

## **Minister of Immigration**

### **Recommendations for tabling on Monday 16 March:**

#### **Proposal to change conditions on visas**

#### **Recommendations**

**Agree** that a condition be added to temporary class visas which requires all visa holders to comply with instructions from a Medical Officer of Health which relate to a quarantinable disease

**Agree** that officials consider and report back to the Minister of Immigration about the implications of adding a condition to resident visas that requires the holder to comply with instructions from a Medical Officer of Health which relate to a quarantinable disease

**Note** that people who do not reasonably comply with such instructions may be made liable for deportation for breaching the conditions of their visa but that under the Immigration Act 2009 will have 28 days to appeal against their liability for deportation

**Note** that having been deported is serious as it means that individuals are likely to face barriers if they seek to travel to other countries in the future, and that this will be made clear to individuals, who will be given the opportunity to leave voluntarily

**Note** that

as COVID-19 is a quarantinable disease, a Medical Officer of Health may detain a person for up to 28 days to allow examination or to prevent them infecting others

while Immigration New Zealand may separately detain people arriving in New Zealand for up to 96 hours without warrant and may seek a warrant for up to a further 28 days from a District Court Judge

**Note** that in the interim it is possible to find that there is “sufficient reason” under section 157 of the Immigration Act to make people who have refused an instruction by a Medical Officer of Health them liable for deportation

**Invite** the Minister of Immigration to certify immigration instructions to require all visa holders to comply with directions from a Medical Officer of Health which relate to a quarantinable disease to come into effect as soon as practicable.



# Cabinet

## Minute of Decision

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### Additional Item: Proposal to Change Conditions on Visas

**Portfolio**                      **Immigration**

On 16 March 2020, Cabinet:

- 1        **agreed** that a condition be added to temporary class visas which requires all visa holders to comply with instructions from a Medical Officer of Health which relate to a notifiable or quarantinable disease;
- 2        **agreed** that officials consider and report back to the Minister of Immigration about the implications of adding a condition to resident visas that requires the holder to comply with instructions from a Medical Officer of Health which relate to a notifiable or quarantinable disease;
- 3        **noted** that people who do not reasonably comply with such instructions may be made liable for deportation for breaching the conditions of their visa but that under the Immigration Act 2009 will have 28 days to appeal against their liability for deportation;
- 4        **noted** that having been deported is serious as it means that individuals are likely to face barriers if they seek to travel to other countries in the future, and that this will be made clear to individuals, who will be given the opportunity to leave voluntarily;
- 5        **noted** that:
  - 5.1        as COVID-19 is a quarantinable disease, a Medical Officer of Health may detain a person for up to 28 days to allow examination or to prevent them infecting others;
  - 5.2        Immigration New Zealand may separately detain people arriving in New Zealand for up to 96 hours without warrant and may seek a warrant, for up to a further 28 days from a District Court Judge;
- 6        **noted** that in the interim, it is possible to find that there is 'sufficient reason' under section 157 of the Immigration Act 2009 to make people who have refused an instruction by a Medical Officer of Health to be liable for deportation;
- 7        **invited** the Minister of Immigration to certify immigration instructions to require all visa holders to comply with directions from a Medical Officer of Health which relate to a notifiable or quarantinable disease, to come into effect as soon as practicable.

Michael Webster  
Secretary of the Cabinet

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**Hard-copy distribution:**

Prime Minister

Deputy Prime Minister

Minister of Immigration

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