



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	2022 Special Ukraine Policy	Date to be published	By 18 August 2022

List of documents that have been proactively released

Date	Title	Author
March 2022	2022 Special Ukraine Policy	Office of the Minister of Immigration
14 March 2022	2022 Special Ukraine Policy CAB-22-MIN-0069 Minute	Cabinet Office
7 March 2022	Additional Item: Invasion of Ukraine: Additional Support for New Zealand Visa Holders CAB-22-MIN-0060 Minute	Cabinet Office

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE'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.

Some information has been withheld for the reasons of international relations, confidential advice to Government and free and frank opinions.

Restricted

Office of the Minister of Immigration

Cabinet

2022 Special Ukraine Policy

Proposal

- 1 I propose that Cabinet agree to establish a new, time-limited, sponsored temporary entry category for family members of Ukrainian-born New Zealand citizens and residents. Cabinet is asked to decide whether to restrict it to parents in the first instance or to include adult siblings and adult children, noting that I recommend that sponsorship is capped at one application (including any immediate family) per eligible sponsor.

Relation to government priorities

- 2 The proposals in this paper relate to our priorities of Improve the Wellbeing of New Zealanders and Their Families and Create an International Reputation We Can Be Proud Of.

Summary

- 3 Through its invasion of Ukraine, Russia (supported by Belarus) has shown a flagrant disregard for international law and breached its most fundamental norms, and abdicated its responsibility to uphold global peace and security. New Zealand has moved quickly: we have instituted travel bans, export controls, and other diplomatic measures to respond to Russia's aggression, have passed the Russia Sanctions Act 2022, and have donated \$2 million to support humanitarian work.
- 4 As at 9 March 2022, around two million Ukrainian citizens have fled into Europe. I have recently spoken with the United Nations High Commissioner for Refugees (UNHCR) about possible responses through formal refugee channels (none are requested at this stage **Free and frank opinions**)
- 5 Following decisions by Cabinet on Monday 7 March 2022 [CAB-22-MIN-0060], I have already directed Immigration New Zealand (INZ) to prioritise Ukrainian visa applications and to open our border early to people who hold visas for New Zealand (noting partners and dependent children of New Zealand citizens and residents can already enter). I have also extended by 12 months the visas of all Ukrainians onshore whose temporary visas are due to expire by the end of 2022.
- 6 The small Ukrainian community in New Zealand has asked that we assist in sheltering their family members and UNHCR supports such actions. I now recommend that Cabinet agree to establish a new sponsored temporary entry category for parents of Ukrainian-born citizens and residents in New Zealand. It will open for applications as soon as possible and remain open for a year. This is not a refugee response, but will allow families in New Zealand to bring out their parents to shelter here while the situation develops. If Cabinet wishes to extend eligibility more widely, grandparents, adult siblings, and adult children could also be included.
- 7 New Zealand sponsors will be responsible for arranging and funding exit from Ukraine and travel to New Zealand, and accommodation and living costs both while travelling

and once in New Zealand. I estimate that around 1,600 people in New Zealand could be eligible to be sponsors.

- 8 The immediate family (partner and dependent children) of eligible people will be included in their application. I recommend that “dependent children” be defined as if residence category instructions applied (that is, children up to the age of 24 may be included in the policy if they are still dependent on their parents). In any case I recommend that each New Zealand sponsor be limited to one application, given other pressures on our infrastructure (especially housing), comparisons with our responses to other humanitarian crises, **International relations**
- 9 I propose that the 2022 Special Ukraine Policy offer a two-year sponsored visa with work rights (and study rights for children 18 and under) and facilitated entry requirements – in particular, only a declaration of health status and character will be required, and no fees will be chargeable. Applicants will not be required to demonstrate that they intend to return home (usually a prerequisite for a temporary entry class visa). Based on an estimated 1,600 eligible sponsors in New Zealand, officials estimate that up to 2,400 parents or 4,000 wider family members may seek to enter New Zealand, although the actual number is likely to be lower. **Free and frank opinions**
- 10 Sponsored family members will be eligible for publicly-funded health care but not income support or public housing. **Confidential advice to Government**
- 11 **Confidential advice to Government**
- 12 I seek Crown funding of up to \$0.910 million in 2021/22 and in 2022/23 to meet the costs of INZ’s decision making. Cabinet is also asked to agree to amend the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 and to a waiver of the 28-day rule. An amendment to the COVID-19 Public Health Response (Air Border) Order 2021 is likely to be required to exempt those travelling to New Zealand under the 2022 Special Ukraine Policy from vaccination and pre-departure testing requirements. The Minister for COVID-19 Response will consider the amendments necessary to the Order so these can brought into force prior to the opening of the 2022 Special Ukraine Policy.
- 13 Annex one sets out New Zealand’s general immigration responses to international crises, and also lists some country-based responses since the early 1990s.

Russia has invaded Ukraine and Ukraine’s citizens are fleeing

- 14 Russia, supported by Belarus, has launched a devastating attack on Ukraine, a European democracy of 44 million people. Russia is seeking to seize Ukraine’s cities and overthrow Ukraine’s democratically elected government, in a flagrant disregard for international law and abdication of its responsibility to uphold global peace and security. As at 9 March 2022 its forces are bombing city centres and closing in on the capital, Kyiv, prompting a mass exodus of the population: around two million people have already crossed Ukraine’s borders into neighbouring European countries. I spoke with the UNHCR on 8 March about the situation and possible New Zealand responses through formal refugee channels and additional funding. UNHCR is not requesting that we assist at this stage **Free and frank opinions**

- 15 Countries are announcing a range of initiatives to provide support to Ukraine and its citizens. Many nations are offering temporary harbour to Ukrainians: for example, the United Kingdom (UK) announced on 7 March 2022 that it would allow British nationals and people settled in the UK to bring immediate family members, plus extended family members (adult parents, grandparents, children over 18 and siblings), to the UK, fee free. It also announced that it would establish a humanitarian sponsorship pathway, under which people from Ukraine who may not have family ties in the UK can be sponsored to come to the UK by individuals, businesses, or community organisations. UNHCR supports such temporary refuge initiatives.
- 16 New Zealand has already instituted travel bans and export controls to respond to Russia's aggression, and has passed the Russian Sanctions Act 2022. An initial \$2 million has been donated to support humanitarian initiatives. On the immigration front, INZ has been prioritising visa applications from Ukraine citizens. (I note that people who hold visas as partners and dependent children of New Zealand citizens and residents have been able to travel to New Zealand throughout the COVID-19 crisis.)
- 17 On Monday 7 March 2022, Cabinet agreed to open our border early to Ukraine citizens who hold visas for New Zealand, and to extend by 12 months the visas of all Ukrainians onshore whose temporary visas were due to expire by the end of 2022 [CAB-22-MIN-0060]. These changes have been announced and implemented.

I propose a targeted Special Policy for family members of Ukraine-born people here

- 18 Cabinet has already agreed to a range of immigration measures to facilitate travel to New Zealand of visa holders on Ukraine passports and to extend the stay of Ukrainians here [CAB-22-MIN-0022]. I now seek Cabinet's agreement to the establishment of a new temporary entry category, either for parents alone, or wider family members, of those citizens and residents in New Zealand, with the features set out below. It is a family-linked response, allowing relatives to be brought to New Zealand and supported by their families here. Unlike the Afghanistan response or our support for refugees generally, travel, accommodation and lodging costs will be borne by families (I do not propose a welfare package). I do however propose that applicants are granted visas that provide eligibility for healthcare, and subsidised education if they are children.
- 19 The cost and any associated logistics and facilitation of travel across borders and on to New Zealand will also be the responsibility of the traveller and their families. This reflects both that, as they are Ukrainian nationals, New Zealand has no right of access or to advocate to foreign governments on these travellers' behalf; and that providing assistance to a cohort of travellers this size would be significantly beyond current resourcing, which is geared toward assisting New Zealand citizens, and fully committed to our consular response.

The 2022 Special Ukraine Policy will open as soon as possible and be open for 12 months

- 20 The time limit on the new category means that this will not become a de facto parent or family reunification policy. Confidential advice to Government [REDACTED]
[REDACTED]
[REDACTED] INZ is currently considering how to facilitate entry of eligible people before regulations and IT changes are in place.

It will offer a two-year temporary visa in the first instance

- 21 I propose a temporary entry class visa with work (or, for children aged up to 18, study) rights in the first instance. This is in keeping with the developing situation, and

the ultimate goal of enabling people to eventually return to Ukraine if circumstances there support this. That visa will enable the holders to have access to publicly-funded health care but not to income support or public housing.

- 22 Temporary visa applications are much faster to apply for and decide than residence-class visa applications, and establishing a temporary entry-class category also emphasises that we hope that the situation in Ukraine will be satisfactorily resolved. Once visas have been granted, holders will have nine months to travel to New Zealand.
- 23 The sponsors in New Zealand will be required to make a standard sponsorship undertaking to provide accommodation and board for their family members. I am aware of the general housing constraints in New Zealand, and note it is likely that many visa holders will stay with their New Zealand family.
- 24 If the situation in Ukraine has stabilised by the end of 2023, some people may choose to go home. Confidential advice to Government

I recommend that only New Zealand citizens and residents are able to sponsor

- 25 I have considered whether the ability to sponsor should be extended to temporary visa holders in New Zealand but recommend that it is limited to New Zealand citizens and residence-class visa holders who are ordinarily resident in New Zealand. The reasons for this are:
- the Immigration Act 2009 does not allow temporary entry-class visa holders to be sponsors
 - many temporary entry-class visa holders in New Zealand are on a (prioritised) route to residence – in particular the Resident Visa 2021 – so will be able to sponsor their family during the year that the category is open
 - most of the temporary entry-class visa holders in New Zealand who are not on a path to residence are deep sea fishing crew, who do not have a home in New Zealand and who could not therefore shelter their relatives here
 - the ordinarily-resident criterion will avoid the risk that otherwise-eligible New Zealand citizens who do not live here return temporarily just to sponsor a relative.

There are choices about who should be eligible for sponsorship

- 26 New Zealand citizens and residents can already bring their partners and dependent children to New Zealand on family-linked visas. Table one below sets out choices for family members who could be eligible to be sponsored, with comments. I note that a sponsored principal applicant can include their partner and dependent children in their application.

Table one: Eligible applicants: choices

Relationship to sponsor	Comment
Parent	<ul style="list-style-type: none"> • Policy potentially aligns with existing residence path (noting that the Parent category is currently suspended and has English and funds requirements) • Applies to the individuals who are likely to be most vulnerable (may have no close family in Europe) • Naturally restricts numbers and pressure on New Zealand's housing stock • While it implies high average health costs (age cohort related), the total impact is contained through numerical constraints
Wider family – <ul style="list-style-type: none"> • Grandparent • Adult sibling • Adult child 	<ul style="list-style-type: none"> • No residence path for adult siblings / adult children (previous policies closed in 2012) • Some people in New Zealand may have an adult sibling or adult child but not a parent; allows those New Zealanders to support their family • Numbers will therefore be larger, meaning fiscal costs to New Zealand (healthcare / education) may be higher overall (noting that adult siblings / adult children are more likely to work than parents) • Adult siblings / adult children are more likely to have their own families and to need to live in a separate dwelling

27 As noted above, I recommend that Cabinet open the 2022 Special Ukraine Policy to parents of Ukrainian-born New Zealand citizens and residents. This would enable New Zealand to offer support to people who are likely to be the most vulnerable family members in the current crisis. It will also naturally restrict numbers and pressure on New Zealand's housing stock in particular.

28 Cabinet may however wish to offer sponsored visas to a wider group of family members. In that case I recommend that we also enable adult children and adult siblings of Ukrainian-born¹ New Zealand citizens and residents to be sponsored (and explicitly include grandparents).

I recommend that applications are capped at one per sponsor

29 To manage potential impacts on New Zealand's infrastructure, **Free and frank opinions** I recommend that Cabinet caps the number of applications that could be sponsored at one per eligible New Zealander. While the sponsorship obligations in themselves would provide a natural cap on total numbers that might be approved, subsequent applications would be likely to require both scrutiny by INZ staff and difficult discussions (such as about the numbers of people who can be housed). **Free and frank opinions**

NOTE: Cabinet's intention was clarified subsequently in the immigration instructions

30 If Cabinet decides to focus on parents then I estimate that up to 2,400 people may be eligible to travel here, noting that the actual number who decide to may be much smaller. (That figure would imply all 1,600 people sponsoring their parents, and around 1.5 people per application.) Standard immigration settings allow for grandparents to substitute for parents where parents have died, and I recommend that this precedent stand. While our Parent residence category (suspended since 2016) does not allow sponsored parents to be accompanied by dependent children, and requires parents to speak reasonable English and to have financial resources, I seek Cabinet's explicit agreement that none of these requirements apply in this case.

¹ I note that, as Ukraine has only existed since 1991, this will include people born in the Ukrainian Soviet Socialist Republic.

- 31 If Cabinet decides to take a wider view of family members who could be sponsored, I estimate that up to 4,000 people may be eligible to travel here, although again not everyone who could will wish to do so. (The figure of 4,000 is based on all 1,600 people sponsoring an application, and each application on average having 2.5 people associated with it.)
- 32 Finally, I recommend that the resident visa definition of “dependent child” be applied. That raises the maximum age from 18 (under temporary visa instructions) to 24 in some cases (the child must be dependent on their parents, which generally means for people aged 20 or over that they are in full time study). Confidential advice to Government
- 33 I note that older males in the family (fathers / partners and children), even once granted visas, may not be able to leave Ukraine in the immediate future due to informal conscription processes. The nine-month validity I propose for the temporary visas may address this, and INZ has discretion to grant further visas on a case by case basis. Confidential advice to Government

Applicants should have been ordinarily resident in Ukraine in January 2022 and will be asked to make declarations about their health status and their character

- 34 Some otherwise-eligible family members may live outside Ukraine. As this 2022 Special Ukraine Policy is focused on providing a haven to people threatened by the Russian invasion, I recommend that applicants be required to have been ordinarily resident in Ukraine (which includes the Crimea) before the invasion. I propose that the policy is targeted to people who were ordinarily resident in Ukraine in January 2022.
- 35 Ordinarily, people who are seeking to reside in New Zealand for two years or more are required to provide proof that they meet our character requirements (through providing a range of police clearances) and our health requirements (through undergoing medical screening). People who hold a visa with work conditions of two years’ duration or more, and their dependent children (up to the age of 18) are eligible for publicly-funded healthcare.
- 36 It is unlikely at this point that Ukraine citizens inside or outside Ukraine will be able to access immigration medicals or police clearances. On that basis, I propose that the standard requirements be substituted by declarations by both the applicants and sponsors that all the applicants meet character (in particular) and health requirements. Immigration policy generally requires less stringent medical checks for close family members who apply for visas and I will advise INZ that I expect a facilitative approach where potential health issues are identified.
- 37 I note that declarations will also be required regarding ordinary residence in Ukraine Confidential advice to Government and may be required to establish family relationships (as people may have fled without important documents such as birth certificates). Where people do not have valid passports, INZ may need to issue Certificates of Identity, or waive document requirements, to enable their travel.
- 38 Applicants will not be required to demonstrate that they are “bona fide”, in that they intend to return home. This is usually a prerequisite for a temporary entry class visa application.

I propose that Cabinet agree to waive immigration charges and to provide compensating Crown funding

- 39 As part of our facilitation package, I propose that Cabinet agree to waive the standard immigration visa charges and provide Crown funding to resource the costs of INZ decision making. Waiving of immigration charges, including on a case by case basis, is a frequent facilitation practice in humanitarian circumstance (see examples in Annex one) and as this reflects a Cabinet policy decision it is appropriate that the Crown meet the costs.
- 40 At present a work visa applied for outside New Zealand costs \$495 per individual and a student visa costs \$295 per individual. Confidential advice to Government [REDACTED] I seek Cabinet's agreement for a capped allocation in each of 2021/22 and 2022/23 of up to \$0.910 million², with funding transferred between years depending on the timing of applications.

An urgent response raises some risks

- 41 Responding to a war emergency at speed necessarily raises risks, but they do not negate the value of a humanitarian response. I have identified a set of risks below, which will be mitigated to the extent possible through policy design, operational practice, and clear messaging and communications.
- 42 Free and frank opinions [REDACTED] The government will continue to consider situations and requests for assistance on a case by case basis, and taking our responsibilities as a good international citizen into account.
- 43 I note that implementing and operationalising a new priority policy will put additional strain on INZ, and will mean that some other priority visa categories will face delays. The need for regulation and IT change means that workarounds will be required to get this up and running within a few days of decision: however, some aspects (such as security checks, which will be necessary for some applicants) are independent of INZ. My officials will ask the relevant agency to prioritise these checks.
- 44 International relations [REDACTED] There are risks around verifying identify if people do not have passports at all, while the fact that Ukraine passports are now being extended by hand and can have family members also written in by hand, International relations [REDACTED]
- 45 It is possible that some sponsors may not be able to meet their obligations (for example because of illness). While sponsored people will be able to work, some may have barriers to employment, and they will not be eligible for income support or public housing. I do not anticipate that numbers would be great and in such cases the community may be able to provide support.

² The rough assumptions are: for parents alone, 2,400 individuals at \$495 each; and for the wider group, at 3,200 adults at \$495 each and 800 children at \$295 each, half applying in 2021/22 and half applying in 2022/23.

- 46 There may be expectations from families in New Zealand that the New Zealand government (through MFAT posts and consulates) will provide assistance for these visa holders to travel to New Zealand, either by facilitating travel (for example with travel documents or border crossings) or with providing funds to travel. This sort of assistance offshore will not be possible, given the scale involved and competing demands on MFAT resources, and the risk can be mitigated with clear communications from the outset about the scope and limits of the new policy.

Financial Implications

- 47 As noted from paragraph 39 above, I am seeking Crown funding of up to \$0.910 million in each of 2021/22 and 2022/23. Numbers of applications made in one or both years may differ from the level allowed for by this funding. I note that the Minister of Finance and I can jointly conduct expense transfers across years to reflect the actual profile of visa applications.
- 48 The proposals in this paper may mean additional costs for other Votes (Health and Education in particular). I am not seeking specific funding as they will be addressed through overall population-based adjustments.
- 49 I do not recommend a welfare package, as this is not a refugee policy and sponsors will undertake to support their families. Confidential advice to Government

Legislative and Regulatory Implications

- 50 Regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the Regulations) currently suspends all offshore applications for temporary entry class visa categories, unless applicants fall within a list of excepted persons. I seek Cabinet's agreement to amendments to the Regulations to:
- 50.1 enable eligible people to apply for 2022 Special Ukraine Policy visas, and an exemption from the 28-day rule in order that the change can come into effect by the time the new category opens; and
- 50.2 waive relevant immigration charges (fees and immigration levy).
- 51 An amendment to the COVID-19 Public Health Response (Air Border) Order 2021 is likely to be required to exempt those travelling to New Zealand under the 2022 Special Ukraine Policy from vaccination and pre-departure testing requirements. The Minister for COVID-19 Response will consider the amendments necessary to the Order so these can be brought into force alongside the opening of the 2022 Special Ukraine Policy.

Human Rights

- 52 While the Immigration Act 2009 recognises that immigration matters inherently involve different treatment on the basis of personal characteristics, immigration policy development seeks to ensure that any changes are necessary and proportionate. The Ministry of Business, Innovation and Employment considers that the proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 53 The following agencies have been advised of these proposals during the development of this paper and, to the extent possible given time constraints, their views have been reflected in it: the Ministries of Foreign Affairs and Trade, Health, and Social Development; the New Zealand Customs Service; the Department of Prime Minister and Cabinet; and The Treasury. Confidential advice to Government

Communications

- 54 If Cabinet agrees to establish a 2022 Special Ukraine Policy, my office will develop communications material in consultation with other relevant offices. The INZ website will be updated and material will be provided to the Immigration Contact Centre and the Ministry of Foreign Affairs and Trade for distribution to posts. At the point that the new category goes live, updated immigration instructions will be published and the material on the INZ website will be refreshed.

Proactive Release

- 55 This paper will be proactively released, subject to any redactions consistent with the Official Information Act 1982.

Recommendations

- 56 The Minister of Immigration recommends that the Committee:
- 1 **note** that through its invasion of Ukraine, Russia has shown a flagrant disregard for international law and breached its most fundamental norms;
 - 2 **note** that in response:
 - 2.1 New Zealand has moved quickly to institute travel bans and export controls to respond to Russia's aggression, to pass the Russia Sanctions Act 2022 [CAB-22-SUB-0058], and to donate \$2 million to support humanitarian work
 - 2.2 The Minister of Immigration has directed Immigration New Zealand (INZ) to prioritise Ukrainian visa applications;
 - 3 **note** that on Monday 7 March 2022, Cabinet agreed to open our border early to Ukrainian citizens who hold visas for New Zealand, and to extend by 12 months the visas of all Ukrainians onshore whose temporary visas are due to expire by the end of 2022 [CAB-22-MIN-0060]

Policy design

- 4 **agree** to establish a new time-limited temporary entry category for family members of Ukrainian citizens and residents in New Zealand, with the following features:
- 4.1 it will be called the 2022 Special Ukraine Policy;
 - 4.2 it will open as soon as possible and remain open for 12 months;
 - 4.3 it will offer two-year visas with open work rights to adults and two-year domestic student visas to children up to the age of 19;
 - 4.4 the residence definition of "dependent child" (which includes children aged 20 to 24 who are wholly dependent on their parents) will apply;

- 4.5 Ukrainian-born New Zealand citizens and residence class visa holders who are ordinarily resident in New Zealand will be eligible to sponsor (undertake responsibility for the accommodation and living costs of) one eligible family member, and their immediate family;
- 4.6 family members of eligible New Zealand sponsors who are eligible to be sponsored must:
 - 4.6.1 have been ordinarily resident in Ukraine during January 2022; and:
 - EITHER
 - 4.6.2 be their parent or, if the parent is dead, their grandparent, and the parent's immediate family (partner and any dependent children);
 - OR
 - 4.6.3 be a wider family member, being either a parent, grandparent, adult sibling, or adult child, and their immediate family (partner and any dependent children);
- 4.7 no English language or funds requirements will apply to applicants;
- 4.8 **International relations** [REDACTED]
- 4.9 people granted 2022 Special Ukraine Policy visas will have nine months to travel to New Zealand;
- 4.10 associated immigration charges will be waived, subject to Cabinet agreeing to provide compensatory Crown funding;
- 5 **note** that I will advise INZ that I expect a facilitative approach where potential health issues are identified;
- 6 **agree** that Ukrainian-born temporary entry-class visa holders in New Zealand will not be eligible to sponsor family members under this policy, noting that
 - 6.1 where they have residence applications those are being prioritised by INZ; and
 - 6.2 a large proportion of the remainder are fishing crew, who do not have homes in New Zealand;
- 7 **note** that:
 - 7.1 officials estimate that around 1,600 people in New Zealand could be eligible to be sponsors;
 - 7.2 the cap on sponsorship (one application per eligible sponsor) is intended to help manage pressures on our infrastructure (especially housing);
- 8 **note** that a range of risks have been identified with regard to these policy proposals, and they include:
 - 8.1 implementation: namely that INZ is making changes at speed, and its reprioritisation of implementation and visa processing resources into this priority may mean that other groups wait longer for visa decisions;
 - 8.2 **Free and frank opinions** [REDACTED]

- 8.3 expectation: visa recipients and their families may request assistance with getting to New Zealand, which MFAT does not have the resource to provide;
- 8.4 **Free and frank opinions**
- 8.5 welfare: some sponsors may not be able to meet their obligations (for example because of illness) and sponsored people will not be eligible for income support or public housing;
- 8.6 **International relations**

Fiscal implications

- 9 **approve** the following changes to appropriations, to give effect to the policy decision in paragraph 4.10, with a corresponding impact on the operating balance and net core Crown debt:

Vote Labour Market Minister of Immigration	\$m – increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & Outyears
Departmental Output Expense: Immigration - Immigration Services (funded by revenue Crown)	0.910	0.910	-	-	-
Total	0.910	0.910	-	-	-

- 10 **agree** that the proposed changes to appropriations for 2021/22 be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 11 **note** that the between-Budget contingency established as part of Budget 2021 has less than \$6.000 million operating funding left;
- 12 **agree** that the expenses incurred under recommendation 9 above be charged against the between-Budget contingency established as part of Budget 2021, with any excess amount charged as a pre-commitment against the Budget 2022 operating allowance;
- 13 **note** that the Minister of Immigration and the Minister of Finance may jointly conduct expense transfers across years to reflect the profile of visa applications;
- 14 **Confidential advice to Government**

Regulatory implications

- 15 **note** that amendments are required to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 to enable eligible people to apply for 2022 Special Ukraine Policy visas and to waive immigration charges;
- 16 **invite** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to make changes to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 which will enable the decisions in paragraph 4 to come into effect from the category’s opening date in April 2022;

- 17 **agree** to a waiver of the 28-day rule;
- 18 **authorise** the Minister of Immigration to make further minor or technical changes on any issues that arise during the drafting process;
- 19 **invite** the Minister for COVID-19 Response to consider the amendments required to the COVID-19 Public Health Response (Air Border) Order 2021 prior to the opening of the 2022 Special Ukraine Policy in April 2022;

Confidential advice to Government



Authorised for lodgement

Hon Kris Faafoi
Minister of Immigration

Annex one: New Zealand's immigration responses to other crises

Where offshore crises, including civil war and invasions, have occurred in the past, New Zealand's standard immigration approach is to:

- apply a sympathetic approach to people who are onshore on temporary visas, while maintaining an expectation that, unless they meet residence criteria, they will eventually leave

In some rare cases, New Zealand has introduced targeted policies for people onshore who are effectively stranded in New Zealand, or in response to extraordinary circumstances.

- work with the international community to help meet the protection needs of displaced people.

New Zealand primarily shares the international response to refugee situations through the Refugee Quota, under which it annually resettles 1500 refugees who have been referred by the United Nations High Commissioner for Refugees (UNHCR) on the basis that their priority protection needs require resettlement in a safe third country. Refugees selected for the quota are interviewed in person and undergo a security check.

The Refugee Quota is complemented by the extended Community Organisation Refugee Sponsorship Category pilot (150 refugees over three years) and the Refugee Family Support Category (currently 300 places annually and increasing to 600 from 1 July 2022).

The composition of the Refugee Quota responds to UNHCR's protection priorities. In 2016, New Zealand adjusted the Refugee Quota in response to a special request from UNHCR.

Examples of crises and New Zealand's immigration responses

Tongan volcano: staff were reminded of their ability to exercise compassionate discretion (such as granting new visas, waiving fees) with regard to people on temporary entry class visas who could not return home.

Afghanistan: New Zealand is in the process of providing protection, through the grant of residence under a special policy, to around 1500 people. This is based on their having a real risk of persecution because of their linkages to the New Zealand Defence Force or New Zealand Aid Programme. New Zealand is organising and paying for their visas and travel and providing enhanced welfare support on arrival. This is a unique policy that reflects Cabinet recognising that New Zealand had a special obligation to assist this cohort.

The Mosque Terror Attacks: New Zealand offered residence to victims and witnesses, and introduced a special limited residence programme to family members from offshore. Immigration charges were waived. Access was limited (one family member and their immediate family per sponsor) and around 200 visas were granted. Free and frank opinions

Hong Kong: while New Zealand extended the temporary visas of people onshore, this occurred through the COVID-19 measures rather than through a deliberate policy.

Myanmar: MFAT scholarship students in New Zealand have had their temporary visas extended and are being supported by MFAT.

Syria: in response to a UNHCR request, New Zealand in 2016 agreed to take 750 Syrian refugees, 150 through repurposing existing Refugee Quota places and 600 (over three years) in addition to the then-Quota levels (750 per year). New Zealand covers all costs (visas, travel, support on arrival) for Quota refugees.

Zimbabwe: New Zealand granted residence through a special policy to around 1,000 Zimbabwe citizens who had come to New Zealand between 2000 and 2004, following civil insurrection and while their passport was visa waiver for travel here.

Kosovo: in response to a UNHCR request, New Zealand in 1999 offered refuge to around 600 Kosovars with family linkages to New Zealand (the New Zealand Albanian community prepared the list of names). It was expected that many would wish to go home following the cessation of the conflict, so the funding voted (which covered visas, travel and support on arrival) included a one-way airfare (which many took up).

Timor Leste: in 1998, the UNHCR requested countries to be prepared to provide temporary protection for evacuees from Timor Leste. New Zealand agreed to take 200 people but in the end this was not required.

Tiananmen Square: in the early 1990s New Zealand granted residence to Chinese nationals who were onshore following the Tiananmen Square massacre.