



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022	Date to be published	4 August 2022

List of documents that have been proactively released

Date	Title	Author
June 2022	Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022	Office of the Minister of Immigration
23 June 2022	Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022 LEG-22-MIN-0109 Minute	Cabinet Office

Information redacted

YES / NO

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Office of the Minister of Immigration
Cabinet Legislation Committee

Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022* (the Amendment Regulations).

Policy

- 2 The Amendment Regulations give effect to recent Cabinet policy decisions to reopen temporary entry class visa applications for the offshore partners and dependent children of temporary work visa applicants from 4 July 2022 [DEV-22-MIN-0130 and CAB-22-MIN-0219].
- 3 This proposal is necessary to give full effect to recent *Reconnecting New Zealanders* (RCNZ) decisions to reopen all work visa processing from 4 July [CAB-22-MIN-0139]. It also supports a return to normal work visa settings by allowing families to apply for visas together.
- 4 The *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010* (the Regulations) currently suspend the ability for most offshore migrants to apply for a temporary entry class visa. This suspension will be lifted as part of the RCNZ border re-opening, with applications opening for all work visas (including the Accredited Employer Work Visa) on 4 July and remaining visitor and student visas on 31 July [CAB-22-MIN-0139].
- 5 Ahead of this, an amendment to regulation 9A of the Regulations is needed in order to exempt the partners and dependent children of work visa applicants from the suspension on offshore temporary entry class visa applications. This will mean that the partners and dependent children of temporary work visa applicants will be able to apply for work, visitor or student visas based on their relationship to the work visa applicant, where eligible.

Timing and 28-day rule

- 6 I recommend the Amendment Regulations come into force from 4 July 2022, when work visa processing will reopen through an exception to the suspension of offshore temporary entry class visas applications coming into effect for work visa applicants. This exception to the suspension is introduced

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by the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 2) 2022*.

- 7 I am seeking Cabinet's agreement to waive the 28-day rule for this amendment because it implements beneficial changes and supports a return to normal work visa settings from 4 July when all work visas are set to reopen.

Compliance

- 8 The proposed regulations comply with each of the following:
- 8.1 the principles of the Treaty of Waitangi
 - 8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 8.3 the principles and guidelines set out in the Privacy Act 2020
 - 8.4 relevant international standards and obligations
 - 8.5 the Legislation Design and Advisory Committee's Guidelines on Process and Content of Legislation.

Regulations Review Committee

- 9 There are no anticipated grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

- 10 The Amendment Regulations were certified by the Parliamentary Counsel Office (PCO) as being in order, for submission to Cabinet.

Impact Analysis

Regulatory Impact Statement

- 11 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

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

Publicity

- 13 The Amendment Regulations will be gazetted on 30 June and Immigration New Zealand's website will be updated to reflect that the partners and dependent children of work visa applicants can also apply for a visa from 4 July 2022.

Proactive release

- 14 I intend to proactively release this paper and its associated minute with any appropriate redaction where information would have been withheld under the Official Information Act 1982.

Consultation

- 15 This Cabinet paper was prepared by the Ministry of Business, Innovation and Employment. The following agencies were consulted during the development of the policy: NZ Customs Service, the Ministry of Education, the Ministry of Foreign Affairs and Trade, the Ministry of Primary Industries, the Ministry for Ethnic Communities, and the Treasury. The Department of the Prime Minister and Cabinet was informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that, on 8 June 2022, Cabinet Economic Development Committee agreed to reopen temporary entry class visa applications for the offshore partners and dependent children of temporary work visa applicants from 4 July 2022 [DEV-22-MIN-0130 and CAB-22-MIN-0219];
- 2 note that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022* will give effect to the decisions referred to in recommendation 1 above;
- 3 note that a waiver of the 28-day rule is sought:
 - 3.1 so that the regulations can come into force on 4 July when offshore applications for work visas are opened through the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 2) 2022*; and
 - 3.2 on the grounds that this amendment will only confer benefits on the regulated parties
- 4 agree to waive the 28-day rule so that the regulations can come into force on 4 July 2022; and
- 5 authorise the submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications) Regulations (No 3) 2022*.

I N C O N F I D E N C E

Authorised for lodgement

Hon David Parker
Acting Minister of Immigration