



COVERSHEET

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	<i>Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022</i>	Date to be published	10 November 2022

List of documents that have been proactively released

Date	Title	Author
March 2022	<i>Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022</i>	<i>Office of the Minister of Immigration</i>
3 March 2022	<i>LEG-22-MIN-0016 Minute</i>	<i>Cabinet Office</i>

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

[In Confidence]

Office of the Minister of Immigration
Cabinet Legislation Committee

Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022

Proposal

- 1 This paper asks Cabinet to approve the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022*, for submission to Executive Council. Those regulations will implement a decision by Cabinet [CAB-22-MIN-0008] to enable people offshore to make applications for Working Holiday Scheme visas from 13 March 2022. The paper notes that Cabinet has already approved a waiver of the 28-day rule for the changes relating to the implementation of the Reconnecting New Zealanders Strategy [CAB-22-MIN-0551].

Cabinet has agreed to enable foreign nationals offshore to apply for Working Holiday Scheme visas

- 2 The *Immigration (COVID-19 Response) Amendment Act 2020* established the power, through regulations, to suspend the ability of certain people offshore to apply directly for a temporary entry class visa. Regulation 9A of the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010* currently establishes that all offshore applications for all temporary entry class visa categories are suspended, unless applicants fall within a list of excepted persons.
- 3 Following the extensive closure of the New Zealand border in 2020 in response to COVID-19, Cabinet has made a series of decisions to implement the Reconnecting New Zealanders Strategy, which will reopen the border in steps to successive classes of non-citizens. The proposed amendment to Regulation 9A adds persons who are applying for a Working Holiday Scheme visa to the list of excepted persons from 13 March 2022. This will enable Working Holiday Scheme visa applications to be made and processed from the start of Step 2 (that is, 13 March 2022), as agreed by Cabinet on 1 February 2022 [CAB-22-MIN-0008].

Timing and 28-day rule

- 4 As noted above, the amended Regulation 9A will come into force on 13 March 2022 at 11:59 pm, in line with Step 2 of the Reconnecting New Zealanders Strategy. Cabinet agreed to waive the 28-day rule on the basis that this change will only confer benefits [CAB-22-MIN-0551]. The proposed amendment benefits people affected (potential applicants) because they will now be able to apply for a visa to come to New Zealand.

Compliance

- 5 The Amendment Regulations comply with each of the following:
- 5.1 the principles of the Treaty of Waitangi;
 - 5.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 5.3 relevant international standards and obligations;
 - 5.4 the Legislation Design Advisory Committee's Guidelines on Process and Content of Legislation.

Regulations Review Committee

- 6 There are no anticipated grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House under Standing Order 315.

Certification by Parliamentary Counsel

- 7 The draft Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 8 Treasury's Regulatory Impact Analysis team has determined that the regulatory amendments proposed in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.

Publicity

- 9 It is likely that this change will be publicised through a press release, given the bilateral importance of Working Holiday Schemes. The changes will also be communicated on Immigration New Zealand's website, with targeted communications sent to key stakeholders.

Proactive release

- 10 I propose to release this paper proactively. Any redactions made will be consistent with the *Official Information Act 1982*.

Consultation

- 11 The Ministry of Foreign Affairs and Trade has been consulted on the proposed opening of the Working Holiday Schemes.

Recommendations

- 12 I recommend that the Cabinet Legislation Committee:
- 1 **note** that on 1 February 2022 Cabinet agreed to reopen offshore applications for Working Holiday Scheme visas on 13 March 2022 at 11:59 pm, as part of Step 2 of the Reconnecting New Zealanders Strategy [CAB-22-MIN-0008];

I N C O N F I D E N C E

- 2 **note** that the decision in recommendation 1 requires a consequential change to Regulation 9A of the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010*, which currently precludes most offshore foreign nationals from applying for temporary entry class visas, including Working Holiday Scheme visas;
- 3 **note** that on 20 December 2021 Cabinet agreed to waive the 28-day rule for any necessary amendment to regulations to implement the Reconnecting New Zealanders Strategy [CAB-MIN-22-0551];
- 4 **note** that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022* will give effect to the decision referred to in paragraph 1 above; and
- 5 **authorise** the submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2022*.

Authorised for lodgement

Hon Kris Faafoi
Minister of Immigration

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