



## BRIEFING

### Implementing the Immigration (COVID-19 Response) Amendment Act 2020

<b>Date:</b>	17 June 2020	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	3352 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway <b>Minister of Immigration</b>	<p><b>Agree</b> to make Special Directions to impose a condition to comply with health measures on temporary entry class visas, to extend the expiry date of people in the territorial sea and Exclusive Economic Zone, s 9(2)(f)(iv) [REDACTED], and to relax lodgement requirements for transit visas</p> <p><b>Agree</b> to recommend regulations to Cabinet s 9(2)(f)(iv) [REDACTED] and enabling the specification of types of visa applications to be made online</p> <p>s 9(2)(f)(iv) [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	22 June 2020
Hon Poto Williams <b>Associate Minister of Immigration</b>	<b>For information</b>	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Siân Roguski	Manager, Immigration Policy	04 901 1572	s 9(2)(a) [REDACTED]	✓
Christine Hyndman	Principal Policy Advisor	04 901 8575		

The following departments/agencies have been consulted
Ministries of Education, Foreign Affairs & Trade; Education NZ; NZQA; Treasury (RIS exemption)

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

Comments

☐ See Minister's Notes

☐ Withdrawn

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#### Executive Summary

The Immigration (COVID-19 Response) Amendment Act 2020 has given you a number of new powers, to enable flexibility and efficiency in the immigration system to respond to COVID-19. Officials have identified and reviewed a number of issues that are presenting and will impact across the immigration system over the next month and recommend that you consider using the new powers to put in place a first tranche of eight measures to manage the response to these issues. These eight measures are in addition to a further two – related to the management of issues arising from the Recognised Seasonal Employer Scheme and other labour market issues – that we have separately briefed you on. The full suite of ‘tranche one’ measures is set out in Annex One.

Our advice on taking forward these measures is based on an assessment that they are:

- reasonably necessary to respond to the COVID-19 outbreak, or to manage the effects or consequences of measures taken to respond to it (as required by the legislation)
- sensible and proportionate measures which will provide useful flexibility but which will not have unintended consequences.

s 9(2)(f)(iv)

One of the proposals (plus another proposal which also responds to COVID-19 but which is not related to the legislative change) would require further Cabinet decisions.

Officials are considering options for a second tranche of measures that could be pursued, including to manage the large number of visas that will expire at the conclusion of the Epidemic Management Notice. Separately, there may be further options to reduce the compliance burden on behalf of applicants, and we could explore this via light consultation with external stakeholders.

Depending on your decisions, further papers will need to be prepared: in particular, the proposed regulation changes would require confirming Cabinet policy and legislative decisions. Timing options for those decisions range from implementation in late July to early August.

We will also prepare further advice on the other decisions, including the steps needed to implement changes. Where powers require you to make a Special Direction, the subsequent paper will contain a Special Direction for your signature.

#### Recommendations

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

- Note** that the Immigration (COVID-19 Response) Amendment Act 2020 (the Amendment Act) has given the Minister of Immigration a number of powers to enable flexibility and efficiency in the immigration system to respond to COVID-19

*Noted*

- b **Note** that this paper is one of several providing advice on options for deploying the Amendment Act's powers. Others include:
- i. a note which proposed giving more flexible work rights to stranded Recognised Seasonal Employer limited visa holders, as part of advice on the 20/21 cap for the scheme [2280 19-20]
  - ii. advice on options to exercise Amendment Act powers in the context of short-term immigration responses to the labour market driven by COVID-19, as part of advice on work visa settings to balance objectives for New Zealand jobseekers, employers and temporary migrants [3529 19-20]
  - iii. advice on the delegation of new powers under the Amendment Act to immigration officials, and the clarification of other delegations [3403 19-20]

*Noted*

*Imposing a condition to comply with health measures*

- c **Note** that Cabinet agreed on 16 March 2020 [CAB-20-MIN-0112] that a condition be added to temporary entry class visas requiring all holders to comply with instructions from a Medical Officer of Health which relate to a notifiable or quarantinable disease, that this decision has been implemented via instructions for new temporary entry class visas, and that we recommend using a power under the Amendment Act to implement it for existing visas for consistency

*Noted*

- d **Agree** to impose a condition on all existing temporary entry class visas to comply with any directions, orders or requirements made or given under the Health Act 1956 or any other Act in relation to a notifiable or quarantinable disease

*Agree / Disagree / Discuss*

- e **Direct** officials to prepare a Special Direction giving effect to your decision

*Agree / Disagree*

*Extending the expiry dates of visas whose holders were in the territorial sea or EEZ*

- f **Note** that there are a number of temporary visa holders, including fishing crew, who did not benefit from the Epidemic Management Notice because they were in New Zealand's territorial sea or Exclusive Economic Zone, and not technically "in" New Zealand for the purposes of the Immigration Act 2009, when the notice was published on 2 April

*Noted*

- g **Agree** to extend these visas so they will have an expiry date of 25 September, to meet the objective of the issuance of the Epidemic Management Notice

*Agree / Disagree / Discuss*

- h **Direct** officials to prepare a Special Direction giving effect to your decision

*Agree / Disagree / Discuss*

s 9(2)(f)(iv)

i [REDACTED]

*Noted*

- j s 9(2)(f)(iv) [redacted]  
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*Waiving certain lodgement requirements for transit visa applications*

- m **Note** that the Special Directions which have governed transit travel through Auckland airport will expire on 20 June, reinstating the regulatory regime  
*Noted*
- n **Note** that the ongoing closure of Immigration New Zealand offices and Visa Application Centres, coupled with the disruption to international postal services, mean it is difficult for transit visa-required nationals to lodge transit visa applications, which must be made on paper  
*Noted*
- o **Agree** to:
- i. waive the following lodgement requirements for transit visa applications until further notice:
    - a) that an application be made on an approved form
    - b) that an application be signed
    - c) that two passport-sized photographs be provided, and
    - d) that the prescribed fee be paid
  - ii. enable an applicant to provide a copy of their passport or certificate of identity in place of the original document
- Agree / Disagree / Discuss*
- p **Direct** officials to prepare a Special Direction giving effect to this decision  
*Agree / Disagree / Discuss*

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t **Note** that officials will work with New Zealand Inc partners to ensure there is clear messaging to future travellers who are important for the post-COVID rebuild (including current visa holders who may be able to re-enter later this year if an exception to the border restrictions is approved)

*Noted*

u s 9(2)(f)(iv)

- [REDACTED]
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- [REDACTED]

*Specifying applications that must be submitted online via a regulation change*

v **Note** that

- i. the drafting of the current Immigration (Visa, Entry Permission, and Related Matters) Regulations limits flexibility when specifying applications to be made online. In particular, it does not provide an ability to specify that all offshore applications must be made online
- ii. amending the regulations would enable officials to mandate online processing for groups of applications, resulting in more efficient movement of applications and streamlining processing while offshore offices remain closed as a result of the COVID-19 outbreak

*Noted*

w **Agree** to amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to provide additional flexibility when specifying applications to be made online

*Agree / Disagree / Discuss*

*All agreed regulation changes*

- x **Direct** officials to prepare a Cabinet paper proposing the regulation changes set out in paragraphs q, r, and w above and requesting authorisation to instruct PCO, for discussion at the CBC Committee meeting on 6 July

*Agree / Disagree / Discuss*

- y **Direct** officials to seek an exemption from the 28-day rule for these regulations on the grounds that the response to COVID-19 requires rapid implementation of Cabinet's decisions

*Agree / Disagree / Discuss*

s 9(2)(f)(iv)

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*Consulting on waiving regulatory lodgement requirements on certain applications*

- ee **Note** that it is currently unclear whether visa applicants who are not transit visa applicants continue to encounter substantive difficulties meeting the regulatory requirements for making visa applications, and we could consult external stakeholders to understand the barriers visa applicants may currently face due to COVID-19

*Noted*

- ff **Discuss** with officials whether they should targeted external consultation with immigration advisers and lawyers on this issue, to inform further advice on options to use the power to waive regulatory requirements for making a visa application

*Agree / Disagree / Discuss*

*Options to extend the expiry dates of temporary entry class visas*

gg **Note** that officials will provide further advice on proposals to deal with

- i. the expiration of the temporary visas that were either extended to 25 September 2020 by the Epidemic Management Notice, or that expire between 9 July and 25 September and were not therefore extended
- ii. temporary visa holders who are ordinarily resident in New Zealand but are currently offshore and unable to return, and visa holders who were not ordinarily resident in New Zealand, including those who may not be able to travel to New Zealand before the expiry of their first entry date.

*Noted*



Siân Roguski  
**Manager, Immigration Policy**  
Labour, Science and Enterprise, MBIE

17 / 06 / 2020

Hon Iain Lees-Galloway  
**Minister of Immigration**

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## Background

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1. The Immigration (COVID-19 Response) Amendment Act 2020 (the Amendment Act) introduced eight new time-limited powers to the Immigration Act 2009 (the Act), including the powers to:
  - vary or cancel conditions for classes of residence class visa holders
  - grant visas in the absence of an application to an individual or class of people
  - extend the expiry dates of temporary entry class visas, for a period of up to six months
  - impose or vary conditions for classes of temporary entry class visa holders
  - waive any regulatory requirements for making an application with respect to a class of people, and
  - suspend the ability of persons outside of New Zealand to make applications for visas, or to submit expressions of interest in applying for visas, by classes of people.
2. You have received separate advice incorporating options on deploying the Amendment Act's powers. This includes:
  - a note which proposed giving more flexible work rights to stranded Recognised Seasonal Employer limited visa holders, as part of advice on the 20/21 cap for the scheme [2280 19-20]
  - advice on options to exercise Amendment Act powers in the context of short-term immigration responses to the labour market driven by COVID-19, as part of advice on work visa settings to balance objectives for New Zealand jobseekers, employers and temporary migrants [3529 19-20], and
  - advice on the delegation of new powers under the Amendment Act (which do not relate to classes of visa holders but to individuals, and can explicitly be delegated to immigration officials), and the clarification of other delegations [3403 19-20].
3. This advice centres on a further suite of proposals to make up the 'first tranche' of measures to manage issues directly arising from COVID-19. We are also preparing advice on options for using the Amendment Act's powers for a second tranche of measures, specifically to manage the expiry dates of:
  - a large number of temporary visas due to expire between now and the end of September where the visa holder is onshore (noting that those on employer-assisted work visas are addressed in the briefing 3529 19-20 referred to above). Almost 55,000 temporary visas<sup>1</sup> (see Table One below) were not extended by the Epidemic Management Notice and are now due to expire between 10 July and 30 September. This is in addition to over 84,000 visas which were extended by the Epidemic Management Notice, and will now expire on 25 September. International flights out of New Zealand continue to be limited, and if these visas are not extended and Immigration New Zealand cannot process applications in a timely fashion, the visa holders may become unlawful through no fault of their own.
  - temporary visas where the visa holder is currently offshore. We note that there is increasing pressure for action with respect to temporary visa holders who are ordinarily resident in New Zealand but are currently offshore and unable to return. This is also an issue for visa holders who are not ordinarily resident in New Zealand, and for visa holders who may not be able to travel to New Zealand before the expiry of their first entry date.

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<sup>1</sup> You have received separate advice on the almost 21,000 work visas in this group [3529 19-20].



Table One: Temporary entry class visas expiring between 1 July and the end of September 2020 (not extended by the Epidemic Management Notice)

Visa Type	Expiry Month			Total
	2020-07	2020-08	2020-09	
Interim	340	1,010	3,780	5,130
Limited	370	760	2,500	3,630
Student	5,840	9,200	2,050	17,090
Visitor	1,970	3,500	2,700	8,170
Work - total	5,290	7,770	7,700	20,760
Work - various	3,900	5,640	4,590	14,130
Employer assisted	400	380	360	1,140
WHS etc	940	1,730	2,710	5,380
Asylum seeker etc	20	20	40	80
<b>Total</b>	<b>13,810</b>	<b>22,240</b>	<b>18,730</b>	<b>54,780</b>

## We recommend imposing a condition to comply with health measures on all existing temporary entry class visas

- The Amendment Act gives you the ability to impose, by Special Direction, conditions for classes of temporary entry class visa holders. The Amendment Act requires you to be satisfied that the additional condition does not materially disadvantage the visa holder, except where that condition relates to complying with any directions, orders or requirements made or given under the Health Act 1956 or any other Act, in relation to a notifiable or quarantinable disease (as per new sections 52(4B)(b)(ii)(B) and 53(4B)(b)(ii)(B)).
- Cabinet agreed on 16 March 2020 that a condition be added to temporary entry class visas which requires all visa holders to comply with instructions from a Medical Officer of Health which relate to a notifiable or quarantinable disease [CAB-20-MIN-0112]. This decision has been implemented for applications for new temporary entry class visas through your certification of new Immigration Instructions.
- We recommend that you agree to impose the condition on all existing temporary entry class visa holders, using the Special Direction power available to you in the Amendment Act. This will ensure consistency and signal a clear expectation that all temporary migrants are expected to comply with the health measures taken to contain and manage COVID-19. We note that a failure to comply with these measures could provide sufficient reason to make the visa holder liable for deportation. This would not be automatic, as a decision still needs to be made by an immigration officer that the person should be made liable for deportation.

*Imposing a condition to comply with health measures on temporary entry class visas is reasonably necessary to respond to COVID-19*

- We consider that imposing this condition meets the requirements set out in paragraph 4 above, as the health measures which visa holders will be required to obey directly relate to managing the COVID-19 outbreak. Although the Amendment Act has a 12-month sunset clause, this condition will endure in Immigration Instructions.

*A process to communicate instances of non-compliance will need to be developed*

- We note that we will need to work with the Ministry of Health to design a process to ensure that information about any non-compliance by temporary entry class visa holders is provided to Immigration New Zealand.

## **We recommend plugging a gap in the emergency management legislation, by extending the expiry date of visas whose holders were in the territorial sea or EEZ on 2 April 2020**

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9. A number of crew on fishing vessels hold work visas which, in law, are about to expire or have expired. In the ordinary run of events, they would have left New Zealand before the expiry of their visa and been replaced by other fishing crew. However, as with other visa holders affected by the COVID-19 crisis, some of them are in New Zealand and unable to leave.
10. When the Epidemic Management Notice took effect on 2 April 2020, the temporary entry class visas of anyone in New Zealand were automatically extended to 25 September 2020 (in accordance with section 78 of the Act) if they would otherwise expire on or before 9 July 2020. However, if any fishing crew were not on land or in New Zealand's internal waters, but were instead in New Zealand's territorial sea (TS) or in the Exclusive Economic Zone (EEZ), their visas were not extended, because they were not technically "in" New Zealand for the purposes of section 78 of the Act.<sup>2</sup>
11. We consider that extending the expiry dates of these visas (and the visas of others potentially affected who are not fishing crew<sup>3</sup>) to match the current expiry dates of other automatically-extended visas would meet the objective in the issuance of the Epidemic Management Notice, in spite of the inadvertent gap in the legislation. It would mean that they could remain lawfully fishing while decisions are made on the entry of replacement crew and, if required, while any crew who do enter meet any applicable quarantine requirements.
12. We recommend that you consider exercising your power under the Amendment Act to extend the expiry date of these visas so that they will expire on 25 September 2020, in line with other visas extended by the Epidemic Management Notice.

s 9(2)(f)(iv)

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<sup>2</sup> In the Application Management System (AMS), INZ's official record of an individual's immigration status, the visas of most of these crew, if they were current on 2 April 2020, are very likely showing expiry dates of 25 September 2020. When the Epidemic Management Notice came into effect, all temporary entry class visas that were eligible and recorded with the client 'in' the country were extended on AMS through a data script, without reference to any specific circumstances of individuals such as those who are fishing crew. Therefore, AMS does not currently reflect their status in law, if they were in the TS or EEZ on 2 April 2020. A Special Direction would reconcile this discrepancy between AMS and the law in those affected cases.

<sup>3</sup> There may have been others, for example those in private boats off the shore of New Zealand on 2 April 2020, whose visas, technically speaking, were also not extended by section 78.

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## **We recommend you make a Special Direction to waive some lodgement requirements for transit visa applications**

44. You have been recently briefed [3355 19-20] on the upcoming changes to the transit regime. The Special Directions which have governed transit travel through Auckland airport will expire on 20 June 2020, reinstating the regulatory regime, which means that the citizens of more than 110 countries will be transit visa-required if they are not travelling to or from Australia. Transit visa applications are paper-based, and the ongoing closure of Immigration

New Zealand offices and Visa Application Centres (VACs), coupled with the disruption to international postal services, mean it is difficult or impossible for transit visa-required nationals to lodge applications.

45. The Amendment Act enables you to delegate a new power to waive the requirement for an individual to hold a transit visa to Immigration Officers. However, the scrutiny enabled by a visa application is useful (and in particular, may support a decision to allow a passenger to transit New Zealand). Cabinet has recently invited you to bring proposals for transit visa-related regulatory change to Cabinet if it appears necessary [CAB-20-MIN-0270]. However, the changes which we are recommending can be made by you through a Special Direction under section 57(3) of the Act. While it will not have a statutorily-fixed maximum term, we will be able to recommend that you cancel it once offices and VACs are open again.
46. We recommend that you agree to make a Special Direction to waive or amend a variety of requirements for transit visa applications until further notice, and specifically, to:
  - waive the following lodgement requirements for transit visa applications:
    - that an application be made on an approved form
    - that an application be signed
    - that two passport-sized photographs be provided
    - that the prescribed fee be tendered, and to
  - enable an applicant to provide a copy of their passport or certificate of identity in place of the original document.

*Making these changes is reasonably necessary to respond to COVID-19*

47. As noted previously, the Amendment Act requires you to be satisfied that such changes are “reasonably necessary” to respond to the COVID-19 outbreak, or to manage the effects or consequences of measures taken to respond to it. This change would not be required if offices and VACs were not closed as a result of the COVID-19 outbreak, and we consider that the changes are a reasonably necessary measure to enable the transit regime to function as intended in spite of the outbreak.

## **We recommend a change to Regulations, to provide flexibility when specifying applications that must be made online**

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48. The Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 allow the Chief Executive of the Ministry of Business, Innovation and Employment to require “certain visa applications” to be made online. This constrictive drafting means that it is not possible to specify visa applications that must be made online by referencing the applicant’s characteristics, for example, being outside New Zealand. It can only refer to certain visa applications. We recommend amending these Regulations, to provide greater flexibility when specifying applications to be made online.
49. INZ’s offshore offices and Visa Application Centres are currently closed due to the COVID-19 outbreak, and applicants are currently unable to submit paper applications. Greater use of online applications will result in more efficient movement of applications across offices, and streamlined processing while offshore offices remain closed.
50. There may be concerns from applicants who prefer to submit paper applications. However, we note that online uptake (where it is an option) is currently around 85%, showing that most clients are comfortable using an online service. Before implementing a requirement that some applications must be made online, Immigration New Zealand would ensure that all the risks are appropriately mitigated and the change is well-supported, for example through communications and the provision of assistance to applicants and stakeholders. The current regulation that allows Immigration New Zealand to accept an application made outside the

normal process on a case by case basis would remain, allowing for the ability to accept applications where an online application was truly not possible or appropriate.

51. If you agree, we will include this change in the Cabinet paper seeking agreement to suspending offshore visa applications and to issuing drafting instructions to PCO. We consider that to be an effective COVID-19 response measure, these regulations should ideally come into effect immediately. With your agreement, we will also seek an exemption from Cabinet to the 28-day rule for these regulations.

s 9(2)(f)(iv)

Category	Percentage
Very important	85%
Important	10%
Not important	5%
Don't know	0%

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Government	Percentage
Current government	85%
Previous government	15%

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Government	Percentage
Current government	85%
Previous government	15%

Government	Percentage
Current government	85%
Previous government	15%

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## **We could consult external stakeholders on waiving regulatory requirements for making an application**

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72. The Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 prescribe a number of requirements that applicants must meet when applying for a temporary entry class visa. An application must be made on the approved form, relate to one person, be completed in English and be signed by the applicant. The application must also provide:
- the applicant's passport (or certified copy) or certificate of identity, or if that is unavailable the applicant's birth certificate (or certified copy) or other identity document
  - 2 passport-sized photographs of the applicant
  - the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits into the category under which the application was made, and
  - the prescribed fee, as well as the immigration levy and International Visitor Conservation and Tourism Levy (if applicable).
73. These requirements, and the requirements of the relevant immigration instructions, may be difficult to meet in current circumstances. We have already recommended above (at paragraph 46) that you waive some requirements for transit visa applications at this time.
74. However, it is hard to gauge the scale of issues relating to other application types. We could consult immigration advisors and lawyers to better understand whether there are other regulatory requirements which are difficult to meet at this time, to inform any later advice on whether you should exercise a power in the Amendment Act to waive these requirements as part of the COVID-19 response. We would appreciate your feedback on whether to progress with such consultation.

## **Consultation and communications**

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*The proposed changes have implications for other portfolio areas and agencies*

75. We have discussed the proposals in this paper with the Ministry of Education and Education New Zealand and with the Ministry of Foreign Affairs and Trade. We will work with them on messaging and communications, to ensure consistency to markets, stakeholders, intending migrants, the New Zealand community, and other government, as appropriate.

## **Next steps: Special Directions, Regulation changes and further advice**

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*We will provide you with draft Special Directions where applicable*

76. If you agree with the recommendations in this briefing, we (Immigration New Zealand) will prepare draft Special Directions for your signature where applicable. We will accompany those Special Directions with further advice on logistics or operational details as appropriate.

*We will start preparing a Cabinet paper seeking agreement to make amendment regulations*

77. If you agree to recommend regulations **s 9(2)(f)(iv)** waiving some lodgement requirements for transit visa applications, and enabling offshore applications to be required to be made online, we (Immigration Policy) will prepare a draft Cabinet paper for you to consult on with your colleagues.
78. The tables below sets out a draft timeframe for further Cabinet decisions and the regulations' implementation, noting the likely pressure on Committee agendas during Parliament's last sitting session of the term.

Table Four: Proposed timeframe for implementing regulations changes

	Policy paper	Leg paper and regulations
Thurs 25 June	Policy paper provided to office (one week consultation)	
Thurs 2 July	Policy paper submitted to Cabinet Office	
Mon 6 July	Policy paper considered by CBC	
Mon 13 July		Regulations paper provided to office
Thurs 16 July		Regulations paper submitted to Cabinet Office
Mon 20 July	Cabinet confirms CBC decision	
Tue 21 July		Regulations considered by LEG
Mon 27 July		Cabinet and Executive Council
Fri 7 August		Regulations enter into force

*We will provide you with further advice on temporary visas expiring between 10 July and the end of September 2020*

79. As noted in paragraph 3 above, we (Immigration New Zealand and Immigration Policy) are developing advice on options for using the Amendment Act's powers to manage the expiry dates of both a large number of temporary visas due to expire between now and the end of September where the visa holder is onshore, and of temporary visas where the visa holder is currently offshore. The second group includes temporary visa holders who are ordinarily resident in New Zealand but are currently offshore and unable to return, and visa holders who are not ordinarily resident in New Zealand, including those who may not be able to travel to New Zealand before the expiry of their first entry date.

## Annex

Annex One: Table of powers and proposals

## IMMIGRATION (COVID-19 RESPONSE) AMENDMENT ACT – SUMMARY OF POWERS AND PROPOSALS

Power	Exercisable by	Delegable to an immigration officer?	Recommended?		Proposed use or comment
			Soon	Following more work or consultation	
To vary or cancel conditions for classes of resident class visa holders	Special direction			✓	s 9(2)(f)(iv)
To impose, vary or cancel conditions for classes of temporary entry class visa holders	Special direction		✓		<ul style="list-style-type: none"> <li>s 9(2)(f)(iv)</li> <li>Require all temporary visa holders to comply with directions from a Medical Officer of Health (paragraph 6).</li> </ul>
To waive any regulatory requirements for certain classes of application	Special direction		✓		<ul style="list-style-type: none"> <li>Waive requirements for transit visa applications while offices and VACs are closed (paragraph 46)</li> <li>Officials could consult with advisors on whether other application requirements should be waived.</li> </ul>
To grant visas to individuals in the absence of an application	Special direction	✓		✓	A delegation instrument has been separately provided to Minister's office (proposed for delegation to officials (DDMs) for temporary visas only).
To grant visas to classes of people in the absence of an application	Special direction		✓ (RSE)	✓ (Residents)	<ul style="list-style-type: none"> <li>Vary the conditions of RSE workers' visas to enable them to undertake different roles (see RSE briefing note 2280 19-20)</li> <li>s 9(2)(f)(iv)</li> </ul>
To extend the expiry dates of visas for classes of people, for a period of up to 6 months	Special direction			✓	<ul style="list-style-type: none"> <li>Extend expiry date of visas held by people in EEZ or territorial sea on 2 April (paragraph 12)</li> <li>Extend the expiry date of onshore employer-assisted work visas by six months from the date of expiry (see Labour Market briefing note 3529 19-20)</li> <li>Officials are undertaking further work on options to extend the expiry dates of visas expiring between 10 July and end of September, including visas automatically extended by the Epidemic Management Notice.</li> </ul>
To waive the requirement to obtain a transit visa in an individual case	Special direction	✓	✓		A delegation instrument has been separately provided to Minister's office (seeking agreement by Friday, when transit regime reverts to previous settings)
To revoke the entry permission of a person who has been deemed by Regulations to hold a visa and to have been granted entry permission	N/A	N/A <sup>4</sup>			This could be exercised by an Immigration Officer if required (this ability is conferred by the Amendment Act).
To suspend the ability of persons outside New Zealand to make applications for visas or submit Expressions of Interest in applying for visas by classes of people, for a period not exceeding 3 months	Order in Council		✓ <sup>5</sup>		s 9(2)(f)(iv)

<sup>4</sup> This power can be exercised directly by an immigration officer, so it is not a delegable power.

<sup>5</sup> Noting that this requires a Policy paper and a Regulations paper to be submitted to Cabinet so will not be implemented immediately.