



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Cyclone Response: Immigration options	Date to be published	10 November 2023

List of documents that have been proactively released		
Date	Title	Author
August 2023	Cyclone Response: Immigration options	Office of the Minister of Immigration
16 August 2023	Cyclone Response: Immigration options DEV-23-MIN-0171 Minute	Cabinet Office
17 February 2023	Cyclone Response Workforce Demands and Potential Immigration Responses	Ministry for Business, Innovation and Employment
17 February 2023	Immigration response to Cyclone Gabrielle – supporting A3	Ministry for Business, Innovation and Employment
21 February 2023	Immigration options to support the response to the early 2023 extreme weather events	Ministry for Business, Innovation and Employment
24 March 2023	Aide Memoire - Recovery Visa	Ministry for Business, Innovation and Employment
20 April 2023	Next steps for the Recovery Visa	Ministry for Business, Innovation and Employment
5 May 2023	Update on Cyclone Response Immigration Options	Ministry for Business, Innovation and Employment
31 May 2023	Draft Cabinet paper: Cyclone Response – Immigration options	Ministry for Business, Innovation and Employment
9 August 2023	Material to support your item at Economic Development Committee on 16 August: Cyclone response – Immigration options	Ministry for Business, Innovation and Employment

Information redacted

YES / NO (please select)

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 to maintain the privacy of natural persons and to protect the free and frank expression of opinions.



BRIEFING

Immigration options to support the response to the early 2023 extreme weather events

Date:	21 February 2023	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	2223-2711

Action sought		
	Action sought	Deadline
Hon Michael Wood Minister of Immigration	Agree to a new sub-category of the Specific Purpose Visa to support short-term labour needs Agree to one of three proposals to support longer-term labour needs Agree to immediate visa flexibility and fee refunds for visa changes prompted by the response to the 20232 extreme weather events	22 February 2023
Hon Ginny Andersen Associate Minister of Immigration	For information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Andrew Craig	Manager, Immigration (Skills and Residence) Policy	04 901 1245	Privacy of natural persons	✓

The following departments/agencies have been consulted

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



BRIEFING

Immigration options to support the response to the early 2023 extreme weather events

Date:	21 February 2023	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	2223-2711

Purpose

To provide you with immigration options that support both short- and longer-term labour needs for the response and recovery to the extreme weather events in January and February 2023

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Agree** to the creation of a new sub-category of the Specific Purpose Visa (SPV) to enable the short-term recruitment of migrant labour for the short-term response to the extreme weather events in early 2023

Agree / Disagree

- b **Agree** to one of the following options to enable the longer-term recruitment of migrant labour for the short-term response to the extreme weather events in early 2023:

- a. an amended version of the existing AEWV for an expanded list of occupations under the construction and infrastructure sector agreement and a fee waiver for transitioning holders of the new SPV subcategory

Agree / Disagree

OR

- b. a new visa modelled on the SPV ('2023 Extreme Weather Events Recovery Visa) which provides a longer-term open work visa for migrants to work on specified projects, and a fee waiver for transitioning holders of the new SPV subcategory

Agree / Disagree

OR

- c. a new visa modelled on the SPV ('2023 Extreme Weather Events Recovery Visa) which provides a longer-term open work visa for migrants working in roles that meet a set of 'recovery and rebuild' criteria, and a fee waiver for transitioning holders of the new SPV subcategory

Agree / Disagree

- c **Agree** to announce that where onshore migrant workers need to temporarily relocate or change roles with their same employer for up to two months, this will not be considered a breach of visa conditions by INZ

Agree / Disagree

d **Agree** to a fee waiver or refund for a Variation of Conditions from migrants based in affected regions, or who work in roles that support the response, recovery and rebuild, subject to further work on the implementation requirements

Agree / Disagree

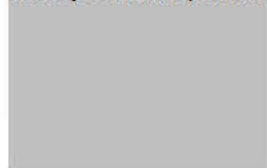
e **Note** that fee refunds or waivers could be offered at different stages, but refunds are time-consuming and administer, and may not have a material impact on attraction

Noted

f **Indicate** if you wish to progress with fee waivers or fee refunds

Proceed/do not proceed

Privacy of natural persons



Andrew Craig
**Manager, Immigration (Skills and Residence)
Policy**
Labour, Science and Enterprise, MBIE

Hon Michael Wood
Minister of Immigration

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21 / 02 / 2023

Context

1. The recent flooding in Auckland and impacts of Cyclone Gabrielle in the upper North Island have caused loss of life, massive displacement of communities and people, and severe damage to infrastructure, commercial and residential properties. The response to this emergency is ongoing.
2. Immigration settings can help meet labour demand to support the response, recovery and rebuild. While the full picture of labour demand is still emerging, we expect the labour demand will fall into three rough phases with different focuses, workforce needs, and workforce demands:
 - a. Immediate short-term - safety and assessment response (next 3 months),
 - b. Longer term - Infrastructure repair and rebuild (beyond 3 months),
 - c. Longer term – residential and commercial repair and rebuild (beyond 3 months).

Known challenges

3. Over both the short and longer-term employers can look to either the domestic workforce (including migrants who already have visas) or offshore workers to meet their labour needs. However, there are some challenges posed by current immigration settings:
 - a. For the domestic migrant workforce: most employer-supported migrant workers have visa conditions that oblige them to work for one employer in one location in a specified role. We have received feedback that flexibility for these visa conditions is needed in the current circumstances.
 - b. For offshore workers: standard visa pathways have requirements that take time to meet, and longer processing times than are desirable when trying to bring workers into New Zealand for an urgent response.
4. MBIE considers the current Specific Purpose Work Visa (SPV) and the Accredited Employer Work Visa settings are fit for purpose to meet the labour demand for the response, recovery and rebuild. You have asked for further advice on options to fast-track applications for the response and to provide public assurance.

Objectives for proposed immigration changes

5. In developing options for immigration settings to respond to the extreme weather events, we have considered whether the proposal:
 - a. Covers the workforce critical to the response, recovery and rebuild,
 - b. Can be implemented quickly,
 - c. Can be quickly processed,
 - d. Can flexibly meet short or long-term labour needs,
 - e. Upholds the principles of the Accredited Employer Work Visa system and system, and
 - f. Provides public confidence in availability of immigration pathways to bring in migrant labour to support the response, recovery and rebuild.

Options

6. We have framed the possible immigration responses around labour demand in the two identified timeframes (immediate short term and longer-term). These options and how they support the above objectives are outlined in Table One.
7. To support the offshore workforce, there are three packages for you to choose from which cover both the short- and longer-term labour demand:
 - a. Option One (**RECOMMENDED**)
 - i. A new Specific Purpose Visa (SPV) subcategory (2023 Extreme Weather Events – Short-term Response) that provides a streamlined pathway to meet short-term labour needs, and
 - ii. an amended version of the existing AEWV for an expanded list of occupations under the construction and infrastructure sector agreement and a fee waiver for transitioning holders of the new SPV subcategory
 - b. Option Two:
 - i. A new SPV subcategory (2023 Extreme Weather Events – Short-term Response) that provides a streamlined pathway to meet short-term labour needs, and
 - ii. a new visa modelled on the SPV ('2023 Extreme Weather Events Recovery Visa) which provides a longer-term open work visa for migrants to work on **specified projects**, and a fee waiver for transitioning holders of the new SPV subcategory.
 - c. Option Three:
 - i. A new SPV subcategory (2023 Extreme Weather Events – Short-term Response) that provides a streamlined pathway to meet short-term labour needs, and
 - ii. a new visa modelled on the SPV ('2023 Extreme Weather Events Recovery Visa) which provides a longer-term open work visa for migrants working in roles that meet a set of **'recovery and rebuild' criteria**, and a fee waiver for transitioning holders of the new SPV subcategory.
8. For the onshore migrant labour force, we have identified the following package of options:
 - a. To publicly clarify where onshore migrant workers need to temporarily relocate or change roles with their same employer for up to two months, this will not be considered a breach of visa conditions by INZ, and
 - b. To announce a fee refund for a Variation of Conditions from migrants based in affected regions, or who work in roles that support the response, recovery and rebuild.

Table One: immigration options to support the response to adverse weather events of early 2023

Option	Key settings	Alignment to objectives						Risks and mitigations, and visa processing impacts	
		Available to critical workers?	Fast to set up?	Fast to process?	Longer term?	Aligned to AEWV?	Provides public confidence?		
FOR OFFSHORE MIGRANT WORKERS									
FOR IMMEDIATE LABOUR NEEDS	<p>Specific Purpose or Event Work Visa (SPV) – ‘other’ subcategory</p> <p>(STATUS QUO)</p>	<p>Visas for response and recovery workers are currently being granted using the ‘catch all’ provision within the SPV. This allows people to come to New Zealand for a specific purpose where the circumstances justify the grant of a work visa.</p> <p>The circumstances must be such that it is not possible and/or appropriate for a New Zealand citizen or resident to take up the work (an example is provided of a worker needing a foreign security clearance).</p>	<p style="text-align: center;">✓</p> <p>This is the pathway being currently use by migrants entering New Zealand to support the response to the recent extreme weather events.</p> <p>An employer being unable to find New Zealanders to do the work is not sufficient to meet the criteria that it is not possible for a New Zealander to do the work. There may be some critical workers where it would in fact be possible for a New Zealander to do the work, but they have been unable to source them due to the urgency of the situation.</p>	<p style="text-align: center;">✓✓</p> <p>This is an existing visa category and already established.</p>	<p style="text-align: center;">✓</p> <p>Can be processed quickly provided that criteria are met and there are no issues that required further work (for example problems identified in health or character certificates).</p>	<p style="text-align: center;">✓</p> <p>These visas can be granted for up to three years (provided that is required by the specific event or purpose the visa supports).</p> <p>There is also nothing to preclude visa holders from transitioning to an AEWV after an SPV.</p>	<p style="text-align: center;">x</p> <p>This visa can be issued for the same duration as an AEWV, but there is no wage threshold applied. This means the SPV can be used by employers to avoid the AEWV wage threshold and checks if they are so minded. This is mitigated somewhat by the need to align the visa duration to a specified purpose or event.</p>	<p style="text-align: center;">-</p> <p>This is an existing visa category, which may not meet expectations of a bespoke response to the situation.</p>	<p>The SPV generally can be an alternative for people who are seeking to avoid the AEWV process. The added checks in the standard process mitigate against this risk, but if this process were to be highly streamlined for this cohort, INZ would rely heavily on self-declarations.</p> <p>There may be some visa applications where employers are using this visa as a ‘back-door’ to employ a migrant at rates below the median wage. Without a clear definition within the instructions of who should be covered, it could be harder for INZ to decline applications that are clearly unrelated to the response.</p>

	<p>New sub-category of the SPV – '2023 Extreme Weather Events – Short-term Response Visa'</p> <p>(RECOMMENDED)</p>	<p>Visas would be issued to:</p> <ul style="list-style-type: none"> • People coming to NZ to fill a role that supports the upper North Island response for and short-term recovery from the extreme weather events of January/February 2023 • Streamlined processing – most applicants to receive a decision within 3 days • Applicants will need to provide: <ul style="list-style-type: none"> ○ a declaration of good health and character ○ employers will need to provide a declaration that the role is for the response and short-term recovery • Identity checks will be conducted per standard processes • For up to 6 months duration (this is more limited than the normal SPV but offset by streamlined processing) • Provide open work rights to work for any employer in a response role (defined in the next column) • A fee refund could be implemented for successful applications (normally \$700) 	<p>✓✓</p> <p>This visa is for migrant workers coming to New Zealand for a short time to do a job that supports the upper North Island response to and short-term recovery from the extreme weather events in January and February 2023 by either:</p> <ul style="list-style-type: none"> • Providing emergency response • Immediate clean-up • Assessing risk or loss • Urgent infrastructure stabilisation and/or repair <p>This includes but is not limited to:</p> <ul style="list-style-type: none"> • Search and rescue personnel • Medical staff • Insurance risk and loss assessors • Infrastructure and utilities engineers and technicians • Debris removal workers <p>Who this category is intended for will be clearly communicated on announcement.</p>	<p>✓✓</p> <p>INZ can receive applications from Friday 27 February 2023 (in the manner that applications already received are being processed). There will be further system changes needed to fully set up the bespoke sub-category (e.g., adding it as its own option on the form). In the interim, applicants will select the 'other' Specific Purpose Visa subcategory and enter their purpose. INZ will identify and prioritise those who enter a purpose related to the response/recovery as they arrive. There will also be dedicated contact email and phone numbers for employers to seek prioritisation.</p> <p>Webpage updates to direct people to this pathway and clarify the process for applying will go live on Friday 24 February 2023.</p> <p>A fee waiver is not a viable option to be set up by Friday as it is time-consuming to set up and exacerbates risk of non-genuine applications. A fee refund for successful applications only combats this and could be stood up more quickly. It can be announced on Friday and allows reimbursing those who have already lodged applications.</p>	<p>✓✓</p> <p>Provided you agree to the streamlined processing proposed, most visa applications under this sub-category will be processed within one week of being received.</p> <p>Where information provided is incomplete (e.g., missing declarations) or a National Security Check is needed (which rely on other agency inputs), processing will take longer.</p> <p>New refund applications are being processed within 22 working days.</p>	<p>-</p> <p>To recognise that roles may develop to require a longer-term visa, a 'rollover' provisions is suggested in the longer-term proposals below, to allow migrants on this visa to apply for a longer-term fee-waived visa.</p>	<p>✓</p> <p>This is a short -term visa with no remuneration thresholds. While it may be used by people with a wider range of skills than the AEWV, this is appropriate in this context. Any concerns about the skill threshold of the migrant workforce entering New Zealand on this visa are mitigated by the six-month duration of the visa.</p>	<p>✓✓</p> <p>This is a new pathway under an existing visa and can be clearly communicated as the response and short-term recovery visa. It will be a single point for employers to be directed to and has streamlined processing to ensure urgent labour needs are met quickly.</p>	<p>The SPV generally can be an alternative for people who are seeking to avoid the AEWV process. The added checks in the standard process mitigate against this risk, but the streamlined process for this visa relies heavily on self-declarations.</p> <p>There may be some visa applications where employers are using this visa as a 'back-door' to employ a migrant at rates below the median wage. While INZ will decline applications for roles that are clearly unrelated to the response, the use of the employer self-declaration means it is easy for employers to avoid detection. The six-month visa duration goes some way to curtail this risk.</p> <p>Processing refunds will have a financial and processing burden on INZ, the scale of which cannot yet be estimated. Crown funding will need to be identified to cover the cost of the refunds and their processing.</p>
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<p>Accredited Employer Work Visa (AEWV) as is, with:</p> <ul style="list-style-type: none"> a fee waiver for those transitioning from the new SPV sub-category, and changes to the construction and infrastructure sector agreement <p>(RECOMMENDED)</p>	<p>The AEWV allows employers to recruit migrant workers, for up to three years for any role. Employers need to pay at or above the median wage unless the role is covered by a sector agreement, like the construction and infrastructure sector agreement.</p> <p>The job is checked to ensure it is genuine, meets employment law requirements, and has been labour market tested. Migrant applicants need to demonstrate their ability to do the role and meet standard character and health requirements. A fee waiver for the migrant application could be granted to those transitioning from the above SPV.</p> <p>We suggest you expand the roles on the construction and infrastructure sector agreement and exempt them from the labour market test. You could also consider giving applicants under the AEWV for a construction and infrastructure sector agreement role open work rights, for applications received in a set period.</p> <p>Further advice will be provided on these once longer-term labour needs become clearer (as this requires identifying occupations).</p>	<p style="text-align: center;">✓</p> <p>The AEWV is not limited by occupation, but employers will need to pay at or above the relevant wage threshold and most roles need to be labour market tested.</p>	<p style="text-align: center;">✓</p> <p>The AEWV is already operational.</p> <p>INZ can use existing functionality to facilitate fee waivers for transitioning applicants, but this may need additional work if it was needed at a large scale.</p> <p>However, there are regulation changes for the fee waiver which will take a minimum of one month to implement (assuming an expedited Cabinet process). However, this is a longer-term measure and the 2023 Extreme Weather Events – Short-term Response SPV will have a six-month duration. There will be time to make these changes.</p> <p>Implementing changes to the construction and infrastructure sector agreement will take up to three months, once policy decisions are made. This will likely require reprioritising other work. Further advice on these proposals in the coming weeks as labour needs become clearer.</p>	<p style="text-align: center;">•</p> <p>AEWV has three separate stages:</p> <ul style="list-style-type: none"> employer accreditation (note many employers are already accredited) a job check, which generally takes up to 10 days to process a migrant visa application, which generally takes up to 20 days to process 	<p style="text-align: center;">✓✓</p> <p>This visa is granted for up to three years.</p>	<p style="text-align: center;">✓✓</p>	<p style="text-align: center;">•</p> <p>This is an existing visa category, which may not meet expectations of a bespoke response to the situation. Many employers are familiar with the process, although there may be a lot of smaller businesses who will seek to use it for the first time – this could require renewed communications for first-time users.</p>	<p>This visa is already resourced, with set processes and guidance. The current checks are upheld, meaning risk to the immigration system is mitigated.</p> <p>There will be financial implications if a fee waiver for the migrant check is pursued. These typically cost \$750 –Crown funding will need to be provided to meet this shortfall.</p> <p>Making these system changes will require reprioritisation of other planned changes, for example, partner work rights changes and Green List additions.</p>
<p>New '2023 Extreme Weather Events Recovery' visa - project linked</p>	<p>You could set up a new visa pathway similar to the SPV, which:</p> <ul style="list-style-type: none"> Is granted to migrants working in roles on specified recovery projects, to be identified by government agencies (<i>further advice on</i> 	<p style="text-align: center;">✓✓</p> <p>Further work is needed on how projects will qualify for this list. However, this will likely be modelled after the border exemption process, where agencies sponsor projects (either their own or</p>	<p style="text-align: center;">x x</p> <p>A new visa category is time consuming to set up. Further implementation work is needed, but INZ estimate this could go live in late April/early May, if other</p>	<p style="text-align: center;">✓✓</p> <p>This would be a straightforward visa to process, assuming a centralised list of qualifying projects. Standard applicant checks will take</p>	<p style="text-align: center;">✓✓</p> <p>This visa could be granted for up to three years.</p>	<p style="text-align: center;">•</p> <p>While the projects would need to be sponsored by agencies, there are fewer checks on both the employer</p>	<p style="text-align: center;">✓✓</p> <p>This is a new visa, and can be clearly communicated as the rebuild visa. It will be a single point for employers to be directed to.</p>	<p>This visa could be used by some employers as a 'back-door' to avoid the AEWV employ a migrant at rates below the median wage. This is mitigated somewhat by the</p>

	<p><i>developing this list, including criteria projects need to meet to qualify, to follow as the rebuild need emerges)</i></p> <ul style="list-style-type: none"> for durations of 6 months to three years provide open work rights to work on any of the specified projects standard health, character and identity checks to apply fee aligned to the SPV (\$700) visa holders would be able to sponsor a partner for open work rights <p>A fee waiver could be granted to those transitioning from the above SPV.</p> <p>You also have the option to introduce a wage threshold set at a rate below the median wage (possibly aligned to the construction and infrastructure sector agreement), to mitigate concerns about potential exploitation of this pathway and migrant workers.</p>	<p>proposed by employers) which they deem to meet a set of criteria.</p> <p>Project criteria could include:</p> <ul style="list-style-type: none"> repairs damage to national infrastructure, commercial or residential sites caused by 2023 extreme weather events rebuilds national infrastructure, commercial or residential sites damaged or destroyed by 2023 extreme weather events projects to improve the resilience of New Zealand's infrastructure to future extreme weather events 	<p>pieces of work are able to be reprioritised.</p>	<p>longer to process than the streamlined ones under the short-term SPV subcategory but are necessary and proportionate given the longer duration of this visa.</p>		<p>and the individual roles for this visa.</p> <p>This may be appropriate, as a range of skills are likely to be required to support the rebuild, but it does carry greater risk of migrant exploitation as workers may receive below market-rate wages.</p> <p>This could be mitigated by introducing a wage threshold.</p>		<p>project-linked approach but is still possible.</p> <p>This will also take significant work for INZ to set up and staff, for an unclear level of demand. This will require reprioritisation of other planned changes, for example, partner work rights changes and Green List additions.</p> <p>There will be financial implications if a fee waiver is pursued. These proposed cost for this visa is \$700 – Crown funding will need to be provided to meet this shortfall.</p>
<p>New '2023 Extreme Weather Events Recovery' visa – principle based</p>	<p>You could set up a new visa pathway similar to the SPV, which:</p> <ul style="list-style-type: none"> is granted to migrants working in roles that fall within a set of criteria, based on INZ's assessment for durations of 6 months to three years provide open work rights to work on any of the specified projects standard health, character and identity checks to apply fee aligned to the SPV (\$700) 	<p>✓✓</p> <p>This visa would be available to people working in roles that:</p> <ul style="list-style-type: none"> repair damage to national infrastructure, commercial or residential sites caused by 2023 extreme weather events rebuild national infrastructure, commercial or residential sites damaged or destroyed by 2023 extreme weather events improve the resilience of New Zealand's 	<p>xx</p> <p>A new visa category is time consuming to set up. Further implementation work is needed, but INZ estimate this could go live in late April/early May, if other pieces of work are able to be reprioritised.</p>	<p>✓</p> <p>This would be a fairly straightforward visa to process. Without the project linked requirement it is likely additional time will needed to more fully assess whether the role meets the criteria in some edge cases.</p> <p>Standard applicant checks may take longer to process than the streamlined ones under the short-term PV subcategory</p>	<p>✓✓</p> <p>This visa could be granted for up to three years.</p>	<p>x</p> <p>There are fewer checks on both the employer and the individual roles for this visa.</p> <p>This may be appropriate, as a range of skills are likely to be required to support the rebuild, but it does carry greater risk of migrant exploitation as workers may receive below market-rate wages.</p>	<p>✓✓</p> <p>This is a new visa, and can be clearly communicated as the rebuild visa. It will be a single point for employers to be directed to.</p>	<p>This visa could be used by some employers as a 'back-door' to avoid the AEWV employ a migrant at rates below the median wage.</p> <p>This will also take significant work for INZ to set up and staff, for an unclear level of demand. This will require reprioritisation of other planned changes, for example, partner work rights changes and Green List additions.</p>

	<ul style="list-style-type: none"> • visa holders would be able to sponsor a partner for open work rights <p>A fee waiver could be granted to those transitioning from the above SPV. You also have the option to introduce a wage threshold set at a rate below the median wage (possibly aligned to the construction and infrastructure sector agreement), to mitigate concerns about potential exploitation of this pathway and migrant workers.</p>	infrastructure to future extreme weather events		<p>but are necessary and proportionate given the longer duration of this visa.</p> <p>If the criteria included a wage threshold, assessing that was met would also add some processing time.</p>		<p>This could be mitigated by introducing a wage threshold set below the median wage (for example, aligned to the construction and infrastructure sector agreement).</p>		<p>There will be financial implications if a fee waiver is pursued. These proposed cost for this visa is \$700 – Crown funding will need to be provided to meet this shortfall.</p>
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Option	Key settings	Alignment to objectives						Risks and mitigations, and visa processing impacts	
		Available to critical workers?	Fast to set up?	Fast to process?	Longer term?	Aligned to AEWV?	Provides public confidence?		
FOR ONSHORE MIGRANT WORKERS									
FOR IMMEDIATE LABOUR NEEDS	<p>Publicly clarify visa flexibility and announce fee refund for a Variation of Conditions</p>	<p>There is demand for employers for visa flexibility from employers to transferring existing migrant staff from businesses that have been affected by Cyclone Gabrielle.</p> <p>We recommend announcing that where onshore migrant workers need to temporarily relocate or change roles with their same employer for up to two months, this will not be considered a breach of visa conditions by INZ.</p> <p>Where migrants are seeking to make a permanent role change, a variation of conditions is still needed. However, the VOC fee could be waived or refunded for:</p> <ul style="list-style-type: none"> • VOC applications from migrants based in affected regions, or • VOC applications from migrants working in roles that either: <ul style="list-style-type: none"> ○ repairs damage to national infrastructure, commercial or residential sites caused by 2023 extreme weather events ○ rebuilds national infrastructure, commercial or residential sites damaged or destroyed by 2023 extreme weather events ○ projects to improve the resilience of New Zealand's infrastructure to future extreme weather events 	<p>✓✓</p> <p>This option would be available to all onshore workers who meet the criteria.</p>	<p>✓</p> <p>The announcement of visa flexibility can be made at any time.</p> <p>While a fee waiver could not be set up by Friday, owing to the time required, it could be set up within the two-month flexibility window with reprioritisation and expedited processes.</p> <p>A fee refund for successful applications only combats this and could be stood up more quickly. It can be announced on Friday and allows reimbursing those who have already lodged applications.</p>	<p>✓</p> <p>There will be no change to the processing time for any visa or VOCs because of this change.</p> <p>New refund applications are being processed within 22 working days.</p>	<p>✓✓</p> <p>The fee waiver allows visa holders to transition to another role for the remaining duration of their visa, which could be for up to three years.</p>	<p>✓✓</p> <p>This is the standard process to vary visa conditions under AEWV.</p>	<p>✓✓</p> <p>Announcing the short term flexibility directly addresses a point of concern for employers, and the fee waiver demonstrates understanding that longer term shifts are likely needed as a result of the extreme weather events.</p>	<p>There will be financial implications if a fee waiver is pursued. Crown funding will need to be provided to meet this shortfall.</p>

Implementation considerations

12. There are several implementation considerations common to the proposed options that it is useful to collate:

Measure	Impact
Fee waiver	<p>Visa waivers are most properly set up through regulation changes, which can take up to two months if an expedited process is not used. This could also be done via a Special Direction but may take operational time to implement.</p> <p>There are also financial implications for Immigration New Zealand – as the fee will no longer be cost recovered, Crown funding will need to be provided to meet the shortfall.</p> <p>There is further work being done on the implementation impacts and timeframes for this.</p>
Fee refunds	<p>Visa refunds are an established process, but a large influx of refund requests can have processing impacts. Currently new applications are processed in up to four working weeks, but this could be extended if there are a large number of new applications.</p> <p>There are also financial implications for Immigration New Zealand. Refunds have a cost to process, and where it is an intended refund for a class of visas, Crown funding will need to be provided to meet the shortfall.</p>
System set up	<p>Changes to existing settings, like incorporating a visa waiver, can take as long as a new visa to set up. INZ will need to reprioritise workload to implement any of the options presented in this paper, but particularly for the creation of new visas and incorporation of fee waivers.</p>
Trading off visa duration and reduced processing checks	<p>Limiting checks conducted in processing an application does increase the risk of non-genuine use of a pathway and migrant exploitation. In some instances, a curtailed visa length can mitigate this impact by limiting the time before the migrant has to engage with INZ again. Where a longer visa duration is desired, more upfront checks are required to lessen these risks.</p>

Further risks

13. Due to the speed with which this advice has been pulled together, we have not been able to:
- a. Consult with other agencies on the prospect of a project linked visa and their role in that process,
 - b. Test the proposed definitions/criteria for alignment with other agency action,

- c. Properly work through the longer-term options in terms of implementation. There is a risk of unanticipated impacts on INZ processing which may require further trade-offs of this work with other priorities.

Next steps

14. Officials will provide communications material on Thursday 23 February to support your announcement on Friday. This will include:
 - a. A press release with details of your preferred options, and indications of where employers can go for more detail
 - b. Proactive emails to all accredited employers notifying them of the pathways to bring in migrant labour to support the response, recovery and rebuild, and
 - c. Webpage updates to identify the preferred pathways for the public.
15. Assuming you support this option, it will take some time to make the changes to fully implement new SPV subcategory. Applications received before that is complete will be processed by:
 - a. Directing applicants to apply under the 'SPV – Other' category, noting '2023 extreme weather events response' as the purpose for their visa,
 - b. Inviting employers to contact INZ via a dedicated email address and phone line to provide details of the visa application, to ensure it is prioritised for processing,
 - c. Conducting the streamlined checks agreed, to ensure processing is complete within three days for most applicants.
16. You will receive a briefing with instructions for certification supporting your preferred short-term option on Thursday 23 February. Subject to your preferred option for longer-term measures, we will provide further advice on the detail of the policies and address any questions you have in due course.

Annexes

Annex One: Talking points for Cabinet Economic Development Committee, 22 February 2023

Free and frank opinions

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