



BRIEFING

Cancellation of special direction to allow the transit of specified individuals

Date:	25 March 2020	Priority:	Urgent
Security classification:	In Confidence	Tracking number:	2835 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Sign the special direction	25 March 2020

Contact for telephone discussion (if required)				
Name	Position	Telephone		1st contact
Alejandra Mercado	Manager Operational Policy, Immigration New Zealand	s 9(2)(a)		✓
Chris Holland	Senior Business Analyst, Operational Policy	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☐ Withdrawn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

1. This briefing provides further information and a proposed special direction which cancels previous special direction regarding those transiting New Zealand.

Background and proposed special direction

2. 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.
3. 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 reflected similar treatment announced by the Australian Government, who have allowed a 72 hour transit window for repatriation flights.
 - a. You signed a special direction on 22 March 2020 giving effect to this decision (copy in Annex 2) to allow people to transit New Zealand
 - a. before 3:00pm 24 March 2020 and whose immediate or ultimate destination is Australia; or
 - b. before 11:59pm 29 March 2020 and whose immediate or ultimate destination is not Australia.
4. On 25 March 2020, Ministers with Power to Act agreed to bring forward the date for people whose ultimate destination is not Australia, from 11:59pm 29 March 2020 to 2:00am 26 March 2020. This will effectively close down the ability for travellers to transit New Zealand.
5. To implement this, it is proposed that you issue a special direction under section 86(5)(b) of the Immigration Act 2009 (the Act) to cancel the previous special direction, Special direction – Waiver of the Requirement for a Visa or an Electronic Travel Authority Permitting Transit of New Zealand dated 22 March 2020.

Recommended action

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

- a **Note** that Ministers with Powers to Act agreed to close the ability to transit New Zealand effective 2:00am 26 March 2020

Noted

- b **Agree** to cancel the Special direction – Waiver of the Requirement for a Visa or an Electronic Travel Authority Permitting Transit of New Zealand dated 22nd March 2020, effective 2:00am 26 March 2020, by signing the attached cancellation in Annex One

Agree / Disagree



Stephen Dunstan
General Manager, Enablement
Immigration New Zealand, MBIE

25 / 03 / 2020

Hon Iain Lees-Galloway
Minister of Immigration

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Proactively Released

Annex One: Special direction

Immigration Act 2009

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

Pursuant to section 86(5)(b) of the Act, by way of special direction, the following special direction, **Special direction – Waiver of the Requirement for a Visa or an Electronic Travel Authority Permitting Transit of New Zealand**, dated 22nd March which classified as persons to whom a transit visa waiver applies, is cancelled.

This special direction is effective from 2:00am 26 March 2020.

Dated this 25th day of March 2020

Hon IAIN LEES-GALLOWAY, Minister of Immigration

Hon Iain Lees-Galloway

Minister of Immigration

Annex Two: Copy of current Special Direction being cancelled

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