



BRIEFING

COVID-19 response: Deferral of certain scheme opening dates and temporary suspension of EOI selections

Date:	31 March 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	BR 2804 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	<p>Agree to defer certain ballots and schemes until after New Zealand returns to level 2 of the COVID-19 alert system</p> <p>Discuss this briefing with the Ministers of Foreign Affairs and Pacific Peoples</p> <p>Inform Cabinet of your decision as an oral item</p>	31 March 2020
Hon Poto Williams Associate Minister of Immigration	Copy for your information	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Alejandra Mercado	Manager Operational Policy, Enablement	s 9(2)(a)	s 9(2)(a)	✓
Lariza Balina	Business Analyst, Operational Policy	s 9(2)(a)		

The following departments/agencies have been consulted
Ministry of Foreign Affairs and Trade

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 Withdrawn |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

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Purpose

The COVID-19 outbreak and current Alert Level 4 means it is not appropriate to continue with the opening of a number of scheduled visa categories or to continue selecting expressions of interest. In many cases it would be unfair to applicants, as they may be unable to travel to New Zealand to make use of their visa or to meet the requirements of the visa category (such as Samoan Quota applicants who must secure a job offer or SMC applicants who have four months from the date of invitation to gather the required documentation and make an application). Opening these categories would also confuse the messaging around the closure of New Zealand's border and take away INZ resource from emergency responses.

This briefing seeks your agreement to INZ deferring, from the date of your agreement, the following:

- ballots for the Samoan Quota (SQ) and Pacific Access Category (PAC) until further notice; and
- capped Working Holiday Schemes (WHS) scheduled to open within the next 6 months; and
- Parent Category expression of interest selection scheduled for late May, until further notice; and
- Skilled Migrant Category expression of interest selections that currently take place fortnightly, until further notice.

Recommended action

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

- a **Note** that there are a number of operational difficulties, matters of fairness for applicants, and public health risks associated with the opening of a number of schemes scheduled for the next six months
Noted
- b **Note** that given these issues, INZ recommends that certain ballot registrations, schemes and EOI draws be deferred until a later date
Noted
- c **Agree** to defer the opening of the Samoan Quota and Pacific Access Category ballot registrations until further notice, with a commitment to consider a new date and process within 6 months
Agree / Disagree
- d **Agree** to defer until further notice the opening of the 19 capped Working Holiday Schemes scheduled to open in the next six months
Agree/Disagree

- e **Agree** to defer until further notice the first selection from the Parent Category EOI pool, which was scheduled for late May 2020
Agree/Disagree
- f **Agree** to defer until further notice the fortnightly EOI selection from the Skilled Migrant Category EOI pool
Agree/Disagree
- g **Note** that further advice will be provided on a future date for restarting these ballot registrations, schemes and EOI draws, after New Zealand returns to Alert Level 2 or lower, or within six months
Noted
- h **Note** that further advice regarding the acceptance of applications from offshore is being developed, as part of work to manage offshore inflows more generally during the COVID-19 outbreak
Noted
- i **Refer** this briefing to the Ministers of Foreign Affairs and Pacific Peoples
- j **Inform** Cabinet of your decision via an oral item at Cabinet



Stephen Dunstan
General Manager,
Enablement, MBIE

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Hon Iain Lees-Galloway
Minister of Immigration

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Background

1. The COVID-19 outbreak and current Alert Level 4 means it is not appropriate to continue with the opening of a number of scheduled visa categories or to continue selecting expressions of interest. In many cases it would be unfair to applicants, as they may be unable to travel to New Zealand to make use of their visa or to meet the requirements of the visa category (such as Samoan Quota applicants who must secure a job offer or SMC applicants who have four months from the date of invitation to gather the required documentation and make an application). Opening these categories would also confuse the messaging around the closure of New Zealand's border and take away INZ resource from emergency responses.
2. The categories and proposed actions are outlined below.

Samoan Quota (SQ) and Pacific Access Category (PAC)

3. The Samoan Quota (SQ) and Pacific Access Category (PAC) provide resident visas annually for a capped number of Pacific Island nationals. Both categories are drawn by annual ballot for:
 - a. 1,100 Samoans through the Samoan Quota, and
 - b. 75 I-Kiribati, 75 Tuvaluans, 250 Tongans and 250 Fijians through the Pacific Access Category.
4. Principal applicants must be aged 18-45, secure a job offer and meet English language, health and character requirements. The categories are a key part of New Zealand's bilateral and regional engagement with the Pacific.

Ballot registrations are due to open on 1 April 2020

5. Ballot registrations for both categories are due to open on 1 April 2020 and remain open until 30 April 2020. Last year, 12,300 PAC and 12,000 SQ registrations were received. The registration process for PAC and SQ is paper-based with no online application option available. The subsequent processes to notify registrants of the results, to inform successful registrants of the resident visa application criteria and to match with potential New Zealand employers is predominantly manual, paper-based and reliant on face to face interactions.

Due to COVID-19, there are operational difficulties and public health risks in proceeding with the imminent ballot draws

6. On 18 March the Deputy Chief Executive – Immigration, in consultation with the Chief Executive - MB E, made the decision to repatriate staff from INZ's Pacific offices as a result of the COVID-19 outbreak, resulting in the closure of those offices. This was discussed with MFAT, DPMC, SSC and the Office of the Minister of Immigration. These offices would be at the frontline of the SQ and PAC registration and subsequent resident visa application process. The closure of the Pacific offices means that proceeding to open the PAC and SQ schemes on 1 April 2020 is no longer feasible.
7. We are also mindful of the potential risk to public health if the Pacific offices were open to receive SQ and PAC registrations, due the expected volumes of registrants for both schemes and the paper based and face-to-face registration process.

We recommend the ballots be deferred until further notice

8. We recommend you defer the 1 April 2020 ballot registrations, with a commitment to consider a new date within 6 months. Further consideration is required with respect to a new date, which takes account of operational considerations (INZ border and visa operations),

flow on effects to the next ballot (1 April 2021) and the views of eligible Pacific Island countries. The Ministry will consider these factors and report back to you once the Pacific offices have reopened with a proposed process and timeline for the next ballot.

The total number of residence places over time will be unaffected

9. The Pacific residence categories are highly valued by Pacific countries and the categories form an important part of New Zealand's bilateral relations with eligible countries. 6(a)

[REDACTED]

MFAT considers Pacific countries will understand the deferral

10. The Ministry of Foreign Affairs and Trade has checked with posts in the PAC countries and with Apia post for the Samoan Quota. We are advised that all consider a deferral will be seen as completely understandable and manageable with their partners, provided it is communicated as soon as possible and the rationale for the suspension is clearly explained.

Working Holiday Schemes

11. New Zealand has working holiday scheme agreements with 45 countries. The objective of working holiday schemes is to allow young citizens of approved countries, whose primary intention is to holiday in New Zealand, to undertake employment and study during their stay in accordance with their scheme.
12. Out of the 45 countries with approved WHS in New Zealand, 31 countries have a capped number of visas that can be granted each year, while 14 countries are uncapped (see Appendix 1).

Deferral of some capped schemes

13. The 31 capped working holiday schemes have scheduled opening dates each year, while uncapped schemes are open throughout the year. There are 19 schemes which are scheduled to open within the next 6 months and a total of 24 schemes scheduled to open for the rest of the year, with the latest opening date scheduled on 26 November 2020.
14. We recommend that the opening dates of the 19 capped schemes scheduled to open within the next 6 months be deferred until further notice. This has three primary benefits:
- WHS visa holders will not be granted visas but then unable to travel to New Zealand. When the schemes re-open, WHS visa holders will be able to travel to New Zealand for the full entitlement of their WHS visa.
 - MBIE can re-use ICT resource to focus on urgent work related to the COVID-19 outbreak, such as developing online forms for consideration of exceptions to the border closure.
 - INZ can focus limited processing resources on urgent visa applications.
15. Deferral of these capped schemes is subject to officials confirming that there are no obstacles to deferral in the arrangements and agreements negotiated with the countries involved in the schemes. MFAT have provided preliminary confirmation that deferring capped schemes would not contravene any international law obligations. Although not required legally, affected countries may be notified of the deferral for diplomatic reasons. It is also noted that scheme opening dates do not form part of the immigration instructions and that

opening dates are generally an operational matter. Further advice will be provided if issues are encountered.

16. If capped WHS schemes are deferred, a later decision will be required regarding when to reschedule the opening of these schemes. This will need to take into consideration the future dates of scheduled schemes. The deferral proposed will not impact the total number of people eligible under each scheme. However, if a longer deferral is required then there may be impacts on future schemes. Officials will provide further advice if any further deferral is required.

Uncapped working holiday schemes

17. It is recommended that uncapped schemes remain open for the time being. Unlike capped schemes, which are simply having their opening dates moved, uncapped schemes are open at all times so cannot be postponed. Officials are developing further advice regarding the inflow of offshore applications more generally during the COVID-19 outbreak, and uncapped working holiday schemes will be included in that advice.

Parent Category

18. The Parent category allows up to 1000 people to be granted residence annually, subject to an Expression of Interest (EOI) process. The Parent category was recently re-opened with modified settings and INZ began accepting EOIs under the new policy on 24 February 2020. The first draw from the Parent category pool of EOIs was scheduled to take place in late May. The exact date of the planned EOI draw has not been made public, but INZ has stated publically that it will be in late May.
19. Given that INZ offices are closed, there is limited operational resource to receive, accept, and select EOIs as Parent category EOIs must be made on a paper form. It is proposed that the first draw of EOIs from the Parent Category EOI pool be deferred until a later date. This date will be determined by INZ, based on operational considerations once onshore offices reopen. If agreed, INZ will notify the market by updating the INZ website (and sending an email to those with an EOI in the pool). EOI selection dates are not set out in immigration instructions so no change to instructions is required. A communications plan is being developed so that any expectations of a draw can be managed.

Skilled Migrant Category

20. The Skilled Migrant Category (SMC) provides the grant of resident visas to people who demonstrate that they have skills to fill identified needs and opportunities in New Zealand, are able to transfer those skills to New Zealand and are able to demonstrate an ability to contribute to and successfully settle in New Zealand.
21. The SMC is also subject to a two-step process that requires intending applicants to submit an EOI and then be invited to apply. An application must be made within four months of a person being invited to apply and must contain all information required for INZ to make a decision (including medical and police certificates, and evidence to support the points claimed in the EOI such as a job offer, record of qualifications etc). On average, 600 to 800 EOIs are selected every fortnight.
22. It is proposed that the fortnightly selection of EOIs from the SMC pool is deferred until further notice due to the limited ability of people to submit complete applications within four months of their invitation to apply (a paper-based process, reliant on applicants sourcing evidentiary documents from other entities who are also likely affected by the COVID-19 outbreak), and INZ's limited operational resource to receive, accept and select EOIs. EOI selection dates are not set out in immigration instructions so no change to instructions is required. A communications plan is being developed so that any expectations of a draw can be managed.

23. The deferral of SMC selections will not inhibit New Zealand's ability to attract essential staff required in the immediate future to assist with the COVID-19 response, such as health roles. There are a number of other mechanisms available to health workers who need to commence work in New Zealand, including a process based on Cabinet-mandated exceptions. At this stage, no change to the order and manner of residence processing is planned.

Next steps

24. The Ministry will report back to you once new dates for the Pacific Access Category, Samoan Quota, capped Working Holiday schemes, Parent Category and SMC EOI draws have been determined. This decision will take into account the planned dates of future schemes.
25. After you have informed Cabinet colleagues, INZ will communicate the decision to postpone the opening of the SQ and PAC, the deferral of the opening of some working holiday schemes and the EOI selections from the Parent Category and SMC pools with key stakeholders such as Visa Application Centres, employers and future applicants and registrants. The decision to postpone will be communicated by MFAT posts to relevant countries.
26. Information about the postponement in EOI selections from the SMC and Parent Category will be provided on the INZ website. Other communication will be provided as appropriate.

Proactively Released

Appendix 1

2020 Working Holiday Scheme opening dates – update as of 23 March 2020

Country	Quota	Opening Date	Comment
Canada	None	Open all year	
Denmark	None	Open all year	
France	None	Open all year	
Germany	None	Open all year	
Italy	None	Open all year	
Netherlands	None	Open all year	
United States of America	None	Open all year	
Ireland	None	Open all year	
Sweden	None	Open all year	
Japan	None	Open all year	
Norway	None	Open all year	
Finland	None	Open all year	
United Kingdom	None	Open all year	
Belgium	None	Open all year	
Malaysia	1150	23/01/2020	Full and already closed
Philippines	100	11/02/2020	Full and already closed
Latvia	100	20/02/2020	Full and already closed
Poland	100	20/02/2020	Full and already closed
Czechoslovakia	1200	05/03/2020	Full and already closed
Portugal	50	17/03/2020	Not yet full
Mexico	200	19/03/2020	Full and already closed
Estonia	100	09/04/2020	Postponed for 2 weeks from previous opening date of 25/03/2020
Hong Ko	400	16/04/2020	Postponed for 2 weeks from previous opening date of 02/04/2020
Sloven	100	07/04/2020	07/04/2020
Spain	200	21/04/2020	
Hungary	100	23/04/2020	
Slovakia	100	30/04/2020	
Austria	100	05/05/2020	
Luxembourg	50	07/05/2020	
South Korea	3000	14/05/2020	

Taiwan	600	25/06/2020	
China	1000	02/07/2020	
Malta	50	07/07/2020	
Thailand	100	16/07/2020	
Turkey	100	23/07/2020	
Vietnam	100	06/08/2020	
Croatia	100	13/08/2020	
Peru	100	13/08/2020	
Brazil	300	20/08/2020	
Argentina	1000	17/09/2020	
Chile	940	08/10/2020	
Uruguay	200	22/10/2020	
Singapore	200	10/11/2020	
Israel	200	12/11/2020	
Lithuania	100	26/11/2020	

Notes:

1. **Blue** – 14 uncapped countries
2. **Purple** – 7 countries which already opened this year
3. **Green** – 19 countries opening within the next 6 months or from 9 April 2020 to 17 September 2020
4. **Yellow** – 5 countries opening from October to November 2020
5. **Green** + **Yellow** – 24 remaining countries to open in 2020