



BRIEFING

Changes to Emergency Allocation criteria

Date:	20 August 2021	Priority:	Medium
Security classification:		Tracking number:	2122-0651

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	<p>Agree to the proposed changes to the Emergency Allocation criteria</p> <p>Agree that the new criteria will be implemented on 1 October 2021</p> <p>Refer to the Minister of Foreign Affairs</p>	27 August 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	Senior Advisor, Allocation and Supply	Privacy of natural persons		

The following departments/agencies have been consulted
MFAT

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



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Purpose

To seek your agreement to proposed changes to Emergency Allocation criteria.

The proposed changes are:

1. Clarifying criteria 1(a) regarding New Zealanders who need to return to New Zealand for serious health or safety reasons.
2. Creating a third category for New Zealanders who urgently need to travel due to the death of a close family member, or who need to travel to accompany the body of their close family member back to New Zealand.

Recommended action

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

- a **Note** category 1a of the emergency allocations criteria currently is for *'New Zealand citizens or residents where a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand'*.
Noted
- b **Note** the lack of specificity of what 'a serious risk to health or safety' means has led to a high number of ineligible applications.
Noted
- c **Agree** to update category 1a of the emergency allocations criteria to read:
 - 1(a) *New Zealand citizens or residents:*
 - i. *requiring access to time-critical medical treatment for the applicant or their dependant, which has been scheduled in New Zealand and is unavailable or inaccessible in their current location; OR*
 - ii. *requiring access to time-critical medical treatment for the applicant, or their dependent, which is scheduled overseas and has been confirmed by a New Zealand medical specialist as being unavailable in New Zealand, and where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System*
 - iii. *who are in a location or situation where there is a serious risk to their safety and their only option is to return to New Zealand, taking into account advice from the Ministry of Foreign Affairs and Trade where relevant.* Agree / Disagree
- d **Agree** to the creation of a third emergency allocation category for people who have suffered the bereavement of a close family member.
 Agree / Disagree

- e **Agree** that the criteria for this category will be:
- 3 *New Zealand citizens or permanent residents who have suffered the bereavement of a close family member within seven days of the date of application and urgently need to:*
- (a) *Where the family member died in New Zealand, return to New Zealand*
- (b) *Where the family member died in another country, travel to that country, including for the purposes of accompanying the body of the deceased to New Zealand, where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System*
- Agree / Disagree
- f **Agree** that in the event of successful applications exceeding the number of MIQ spaces, category 1 and 2 applications are prioritised ahead of category 3 applications.
- Agree / Disagree
- g **Agree** MIQ will implement the new criteria, if agreed, on 1 October.
But if it can be done earlier we should aim to do that. CH
- Agree / Disagree
- h **Note** that in the meantime people who leave New Zealand for necessary medical treatment can be considered under the “exceptional circumstances” discretionary category
- Noted*
- i **Note** MIQ is aware of issues with mariners’ access to emergency allocations and are working with Maritime New Zealand to ensure processes are suitable for this group.
- Noted*
- j **Agree** to refer this briefing to the Minister of Foreign Affairs.
- Agree / Disagree
- k **Agree** this briefing be proactively released with any appropriate withholdings under the Official Information Act 1982.
- Agree / Disagree



Kara Isaac
General Manager
MIQ Policy, MBIE

.20.. / ..08.. / ..2021..



Hon Chris Hipkins
Minister for COVID-19 Response

.23 / .08. / 2021

Background

1. The Emergency Allocation (EA) pathway was established in late 2020 to support New Zealanders who had an urgent need to return to New Zealand. It is particularly important as a way of enabling access to MIQ and a pathway for travel to New Zealand for those in emergency situations at times when demand for MIQ exceeds the number of places available.
2. The EA criteria have been expanded since its inception [briefings 2022-0010, 2021-2091 refer] to cover more emergency situations and make non-New Zealanders eligible in some circumstances. The allocation is currently set at 350 places per fortnight. The full criteria are attached in Annex One.

Updating category 1(a)

3. At present, the eligibility for category 1(a) is for '*New Zealand citizens or residents where a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand*'.
4. Following the suspension of Quarantine-Free Travel (QFT) with Australia, we have seen the number of applications under category 1(a) increase, most of which do not meet the threshold for eligibility. There have also been a number of instances when people's health needs have required them to travel outside New Zealand to seek treatment, which is not captured under this category.
5. We propose changing category 1(a) to read as follows:

New Zealand citizens or residents:

- i. requiring access to time-critical medical treatment for the applicant or their dependant, which has been scheduled in New Zealand and is unavailable or inaccessible in their current location; OR*
- ii. requiring access to time-critical medical treatment for the applicant, or their dependent, which is scheduled overseas and has been confirmed by a New Zealand medical specialist as being unavailable in New Zealand, and where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System*
- iii. who are in a location or situation where there is a serious risk to their safety and their only option is to return to New Zealand, taking into account advice from the Ministry of Foreign Affairs and Trade where relevant.*

Justification for change

1(a)(i) Requiring access to time-critical medical treatment for the applicant or their dependant, which has been scheduled in New Zealand and is unavailable or inaccessible in their current location

6. This clarifies that the health needs of the applicant must be sufficiently serious that they must return to New Zealand for their treatment, and that their treatment has already been arranged. This will lessen the burden of judgement on MIQ for determining whether something is a serious health risk, as the evidence required will be more clear-cut than the current standard.
7. It will also make it clear to applicants that this category is not for people who prefer to receive treatment in New Zealand where treatment could be obtained in their current location. This should reduce the number of 'long-shot' EA allocations with no chance of success that are received and processed by MIQ.

8. A third benefit to this updated criteria is that it will provide MIQ with advanced notice of travellers' healthcare needs and care plans when they return to New Zealand, which makes the task of safely accommodating them in MIQ easier.

1(a)(ii) requiring access to time-critical medical treatment for the applicant, or their dependent, which is scheduled overseas and has been confirmed by a New Zealand medical specialist as being unavailable in New Zealand, and where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System

9. At present, there is no specific MIQ provision for people who need to travel out of New Zealand to receive medical treatment. This creates an inconsistency where the government is supporting people to travel to receive treatment (such as people funded through the High Cost Treatment Pool) but not facilitating this travel by providing them with an MIQ space. It also places additional stress on people who are already very ill; ameliorating this stress by providing a clear allocation pathway for these people is advisable on compassionate grounds as well.
10. Adding this criteria would increase the number of people eligible for emergency allocations, but we believe this will be manageable with strict evidence requirements (eg evidence of funding from the High Cost Treatment Pool or supporting letter from a New Zealand-based specialist doctor).

1(a)(iii) who are in a location or situation where there is a serious risk to their safety and their only option is to return to New Zealand, taking into account advice from the Ministry of Foreign Affairs and Trade where relevant.

11. This approach gives transparency to current operational processes used to decide on applications under the 'risk to safety' criteria and clarifies to applicants how MBIE assesses whether someone is at a significant safety risk. We believe it will reduce the number of 'long-shot' EA applications where applicants assert a safety risk but have not yet engaged with MFAT in their current location. It will also increase the connections between MFAT's consular processes and MIQ's emergency allocation.
12. MFAT's consular assistance is only available to New Zealand citizens, not residents, so any application involving a New Zealand resident would not take advice from MFAT. This category is not intended to be used to return travellers overseas who are concerned about their safety because of the Covid-19 pandemic.
13. We do not believe the proposed changes will lead to a significant increase in approved applications for this category.

Creation of category 3

14. The other change proposed by officials is the creation of a category for people who have suffered the bereavement of a close family member (using the same definition as elsewhere in the EA criteria) and need to travel to be with their family or assist with the management of the deceased's affairs, or need to travel to accompany the body of the deceased back to New Zealand.

3 New Zealand citizens or permanent residents who have suffered the bereavement of a close family member within seven days of the date of application and urgently need to:

(a) Where the family member died in New Zealand, return to New Zealand

(b) Where the family member died in another country, travel to that country, including for the purposes of accompanying the body of the deceased to New Zealand, where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System

15. At present, there is no emergency allocation pathway for people who have suffered a bereavement, only those with a critically ill family member with an expected six months or less to live. This disadvantages people who suffer sudden bereavements, as they would not have had the opportunity to apply for an emergency allocation under category 2e.
16. There are compelling compassionate grounds to make an emergency allocation category for these travellers. MIQ offers a fee waiver for people travelling to attend funerals or tangihanga, and amending the EA criteria to include travel for bereavements brings the two processes into closer alignment, while making allowances for when attending a funeral or tangihanga is not possible but travel following a bereavement is still necessary.
17. It is tikanga Māori to stay with the tūpāpaku (deceased's body) until burial, which includes accompanying the tūpāpaku by plane if they are being returned to their turangawaewae for burial.
18. When an applicant is travelling with the deceased's body, arrangements must be made to transfer the deceased to the supervision of a funeral home or New Zealand-based friend or family member following their arrival in New Zealand.
19. The applicant must present evidence of the death of their close family member and, if they are leaving New Zealand, evidence that they are traveling to the country where the deceased is located. Applicants will not be granted an exemption from MIQ to attend funerals or tangihanga as a matter of course, so if they are travelling specifically for a funeral or tangihanga, will be advised to delay the service if possible.
20. We propose that categories 1 and 2 are prioritised above category 3 should the number of eligible applications exceed spaces available for EAs. This is because these categories are for travellers in an acute situation that may worsen if they cannot travel immediately.
21. The creation of this category is likely to lead to an increase in successful EA applications. We are unsure how high the level of demand for this category is likely to be. There have been around 50 recorded EA applications made solely on the grounds of needing to travel following a bereavement, but this is likely due to clear communication on the MIQ website that bereavement is not currently grounds for an EA.
22. This category will not address requests from people who are not New Zealand citizens or permanent residents who wish to travel to New Zealand to attend the funeral of a close family member who is a New Zealand citizens or permanent resident.
23. At this stage, we believe that any increase in demand due to the creation of this category can be managed within the current 350 rooms set aside for group allocations. We will closely monitor the number of applications received and if it appears likely that they will exceed the number of EA rooms, we will seek your direction on whether an increase is required.
24. If you do not wish for officials to prioritise categories 1 and 2 over 3 in periods of high demand, the number of rooms allocated to EA will likely need to increase. Given we do not know the size of this potential demand, we recommend introducing the category and reporting back on the need for any further increase to EA once we have a better understand of demand.

Clarifying EA applications for mariners

25. MIQ and Maritime New Zealand are working together to ensure that MBIE's processes do not unfairly disadvantage New Zealand mariners working abroad on foreign-flagged vessels. This work involves considering our communications with mariners, our way of working with Maritime New Zealand, and assessing whether any policy changes are needed specifically to allow for the circumstances of mariners.

26. If it is determined that policy changes are needed, we will report back to you in due course.

Next steps

27. If you agree to the changes in this paper, we will update our processes and implement the changes on 1 October.

28. These changes feed into a broader piece of work on allocation strategy. You have received advice on other possible changes to the way we allocate vouchers [2122-0550 refers]. If you wish to progress any other changes to emergency allocations, we will ensure that the changes in this advice and any other changes are implemented in a structured way to reduce any applicant confusion.

Annexes

Annex One: Current Emergency Allocation Criteria

Annex One: Current Emergency Allocation Criteria

Your circumstances must fall within one of these categories to be eligible for an emergency allocation request.

Category 1

1a) New Zealand citizens or residents where a serious risk to health or safety exists for the applicant or their dependant, which requires urgent travel to New Zealand; OR

1b) Where urgent travel is required to ensure a child is provided with appropriate care and protection.

Category 2

2a) New Zealand citizens or residents who are required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so; OR

2b) A person whose entry to New Zealand is time-critical for the purpose of commencing work that involves delivering a critical public or health and disability service, such as the clinical and direct provision of health services required to prevent serious illness, injury or death; or the maintenance of essential infrastructure or lifeline utilities whose failure would result in significant harm or disruption to a large number of New Zealanders; OR

2c) 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; OR

2d) New Zealand and non-New Zealand citizens, where national security, national interest or law enforcement reasons require urgent travel to New Zealand, or return travel to New Zealand is required on the completion of national security, national interest or law enforcement duties overseas.

2e) New Zealand citizens or residents:

i. entering New Zealand to visit a close relative¹ who is living with a terminal illness or end-stage disease (with a life expectancy of six months or less), where timely travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR

ii. who are living with a terminal illness or end-stage disease (with a life expectancy of six months or less) entering New Zealand to visit a close relative or to reside in New Zealand, where timely travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR

iii. who are living with a terminal illness or end-stage disease (with a life expectancy of less than six months) who have travelled or are travelling to visit a close relative who resides overseas, where

¹ A close relative is a spouse or partner, parent, child, brother or sister, grandparent, grandchild, spouse's or partner's parent.

timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System; OR

iv. who have travelled or are travelling to visit a close relative who is living with a terminal illness or end-stage disease (with a life expectancy of six months or less) and resides overseas, where timely return travel is unlikely to be possible if the person books through the Managed Isolation Allocation System.

2f) Citizens or residents of Pacific countries requiring access to time-critical medical treatment which has been scheduled in New Zealand that is unavailable in their own country, and accompanying clinical personnel or essential caregivers.

Applications will be prioritised depending on their category, as these reflect the most time-critical situations which may require travel to New Zealand. Category 1 applications will be given priority over Category 2 applications.