



## BRIEFING

### Initial assessment - options for expanding the exemptions to Coronavirus travel restrictions

Date:	5 February 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	2240 19-20

Action sought		
	Action sought	Deadline
Hon Lees-Galloway <b>Minister of Immigration</b>	<b>Note</b> that officials would be unable to implement additional exemptions within the initial two week period of the travel restrictions.  <b>Discuss</b> with officials any further work you would like on developing options.	10 February 2020
Hon Poto Williams <b>Associate Minister of Immigration</b>	Copy for your information	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Siân Roguski	Manager, Immigration Policy	(04) 901 3855	✓
Ged Hiscoke	Senior Policy Advisor		

The following departments/agencies have been consulted
The Ministry of Health

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments



## BRIEFING

### Initial assessment - options for expanding the exemptions to Coronavirus travel restrictions

<b>Date:</b>	5 February 2020	<b>Priority:</b>	High
<b>Security classification:</b>	Restricted	<b>Tracking number:</b>	2240 19-20

#### Purpose

To provide you with an initial assessment of options for exempting temporary visa holders from current Coronavirus travel restrictions from mainland China and to seek your preferences for further work on preparing any options.

#### Recommended action

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

- a **Note** that current Automatic Passenger Processing (APP) automated systems that generate a *board* or *do not board* directive only enable an automatic differentiation in treatment between three groups: citizens; residents; and other visa holders
- Noted*
- b **Note** that we understand your objectives for requesting options for extending the current exemptions to border screening in place in response to the coronavirus are to:
- I. manage the labour market and social impacts of having well-settled temporary migrants separated from their families and jobs
  - II. manage risks to public health
- Noted*
- c **Note** that officials have identified two broad options for achieving the objectives outlined in recommendation b:
- i. Extend an exemption to whole visa classes (such as all Essential Skills visa holders)
  - ii. Extend an exemption based on specific criteria (such as Essential Skills visa holders that have been onshore in New Zealand but departed for China temporarily).
- Noted*
- d **Note** that the options outlined in c above could be modified by:
- iii. Varying the visa classes that the exemption applies to (such as including Student or Working Holiday Visa holders);
  - iv. Shifting the manual assessment at check-in to a pre-approval process, before someone arrives at the airport;
  - v. Making the exemption time limited, to facilitate people to return home in the short term.
- Noted*
- e **Note** that neither options c i) and c ii) can be implemented within this initial two week period of the border measures

*Noted*

- f **Note** that option c i) could be achieved by a system change to the current APP automated system in the short term, which would have resource implications for Immigration New Zealand (cost of system changes and staff time)

*Noted*

- g **Indicate** whether you wish officials to pursue a system change to the current APP automated system as outlined in c i) in order to improve current system functionality (*recommended*)

Yes / No

- h **Note** that options c ii) would require manual intervention and, given the significant resource implications for Immigration New Zealand and lead in time required to prepare operationally, have a trade-off between achieving the objectives of extending the exemption and immigration system efficiency and effectiveness

*Noted*

- i **Indicate** whether you wish officials to pursue a manual intervention as outlined in c ii)

Yes / No

- j **Note** that manual interventions are unlikely to be completely effective at determining the accuracy of information provided

*Noted*

- k **Note** that no other countries are currently providing travel restriction exemptions for specific visa categories

*Noted*



Siân Roguski  
**Manager, Immigration Policy**  
Labour Science and Enterprise, MBIE  
5 / 2 / 20

Hon Iain Lees-Galloway  
**Minister of Immigration**  
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## Background

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### Existing travel restrictions are enacted via automated systems

1. On 2 February, Ministers with Power to Act agreed to implement travel restrictions that would deny entry to New Zealand for passengers traveling to New Zealand via Mainland China [CAB-20-MIN-0015 refers].
2. Ministers also agreed to exempt the following groups of people from the travel restrictions:
  - a. Permanent resident visa holders; and
  - b. Resident visa granted in New Zealand; and
  - c. Resident visa holder arriving in New Zealand for a second or subsequent time as the holder of the visa; and
  - d. Partners and spouses, dependent children or legal guardians who are traveling with the above mentioned; and
  - e. Airline and maritime crew; and
  - f. An Australian citizen or Australian permanent resident who, prior to 02 February 2020, had their primary place of residence in New Zealand.
3. The travel restrictions are implemented through the Advance Passenger Processing (APP) system that is used to direct an airline on who should or shouldn't board an aircraft, at the gate. The APP system has been set to signal '8509 Border Closed' to all temporary visa holders seeking to fly to New Zealand from mainland China.
4. On arrival in New Zealand, health officials are meeting flights at the airport, and people are expected to self-isolate for 14 days to prevent the spread of any infection according to the Ministry of Health.

### INZ has re-deployed operational resources to manage the existing travel restrictions and resource deployment

5. At present a number of resources have been re-deployed within INZ to handle the impact of the coronavirus. This includes the managing the impact of the closure of the Beijing office on visa processing, and the increase in border activities that are in place due to the current temporary border measures.
6. To implement an expansion of the exemptions will require INZ to build up significant resources across the system. This would likely involve moving staff from visa processing, and would require training and granting delegations, as well as increasing staff capacity at the airport. Implementing these measures would require lead times to put solutions in place, and have financial implications, the size of which would depend on the level of checks required.

### You have requested advice on expanding the exemptions to the travel restrictions

7. You have asked officials for advice on what options are available to extend the exemption from travel restrictions to some temporary visa holders, such as temporary work visa holders that were previously onshore and settled in employment (and in some cases with families in New Zealand), but were visiting China at the time the border measures were put in place.
8. Officials have developed options, based on the understanding that you are seeking to achieve the following objectives:

- a. Ensure that those who, for all intents and purposes, ordinarily reside in New Zealand, but do not hold New Zealand citizenship, Permanent Residence, or Residence, are able to return to New Zealand;
- b. Ensure that established workers of an employer are able to return to work;
- c. Ensuring that family are able to be reunited, particularly where part of the family is already in New Zealand, but the households main earner is out of the country; and
- d. Manage the risks to public health in New Zealand by denying entry to people that continue to pose a higher risk.

### **Officials are still working on an estimate of the number of people affected**

9. As at 5 February we are unable to provide you with an accurate estimate of the number of Chinese nationals who hold a valid work visa but are offshore.<sup>1</sup> We will be able to provide your Office with this on 7 February, once our current data estimates have been validated/quality assured. We can confirm that there are approximately 11,280 Chinese nationals who hold a valid visa to study and were offshore as at 1 February. Our best information at this time is that the number of Chinese nationals with valid work visas is likely to be lower than the number of student visas.

### **Options for expanding the travel exemption**

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#### **Officials could undertake preparations to implement exemptions**

10. Implementing the options for extending the exemptions outlined in this briefing (outlined from paragraph 13 below) is not possible within the current two-week period of the border measures. Lead in time is required to prepare for any system changes and/or processes for manual interventions. Given the evolving situation and uncertain environment, and the initial two week time limitation on the travel restrictions, any further exemptions may not be needed once they are able to come online.
11. However, given the uncertain and evolving situation (e.g. whether the border measures may be extended on the advice of the Ministry of Health), at your direction, officials could begin preparations to be able to implement an exemption in the future. In the event that the travel restrictions are extended, this would provide a foundation to be able to operationalise exemptions, should they be needed.

#### **All options pose trade-offs**

12. In considering the options below, officials note that the key trade-offs are between:
- a. *Achieving the objectives* that we understand you are seeking to achieve through specific and targeted criteria around who would be exempt from travel restrictions.
  - b. *The amount of resource, and the time required to deliver a solution.* This primarily relates to automated systems changes, re-deploying people to perform manual interventions, and required training of staff to enable them to carry out the interventions.

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<sup>1</sup> Note that as INZ administration data does not provide information on the destination of travel of visa holders who leave New Zealand, we are unable to quantify those who have travelled specifically to China. We use administrative data on nationality to as a proxy for those who are most likely to have travelled to China.

- c. *The effectiveness of the operational solution in delivering on objectives.* This primarily relates to two limitations:
  - I. Our ability to verify information that is provided to us (for example whether people have a residence where they can self-isolate);
  - II. Our ability to target exemptions where they will be most effective (Essential skills visas for example approximately 20% of the work visas held by people currently outside New Zealand).
- d. *Managing the increased health related risks that are concomitant to an exemption applying to more people.*

### **Officials have identified two main options**

- 13. Officials have identified two main options for extending the exemption from travel restrictions:
  - a. Option A - Exempt whole categories of visa (e.g. permitting all holders of a current Essential Skills visa to enter New Zealand regardless of whether they were already ordinarily resident in NZ); or
  - b. Option B - Exempt people based on specific criteria (e.g. having access to residential accommodation where they can self-isolate, or having an existing relationship with an employer that they are returning to).

### ***Option A would be to exempt all Essential Skills visa holders (or other whole visa categories)***

- 14. Officials note that the simplest (but broadest) option for permitting people with existing employment relationships to return to work in New Zealand would be to extend the exemption to all current visa holders of a particular visa category (for example all Essential Skills visa holders).
- 15. This option would allow anyone that holds a valid Essential Skills visa to board a flight to New Zealand, but would not differentiate based on additional factors, such as the ability to self-isolate, or having access to a residence in New Zealand.
- 16. Currently the APP system functionality does not exist to allow specific types of visa, such as Essential Skills, to be automatically exempted, and would require a manual intervention by INZ to facilitate. This facilitation would involve:
  - a. The airline contacting Immigration Border Operations (IBO) by phone while the passenger is at the airport; and
  - b. INZ staff at IBO manually checking a traveller's details to determine whether or not they hold an Essential Skills visa; and
  - c. IBO could then provide the airlines with the appropriate override instructions.
- 17. This would take approximately 5 to 10 minutes per contact, and would necessitate a significant increase in staff resourcing at IBO centre given the likely size of the cohort of people needing to be cleared.
- 18. In the near term, implementing this option would require:
  - a. Changes to immigration instructions, taking 24 - 48 hours; and
  - b. Re-deployment of staff to respond to calls, and make manual assessments.
- 19. Officials understand that it would be possible to make system changes to APP that would make this process automated (i.e. create the ability to remove 'deny boarding' messages for

whole visa categories). Early conversations with system operators indicate that this would require approximately one to two weeks to code, test, and implement a technology solution at a cost of approximately Commercial Information. Given this would improve current functionality of the system, officials recommend pursuing this option.

20. However, this system change would not result in enabling APP to be used to differentiate (and provide automatic board/do not board directives) between those who have had held visas before, or have already been onshore. It would simply allow boarding for anyone that held a valid visa from one of the exempted categories.

***Option B would be to Exempt Essential Skills visa holders who are “ordinarily resident in New Zealand”***

21. If officials understanding is correct, and the intention is to consider options to allow workers that were already working in New Zealand to return to their employment, then additional assessments could allow this.
22. However this could only be given effect through manual assessment, and INZ would have limited ability to assess the accuracy of the information being provided. Such information could include:
  - a. Whether the person has access to a private residence in New Zealand where they could self-isolate for the recommended period of time;
  - b. Whether they have family here; and
  - c. Whether their job offer remains current.
23. Manual intervention by INZ staff to support these decisions would require a significant increase in staff resources at the border, and would not be able to be put in place on short notice. In addition, the more detailed the requirements, the greater the amount of work that will be needed to put into each assessment.
24. As the ability to do a complete and accurate assessment will be limited, these checks will often be based on the information available, and provided by the person seeking to travel to New Zealand.
25. Travellers will not necessarily have any of the required documentation with them to help show they are ordinarily resident, and assessment staff will not be able to take any reliable verification checks to validate the information from the traveller. In addition travellers may struggle to know ahead of time whether they will be eligible, or may be incentivised to attempt to enter regardless of eligibility.
26. In practice this intervention would involve:
  - a. The airline contacting while the passenger is at the airport; and
  - b. Assessment staff would then need to look at the traveller's details and then make an assessment about whether the traveller is 'ordinarily resident' in New Zealand, by asking them questions, looking at their immigration records and then provide the airlines with the appropriate override instructions.
27. This is estimated to take at least 10 to 15 minutes per contact.
28. Implementing this option would require:
  - a. Changes to immigration instructions, taking 24- 48 hours; and
  - b. Re-deployment of staff to respond to calls, and make manual assessments.

29. This option would also require further policy work to define the key terms of the exemption, such as 'ordinarily resident' and any other criteria.

### **Officials also note that the main options could be adjusted**

30. While the initial assessment of options is based primarily on those travellers that hold work visas, these options could be modified in a number of ways to better meet objectives. This could include:
- a. Extending the exemption across a range of visa categories, such as students or working holiday makers. Officials note however that extending exemptions beyond work visas may not be consistent with the key objectives.
  - b. Making the exemption time limited, for example to enable a window to facilitate people to return, but not the ability to move back and forth between New Zealand and China, and to exclude those people with a new visa application.
  - c. Making the manual assessment prior to arrival at the airport, for example allowing passengers to arrange pre approval through INZ. This would have the benefit of not creating delays and heavy disruption at the airport, but still require significant re-deployment of resources within INZ to undertake assessment. The airline would still have to confirm at the airport whether someone was able to board but it would take less time (approximately 5-10 minutes).

### **Consultation with the Ministry of Health**

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31. The Ministry of Health has indicated that there are no public health reasons to distinguish between people on different visa types. If exemptions are put in place for specific visa categories, the health risks posed by temporary visa holders should be managed in the same way as New Zealand nationals returning from mainland China, which is to self-isolate for 14 days.
32. The Ministry of Health did raise concerns in relation to situations where:
- a. We are unable to effectively ensure that people self-isolating have access to a safe and appropriate location for the 14-day period; and
  - b. Temporary migrants are living in high density accommodation, or where dorm-like living situations are the main form of accommodation.
33. As such, they have indicated that greater understanding would be needed regarding the accommodation that people have available before the Ministry of Health would be comfortable supporting proposals for extending the exemption.

### **Next steps**

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34. More detailed data regarding the number of temporary work visa holders will be provided to your office on Friday 7 February.
35. Officials are available to discuss this briefing and options with you at the Immigration officials meeting on Monday 10 February.