



## BRIEFING

### COVID-19: Request for exemption to temporary border restrictions for critical workers for Global Metal Solutions Limited

<b>Date:</b>	7 July 2020	<b>Priority:</b>	Urgent
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2021-0077

Action sought		
	Action sought	Deadline
Hon Phil Twyford <b>Minister for Economic Development</b>	<b>Agree</b> that four engineers in the waste management sector are “critical workers” for the purpose of an exemption from temporary border restrictions.	8 July 2020
Hon Ian Lees-Galloway <b>Minister of Immigration</b>	Copy for information only.	N/A
Hon Megan Woods <b>Minister of Housing</b>	Copy for information only.	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Ruth Isaac	General Manager, Labour and Immigration Policy	s 9(2)(a)	✓
Cheyne Gillooly	Director – Investment, Skills and Performance, Ministry for Primary Industries		

#### The following departments/agencies have been consulted

This briefing was developed together with the Ministry for Primary Industries

#### Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

#### Comments



## BRIEFING

### COVID-19: Request for exemption to temporary border restrictions for critical workers for GMS

<b>Date:</b>	7 July 2020	<b>Priority:</b>	Urgent
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#### Purpose

This briefing seeks your agreement that four engineers in the waste management sector required to commission new plant equipment and validate its warranties are “critical workers” for the purpose of an exemption from temporary border restrictions.

#### Recommended action

The Ministry of Business, Innovation and Employment and the Ministry for Primary Industries recommend that you:

- a **Note** that on 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand and high-level parameters for case-by-case exemptions to these restrictions [CAB-20-MIN-0122 refers].  
*Noted*
- b **Note** that on 21 April 2020, the Group of Ministers with Power to Act agreed to delegate decision making on whether a worker is an “other essential worker”, for the purpose of exceptions to border restrictions, to the Minister for Economic Development and the relevant portfolio Minister [Unnumbered Cabinet Minute]<sup>1</sup>.  
*Noted*
- c **Note** that on 8 June 2020, Cabinet agreed new criteria for exemptions to border restrictions and to delegate decision making on exemptions under those criteria to Immigration New Zealand [CAB-20-MIN-0268 refers].  
*Noted*
- d **Note** that the delegation and new criteria agreed by Cabinet on 8 June 2020 came into effect in immigration instructions on 18 June 2020.  
*Noted*
- e **Note** that on 2 July 2020, we provided advice to you recommending that you delegate authority to decide exemption requests received before 18 June 2020 to Immigration New Zealand [3949 19-20 refers] but in the meantime, you and portfolio Ministers retain authority to decide exemption requests received before 18 June 2020.  
*Noted*

<sup>1</sup> Unnumbered Minute from Meeting of the COVID-19 Ministerial Group, entitled *COVID-19: Request for Exemption to Temporary Border Restrictions for Essential Worker, and Proposal to Delegate Decision Making to Joint Ministers*.

- f **Note** that on 2 June 2020, Global Metal Solutions Limited lodged a request with the Ministry of Business, Innovation and Employment to classify four engineers in the waste management sector as “critical workers” for the purposes of exemptions from COVID-19 temporary border restrictions.
- Noted*
- g **Note** that, as the request was made before 18 June 2020, the criteria that apply to the exemption request are the criteria set out in this briefing developed by you, in force until 18 June 2020.
- Noted*
- h **Note** that this request is supported by the Ministry of Business, Innovation and Employment because the engineers are required to commission and warrant equipment, which requires specialised skills that are not available in New Zealand.
- Noted*
- i **Agree** that the four engineers are “critical workers” for the purposes of exemptions to the COVID-19 border restrictions.
- Agree / Disagree*
- j **Note** that, on arrival in New Zealand, the workers will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days.
- Noted*
- k **Note** that the date on which the workers can enter New Zealand will be determined by available capacity in managed isolation / quarantine facilities.
- Noted*
- l **Note** that all costs associated with the workers’ quarantine or managed isolation will be met by Global Metal Solutions Limited.
- Noted*



Ruth Isaac  
**General Manager, Labour and Immigration Policy**  
Labour, Science and Enterprise Group  
Ministry of Business, Innovation and Employment  
7 / 7 / 2020

Hon Phil Twyford  
**Minister for Economic Development**  
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## Background

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1. On 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand and high level parameters for case-by-case exemptions to these COVID-19 border restrictions [CAB-20-MIN-0122 refers].
2. On 21 April 2020, the COVID-19 Ministerial Group agreed to delegate further decision making on exemptions to border restrictions for essential workers to the Minister for Economic Development and the relevant portfolio Minister [Unnumbered Cabinet Minute]<sup>2</sup>.
3. On 8 June 2020, Cabinet agreed new criteria for exemptions to border restrictions and to delegate decision making on exemptions under those criteria to Immigration New Zealand [CAB-20-MIN-0268 refers]. The delegation and new criteria came into effect in immigration instructions on 18 June 2020.
4. On 2 July 2020, we advised you that it is MBIE's view that the instructions and criteria in force at the time a request for essential worker status is received are the criteria against which the request must be considered. We recommended you delegate authority to decide exemption requests received before 18 June 2020 to Immigration New Zealand [3949 19-20 refers] as in the meantime you and portfolio Ministers retain authority to decide exemption requests received before 18 June 2020.

## The request is for an exemption for four engineers

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5. On 2 June 2020, Global Metal Solutions Limited (GMS) lodged a request with the Ministry of Business, Innovation and Employment (MBIE) to classify four engineers in the waste management sector as "critical workers" for the purposes of exemptions from COVID-19 temporary border restrictions.
6. GMS processes scrap metal for export. It has recently purchased metal recycling equipment to upgrade its Papakura plant. Specialist technicians from the vendor of the equipment are required to oversee the assembly of the equipment and validate its warranties.
7. The information provided by GMS in support of its request is set out below. MBIE supports the request because the engineers are required to commission and warrant equipment which requires specialised skills that are not available in New Zealand.

## Criteria to be applied to assess whether the workers are critical

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8. As GMS's request was received prior to 18 June 2020, we have applied the following guidelines to the request to advise you on whether the requested workers are essential.
  - a. *Whether individuals from overseas are critical for delivery of time critical projects or programmes that are of strategic economic importance (such as, providing significant spill-over benefits to the economy or major employment in a region, preserving significant international trade-related business)*
  - b. *Whether international expertise, technical requirements or a unique talent is critical for success*
  - c. *Whether it is possible to redeploy workers already in New Zealand (or fill the position within New Zealand)*
  - d. *Whether there are already people performing these roles*
  - e. *The length of time the workers are likely to be in New Zealand*

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<sup>2</sup> Ibid note 1.

## How the workers meet the criteria

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9. The relevant information provided by GMS, in relation to the criteria that applied at the time it submitted its request, is set out below.

*Whether individuals from overseas are critical for delivery of time critical projects or programmes that are of strategic economic importance (such as, providing significant spill over benefits to the economy or major employment in a region, preserving significant international trade-related business)*

10. GMS processes scrap metal for rejuvenation and recycling purposes and earns export revenue for New Zealand from the sale of scrap metals. GMS has purchased metal recycling equipment valued at \$9(2)(b) to upgrade its Papakura plant.
11. The company currently earns over 95% of all revenue from export sales valued at \$9(2)(b) per annum. Once the equipment is commissioned, the Papakura plant will create up to 25 new jobs and company revenue is projected to grow to \$9(2)(b) per annum in the next 12 to 14 months, allowing time for assembly and configuration prior to full functionality.
12. The equipment is the first of its kind in the Southern Hemisphere. It is accompanied by manufacturer assembly warranties, and skilled technicians from the vendor of the equipment are required to oversee the assembly of the equipment and validate its warranties.
13. If the assembly of the equipment is not completed, GMS's export earnings will be deferred, jeopardising the commercial viability of the business, and placing the creation of local jobs behind schedule.

*Where international expertise, technical requirements or a unique talent is critical for success (eg space programme, film projects, scientific research programmes)*

14. Assembly of the equipment with a local team has commenced. However, now, technical expertise from the manufacturer of the equipment is required for system programming, problem resolution, fine tuning and validation of warranties.
15. The United States manufacturer, 3Tek & Ecohog, holds intellectual property and technical expertise required for commissioning the plant.

*Whether it is possible to redeploy workers already in New Zealand*

16. As above, it is not possible to re-deploy workers already in New Zealand as the manufacturer of the equipment, 3Tek and Ecohog, holds intellectual property and technical expertise required for commissioning the plant and validating warranties.

*Whether there are already people performing the roles*

17. No workers are currently performing the roles.

## Dates of travel and managed isolation

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18. If the request is approved, the workers will be required to undergo quarantine or managed isolation in an approved facility for a minimum of 14 days on arrival in New Zealand. The date on which the workers can enter New Zealand will be determined by available capacity in managed isolation / quarantine facilities.
19. GMS has agreed that it will meet all costs associated with the workers' quarantine or managed isolation.

## **Visa status of the workers**

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20. If the requests are approved, in accordance with immigration instructions, the workers will be invited to apply for a Critical Purpose Visitor Visa, another visa that suits their circumstances, or a variation of conditions.