would provide for MFAT's combined Antarctic Programme priorities, Dubai Expo and RSE workers for the month of October 2021. This would mean other government priorities such as the Construction Accord, NZDF travel and Crankworx would need to be scaled, deferred or not approved. Given the sustained pressure on group allocation in October, MFAT recommends that it temporarily be increased to 500 per fortnight to enable further flexibility in decision-making.

Sports package

44. Sport New Zealand has presented a detailed pipeline of requests. Other than the Olympics, most groups are reasonably small, but many have requirements for bespoke MIQ arrangements such as offsite training, which is resource-intensive for MIFs.
45. The key differences in this package are also in October, where prioritising sports events over USAP and NZDF travel may result in either scaling or sequencing of these cohorts. Construction Accord travel would also not be possible in October.
46. The Senior Officials Group does not feel that the economic and social benefit offered by facilitating sports at the expense of other government priorities is sufficient to justify supporting this package, in light of the significant support for sports events to date.

Primary industries package

47. In addition to RSE workers, MPI have put forward a request for additional Russian/Ukrainian deep-sea fishers, with the largest tranche entering the country in September. Due to the size of this cohort, it would entirely displace USAP this month.
48. MPI has suggested that as there is some flexibility in the arrivals of RSE workers which could enable the entry of some fishers, however a reduction in number of workers in one period would need to be counterbalanced by an increase in numbers in a different period. This may not be possible for MIQ operations, as there is a limit on the size of RSE groups that can be accommodated at once [briefing 2021-3074 refers].

Border Class Exceptions for decision to recommend to Cabinet

49. Officials consider the following proposals have merit and recommend Ministers approve:
- Renewal of Polynesian Gateway Exception: Essential Travel to and from the Cook Islands, Niue, Tokelau, Samoa and Tonga
 - Shearers for the 2021/2022 season
 - Agricultural and Horticultural Mobile Plant Machinery Operators for the 2021/2022 season
50. Officials have assessed each proposal against the mandatory criteria approved by Cabinet [refer CAB-20-MIN-0453]. Proposals for exceptions for groups other than workforces must provide net economic, social, cultural or academic benefits that have national significance for New Zealand. The mandatory criteria to be considered for a workforce class exception are:
- a critical workforce gap that cannot be filled in total domestically;
 - labour market risks for New Zealanders are minimal or conditions can be put in place as part of a class exception that will support improvements to the industry's working conditions and employment of New Zealanders over the short-medium term;
 - the proposal does not undermine the longer term immigration system objective of reducing reliance on low skilled migrants and improving quality of jobs in a sector;
 - MIQ must be manageable in light of forecast pressures and the nature of the group.
51. Workforce groups must demonstrate a strong overall case, with higher priority given to sectors where training of New Zealanders is not realistically achievable in the short term and where the short term absence of that workforce will have a significant impact on that sector's production or productivity.
52. The following tables provide a summary of officials' assessment against these criteria. The table also provides an assessment of progress against commitments for the shearers and rural contractors who received class exceptions for the 2020/21 season.

Table One: Polynesian Border Exception

Proposal: Renewal of Polynesian Gateway Exception: Essential Travel to and from the Cook Islands, Niue, Tokelau, Samoa and Tonga		
Numbers	Timing considerations	Any other relevant information
<p>100 (capped category)</p> <p>The current exception runs from 2 November 2020 – 2 May 2021 and is capped at 100.</p> <p>As of March 2021, 65 expressions of interest have been received for the border exception and 28 have been approved for essential travel.</p>	<p>Border exception will be approved for six months from 3 May 2021</p>	<p>As with the existing category, the gateway Government nominates an essential traveller for MFAT's consideration. MFAT processes these applications and submits them to Immigration New Zealand (INZ). Individual travellers are required to submit an Expression of Interest to INZ which is vetted and if successful the travellers are invited to submit a visa application.</p>
Assessment		

Mandatory criteria	Provide net benefits	Significant foreign policy benefits
	Minimal labour market displacement	None
	Reasonable request compared to others	Yes, given small numbers
	Strategic alignment	Yes; close alignment with foreign policy objectives in terms of relationship with the Pacific
	Previously lived in NZ/expectation to live in NZ	N/A
	MIQ manageable	Yes International relations International relations The low uptake to date is a direct result of MIQ being inaccessible. Officials anticipate MIAS capacity to be under less pressure for the coming months and that, along with time-sensitive allocation and emergency allocation, should sufficiently facilitate travel under this border exception.
Further strength of case	State which factors: - Support significant jobs - Support sector	Not for New Zealand, but for Pacific. The strategic objectives of this group are to support the economic, social and environmental security of the gateway countries while supporting them to remain COVID-free. This exception proposal directly meets these objectives through facilitating the flow of essential travel. These objectives align with New Zealand's interests in a safe, prosperous and resilient Pacific.
Other	Legal risks	None identified
	Precedent risk or comparison issue	Industries may query prioritisation of Pacific workers over New Zealand workers.
Other agency views/concerns? Senior Officials Group supported the renewal of this border exception.		
MIQ comment Individual travellers are responsible for obtaining an MIQ voucher through the Managed Isolation Allocation System (MIAS). If they meet the criteria, they can apply for a voucher the Time Sensitive Travel or the Emergency Allocation.		
Overall recommendation Strong case, low numbers, urgency to approve renewal as current exception expires 2 May 2021.		

Approve – cap at 100 for the next six months.

Table Two: Shearers

Proposal: Shearers		
Numbers	Timing considerations	Any other relevant information
40 recommended	November for the North Island employers and January for South Island employers	40 migrant shearers required for peak shearing season (Nov 2021-April 2022) to supplement local shearers. Lower-skilled (ANZSCO Level 5) but 2 – 3 years' experience required to develop skills. 60 were approved in September 2020 and 27 entered.
Assessment		
Mandatory criteria	Critical workforce gap	For shearers during peak season
	Minimal labour market displacement	Global talent pool; relatively small group of workers
	Doesn't undermine workforce improvement	This small group of skilled workers are just needed for the short term. The sector will shortly begin its Provincial Growth Fund sponsored WOMOLife training programme which will upskill 130 shearers and train 150 new entrants this year. MPI is also funding a shearing course which has trained 31 shearers.
	MIQ manageable	Yes. This is a relatively small group that can enter in cohorts and book in MIAS.
Further strength of case	State which factors: - <i>Supply industry critical services</i> - <i>Seasonal global talent pool</i>	Moderate case <ul style="list-style-type: none"> • Direct economic losses to farmers • Deterioration of animal health and wellbeing (e.g. fly strike, heatstroke)
Other	Legal risks	None identified
	Precedent risk or comparison issue	Lower-skilled roles – some precedent risk
Other agency views/concerns?		
<p>MPI comment: The sector has made good progress towards training and upskilling New Zealanders. The new entrants will be valuable in the future but do not negate the need for a small number of highly experienced shearers to support this years' shear.</p> <p>The New Zealand Shearing Contractors Association (NZSCA) is developing a Wool Harvesting Workforce Transition Plan which they aim to approve in May 2021. The workforce transition plan will propose a number of</p>		

initiatives aimed at supporting employers to retain and grow their local staff, upskill existing shearers and attract and train new entrants to the sector.

MSD supports this proposal.

Senior Officials group supported border class exception for 40 shearers and noted the progress the sector has made against the commitments made as part of the 2020/21 border class exception.

MIQ comment

Individual travellers are responsible for obtaining an MIQ voucher through the Managed Isolation Allocation System (MIAS).

Overall recommendation

Moderate case, low numbers.

Approve, for up to 40 experienced shearers, and require conditions of: implementing workforce plan, and continued commitment to developing a sustainable model for training and upskilling New Zealanders

Table Three: Agricultural and Horticultural Mobile Plant Machinery Operators

Proposal: Agricultural and Horticultural Mobile Plant Machinery Operators		
Numbers	Timing considerations	Any other relevant information
125	Bulk of workforce needed to arrive September to December 2021. Some may also arrive January-February 2022.	250-280 visas for these roles per annum last three years 210 approved September 2020, 157 came to NZ. Low qualifications but 2-3 years' experience demanded by sector
Assessment		
Mandatory criteria	Critical workforce gap	For key specialists in rural/industry roles
	Minimal labour market displacement	Agricultural machine operators on MSD streamlined skills match report framework list currently (limited domestic supply). New workers recruited domestically during 2020 are competent to perform simple driving tasks, however, there is still a strong need for experienced Rural Contractors who can manage complex geography and weather conditions.
	Doesn't undermine workforce improvement	Generally not an issue identified across this workforce.
	MIQ manageable	Yes.
Further strength of case	State which factors: - Supply industry critical services - Global talent pool for seasonal, highly skilled work	Strong case - Direct economic losses and indirect impacts on dairy herd production - Seasonal workforce

	- Significant risk of economic losses immediate and outyears	
Other	Legal risks	None identified
	Precedent risk or comparison issue	<ul style="list-style-type: none"> - Will not meet the long term critical worker criteria individually - Other technical specialists for other industries may mount similar case - Similar global workforces: eg. ski field operators, shearers
<p>Other agency views/concerns?</p> <p>MPI Comment: Rural Contractors New Zealand estimates that more than 450 onshore workers have entered the industry over the last year. Training of new workers will continue over the next year with new training courses developed. Industry provided machinery and tutors for the courses, as well as paid work experience for trainees from the courses.</p> <p>This group of 125 individuals will not displace New Zealanders from jobs. Experienced New Zealand workers are already likely fully employed in the sector, new recruits will be welcome, but the shortfall of experienced workers cannot yet be filled by the New Zealand market.</p> <p>MSD support this proposal.</p> <p>Senior Officials group supported border class exception for 125 Agricultural and Horticultural Mobile Plant Machinery Operators and noted the progress the sector has made against the commitments made as part of the 2020/21 border class exception.</p>		
<p>Overall recommendation</p> <p>Strong case</p> <p>Approve subject to the sector continuing to upskill New Zealanders and guaranteeing the border exception workers and New Zealanders of similar skill and experience a minimum wage rate of at least \$25.50 per hour.</p> <p>MPI also proposes under this border class exception to prioritise applications from employers who can demonstrate efforts to upskill and / or employ New Zealanders over the past 12 months.</p>		

Addition to List

53. Border Exception Ministers have authority to make changes to the lists or criteria used to create the lists of major infrastructure projects, events, government approved programmes and government-to-government agreements [refer CAB-20-MIN-0453].
54. Officials recommend that the Italian Rugby Team Tour of New Zealand is added to the government approved event list. The New Zealand Rugby (NZR) proposes to host an inbound tour of the Italian Rugby Team to compete in a two-match series against the New Zealand All Blacks in July. The tour will support the Government's economic recovery priority, and is critical to supporting New Zealand's sporting priorities, which support the social and cultural wellbeing of New Zealanders. Details of the proposal and assessment against criteria are attached (refer Annex 4).
55. The team is expected to arrive in mid-June and seeks a bespoke training arrangement while in managed isolation. There is capacity in the group allocation to accommodate this group in June.

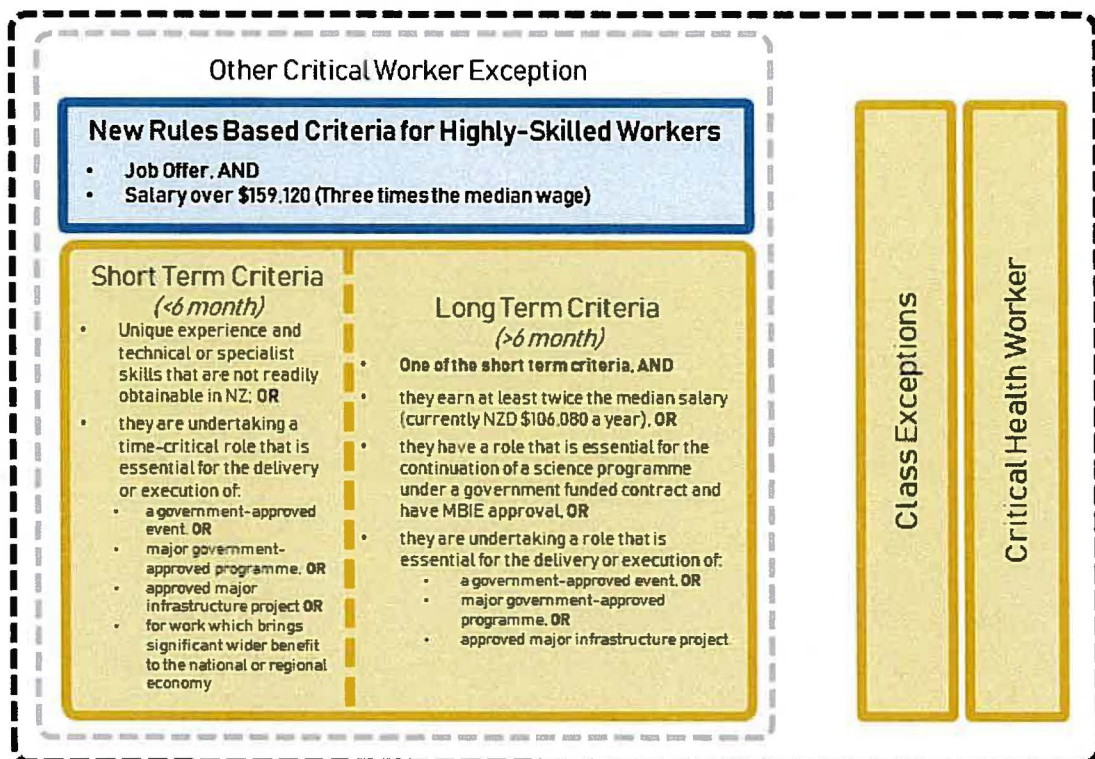
Border Exception for Recommendation to Cabinet

56. The Minister of Immigration is proposing to seek Cabinet approval for adding a rules based criterion to the 'other critical worker' border exception to enable employers to bring in highly skilled workers who have a job offer and earn more than three times the median salary

(currently \$159,120). This proposal would simplify the application process for employers and the assessment process for INZ.

57. No labour market test (skills not readily available in New Zealand) would be required on the basis that, while there may be people in New Zealand who could do the role, having more highly skilled people in New Zealand is beneficial for the economic recovery. New Zealand has a shortage of highly-qualified and experienced professionals, such as engineers, project managers and software developers that would benefit the economic recovery from COVID-19.
58. These highly skilled workers are unlikely to displace New Zealanders from the labour market. Labour market displacement mainly affects low skilled and new entrants who do not earn at the proposed level. Highly skilled workers are beneficial for the economy and tend to have positive spill over effects on business growth and innovation.
59. The latest NZIER Quarterly Survey of Business Opinion found a net 15% of firms are planning to increase headcount in the next quarter. It also reported that labour shortages are becoming more acute, particularly for skilled labour. A net 43% of businesses reported difficulty in finding skilled labour – close to levels seen in early 2020. This indicates that the labour market can absorb additional international high-skilled workers without any dampening effect on overall conditions for New Zealand workers.
60. The diagram below illustrates how this simple test fits with the other critical worker criteria and the other border exceptions available for workers.

Border Exceptions for Workers



Immigration instructions update

61. The Minister of Immigration has agreed updates to the major infrastructure list will occur by directly referencing projects on the infrastructure commission pipeline where the cost range is in excess of \$100 million.
62. Infrastructure projects that were on the Infrastructure Commission pipeline with cost ranges in excess of \$100 million in June 2020 were listed in the Immigration Instructions. Since then a number of infrastructure projects, that meet this threshold, have been added to the Infrastructure Commission pipeline but are not included in the Immigration Instructions. This means that employers for these projects cannot apply for other critical workers under the major infrastructure project pathway and instead apply under the technical and specialist skills pathway.

Next steps

63. A Cabinet paper will be prepared for those border exception changes requiring a Cabinet decision.
64. Other agreed changes for border exceptions that do not require a Cabinet decision will be implemented by the Minister of Immigration via certifying changes to Immigration Instructions.
65. If Border Exception Ministers agree to the balanced package, officials will work with agencies to finalise group allocation EOIs for approval within the parameters of the package.
66. Officials will also work on packages for the following six months and return to Ministers with packages for this time no later than the end of July 2021.

Annexes

Annex One: Overarching pipeline border exception requests

Annex Two: Stocktake of sector delivery 2020/2021 border exception commitments

Annex Three: Options group allocation packages

Annex Four: Italian Rugby Team Tour of New Zealand – approved event proposal

Annex One: Overarching Pipeline Border Exception Requests

Pipeline of Requests for Border Exceptions

Note numbers sought have been evenly allocated over months

8-Apr-21	Agency	Group	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec '21	Jan '22	Feb	Mar	Total
For consideration at next Border Ministers	MFAT	Renewal of Essential Travel from Cook Island, Niue, Samoa, Tokelau, Tonga, from 3 May 2021		14	14	14	14	14	14	14					100
	MPI	Agriculture and Horticulture Mobile Plant Operators						125							125
		Shearers							40						40
	Sports NZ	Italian Rugby Tour			60										60
	Subtotal		0	14	14	14	14	14	139	54	14	0	0	0	265
In Development	MFAT	Replacement International Fishing Crews for Foreign Flagged Vessels, from 22 June 2021				8	8	8	8	8	8				50
	MPI	Deepwater Fishing Crews (group)		23	23	23	23	360							452
		Further RSE workers (group)				300	300	300	300 tbc	tbc					1200
	MoE	Early Childhood Teachers			25	25	25	25	25	25	25				175
		Secondary school teachers			25	25	25	25	25	25	25				175
		New & returning international students				200	200	200	200	200	200				1200
		Pathways to degree, economic contributions or sector viability				Two to three cohorts (aprox 100-400 total), timing TBC									
	Sports NZ	Various (Fiji Rugby, English Rose Netball, etc)			60	50		30	150						290
Subtotal		0	23	73	581	581	918	558	258	258	0	0	0	3252	
Previous decisions and expected MIQ impact	MFAT	Essential Travel from Cook Island, Niue, Samoa, Tokelau, Tonga, valid until 2 May 2021	17	17											33
		Replacement Cargo Crew Operating in the Pacific, valid until February 2022	17	17	17	17	17	17	17	17	17	17			167
		Antarctic Programmes 21/21 season confirmed (group)													
		Replacement International Fishing Crews for Foreign Flagged Vessels, valid until 21 June 2021	8	8	8										25
	MoE	PhD students	50	50											100
		BA and Masters students			350	350	200	100							1000
	MBIE	NZTE Investment Attraction Programme				8	8	8	8	8	8				50
		Innovative Partnerships Programme				10	10	10	10	10	10				60
	Investor migrants (seeking Cabinet approval)				8	8	8	8	8	8				50	
Subtotal		92	92	375	393	243	143	43	43	43	17	0	0	1485	

Key:
These are border exceptions that also require a group allocation.

Annex Two: Stocktake of sector delivery 2020/2021 commitments

Requested Group	Commitment made by Sector	What actions have been taken?	Assessment of progress
Shearers	<ul style="list-style-type: none"> • Develop workforce plan • Train and upskill New Zealanders. 	<p>The New Zealand Shearing Contractors Association is presenting a Wool Harvesting Workforce Transition Plan to their Annual General Meeting for approval in May 2021.</p> <p>The newly created WOMO life training programme will upskill 130 shearers and 150 new entrants will be provided training.</p> <p>In response to the Australian shearing industry raising pay rates, the New Zealand shearing industry has also increased remuneration – in some cases by up to 30% in 2019, and a further 15% in 2020. Despite being contractors, holiday and sick leave is also provided to shearers.</p>	Significant progress
Rural Contractors	<ul style="list-style-type: none"> • up to 250 additional trainees for the 2020/21 season. 	<p>Rural Contractors New Zealand (RCNZ) estimates that more than 450 onshore workers have entered the industry over the last year.</p> <p>RCNZ has partnered with Telford and Taratahi agricultural institutes, the Tractor and Agricultural Machinery Association, MPI and the Southern Institute of Technology to deliver numerous training programmes ranging from six weeks to one year in length. Industry has provided machinery and tutors for these courses as well as paid work experience for trainees.</p> <p>The Industry increased overall remuneration packages for skilled workers.</p>	Significant progress
Deep Sea Fishermen	<ul style="list-style-type: none"> • implement Industry Transition Action Plan • provide regular reports on progress against the Plan 	<p>At a Seafood NZ Board meeting in March 2020, the Board committed to undertaking industry-wide initiatives to get New Zealanders into the seafood industry – including those outlined in the Fisheries Workforce Transition Plan. A progress report was provided to MPI in February who considers that</p>	Some progress, further discussions under way.

		<p>“modest but positive” progress has been made and continued progress is expected.</p> <p>The Westport Deepsea Fishing School estimates that 160 graduates will be trained and placed into employment this year. Enrolments have increased compared to 2020 from 36 to 42, of which seven spaces are scholarship positions funded by industry.</p> <p>Industry is also working with the Primary ITO to establish more training options and pathways for New Zealanders interested in fisheries. The Seafood careers page has seen significant interest but few New Zealanders have applied for deep sea roles.</p>	
RSE workers	<p>The following conditions were imposed</p> <ul style="list-style-type: none"> • Repatriation of stranded RSE workers • All workers fully employed until repatriation • Workers shared between employers • Employers cover costs of MIQ and pay workers for time in MIQ • Increase proportion of New Zealanders in the workforce and in long term roles • Increase provision of accommodation and transport • Increase provision of training to New Zealanders 	<p>Fiji, Samoa and Vanuatu (the three countries that had workers participate in the border exception) have maintained commercial flight paths, enabling workers that wish to return to do so. MFAT has no concerns about this condition being met. Conversations with countries are ongoing on plans for the repatriation of onshore workers at the end of their contracts.</p> <p>The sector has provided a first draft of a time-lined action-focused pan-sector workforce transition plan, though some refinement is needed. A number of actions have been taken at regional/sub-sector levels. Some regions and employers are doing better than others – Marlborough and Hawke’s Bay are notable in their efforts.</p> <p>We have heard that some employers are offering support around transport and accommodation but we do not consider that this is commonplace across the sectors.</p>	Some progress, further discussions under way.



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HIKINA WHAKATUTUKI

Group allocation packages June-October 2021

For consideration by Border Exception Ministers

9 April 2021



Demands on the group allocation

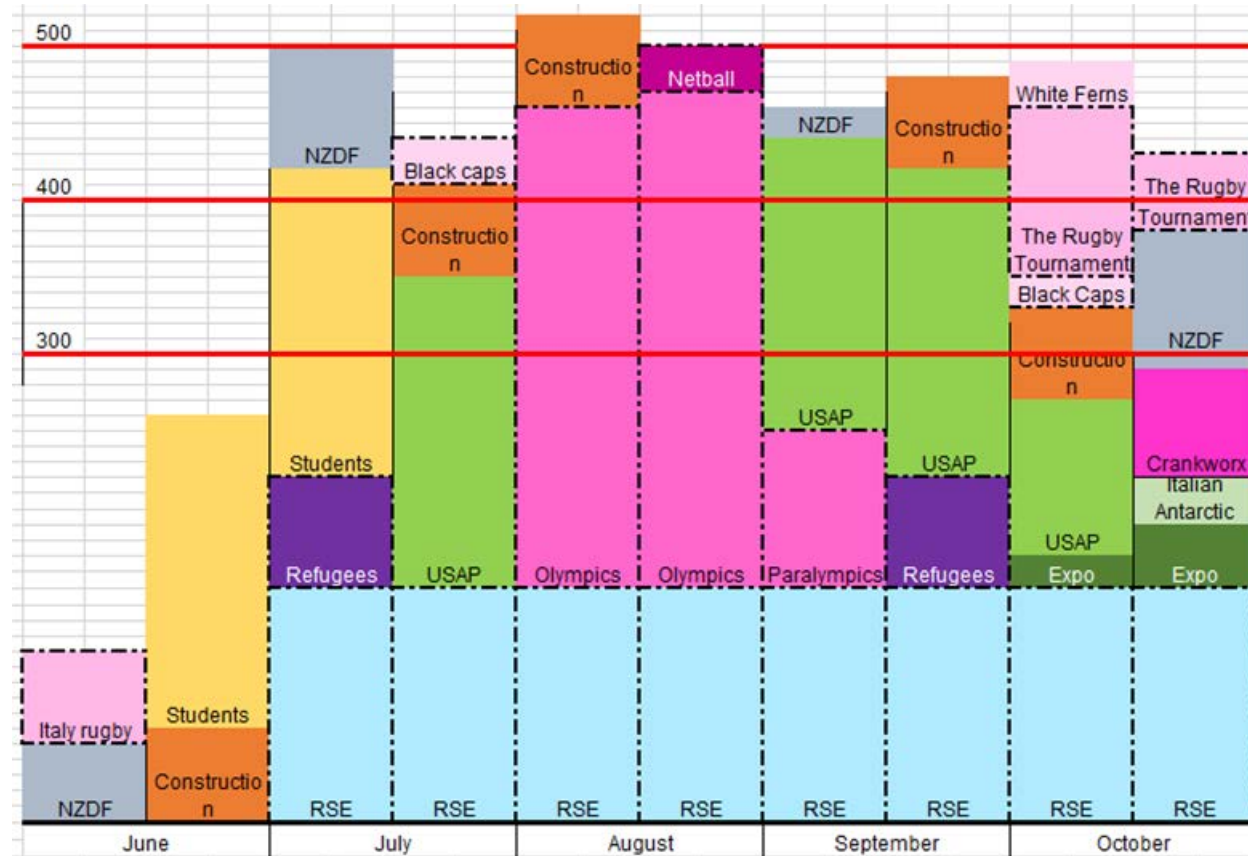
- The number of group allocation requests over the June-October period exceeds the number of rooms set aside for this purpose.
- There are currently 300 rooms in the group allocation. We propose increasing this to 400, rising to 500 from July to September when demand is at its peak.
- To enable Ministers to visualise trade-offs and make strategic use of the entire period, we have prepared a number of packages of group allocation requests.
- Four packages have been drawn up:
 - Balanced package (preferred by the majority of the Senior Officials Group)
 - Antarctic package
 - Sports package
 - Primary industries package
- The majority of the groups do not require further class exceptions, aside from some sports teams, RSE workers and deep-sea fishers.

Summary of requests

	June	July	August	September	October	Total
EOI agreed	NZDF, 45					45
EOI considered by Ministers		USAP, 204	Olympics, 600 Expo, 10	USAP, 364 Paralympics, 100	USAP, 269 IAP, 25 Expo, 70	1,642
Potential EOIs	Students, 200 Construction, 60 Italy rugby, 60 Fishers, 23	NZDF, 100 Students, 200 Construction, 60 Black Caps, 33 Winter Games, 60 Refugees, 70 RSE, 150 Fishers, 23	Construction, 60 Black Ferns, 50 Netball, 30 RSE, 300 Fishers, 23	NZDF, 17 Fishers, 360 RSE, 300 Construction, 60 White Ferns, 28 Refugees, 70	NZDF, 93 EuroAP, 350 Construction, 60 Crankworx, 70 Black Caps, 20 The Rugby Tournament, 150 RSE, 300	3,553+
Total	388	1,023	1,073+	1,299	1,407+	5,240+



Balanced package and trade-offs



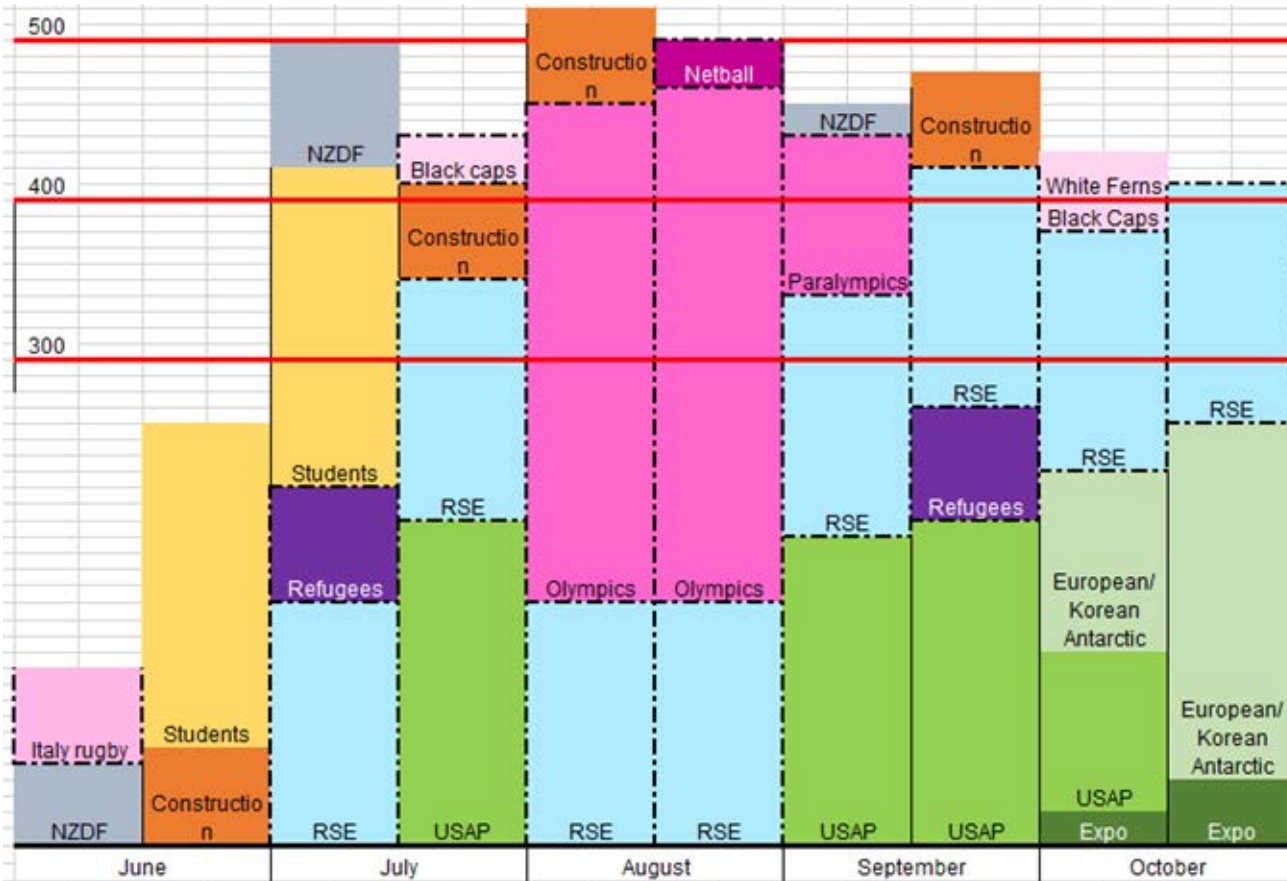
- At 400**
- Either NZDF or cohort of students in July
 - Post-Olympic travel needs scaling
 - Reduced number of construction cohorts
 - No netball
 - No NZDF in September
 - USAP needs further scaling/sequencing
 - No European/Korean Antarctic programme
 - The Rugby Tournament needs scaling
 - No White Ferns

- At 300**
- Half of the allocation taken by RSE
 - All large programmes still need scaling
 - Sport and construction significantly reduced

If the allocation is increased to 500 from July to September, the post-Olympic groups and USAP will not need to be scaled.

The Winter Games will still be unable to enter in July.

Antarctic package

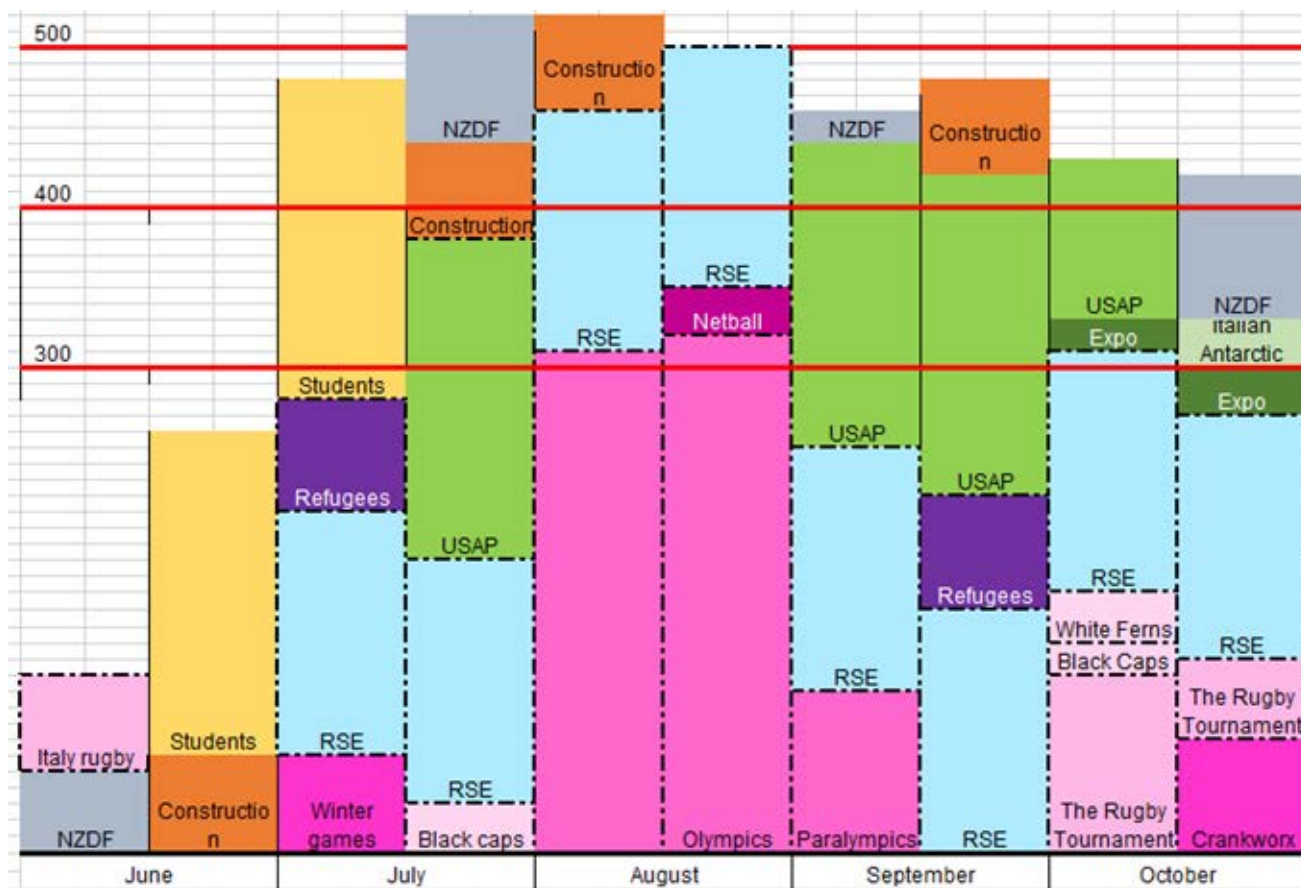


Key differences to balanced package

- At 400**
- Full European/Korean Antarctic programme
 - No Crankworx, NZDF in October or The Rugby Tournament
 - No construction in October
- At 300**
- No Black Caps
 - RSE needs scaling



Sports package

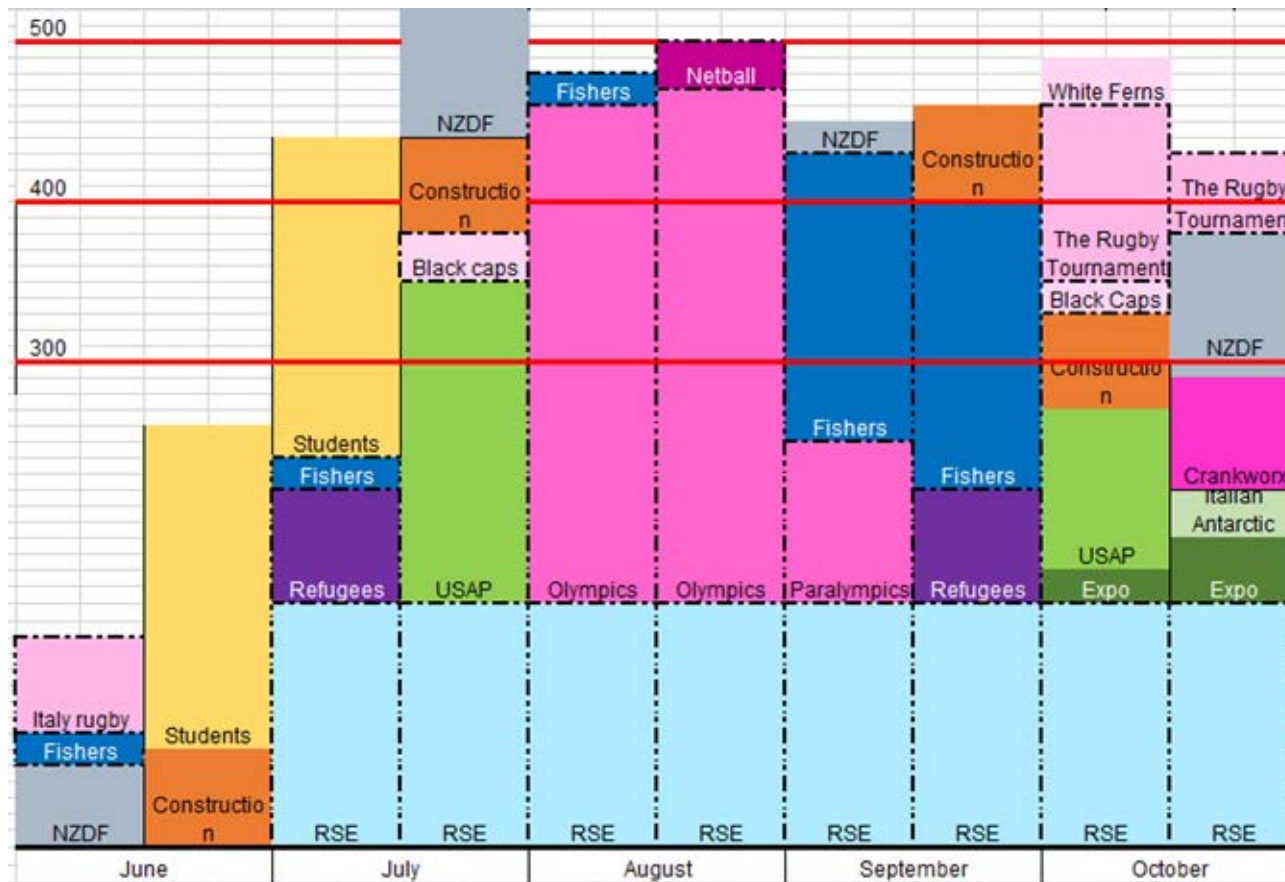


Key differences to balanced package

- At 400**
- No construction in October
 - Further scaling/sequencing needed for USAP
 - Only scaled Italian Antarctic programme possible
- At 300**
- No NZDF in July or October
 - No Antarctic programmes in October



Primary industries package



- Key differences to balanced package**
- At 400**
 - No USAP in September
 - Scaling of Paralympics needed to permit full entry of fishers
 - At 300**
 - Scaling or greater sequencing of fishers needed

Events Template: Approved Events – Italian Rugby Team tour of NZ

Please complete a row and provide high level detail for each event (e.g. Winter Games)	Is the event:	Who are you seeking to bring into New Zealand?	What are the benefits to the general public?	How does this exception align with government priorities?	What is the impact on domestic labour market?	What is the impact on Managed Isolation Quarantine (MIQ)?	If this event is added to the list, what implementation measures are in place?
<p>Event name Inbound Italian Rugby Team tour</p>	<p>This event is both:</p> <p><i>Critical to New Zealand's national identity (sporting and cultural)</i></p> <p>And</p> <p><i>Going to provide significant economic benefits</i></p>	<p>This request covers a request from New Zealand Rugby (NZR) to host an inbound tour of the Italian Rugby Team to compete in a two-match series against the New Zealand All Blacks. This request covers the team and relevant support staff in the touring squad seeking to depart from Rome, Italy for the tour.</p> <p>Italy indicates it will travel with a squad of 60 (40 players and 20 team management),</p>	<p>Agreement to this proposal provides both direct and indirect benefits to the general public. Key benefits are:</p> <ul style="list-style-type: none"> - Rugby is an essential pastime for many New Zealanders. This tour going ahead will support their wellbeing in a range of domains – both for those able to directly attend and those who watch or follow the tour through other means. <p>(Conversely, if the proposal is not agreed, NZR's broadcast and sponsorship contracts will be compromised, impacting on the public's enjoyment and involvement in rugby at all levels – NZR advises that \$15m of revenue is at risk if the tour does not progress, with this revenue unable to be reinvested back into NZ)</p> <ul style="list-style-type: none"> - the proposal provides significant economic benefits across New Zealand, with each match providing \$8-9m of 	<p>Agreeing to this proposal will support the Government's economic recovery priority, and is critical to supporting New Zealand's sporting priorities, which support the social and cultural wellbeing of New Zealanders</p> <p>The economic impact proposition for New Zealand is in two parts:</p> <ol style="list-style-type: none"> Direct spend in delivering the events at stadia, stimulating domestic tourism and local spend, all of which positively impacts on regional economies, and International broadcast and sponsorship revenues derived from the events, providing much needed income for the sport, which positively impacts all levels of the game. <p>(Details of these impacts are in the "What are the benefits to the general public?" column prior)</p> <p><i>Supporting New Zealand's sporting priorities:</i></p>	<p>Allowing entry to the Italian team will have no direct impact on the domestic labour market in and of itself – these are international sports teams seeking to compete against New Zealand teams, so do not result in any domestic labour displacement.</p> <p>Allowing these tours take place will also provide significant benefits across the labour market in host locations through direct match day spend (e.g. event staff and event security, broadcast staff) and indirect spending through domestic tourism spending through accommodation and hospitality.</p>	<p>The team:</p> <ul style="list-style-type: none"> - is expected to arrive on 18 or 19 June (subject to flights and MIQ but with limited flexibility) - is expected to travel with a squad of 60 - seeks a bespoke training arrangement while in MIQ. <p>As outlined in the group arrivals template, the Italian team is expected to take significant mitigations before its arrival, and is expected to be vaccinated against COVID-19 in advance of its travel to New Zealand (NZR had sought information from Italy on the expected timing of this and was awaiting a response at the time of submission, this is expected to be available in advance of a Public Health risk statement process).</p> <p>The Ministry of Health and MIQ teams have also supported Sport NZ to manage expectations and advise the NZR and Italian Federation on the decision process around bespoke arrangements.</p>	<p>Sport NZ will work with the NZR and agencies to assist the implementation of this event, consistent with previous sports events.</p> <p>(We also note that the specific touring team is not yet confirmed and is not expected to be until significantly closer to the series date – expected in early June but NZR is waiting on confirmation from Italian Federation on likely timing).</p>

			<p>additional domestic spend in each host city</p> <p>- the proposal will provide vibrancy, stimulation, and entertainment for the host cities for the events</p>	<p>International competition, particularly a rugby test series involving the All Blacks, will inspire New Zealanders, support cultural wellbeing and cohesion, and build national pride.</p>			
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