



## AIDE MEMOIRE

### Afghanistan MIQ fee waiver: talking points for Cabinet Legislation Committee 9 December 2021

<b>Date:</b>	6 December 2021	<b>Priority:</b>	Medium
<b>Security classification:</b>		<b>Tracking number:</b>	2122-2052

<b>Information for Minister(s)</b>
Hon Chris Hipkins <b>Minister for COVID-19 Response</b>

<b>Contact for telephone discussion (if required)</b>			
<b>Name</b>	<b>Position</b>	<b>Telephone</b>	<b>1st contact</b>
Privacy of natural persons	Manager, System and Strategy Policy	Privacy of natural persons	✓
	Senior Policy Advisor		

<b>The following departments/agencies have been consulted</b>
Immigration New Zealand

**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 Withdrawn           |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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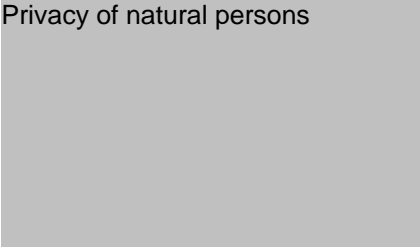
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#### Purpose

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To provide you with talking points for the Cabinet Legislation Committee (LEG) meeting on Thursday 9 December 2021 regarding amendments to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 (No 5). The amendments to the Regulations provide for a Ministerial power to waive MIQ charges for people supported to leave Afghanistan.

Privacy of natural persons



**Manager, System and Strategy Policy**  
Managed Isolation and Quarantine, MBIE

6 /12 / 2021

#### Talking points and Gazette notice

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1. The talking points are attached in Annex 1.
2. We will provide you a draft Gazette Notice to sign when the amendment regulations come into force.

##### *Afghan nationals entering under the Refugee Family Support Category visa*

3. Due to a recent High Court judgment<sup>1</sup>, MIQ are expecting to accommodate about 80 people from Afghanistan entering New Zealand on Refugee Family Support Category (RFSC) visas. Based on the proposed conditions for the class waiver power, these individuals are unlikely to be eligible for the MIQ fee waiver as Immigration New Zealand has advised that they are not part of the resettlement response that Cabinet agreed to on 16 August [CAB-21-MIN-0323 refers].
4. Cabinet agreed in principle to consider Afghan nationals for resettlement if they:
  - a. worked directly with the NZDF, NZ Police, MFAT or other New Zealand agencies during the Provincial Reconstruction Team period (2003-2013) or since, or were

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<sup>1</sup> *Afghan Nationals v The Minister of Immigration* [2021] NZHC 3154

employed by third parties who worked alongside these agencies; and are able to be verified by those agencies;

- b. provided material assistance to the Inquiry into Operation Burnham and can be verified by relevant parties; and
  - c. there are reasonable grounds to believe that the safety or well-being of the individual or their immediate family has been put at risk from their association with New Zealand in Afghanistan, and that no other partner government (e.g. US, Canada) would bear greater responsibility for their welfare;
  - d. this would apply to individuals or/and their immediate nuclear family only.
5. Fee waivers may still be available to anyone entering under the RFSC visa via the existing Chief Executive fee waiver power under regulations 9 or 10. Individuals may apply and applications are considered on a case-by-case basis. This is consistent with the government's general approach of not covering costs for individuals coming to New Zealand under RFSC visas.

## **Annexes**

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Annex One: Talking points for Cabinet Legislation Committee on 9 December 2021 on the power to waive MIQ charges for returnees from Afghanistan.

## **Annex One: Talking points for Cabinet Legislation Committee on 9 December 2021 on the power to waive MIQ charges for returnees from Afghanistan**

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The talking points in this section are about the power to waive MIQ fees for returnees from Afghanistan which were prepared and offered by MBIE/MIQ, but they do not necessarily represent messages that the Minister for COVID-19 Response accepted or ever used.