



Ad Hoc Cabinet Committee on COVID-19 Response

Minute of Decision

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COVID-19: Further Immigration Regulatory Amendments

Portfolio Immigration

On 11 March 2020, the Ad Hoc Cabinet Committee on COVID-19 Response, acting in accordance with its Power to Act:

Background

- 1 **noted** that maritime passengers and crew who are not New Zealanders are currently deemed to hold a visa and entry permission either:
 - 1.1 upon leaving their previous port; or
 - 1.2 (cruise vessels) upon their first entry to New Zealand's internal waters;
- 2 **noted** that this limits the ability of Immigration New Zealand to manage the entry and stay of non-New Zealanders in the circumstance that COVID-19 is suspected or confirmed on a vessel, including after any quarantine period has ended;
- 3 **noted** that:
 - 3.1 there is some uncertainty as to whether a person whose visa waiver status has been suspended holds a valid Electronic Travel Authority;
 - 3.2 this means that people on a cruise vessel whose visa waiver has been suspended could argue that, because they held an Electronic Travel Authority, they nonetheless held a deemed visa and entry permission once they arrived in a harbour;

Proposed regulatory changes

- 4 **agreed** to change the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to:
 - 4.1 make it possible to require cruise passengers and cruise ship crew to apply for entry permission and a visa; and
 - 4.2 clarify that an Electronic Travel Authority ceases to be valid where a person has had their visa waiver status suspended because they are no longer a person to whom visa waiver to travel to New Zealand applies;

- 5 **noted** that:
- 5.1 the proposal in paragraph 4.1 above is intended for use in the first instance where COVID-19 is suspected or confirmed on a cruise ship;
- 5.2 standard deeming provisions will continue to be used to facilitate the travel and entry of vessels where this is not the case;
- 6 **noted** that on 2 February 2020, Ministers with Power to Act agreed to enable the Chief Executive of the Ministry of Business, Innovation and Employment (the Ministry) to require a carrier, and a person in charge, of a commercial craft to request specified information about a place of concern from intending travellers and to advise Immigration New Zealand of certain responses [CAB-20-MIN-0015], and that this amendment is automatically repealed on 30 April 2020;
- 7 **agreed** to change the Immigration (Carriers' Information Obligations) Amendment Regulations 2020 to extend the date of revocation for the requirement in paragraph 6 above to 30 September 2020;
- 8 **noted** that the Chief Executive of the Ministry may withdraw the requirement in paragraph 6 above at an earlier point through a new notification to carriers, and will do so at the point that the risk of COVID-19 transmission to the New Zealand community has reduced;
- 9 **agreed** to a waiver of the 28-day rule for the changes referred to in paragraph 4 above;
- 10 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions in paragraphs 4 and 7 above;
- 11 **noted** that the Minister of Immigration has directed his officials to undertake further work on whether it would be possible or appropriate to extend the requirement to formally apply for a visa and entry permission to a wider range of travellers, and to report back to him;
- 12 **noted** that the COVID-19 situation has raised wider questions about whether the Immigration Act 2009 provides sufficient tools to enable the government to respond appropriately in emergency situations, and that this will be further examined in the future.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Rt Hon Winston Peters
Hon Grant Robertson
Hon Phil Twyford
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Dr David Clark
Hon David Parker
Hon Iain Lees-Galloway
Hon James Shaw

Officials present from:

Office of the Prime Minister
Prime Minister's Chief Science Advisor
Department of the Prime Minister
Ministry of Foreign Affairs and Trade
Treasury
State Services Commission
Ministry of Education
Ministry for Social Development
Ministry of Health
Ministry of Business, Innovation and Employment
New Zealand Customs Service

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Minister of Immigration