

## Changes to border exceptions

### Information, Questions and Answers

12 June 2020

#### **Partners and dependants of New Zealand citizens and residents no longer need to travel together to be granted an entry exception.**

- The current requirement that family members need to be travelling with each other to New Zealand has created significant difficulties for separated families.
- The exemption will now also enable entry for partners, dependent children and legal guardians of New Zealand citizens and residents who are usually living in New Zealand or have a relationship based visa.

#### **A new maritime exception will allow entry to those arriving at maritime border, where there is a compelling need for the vessel to travel to New Zealand.**

- Compelling needs include vessels to be delivered for refit and repair, responding to emergency and humanitarian situations, crew changes, discharge of catch or resupply.
- Most maritime journeys to New Zealand take more than 14 days, so crew and other will self-isolate on route, and won't impact New Zealand's quarantine capacity.
- All arriving vessels will still be monitored and public health measures may still be required, for example if the journey was shorter or there is illness on board.
- This exception will not apply to cruise ships, which remain prohibited from entering New Zealand territory, or people travelling for leisure.
- Border restrictions will not apply to replacement cargo ship crew arriving in New Zealand by air and transferring straight to a cargo ship to leave New Zealand. This will help keep our shipping routes open.

#### **The diplomatic exception, which allows re-entry to those who normally live here, is being expanded to include diplomats taking up new posts in New Zealand.**

- How we treat foreign diplomats in New Zealand influences how our diplomats are treated overseas.
- A functioning global diplomatic network is critical to New Zealand's economic recovery, support for New Zealanders overseas, and our COVID-19 vaccine strategy.
- Currently, only people who hold a New Zealand diplomatic visa and normally live here are allowed an entry exception on diplomatic grounds. New diplomatic and consular personnel, non-resident accredited diplomats, and diplomats on temporary assignments haven't been able to enter. Some foreign missions now have vacant

positions (including at Ambassadorial level) and staff have been unable to rotate because their replacements cannot enter New Zealand.

**New processes and criteria are being put in place for employers who need to bring in workers required for significant economic activities, without whom key projects will be delayed or the economy affected.**

- The Government has always allowed for exceptions in limited circumstances, decided with Ministerial discretion on a case-by-case basis. We closed the borders quickly, and this discretion ensured a small degree of flexibility remained available. These grounds have been used sparingly
- We expect demand to increase as the economy starts up again, so we are providing greater certainty to migrants and businesses that believe they meet the 'essential' threshold.
- Immigration New Zealand will now decide applications and clear criteria has been introduced, depending if the role is for the short or longer term. Applicants may include immediate family members.
- Any employers granted an exception to bring in workers on these grounds must fund their managed isolation. In some cases, such as with larger groups, they may need to work with Ministry of Health to develop an alternative managed isolation plan.

**The threshold for entry for Other Essential Workers remains very high, aimed at high value workers on projects of national or regional significance, and businesses should ensure no alternative options are available before applying.**

- We are seeing emerging demand from employers and business for overseas workers. We need to balance this demand with our capacity for isolation and quarantine of new arrivals, and how we support a rapidly changing labour market.
- This exception is aimed at high-value workers essential to time critical work on projects of national or regional significance.
- Visa requirements still apply.
- Businesses need to be taking active steps to employ and upskill New Zealand workers for all types of roles wherever possible.
- We are working on establishing a joined up approach to labour market planning which will see our workforce, education and immigration systems working together to better meet differing and changing skills needs across the country.

**The Government will continue to review the way we manage our border as New Zealand recovers from Covid-19.**

- We are working on a border strategy focused on the longer-term management of New Zealand's people movement border settings.

- We are exploring how we can create a managed isolation system that could support further opening of New Zealand's borders while continuing to effectively manage health risks from overseas arrivals.

## Questions and Answers

### When can partners start coming in?

Officials are working to implement these changes as quickly as possible and we expect the changes to partners will be in effect by the end of next week.

They will then need to have the exception approved and relevant visa sorted. They need to have a visa based on their relationship to their New Zealand citizen or resident partner or parent.

But it also depends on:

- The availability of flights
- The availability of quarantine facilities in NZ

### How do they know about the changes?

- Immigration New Zealand updates its website regularly and sends emails to all stakeholders once a week. Travel agents and immigration advisors are updated in these emails.
- Changes made today will be implemented in the next weeks. An update to immigration instructions should be out by Thursday.

### How many partners and dependents are waiting to come in?

It's impossible to say what private individuals want to do. We can only say who is applying to come in, and you can't differentiate partners unless they choose to come in on a partnership visa. They may come on a work visa.

### How many migrants are stuck overseas who could want to come in?

Again, we can't tell who might want to come in. However, officials estimate that there are around 10,000 people holding a current visa who are outside the country, but who normally live here.

This estimate excludes visa holders who are unlikely to live in New Zealand such as those on visitor visas or event visas.

### What does it cost for the applicant?

Immigration New Zealand's fees are set on a cost recovery basis.

The Ministry of Business, Innovation and Employment and INZ are currently undertaking work to set fee levels. It is estimated that the EOI fee to be in the range of \$250 to \$440 for an employer who requests exceptions for essential workers (or organisations or agencies that sponsor requests) and \$30 to \$50 for individual applicants under all other established and future critical purpose categories.

## **How are we making sure that those people don't bring in Covid-19?**

People entering New Zealand are subject to Ministry of Health requirements including 14 days in managed isolation or quarantine and a test for Covid-19.

## **What about people on temporary work visas who ordinarily live here and are stuck overseas?**

The Government is particularly looking at this issue as we understand that these people are in a difficult position. We are limited by our capacity to isolate and quarantine new arrivals. We are working on a border strategy focused on the longer-term management of New Zealand's people movement border settings.

## **Where can I see the criteria for other essential workers and how can they apply?**

These will be published on the Immigration NZ website.

An essential worker is someone who an employer can demonstrate meets the following criteria:

- For a short-term role (less than six months):
  - The worker must have unique experience and technical or specialist skills that are not obtainable in New Zealand, or
  - The work must be significant in terms of a major infrastructure project, or event of national or regional importance, or government approved programme, or in support of a government-to-government agreement, or have significant benefit to the national or regional economy, AND
  - The role must be time critical (eg if the person does not come to New Zealand, the project, work or event will cease or be severely compromised, or significant costs will be incurred),
- For a longer-term role (more than six months), the worker must:
  - meet one of the short-term criteria (8.1.1 or 8.1.2 and 8.1.3) AND
  - earn twice the median salary (as an indicator of high skills), or
  - have a role that is essential for the completion or continuation of science programmes under a government funded or partially government-funded contract, including research and development exchanges and partnerships.
  - have a role that is essential for the delivery or execution of a government approved event, or programme that is of major significance to New Zealand.

## **When will you review the categories for exceptions?**

We are continuously looking at whether the exception categories are fit for purpose, but we are limited by our capacity to isolate and quarantine new arrivals.

## **When are the changes taking effect?**

These changes need to be given effect by new Immigration instructions, certified by the Minister of Immigration. We expect some changes, like allowing families of New Zealand citizens to travel here, can be made quickly, but implementing the new criteria for essential workers may take a little bit longer.

### **Will diplomats have to go into managed isolation when they arrive?**

NZ is a signatory to the Vienna Conventions on Diplomatic and Consular Relations and unable to require diplomatic personnel to enter quarantine or managed isolation. How we treat foreign diplomats in New Zealand will also influence how New Zealand diplomats are treated overseas. In some countries, managed isolation or quarantine conditions could give rise to security and health and safety risks for diplomats and their families.

We will ask diplomatic and consular personnel allowed to enter New Zealand to complete self-isolation consistent with New Zealand's public health settings and international obligations.

### **How many applications were turned down for exception categories?**

The current bar for granting an exception to the border restrictions has been set very high, with nearly 80 percent of all requests made to Immigration New Zealand (INZ) across the five categories being declined. At 9 June there were over 14,000 requests and 2,273 approvals.

### **What about for 'Other Essential Workers'?**

Since 21 April, when 'other essential worker' decisions were delegated to the Minister for Economic Development on an interim basis and the relevant portfolio Minister, 228 individuals had been approved from 2,267 requests.

Exceptions were granted for work in areas such as critical infrastructure, space, technology, primary production or film projects. The low approval rate reflects that the bar is high to be considered.

Note: A number of the "declines" are essentially direct inquiries to INZ that have been advised they need to go through other agencies to be granted an exception on the current rules.

MBIE accept that better information about the process to be followed has been needed, and are addressing this now.

### **What are our quarantine capacities and why isn't it more?**

Capacity is 3200 and around 250 arrivals come in/out per day and a plan to expand this is being developed. The number of people coming in to NZ is currently limited by airlines and their flight plans.

The quarantine and managed isolation for all arrivals has been mostly used by returning New Zealanders and resident visa holders and their families.

It is difficult to predict how many New Zealanders will return to New Zealand, but the number of arrivals has begun to increase and forecasts indicate that this will continue to increase, putting significant pressure on accommodation supply.

The accommodation supply is determined by the health requirements for facilities and the support required to manage them. The wraparound support services are provided by government agencies, for example, the New Zealand Defence Force, Aviation Security, Customs, and there is currently no mechanism for the costs of these services to be charged back to foreign nationals.

### **How do you decide who comes in and when – is there a queue/list?**

People who don't have to apply for an exemption include residents, permanent residents and New Zealand citizens. Because of the complexities of flights – people who are allowed in; plus people who have gained an exception and have a visa all come in when they can, not in an order set by Immigration NZ.

### **What is managed isolation versus quarantine (info from COVID-19 site)**

If you have symptoms of COVID-19 or you are waiting for the results of a COVID-19 test, you will go to the quarantine hotel. Otherwise, you will go to one of the hotels being used for managed isolation.

While in quarantine or managed isolation, you will be tested for COVID-19.

#### Managed isolation

You will be able to leave managed isolation after 14 days.

You'll be asked for details about your onward travel plans and where you will be staying. If you need help with accommodation, our team can support you with making arrangements.

#### Quarantine

You will be able to leave quarantine after you have:

- spent at least 14 days in quarantine, and
- been free of COVID-19 symptoms for at least 48 hours.

You will also need to have an onward travel plan and tell us about where you plan to be staying.