



## COVERSHEET

<b>Minister</b>	Hon Michael Wood	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Extending the 2022 Special Ukraine Visa	<b>Date to be published</b>	5 July 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
February 2023	Extending the 2022 Special Ukraine Visa	Office of the Minister of Immigration
22 February 2023	Extending the 2022 Special Ukraine Visa DEV-23-MIN-0010 Minute	Cabinet Office
27 February 2023	Extending the 2022 Special Ukraine Visa CAB-23-MIN-0049 Minute	Cabinet Office

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's and MFAT'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.

Some information has been withheld for the reasons of international relations, privacy of natural persons, confidential advice to Government, free and frank opinions, and out of scope.

**Restricted**

Office of the Minister of Immigration

Cabinet Economic Development Committee

**Extending the 2022 Special Ukraine Visa**

**Proposal**

- 1 This paper seeks agreement to extend the 2022 Special Ukraine Policy by 12 months, to 15 March 2024 and extend the period of travel for future 2022 Special Ukraine Visa grants from nine months to 12 months.
- 2 This paper also seeks Cabinet’s agreement to make moderate changes and expansions to the policy to address barriers to take-up which have been highlighted by advocates.

**Relation to government priorities**

- 3 As part of our ongoing response to Russia’s illegal war of aggression, the proposals in this paper support our priorities to improve the wellbeing of New Zealanders and their families. Our ongoing support for Ukraine also demonstrates New Zealand’s position as a principled international actor with a strategic interest in the defence of the international rules-based system.

**Executive Summary**

- 4 Following Russia’s illegal invasion of Ukraine, the Government acted swiftly with unprecedented diplomatic, economic and military support for Ukraine’s self-defence as well as implementing sanctions and travel bans.
- 5 As part of our immigration response, Cabinet agreed to establish the 2022 Special Ukraine Policy to enable Ukrainian New Zealanders to sponsor their parent, grandparent, adult sibling, or adult child to come to New Zealand and shelter here on temporary visas for two years [CAB-22-MIN-0069]. The sponsored family member can also bring their immediate family (partner and any dependent children). To date over 1,000 visas have been granted under the policy and over 550 Ukrainians have arrived in New Zealand.
- 6 When Cabinet took decisions on the policy, it was unclear how the conflict in Ukraine would unfold or how long it would continue. The 2022 Special Ukraine Policy is scheduled to close for expressions of interest on 15 March 2023. However, it is now clear that the conflict is unlikely to abate in the foreseeable future. Given this, I am proposing the policy be extended by 12 months to 15 March 2024. I consider this extension strikes the right balance in enabling Ukrainians who have not yet taken up this offer but may wish to, time to do so, while not being so long that it could reasonably be expected to be open past the point at which the conflict resolves.
- 7 I am also proposing a change to the visa conditions which would allow Special Visa holders 12 months to travel to New Zealand, an increase from the current nine-month period. It is clear that ongoing challenges in travelling from Ukraine and the informal

conscriptio process means that nine months has not been a sufficient period of travel for many visa holders. Extending the period of time allowed for travel will support visa holders to get to New Zealand and reduce administrative burden on applicants and Immigration New Zealand.

8 Seeking these decisions also provides an opportunity to reconsider the current policy parameters. I have received several requests from advocates and community members to change or provide further support under the policy ranging from expanding the policy to providing access to financial support and welfare. International relations

[Redacted]

9 I do, however, think there is merit in considering international relations changes/expansions to policy to address specific barriers to access which have been identified. I am seeking Cabinet’s agreement to make the following changes to the policy:

9.1 Extending the sponsorship criteria so that second and third generation Ukrainian New Zealanders could sponsor their close family members who are ordinarily resident in Ukraine.

9.2 Expanding the policy to other adult family members who have been living with the family unit for a substantial period e.g. adult aunts, uncles, grandchildren, nieces and nephews, cousins and step-siblings (and their partners and dependent children).

9.3 Allowing for a third party to take on the financial sponsorship obligations to reduce the cost barriers for Ukrainian New Zealanders who may want to, but otherwise do not have the financial means to, sponsor their family members under the policy.

10 Due to data limitations, it is unclear the impact these changes will have on uptake of the policy. Based on insights from the community, I expect these changes to have a small to moderate impact on numbers as they address known barriers identified to date. However, they do not address all the requests made by advocates and I note that there will likely be continued calls for further Government support (i.e. access to welfare).

11 The high trust nature of the policy comes with risk, notably that the broader the policy settings, the higher the likelihood that people will travel to New Zealand under the policy who were not intended to. International relations

[Redacted]

[Redacted] the Ministry of Health and Te Whatu Ora – Health New Zealand have established a voluntary one-off health assessment for Special Visa holders who arrive in New Zealand, but the uptake to date has been low.

12 Subject to Cabinet’s agreement, I will certify new immigration instructions to give effect to the decisions made in this paper. I will look to make announcements as

quickly as possible to provide those affected certainty prior to the scheduled closure of expressions of interest.

13 Confidential advice to Government

## Background

14 Since February 2022, New Zealand has taken significant and unprecedented decisions to provide diplomatic, economic and military support to Ukraine's self-defence. New Zealand has contributed more than \$63 million of financial and in-kind assistance in addition to sanctions targeting over 1300 Russian and Belarussian individuals and entities, and imposing comprehensive trade measures.

15 Our immigration response was swift with the then Minister of Immigration directing officials to prioritise Ukrainian visa applications. On 7 March 2022, Cabinet agreed to open the border early to Ukrainian citizens who hold visas for New Zealand, and to extend by 12 months the visas of all Ukrainians onshore whose temporary visas were due to expire by the end of 2022 [CAB-22-MIN-0060].

16 On 15 March 2022, Cabinet agreed to establish a new time-limited temporary entry category for family members of Ukrainian citizens and residents in New Zealand called the 2022 Special Ukraine Policy [CAB-22-MIN-0069]. Cabinet agreed that the key features of the policy would be as follows:

16.1 Ukrainian-born New Zealand citizens and residence class visa holders who are ordinarily resident in New Zealand would be eligible to sponsor (undertake responsibility for the accommodation and living costs of) eligible family members, and their immediate family;

16.2 family members of eligible New Zealand sponsors who are eligible to be sponsored must:

16.2.1 have been ordinarily resident in Ukraine during January 2022; and

16.2.2 be a parent, grandparent, adult sibling, or adult child, and their immediate family (partner and any dependent children);

16.3 no English language or funds requirements would apply to applicants;

16.4 the category settings would be necessarily high-trust, as in most cases officials would be dependent upon sponsor and applicant declarations with regard to eligibility, and health and character status;

16.5 people granted 2022 Special Ukraine Policy visas would have nine months to travel to New Zealand;

16.6 they would be eligible for two-year visas with open work rights to adults and two-year domestic student visas to children up to the age of 19<sup>1</sup>;

<sup>1</sup> The Minister of Immigration subsequently agreed to amend the 2022 Special Ukraine Visa instructions so that 16-, 17- and 18-year-olds may be granted a work visa with study conditions, which qualifies them for publicly

- 16.7 associated immigration charges would be waived, as Cabinet agreed to provide compensatory Crown funding.
- 17 2022 Special Ukraine Visa holders have access to publicly funded healthcare and children are able to attend school as domestic students. No specific welfare package was created for this cohort.
- 18 Cabinet agreed that the policy would remain open for 12 months from the date it opened (15 March 2022) and invited the Minister of Immigration to report back to Cabinet before the end of 2023 if it was judged necessary to:
- 18.1 adjust or extend the 2022 Special Ukraine Policy; or
- 18.2 Confidential advice to Government
- 19 As of 18 January 2023, 1,181 visas had been granted under the policy and 566 visa holders had arrived in New Zealand.

### Current state of the conflict

- 20 Almost twelve months since Russia's 24 February 2022 wider-scale invasion of Ukraine, there is no sign of the war abating, with neither Russia nor Ukraine a decisive advantage on the battlefield. Since August 2022, Ukraine's Armed Forces have demonstrated an ability to not only repel Russia's attacks but to launch successful counter-offensive operations and re-capture large swathes of Ukrainian territory in the east and south of the country. Russia has responded by seeking to entrench its position over the Northern winter, and by attacking critical energy and medical infrastructure relentlessly. Such hostilities are likely to continue in 2023.

### I propose to extend the 2022 Special Ukraine Policy for 12 months given the ongoing nature of the conflict

- 21 Cabinet agreed that the policy would be open for 12 months from the date it opened, 15 March 2022. Without further decisions, the category will close for expressions of interest on 15 March 2023.
- 22 When Cabinet initially made decisions on the duration of the 2022 Special Ukraine Policy, it was unclear how the situation in Ukraine would unfold and how long the conflict would continue. As outlined above, it is now clear the conflict is unlikely to abate in the foreseeable future.
- 23 To inform initial Cabinet decisions, officials provided an estimate that the policy could enable up to 4,000 Ukrainians to travel to New Zealand, assuming all Ukrainians in New Zealand who were eligible to sponsor (an estimated 1,600) had family members that they wished to support. This figure was not a target, and it appears, from application levels to date, that uptake and arrivals will not meet this upper bound.

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funded health care and also domestic student status.

- 24 As the conflict is ongoing, I am proposing to extend the policy for 12 months to 15 March 2024<sup>2</sup>.
- 25 I consider that it is necessary and appropriate to extend the policy for 12 months to ensure that families of Ukrainian New Zealanders continue to have a pathway to New Zealand as the conflict continues to unfold. This acknowledges that there may be some eligible sponsors who have chosen not to take-up the offer to date<sup>3</sup>, who may wish to do so in the future, particularly if the nature of the conflict changes or broader parts of Ukraine are affected.
- 26 An extension of the policy would be welcomed by the Ukrainian community in New Zealand and has been requested by the advocacy group, Mahi for Ukraine. International relations  
 we anticipate that it would be understood as a further demonstration of our ongoing support for Ukraine and its people.

**I recommend that visa holders are allowed 12 months to travel to New Zealand, an increase from the current nine-month period**

- 27 As outlined above, 2022 Special Ukraine Visa holders currently have nine months to travel to New Zealand following the grant of their visas. This was intended to allow for potential difficulties in arranging travel and the fact that fathers, partners, or older male children, even once granted visas might not be able to leave Ukraine in the immediate future due to informal conscription processes.
- 28 Advocates have raised concerns that the nine-month travel period is not sufficient for many, particularly with ongoing complexities and costs associated with travelling from Ukraine, and the informal conscription process.
- 29 Visas have started to expire for those who have not yet travelled, with a number of expiries happening over the coming months. Under the Immigration Act 2009, it is not possible to change the travel conditions of an entire class of existing visas or to grant further visas to existing visa holders as a class of people. Therefore, to ensure those who have not travelled yet, but are still intending to do so, have sufficient time to travel, Immigration New Zealand has established a streamlined process whereby further visas can be granted for those who need them and who still meet the requirements of the visa.
- 30 This has demonstrated that nine months may not be a sufficient period to allow for travel given the ongoing situation in Ukraine, which is why I am proposing to increase the period of time allowed for travel to 12 months for future visa grants. The nine-month period of travel will apply to all 2022 Special Ukraine Visas granted until this change has been agreed and updated immigration instructions have been certified<sup>4</sup>.

<sup>2</sup> This could be reviewed if the situation in Ukraine changed significantly.

<sup>3</sup> As of 18 January 2023, Immigration New Zealand had received 1,077 expressions of interest in sponsoring of which 853 had been sent an invitation to apply.

<sup>4</sup> I note that Delegated Decision Makers at Immigration New Zealand are currently using their discretion under section 53(1) of the Immigration Act 2009 to impose 12-month first entry conditions for these re-applications.

- 31 I consider a 12-month period of travel to be justified given that the current barriers to travel such as the informal conscription process and logistical challenges are likely to continue. This change would also reduce administrative burden on applicants and Delegated Decision Makers at Immigration New Zealand, who may otherwise have to consider the re-applications of a large numbers of individuals again in the future.
- 32 I consider that allowing a period of 12 months for future 2022 Special Ukraine visa holders to travel to New Zealand would acknowledge the current difficulties in being able to leave Ukraine, without providing an indefinite period or a period which could reasonably be anticipated to last longer than the duration of the conflict.
- 33 I do note however, that the period of time allowed to travel to New Zealand is not the only limitation on people’s ability to take up the policy, other identified barriers and options to address these are discussed below.

**Extending the policy provides an opportunity to reconsider the current policy parameters**

- 34 Since the establishment of the policy, I have received several requests from advocates and community members to change or provide further support under the 2022 Special Ukraine Policy. These requests have ranged from expansions to the eligibility criteria to requests for further support to travel to New Zealand and with ongoing costs once in New Zealand.
- 35 As part of consideration of these requests, in discussion with the Minister of Education, it was agreed that 2022 Special Ukraine Visa holders would be treated as domestic students for English Speakers of Other Languages (ESOL) tuition and Adult Community Education classes (consistent with existing supports for some other temporary visa holders). This change was made December 2022 to allow visa holders to access classes this year.
- 36 I consider there is also merit in considering moderate expansions to the policy parameters to address barriers to access which have been highlighted by the advocacy group Mahi for Ukraine and allow more Ukrainians to travel to New Zealand. These options and risks associated are outlined in paragraphs 40 to 61 below.

37 International relations [redacted]  
[redacted]  
[redacted]  
[redacted] Free and frank opinions  
[redacted]  
[redacted]

38 International relations [redacted]  
38.1 International relations [redacted]  
[redacted]  
[redacted]

- 38.2 International relations [redacted]
- 38.3 International relations [redacted]
- 38.4 International relations [redacted]
- 39 Confidential advice to Government [redacted]

*Allowing those with Ukrainian heritage to sponsor their family members*

- 40 As outlined above, Cabinet agreed when the policy was established that to be a sponsor under the 2022 Special Ukraine Visa Category, you must:
  - 40.1 be ordinarily resident in New Zealand, and
  - 40.2 be a New Zealand citizen, or the holder of a current residence class visa, and
  - 40.3 have been born in Ukraine, or hold/did hold Ukrainian citizenship or be a permanent resident of Ukraine, and
  - 40.4 be an ‘acceptable sponsor’ for a temporary visa.
- 41 Mahi for Ukraine have identified that there is a gap for New Zealanders who have Ukrainian heritage, and family ties to Ukraine but themselves do not meet the criteria in paragraph 40.3. To address this gap, I propose to extend the policy to cover second and third generation Ukrainians i.e. those who either themselves, their parent or their grandparent have been born in Ukraine, or hold/did hold Ukrainian citizenship or be a permanent resident of Ukraine<sup>5</sup>. In line with the policy intent, this would ensure that New Zealanders with Ukrainian heritage would be able to support their family members in Ukraine to come to New Zealand to shelter here.
- 42 I recommend, if this option is progressed that the requirements to be ordinarily resident in New Zealand and be a New Zealand citizen, or the holder of a current residence class visa remain [redacted]
- 43 It is not clear how big an impact this change would have on likely take-up of the policy in isolation or how many people this would extend access to, officials do not expect this to be significant. I note that a recent survey of the Ukrainian community in New Zealand<sup>6</sup> highlighted that 57 percent of those surveyed stated that they were

<sup>5</sup> Officials are developing guidance to support determinations of Ukrainian heritage from ex-USSR countries.



unable to sponsor but would like to if they were eligible to do so. It is not clear how many of those surveyed were not eligible because of the Ukrainian eligibility criteria.

- 44 There are risks associated with making this change. As the policy is high trust in nature, the broader the policy settings are the higher chance there is that people will be able to sponsor under this category who were not intended to do so. To mitigate this risk, the sponsored family member will still have to have been ordinarily resident in Ukraine in January 2022 and officials would continue to request supporting documentation (i.e. a birth certificate to prove the family link) where possible.

*Allowing other family members to be sponsored*

- 45 Currently, eligible sponsors can sponsor their parents, grandparents, adult children, siblings and their immediate family (partner and any dependent children).
- 46 Acknowledging that this is not an exhaustive list of family members and may not cover every family member New Zealand Ukrainians would like to sponsor there is the ability for family members not covered in the eligibility criteria to apply under the policy and these applications are being considered on a case-by-case basis by Delegated Decision Makers. The types of relationships being granted as part of this process are grandchildren, niece and nephews, in-laws and half relatives of sponsors where they have been an integral part of the family unit i.e. living with the family.
- 47 While I have reviewed cases being decided by Delegated Decision Makers and consider this discretion is being exercised reasonably, the key issue with this process is its lack of visibility for those who may like to apply but do not know this is an option. Advocates have also expressed this concern and requested the policy be extended more broadly or in specific cases.
- 48 Through their recent survey, Mahi for Ukraine highlighted that an overwhelming majority of respondents when asked about the legal barriers to the policy listed the main barrier to sponsorship is the ineligibility of extended family members – the most common mentions being nieces and cousins.
- 49 A way this could be addressed is to look at the types of relationships/cases being approved by Delegated Decision Makers as exceptions to the current policy and to provide greater clarity by formally expanding the policy to cover these relationships. This would allow Immigration Officers to grant visas to other adult family members of the New Zealand sponsor who have been living with the family unit for a substantial period e.g. adult aunts, uncles, grandchildren, nieces and nephews, cousins and step-siblings (and their partners and dependent children). In this context the family unit could be either:
- 49.1 the direct family unit of the New Zealand sponsor i.e. someone that they grew up with in a relationship akin to a sibling or parental one, or
- 49.2 part of the family unit of the Ukrainian family being sponsored i.e. someone living long-term with a sibling, parent or grandparent of the New Zealand sponsor.

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<sup>6</sup> The survey was undertaken by Mahi for Ukraine and World Vision in late 2022. The survey was completed by 193 people.

50 The existing discretionary process will remain for those outside the policy parameters in exceptional circumstances as we need to balance addressing existing barriers  
International relations [redacted]

51 International relations [redacted]  
[redacted]

51.1 International relations [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted] [redacted] [redacted]  
[redacted]

51.2 International relations [redacted]  
[redacted]  
[redacted]

52 International relations [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

*Allowing for a third party to take on sponsorship obligations*

53 Currently, the sponsoring family member must undertake and agree to responsibilities including (but not limited to):

53.1 making sure the sponsored person has financial support for the duration of their stay (maintenance costs like food, clothing and healthcare), and

53.2 making sure the person has suitable accommodation for the duration of their stay.

54 When the policy was established, it was done so on the basis that the Ukrainian New Zealand community was willing and able to support their family members to come to New Zealand. However, the cost of these sponsorship responsibilities has since been highlighted by advocates as a key barrier to take-up of the policy<sup>8</sup> with some sponsors also now struggling to meet their obligations.

55 Mahi for Ukraine has recommended that the policy allows for separate financial and personal elements of the sponsorship to enable eligible New Zealand Ukrainians without financial resources to have assistance with the associated costs.

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<sup>7</sup> Privacy of natural persons [redacted]  
[redacted]  
[redacted]  
[redacted]

<sup>8</sup> A recent survey identified that the most commonly identified barrier to sponsorship for those eligible to sponsor was the financial barrier/lack of Government support.

56 In practice this would mean each application would require a ‘nominating family member’ who meets the New Zealand and Ukrainian residency requirements and an ‘acceptable sponsor’<sup>9</sup> who would take on the financial responsibilities. This could be the same person, or the sponsor could be a separate person or entity willing to take on the obligations.

57 There are risks associated with this option including that:

57.1 The high trust nature of the policy means that sponsors would not be required to demonstrate they had sufficient funds in order to sponsor – this could lead to some taking on sponsorship responsibilities they are unable to or do not intend to meet – noting that this risk already exists within current settings.

57.2 It may add complexity/extend the time it takes to determine applications as Immigration New Zealand would need to have information provided by two parties as opposed to one.

57.3 Free and frank opinions

58 Despite the risks, I consider that this option maintains that sponsorship is foundational to the policy international relations while reducing a key barrier to uptake of the policy.

59 Representatives of the Ukrainian community and I have been approached by individuals and entities who would like to support Ukrainians in New Zealand. This would provide an avenue to enable this. However, the number of third parties who would be willing to take on legal responsibilities is unknown.

60 By still requiring a ‘nominating family member’ this option maintains the family link and does not expand the policy as broadly as allowing anyone to sponsor.

61 Should Cabinet agree to progress any of the options outlined above, I will certify new immigration instructions to give effect to the decisions made. I note that decisions to broaden the category will require four weeks to implement. However, I recommend that announcements be made as soon as possible.

### **There are risks associated with extending and expanding the policy**

62 When Cabinet initially agreed to establish the policy, it was noted that there were several risks in doing so including:

62.1 International relations

<sup>9</sup> Who can be an acceptable sponsor is outlined in E6.5 in Immigration New Zealand’s operational manual, the acceptable sponsor could be a person, an organisation, or a government agency. There are restrictions around who can sponsor to ensure, for example, those who have previously breach their obligations or who may be doing it for financial gain are not deemed acceptable. Ultimately, it is a matter for the absolute discretion of the immigration officer who is acceptable as a sponsor, and no appeal lies against their decision.

62.2 expectation: visa recipients and their families may request assistance with getting to New Zealand, which the Ministry of Foreign Affairs and Trade does not have the resource to provide;

62.3 International relations [REDACTED]

62.4 welfare: some sponsors may not be able to meet their obligations (for example because of illness) and sponsored people will not be eligible for income support or public housing;

62.5 system integrity: the high trust nature of the applications means that we may be vulnerable to fraud or misrepresentation, including around character, claimed family relationships (including to minors) or previous place of residence [CAB-22-MIN-0069]<sup>10</sup>.

63 I note that expectations of further support and welfare implications have been highlighted through ongoing engagement with advocacy groups who have called for further financial support for sponsors and visa holders as well as assistance with travelling to New Zealand. While allowing for a third party to take on sponsorship obligations should help to address some financial barriers, it is likely if the policy is extended that these calls will continue.

64 Given the rapid pace at which the policy was created and the difficulties in obtaining relevant documentation due to the situation in Ukraine, the policy is high trust and all health screening requirements for entering New Zealand have been waived, with applicants instead needing to declare that they meet health requirements<sup>11</sup>.

International relations [REDACTED]

65 Officials consider that Ukraine citizens will struggle to be able to access immigration medicals offshore, therefore, continuing to rely on declarations is the most facilitative approach to support Ukrainians to come to New Zealand.

66 To help mitigate the risks posed, the Ministry of Health and Te Whatu Ora – Health New Zealand, working with the advocacy group Mahi for Ukraine, has established a special public health initiative to encourage the uptake of, and cover the costs of, a one-off health assessment. Any subsequent treatments would go through existing pathways via publicly funded health services. Immigration New Zealand is sharing the information of visa holders who arrive in New Zealand to facilitate proactive engagement from Health officials. However, uptake to date has been low, which may be because of a lack of awareness or because the screening is voluntary.

<sup>10</sup> This risk also extends to the lack of requirement for a police clearance and risk that those with some involvement in the war may be able to come to New Zealand under this policy.

<sup>11</sup> Ordinarily, people who are seeking to reside in New Zealand for more than 12 months are required to provide proof that they meet our health requirements (by undergoing medical screening).

<sup>12</sup> International relations [REDACTED]

67 There would be challenges with requiring a health screening onshore, notably that our only lever for those who do not undergo a health screening would be deportation and there would be challenges and risks associated with deportations to Ukraine given the current state of the conflict. I am proposing, in order to increase awareness of the free health-screening and to encourage increased uptake of the screening to:

- As part of any communication surrounding this announcement, highlight the health support available on arrival to support improved uptake of the initiative.
- Amend the visa application letter and the e-visa letter to include information about the initiative and that it is strongly recommended that visa holders are screened on arrival.

68 I note that officials have not been advised by the Ukrainian community in New Zealand of any issues related to the provision of health support on arrival.

### Financial Implications

69 The proposals in this paper do not have any immediate financial implications as the associated visa costs of up to 4,000 applicants was sought through the initial Cabinet decision [CAB-22-MIN-0069].

70 The initial Cabinet paper noted that while the introduction of the policy may have additional costs for Health and Education, these would be addressed through overall population-based/existing funding. Given the associated health risks with Ukrainian Special Visa holders not requiring a medical screening prior to visa grant, Te Whatu Ora – Health NZ has put aside \$1.53 million to establish a one-off opportunity to allow a public health protection initiative to be put in place for 2022 Special Ukraine Visa holders until the end of June 2024.

71 Confidential advice to Government  
[Redacted]

### Legislative Implications

72 There are no legislative implications. However, the proposals in this paper require amendments to immigration instructions. Immigration instructions are the rules and criteria for the grant of visas and entry permission to New Zealand and are set out in the Immigration New Zealand Operational Manual. Section 22 of the Immigration Act 2009 authorises the Minister of Immigration to certify immigration instructions.

73 Subject to Cabinet’s agreement, I will certify new immigration instructions in line with the decisions taken.

## Impact Analysis

### Regulatory Impact Statement

- 74 As no changes to legislation are required for this policy change, the regulatory impact requirements do not apply to these proposals.

### Climate Implications of Policy Assessment

- 75 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

### Population Implications

- 76 These proposals will benefit Ukrainian New Zealanders and their family members who wish to travel to New Zealand to shelter temporarily. International relations

### Human Rights

- 77 While the Immigration Act 2009 recognises that immigration matters inherently involve different treatment on the basis of personal characteristics, immigration policy development seeks to ensure that any changes are necessary and proportionate. The Ministry of Business, Innovation and Employment considers that the proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

### Consultation

- 78 This paper was prepared by the Ministry of Business, Innovation and Employment. The Ministries of Health, Education, Social Development, Foreign Affairs and Trade, Oranga Tamariki – Ministry for Children, the Treasury and the Department of the Prime Minister and Cabinet (Policy Advisory Group) were consulted on this paper.
- 79 Officials from the Ministry of Business, Innovation and Employment meet regularly with the advocacy group Mahi for Ukraine who have made requests to extend and expand the 2022 Special Ukraine Policy as proposed in this paper. Mahi for Ukraine and World Vision are supportive of these options being progressed and noted they will address some barriers identified to date but noted they do not expect these options to significantly increase uptake, International relations

### Communications

- 80 Should Cabinet agree to the proposals in this paper, communications material will be developed. The Immigration New Zealand website will be updated, and updated immigration instructions will be published.

- 81 To allow those affected time and certainty, I intend to announce these changes as soon as practicable. Officials will also communicate these changes to Mahi for Ukraine to help inform the Ukrainian community in New Zealand.

### Proactive Release

- 82 This paper will be proactively released in line with the Cabinet Office circular Proactive Release of Cabinet Material: Updated Requirements [CO (18) 4].

### Recommendations

The Minister of Immigration recommends that the Committee:

- 1 **note** that as part of the immigration response to Russia's invasion of Ukraine, Cabinet agreed to establish the 2022 Special Ukraine Policy to enable Ukrainian New Zealanders to sponsor their parent, grandparent, adult sibling, or adult child, and their immediate family (partner and any dependent children) to come to New Zealand and shelter here for two years [CAB-22-MIN-0069].
- 2 **note** that Cabinet agreed the policy would remain open for 12 months, so without further decisions the policy will close for expressions of interest on 15 March 2023
- 3 **note** that the war in Ukraine appears unlikely to abate in the foreseeable future and take up of the policy has been lower than initial estimates
- 4 **agree** that the 2022 Special Ukraine Policy is extended for 12 months to 15 March 2024
- 5 **note** that Special Visa holders have nine months to travel to New Zealand, but due to challenges in travelling from Ukraine and the ongoing informal conscription process this is proving an insufficient amount of time for many visa holders
- 6 **agree** to change the 2022 Special Ukraine Visa conditions to allow a period of 12 months to travel to New Zealand for future visa grants
- 7 **note** that advocates have identified several barriers to access of the policy and requested a number of changes and expansions to the policy
- 8 **note** that sponsors under the 2022 Special Ukraine Visa must have born in Ukraine, or hold/did hold Ukrainian citizenship or be a permanent resident of Ukraine and this means some second and third generation Ukrainians are unable to sponsor their family members
- 9 **agree** that the criteria outlined in recommendation 8 be expanded to include those who either themselves, their parent or their grandparent have been born in Ukraine, or hold/did hold Ukrainian citizenship or be a permanent resident of Ukraine
- 10 **note** that currently eligible sponsors can sponsor their parents, grandparents, adult children, siblings and their immediate family (partner and any dependent children) and that family members outside of this can be considered by Delegated Decision Makers on a case-by-case basis

- 11 **agree** to expand the policy to other adult family members of the New Zealand sponsor who have lived with the family unit (either the sponsor or the eligible close relative of the sponsor), for a substantial time, with ‘other adult family members’ being defined as adult aunts, uncles, grandchildren, nieces and nephews, first cousins and step-siblings (and their partners and dependent children).
- 12 **note** that the cost of sponsorship has been identified as a key barrier to uptake of the policy
- 13 **agree** to allow a third party who is an acceptable sponsor to take on the sponsorship obligations so long as there is still a ‘nominating family member’ who meets the Ukrainian and New Zealand residency requirements
- 14 **note** that the Minister of Immigration will certify new immigration instructions under Section 22 of the Immigration Act 2009 to give effect to the decisions in recommendations 4, 6, 9, 11 and 13
- 15 **agree** that the Minister of Immigration make announcements on the decisions made in recommendations 4, 6, 9, 11 and 13 as soon as possible to give visa holders certainty
- 16 Confidential advice to Government [Redacted]
- 17 International relations [Redacted]
- 18 **note** that information provided to applicants for the 2022 Special Ukraine Policy will be updated to provide more information on the health requirement to increase awareness
- 19 Confidential advice to Government [Redacted]

Authorised for lodgement

Hon Michael Wood

Minister of Immigration