



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.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

2022 Special Ukraine Policy

Portfolio Immigration

On 14 March 2022, Cabinet:

- 1 **noted** that through its invasion of Ukraine, Russia has shown a flagrant disregard for international law and breached its most fundamental norms;
- 2 **noted** 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-MIN-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 **noted** that on 7 March 2022, Cabinet agreed to open the 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 **agreed** 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 resident 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) eligible family members, 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
 - 4.6.2 be 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 **noted** that the Minister of Immigration will advise INZ that he expects a facilitative approach where potential health issues are identified;
- 6 **agreed** 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 **noted** that:
 - 7.1 officials estimate that around 1,600 people in New Zealand could be eligible to be sponsors;
 - 7.2 sponsorship is intended to help manage pressures on our infrastructure (especially housing);
- 8 **noted** 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 the Ministry of Foreign Affairs and Trade does not have the resource to provide;
 - 8.4 **Free and frank opinions** [REDACTED]

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
 [Redacted]
 [Redacted]
 [Redacted]

Fiscal implications

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

Vote Labour Market Minister of Immigration	\$m – increase/(decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26 & Outyears
Departmental Output Expense: Immigration Services MCA – Assessment and Processing Services (funded by revenue Crown)	0.910	0.910	-	-	-
Total	0.910	0.910	-	-	-

10 **agreed** that the changes to appropriations for 2021/22 above be included in the 2021/22 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;

11 **noted** that the between-Budget contingency established as part of Budget 2021 has less than \$6.000 million operating funding left;

12 **agreed** that the expenses incurred under paragraph 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 **noted** 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
 [Redacted]
 [Redacted]
 [Redacted]

Regulatory implications


15 **noted** 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 **invited** 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 as soon as possible after the category’s opening date;

17 **agreed** to a waiver of the 28-day rule;

- 18 **authorised** the Minister of Immigration to make further minor or technical changes on any issues that arise during the drafting process;
- 19 **invited** the Minister for COVID-19 Response to consider the amendments required to the COVID-19 Public Health Response (Air Border) Order 2021 as soon as possible after the opening of the 2022 Special Ukraine Policy;

Confidential advice to Government



Michael Webster
Secretary of the Cabinet