



BRIEFING

Further advice for Border Exception Ministers

| | | | |
|---------------------------------|-------------|-------------------------|-----------|
| Date: | 7 July 2021 | Priority: | High |
| Security classification: | | Tracking number: | 2122-0065 |

| Action sought | | |
|---|--|-------------|
| | Action sought | Deadline |
| Hon Kris Faafoi Minister of Immigration | Confirm broader border settings for critical workers and offshore residence visa holders. | 8 July 2021 |
| Hon Chris Hipkins Minister for COVID-19 Response | Agree broader border settings for families split by border closure. | |
| Hon Megan Woods Minister of Research, Science and Innovation | Agree a revised group allocation package that revokes the previous RSE group allocation from 1 September. | |
| Hon Carmel Sepuloni Minister of Social Development and Employment | Agree class border exception for deep sea fishers and Confirm class border exceptions and additions to government-approved event list. | |
| Hon Stuart Nash Minister for Economic and Regional Development | Refer this briefing to the Minister of Foreign Affairs, Minister of Education, Minister for Oceans and Fisheries, Minister of Defence, Minister of Commerce and Consumer Affairs and Minister for Sports and Recreation, Minister of Agriculture. | |
| Hon Willie Jackson Minister for Māori Development | | |

| Contact for telephone discussion (if required) | | | |
|--|--|----------------------------|-------------|
| Name | Position | Telephone | 1st contact |
| Ruth Isaac | General Manager, Employment, Skills & Immigration Policy | Privacy of natural persons | ✓ |
| Kara Isaac | General Manager, MIQ Policy | | ✓ |

| The following departments/agencies have been consulted |
|--|
| MPI, MSD, Treasury, DPMC (AOG), DPMC (PAG), MFAT, MBIE (ED, MIQ), MoH, MoE |

- 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 Withdrawn |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



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Purpose

This briefing provides further advice to Border Exception Ministers following their meeting on Monday 5 July.

Recommended action

The Ministry of Business, Innovation and Employment recommends that Border Exception Ministers:

Broadening Border Settings and MIQ Supply and Demand

- a **Confirm** agreement to recommend to Cabinet to broaden border settings for:
- i. **Critical workers** by introducing a bright line test of a job offer and a salary of 1.5x median wage (for roles longer than 6 months)
Yes / No
 - ii. **Offshore residence visa holders** by allowing off-shore residence visa holders (approx. 5,000 people) to enter New Zealand
Yes / No
- b **Note** that two options for family reunification border exceptions were proposed and further advice was requested on the numbers that could be eligible under the options.
Noted
- c **Note** there are around 2,000 onshore temporary work visa holders who have supported partnership and dependent visas for people who are currently offshore, and up to 1,500 may not be eligible to enter under current border exceptions.
Noted
- d **Note** that there are approximately 88,000 onshore temporary work visa holders who have not supported a partner or dependent visa:
- i. 62,000 employer assisted work visa holders.
 - ii. 26,000 post study work visa holders.
- Noted*
- e **Note** that many of the visa holders in recommendation (d) above will not have partners or dependents offshore and some are not eligible to bring in family (such as Supplementary Seasonal Employment (SSE) visa holders, one of the other employer assisted work visas).
Noted
- f **Note** MBIE has estimated, based on previous ratios, that there may be 8,500 onshore temporary work visa holders who may bring their partner or dependent child to New Zealand if you open family reunification to all onshore temporary visa holders.
Noted

- g **Note** that those who do have family offshore will need to meet the relationship based visa criteria which requires demonstration of a genuine and stable relationship.

Noted

- h **Agree** to recommend to Cabinet to broaden border settings for families split by the border closure by allowing:

EITHER (narrow)

- i. partners and dependents of onshore temporary work visa holders who meet the critical worker salary threshold (1.5x median wage) to enter New Zealand.

OR (broad)

- ii. partners and dependents of all eligible onshore temporary work visa holders to enter New Zealand.

Noted

The Border Exception Senior Officials recommend that Border Exception Ministers:

Group allocation packages

- i **Note** officials provided advice to Ministers on possible group allocation packages for November 2021 to March 2022 on 1 July 2021 and that Ministers directed officials to rework the packages on the basis that:

- i. 150 rooms every 16 days (currently allocated to RSE workers) are 'freed up' from 1 September 2021 due to the ambition to implement one-way quarantine free travel for at least one Pacific Island country.
- ii. The group allocation could be increased to 450 a fortnight if necessary.

Noted

Subject to Cabinet agreement to quarantine-free travel with some Pacific Islands (needed by 23 July for MIQ planning):

- j **Agree** to revoke the group allocation of 150 places every 16 days for RSE workers from 1 September 2021.

Agree / Disagree

- k **Note** the risks to the horticulture sector if the quarantine-free travel is not stood up in time for late October arrivals.

Noted

- l **Note** that implementation of one-way quarantine-free travel from at least one Pacific Island country by 1 September 2021 is an ambitious target that will be dependent on a number of factors including partners' interest and readiness, the degree of operational complexity and industry readiness.

Noted

- m **Note** that the Minister of Agriculture will advise the sector of this decision as RSE flights will cease prior to 1 September.

Noted

- n **Note** revoking the group allocation for RSE workers from 1 September will enable some deep sea fishing crew to be accommodated during September and October.

Noted

Group Allocation Package November 2021 – March 2022

o **Agree** to increase the size of the group allocation to 450 in late November to accommodate the package.

Agree / Disagree

p **Agree** to the package of group allocations for the November 2021 – March 2022 period set out at Annex one.

Agree / Disagree

q **Note** based on feedback from Border Exception Ministers on 5 July, this package excludes:

- i. Motorsport's Castrol Toyota Racing Series
- ii. Sail GP
- iii. group allocations for international students
- iv. a monthly allocation for NZTE exporters.

Noted

r **Note** the proposed sequencing of Cricket World Cup arrivals will require a second managed isolation facility and training site for teams to train while in isolation, and this will require additional MIQ resource and training.

Noted

s **Note** the Minister for Sport and Recreation has requested more information about the possibility of accommodating a men's cricket team and training requirements over the same time period as the Cricket World Cup, which will be provided in separate advice.

Noted

t **Note** Ministers have agreed:

- i. Group allocations will not be granted for groups travelling to or from Australia as 'insurance' in the event of quarantine-free travel being paused.
- ii. Group rooms that have been allocated but where groups are unable to confirm names and final dates will be released six weeks before the intended date of travel.

Noted

NZTE Exporters allocation

u **Note** that NZTE has requested a monthly allocation of 50 rooms for exporters returning from overseas.

Noted

v **Note** that the proposal, while similar to the construction sector allocation, does not meet the group allocation criteria and is not included in the packages above.

Noted

w **Agree**, if Ministers wish to include an allocation for exporters, to a trial for November and December at 25 per month, with potential for 25 in following months where there is space.

Agree / Disagree

Deep-sea fishers

x **Note** that the Ministry for Primary Industries has requested a class border exception and group allocation for up to 615 deep sea fishing crew to replace workers for the upcoming season.

Noted

- y **Note** that the Ministry for Primary Industries would prefer a class border exception that combined non-BATM and BATM crew (total of 615 deep sea fishing crew) as this would enable industry to decide on the allocation of crew between vessel types.

Noted

Non-BATM class vessels

- z **Note** crew for some non-BATM class vessels are replaced individually at a rate of approximately 15 people per month, who can safely enter MIQ through MIAS.

Noted

- aa **Agree** to recommend to Cabinet a border class exception for non-BATM-class vessel crew for 165 people (no partners or dependents) from July 2021 to July 2022 at a rate of approximately 15 people per month with a pay rate of at least minimum wage plus \$4 per hour (\$2 more per hour than currently required).

Agree / Disagree

BATM-class vessels

- bb **Note** crew for BATM class vessels are replaced in large groups and MIQ strongly recommends they are not permitted to enter via MIAS as they are complex to manage, and are instead required to enter MIQ through group allocations.

Noted

- cc **Agree** to recommend to Cabinet a border class exception for BATM-class vessel crew for a maximum of 450 people (no partners or dependents) from September 2021 onwards with a pay rate of at least minimum wage plus \$4 per hour (\$2 more per hour than currently required), on the basis that these crew members must enter MIQ through the group allocation.

Agree / Disagree

- dd **Note** industry has booked MIAS vouchers for approximately 360 crew in September and October (before securing a border exception to enable entry to New Zealand).

Noted

- ee **Agree** MBIE will cancel the MIAS vouchers of BATM crew who receive space through the group allocation in September and October.

Agree / Disagree

- ff **Note** there is likely to be sufficient space in MIQ to accommodate 450 BATM-class vessel crew in September and October, but to ensure the groups can be safely accommodated their arrival will need to be sequenced, likely at additional costs to industry, and this is currently being negotiated.

Noted

- gg **Direct** officials to report to the Minister for COVID-19 Response and the Minister for Oceans and Fisheries by 15 July on the number and sequencing of deep sea fishers that can be accommodated in the group allocation for September and October

Agree / Disagree

- hh **Delegate** authority to the Minister for COVID-19 Response and the Minister for Oceans and Fisheries to agree the group allocation for deep sea fishers in September and October.

Agree / Disagree

- ii **Note** due to their health and translation needs, deep-sea fishers may incur additional costs over and above standard MIQ provision.

Noted

jj **Note** MIQ officials will report back to the Minister for COVID-19 Response on whether additional cost recovery will be necessary for this group.

Noted

Border exceptions for decision to recommend to Cabinet

kk **Confirm** agreement to recommend to Cabinet a border class exception for:

i. up to 5 port crane operators with at least 2 years crane operating experience (plus partners and dependent children) earning at or above 1.5 times the median wage per annum.

Yes / No

ii. up to 1000 international students additional to the existing border exceptions with the allocation of students between the sub-sectors to be agreed by the Minister of Education and with no entry during December 2021 or January 2022 for this cohort.

Yes / No

ll **Note** a border exception for accountants – external auditors was not supported and the proposed change to the other critical worker criteria (recommendation a[i]) is expected to resolve this issue.

Noted

Additions to Government-approved events list

mm **Confirm** the following additions to the government-approved events list:

i. the Summer of Cricket to allow the Bangladesh cricket team to train while in MIQ.

Yes / No

ii. add the Bledisloe Cup 2021.

Yes / No

iii. the Rugby Championship 2021.

Yes / No

nn **Note** the Bledisloe Cup 2021 and Rugby Championship 2021 teams do not need space in MIQ as they are travelling from Australia.

Noted

Next steps

oo **Note** that Border Exception Ministers' decisions will be taken to 12 July Cabinet for approval where required.

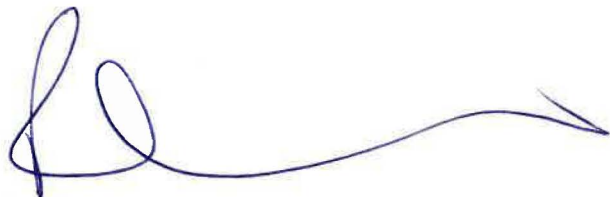
Noted

pp **Note** that the border exceptions require implementation by the Minister of Immigration through certifying changes to Immigration Instructions, which may require further work on detailed eligibility requirements for applying the exception and changes to online forms, ICT systems and business processes.

Noted

qq **Note** this paper will be proactively released following Cabinet consideration, with appropriate redactions, once the proposed border exceptions are announced.

Noted



Ruth Isaac
General Manager, Employment, Skills and Immigration Policy
Labour, Science and Enterprise, MBIE
7/7/21



Kara Isaac
General Manager, Managed Isolation and Quarantine Policy
7/7/21

Hon Kris Faafoi
Minister of Immigration
..... / /

Hon Chris Hipkins
Minister of COVID-19 Response
..... / /

Hon Megan Woods
Minister of Research, Science and Innovation
..... / /

Hon Carmel Sepuloni
Minister of Social Development and Employment
..... / /

Hon Willie Jackson
Minister for Māori Development
..... / /

Hon Stuart Nash
Minister for Economic and Regional Development
..... / /

Background

1. Border Exception Ministers met on 5 July (refer Briefing 2021-4298) to consider:
 - proposals to broaden border settings for people with flexible travel dates, including families who are separated by the border closure, critical workers and offshore residence visa holders
 - group allocation packages for November 2021 to March 2022
 - requests for border exceptions (deep sea fishers, port crane operators, international students, accountants – external auditors).
2. Following the meeting, the Chair of the Border Exception Ministers Group (the Minister of Immigration) requested that officials provide further advice on:
 - Family reunification numbers, to inform a preference for a narrow or broad option to reunite families split by the border closure.
 - Options for the MIQ group allocation package if 150 rooms every 16 days are 'freed up' from 1 September by the implementation of quarantine-free travel with some Pacific Islands and if the group allocation uses some rooms from the quarantine-free travel contingency.
 - A monthly allocation for NZTE (subject to advice on the group allocation package referred to above).
3. The Minister of Immigration also relayed the outcome of Border Exception Ministers' decisions to:

Broadening border settings:

Refer to Cabinet the following options for broadening border settings for:

- Critical workers by introducing a bright line test of a job and a salary of 1.5x median wage.
- Offshore residence visa holders by allowing off-shore residence visa holders (approx. 5,000 people) to enter New Zealand.

Group allocation package

- Agree to leave the construction sector monthly allocation at 60 places and instructed officials to work with the Construction Sector Accord to support its use, noting that consideration would be given to reducing it to 30 if the 60 places continue not to be used.

Border Exceptions

Refer to Cabinet border exceptions for:

- up to 5 port crane operators
- up to 1000 additional students (no entry during December 2021 or January 2022 for this cohort) with the allocation of students between degree, sub-degree and pilot training to be agreed by the Minister of Education.

Not refer to Cabinet a border exception for accountants – external auditors.

Additions to government-approved events list

- Not add Motorsport or Sail GP to the government-approved events list.

- Add the Summer of Cricket 2021/2022 to the government-approved events list.
- Add the Bledisloe Cup 2021 to the government-approved events list.
- Add the Rugby Championship 2021 to the government-approved events list.

Broadening border settings – family reunification

4. Ministers have asked for further advice on options to enable families that have been split by the border closure to be reunited given the potential size of the group and the flow on impact this would have on demand for managed isolation.
5. As set out in Table 1 below, there are around 117,000 temporary work visa holders that would normally be eligible to bring in partners and dependent children. Of this group, around 30,000 have supported a partner and / or dependent children and around 2,000 of this group have partners and children that are offshore and about 1,500 of this group may not be eligible to enter New Zealand. Around 900 of this 2,000 had visas when the border closed and these visas have since expired, so they are not eligible to enter under current border exceptions.
6. In pre-COVID years, approximately a third of employer-assisted work visa holders brought family members with them. Applying this ratio suggests around 3,500 onshore temporary visa holders may wish to bring in offshore family. It is possible that a higher number will be seeking to bring families given the current inability to travel easily and the extensions that have been granted for temporary work visa holders.
7. Applying the same ratio to post study work visa holders, suggests around 5,000 onshore post study work visa holders may wish to bring in offshore family. This is likely to overestimate the number as post study work visa holders usually support fewer partners and dependent children than employer-assisted work visa holders.

| | All onshore visa holders | Who have supported a family | Who have not supported a family |
|--------------------------------------|--------------------------|------------------------------------|---|
| Essential Skills work visa | 50,000 | 14,000 | 36,000 |
| Other employer assisted work visas | 36,000 | 11,000 | 26,000 |
| Total employer assisted visas | 86,000 | 25,000 | 62,000 (estimate 3,500 may have family offshore) |
| Post study work visa | 31,000 | 5,000 | 26,000 (estimate 5,000 may have family offshore) |
| Totals | 117,000 | 30,000 (2,000 are offshore) | 88,000 (estimate 8,500 may have family offshore) |

Table 1: Onshore temporary work visa holders who may be eligible to support family

Note: numbers in this table have been rounded to the nearest thousand and family refers to partners and dependent children.

8. Anyone seeking to bring family to New Zealand will need to meet the relationship based visa criteria. For partnership visas this requires demonstration of a genuine and stable relationship, along with a requirement to have been living together.

9. Essential skills work visa holders need to earn over \$43,322 per annum to be eligible to support dependent children. There are also some employer assisted work visa categories that cannot bring family to New Zealand because of the specific conditions of their visa such as those on Supplementary Seasonal Employment (SSE) visas.

Group allocation package options November 2021 to March 2022

Quarantine-free travel from the Pacific

10. Work has begun on agreeing quarantine-free travel from some Pacific Islands to New Zealand. MFAT is exploring one-way quarantine-free arrangements with Samoa, Vanuatu and Tonga. Currently, the ongoing group allocation of 150 RSE workers every 16 days takes up a significant proportion of the group allocation. One way Quarantine-free travel will mean that RSE workers from these countries no longer need to enter MIQ, freeing up this space to be used for other groups.
11. Ministers have indicated that they wish to cease the RSE group allocation by 1 September to facilitate the entry of other groups. Standing up quarantine-free travel under these timeframes is ambitious and there is a risk that quarantine-free travel will not be commenced at this point. Given this risk, cancelling the MIQ group allocation for RSE workers from 1 September onwards carries some risk of criticism from industry if QFT arrangements are not in place shortly afterwards.
12. Due to the amount of operational planning required for groups, particularly groups as complex as RSE workers, once MIQ has been instructed to wind up the RSE group allocation and assign these spaces to other groups, we will be unable to reverse course in the event of a delay to Pacific QFT and 'reintroduce' an RSE group allocation.
13. In addition, revoking a group allocation to deep sea fishers could also create a risk of legal challenge to the Crown, as it would result in significant commercial losses to the entities involved and there is a 'reasonable expectation' that once the allocation is confirmed it will not be cancelled. This risk is lower for RSE workers if we are able to provide an alternative pathway in reasonable time.

High demand for group allocations

14. Officials received a large number of EOIs for the November – March period. As we expected, the group allocation continues to be oversubscribed.
15. Following Ministerial feedback, officials have constructed a package that includes all Government priority groups. This has been possible by the cessation of the RSE group allocation. There is one period in late November when the number of travellers exceeds the group allocation size of 400.

| Approx. date | Groups | Total numbers |
|---------------------|--|----------------------|
| Early November | 39 Antarctic programme 30 Rugby league disability team 40 fishers 60 Construction Sector Accord | 169 |
| Late November | 189 Antarctic programme | 419 |

| | | |
|----------------|--|-----|
| | 80 Expo 65 All Blacks 65 Black Ferns 20 Black Caps | |
| Early December | 76 NZDF 78 Rugby league 68 Cricket (Black Caps and Bangladesh) 60 Construction Sector Accord | 282 |
| Late December | 65 Antarctic programme 108 refugees | 173 |
| Early January | 170 Antarctic programme 60 Construction Sector Accord 35 Netherlands cricket | 265 |
| Late January | 36 Antarctic programme 60 Expo 62 Cricket World Cup* 60 NZDF 24 Silver Ferns | 242 |
| Early February | 115 refugees 120 Expo 31 Cricket World Cup* 50 Antarctic programme 35 South Africa cricket | 351 |
| Late February | 60 Construction Sector Accord 90 Cricket World Cup* 44 Expo 53 Winter Olympics 80 NZDF | 327 |
| Early March | 60 Construction Sector Accord 25 Expo | 85 |
| Late March | 112 refugees 11 Winter Paralympics | 123 |

- Note that CWC numbers and sequencing may vary if needed to accommodate the South African Men's Cricket team and further advice will be provided.

Cricket

16. MIQ has advised that it is not possible to facilitate training for the South African men's cricket team at the same time as the Women's Cricket World Cup teams as the complexities of facilitating training for this number of teams would push us past safe operating limits. The Minister for Sport and Recreation has requested more information on the level of resourcing and planning required to facilitate sports team's training in MIQ and whether increasing the number of teams able to train at one time is possible.
17. To ensure the timely approval of the group allocation package, separate advice will be provided to the Minister for COVID-19 Response and the Minister for Sports on this issue. At this stage, MIQ can confirm that there is space in the group allocation for the South African men's cricket team to enter New Zealand on their desired dates, but further analysis is needed to determine whether it will be possible for them to train while in isolation.

NZTE Exporters

18. NZTE submitted a request for a recurring allocation of 50 rooms a month for exporters returning from overseas. As other countries progress in their vaccination campaigns, international events such as meetings and trade fairs are beginning to be held in person again. Due to the scarcity of spaces available on MIAS, New Zealand exporters are concerned that they will be disadvantaged relative to their overseas competitors if they are unable to travel internationally. This proposal is intended to mitigate this risk.
19. MIQ recognises the value of this proposal, but we have found that proposals that rely on agencies or industry bodies to nominate and prioritise individuals for their allocation leads to significant underutilisation and room wastage. We have seen this with international students and the Construction Sector Accord.
20. If Ministers wish to include an allocation for NZTE, we suggest it is done on a trial basis for November and December initially, at a smaller allocation of 25 per month.
21. MIQ considers that the Time-Sensitive Travel allocation could be a potential option for these exporters, and is keeping the criteria of this allocation under review to ensure it is fit for purpose.

Deep-sea fishers

22. The Ministry for Primary Industries on behalf of the deep sea fishing sector is seeking a border class exception for 615 deep-sea fishing crew to enter New Zealand for the upcoming season. There are two types of vessels that require crew – the larger BATM freezer factory ships and smaller non-BATM-class vessels.

Non-BATM class vessel crew

23. MPI has advised that crew are necessary for non-BATM-class vessels. These crew are replaced on a rolling basis and enter MIQ at a rate of approximately 15 per month through booking space using MIAS. This can be accommodated safely in MIQ's standard procedures.
24. Senior officials supported a border exception for 165 from July 2021 to July 2022. These crew members would not be eligible to bring partners and dependents as they will be living on fishing vessels and industry has agreed to a pay rate of at least minimum wage plus \$4 per hour.

BATM class vessel deep-sea fishers

25. MPI has recommended of the 615 deep sea fisheries, group allocation space be set aside for up to 450 BATM-class deep sea fishing crew members to enter the country in September and October.
26. Vessels need to have a minimum number of experienced crew on board in order to meet requirements under Maritime Law. The visas of current crew due to expire from September onwards and MPI understands that the majority of the current crew would not be willing to extend their visas even if this option were available to them.
27. MIQ regards deep-sea fishers as a complex group due to their high level of smoking, translation and health needs and very high COVID-19 risk profile. MIQ strongly recommends that deep-sea fishers for BATM-class vessels are only allowed to enter MIQ through the group allocation, not MIAS, because of their complex needs.
28. The level of rooms allocated to 'groups' (400-500 rooms per fortnight) is intended to act as an 'upper ceiling' for the number of large and complex groups that can enter MIQ at any point in time. This helps ensure MIQ remains within safe operating limits and staffing resources are not overly stretched. This includes the national planning required to ensure these groups enter an appropriate MIF, and that their needs can be accommodated.
29. Lessons from the previous two cohorts of deep-sea fishers in late 2020 and early 2021 demonstrate that significant planning and support is required to safely facilitate these complex groups through MIQ, including ensuring that they are in MIFs that can manage their complex needs.
30. MIQ is working with regional teams to determine the sequencing necessary to bring the 450 fishers into MIQ in a safe and sustainable manner. This is likely to be possible, however it will require industry to be flexible about dates of travel and sizes of cohorts arriving, which may result in additional costs to industry
31. MIQ and MPI officials are working together to determine how to safely facilitate the entry of these fishing crews. Advice on the final group allocation and sequencing of this group will be provided to the Minister for COVID-19 Response and the Minister for Ocean and Fisheries by 15 July.

Next steps

32. The decisions taken by Border Ministers on this paper will be considered by Cabinet on Monday 12 July.
33. Any new class exceptions or changes to border settings require implementation by the Minister of Immigration through certifying changes to Immigration Instructions, which may require further work on detailed eligibility requirements for applying the exception and changes to online forms, ICT systems and business processes.
34. Should Cabinet agree to the border exceptions, the port crane operator border exception and changes to the government-approved events list will be implemented within two weeks of their decision. The border exceptions for deep-sea fishers and international students will be implemented by the end of August 2021.
35. Any broadening of border settings will require additional operational changes for these to take effect. We intend to have any changes to family reunification, critical worker and offshore residence visa holder settings in place by October 2021.

Proactive release

36. This paper will be proactively released following Cabinet consideration, with appropriate redactions, and once the proposed border exceptions are announced.

Annexes

Annex One: Revised group allocation package November 2021 to March 2022

Annex One: Revised group allocation package November 2021 to March 2022
