



BRIEFING

Restricting MIAS bookings to those with the legal right to enter New Zealand

Date:	8 October 2021	Priority:	Low
Security classification:		Tracking number:	2122-0346

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	Agree to restrict MIAS bookings to those with the legal right to enter New Zealand Consult the Minister of Immigration on this proposal	22 October 2021

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

The following departments/agencies have been consulted
MBIE Immigration Policy, Immigration New Zealand

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Withdrawn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

This briefing:

- seeks your agreement to restrict MIAS bookings to those with the legal right to enter New Zealand
- advises that we expect this requirement can be introduced in December 2021.

Recommended action

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

- a **Note** that you previously indicated that booking on MIAS should be restricted to those with the legal right to enter New Zealand. *Noted*
- b **Note** that MBIE expects a right of entry requirement can be introduced in MIAS by December 2021. *Noted*
- c **Consult** with the Minister of Immigration on restricting booking on MIAS to those with the legal right to enter New Zealand.
- d **Agree** that MBIE restrict booking on MIAS to those with the legal right to enter New Zealand. Agree / Disagree
- e **Agree** that a right of entry requirement is not retrospectively applied to existing bookings. Agree / Disagree
- f **Agree** that this briefing be proactively released with appropriate withholdings under the Official Information Act 1982. Agree / Disagree

Privacy of natural persons

Manager, Allocation And Supply
MIQ Policy, MBIE

8 / 10 / 2021

Hon Chris Hipkins
Minister for COVID-19 Response

12 / 10 / 2021

Background

1. In July 2021, when responding to advice on the MIQ voucher cancellation framework [2021-4183 refers] you indicated that booking on MIAS should be restricted to those with a legal right to enter New Zealand (i.e. through citizenship or an eligible visa).
2. As the Minister for COVID-19 Response, you decide the basis on which MIQ allocations are issued, including being able to distinguish between different classes of persons.
3. This briefing seeks your agreement to introduce a requirement that anyone booking a voucher on MIAS must have the legal right to enter New Zealand *at the time of booking*. This briefing also advises you when this requirement could be introduced, given it requires technical changes to MIAS to enable pre-booking identity verification and verification of visa status.

There is a case for excluding those without the legal right to enter New Zealand from booking on MIAS

4. Current demand for MIQ significantly exceeds supply. The most recent MIAS lobby on 5 October saw approximately 28,000 users trying to book vouchers. When New Zealand citizens and non-citizens with visas are facing delays to enter the country, it is reasonable to restrict the booking ability of people without the right to enter the country.
5. Upcoming changes to immigration settings are also likely to increase MIQ demand from non-New Zealand citizens, such as changes to lower the Other Critical Worker salary threshold. Officials suggested that this change be introduced in December 2021, but are awaiting final decisions from you and the Minister of Immigration on timing [2122-0198 refers].
6. As of 1 October, 39% of MIAS vouchers were held by non-New Zealand citizens – roughly half of these by those who declared they were residents, and half by those who declared they had temporary visas.
7. Approximately 15% of vouchers are held by those who did not (yet) have the legal right to enter New Zealand at the time they booked. Although most who book are ultimately able to secure a visa and enter the country, this group was moderately more likely to ‘no-show’. We estimate a right of entry requirement could reduce the number of no-shows by around 50 people per month.

How a right of entry requirement would impact travellers

8. If booking on MIAS required people to have the legal right to enter New Zealand, people without a visa, or those in the process of applying for a visa, would have to wait until they secured a visa before attempting to book through the MIAS lobby.
9. For most people, this wait would be moderate. Approximately 80% of Expressions of Interest for border exceptions are processed within two weeks, at which point people are either declined or invited to apply for a visa; around 90% of subsequent visa applications are processed within two weeks¹.
10. Since the introduction of the lobby, Immigration New Zealand has received a number of requests for expedited processing from people who have secured MIQ vouchers but do not yet have a visa.

¹ Some people may require additional time to prepare their visa application after being invited to apply – they are allowed up to four months to do so.

11. Travellers who book vouchers without the right of entry may be looking to confirm they have secured a MIAS voucher before beginning the visa application process and paying associated fees. No longer being able to do so may be frustrating for employers and travellers.
12. Employers, such as the Construction Sector Accord representatives, have commented that being able to book a MIAS voucher and go through the visa process concurrently is helpful as it 'speeds up' their ability to bring in workers. Requiring a visa before being able to book a voucher on MIAS will likely, in their view, 'slow down' the process and cause frustration. While this concern is understandable, on balance we consider the equality considerations noted above to outweigh any potential delay this may cause.

We expect a right of entry requirement can be introduced in December 2021

13. Introducing passport verification as a prerequisite for booking is currently a top priority for the MIAS development team. We expect this to be in place in November 2021.
14. When people register on MIAS, it will be confirmed whether their personal details and passport number matches up with either Department of Internal Affairs (New Zealand passports) or Immigration New Zealand (foreign passports) data – currently, MIQ can only do this manually after people book.
15. This is a prerequisite for introducing a right of entry requirement, but will also have broader benefits, in particular around preventing abuse of the virtual lobby through entering it with false details.
16. Additional work will then be required to restrict people's ability to book based on their visa status. We expect this can be in place in December 2021.

We recommend the new requirement apply only to new online bookings

17. We recommend that the new requirement only apply to new online MIAS bookings, and leaving our offline allocation criteria as is (for some allocations, e.g. emergency allocations, people are already required to have the right to enter).
18. We do not consider it is justified to retrospectively apply a right of entry requirement to existing bookings, given this requirement was not in place at the time. This would involve MBIE identifying voucher holders without a legal right to enter and then cancelling their vouchers.

Next steps

19. If you agree to a right of entry requirement to book on MIAS, we expect this can be in place in December 2021. We will update your office as this work progresses, including around potential announcements.