



## BRIEFING

### Requests for exemptions to COVID-19 temporary border restrictions for essential workers

<b>Date:</b>	24 March 2020	<b>Priority:</b>	High
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	TBC

Action sought		
	Action sought	Deadline
COVID-19 Ministers with Power to Act	<b>Agree</b> to an exemption to the COVID-19 border restrictions for the identified essential workers in the gas and maritime freight sectors, and to delegate further decisions on exemptions to the Minister of Immigration	24 March 2020
Hon Iain Lees-Galloway <b>Minister of Immigration</b>	<b>Agree</b> to an exemption to the COVID-19 border restrictions for the identified essential workers in the gas and maritime freight sectors, and to sign a Special Direction to give effect to this	24 March 2020
Hon Poto Williams <b>Associate Minister of Immigration</b>	Copy for information only	N/A

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Chris Bunny	Deputy Chief Executive, Building, Resources and Markets	04 901 8728	Privacy of natural persons	✓
Siân Roguski	Manager, Immigration Policy	04 901 3855		

The following departments/agencies have been consulted

Minister's office to complete:

☐ Approved

☐ Noted

☐ Seen

☐ Declined

☐ Needs change

☐ Overtaken by Events

**Comments**

☐ See Minister's Notes

☐ Withdrawn

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## BRIEFING

### Request for exemptions to COVID-19 temporary border restrictions for essential workers

Date:	24 March 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	TBC

#### Purpose

This briefing seeks agreement to an exemption to COVID-19 temporary border measures to enable essential workers in the gas and maritime freight sectors to enter New Zealand.

#### Recommended action

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

- a **Note** that on 19 March 2020, Cabinet agreed further border restrictions [CAB-20-MIN-0122 refers] to prevent travel to New Zealand for anyone other than:
- New Zealand citizens and residence class visa holders;
  - The partner, legal guardian or any dependent children travelling with a New Zealand citizen or residence class visa holder;
  - Australian citizens and permanent residence class visa holders ordinarily resident in New Zealand; and
  - People subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which includes air and marine crew
- Noted*
- b **Note** that Cabinet also agreed high level parameters for case-by-case exemptions to COVID-19 border restrictions, which include [CAB-20-MIN-0122 refers]:
- Those who need to travel for humanitarian reasons;
  - Essential health workers;
  - Citizens of Samoa and Tonga for essential travel to New Zealand;
  - Those on visitor visas who are partners or dependents of a temporary work or student visa holder, and who normally live in New Zealand; and
  - Any other essential workers identified by the group of Ministers with Power to Act
- Noted*
- c **Note** that in advance of the process being developed to implement recommendation (b) above, officials have received two requests to make exemptions to the travel restrictions to enable travel for:
- 10 workers in the gas sector to work on the Pohokura pipeline maintenance project; and
  - One maritime pilot to work in the maritime freight sector
- Noted*

- d **Note** that these requests are supported by the Infrastructure Pillar of the COVID-19 government response, as the project is critical for supporting New Zealand's gas supply and wider energy security and continuity of maritime freight

*Noted*

- e **Note** that the workers would be required to self-isolate on arrival in New Zealand before commencing work

*Noted*

- f **Agree** to make an exemption to the COVID-19 border restrictions for the 10 workers who have been identified as critical for the Pohokura pipeline maintenance project

*Agree / Disagree*

- g **Agree** to make an exemption to the COVID-19 border restrictions for one maritime pilot

*Agree / Disagree*

**Ministers with Power to Act only**

- h **Agree** to delegate further decisions on exemptions to border restrictions to the Minister of Immigration, who will make decisions based on advice from the lead agency for the relevant essential service

*Agree / Disagree*

**Minister of Immigration only**

- i **Agree** to sign the Special Direction at Annex One to give effect to the decisions at recommendation (f) and (g)

*Agree / Disagree*

  
Chris Bunny  
**Deputy Chief Executive**  
Building, Resources and Markets, MBIE

24 / 03 / 2020

Rt Hon Jacinda Ardern  
**Prime Minister**

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Siân Roguski  
**Manager, Immigration Policy**  
Labour, Science and Enterprise, MBIE

24 / 03 / 2020

Rt Hon Winston Peters  
**Minister of Foreign Affairs**

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Hon Kelvin Davis  
**Minister of Tourism**  
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Hon Grant Robertson  
**Minister of Finance**  
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Hon Chris Hipkins  
**Minister of Education**  
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Hon Carmel Sepuloni  
**Minister of Social Development**  
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Hon Dr David Clark  
**Minister of Health**  
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Hon James Shaw  
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Hon Iain Lees-Galloway  
**Minister of Immigration**  
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## **Cabinet has agreed high level parameters for exemptions to the COVID-19 border restrictions**

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1. On 19 March 2020, Cabinet agreed to border restrictions preventing entry to New Zealand [CAB-20-MIN-0122 refers]. The following groups are not subject to the restrictions:
  - a. New Zealand citizens and residence class visa holders;
  - b. The partner, legal guardian or any dependent children travelling with a New Zealand citizen or residence class visa holder;
  - c. Australian citizens and permanent residence class visa holders ordinarily resident in New Zealand; and
  - d. People subject to regulation 25 or the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which includes air and marine crew.
2. Cabinet also agreed high level parameters for case-by-case exemptions to COVID-19 border restrictions, which include [CAB-20-MIN-0122 refers]:
  - a. Those who need to travel for humanitarian reasons;
  - b. Essential health workers;
  - c. Citizens of Samoa and Tonga for essential travel to New Zealand;
  - d. Those on visitor visas who are partners or dependents of a temporary work or student visa holder, and who normally live in New Zealand; and
  - e. Any other essential workers identified by the group of Ministers with Power to Act.

## **Requests have been made for exemptions to the travel restrictions for workers in essential services**

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3. Officials have received two urgent requests to enable essential workers in the gas and maritime freight sectors to enter New Zealand to work on maintenance of critical gas supply infrastructure and continuity of maritime freight for consideration under the exemption in paragraph 2 above. These workers will be required to hold valid visas.
4. These requests are supported by the Infrastructure Pillar of the COVID-19 government response, as it is deemed critical to the maintenance of New Zealand's gas supply and freight continuity.

### **Workers required to maintain essential gas supply**

5. A crew change for the Normand Baltic vessel currently undertaking the Pohokura pipeline project is scheduled for 4-8 April 2020. An exception is being sought to enable the international crew required to complete the crew changeover to enter New Zealand within the next few days.
6. The pipeline between the offshore Pohokura production wells and the onshore production station is currently shut-down due for a maintenance programme. This is being conducted due to the issues in 2018-2019 which led to the unexpected shut-down of this pipeline. In order for OMV to meet regulatory requirements, this work must be completed by 1 July 2020.
7. This pipeline conveys approximately 25 per cent of New Zealand's natural gas supply. It plays a key role in supporting the resiliency of the natural gas supply if other gas production fields are required to shut-down due to illness or production issues. The pipeline also supports production of some LPG which is consumed domestically.

8. Restarting this pipeline is critical to ensure that there is gas supply available for thermal generation in the winter, or to provide gas for thermal back-up for electricity generation if COVID-19 issues affect other electricity generation assets.
9. The international crew for whom exemptions are being sought includes Privacy of natural persons  
Privacy of natural persons  
Commercial Information  
The international crew are employed in the following positions:
10. These crew members will self-isolate on arrival in New Zealand at the port of entry, as is required for all those arriving from overseas, before joining the project. It is anticipated that they will be staying in a hotel for their period of self-isolation.

### Maritime pilots

11. An exemption is also being sought for one maritime pilot. The pilot is Privacy of natural persons  
Privacy of natural persons  
who are currently located in
12. Ensuring an adequate workforce of maritime pilots, who are responsible for guiding vessels into New Zealand ports, is essential for ensuring that essential freight continues to flow to and around New Zealand. There is only a limited number of qualified New Zealand pilots (approximately 70 across New Zealand ports), who will need to also observe health and safety practices that ensure that they are not unreasonably placed at risk, in particular when piloting vessels from Australia (where there is only a 3-4 day trans-Tasman travel time under normal circumstances, so a 14-day self-isolation period is not practical, without vessels anchoring out from port).
13. Facilitating the relocation of a limited number of pilots from Australia will help support this essential workforce (so long as this does not itself give rise to any industrial or demarcation issues).

### The proposed exemptions would be given effect to by way of a Special Direction signed by the Minister of Immigration

14. If Ministers agree, a Special Direction has been drafted for the signature of the Minister of Immigration to enable an override of the border restrictions for these particular groups.

### We recommend that Ministers with Power to Act delegate authority to decide further exemptions to the Minister of Immigration

15. Officials are currently working on a process to manage and decide requests for exemptions to the travel restrictions for workers in essential services.
16. In the first instance, we recommend that Ministers with Power to Act delegate authority to decide further exemptions to the Minister of Immigration, on advice from the relevant senior officials in the lead agency for each essential service. The lead agency would be responsible for determining that requests are indeed essential, and in doing so would need to include consideration of any redeployment opportunities for people already in New Zealand.

## Annexes

Annex One: Special Direction

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## Immigration Act 2009

### **Special Direction – Entry permission for essential workers in the gas and maritime freight sector**

Pursuant to sections 109 and 378 of the Act, subject to any other entry permission requirement under the Immigration Act 2009, Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 and/or immigration instructions, the following persons must be granted entry permission despite immigration instruction Y4.50

	DOB	NATIONALITY	PASSPORT NUMBER
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Privacy of natural persons



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

Dated this 24<sup>th</sup> day of March 2020

Hon IAIN LEES-GALLOWAY, Minister of Immigration

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