

In Confidence

Office of the Minister of Immigration

Chair, Cabinet

Facilitative Work Visa Settings for the Healthcare Sector's Response to Covid-19

Proposal

1. I propose to suspend the stand-down period for workers in the health sector for an additional one-year period, to allow a stay of four years before the stand-down period applies, as an immediate action as part of broader consideration of facilitating work visa settings for healthcare sector workers in contribution to the COVID-19 response.

Relation to government priorities

2. This proposal supports New Zealand's management of the response to COVID-19.

Background

3. A number of employer and industry groups have raised questions in relation to temporary work visa settings, in terms of both the response to COVID-19 and the flow on business impacts of the evolving COVID-19 situation.
4. Any consideration of options for changes to temporary work visa settings in the medium and longer term need to be made with a deeper understanding of how and what labour market impacts will emerge, and under the general labour market principle of 'New Zealanders first'. I will be considering further advice on these matters as we develop a better understanding of the labour market situation, on an industry-by-industry basis. It is important that in the medium term this takes account not only of options within the immigration system, but also the skills/employment and welfare systems and the impacts of other government initiatives to support the labour market and economy (including our recently announced Business Support Package).
5. In the short-term, however, I consider that there is a case for some changes to temporary work visa settings to ensure that they are not a barrier to achieving our goal of preparing the health sector to respond to COVID-19. Work visa settings have a role to play in maintaining the existing workforce, as well as facilitating access to a global workforce (should health sector employers decide that is in the best interests for the response).
6. More facilitative settings for temporary workers could include the following in the short-term:

To maintain existing workforces

- a. Delaying the stand-down period, which is due to commence for some visa holders from August 2020
- b. Exploring open work visas options to allow varied visa conditions such as: deployment to other sites, multiple employers, secondary employment and/or more variety of duties

Facilitating offshore workforces

- a. Prioritising applications (for both resident and temporary visas, both onshore and offshore) for key roles necessary to health response.

I recommend delaying the start of the stand-down period for workers in the healthcare sector to support the health response to COVID-19

7. Changes made in August 2017 mean that lower-skilled Essential Skills visa holders who have worked in New Zealand for three years are subject to a twelve-month stand-down period where they must leave New Zealand, before they are eligible to apply for a further lower-skilled work visa. The stand-down period is aimed at preventing a pool of lower-skilled, lower-paid foreign workers building up in New Zealand that are well-settled but have no pathway to residence. The first workers to be subject to the stand-down period will be affected from 28 August 2020.
8. The Ministry of Business, Innovation and Employment (MBIE) estimates that the total number of individuals across all occupations on Essential Skills visas affected by the stand-down from September 2020 to February 2021 is approximately 1,250. The main healthcare roles affected by the stand-down are Aged or Disabled Carers and Personal Care Assistants, operating in the aged residential care sector¹. The stand-down period is estimated to affect larger numbers of workers from March 2021.
9. To support a short-term response, I seek Cabinet's agreement to minimise impact on the healthcare sector's workforce, and response to COVID-19, by delaying the stand-down period for affected healthcare workers for a one-year period. This will ensure that existing health workforces are maintained and will minimise disruption to the public health response. I also propose to apply the extension to partners and dependents of affected workers.
10. I propose making this change as a one-off response in the interests of public health, rather than business continuity, as government is providing other support packages for this purpose.
11. Any decision to delay the stand-down period needs to be tightly managed and apply to a specific subset of workers to avoid, as far as possible, setting a precedent and raising expectations that this will become the status quo. It is likely that the sector would resist the re-imposition of the stand-down at a point when the risk of COVID-19 is sufficiently low.
12. A time-limited suspension gives the industry time respond to COVID-19 and plan their workforce needs, while ensuring the longer-term objectives of the stand-down period and the labour market needs are maintained.

Operational considerations

13. I recommend that the delay applies to occupations in the healthcare sector only. The delay would effectively shift the stand-down period to apply to workers after a four-year period rather than three years.

¹ MBIE estimates that there are a small number of these workers affected over September 2020 to February 2021 – approximately 80. However, this is likely to under estimate the full number of workers who will be stood down, as it is not possible to estimate the number of those working in the aged care sector who would be stood down by virtue of being on a partnership visa associated with a worker who is themselves subject to the stand down policy.

14. If Cabinet agrees, I will certify immigration instructions to allow specified healthcare workers to stay for up to four years in New Zealand before the stand-down period applies. Some temporary work visa holders may choose to return to their home countries rather than stay.
15. My officials will take as facilitative an approach as possible to the implementation of this measure.

Immigration settings could also be facilitative for other workers necessary for the health response to COVID-19

16. The Ministry of Health has provided MBIE with a list of occupations relevant to the COVID-19 response which could be considered for other facilitative work visa settings, noting that it may be more practical to consider these for the entire health workforce, given that shortages in any areas would put pressure on the system as a whole. This includes granting entry permission as an exception to instructions for workers deemed as essential health workers as confirmed by the Ministry of Health.
17. I also note that requests are starting to come through from employers to allow international students employed in healthcare facilities to be allowed to work more than 20 hours per week (the current restriction on work rights for international students). My officials are considering this option in the interests of managing the welfare of international students who may become stranded here, and will need the means to support themselves, particularly in situations where their education institutions may be closed.

Implementation

18. If Cabinet agrees to these proposals, I will certify Immigration instructions to bring them into effect.

Financial Implications

19. This paper does not have financial implications.

Legislative Implications

20. This paper does not have legislative implications.

Population Implications

21. The time available to prepare this time has meant that it was not possible to undertake the usual analysis of population implications, however some effects of these proposals could have population impacts – for example, aged care workers are more likely to be female.

Human Rights

22. The proposals in this paper are consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, and with New Zealand's international commitments to enabling the movement of people.

Consultation

23. The Ministry of Business, Innovation and Employment consulted the Ministry of Health on this paper.

Communications

24. If approved by Cabinet, these decisions will be announced in the context of broader COVID-19 management messaging.

Proactive Release

25. MBIE will proactively publish this paper on its website at www.mbie.govt.nz/document-library. Any redactions made will be consistent with the Official Information Act 1982.

Recommendations

The Minister for Immigration recommends that Cabinet:

- 1 **note** that a range of employer and industry groups has requested changes to temporary work immigration settings to support the response to, and business impacts arising from, COVID-19;
- 2 **note** that the Ministry of Health has identified a number of healthcare sector roles, including care and support workers, that will play a key role in a public health response to COVID-19 over the short term;
- 3 **agree** to extend the stand down period by one year for onshore workers in the health care sector (including aged residential care and support workers);
- 4 **note** that my officials are preparing further advice on facilitative options for other healthcare workers necessary to the COVID-19 response; and
- 5 **note** that my officials are preparing further advice on whether to consider any changes to temporary work visa settings as more is understood about the labour market implications of COVID-19.

Authorised for lodgement

Hon Iain Lees-Galloway

Minister of Immigration



Cabinet

Minute of Decision

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Portfolio Immigration

On 23 March 2020, the Cabinet:

- 1 **noted** that a range of employer and industry groups has requested changes to temporary work immigration settings to support the response to, and business impacts arising from, COVID-19;
- 2 **noted** that the Ministry of Health has identified a number of healthcare sector roles, including care and support workers, that will play a key role in a public health response to COVID-19 over the short term;
- 3 **agreed** to extend the stand down period by one year for onshore workers in the health care sector (including aged residential care and support workers);
- 4 **noted** that Ministry of Business, Innovation and Employment (MBIE) officials are preparing further advice on facilitative options for other healthcare workers necessary to the COVID-19 response;
- 5 **noted** that MBIE officials are preparing further advice on whether to consider any changes to temporary work visa settings as more is understood about the labour market implications of COVID-19.

Michael Webster
Secretary of the Cabinet

Hard-copy distribution:

Prime Minister
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