



BRIEFING

CLOSING APPLICATIONS FOR URGENT AND EXCEPTIONAL QUOTA FOR NSW MANAGED RETURNS

Date:	15 July 2021, 1.15pm	Priority:	Urgent
Security classification:		Tracking number:	NSW-005

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister for COVID-19 Response	<p>Agree that MFAT and MBIE (Immigration New Zealand) close applications for the urgent and exceptional quota as of 5pm (NZT) Friday, 16 July and that public communications be made to that effect.</p> <p>Agree that MBIE hold all remaining eligible applications for the quota for priority allocation among a second cohort of NSW returnees, with flights due to commence 29 July (if required).</p>	15 July 2021

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

The following departments/agencies have been consulted

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 Withdrawn |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

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Purpose

This briefing requests your agreement for MBIE (Immigration New Zealand) to cease accepting applications for the urgent and exceptional quota as of 5pm (NZT) Friday, 16 July.

Recommended action

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

- a **Note** that as of 10pm, 14 July, the Ministry of Foreign Affairs and Trade (MFAT) had provided 672 application forms to people seeking urgent or exceptional return to New Zealand. *Noted*
- b **Note** that as of 8.47am, 15 July, MBIE (Immigration New Zealand) had approved 196 applications under the urgent or exceptional quota, with a further 112 incomplete applications awaiting further information from applicants, and 175 applications yet to be processed. *Noted*
- c **Note** that as of 8.47am, 15 July, Qantas and Air New Zealand had confirmed ticketing of 135 passengers with approved applications under the urgent and exceptional quota. *Noted*
- d **Note** that the 200 rooms for the urgent and exceptional quota are expected to be confirmed by airlines today as being fully allocated. *Noted*
- e **Agree** that MFAT and MBIE (Immigration New Zealand) close applications for the urgent and exceptional quota as of 5pm (NZT) Friday, 16 July, and that public communications be made to that effect. *Agree* / *Disagree*
- f **Agree** that all eligible applications for the urgent and exceptional quota that are not allocated a place in the original quota of 200 rooms be held by MBIE for priority allocation among a second cohort of NSW returnees, with flights commencing 29 July (if required). *Agree* / *Disagree*
- g **Note** that MFAT will continue to operate their standard consular services and have a separate pathway to refer people to MBIE who have critical situations that require an urgent return to New Zealand. *Noted*

h **Note** that DPMC are leading a workshop this afternoon to consider a wider range of possible response options if the border and/or domestic systems are required to respond to concurrent COVID-19 events.

Noted

i **Note** that agencies will provide you with further advice on matters at (f) and (h) in the next few days, and seek Ministerial direction on which options Ministers would like agencies to progress.

Noted

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

Agree / Disagree



Kara Isaac
General Manager, MIQ Policy
MIQ, MBIE

15 / 07 / 2021



Hon Chris Hipkins
Minister for COVID-19 Response

¹⁵ / 07 / 2021

Background

1. As part of the first cohort of managed returns from NSW from 11.59pm, 12 July (Phase 1), you agreed that 20% of the 1000 MIQ rooms (ie 200) would be set aside for people who needed to return to New Zealand for urgent or exceptional reasons [NSW-002 refers].
2. The criteria for access to the urgent and exceptional quota (where a person must meet one or more) are:
 - a) There is a serious risk to health or safety for the applicant or their dependant, which requires urgent travel to New Zealand
 - b) Urgent travel is required to ensure a child is provided with appropriate care and protection
 - c) Urgent travel is required to provide critical care for a dependant person in New Zealand
 - d) The person or someone travelling with them has a serious medical condition that requires treatment or support in New Zealand
 - e) The person will suffer significant financial hardship if they are not able to return to New Zealand
 - f) Compassionate grounds, such as assisting a close relative who is in critical medical condition.
3. Additionally, people can only access the quota if they travelled to NSW prior to 11.59pm, 22 June, and are a New Zealand citizen, permanent resident, or ordinarily resident in NZ. Partners and dependents of accepted cases are also able to access the quota, if they travelled with the accepted person to NSW, and are returning with them back to New Zealand [MBIE BR NSW-002 and NSW-004 refers].

Ceasing the urgent or exceptional quota

4. As advised in NSW-002, accessing MIQ rooms set aside under the urgent and exceptional quota is a three part process:
 - a) A person calls or emails MFAT who screen their request and provide an application form;
 - b) The person emails the completed application form to Immigration New Zealand who review the form to see if the eligibility criteria are met (noting that the quota system is premised on a high-trust model, and no evidence of a person's stated situation is required);
 - c) Immigration New Zealand then refer eligible applications onto the applicant's preferred airline (Air New Zealand or Qantas) who contact the applicant and make ticketing arrangements.
5. Applications have been processed on a strictly "first in, first served" basis by Immigration New Zealand, with no prioritisation made within the criteria.

Demand for urgent or exceptional quota has exceeded supply under Phase 1

6. As at 10pm, 14 July 2021, MFAT had sent 672 application forms to apply for the urgent or exceptional quota to individuals.
7. As at 8.47am, 15 July 2021, Immigration NZ had approved 196 applications (39 Qantas, 157 Air New Zealand). Of these approved applications, 135 passengers had been processed by

airlines and now have a confirmed return flight to New Zealand. There are a further 112 incomplete applications awaiting further information from applicants. As at 3pm, 14 July 2021, 175 applications were yet to be processed by Immigration New Zealand.

8. It is anticipated that the 200 rooms set aside for the urgent and exceptional quota will be fully allocated by airlines today (15 July). Given the high demand for this quota, and Sydney's lockdown being extended until 30 July, there will potentially be a significant number of eligible applications requiring priority access to a next cohort of managed returns from 29 July (Phase 2).
9. As such, an urgent decision is needed to cease accepting applications for this quota. There is a significant risk that if we do not stop accepting urgent and exceptional applications, they will overwhelm the entire MIQ capacity for Phase 2 NSW managed returns.
10. We recommend that you agree it is publicly notified, before 5pm (NZT), Friday 16 July, that:
 - a) The 200 spaces set aside for urgent and exceptional circumstances have now been fully allocated for the first cohort of managed returns from NSW (Phase 1)
 - b) That further applications will no longer be issued by MFAT, or accepted by Immigration New Zealand, from 5pm (NZT), Friday 16 July
 - c) That eligible applications that have not received space in the first cohort of NSW managed returns will be held by MBIE for priority access to seats on flights commencing from Thursday, 29 July (Phase 2) (if the public health advice at that time still requires returnees from NSW to enter MIQ).
11. Once applications for the urgent and exceptional quota have been closed, MFAT intends to cease operations of the NSW Contact Centre, with a pre-recorded message providing key information to callers and directing them to the Unite Against COVID-19 website.
12. All-of-Government COVID-19 communications will also encourage people to continue engagement with airlines, because tickets may become available under the 80% of NSW managed return flights that went to market.
13. MFAT will continue to provide consular services to New Zealanders in distress in Australia. A separate pathway has been established for consular clients in urgent situations where health and safety is at risk to be referred by MFAT to MBIE for their return to New Zealand to be prioritised. The existence of this separate pathway should not be publically released, to avoid consular channels being overwhelmed.

Bill of Rights Act considerations

14.  Legal professional privilege

Next steps

15. Noting that this is an evolving situation, and the border response may change in the coming week, agencies are considering a range of options for prioritising the remaining eligible applicants among the next cohort of NSW managed return flights commencing Thursday, 29 July (Phase 2), should the public health advice at that time be that an MIQ stay is required.

16. Alongside this, DPMC are also leading a multiagency workshop this afternoon (15 July) to consider a wider range of possible response options if the border and/or domestic systems are required to respond to concurrent COVID-19 events.
17. Agencies will provide you with further advice on both of these components in the next few days, and seek Ministerial direction on which options Ministers would like agencies to progress.