



## COVERSHEET

<b>Minister</b>	Hon Andrew Little, Hon Dr Megan Woods, Hon David Parker	<b>Portfolio</b>	Immigration, Housing and Transport
<b>Title of Cabinet paper</b>	Managing the flow of people across the border and into Managed Isolation and Quarantine	<b>Date to be published</b>	7 November 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
July 2022	Managing the flow of people across the border and into Managed Isolation and Quarantine	Office of the Minister of Immigration Office of the Minister of Housing Office of the Minister of Transport
1 July 2021	Managing the Flow of People across the Border and into Managed Isolation  SWC-20-MIN-0094 Minute	Cabinet Office

### Information redacted

**YES**

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.

Some information has been withheld for the reasons of Commercial Information and Legal Professional Privilege.



# Cabinet Social Wellbeing Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Managing the Flow of People across the Border and into Managed Isolation

**Portfolios**                      **Transport / Housing / Immigration**

On 1 July 2020, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-20-MIN-0321]:

- 1        **noted** that the *COVID-19 Public Health Response (Air Border) Order 2020* requires all persons entering New Zealand by air to complete at least 14 days of quarantine or managed isolation unless they are “excluded arrivals”;
- 2        **noted** that on 15 June 2020, Cabinet invited the Minister of Housing and the Minister of Health to report back to Cabinet in July 2020 on the workstreams established to support the transition to a sustainable model of quarantine and managed isolation (MIQ) [CAB-20-MIN-0284];
- 3        **noted** that the paper under SWC-20-SUB-0094 reports back on managing the flow of people across the border and into the MIQ system, and is part of a suite of work being undertaken by officials across government to strengthen New Zealand’s MIQ arrangements;

#### Criteria for any flow management system

- 4        **agreed** that any system designed for managing the flow of people over the New Zealand border and into managed isolation will need to meet the following criteria:
  - 4.1      be able to match people coming to New Zealand requiring MIQ with available places in facilities on any given day;
  - 4.2      where possible, support future demand modelling to enable considered approaches to increasing capacity and number of facilities;
  - 4.3      be able to work with a cost recovery model;
  - 4.4      be legislatively backed and enforceable;
  - 4.5      impose only a reasonable and proportionate delay to New Zealand citizens’ right to enter New Zealand and resident visa right holders’ right to travel to and stay in New Zealand;

- 4.6 be able to be implemented in a timely, simple, robust, sustainable manner (as it may need to be in place for some time) using existing systems rather than new build, to limit the risk of implementation mistakes or issues;
  - 4.7 able to be operated as early in the process as possible (preferably at point of booking air tickets) to provide early notification of when people can travel, rather than managing at departure or at the New Zealand border;
  - 4.8 easy for travellers and airlines to understand, engage with, and operationalise (including online and by phone interaction for accessibility);
  - 4.9 link to onward domestic journeys by bus, or air, to managed facilities, to ensure safe, efficient and cost effective movement of people to facilities upon arrival in New Zealand;
  - 4.10 able to accommodate urgent or compassionate travel;
  - 4.11 the system should manage the flow of people not aircraft, and should not restrict international airlines coming to New Zealand;
- 5 **agreed** to put in place a flow management system that would apply to all New Zealand citizens, residents and visa holders coming into New Zealand (other than people operating under exemptions);

### **Legal instruments to support any people flow management system**

- 6 **agreed** that the following legal instruments be prepared to support any people flow management system and give effect to these decisions:
- 6.1 that the Minister of Health and Director-General of Health proceed with consideration of amendments to the *COVID-19 Public Health Response (Air Border) Order* to permit passengers to arrive in New Zealand from any place outside of New Zealand by air only if they have a booked MIQ place or are exempt;
  - 6.2 the Minister of Transport proceed with amendments to Civil Aviation rules, for recommendation to the Governor-General, which requires airlines to take reasonable steps to ensure that each passenger on their flight has a booked MIQ space for that passenger's scheduled date and port of arrival, or is exempt from the requirement (and associated changes to create an offence for contraventions of the rule); and
  - 6.3 that the Minister of Immigration under the *Immigration Act 2009* certify Immigration Instructions requiring foreign nationals to have a confirmed booking in a MIQ facility in order to be granted entry into New Zealand;
- 7 **noted** that the combination of these legal tools requires the person travelling, and the airline, to ensure a person coming to New Zealand has evidence of a place at a managed facility on the date of their arrival (unless exempt), and enables a range of graduated enforcement tools;
- 8 **noted** that requiring New Zealand citizens and residents to have a confirmed place in a managed isolation facility prior to travel could raise issues under the *New Zealand Bill of Rights Act 1990*, but that these are considered to be manageable as long as those individuals can still travel within a reasonable amount of time;
- 9 **noted** that it would however be relatively straightforward to impose this requirement on other foreign nationals;

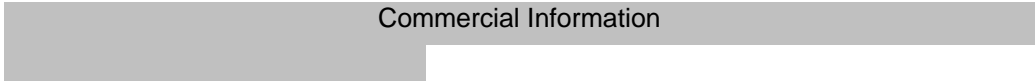
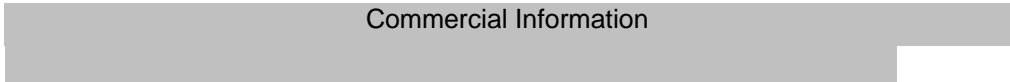
- 10 **noted** that the proposed Immigration Instructions changes will complement amendments to the Civil Aviation rule, and will enable Immigration New Zealand to over time introduce automated boarding refusals for foreign nationals who are not residence class visa holders who do not hold confirmed bookings;
- 11 **noted** that individuals who do not meet the new requirements will be refused boarding permission, or, if they have arrived at the New Zealand border (and are a visa holder), may be liable to be turned around and returned to their place of embarkation;

**The Booking System**

- 12 **Commercial Information**  

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**Implementation**

- 16 **invited** the Ministers of Transport, Immigration, and Health as appropriate, to instruct relevant officials to prepare the necessary legal orders, instruments and Instructions;
- 17 **invited** the Minister of Immigration to certify new Immigration Instructions to implement these decisions;
- 18 **invited** the Ministers of Housing and Transport to instruct officials to:
  - 18.1 **Commercial Information**  

  - 18.2 work with international airlines to make them aware of the potential new requirements so they can operationalise them and provide necessary links to the booking platform;
  - 18.3 **Commercial Information**  

  - 18.4 consider transition, including notifying existing bookings of international airlines first of the need to book managed isolation facilities through the process, before opening it up more broadly, and providing advice to intending travellers, including people who already hold visas;

## Financial implications

- 19 **noted** that further work is needed to determine the set-up and on-going costs of operating a new booking system, including on border agencies;
- 20 **invited** the Minister of Housing to report-back to Cabinet to request a tagged contingency for additional funding once the further work referred to in paragraph 19 has been completed;

## Communications

- 21 **noted** that implementation of the new border entry criteria and carrier obligations will include clear and proactive communications to affected travellers, carriers and border staff to ensure that all are aware of the new requirements and that check in processes are smooth at airports; and
- 22 **agreed** that the responsible Ministers will announce decisions on the requirement to have a confirmed booking in a MIQ facility when the booking system is ready, to appropriately manage the potential spike in demand and to enable travellers to immediately be supported to seek a place in MIQ in order that they can confirm their travel plans.

Jenny Vickers  
Committee Secretary

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### Present:

Rt Hon Jacinda Ardern  
Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Grant Robertson  
Hon Chris Hipkins  
Hon Carmel Sepuloni (Chair)  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Dr David Clark  
Hon Tracey Martin  
Hon Peeni Henare  
Hon Willie Jackson  
Hon Aupito William Sio  
Jan Logie, MP

### Officials present from:

Office of the Prime Minister  
Officials Committee for SWC  
Office of the SWC Chair

### Distribution:

Minister of Transport  
Minister of Housing  
Minister of Immigration