



BRIEFING

Special direction to allow the transit of specified individuals

Date:	22 March 2020	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	N/A

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Sign the special direction	22 March 2020

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Jason Austin	Team Leader, Operational Policy	s 9(2)(a)	✓
Alejandra Mercado	Manager Operational Policy, Immigration New Zealand	04 896 5196	

The following departments/agencies have been consulted

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Minister's office to complete:

☐ Approved

☐ Noted

☐ Seen

☐ See Minister's Notes

☐ Declined

☐ Needs change

☐ Overtaken by Events

☐ Withdrawn

Comments



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Purpose

1. This briefing provides further information and a proposed special direction regarding those transiting New Zealand, following requests to the Ministry of Foreign Affairs and Trade (MFAT) by foreign governments.

Background and possible special direction

2. People transiting New Zealand must normally hold a Transit visa or Transit ETA. Transit passengers can only travel through an international airport, must stay in the transit area of the airport or on board the aircraft, and may not be in New Zealand for a transit period exceeding 24 hours. They have no right to apply for a visa or entry permission on arrival.
3. On 19 March 2020, you issued a special direction which suspended the current transit visa waiver regime. This had the effect of preventing any transit through New Zealand, except by New Zealanders and some other cohorts defined in immigration instructions. These measures were taken to support the Government response to COVID-19.
4. We understand that on 22 March 2020, Ministers with Powers to Act agreed to open a time-limited window for transit through New Zealand to enable repatriation of third-country nationals to their home country. This reflects similar treatment announced by the Australian Government, who have allowed a 72 hour transit window for repatriation flights.

Implementation

5. To implement this transit window, it is proposed that you issue a special direction under section 86(4)(a) of the Immigration Act 2009 (the Act) which classifies certain persons as persons to whom a transit visa waiver applies. This means that they will not require a transit visa to travel to and be in New Zealand as a transit passenger.
6. MFAT will provide INZ with a list of people approved to transit New Zealand, after they have received assurances from home governments that they will accept their nationals and their dependents on arrival in the home country. MFAT will also ensure that health requirements have been met prior to adding people to the list.
7. In accordance with section 86(5) this special direction:
 - a. Must be published in the *Gazette* and notified in writing through diplomatic channels to the countries concerned; and
 - b. Is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives.

Recommended action

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

- a **Note** that we understand Ministers with Powers to Act agreed to open a time-limited window for transit through New Zealand to enable repatriation of certain third-country nationals to their home country

Noted

- b **Agree** to classify the individuals described in the attached special direction as persons to whom a transit visa waiver applies by signing the attached special direction

Agree / Disagree



Stephen Dunstan
General Manager, Enablement
Immigration New Zealand, MBIE

..... / /

Hon Iain Lees-Galloway
Minister of Immigration

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Annex One: Proposed special direction

Immigration Act 2009

Special direction – Waiver of the Requirement for a Visa or an Electronic Travel Authority Permitting Transit of New Zealand

Pursuant to section 86(4)(a) of the Act, the following persons are classified as persons to whom a transit visa waiver applies. Any person who is to travel to and be in New Zealand as a transit passenger only, and who is approved to travel by the New Zealand Ministry of Foreign Affairs and Trade, and:

- a. Is arriving in New Zealand as a transit passenger before 3pm (New Zealand time) on Tuesday 24 March 2020 and whose immediate or ultimate destination is Australia; or
- b. Is arriving in New Zealand as a transit passenger before 11:59pm, Sunday 29 March 2020 and whose immediate or ultimate destination is not Australia.

This special direction expires on 30 March 2020, unless cancelled earlier.

Dated this 22nd day of March 2020

Hon IAIN LEES-GALLOWAY, Minister of Immigration

Hon Iain Lees-Galloway

Minister of Immigration