



## COVERSHEET

<b>Minister</b>	Hon Michael Wood	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Amendments to immigration regulations to give effect to RCNZ decisions to reopen work visas	<b>Date to be published</b>	25 July 2022

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
June 2022	Amendments to immigration regulations to give effect to RCNZ decisions to reopen work visas	Office of the Minister of Immigration
8 June 2022	Reopening Work Visas: Amendments to Immigration Regulations DEV-22-MIN-0130 Minute	Cabinet Office

### Information redacted

YES /  NO

Any information redacted in this document is redacted in accordance with MBIE's and MFAT's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

[In Confidence]

Office of the Minister of Immigration  
Cabinet Economic Development Committee

## **Amendments to immigration regulations to give effect to RCNZ decisions to reopen work visas**

### **Proposal**

- 1 I propose reopening temporary entry class visa applications for the offshore partners and dependent children of temporary work visa applicants from 4 July 2022. This measure is necessary to give full effect to our recent *Reconnecting New Zealanders* (RCNZ) decisions.
- 2 This proposal requires an amendment to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the Regulations).

### **Relation to Government priorities**

- 3 This proposal relates to the Government's priority to reconnect New Zealand with the world, and address issues arising from the long-term border restrictions, which were a key part of the Government's response to COVID-19.

### **Executive summary**

- 4 The reopening of work visa applications from 4 July is an important milestone in New Zealand's COVID-19 recovery plan and will significantly widen access to workers.
- 5 The recent amendments to the Regulations to reopen work visa applications do not enable the offshore partners and dependent children of work visa applicants to apply for a visa at the same time, unless they are also applying for a work visa or another visa for which applications are open. This could cause unnecessary and unintended delays for workers making applications.
- 6 This paper proposes an amendment to the Regulations to fix this. This measure is necessary to support a return to normal work visa settings and is consistent with existing decisions on RCNZ timing and phasing. All remaining visa categories will reopen on 31 July, just three weeks later.

### **Reopening visa applications for partners and dependent children of work visa applicants**

- 7 On 19 April, Cabinet decided to bring forward Step 5 of RCNZ, including:
  - 7.1 reopening all work visas from Step 4 on 4 July, alongside the new Accredited Employer Work Visa (AEWV)
  - 7.2 reopening all other visas from 31 July, including visitor and student visas [CAB-22-MIN-0139].

- 8 The reopening of work visa applications is an important milestone in New Zealand's COVID-19 recovery plan and will significantly widen access to workers.
- 9 Work visa applicants may wish to support their partners and dependent children to come with them to New Zealand if their visas enable it. However, the amendments to the Regulations that reopen offshore work visa applications do not enable applications to be made by their partners and dependent children in all cases.
- 10 A correction is needed to the Regulations to fix this omission so that the AEWV and other work visa categories can be processed as intended. This amendment will mean that the partners and dependent children of applicants for work visas can also apply for a visa from 4 July.
- 11 By association, the change proposed above will enable the partners of existing visa holders who are eligible to apply for any of the work visas opening on 4 July (for example, Partner of a Worker Work Visa) to support dependent children to apply for a relevant visa.

*This change aligns with existing decisions on RCNZ timing and phasing*

- 12 This proposal does not reopen applications for all partnership and dependent child temporary entry class visas from 4 July. For example, offshore partners and dependent children of existing work visa holders, where the existing work visa holder is not eligible to support a partner on a work visa (for example, where an onshore Essential Skills Work Visa holder earns less than the median wage) will be able to apply for a relevant visa from 31 July when normal visa processing fully resumes.
- 13 This paper is focused on the changes necessary to give effect to the reopening of work visas on 4 July. All remaining visa categories will reopen on 31 July, just three weeks later.
- 14 Partners and dependent children will need to meet standard immigration partnership and dependent child eligibility criteria to be eligible for relevant partner and dependent child visas. This includes the requirement for applicants to meet the partnership criteria of living together in a genuine and stable relationship. People who do not meet these criteria will be able to apply for a Visitor Visa from 31 July when our visa processing fully reopens.

**Financial implications**

- 15 There are no direct financial implications associated with this paper.

**Legislative implications**

- 16 Following our decisions today, a paper with amendments for the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 will be prepared.
- 17 I will be seeking a waiver of the 28-day rule for the regulation changes associated with the proposals in this paper, as they will be only beneficial.

## **Impact Analysis**

### *Regulatory Impact Statement*

- 18 The Treasury's Regulatory Impact Analysis (RIA) Team has determined that the proposal to reopen visa applications for offshore partners and dependent children of temporary work visa applicants is exempt from the requirement to provide a Regulatory Impact Statement (RIS). This is on the grounds that the proposals are intended to manage, mitigate or alleviate the direct actions taken to protect the public in response to COVID-19, and implementation of the policies is required urgently to be effective (making a complete, robust and timely RIS unfeasible).

### *Climate Implications of Policy Assessment*

- 19 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

## **Consultation**

- 20 This paper was prepared by Immigration Policy in MBIE.
- 21 The following agencies were consulted on the paper: Department of Prime Minister and Cabinet, Foreign Affairs and Trade, New Zealand Customs Service, Ethnic Communities, Health, Primary Industries, MBIE MIQ.

## **Communications**

- 22 These changes are consistent with recent communications on the border reopening. Immigration New Zealand's website will be updated to reflect these changes.

## **Proactive release**

- 23 I propose to release this paper proactively. Any redactions made will be consistent with the Official Information Act 1982.

## Recommendations

I recommend that the Cabinet Economic Development Committee:

- 1 note that some additional changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are needed to give full effect to the Government's recent decisions to reopen all work visas on 4 July [CAB-22-MIN-0139];
- 2 agree to reopen visa applications from 4 July for people applying for a temporary entry class visa as the partner or dependent child of a temporary work visa applicant (including Accredited Employer Work Visa and other work visa categories that open on 4 July);
- 3 note that partners and dependent children will need to meet standard relationship criteria in order to be eligible for a partnership or dependent child visa and that those who do not meet eligibility will need to wait until Visitor Visa processing reopens from 31 July, this includes where partners do not meet the living together requirement;
- 4 agree to amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to give effect to the policy proposal in this paper;
- 5 note that the Minister of Immigration will seek to waive the 28-day rule for the regulation changes associated with the proposal in this paper, as they will only confer benefits on the regulated parties;
- 6 invite the Minister of Immigration to issue drafting instructions to Parliamentary Counsel to give effect to the policy proposal in this paper;
- 7 authorise the Minister of Immigration to make any minor technical amendments to give effect to this policy decision.

Authorised for lodgement

Hon Kris Faafoi

Minister of Immigration