



BRIEFING

Changes to emergency allocation criteria for New Zealanders overseas with expiring visas

Date:	24 October 2021	Priority:	High
Security classification:		Tracking number:	2122-1009/2

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	<p>Agree to change emergency allocation criteria 2c (New Zealanders unable to remain in their current location with no option but to return) to provide greater clarity around eligibility</p> <p>Agree to introduce a new emergency allocation criteria for New Zealand citizens who have been outside New Zealand since before 3 November 2020 and whose overseas visas are within two months of expiry</p> <p>Agree to increase the emergency allocation to up to 800 rooms per month from 1 November 2021, if needed to accommodate eligible applications.</p>	28 October 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons	
Privacy of natural persons	Manager, Allocation and Supply, MIQ Policy		✓
	Advisor, Allocation and Supply		

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 |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |

Comments



BRIEFING

Changes to emergency allocation criteria for New Zealanders overseas with expiring visas

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Purpose

This briefing seeks your agreement to

- change emergency allocation category 2c (New Zealand citizens or residents unable to remain in their current location with no option but to return) to further clarify eligibility
- introduce a new emergency allocation category 4 for New Zealand citizens who have been overseas since 3 November 2020 and have their visa expiring within one month
- increase the emergency allocation to as high as 800 rooms per month if needed.

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** in August 2021 [2122-0550 refers], you indicated officials should progress work on expanding category 2c for New Zealanders who have been overseas for an extended period.
Noted
- b **Note** that emergency allocation category 2c currently applies to '*New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand*'.
Noted
- c **Note** that officials consider that category 2c should be made more specific to provide greater clarity to applicants and assessors and reduce the volume of applications from people who have undertaken discretionary travel on a short term visa.
Noted
- d **Agree** to update category 2c to read:
New Zealand citizens or residents:
- whose visa to remain in their current location has expired and who have received notice from a local authority of detainment or deportation if they do not depart; OR*
 - whose visa to remain in their current location has been unexpectedly revoked or shortened due to circumstances outside of their control.*
- e **Agree** to introduce a new emergency allocation category 4: '*New Zealand citizens:*
- *who have been overseas since before 3 November 2020; and*
 - *who have been unsuccessful in their attempts to secure a MIAS voucher through the regular release process; and*

- whose visa to remain in their current location has expired or will expire in the next 60 days’.

Agree / Disagree

f **Agree** that where a New Zealand citizen is approved for an emergency allocation under category 4 they may be accompanied by their spouse/partner and/or dependent child/ren, including any who are not New Zealand citizens if they:

- are travelling to New Zealand with the New Zealand citizen approved under category 4 and will enter MIQ together; **and**
- have a legal right to enter New Zealand

Agree / Disagree

g **Note** that the new emergency allocation category 4 would apply to New Zealand citizens and their spouses/partners and/or dependent children **only** but that resident class visa holders would continue to have a pathway through category 2c

Noted

h **Note** that:

- 700 rooms per month are currently set aside for emergency allocations
- from 1 to 17 October, 398 applications were approved, equivalent to 710 per month
- MBIE is uncertain how many people would be eligible for an emergency allocation under the new category 4.

Noted

i **Agree** to increase the emergency allocation to up to 800 rooms per month from 1 November 2021, if needed to accommodate eligible applications.

Agree / Disagree

j **Agree** that the changes to category 2c and the addition of category 4 be implemented on the same date to ensure a clear transition and to support communication of the changes;

Agree / Disagree

k **Note** that:

- MBIE intends to implement these changes on Monday, 22 November 2021
- owing to the fact that managed isolation capacity is currently under significant pressure due the conversion of facilities to quarantine to support the community outbreak, the introduction of the new category may need to be delayed until December 2021
- MBIE will consult with your office around any delay.

Noted

I **Agree** that this briefing be proactively released with appropriate withholdings under the Official Information Act 1982.

Agree / Disagree



Kara Isaac
General Manager
MIQ Policy, MBIE

24 / 10 / 2021



Hon Chris Hipkins
Minister for COVID-19 Response

28 / 10 / 2021

Background

1. Demand for managed isolation from overseas currently significantly exceeds supply. The most recent MIAS lobby on 21 October saw approximately 21,000 users seeking 2,103 vouchers.
2. MIQ currently sets aside 700 rooms per month for emergency allocations and to date, October has seen an increase in emergency allocations being approved.
 - a. From 1 to 17 October, 398 applications were approved and 163 declined, equivalent to 710 approvals and 291 declined per month; in September, 508 applications were approved and 497 declined.
 - b. 38% of October's approvals related to terminal illness, 21% to time-critical work (including for critical healthcare workers, some of who may travel under the forthcoming group allocation going forward [2122-1350 refers]), and 16% to bereavement.
3. Officials recently provided you with advice on allocation options for the current period of very high demand [2122-0550 refers]. In response to this briefing, you indicated that officials should progress work on expanding category 2c for New Zealanders who have been overseas for an extended period.
4. Category 2c is currently for '*New Zealand citizens or residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand*'.

Updating category 2c

5. We propose changing category 2c to read as follows:

New Zealand citizens or residents:

 - i. *whose visa to remain in their current location has expired and who have received notice from a local authority of detainment or deportation if they do not depart; OR*
 - ii. *whose visa to remain in their current location has been unexpectedly revoked or shortened due to circumstances outside of their control.*
6. The revised wording would remove ambiguity associated with interpreting whether applicants are '*unable to legally remain in their current location and have no other option but to return to New Zealand*'.
7. We have received an increasing number of applications from people who have undertaken discretionary travel under short term visas and then apply under 2c to return to New Zealand. The revised wording would reduce the volume of these applications.

Introducing a new category for New Zealand citizens who departed New Zealand prior to 3 November 2020

8. We also propose the introduction of a new emergency allocation category 4: '*New Zealand citizens:*
 - *who have been overseas since before 3 November 2020; **and***
 - *who have been unsuccessful in their attempts to secure a MIAS voucher through the regular release process; **and***

- *whose visa to remain in their current location has expired or will expire in the next 60 days*.
9. MIAS became compulsory on 3 November 2020, following a one-month notice period. People who left before this date would have had limited ability to anticipate the impacts of finite MIQ capacity on their flexibility to return.
 10. We therefore consider there to be a case for a less stringent category for New Zealand citizens who have been overseas since before this date and have their visa expiring.
 11. The introduction of this subcategory will mean these New Zealand citizens no longer need to attempt to extend or convert their visa before being eligible for an emergency allocation. This can involve different conditions or restrictions (such as no longer being able to work), or significant amounts of time or money.
 12. We also recommend that where a New Zealand citizen is approved for an emergency allocation under category 4 they may be accompanied by their spouse/partner and/or dependent child/ren, including any who are not New Zealand citizens if they:
 - are travelling to New Zealand with the New Zealand citizen approved under category 4 and will enter MIQ together; and
 - have a legal right to enter New Zealand.
 13. The existing emergency allocation categories 1, 2 and 3 would be prioritised over the new category 4, ensuring applications under the existing criteria are not impacted.
 14. Allowing applications within 60 days of visa expiry will provide time for applicants to confirm they have attempted to secure a MIAS voucher in advance of their visa expiring and making an emergency allocation application.
 15. Officials consider it important to include a requirement for people to have made good faith attempts to secure a voucher via the standard release process and have been unsuccessful. Without this requirement it is likely that people may rely on the emergency allocation mechanism as their primary pathway to securing a voucher, rather than the lobby release process.

Impact on demand for emergency allocations

16. 700 rooms per month are currently set aside for emergency allocations. To date, this has proved adequate to meet demand, but approved applications have increased in recent weeks: from 1 to 17 October, 398 applications were approved, equivalent to 710 per month.
17. We are uncertain how much demand the new category will receive, as the new category may attract people to apply who would not have applied under the current criteria. Based on previous applications, we expect at least 40 applications per month.
18. We recommend that MIQ be allowed to increase emergency allocation to as high as 800 rooms per month if needed to accommodate additional demand, either from this category or otherwise.
19. If it appears that demand may be higher than can be accommodated within even this increased allocation, MBIE will provide further advice on options such as expanding the emergency allocation further. This would need to be balanced against the significant pressures on MIQ capacity, both at the border and for community cases.

Next steps

20. If you agree to the changes, MBIE intends to introduce the changes to category 2c and the new emergency allocation category 4 on Monday, 22 November. However, overall MIQ

capacity is currently under significant pressure due the community outbreak, and the introduction of the new category may need to be delayed until December 2021. MBIE will consult with your office around any delay.