



BRIEFING

Immigration New Zealand Operational Manual: Amendments Requiring Ministerial Certification to implement the New Zealand Government response to the novel coronavirus (COVID-19) outbreak

Date:	30 March 2020	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BR 2580 19 20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Agree to the recommendations	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)	✓
Chris Holland	Senior Business Analyst, Operational Policy, Enablement	s 9(2)(a)	N/A	

The following departments/agencies have been consulted

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments

BRIEFING

Immigration New Zealand Operational Manual: Amendments Requiring Ministerial Certification to implement the New Zealand Government response to the novel coronavirus (COVID-19) outbreak

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Purpose

This paper seeks that you agree to and certify proposed changes to border entry and transit visa instructions. The instructions contribute to the New Zealand Government response to the novel coronavirus (COVID-19) outbreak and proposed enhanced border measures to strengthen the New Zealand border.

Immigration instructions are the rules and criteria for the grant of visas and entry permission to New Zealand. Section 22 of the Immigration Act 2009 (the Act) authorises the Minister of Immigration to certify changes to immigration instructions.

Recommended action

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

- a **Note** that the proposed immigration instructions retain the temporary border measures, including who is excluded, and removes the current end date of 31 March 2020 in the instructions

Noted

- b **Note** that the review of the temporary border measures will now take place when Ministers reassess New Zealand's COVID-19 alert level

Noted

- c **Note** that further immigration instructions will be provided for certification where any change to the temporary border measures is required in line with any reconsideration of the current COVID-19 alert levels

Noted

- d **Note** that the Border Entry and Transit Visa instructions have been reviewed and agreed as accurate by the General Manager, Enablement

Noted

- e **Agree** to the proposed changes to immigration instructions by signing the associated Ministerial Certificates attached at the end of Appendix 1 and 2

Agree / Disagree



Stephen Dunstan
General Manager
Enablement
Ministry of Business, Innovation and Employment

31 / 03 / 2020

Hon Iain Lees-Galloway
Minister of Immigration

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Background

Temporary border control measures

1. On 1 February 2020, Cabinet authorised Ministers with Power to Act to take decisions on New Zealand's response to the COVID-19 outbreak and propose enhanced border measures [CAB-20-MIN-0015]. These included introducing temporary border control measures restricting the ability of people who have been in or transited through mainland China from entering New Zealand.
2. On 19 March 2020, Cabinet agreed to strengthen border measures by moving all of the world into Category 1A to reduce the risk of importing cases of COVID-19 [CAB-20-MIN-0122 refers]. These measures will expire at 11:59pm 31 March 2020.
3. On 30 March 2020, Cabinet, agreed to retain the current temporary border measures. Cabinet also agreed that the temporary border measures will now be reviewed at the same time as the reconsideration of the COVID-19 Alert levels. [CAB-20-MIN-0142].

Amendments to Border Entry and Transit Visa instructions

Proposed new immigration instructions

4. The following proposed changes to immigration instructions remove the current end date in the border entry and transit visa instructions of 31 March 2020. The current temporary border measures, including who is excluded, remain the same.
5. Further immigration instructions will be provided for certification where any change to the temporary border measures is required in line with any reconsideration of the current COVID-19 alert levels.
6. As there are additions in the immigration instructions, no text is highlighted. Deletions have not been highlighted. Highlighting will not appear in the published versions of the amended Operational Manual.

Communication

7. Changes will be communicated to all staff, licensed immigration advisers and the general public through the release of an amendment circular as soon as the new immigration instructions are certified.
8. The Immigration New Zealand website will be updated.

**Appendix 1 - Proposed amendments to Border Entry instructions
effective on and after 11:59pm 31 March 2020**

Proactively Released

Y4.50 People who must be refused entry permission: novel coronavirus (COVID-19) outbreak

See also *Immigration Act 2009 ss 22 and 107*.

- a. Entry permission must be refused to any person, except a person listed in Y4.50(b), who is not otherwise dealt with under Y4.1 and who is:
 - i. the holder of a temporary entry class visa (except as provided for by (c) below)
 - ii. a person described under Schedule 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (visa-waiver travellers, including Australians)
 - iii. the holder of a residence class visa whose visa was granted offshore and who is arriving in New Zealand for the first time.
- b. The following persons must be granted entry permission:
 - i. Those New Zealand residence class visa holders listed in Y3.10(a)
 - ii. The partner, legal guardian or any dependent children who are travelling with a New Zealand Citizen or a New Zealand residence class visa holder listed at Y3.10(a)
 - iii. Australian citizens or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia, where New Zealand is their primary place of established residence
 - iv. Diplomats accredited to New Zealand and currently resident in New Zealand.
- c. A person may be granted entry permission if they are the holder of a temporary entry visa which either:
 - i. was granted under the COVID-19 Support Restricted Temporary Entry Instructions; or
 - ii. has a condition that the holder carries out a critical purpose while they are in New Zealand.
- d. A person subject to (a) above may still be granted entry permission by an immigration officer as an exception to instructions (see Y4.45), for reasons including but not limited to:
 - i. Humanitarian reasons
 - ii. Essential health workers as confirmed by the Ministry of Health
 - iii. Other essential workers as defined by the New Zealand Government
 - iv. Citizens of Samoa and Tonga for essential travel to New Zealand
 - v. People who hold a visitor, work or student visa and:
 - o are ordinarily resident in New Zealand; and
 - o are the partner or dependent child of a work or student visa holder who is in New Zealand.

Notes:

- For the avoidance of doubt
- New Zealand citizens are not subject to this instruction
- people subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are deemed to be granted entry permission

BORDER ENTRY INSTRUCTIONS
MINISTERIAL CERTIFICATE

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 1 of the submission dated 30 March 2020 are part of Border Entry instructions on and after 11:59pm 31 March 2020.

Hon Iain Lees-Galloway
Minister of Immigration

(day)

(month)

(year)

**Appendix 2 - Proposed amendments to Transit visa instructions
effective on and after 11:59pm 31 March 2020**

Proactively Released

N2.10 General rules for transit visas

See also *Immigration Act 2009 s 86(1), 89(1)*

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg, 15, 17*

N2.10.1 People who must be refused a transit visa: novel coronavirus (COVID-19) outbreak

A transit visa will not be granted unless an immigration officer is satisfied that exceptional circumstances, in particular humanitarian circumstances, warrant the grant of a transit visa.

N2.10.2 General rules

- a. Subject to N2.10.1, transit visas may be granted to applicants who:
 - i. apply in the prescribed manner (see [N3.10.1](#)) for a transit visa; and
 - ii. have stated a genuine intention to be in New Zealand only for the purpose of reaching a further destination; and
 - iii. will be confined to a transit area during the whole of their stay in New Zealand; and
 - iv. will not be in New Zealand longer than 24 hours.
- b. Holders of transit visas are not entitled to apply for entry permission or any class or type of visa while in New Zealand during the transit period.

N2.10.3 Currency of transit visa

See also *Immigration Act 2009 s 88*

A transit visa is current for the period or until the date specified in it. The transit visa may be valid for any number of journeys to New Zealand in that period or until that date.

N2.10.5 Cancellation of transit visa

See also *Immigration Act 2009 ss 66, 90*

- a. If there is sufficient reason, the Minister or an immigration officer may cancel a transit visa at any time.
- b. If a transit visa is cancelled based on (a) above; and
 - i. the person is outside New Zealand, the Minister or an immigration officer must notify the person in writing;
 - ii. the person has arrived in New Zealand, the person is liable for turnaround.

N2.10.10 Expiry of transit period

See also *Immigration Act 2009 s 91*

- a. Where the holder of a transit visa is still in New Zealand on the expiry of the transit period, an immigration officer may by his or her absolute discretion
 - i. extend the period for which the person may remain in New Zealand as a transit visa holder; or
 - ii. grant the person a visa and entry permission.

N2.10.15 Restrictions on the grant of transit visas to certain groups as designated by the United Nations Security Council

See also *United Nations Sanctions (Al Qaida and Taliban) Regulations 2007 reg 13; United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017 reg 47; United Nations (Iran-Joint Comprehensive Plan of Action) Regulations 2016 reg 3; United Nations Sanctions (Lebanon) Regulations 2008 reg 17; United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004 reg 12D; United Nations Sanctions (Sudan) Regulations 2004 reg 13D; United Nations Sanctions (Somalia) Regulations 2018 reg 20, United Nations Sanctions (Eritrea) Regulations 2011 reg 13; United Nations Sanctions (Libya) Regulations 2018 reg 23; United Nations Sanctions (Malawi) Regulations 2018 reg 4; United Nations Sanctions (Guinea-Bissau) Regulations 2012 reg 4; United Nations Sanctions (Central African Republic) Regulations 2014 reg 13; United Nations Sanctions (Yemen) Regulations 2014 reg 4; United Nations Sanctions (South Sudan) Regulations 2015 reg 4.*

- a. In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:
 - i. designated individuals from the Democratic People's Republic of Korea (DPRK), and:
 - o their immediate family members; and
 - o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual; and
 - o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2017

- ii. designated individuals and specified entities from Al-Qaida and Taliban
 - iii. designated individuals from Iran
 - iv. designated individuals from Lebanon
 - v. designated individuals from the Democratic Republic of Congo
 - vi. designated individuals from Sudan
 - vii. designated individuals from Somalia
 - viii. designated individuals from Eritrea
 - ix. designated individuals from Libya
 - x. designated individuals from Mali
 - xi. designated individuals from Guinea-Bissau
 - xii. designated individuals from Central African Republic
 - xiii. designated individuals from Yemen
 - xiv. designated individuals from South Sudan.
- b. Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.
- c. A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

TRANSIT VISA INSTRUCTIONS

MINISTERIAL CERTIFICATE

I certify, in accordance with section 22 of the Immigration Act 2009, that the amendments contained in Appendix 2 of the submission dated 30 March 2020 are part of Transit visa instructions on and after 11:59pm 31 March 2020.

Hon Iain Lees-Galloway
Minister of Immigration

(day) _____
(month) _____
(year)