



BRIEFING

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

Date:	14 February 2020	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	BR 2244 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Agree to the recommendations	15 February 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
Jason Austin	Team Leader, Operational Policy, Enablement	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☐ Withdrawn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

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Purpose

This paper seeks that you agree to and certify proposed changes to border entry instructions. The instructions contribute to the New Zealand Government response to the novel coronavirus (COVID-19 (formerly known as 2019-nCoV)) 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 extending the border measures restricting entry into New Zealand, will be applicable until 11:59 pm 24 February 2020 unless amended or revoked earlier

Noted

- b **Note** further immigration instructions will be provided for certification if this response needs to be extended beyond 24 February 2020

Noted

- c **Note** that the current list of people who are excluded from the border measures restricting entry into New Zealand has not changed

Noted

- d **Note** that the Border Entry instruction in Appendix 1 has been initialled by the General Manager, Enablement

Noted

- e **Agree** to the proposed changes to Border Entry instructions by signing the associated Ministerial Certificate attached at the end of Appendix 1

Agree / Disagree



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

Hon Iain Lees-Galloway
Minister of Immigration

14 / 2 / 2020

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Background

Extending the length of time people are subject to the 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. To give effect to the new border control measures, on 2 February 2020, you agreed to amend Border Entry instructions to implement New Zealand's response to the COVID-19 outbreak. This change denied entry permission to people who have been in, or transited through, mainland China between 11:59pm 2 February and 11:59pm 16 February 2020.
3. Due to the on-going risks in relation to the COVID-19 outbreak, Ministers with Power to Act have agreed to extend the temporary border measures for anyone who has been present in or transited through mainland China within the last 14 days until 24 February 2020.
4. The following people will continue to be excluded from the temporary border control measures:
 - a. New Zealand citizens
 - b. New Zealand resident and permanent resident visa holders
 - c. The partner, dependent children or legal guardian travelling with a New Zealand citizen, resident or permanent resident visa holder
 - d. Australian citizens and permanent resident visa holders whose primary place of residence is New Zealand
 - e. People deemed to have entry permission on arrival¹ by regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the Regulations). This includes a number of groups such as cruise ship passengers and marine and aircraft crew, members of a visiting force, and members of a scientific expedition under the auspices of a Contracting Party to the Antarctic Treaty.

Amendment to Border Entry instructions

Proposed new immigration instructions

5. The proposed immigration instructions contained in Appendix 1 state that entry permission must be denied to people who have been in, or transited through, mainland China within 14 days prior to boarding a commercial craft to New Zealand or upon arrival in New Zealand if travelling other than by commercial craft.
6. The proposed immigration instructions are applicable until 11:59 pm 24 February 2020 unless amended or revoked earlier.
7. Further immigration instructions will be provided for certification if this response needs to be extended beyond 24 February 2020.

¹ Although deemed to hold entry permission it is possible to suspend their visa waiver status for Cruise ship passengers and marine and aircraft crew at any point between embarkation onto the craft and arrival in New Zealand. It is also possible to revoke their entry permission and cancel their visa on arrival.

8. Proposed additions to immigration instructions are highlighted for ease of reference. Deletions have not been highlighted. Highlighting will not appear in the published versions of the amended Operational Manual.

Communication

9. 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.
10. Specific communications will be sent to key stakeholders and the Immigration New Zealand website will be updated to reflect the updated policy.

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**Appendix 1 - Proposed amendments to Border Entry instructions
effective on and after 11:59pm 16 February 2020**

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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 has been present in, or transited through, mainland China within 14 days prior to:
- the boarding of a commercial craft for the purpose of travelling to New Zealand; or
 - if arriving in New Zealand other than by a commercial craft, upon arrival in New Zealand.

Note: 'Commercial craft' and 'craft' have the same meaning as section 4 of the Immigration Act 2009.

- b. The following persons must be granted entry permission:
- Those listed in Y3.10(a)
 - The partner, legal guardian or any dependent children who are travelling with a New Zealand Citizen or a person listed at Y3.10(a)
 - 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.
- c. A person subject to (a) above may still be granted entry permission by an immigration officer as an exception to instructions (see Y4.45).
- d. These instructions are valid until 11:59pm 24 February 2020.

Note: For the avoidance of doubt, New Zealand citizens and people subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 are not subject to this instruction.

**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 14 February 2020 are part of Border Entry instructions on and after 11:59pm 16 February 2020.

Hon Iain Lees-Galloway
Minister of Immigration

(day)

(month)

(year)