

Sensitive

Offices of the Ministers of Education, Health and Immigration

Chair, Cabinet Economic Development Committee

## **COVID-19 Temporary Border Measures and Considerations Regarding Possible Exemptions**

### **Proposal**

1. This paper sets out considerations to be taken into account in respect of any possible exemptions from the current temporary border measures in the context of the timeframes for the removal of restrictions and international developments. It also provides initial advice from officials on the factors to consider, including challenges to operationalise any such exemptions and seeks views on whether to progress further work on any exemptions.

### **Executive Summary**

2. The overall situation regarding COVID-19 internationally continues to rapidly evolve with a high degree of uncertainty. It is critically important that we protect New Zealand and, as part of the global effort to contain the virus, consider the impact on the public health of other Pacific island countries.
3. New Zealand is taking a considered and deliberate response to the COVID-19 outbreak. Given the potential severity of the threat to public health, New Zealand's strategy is to take every practicable step in the designated 'Keep it Out' and 'Stamp It Out' phases of our agreed national pandemic procedures before moving to a 'Manage it' phase if required. This strategy provides time to gain a deeper understanding of the virus, the best way to manage the disease, prepare our health system to respond, and communicate to the public.
4. The current temporary border restrictions are part of our wider response to the global pandemic and were put in place consistent with agreed national pandemic response procedures. Effective border management is currently the best way to protect New Zealanders from the health effects of a potential outbreak. Officials continue to recommend taking a precautionary approach, but as soon as the overall threat to public health is considered manageable and restrictions can be lifted, they should be.
5. In the interim, there are a large number of people with valid visas currently offshore in China and caught by the restrictions. People in this situation who have not had contact with any known cases of COVID-19 present no higher risk of virus transmission than the New Zealand citizens and residents who have been in mainland China within the past 14 days, so long as appropriate health risk management arrangements are in place. International relations

6. Ahead of Cabinet considering whether to lift, continue or extend in scope the current border restrictions when they expire at 23:59 on Monday 24 February 2020, we have set out factors for consideration and potential options for partial exemptions to the border restrictions for any groups. We seek views on whether and how any further work on exemptions should be progressed.
7. To mitigate the threat to public health, the Ministry of Health is applying risk mitigation measures based on the differing levels of risk (based on current evidence) within specific accommodation settings. These measures would apply across any consideration of exemption categories. The measures focus on the risk of exposure and transmission includes the associated guidance or procedures that must be followed and identifies the legal framework and resources required.
8. Our initial view is that a broad exemption from the restrictions based on visa categories may be feasible. Any exemption relies on Ministers having confidence that there is a realistic prospect that isolation requirements can be met to manage the threat to public health. Currently, as for New Zealanders, self-isolation is based on a trust not verification basis with appropriate support and guidance being made available (such as access to the COVID-19 Healthline phone line). Health staff and immigration officers do not have the capacity or mandate to individually verify isolation measures at a large scale.
9. There may be a case to exempt workers and their family and student visa categories where appropriate isolation measures could be met. However, in the case of students, significant work would be needed with the education sector to support them to develop plans for isolation measures and consider whether the threat to public health and wider considerations could be managed, including public acceptability.
10. We do not consider there is a case for an exemption for visitors at this point given there is no reasonable prospect of self-isolation being implemented effectively. The public health management conditions under which an exemption for visitors would be feasible mean the border restrictions could simply be lifted in entirety.
11. Operationalising any exemptions necessarily involve costs and a trade-off with wider pressures on the immigration, border and health systems. For an exemption at the visa category level, upgrades are required to international border systems to automate the process, which will take 3-4 weeks. There would also be additional capacity required in the health system, for example to support more calls to the dedicated COVID-19 Healthline number. Individual case-by-case exemptions on a manual basis are not practicable at a large scale and there is a high risk of stranded passengers (denied boarding) and of turnarounds on arrival in New Zealand (incorrectly allowed to board), potentially resulting in travel chaos and foreign relationship and reputational impacts.
12. It may be that the temporary border measures can be lifted entirely rather than on a partial basis in the same timeframes as any exemptions could be implemented.
13. Advice will be provided to Cabinet for consideration on 24 February 2020 on whether to lift, continue or extend in scope the wider restrictions and the health response to the COVID-19 outbreak. It will also reflect a number of potential scenarios that could

develop over coming days and weeks, which would inform the overall assessment of whether to lift in full, in part, or extend the border restrictions. These include:

- 13.1 Australia lift their restrictions in total;
- 13.2 Australia introduce exemptions;
- 13.3 New countries or places, e.g. a cruise ship, of concern (in addition to mainland China) arise and are reflected in the restrictions;
- 13.4 There is an outbreak of the virus in New Zealand; and/or
- 13.5 There are significant changes in the international scientific and public health consensus about the virus.

## Background

- 14. On 2 February 2020 New Zealand implemented temporary border measures to deny entry into New Zealand to people who have left or transited through mainland China from 2 February 2020, with the exception of:
  - 14.1 New Zealand citizens (including from Tokelau, Niue and the Cook Islands), and residents and their immediate family and Australian citizens and permanent residents normally resident in New Zealand;
  - 14.2 People covered by regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, including guests of government; and
  - 14.3 Air and marine crews using appropriate personal protective equipment.
- 15. On 12 February 2020 Ministers also agreed that in certain circumstances and on a case-by-case basis, the Ministries of Health (MoH), Foreign Affairs and Trade (MFAT) and Business, Innovation and Employment (MBIE) may allow non-New Zealand nationals to travel to New Zealand in order to undertake self-isolation, or managed isolation, before onward travel to their home countries, provided the following conditions are met:
  - 15.1 Any public health impacts in New Zealand, the Realm, and the wider Pacific Region can be managed;
  - 15.2 There are resources available to effectively isolate, including a safe and appropriate location for the 14-day period; and
  - 15.3 They hold a valid visa to travel.
- 16. On 14 February 2020, Ministers with Power to Act [CAB-20-MIN-0015]:
  - 16.1 Noted that there remains a continued high threat to public health in relation to the COVID-19 outbreak

16.2 Agreed to retain the current measures for an additional 8 day period, expiring at 23:59 on Monday 24 February, but limited to cover people who have been in or transited mainland China in the 14 days prior to boarding; and

16.3 Agreed that the measures will be reviewed every 48 hours, and that officials will provide immediate advice should any information emerge that has a substantial impact on these measures.

17. The Australian Government has extended the expiry of their temporary border restrictions to Saturday 22 February 2020.
18. Unless an urgent decision is warranted, Cabinet will consider whether to lift, continue, or extend in scope the current border restrictions at its meeting on 24 February. A decision other than to lift the current restrictions or renew them is likely to require revised Immigration Instructions to be issued and this may entail a rollover of the current restrictions for some additional days in order to implement the decision.

### **The framework and principles for consideration**

19. Officials previously recommended that Ministers take into account the following factors in making decisions on border measures relating to the COVID-19 outbreak:
- 19.1 The risk to the health of New Zealanders;
  - 19.2 The risk to the health of Pacific Island countries; and
  - 19.3 The readiness of agencies to operationalise any measures.
20. These factors should be considered in the context of the following considerations that will become more important over time:
- 20.1 The risk to foreign relations; and
  - 20.2 The risk of significant adverse economic impacts.
21. The advice to date also depends on a number of factors, including the deepening understanding of the epidemiology of the disease, the readiness of the health system to manage it, and the changing international situation.
22. Bearing all these factors in mind, to date officials have previously jointly advised that:
- 22.1 Protecting the health of the New Zealand population should be prioritised over other considerations while the overall public health risk remains high.
  - 22.2 Taking a precautionary approach through the border closure remains the most effective way to protect New Zealand and mitigate overall economic impacts at this stage – particularly while we remain in the 'Keep it Out' phase.

22.3 Any decision to relax New Zealand's border restrictions would need to consider the impact that could have on Pacific Island countries, and the likely flow on issues for the New Zealand system in managing transiting passengers unable to travel onwards.

22.4 It would be prudent for New Zealand to continue to consider border measures against comparable countries, in particular Australia, while ensuring that actions are based on the New Zealand situation (for example, New Zealand does not currently have confirmed cases of COVID-19, whereas Australia is managing cases).

22.5 If New Zealand is able to manage safe and effective isolation of travellers from China at scale, or our public health requirements change so that isolation is no longer required, then current border measures could be relaxed or removed entirely.

### **Managing the threat to public health**

23. To mitigate the threat to public health, the MoH is applying the risk mitigation measures as set out in the table below. The risk mitigation measures relate to the accommodation settings based on the differing levels of risk within those settings. Table One on the following page categorises the risk of exposure and transmission, includes the associated guidance or procedures that must be followed and identifies the legal framework and resources required

**Table 1. Risk mitigating isolation measures that are advised in scenarios with differing levels of risk**

<b>Isolation Measure</b>	<b>Risk of exposure</b> <i>Such as where people have been</i>	<b>New Zealand accommodation settings</b> <i>Where they will isolate</i>	<b>Risk of transmission</b> <i>Within the accommodation settings in New Zealand</i>	<b>Guidance/Procedures</b> <i>MoH guidance on how to isolate in each measure</i>	<b>Health resources required / provided</b> <i>Support provided through Health System</i>	<b>Legal framework</b> <i>Public Health Act 1956</i>
Self-Isolation	<b>Low</b> - People that have been in places of concern in the past 14 days have a low risk of contracting the virus	Individuals staying in private residences or similar (such as private homes, flats or homestays)	<b>Low</b> - The risk of transmission in settings where people have access to private residences with established networks of support is low.	Guidance for self-isolation <sup>1</sup> Register with Healthline for follow up	Healthline resource for registration and phone advice	Health sector providing support through standard models of care.
Supported Self-Isolation	<b>Low</b> - People that have been in places of concern in the past 14 days have a low risk of contracting the virus	Individuals are supported through shared accommodation facility settings (such as student hostels/halls or hotels).	<b>Medium</b> -The risk of transmission is considered medium in accommodation settings where people are in close proximity or a shared accommodation facility.	Guidance for self-isolation. Supplementary guidance for self-isolation in shared accommodation facilities.	Healthline resource for registration and phone advice. In some circumstances may require assurance from facility management that the guidance can be met effectively. If the guidance cannot be met, additional support through Health resources may be required. Where individuals have no accommodation, additional resources may be required (including cross-government).	Health sector providing support through standard models of care.
Monitored Self-Isolation	<b>High</b> - Individuals who are identified as a close contact with a confirmed COVID-19 case that have a high risk of developing COVID-19 disease	Can vary from private residences to shared accommodation facilities.	<b>Low / medium</b> – As above, this will depend on accommodation settings (private or shared accommodation facilities).	Monitoring and support managed as per standard guidance for close contact management.	This group will be a priority for Health resourcing and will require individual follow up and management through the Health system.	Health sector providing support through standard models of care. Health legislation can be used for this group and this moves into enforced isolation (below)
Enforced Isolation	<b>High</b> - Individuals at high risk of developing COVID-19 disease (e.g. have been in a place of identified outbreak such as Wuhan and/or have had close contact with a confirmed COVID-19 case).	Can vary from private residences to shared accommodation facilities.	<b>Low</b> - Enforced isolation procedures follow very strict requirements regarding proximity and shared accommodation facilities.	Managed as per operating procedures for enforced isolation (e.g. Whangaparaoa)	Intensive Health resourcing required including accommodation facilities, laundry, cleaning, food, and other services.	A Medical Officer of Health can require isolation or quarantine for the 'purpose of preventing the outbreak or spread of any infectious disease'. <sup>2</sup>

<sup>1</sup> <https://www.health.govt.nz/our-work/diseases-and-conditions/novel-coronavirus-covid-19/novel-coronavirus-self-isolation>

<sup>2</sup> Health Act 1956 Section 70 'Special powers of medical officer of health'

24. As referenced in the table, the MoH is maintaining the “one source of truth” information updated daily on the MoH website. This includes guidelines on self-isolation. The MoH has also developed supplementary guidance for self-isolation in shared accommodation facilities.
25. The supplementary guidance sets out the minimum requirements to ensure that individuals have adequate health and mental wellbeing support while symptoms or signs of coronavirus infection are monitored and reported as necessary including providers:
- 25.1 Following current advice on self-isolation;
  - 25.2 Ensuring people have written information explaining the procedures that will apply;
  - 25.3 Supporting people to register with Healthline; and
  - 25.4 Documenting housing arrangements and adopting communication strategies.
26. The guidance sets out the requirements for the shared accommodation facilities including things like cleaning, laundry and food service procedures and facilities. It also includes guidance around supporting individuals experiencing mental distress or anxiety and managing privacy.

#### **Options for exemptions from current border restrictions that could be explored**

27. At some point, it will be prudent to move away from the current border restrictions – either in full or in part. To support readiness for this and to inform Ministers’ responses to exemptions proposed here or in other jurisdictions, officials have begun to explore the conditions that would need to be put in place, which groups could be exempted, design and implementation requirements, and the timeframes, resources and trade-offs involved.
28. The situation is rapidly evolving and there is a high degree of uncertainty. We recognise that it may be the case that there is a way to achieve adequate health risk management for some groups (such as students) without significant risks and trade-offs either now or in the near term. Officials advise that:
- 28.1 The MoH’s isolation measure guidelines would need to be followed in any circumstance, including by any potential exempt groups, and that agencies, education providers and sectors would need to assess their own ability to comply with the guidelines and manage any exemption in accordance with the guidelines. Ministers will need to have confidence in these plans being delivered in practice;
  - 28.2 The MoH may be able to assist agencies, providers and sectors with this process but is not in a position to approve all plans for managing exemptions. While the MoH has some regulatory powers around quarantine, they are seldom used;



28.3 Decisions at the border must be able to be orderly and timely in order to prevent travel chaos; and

28.4 No proposal should be supported that puts decisions about the adequacy of the arrangements for managing the individual health risks associated with travellers on immigration border officers.

29. Any exemption of visa holders from the restrictions will rely on Ministers having confidence in isolation measures. Health officers do not have the capacity to check this. As is the case for New Zealanders, self-isolation of exempted groups would be on a trust not verification basis.
30. Any exemptions regime could be applied to the following groups: workers and their families, students, or visitors. We have set out in Table Two, on the following page, some key considerations and an initial assessment across these groups relevant to whether an exemption would be desirable and/or feasible in the current environment.
31. In short, it is likely the case that workers and their families present the potential for being able to self-isolate effectively.
32. For students, the education sector, which has accommodation infrastructure to support this, has indicated a willingness to facilitate supported self-isolation for students and there is the potential for an acceptable approach. However, while it is potentially feasible, any exemption for this group requires significant further work.
33. It would be up to the Ministry of Education (MoE), Tertiary Education Commission (TEC) and New Zealand Qualifications Authority<sup>3</sup> working together to ensure any education sector plan is delivered, and it is unclear at this stage, whether some or all education providers would be able to meet the criteria.
34. Education, Health and Immigration officials are continuing to work through these matters with the education sector and will come back to Cabinet with further advice to support a considered decision on whether an exemption for students is possible and desirable. It may be that restrictions can be lifted entirely earlier, making such workarounds unnecessary. However, working with the education sector to develop plans to have the conditions in place needed to support the return of students to New Zealand, will support public health efforts in either circumstance.
35. For visitors there is no reasonable prospect of self-isolation being implemented, therefore, an exemption cannot make sense as the conditions necessary to manage the threat to public health mean the restrictions could simply be lifted entirely.

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<sup>3</sup> The New Zealand Qualifications Authority (NZQA) is administrator of the Education (Pastoral Care of International Students) Code of Practice. The NZQA maintains the register of education providers that the Code applies to. International students cannot study at an institution that is not a signatory to the code.



**Table 2. Initial assessment of exemption options by visa category**

Group and number <sup>4</sup>	Rationale to exempt	Prospect of meeting isolation measures	Other considerations	Initial assessment
<b>Family of workers</b>  1,040 visas	Mitigates social and economic impacts of family separation – strongest humanitarian grounds for exemption.	Social structures likely in place to support self-isolation.	May be a higher level of public acceptability for exemption as this group is likely to be well-settled in New Zealand.	May be desirable / feasible.  Further work needed.
<b>Workers</b>  5,480 visas	Mitigates social and economic impacts of family separation, especially in cases where the worker is the primary earner for the household. Could mitigate impact on businesses from displaced workers (this does not appear to be an issue at the aggregate labour market level at this time).	Social structures likely in place to support isolation measures.	May be a higher level of public acceptability for exemption as this group is likely to be well-settled in New Zealand.	May be desirable / feasible.  Further work needed.
<b>Students</b>  10,500 visas <sup>5</sup>  Of which:  <b>Universities:</b> 6,400  <b>ITPs:</b> 1,060  <b>PTEs:</b> 560  <b>Other (including schools):</b> 2,480	Depending on assumptions about losses of students as a result of the ban, the annual impact in 2020 could be \$112-170m of fee revenue and \$334-503m of broader economic contribution effects <sup>6</sup> .  Mitigates risk to China's market share in NZ international education in long-term - China is a valued education partner and is the largest source of international students for NZ.  Students would be able to resume or start their studies	Most, but likely not all, education providers have ability to support self-isolation and re-integration process.  Providers (eg universities, PTEs, ITPs, schools) would be incentivised to make a supported approach work.	Close proximity of student accommodation increases transmission risk, considering that New Zealanders may share hostels with those in self-isolation.  May be a lower level of public acceptability as less likely to be seen as well-settled, though providers will support integration.	Discussion underway as to whether this is desirable / feasible.
<b>Visitors</b>  <b>General:</b> 527,600  <b>Group:</b> 5,400  <b>Business:</b> 76,180	While the primary purpose of lifting the travel ban for this group would be to facilitate tourism, it is unclear how attractive New Zealand would be as a destination given the need to self-isolate and the impact this would have on tourists' planned activities.	Many tourists' visit duration is shorter than the isolation period, rendering an exemption meaningless in practice.  Management of isolation would be complex and resource-intensive.	Visitors widely spread across New Zealand and likely to travel within the country, posing significant transmission risk and prohibitive costs to manage or mitigate the threat to public health.  May be a lower level of public acceptability for exemption as not likely to be well-settled or have links to communities.	Exemption only possible when entire travel ban lifted.

<sup>4</sup> The number of offshore Chinese nationals who hold a valid visa as at 17 February is used as a proxy for identifying the likely size of affected groups. Note that analysis does not take into account visas that may be expiring after this date. These numbers may include other foreign nationals who have been/are in China; and some Chinese nationals may not currently be in China – location unknown.

<sup>5</sup> Note that more than 6,000 of these visas are expiring in February or March 2020. A large number of these are likely to have no intention of returning.

<sup>6</sup> Assuming that a limited border opening could be managed and would be taken up by half (at most) of the affected student cohort.

### ***Feasibility of implementing an exemption for border operations***

36. Officials have tested the feasibility of implementing an exemption into border systems. This is outlined at Annex One.
37. The current temporary border restrictions rely on using the international system for generating 'board/do not board' directives. This system cannot distinguish between visa categories at present. A system upgrade is being implemented to create the functionality to enable an exemption based on visa category, but it will take 3-4 weeks before it is operational and automated.
38. Manual case-by-case exemptions can and are being made by INZ under existing policy settings. However this is only viable at a very small scale. Any non automated large scale exemption in the short term would mean relying on this high-cost manual process where immigration officers are called by check-in agents overseas to make case-by-case boarding decisions by phone for each passenger individually.
39. A manual approach at a very large-scale brings a high risk of stranded passengers at airports (denied boarding) or of turnaround on arrival in New Zealand (incorrectly boarded). The scope for confusion by travellers and check-in agents is considerable. For example, students studying less than 3 months' duration would be on a visitor visa, not a student visa, and therefore not exempt. In addition to the travel chaos this could cause, there would be foreign relations and reputational impacts. Further, a large-scale manual process would divert resources from border screening or other immigration activities (such as visa processing), putting further pressure on activity already under strain due to the temporary closure of the Beijing visa processing centre.
40. Implementing an exemption for a subset of a visa category (recognising that some education providers may be in a better position to manage isolation than others) would require border systems to distinguish within a visa category (eg by provider or type of student). This cannot be automated in the system and would only be able to be done manually with the costs and risks noted above. Unlike a whole-category exemption, it would also present significant challenges in communicating with students and airport staff to prevent widespread confusion over who is eligible. Officials consider it not practicable at a large scale.
41. Officials therefore advise that if Ministers wished to proceed with any exemptions, it would be preferable for these to be a whole visa category (eg all students) and to give effect to them once the automated system is in place. The 3-4 weeks this will take allow for the necessary time for education sector proposals to be put in place and Ministers to have confidence they can be delivered at the outset, as there is no capacity or mandate for health and immigration officers to audit or verify the plans or their delivery for individuals.
42. The MoE and the TEC have indicated that their preference would also be to take an 'all of students' approach where possible, supported by a whole of sector effort to make it work.

## Overall assessment

43. Ideally New Zealand would be in a position to lift the border restrictions on visa holders as soon as possible. We have looked at the options for partial lifting of the measures where the criteria could be met at a group level. The options we have explored are potentially feasible and border systems could be ready to implement whole of visa category exemptions in 3-4 weeks without significant operational consequences.
44. However, none of the options are without some risk, and there are wider considerations that need to be worked through to have confidence in a realistic prospect of effective self-isolation - managing the threat to public health of not just New Zealand, but through onward transmission to the Pacific islands, and wider foreign policy, economic and public acceptability risks. Further work is here ore required before a decision could be taken on exemptions for groups
45. In addition to exemptions for workers and their families, the student group is potentially feasible, but only if exempted in whole. There will be external limits on the size of any flows from China that assist in managing the risks and costs involved (e.g. number of flights). A partial exemption for a subset of groups (e.g. students from particular education providers) and not others would give rise to inequities (real or perceived), be operationally very challenging to implement and gives rise to significant risks of stranded travellers or turnarounds on arrival in New Zealand.
46. Officials have sought to confirm how other countries with a significant reliance on foreign students from China are balancing student arrivals with public health protection. There is no consistent approach. Australia's current border measures are comparable to New Zealand's. Australia has not, as yet, established an exemption for students, though there are cross-government discussions under way looking at the desirability/feasibility of possible exemptions, and face similar challenges to us. As work progresses, both foreign policy considerations and alignment with other countries' evolving border settings will need to be taken into account. International relations
47. We do not consider there is a case for an exemption for visitors given there is no reasonable prospect of self-isolation being implemented effectively. The public health management conditions under which an exemption for visitors would be feasible mean the border restrictions could simply be lifted in entirety.
48. However, there are a number of scenarios in which any assessment may change:
- 48.1 Australia lifts its restrictions in total
  - 48.2 Australia introduce exemptions
  - 48.3 New countries or places, e.g. a cruise ship, of concern (in addition to China) arise and are reflected in the restrictions

48.4 There is an outbreak of the virus in New Zealand; and/or

48.5 There are significant changes in international scientific and public health consensus about infectiousness or mortality of the virus and disease.

### **Next steps and further work**

49. Unless an urgent decision by Ministers with Power to Act is warranted, advice will be provided to Cabinet for consideration on Monday 24 February 2020 on whether to lift, continue or extend in scope the wider border restrictions and the health response to the COVID-19 outbreak. A decision other than to lift or renew in full the current measures is likely to require revised Immigration Instructions to be issued and this may entail a rollover of the current measures for additional days at that point.
50. The update to Cabinet will also reflect a number of potential scenarios that could develop over coming days and weeks, which would affect the overall assessment of whether to lift in full, in part, or extend the border restrictions.
51. Officials seek Ministers' views on whether and how to progress further work on the scope for partial exemptions from the travel restrictions. Officials could provide further advice to Cabinet on these matters, having worked through further detail in the interim, on timeframes and implementation for any potential exemptions.

### **Consultation**

52. This paper has been prepared by MBIE with the MoH, MFAT, MoE, and TEC. The Treasury, State Services Commission, Department of the Prime Minister and Cabinet (Policy Advisory Group), Ministry for Primary Industries, New Zealand Police, and New Zealand Customs Service were consulted on this paper.

### **Financial Implications**

53. Progressing any exemptions from the temporary border measures regime at a large scale ahead of general removal of the measures will have a number of financial costs.

### **Legislative Implications**

54. This paper does not have legislative implications.

### **Impact Analysis**

55. A Regulatory Impact Analysis is not required for this paper. The impacts of different options around border measures are considered above.

### **Human Rights**

56. The options discussed in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

## Gender Implications

57. There are no specific gender implications.

## Disability Perspective

58. There are no specific implications for people with disabilities.

## Publicity

59. Public communications relating to any decisions in respect of the border measures currently in place must be handled carefully. The approach taken with recent decisions to continue current measures included direct contact with the World Health Organisation, Australia, China and key Pacific partners ahead of public communication. Key stakeholders for any changes to the measures will also need to be informed ahead of any announcement to ensure successful and joined up information for wider markets and to line up operations to support the changes. Officials will provide further advice as decisions are taken on communications requirements.

## Proactive Release

60. We intend to proactively release this Cabinet paper on Departmental websites once the matters are no longer under active consideration, subject to any appropriate withholding of information that would be justified if the information had been requested under the Official Information Act 1982.

## Recommendations

The Ministers of Education, Health and Immigration recommend that the Committee:

1. **Note** that the overall situation regarding the COVID-19 virus internationally remains rapidly evolving with a high degree of uncertainty
2. **Note** that it is critically important that we protect New Zealand from the virus and play our part in the global effort to contain it, including considering the impact on the public health of other Pacific Island countries
3. **Note** that on 14 February 2020, Ministers with Power to Act therefore agreed to continue a precautionary approach and to retain current border restrictions relating to travel from mainland China for a further 8 day period, expiring at 23:59 on 24 February 2020
4. **Note** that the situation is being kept under a 48 hour review and there is no information that changes the overall current assessment of the risk that COVID-19 presents to New Zealand at this time
5. **Note** that Ministers with Power to Act are considering advice on 18 February regarding appropriate border restrictions for people who have been quarantined on the Diamond Princess cruise ship in Yokohama, which has had a significant COVID-19 outbreak

6. **Note** that ahead of Cabinet considering on Monday 24 February whether to lift, continue, or extend in scope the border restrictions, officials have begun to investigate whether there are options for partial lifting of the restrictions, taking into account:
- 6.1. The risk to the health of New Zealanders;
  - 6.2. The risk to the health of Pacific Island countries;
  - 6.3. The readiness of agencies to operationalise any measures; and
  - 6.4. The risks to foreign relations or of significant adverse economic impacts.
7. **Note** that with more time, it may be feasible to implement some exemptions from the current border restrictions, but there are a number of operational challenges and hurdles that would need to be overcome before Ministers could take such a decision
8. **Note** that further work is required to develop and assess the feasibility of any exemptions, to provide confidence to Ministers that exemptions are feasible while continuing to effectively manage the public health and other risks and, that to that end:
- 8.1. the education sector is developing proposals to provide supported self-isolation facilities for students, which will be necessary regardless of decisions around exemptions;
  - 8.2. Immigration officials are implementing border system changes to support exemptions for whole visa categories, should they be required, and this will take 3-4 weeks;
  - 8.3. Health officials are providing clear guidelines that should be followed, and adhered to, in various circumstances of risk and that can be used to assess the feasibility of any proposed exemption for specific groups; and
  - 8.4. Education, Health and Immigration officials are engaging with the education sector to support them to develop their proposals and their implementation
9. **Note** that by the time plans for exemptions are in place and able to be implemented, it is possible that Ministers will be in a position to lift all border restrictions entirely
10. **Note** that there are a number of scenarios in which the relative desirability and feasibility of the overall travel restrictions, or exemptions from them, may change:
- 10.1. Australia lifts its restrictions in total;
  - 10.2. Australia introduce exemptions;
  - 10.3. New countries or places, e.g. a cruise ship, of concern (in addition to China) arise and are reflected in the restrictions;
  - 10.4. There is an outbreak of the virus in New Zealand; and/or
  - 10.5. There are significant changes in international scientific and public health consensus about infectiousness or mortality of the virus and disease.

*Publicity*

11. **Note** that the public release of this Cabinet paper will be subject to any appropriate withholding of information that would be justified under the Official Information Act 1982.
12. **Note** that as work on exemptions progresses, a communications approach would be developed to engage with the general public, the education sector, employers, and foreign governments ahead of any decisions being taken

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

Hon Dr David Clark

Minister of Health

Hon Iain Lees-Galloway

Minister of Immigration

Proactively Released



## **Annex One: Processes at the border under the current restrictions and under a large scale exemption**

### *Immigration processes to board and process an incoming traveller to New Zealand under the current restrictions*

The current restrictions mean that those who are subject to the ban are not able to travel to New Zealand if they have been in China in the 14 days prior to travel. If people subject to the ban are boarding from a mainland China airport, the check-in agent receives an automatic "Border Closed" response when attempting to check-in. If people are boarding from another port outside of China, the check-in agent must ask if they have been in China within the previous 14 Days. If they respond "yes", the agent must contact the Immigration Border Office (IBO) by telephone (a five minute conversation) and an immigration officer at the IBO will refuse uplift and that person cannot be checked in and boarded.

The international system which generates automatic board/do not board directives to check in agents is not currently functionally capable of distinguishing by visa type or other characteristics (such as having been previously living in New Zealand prior to the restrictions being put in place).

The current functionality is set to only distinguish between New Zealand citizens and residents, and all others (i.e. temporary visa holders). Individual, case-by-case, manual exemptions are able to be implemented now, but this is happening in only small numbers (e.g. the immediate family of NZ citizens and residents and Australians who are ordinarily resident in New Zealand and government-to-government requests for individuals such as diplomatic staff).

Only an Immigration Officer may issue a board/do not board directive. As at 17 February 2020, 959 calls from airlines had been received and resolved by Immigration New Zealand (INZ) staff at the IBO to determine if the traveller is eligible to travel to New Zealand related to COVID-19. INZ is utilising current staffing from IBO to manage the extra volume, but business as usual flight screening has been impacted.

### *Options for immigration processes to board and process an incoming travellers under a large scale exemptions*

There are two options to implement large scale exemptions.

The first option is to exempt a whole visa class, such as all student visa holders, or all temporary work visa holders. INZ has requested that SITA (the provider of the border passenger processing system) develop new code to allow this type of 'bulk' exemption at a visa type level. This is likely to take 3 to 4 weeks due to the testing required with airline systems, and cost between \$75,000 and \$100,000.

This approach would be suitable if the proposal from the education sector, and supported by the Ministry of Health, was to exempt all students on the basis that all education providers have the measures and facilities in place to ensure the self-isolation of students will be adhered to.

The second option is to take the current manual process to a much larger scale. This approach would be suitable if the proposal from the education sector identified that only

some providers (and thus only some students) have the measures in place to ensure that self-isolation can be adhered to.

The high-level requirements and process for this would be as follows:

- A list of eligible travellers would need to be generated by and provided to INZ. Before providing to INZ, this list would have been authorised by relevant the authorities, such as the MoH and in the case of students, the MoE.
- The traveller would be contacted<sup>7</sup> and informed that they are eligible to travel.
- The traveller would contact INZ to provide their travel details (flight number, time and date of travel).
- The traveller would arrive at check in and agent would receive a “Border Closed” message upon check in. The traveller would provide their confirmation of their ability to travel and advising the agent to contact the IBO by telephone.
- The IBO will check that the traveller is on the list that has been provided to INZ and either advise the agent to check in and board the traveller or not. The agent will generate a manual boarding pass to enable boarding.
- On arrival in New Zealand the traveller would provide their confirmation of their ability to travel to a Customs officer, who would process the passenger and refer them to MoH officials.

Given that only warranted Immigration Officers can process a manual exemption, implementing an exemption on a manual basis would mean that INZ would need to divert existing resources from security screening at the border and/or visa processing.

#### *Other considerations*

These changes to border settings would increase the numbers of travellers who will require manual processing by New Zealand Customs officers (as opposed to using eGate), interaction from public health officials and tracking for self-isolation. Supporting these expectations will require additional resourcing from the New Zealand Customs Service to the frontline (which is currently being sustained by a combination of reprioritised Customs officers and assistance from the Ministry for Primary Industries and INZ), will place more demands and expectations on public health officials at the border and will require more resourcing for Helpline support for the self-isolation process.

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<sup>7</sup> Some of these contact details will be for third party agents who acted on behalf of the applicant such as student agents or Immigration Advisers, and therefore contact may be difficult and / or reliant on a third party undertaking work.