



## BRIEFING

### Further regulatory amendments to support COVID-19 response

Date:	13 March 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	BR 2691 19-20

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	Sign the attached paper for submission to Cabinet Office and consideration by Cabinet on Monday 16 March 2020	13 March 2020
Hon Jenny Salesa Minister of Customs  Hon Poto Williams Associate Minister of Immigration	For information	

Contact for telephone discussion (if required)				
Name	Position	Telephone	Privacy of natural persons	1st contact
Siân Roguski	Manager, Immigration Policy	04 901 3855		✓
Christine Hyndman	Principal Policy Advisor	04 901 8575		

The following departments/agencies have been advised

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments



## BRIEFING

### Further regulatory amendments to support COVID-19 response

Date:	13 March 2020	Priority:	High
Security classification:	In Confidence	Tracking number:	BR 2691 19-20

#### Purpose

On Wednesday 11 March 2020, the Ad Hoc Cabinet Committee on COVID-19 Response approved the policy decisions you sought proposing:

- two amendments to the *Immigration (Visa, Entry Permission and Related Matters) Regulations 2010*, to complement the powers available to Health officials to manage people on a cruise vessel where cases of COVID-19 were suspected or confirmed, or in future circumstances that might warrant enhanced immigration management; and
- an extension to the sunset date for the already-Gazetted changes to the *Immigration (Carriers' Information Obligations) Regulations 2010* [CVD-20-MIN-0006]

You directed officials to prepare a paper to accompany the Amendment Regulations for consideration by Cabinet on Monday 16 March 2020. A Cabinet paper is attached for your consideration and approval.

#### Recommended action

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

- a **Note** that, on Wednesday 11 March 2020, the Ad Hoc Cabinet Committee on COVID-19 Response approved your proposals for regulatory amendments [CVD-20-MIN-0006]

Noted

- b **Note** that you have directed officials to prepare a paper to accompany the amendment Regulations, for consideration by Cabinet on Monday 16 March 2020 [2642 19-20]

Noted

- c **Note** that Cabinet Office has agreed that this paper can be received as a late paper

Noted

- d **Approve** the submission of the attached Cabinet paper seeking Cabinet's agreement to submit the consequential Amendment Regulations to Executive Council

Agree / Disagree / Discuss

- e **Note** that suggested talking points are attached at Annex one.

Noted

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

13 / 03 / 2020  
..... / ..... / .....

Hon Iain Lees-Galloway  
Minister of Immigration

..... / ..... / .....

## **The Ad Hoc Cabinet Committee on COVID-19 Response (CVD) has approved your policy proposals**

---

1. On Wednesday 11 March 2020, the Ad Hoc Cabinet Committee on COVID-19 Response approved your paper *COVID-19: Further Immigration Regulatory Amendments*. You had previously directed us to, in that case, prepare a paper to accompany the amendment Regulations for consideration by Cabinet on Monday 16 March 2020 [2642 19-20].
2. We seek your agreement to the attached Cabinet paper, *Immigration amendment regulations*. It asks Cabinet to authorise the submission of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2020* and the *Immigration (Carriers' Information Obligations) Amendment Regulations (No 2) 2020* to the Executive Council.
3. A copy of both sets of Amendment Regulations is attached for your reference. The final Amendment Regulations will be associated with the uploaded paper by Cabinet Office.

### **Next steps**

---

4. Cabinet and Executive Council will consider the paper and Amendment Regulations on Monday 16 March 2020.
5. The proposed timeframe sees both sets of Amendment Regulations gazetted on Tuesday 17 March 2020.
6. The *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2020* will then come into force on 18 March 2020.
7. The *Immigration (Carriers' Information Obligations) Amendment Regulations (No 2) 2020* will come into force on 15 April 2020, 28 days after gazetting.

### **Annex**

---

Annex one: Suggested talking points - Immigration amendment regulations

## Annex one: Suggested talking points - Immigration amendment regulations

---

The Ad Hoc Cabinet Committee on COVID-19 Response approved policy decisions last week which these amendment regulations enact.

- They add immigration powers to the toolkit of Health powers if COVID-19 is suspected on board a cruise vessel.

The first changes are made to the *Immigration (Visa, Entry Permission and Related Matters) Regulations 2010*. Assuming Cabinet, Executive Council and the Governor-General agree, they will come into effect on Wednesday

- The major change means that people on a cruise vessel will have to apply for a visa and entry permission where the vessel has not been granted pratique – such as where it is suspected of having a quarantinable disease such as COVID-19 on board.
  - At the moment all cruise passengers and crew are deemed to hold a visa and entry permission when they arrive in New Zealand.
  - This will give us the ability to refuse entry as appropriate – meaning no appeal rights.
  - It also means that we could grant visas to some people – particularly those who require hospitalisation – without those visas expiring automatically when the boat leaves.
  - This will not apply of course to New Zealand citizens and resident visa holders.
  - We will use it on a vessel by vessel basis where there is a health concern, and will continue to facilitate the entry of most passengers and crew through deeming.
- The secondary change is a clarification. It removes any doubt that suspending a visa waiver – either of an individual or a class or people – before they travel to New Zealand automatically cancels that person's ETA.
  - This would apply to air travellers as well as cruise travellers and would mean both that they have no legal basis to travel to New Zealand and that, if they still manage to travel here, they cannot be deemed to hold a visa and entry permission on arrival.

Two changes are also made to the *Immigration (Carriers' Information Obligations) Regulations 2010*. They come into effect on 15 April 2020.

- We have already enabled the MBIE Chief Executive to require carriers to request specified information about places of concern from intending travellers and to advise INZ.
  - On that basis, air and cruise carriers are currently asking passengers and crew before boarding whether they have been in or transited mainland China or Iran in the preceding 14 days. This is automatically repealed on 30 April 2020.
  - We are now extending that date to 30 September 2020 at this stage. The requirement can be withdrawn at any time before that by a notification by the Chief Executive of the Ministry.
- The other change just updates the name of the disease to coronavirus disease (COVID-19), as the World Health Authority has changed it from 2019-nCoV in the interim.