



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
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Briefing for the Incoming Minister of Immigration

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1. Portfolio Overview

Purpose

1. This briefing provides you with information about the immigration portfolio. Further briefings will be provided focussing on specific topics, including detailed immigration statistics, depending on your priorities.

Key messages and priorities

2. New Zealand's immigration system regulates the entry of, and stay in New Zealand, of people who are not New Zealand citizens.
 - The Minister of Immigration is responsible for the immigration system, including the regulation of immigration advisers, and is responsible for leading the development of all immigration policy, as well as for the immigration-related appropriations that fall within Vote Labour Market.
 - The Minister of Immigration also has powers under the Immigration Act 2009, including as a primary decision maker, and the ability to delegate the decision making power to other Ministers and officials.
3. The Immigration system supports a range of economic, social and humanitarian objectives. Immigration settings need to balance impacts across these objectives, particularly the need to balance potentially negative impacts of immigration on the labour market with facilitating attraction of highly skilled workers and migrants filling genuine skills gaps.
4. Prior to COVID-19, the Immigration context was characterised by a growth in numbers of low-skilled temporary work visa holders and increased pressure on skilled residence visas. Two significant programmes of change underway to address these trends are:
 - Reforms to the temporary work visa system; and
 - Implementing the findings of the review of migrant exploitation.
5. COVID-19 has resulted in unprecedented challenges for the Immigration system, related primarily to the closure of the border, with flow on impacts for families and the economy. The impacts of COVID-19 have been highly varied, with regions that rely on hard-hit sectors such as tourism particularly affected. Immigration New Zealand (INZ) has also been significantly impacted, with visa processing capacity reduced due to the closure of offshore processing offices.
6. Border entry has remained open for returning New Zealanders, returning New Zealand residents, and people who qualify for narrow skills, family, and humanitarian criteria. The labour market outlook remains uncertain in terms of the demand for skills and onshore supply of skills. It is likely that immigration levers will need to be calibrated to respond to protect labour market conditions and opportunities for an increased number of New Zealand jobseekers, as well as to ensure that New Zealand is able to fill key skills shortages to support the economic recovery. A large number of temporary migrants with work rights remain in New Zealand, but the normal

flow of temporary workers in and out of New Zealand has been halted and some temporary migrants are facing an uncertain future.

7. There has been a significant impact on the international education and tourism sectors as a result of the border closure.
8. The Immigration system also has a role to play in supporting the Pacific through COVID-19 from both a public health perspective, as a key transit route to many Pacific countries, and from an economic perspective (in relation to Pacific countries' access to the New Zealand labour market).
9. Immigration system settings are key to responding to these challenges, alongside other labour market and economic levers.
10. There are four priority areas of focus over the next three years:

- **Safe and staged re-opening of the border**

The border has been used as the primary defence for eliminating and preventing the reintroduction of COVID-19 to New Zealand. Entry is permitted through Managed Isolation and Quarantine (MIQ), and could be considered from identified safe zones. Border settings must maintain the rights of New Zealand citizens to return.

Since the border was closed in March 2020 the Government has progressively made decisions on border exceptions. The exceptions framework has shifted from allowing entry of a narrow set, focused on critical workers needed to ensure continuity of essential services to enabling wider economic, social and humanitarian objectives to be met. A high threshold set of exception criteria allow entry of a range of groups including specialist critical workers, and temporary visa holders with strong connections to New Zealand, including partners of New Zealanders and those previously resident in New Zealand.

The capacity limits of MIQ, and generally reduced international travel, have resulted in a drop of arrivals by 98 per cent. There are still normal levels of work visa holders onshore with over 200,000 (excluding students). However, this is less than would likely have been the case if the border was not closed, and there are lower numbers of some open work visa holders such as working holiday makers. Even with fewer jobs (often focused in sectors dependent on migrants for customers), and likely more displaced New Zealanders, many businesses will be facing labour and skill pressures while the border remains closed.

To support New Zealand's economic recovery, further expansion (when safe to do so) of border entry categories is desirable. Decisions are also needed on the longer term operation of the current system, which will require a more formulaic approach to enable an increased volume of exceptions to be managed consistently.

As a priority, discussions are needed on the plan for re-opening of the border to wider groups of people, as public health parameters allow, to support New Zealand's economic recovery.

In the very short-term, decisions on urgent class border exceptions will need to be made by Border Minister s 9(2)(f)(iv)

Work on developing safe travel zone arrangements will also need to continue. Advice on the border requires collaboration across the All of Government response to COVID-19, the Ministry of Health, MIQ and the Ministry of Foreign Affairs and Trade.

The closed border, and decisions about a staged re-opening also present a one-off opportunity to reset aspects of the economy and the labour market, including:

- The opportunity to re-set the tourism and international education sectors to focus on higher value and lower volume strategies, in line with wider government objectives.
 - Pushing for faster transformation in sectors that have an over-reliance on low-skilled migrant labour.
 - Encouraging entry of highly skilled workers and investors in light of New Zealand's successful management of COVID-19.
- **Improving the skill level of people being granted temporary and residence work visas to support domestic labour market and economic objectives**

The size of New Zealand's temporary migrant workforce has increased rapidly in recent years. Despite this, skills shortages in particular sectors endure, and some sectors are reliant on growing numbers of low-skilled temporary workers.

Temporary work visa settings should enable genuine skills shortages to be met, but not dampen incentives for improving the attractiveness of jobs, training New Zealanders, or investing in technology. To achieve this, immigration settings need to work in concert with levers in the education, skills, and the social welfare system, to maximise positive outcomes for the labour market and the economy. Decisions about border re-opening and exceptions for classes of workers are opportunities to embed such changes faster.

The Government has agreed to a multi-year programme to reform the temporary work visa system to create more linkages between temporary work visa settings and other labour market levers and intelligence. The new system is due to be implemented in mid-2021. COVID-19 means that progressing these changes to the system is even more important, to enable immigration settings to more effectively support wider government objectives to incentivise training and upskilling of New Zealanders, and to respond to specific regional labour market realities that might differ across New Zealand. It will be necessary to ensure that the settings are calibrated to changing conditions in the labour market.

With the border closed, the immigration system will also play a role in making the best use of the migrant workforce onshore. s 9(2)(f)(iv) rather than creating additional border pressures by bringing in new workers, or, enabling workers to work in alternate sectors where New Zealanders are needed but cannot be readily found or trained. The system will need to balance visa flexibility with continued pressure to employ and train displaced New Zealanders.

Residence visa settings for skilled workers are important for attracting top talent to New Zealand. Decisions about eligibility requirements for residence (in terms of skills and contribution to New Zealand) should drive skilled residence settings, rather than target

approval numbers. Evidence demonstrates a need for a reset of skilled residence settings: requirements may not sufficiently target highly skilled people and the queue for residence has increased significantly as the number of eligible applicants has exceeded the Government's planning range and processing capacity. Many residents come from the pool of temporary migrants.

- **Ensuring operationally and financially sustainable models for INZ**

COVID-19 has had a significant impact on INZ's operations and financial situation. The reduction in visa applications caused by COVID-19 has worsened deficits that existed prior to COVID-19 due to drops in third party fees and levies.

The visa processing system needs to be resilient and flexible to respond to an uncertain and changing environment. s 9(2)(f)(iv)



- **Progressing work to reduce migrant exploitation**

Exploitation has serious, negative outcomes for migrant workers and the New Zealand labour force as a whole. In its most serious forms it includes forced labour and people trafficking. Exploitative work practices have a negative impact on businesses and the economy. Good employers are undercut and disadvantaged by exploitative employers and businesses using illegal or unethical practices to get ahead.

Quantitative and qualitative research undertaken by the Ministry of Business, Innovation and Employment (MBIE) shows that migrant exploitation is a significant problem in New Zealand. COVID-19 has emphasised the importance of addressing migrant exploitation. While it is expected that the number of temporary migrant workers will reduce in the short term as a result of border closures and redundancies, migrants who are currently in New Zealand are likely to be more vulnerable to exploitation. Many of them work in lower-paid sectors such as tourism and hospitality that are heavily affected by COVID-19.

The previous Government had agreed to a multi-year work programme to address migrant exploitation that is led jointly by the Immigration and Workplace Relations and Safety portfolios. The work programme includes implementing the set of policy and operational changes agreed as part of the Review of Temporary Migrant Worker Exploitation. The changes, which include new legislation, are due to be implemented starting in 2021. The successful implementation of these changes will require a sustained focus by the Government and improved coordination between INZ and Employment New Zealand.

MBIE has also consulted on a new National Plan of Action against Forced Labour, People Trafficking and Slavery which needs to be finalised and implemented in order to meet New Zealand's international obligations.

11. Work across the above priorities, and particularly policy changes relating to the border, are likely to constitute the majority of the immigration policy work programme in the coming months. However, there are also opportunities to progress work on reviewing the Recognised Seasonal Employer (RSE) scheme (which is underway), and Pacific immigration categories, family immigration policies (including partnership), progressing changes to the Refugee Family Support Category, and considering changes to visa settings for international education in line with the wider reset of the sector. A review of the Immigration Act 2009 is also timely, particularly with regards to the role of decision-makers and discretion in the Immigration system. In the short term, decisions will be needed on continuation of amendments to the Act that were introduced in response to COVID-19 and which will expire in May 2021.
12. Officials are able to meet with you over the coming weeks to discuss relative priorities for the immigration work programme.

Introduction to New Zealand's immigration system

Key immigration statistics

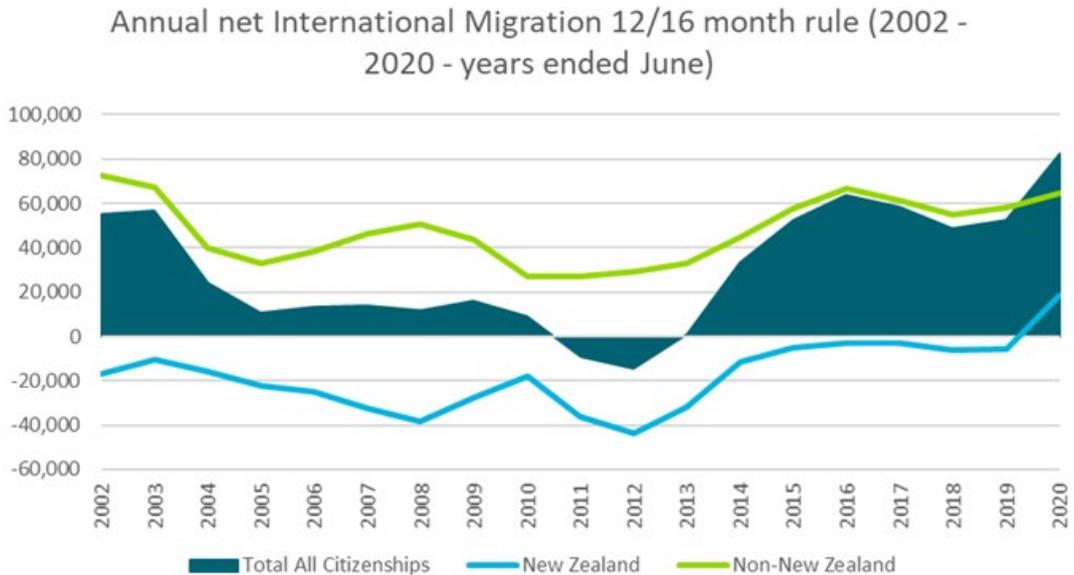
13. This section provides you with key statistics and insights on evidence and performance of the immigration system. You will also be provided with further information on key trends and performance indicators of the system following this initial briefing.
- The size of New Zealand's **temporary migrant workforce** is increasing:
 - There are around 200,000 people with work visas in New Zealand, which has increased by about 76 per cent over the last five years (with no increase or decrease in onshore numbers in the last year due to COVID-19). The increase has been driven by increases in the number of people on essential skills, family and work to residence visas.
 - There has been a particularly sharp increase in the number of people being granted work to residence temporary work visas: from around 2,000 approvals in 2016/17 to 3,500 approvals in 2018/19. This is expected to be a temporary spike ahead of the temporary work visa reforms tightening pathways from temporary work visas to residence, but is having a flow-on impact on the residence queue.
 - An increasing proportion of temporary workers are in lower-skilled roles, with 43 per cent of essential skills visa approvals in 2019/20 for ANZSCO skill level 4 and 5 roles. Over time the proportion of essential skills visas granted for more highly-skilled roles has decreased (with a slight fall in absolute numbers of skill level 1 and 2 approvals).
 - **Overall residence approvals** have been more static in line with Government decisions on the residence planning ranges across the skilled/business, family and humanitarian categories.
 - In 2019/20 there were:
 - 27,400 people (principal applicants plus partners) approved in the skilled/business stream
 - 15,800 people approved in the family stream
 - 4,400 people approved in the humanitarian stream
 - There has been a 276 per cent increase in the number of people granted residence from work visas between 2019/20 and 2017/18, with this category making up a more significant proportion of the skilled/business stream than in previous years. This reflects the increase in the number of people being granted work to residence temporary visas who are eligible to apply for residence after two years.
 - 229,246 people have been approved residence over the past five years (July 2015-30 September 2020). As at 30 August 2020, 184,593 people of those approved are currently in New Zealand.
 - The number of on hand residence applications has increased significantly: from around 9,000 in June 2018 to 25,000 (26 per cent are partnership resident visas) in

June 2020, resulting in increased queue times for applicants. This results from a spike in demand for both skilled migrant category and residence from work visas with no corresponding increase in the New Zealand Residence Programme planning range.

- 1.5 million **visitors** (excluding Australians) arrived in 2019/20, a decrease from 2.1 million visitor arrivals in 2018/19 (27 per cent decrease)
- Around 84,000 **student visas** were granted in 2019/20; due to COVID-19, this number is fewer than the previous four years when there have been around 100,000 total approvals. Of the 84,000 visas approved in 2019/20:
 - 40 per cent were studying at universities
 - 23 per cent were studying at primary and secondary school
 - 19 per cent were studying at private training establishments (PTEs)
 - 19 per cent were studying at polytechnics

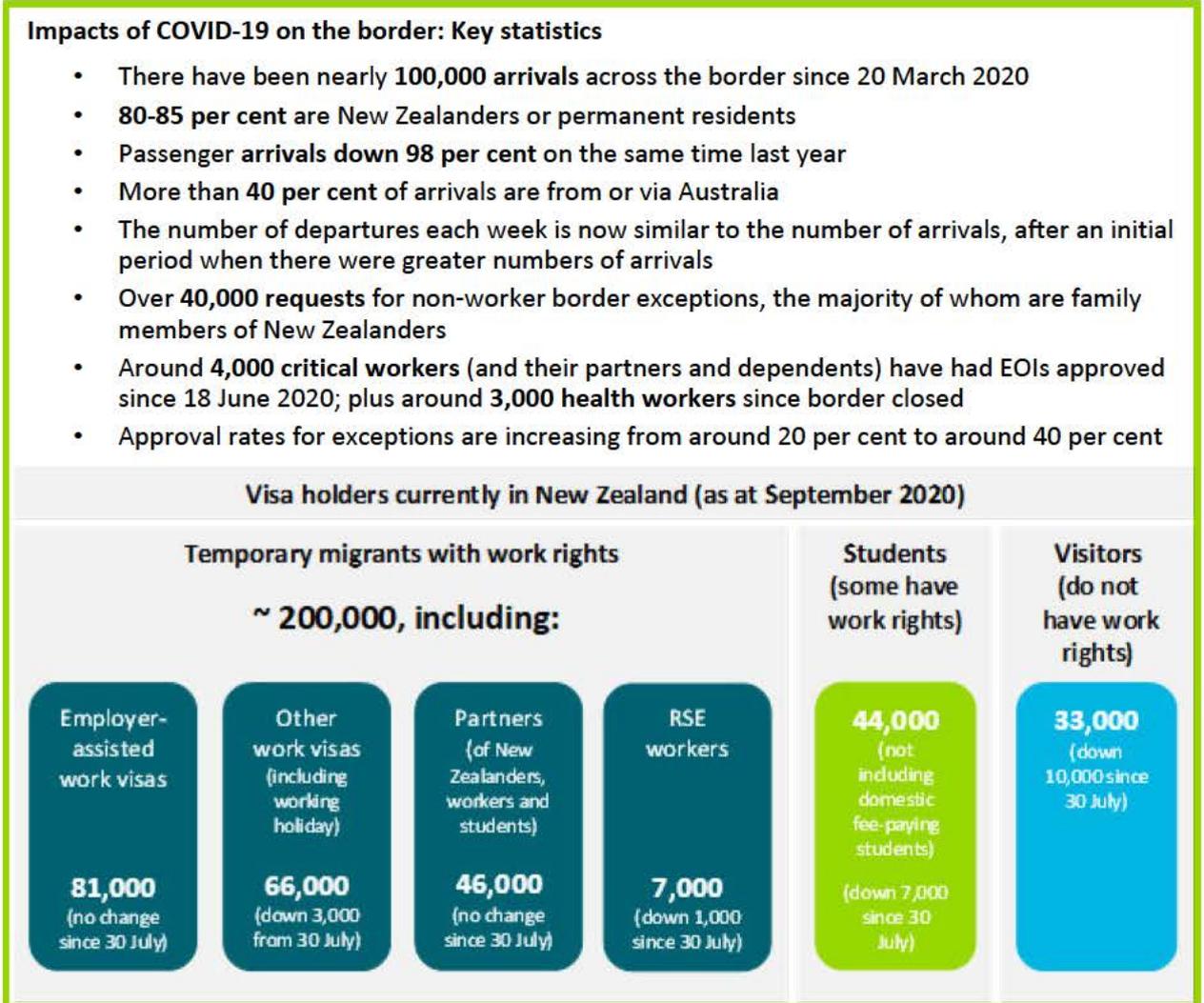
Since 2015/16 the proportion of student visas granted for PTE students, and to a lesser extent polytechnic students, has decreased as a proportion of total approvals, while the proportion of students at university has increased.

- **Annual net migration** (the net number of long-term arrivals in New Zealand) has increased since 2019, driven predominantly by a net gain of New Zealand citizens (due to COVID-19) when compared with previous years.



Immigration portfolio responses to the COVID-19 pandemic

14. The current New Zealand border restrictions, and closure of the offshore visa processing offices, have resulted in significant impacts for migrants and the New Zealand economy, and resource constraints and new processing demands for INZ.



Policy responses

15. Changes to immigration settings, processes and legislation have been part of the significant response to COVID-19.

Border restrictions

16. On 19 March 2020, Cabinet agreed to restrict entry to New Zealand for all persons from other countries, with the exception of New Zealand citizens and residents. Cabinet also agreed a small number of exceptions to the closed border for some temporary visa holders.
17. Since then, Cabinet has agreed to some limited adjustments, including for ‘other critical workers’, partners of New Zealand citizens and residents, and the maritime border, as well as

establishing an exception category for temporary work visa holders with an ongoing connection to New Zealand.

18. There are currently two ways in which people are able to enter New Zealand:

Border exemptions: Categories of people who are not subject to the border restrictions. In addition to New Zealand citizens and residents, this group includes:

- Partners, guardians and children of a citizen or resident, if ordinarily resident in New Zealand, travelling with the person, who have a visa based on that relationship
- Australian citizens and permanent residents who are ordinarily resident in New Zealand
- Diplomatic and consular personnel
- People described in Regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 – this includes air crew, cargo ship crew, members of foreign armed forces travelling on military craft, people travelling from Antarctica

Border exceptions: Categories of non-New Zealanders that can be approved on a case-by-case basis, including:

- People travelling for humanitarian reasons
- Citizens of Samoa and Tonga for essential travel to New Zealand
- Temporary visa holders normally resident in New Zealand with strong connection to New Zealand
- Partners or dependents of temporary work or visa holders who normally live in New Zealand
- Replacement cargo ship crew arriving by air
- Marine crew arriving by the maritime border
- Essential health workers, their partners and dependents
- Other critical workers, their partners and dependents

19. Ministers are also able to agree to more tailored 'class exceptions' for specific classes of workers or other groups. Class exceptions agreed to date include a limited number of PhD students, crew of specified fishing vessels and skilled agricultural workers needed to fill critical skills gaps, including veterinarians.

Implementation of border exceptions

20. As at 26 October 2020, 43,806 requests for a border exception from individuals have been received. Expressions of interests (EOIs) received following the changes on 10 August 2020 to implement fees, have a higher approval rate of 50 per cent as compared to those received pre-10 August, with an approval rate of 21 per cent.

21. From 10 August 2020, INZ introduced fees for all border exception EOIs. These are:

- \$380 for employers who request exceptions for 'other critical workers' (or organisations or agencies that sponsor requests); and
- \$45 for individual requests under all other established and future critical purpose categories.

Legislative change

22. Changes were made to the Immigration Act 2009 in May 2020 to introduce eight time-limited powers to respond to the impacts of COVID-19. The changes enable the Minister of Immigration (or those delegated by the Minister) to:
- impose, vary or cancel conditions for classes of temporary entry class visa holders
 - vary or cancel conditions for classes of resident class visa holders
 - extend the expiry dates of visas for classes of people
 - grant visas to individuals or classes of people in the absence of an application
 - waive any regulatory requirements for certain classes of application (that is, waive any prescribed requirements that people need to fulfil to have their application accepted by INZ for assessment)
 - waive the requirement to obtain a transit visa
 - suspend the ability to make applications for visas or submit expressions of interest in applying for visas by classes of people who are offshore; and
 - revoke the entry permission of people who are deemed to have been granted entry permission
23. The legislative changes expire in May 2021. Decisions will need to be made about its renewal, in whole or in part.
24. The new powers under the Act have been exercised by the Minister of Immigration in a variety of ways.

Visa extensions and changes in conditions for temporary migrants in New Zealand

25. A number of policy decisions have been made to either extend or change the conditions of the visas of temporary migrants, who are currently onshore in New Zealand to respond to the impacts of COVID-19. In general, these decisions have been focussed on:
- ensuring that temporary migrants are able to stay lawfully in New Zealand
 - prioritising New Zealanders for employment opportunities
 - enabling businesses to access migrant workers where there is a genuine need, to support the provision of essential services and the economic recovery; and
 - avoiding putting temporary migrants at risk of hardship or exploitation.
26. The Epidemic Preparedness (Epidemic Management – COVID-19) Notice, which came into effect on 2 April 2020, granted an automatic extension to 75,000 visas (that were expiring between 2 April 2020 and 9 July 2020) to September 2020, to ensure that temporary migrants in New Zealand were able to remain lawful while INZ processing capacity was significantly reduced.
27. During COVID-19 Alert Levels 3 and 4, changes were made to enable flexible visa conditions for temporary migrants working in essential services. These settings expired six weeks after New

Zealand moved out of Alert Level 3 and were briefly reinstated for supermarket workers in Auckland during level 3.

28. All employer-assisted temporary work visas expiring before the end of 2020 have been extended for six months from the date of expiry, to provide some certainty to employers and migrants. Partners and dependent children are included in this extension.
- This decision was taken alongside changes to reduce the duration of new low-paid essential skills visas from 12 to six months (for the next 18 months), and make changes to streamline and take a consistent approach to the skills match report for occupations where there is an under- or over-supply of New Zealand registered jobseekers.
29. Changes to RSE scheme visas have been made to enable RSE workers to remain lawfully in New Zealand, and provide certainty about the horticulture and viticulture workforce including:
- enabling RSE workers to stay for the next season without going home.
 - allowing working holiday makers and other migrants to remain in New Zealand to work in the sectors.
30. A number of changes have been made to support temporary migrants whose visas have expired, and who are unable to secure another visa or return home due to COVID-19 travel restrictions, including.
- allocation of \$37.9 million for hardship assistance administered by the Department of Internal Affairs and the Red Cross. This fund will expire on 30 November 2020.
 - the extension by five months of visitor visas expiring between 4 September and the end of October 2020, to ensure visitors still in New Zealand remain lawful, given capacity constraints associated with processing these visas.
 - the ability to apply for a short-term visa to stay if they are unable to secure travel home upon the expiry of their visa.
31. Changes to the supplementary seasonal employer visa have also been made to enable temporary migrants, particularly working holiday makers, to take up work in the horticulture and viticulture sector.

Most offshore visas are being allowed to expire

32. Offshore visas (for example, student visa-holders who had not yet travelled) are being allowed to expire. The exception is resident visas (the first entry date has been extended to July 21) and working holiday scheme visa holders s 9(2)(f)(iv)

Operational responses to COVID-19*INZ incident management team and business continuity*

33. INZ established an incident management team (IMT) in response to the COVID-19 pandemic on 1 February 2020. This closed on 4 June 2020, with ongoing activities transferred to the responsible branch within INZ. In response to the COVID-19 resurgence in the community, the IMT was again activated on 12 August 2020, closing on 11 September 2020.
34. INZ formally activated its business continuity planning function on 25 January 2020, in response to the closure of the Beijing office and anticipated impact on BAU visa processing. A review of the INZ business continuity plans was undertaken and ongoing refinement of these continues, incorporating lessons learned from the initial COVID-19 response and the community resurgence.

INZ offices

35. All onshore offices have been open since 14 May 2020, with onshore processing capacity now at pre-COVID-19 levels. Offices in the Auckland region operated at a reduced capacity during the August 2020 escalation in Alert Levels.
36. The Apia office reopened on 20 July 2020, followed by the reopening of the Beijing office to all staff on 21 September 2020. The Suva office reopened on 5 October 2020. INZ processing offices in Manila, Mumbai, and Nuku'alofa remain closed. INZ Risk and Verification sites in Pretoria, Bangkok, Dubai, Manila, Mumbai and New Delhi also remain closed.
37. INZ has co-located processing and Risk and Verification sites in Beijing, Suva and Apia which are operational. In addition, Risk and Verification sites in London and Washington are also operational.

Visa applications

38. Processing offshore applications that have been made is on hold while border restrictions are in place. Under section 43(1) (b) of the Immigration Act 2009, INZ is unable to grant a visa to any individual who is unlikely to meet entry requirements to New Zealand. With the current border restrictions in place, almost all applications for entry permission must be refused. Therefore, processing applications where individuals are outside New Zealand has been on hold. As a result, on hand volumes continue to increase.

s 9(2)(g)(i)

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s 9(2)(g)(i)



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Immigration's contribution to New Zealand's economy and labour market

Immigration is a key enabler of some of New Zealand's largest export sectors and international agenda

46. The immigration system facilitates access into New Zealand for tourists and international students – usually two of our largest export sectors. Immigration contributes to other export sectors (such as the primary industries) by managing the supply of migrant workers.
47. Immigration also plays a part in New Zealand’s international agenda supporting economic, trade, security and foreign policy goals. In recent years, commitments have been made under free trade agreements to enable certain foreign nationals to work in New Zealand. Migrant entrepreneurs and investors also support economic development goals.
48. These different objectives need to be carefully managed to ensure that they do not work against each other or other wider goals. For example, supporting the international education industry by providing pathways to work and residence in New Zealand can support our labour market objectives if the students are highly skilled and complement existing workers. However, if international students undertake low-skilled and low-paid work, compete with local graduates and workers, or crowd out more experienced or skilled workers, it may work against the Government’s wider objectives for the integrity of the immigration system and the labour market. Getting the settings right is a challenge and requires ongoing monitoring and review.
49. COVID-19 presents an opportunity to consider a re-set of the international education and tourism sectors in line with wider government objectives to move towards higher quality and lower volume industry strategies. The Minister of Education is leading the Strategic Recovery Plan for the international education sector, which includes engagement with the Immigration Minister to ensure immigration settings are supporting the return of high value students who present minimal immigration or labour market displacement risk.
50. In the economic recovery phase, highly-skilled migrants are likely to remain highly sought after and subject to global competition. The significant contribution they make by filling critical skills shortages, bringing innovative ideas and linking businesses to overseas networks, means highly-skilled migrants are more likely to complement than substitute the employment of New Zealanders.

More broadly, immigration settings play an important role in determining labour market outcomes

51. A well-functioning labour market is vital to the social and economic wellbeing of New Zealand’s people and businesses, and the country as a whole, with immigration settings playing an important role.
52. A key determinant of labour market outcomes which can be controlled for within immigration settings is the relative skills of migrant workers versus the local population. If migrants are, on average, higher skilled than New Zealanders, and there is complementarity between skills and capital, then immigration can lead to greater output for a given labour input. If migrants are lower skilled, there is a greater likelihood of substitutability between migrant and local workers with consequent impacts on wages and conditions.
53. Further, if migrants fill specific skills shortages there may be positive effects on the overall productive capacity of the economy, by allowing business to access specific types of skilled labour that they require to produce output. A higher population may also increase productivity if there are scale effects which may allow fixed capital and other costs to be spread across more output.

54. Evidence suggests that immigration generally has a positive fiscal impact, in part because migrants boost the working age population more than other age groups. There is no strong evidence that immigration has improved long-run productivity in New Zealand. A recent IMF cross-country study found that migration increased output, employment and had little impact on hours worked per person. Output per hours worked (productivity) stayed the same. There was some evidence of a negative impact on capital deepening in New Zealand.
55. Research commissioned by MBIE has found a positive correlation between the employment of skilled migrants and a firm's propensity to innovate. However, no direct causal relationship could be established.
56. While New Zealand research has found no conclusive evidence that migrant workers are displacing local labour or suppressing wages at an aggregate level, there is a possibility that there are some negative impacts at a local and sectoral level. We also cannot definitively say that that migrant workers are not restricting changes to employment that could lead to higher-paid jobs.
57. In response to evidence that the skill level of skilled migrants had reduced over time, changes were made to the skilled migrant category (SMC) in 2016 and 2017 aimed at shifting the migrant pool towards those who are more highly skilled and paid. The effects of the changes can be seen from 2017 with an immediate and meaningful drop in demand (but with this steadily building back up to pre-2016 levels) a sustained increase towards higher qualifications and a significant effect on average annual earnings of people on SMC visas.
58. New Zealand has a comparatively well-educated workforce overall, but there is a significant degree of reported mismatch between skills workers have and skills employers require. This is coupled with a growing reliance on migrant labour in some lower-skilled, lower-paid sectors and occupations, which creates risks of:
- a reduction in the attractiveness to employers of New Zealanders, including beneficiaries and school leavers
 - a reduction to the incentives on employers to offer better wages and/or terms and conditions, including training (if they can access workers without having to do this)
 - the embedding of low-cost labour models and disincentives to shift to potentially more productive ways of doing business.
59. Reforms to the temporary work visa system are currently being implemented, aiming to address the decline in skill level of New Zealand's migrant workforce and ensure that employers are incentivised to train and recruit New Zealanders, or move to more productive ways of doing business. Temporary work visa settings should enable genuine skills shortages to be met and complement rather than substitute the existing workforce, and should work in concert with levers in the education, skills and social welfare system to maximise positive outcomes for the labour market.
60. Specific changes within the temporary work visa reform programme (which was agreed by Cabinet in 2019) include:
- Embedding underlying principles advantaging New Zealand's existing labour force (for example, New Zealanders being prioritised for job opportunities through a

strengthened labour market test for lower-paid roles, and migrant labour augmenting domestic supply where required.

- Making settings more responsive to changing labour market conditions in regions and sectors.
 - Requiring employers to be the applicant in the system, and to meet standards to be eligible to employ migrants (this links to reducing migrant exploitation).
 - Requiring high-volume users of the system to make commitments to improve the pay and conditions of their workers or attract and retain New Zealanders in other ways, and demonstrate progress against these.
 - Through the requirements placed on employers wishing to access temporary migrant workers (particularly in high numbers), incentivising a shift to business models which increase the attractiveness of jobs and move away from poor employment practices.
 - Tightening the pathway to residence from temporary work visas and driving applicants to the skilled migrant category.
61. Delivering these reforms, and possibly changes to wider immigration settings, will be important for responding to the impacts of COVID-19 as well as longer term labour market trends, for example to:
- Deal with presenting labour market risks (for example, expected rise in joblessness, coupled with critical skills shortages).
 - Deliver transformation in the labour market (for example, supporting the growth of particular sectors; shifting business models underpinned by an over-reliance on low-skilled migrant labour; supporting displaced workers).
 - Support sector and regional rejuvenation and growth.
62. You will receive a briefing which provides an overview of the temporary work visa system reform programme, including when decisions will need to be made on key design elements – such as accreditation standards for employers – in advance of the new system rolling out.
63. You will also receive a further briefing that will set out MBIE’s labour market assessment underpinning advice to the incoming Ministers of Immigration, Employment, Workplace Relations and Safety and Accident Compensation Corporation Ministers. This will also include a summary of key empirical evidence that informs this narrative.

Review of Pacific Immigration Policies

64. In October 2019, the Minister of Immigration agreed the scope of a two-year phased work programme on Pacific migration policies, including reviews of both temporary (including the RSE scheme) and residence settings. Due to the diversion of resources to the COVID-19 response, only the RSE review has progressed and this has been on a slower timeframe than anticipated. The agreed focus of the review includes:

- Cap-setting and worker allocation mechanisms.
- Requirements on employers to manage impacts of the scheme on local workforces and communities.
- Consideration of additional requirements on employers to increase the share of benefits to individual RSE workers, such as a limit on wage deductions and provision of training opportunities.

65. You will receive further advice on progress and next steps for the RSE policy review and wider work on Pacific Immigration policies.

Prevention of migrant exploitation, people trafficking and modern slavery

66. INZ works closely with the Labour Inspectorate and across MBIE to ensure that migrants are not exploited. Evidence suggests that migrant exploitation is a serious and growing problem in New Zealand.

67. MBIE is leading an in-depth policy review into temporary migrant worker exploitation, including international students, to better understand the issue and to identify effective and enduring solutions. The review reports to the Ministers of Immigration and Workplace Relations and Safety.

- To support the review MBIE has published independent and wide-ranging research on the nature of such exploitation.
- It also convened a consultation group representing migrants, businesses, unions, advocacy groups and international students. Public consultation was undertaken in October and November 2019.

68. In July 2020, the Government announced that it would implement nine proposals to reduce migrant exploitation in New Zealand. The changes will:

- **prevent** workplace conditions that may enable temporary migrant worker exploitation;
- **protect** temporary migrant workers by enabling them to more easily report exploitation and leave exploitative employers; and
- improve the **enforcement** of immigration and employment law.

69. The changes will be supported by \$50 million in new funding over the next four years. These cross-system and enduring actions will be implemented over the coming years. Some of the changes require legislation, which is expected to be introduced in 2021. Other changes will come into force within the next year.

70. At the extreme end, exploitation can also include crimes such as slavery and people trafficking. Human trafficking is the recruitment, transportation, transfer, harbouring or receipt of a person by deceptive, coercive or other improper means for the purpose of exploiting that person. Trafficking can occur across borders and within a country, and so can affect both New Zealanders and migrants. Individuals can be trafficked for the purposes of sexual exploitation, organ removal, and for forced labour.
71. In July 2020, New Zealand saw its first conviction for a case involving both human trafficking and slavery following a complex investigation by INZ and the New Zealand Police. The offender was sentenced to 11 years in prison and was ordered to pay reparations of \$183,000. The Crown is currently appealing the sentence on the grounds that the sentence imposed being manifestly inadequate and that a minimal parole period (50 per cent) of the imposed sentence was not considered and upheld. The offender has also appealed his conviction. Both appeals will be heard together on 9 March 2021.
72. MBIE is currently leading the development of a new all-of-government plan of action against Forced Labour, People Trafficking and Slavery.
- This will update and build upon the existing *Plan of Action to Prevent People Trafficking* which was established in 2009, and enable compliance with the Forced Labour Protocol which will enter into force for New Zealand on 13 December 2020.
 - MBIE undertook initial consultations with government agencies and targeted external stakeholders in March 2020 to discuss potential areas of focus and began further consultations with targeted stakeholders on the draft Plan of Action in September.
 - Officials will provide a draft of the new Plan of Action for your and Cabinet's consideration by the end of 2020.

Immigration's contribution to New Zealand's humanitarian objectives

73. Since the 1980s, New Zealand has, under the Refugee Quota Programme, resettled 750 refugees annually who are referred for resettlement by the United Nations High Commissioner for Refugees (UNHCR).
- In September 2018, Cabinet agreed to increase the refugee quota to 1,500 places annually from July 2020 (Cabinet had previously agreed to permanently increase the quota to 1,000 places annually in June 2016).
 - Quota refugees resettled in New Zealand spend their first five weeks in the country at the Mangere Refugee Resettlement Centre (MRRC) – Te Āhuru Mōwai o Aotearoa, where they participate in a reception programme that focuses on preparing them to live and work in the community.
 - MBIE funds and contracts the delivery of settlement support services to quota refugees for up to 12 months after their arrival in their settlement locations.
74. Global and national responses to COVID-19 have impacted on refugee resettlement under the Refugee Quota Programme. This impact has meant that 797 quota refugees have been resettled in New Zealand under the 2019/20 Refugee Quota. The ongoing COVID-19 responses will impact on the 2020/21 Refugee Quota and the planned 1,500 places will not be achieved.

75. s 9(2)(f)(iv) [REDACTED] Approval has been given for resettlement to start with emergency cases. Cross-agency plans are in place that are coordinated to provide the processes to safely and effectively manage COVID-19 health-related risks for new refugee quota arrivals.
76. In addition to quota refugees, INZ also undertakes first instance determination of claims for refugee and protected person status in New Zealand.
- Over the last four years, claims have increased from 300 in 2015-16 to 500 in 2018-19, most likely due to overall increases in temporary migrants. This led to an increase in on-hand applications, processing delays and pressures on the determination system.
 - An external review of the process in 2019 made a number of recommendations to improve efficiency and effectiveness in the system. A cross-sector joint working group has been set up to agree actions to implement the review's recommendations.
77. Immigration settings facilitate family migration to enable the partners and immediate family (dependent children and parents) of New Zealand citizens and residents to live with them in New Zealand.
- There are also specific policies allowing for the family reunification of refugees. Family migration policies recognise the right of New Zealanders to live here with their families and the importance of family to successful migrant settlement. Funding was set aside in Budget 2020 to increase the number of people settled under the Refugee Family Support Category from 300 to 600 annually from 2021 and expand the range of services available to people settled under this category.
 - MBIE also leads the coordination and implementation of the whole of government Migrant Settlement and Integration Strategy and the Refugee Resettlement Strategy. Both initiatives provide cross-government frameworks to support successful migrant and refugee resettlement so that they can participate and have a sense of belonging in their community and to New Zealand.
78. MBIE leads the Welcoming Communities programmes, which supports local government and their communities to foster welcoming and inclusive communities for newcomers, including recent migrants, former refugees and international students.
- Following a successful two-year pilot with ten councils across five regions from July 2017 to June 2019, the Government has approved the expansion of the programme to include up to 30 additional councils.
79. The immigration system supports Pacific regional development objectives through the Pacific access category and Samoan quota residence policies and through temporary labour mobility schemes, including the RSE policy.
- The economic contribution these programmes make to the Pacific is significant and continues to solidify New Zealand's special relationship with Pacific Island nations.
 - Registrations for the Pacific access category and Samoan quota are postponed given current border restrictions.

- From the latest data available, around 17 per cent of Samoa's GDP in 2019 came from personal remittances from other countries, while in 2018, over 40 per cent of Tonga's GDP came from personal remittances.
80. On May 2018, Cabinet agreed to a phased work programme on Pacific migration, including a phase of work beginning in 2019 on:
- a policy review of labour mobility and temporary migration settings from the Pacific, including reviewing the RSE scheme, and considering broader policy issues;
 - a policy review of residence visa categories, including Pacific Access Category, Samoan Quota, and Family categories.
81. Subsequent decisions were made to prioritise the RSE review, to be followed by further work on residence categories and labour mobility. You will receive further advice on progress and next steps for the RSE policy review and wider work on Pacific Immigration policies.

Immigration's contribution to the security of New Zealand's borders

82. The immigration system regulates the entry and exit of visa holders crossing New Zealand's borders.
- MBIE works closely with other agencies (New Zealand Customs Service, New Zealand Police, Aviation Security, the Department of Internal Affairs, Ministry of Transport and Ministry for Primary Industries) to provide an efficient, coordinated and responsive border management system by leveraging each other's resources and information.
 - This enables the border sector to respond to the challenges of increasing demand for border services, particularly increasing passenger volumes.
 - COVID-19 has shown the importance of border management in responding to incoming challenges and threats.
83. MBIE is an active member of the Migration 5 (M5) (the immigration agencies of Australia, Canada, New Zealand, the United Kingdom, and the United States) which work on areas of common interest, such as information sharing and refugee assessment.
84. As Minister of Immigration, you are a member of the Five Country Ministerial (FCM). The FCM is an annual meeting of the home affairs, interior, security and immigration ministers of Australia, Canada, New Zealand, the United Kingdom, and the United States of America.
- New Zealand's involvement in the FCM is led by the Department of the Prime Minister and Cabinet, and supported by INZ on migration and border related matters.
85. The FCM has developed over recent years into a more active body, with an ongoing collaborative work programme, on a range of national security-related issues, including border security.
- New Zealand is the current chair of the FCM, and was due to host the ministerial meeting in July 2020.

- This was cancelled due to COVID-19, and as it is now unlikely New Zealand will be able to host an in-person meeting during its term as chair, we are looking to host a virtual meeting early in 2021.

86. INZ also plays a role as a member of New Zealand’s maritime security sector, which is comprised of a number of government agencies and stakeholders with maritime domain risk management and support responsibilities. Within the national security system, the agencies are brought together under the Maritime Security Oversight Committee (MSOC), incorporating governance, policy, intelligence and operational coordination functions.

- MSOC has developed a Maritime Security Strategy, which was endorsed by Cabinet in November 2019, to provide cross-government policy guidance for the sector.
- INZ will brief you further on the aims of the strategy and INZ’s role within it, MSOCs proposal to publish the strategy, and options for resourcing its implementation.

s 6(a) OIA

87. [Redacted]

88. [Redacted]

89. [Redacted]

[Redacted]

[Redacted]

90. [Redacted]

2. Portfolio Responsibilities

91. The Minister of Immigration is responsible for leading the development of all immigration policy and legislation, as well as for the immigration related appropriations that fall within Vote Labour Market. The other appropriations within Vote Labour Market are the responsibilities of:
- the Minister for Workplace Relations and Safety
 - the Minister for Accident Compensation
 - the Minister of Employment.

Immigration law

92. **The Immigration Act 2009** (the Act) establishes an immigration system that:
- requires persons who are not New Zealand citizens to hold visas to travel to New Zealand, and hold a visa and entry permission to stay in New Zealand
 - provides for the development and publication of immigration instructions
 - provides rules for the safe and orderly management of the border
 - provides a process for implementing specified immigration-related international obligations
 - includes mechanisms for compliance and enforcement
 - provides powers to the Minister of Immigration regarding decision making in individual cases; and
 - establishes a specialist tribunal to consider immigration related appeals.
93. Regulations made under the Act set out the legal requirements for making and lodging applications for visas and entry permission, making claims for refugee and protection status, and lodging appeals to the Immigration and Protection Tribunal, which is administered by the Ministry of Justice. The rules and criteria for the grant of visas and entry permission are set out in immigration instructions which are certified by the Minister of Immigration and reflect the Government's immigration policy settings.

Immigration instructions

94. The rules and criteria for a person to be granted a visa and entry permissions are set out as immigration instructions in the INZ Operational Manual. Amending immigration instructions is the primary mechanism to implement government policy decisions about immigration. The Operational Manual also outlines some of the processes INZ follows to assess and verify applications, and determine refugee status claims.
95. The Act requires the Minister of Immigration to approve and formally certify immigration instructions, which are then published in the Operational Manual. Immigration instructions changes are generally bundled together into regular releases each year (historically there have been around four per year). Urgent changes are however, made outside of this cycle where necessary.

96. The complexity and breadth of the portfolio means that previous Ministers of Immigration have tended to seek Cabinet's agreement to broad policy decisions, with more minor and technical decisions typically made without Cabinet's agreement.
97. **The Immigration Advisers Licensing Act 2007 (IALA):**
- has as its purpose the promotion and protection of the interests of consumers
 - requires people providing immigration advice to be either licensed, or exempt from licensing
 - provides for the licensing requirements for those who provide immigration advice
 - establishes an Authority to administer licensing and investigate complaints against immigration advisers and unlicensed persons, as well as facilitating other matters such as continued professional development
 - provides for the Authority to consult you on the development of competency standards and the code of conduct, and seeks your approval and sign off, and
 - establishes a specialist tribunal to make determinations on complaints against immigration advisers and to make some consumer redress orders
98. Regulations made under the IALA provide the fees and levies payable by licensed immigration advisers and for other minor aspects of licensing.

Additional Responsibilities

99. The Minister of Immigration also has additional powers they can use including:
- decision-making in regard to individual cases
 - delegating aspects of decision-making to the Associate Minister of Immigration and to officials
 - leading, in consultation with other Ministers (in particular the Minister of Workplace Relations and Safety), the government action on the prevention of migrant exploitation and human-trafficking.

Decision-making

100. The Minister of Immigration is a primary decision maker under the Act (except in relation to refugee and protection matters, where there is largely no role for the Minister). In general, the majority of the Minister of Immigration's decision making powers can (and have been) delegated to immigration officers and refugee and protection officers, who make most decisions on visas and refugee and protected person status, respectively. Decisions may be reviewed by the IPT or the courts, where the Act allows for review.
101. Some powers cannot be delegated (those relating to classified information, deportation relating to national security, class special directions relating to the response to COVID-19, and decisions relating to the immigration status of protected persons who have been excluded from recognition under the refugee convention) or have not been delegated to immigration officers or refugee and protection officers. The Minister of Immigration is able to delegate certain

decisions, and the nature of some of these decisions (particularly those that are at the absolute discretion of the decision maker), mean that to some extent the degree to which the Minister may wish to become involved in individual cases is a matter for their own prerogative.

102. In general, Ministers do not have the ability to intervene in individual cases. Immigration is, however, one of the major exceptions and exercising discretionary ministerial powers creates a significant work load. Some Ministers of Immigration have retained all decision-making powers with regard to individual cases where individuals have asked for ministerial intervention. Previous Ministers of Immigration exercised the option for individual case work to be delegated to the Associate Minister of Immigration (and in turn, senior INZ officials who have been specifically delegated decision making powers by the Minister of Immigration (DDMs)).

- A letter of delegation will be provided after your Ministerial warrant is conferred for your consideration.

103. The Minister or Associate Minister has traditionally made the following decisions:

- Whether to grant a residence class visa as an exception to residence instructions in response to the IPT's recommendation that a residence applicant has special circumstances warranting an exception.
- Whether to grant a visa to a person who is in New Zealand unlawfully. As these powers also rest with immigration officers, the Minister or Associate Minister does not usually consider these requests until an individual has approached INZ for an exception/discretionary decision and been turned down.
- Whether to sign a deportation liability notice with respect to New Zealand residence class visa holders who have been found to have obtained their residence by fraud. The Minister is also able to cancel or suspend a person's liability for deportation.
- Determining the immigration status of protected persons who may have committed certain crimes or acts.
- Using classified information in decision-making if the Minister determines that the classified information relates to matters of security or criminal conduct.

3. Major Links with Other Portfolios

104. Immigration makes a significant cross-portfolio contribution in supporting Government objectives. Ministers of other portfolios have an interest in immigration policy and decisions. How immigration links with other portfolios is summarised below.



● Indicates MBIE portfolio

4. How MBIE supports you

Immigration-related areas of MBIE

Immigration Policy

105. Three teams within MBIE's Labour, Science and Enterprise group provide policy advice and analysis to the Minister of Immigration
- The Immigration Skills and Residence Policies Team: provides advice and analysis on both strategic and operationally-focused immigration policy development, to ensure it supports and advances the Government's objectives.
 - The Immigration Border and Funding Policies Team: provides advice on policy settings relating to border restrictions and the exceptions regime. The team also leads work on any changes required to immigration legislation (the Immigration Act and the IALA) and supports the implementation of policy changes and the funding of the immigration system.
 - The International Labour Policy team (within the Workplace Relations and Safety Policy branch), provides advice on migrant exploitation, forced labour and people trafficking issues to the Minister of Immigration and the Minister of Workplace Relations and Safety.
106. The Immigration Policy work programme is developed in consultation with the Minister of Immigration and other relevant Ministers.

Regional Skills Leadership Groups (RSLGs)

107. Regional Skills Leadership Groups (RSLGs) were formed in June 2020 to identify and support better ways of meeting future skills and workforce needs in our regions and cities. They are part of a joined-up approach to labour market planning which will see our workforce, education and immigration systems working together to better meet the differing skills needs across the country.
108. Functioning independently, the 15 groups are regionally based and regionally led, and supported by a team of data analysts, advisors and workforce specialists at MBIE. This support team sits within the Employment, Skills and Immigration Policy branch. RSLG members are regional industry leaders, economic development agencies, and iwi, worker and government representatives.
109. The Groups will provide timely local labour market intelligence inform to central government and regional stakeholder decision making, including to inform immigration policy work and decisions and will build links between labour market interventions, including the reforms of vocational education and the temporary work visa system..
- In the initial period, RSLGs will focus on the impacts of COVID-19. This focus will shift to developing annual workforce plans by mid-2021/late-2020.

- The plans will set out the aspiration for the region and how the desired future state will be achieved, including commitments for actions from the parties represented on the RSLG.
- Each RSLG will then oversee, facilitate and encourage the implementation of its region’s plan through its network of relationships with central government and local actors.

Immigration New Zealand (INZ)

110. The INZ group is situated in MBIE. INZ’s purpose is to be a trusted steward of the immigration system by ensuring we get the balance right between facilitating the migration New Zealand needs and managing risk.

111. INZ’s strategy, ‘Striking the Balance’, emphasises its role as a regulator in the face of increasing external threats to the integrity of the immigration system. It is important to make sure that it is easy to understand and use the New Zealand immigration system, while deterring misuse. There are five strategic outcomes envisaged in the strategy:

- work together – INZ functions as one cohesive team
- minimise harm from immigration – immigration has positive outcomes for migrants and communities
- identify and manage risk and vulnerability early – targeted information gets to the right place at the right time
- facilitate migrants in high demand to come to New Zealand – New Zealand gets the migrants it needs; and
- ensure the immigration system drives compliant behaviour – users are self-regulating and voluntarily compliant

112. INZ investigations receive, assess and identify criminal offences relating to the Immigration Act 2009 and related provisions. The types of crimes investigated can range from simple identity fraud and providing INZ officials with false and misleading information, right up to human trafficking matters like the successful 2020 prosecution in a human trafficking and slavery case. INZ investigations regularly complete activities alongside other enforcement agencies, both domestically and internationally.

113. To help achieve this purpose, INZ undertook a significant organisational re-alignment in October 2019 to ensure that the immigration system operates more effectively and achieves the strategic outcomes above.

114. s 9(2)(f)(iv) [Redacted]

[Redacted]

[Redacted]

[Redacted]

s 9(2)(f)(iv)

115. s 9(2)(f)(iv)

116. The commercial negotiations with Microsoft to support the implementation of two key initiatives – the reforms to the temporary work visa system, known as the Employer Assistant Work Visa Policy (EAWVP) project and the Automated Decision Assist (ADA) project, both also known ADEPT Programme have been completed and the contract executed on 7 September 2020. This project will establish a new ICT platform and associated business practices which make visa processing more efficient and automate a number of steps in the visa process.
117. Following on from a review into INZ’s compliance deportation and detention activities, the National Prioritisation Process (NPP) not only improves how we prioritise risk and triage allegations, it enables INZ to be intelligence- and data-led: using data, intelligence, and insights to guide MBIE’s work in investigations and compliance allegations for INZ in relation to breaches of the Immigration Act 2009, and immigration-related offences under the Crimes Act 1961.
118. The NPP methodology is replicable and adaptable. It was successfully tailored to support the Ministry of Health’s COVID-19 response to self-isolation non-compliance with support from INZ staff in the design and ongoing processing of non-compliance allegations. The methodology is now recognised across other agencies as an effective and efficient tool to support regulatory decision-making when operating in a high-risk and fast-paced environment.
119. The operational scale of INZ is significant. In the 2019/20 financial year, INZ (noting that these numbers are significantly affected due to border closures):
- made around 725,593 immigration decisions involving 886,941 people (noting that most visa applications can include secondary applicants) including:
 - 18,866 residence applications (93 per cent approved)
 - 374,394 visitor visa applications (91 per cent approved)
 - 210,080 work visa applications (94 per cent approved); and
 - 93,863 student visa applications (90 per cent approved)
 - completed over 1.6 million NZeTA requests (the system went live in August 2019)
 - resettled 1,007 mandated refugees in New Zealand
 - prevented 3,547 people from boarding aircraft for New Zealand due to various immigration concerns (this includes the number of passengers denied boarding following

an interaction with Immigration Border Operations and does not include all passengers denied boarding by Advance Passenger Processing)

- denied entry to 948 individuals at New Zealand's border because they did not meet entry criteria
- deported 375 people, with a further 1,113 departing voluntarily (this is lower than previous years largely due to international border closures which impacted on the ability for individuals to depart New Zealand)
- received 1.5 million phone and email enquiries to the Immigration Contact Centre

New Zealand Residence Programme

120. While the processing of skilled migrant category applications resumed during Alert Level 2, the number of staff returning to offices was limited, which had an impact on the processing of residence applications. The COVID-19 resurgence in Auckland in August 2020 further impacted processing times.
121. Given the size of the skilled migrant category queue, prioritisation is applied. First priority is given to those occupations requiring registration and/or a high salary of a proxy for high skilled. As at 30 September 2020, applications are now being allocated within two weeks of an application being put in the priority queue. The current low volume of priority applications means that INZ is now able to make steady and regular process through our non-priority queue.
122. Recent changes have been made to postpone selections of new EOIs in the SMC and Parent Category.

Immigration role at the border

123. INZ Border Operations seek to ensure that a passenger's immigration risk is kept offshore. It aims to protect New Zealand's interest through enhanced passenger risk assessment and facilitation.
124. Electronic screening of incoming passengers is undertaken to determine admissibility before they board flights and, where appropriate, interviews undertaken which may result in passengers being denied boarding. This ensures that their risk is maintained offshore ensuring that costs, both financial and human resource, is minimised. Facilitation is provided for passengers, including New Zealand Citizens, who may not otherwise be able to board a flight.
125. INZ works with the Collaborative Passenger Targeting team which is a multi-agency group (New Zealand Customs Services, MBIE, Ministry for Primary Industries, New Zealand Police) furthering the goal of keeping risk offshore.
126. Working with other border agencies, INZ ensures that passengers who are deemed inadmissible are turned around quickly to ensure there is minimal ongoing risk or resource impact on New Zealand.
127. Many aspects of the Electronic Travel Authority (NZeTA) are administered at the border ensuring that passengers hold the correct documents prior to travel to New Zealand. INZ also ensures that airline and maritime crew have the appropriate NZeTA in place prior to travel to New Zealand.

128. The Carrier Relationship Team manages the air carrier relationships for those airlines flying to New Zealand as well as prospective new carriers. This includes being a liaison point, providing education and training, providing technical support as well as administering the infringement regulations.

Immigration Advisers Authority

129. The Immigration Advisers Authority (IAA) is a statutory body housed in MBIE's Consumer Protection and Standards Branch, in the Market Services Group. The Authority was set up under the IALA to license people who provide New Zealand immigration advice, onshore or offshore. Any person who provides New Zealand immigration advice must be licensed unless they are exempt under the Act. Lawyers, Members of Parliament and their staff, and staff and volunteers of Community Law Centres and Citizens Advice Bureau are among those exempt.

- As at 31 August 2020 there were 1,205 licensed immigration advisers, 928 onshore and 277 offshore.

130. The Authority's primary functions include administering the licensing regime, maintaining a public register of licensed advisers, and maintaining competency standards and a code of conduct for licensed advisers. It also receives complaints about licensed immigration advisers and refers them to the Immigration Advisers Complaints and Disciplinary Tribunal (serviced by the Ministry of Justice) for decision and the investigation of offences under the IALA.

Research, Monitoring and Evaluation on Migration

131. Monitoring of trends and research into immigration is a function of the Evidence and Insights Branch within MBIE's Corporate, Governance and Information Group. The branch provides research and evidence to inform immigration and labour market policy, evaluate policy and service delivery programmes, and monitor migration flow statistics.

- The current research programme includes the use of the Integrated Data Infrastructure to examine the impact of migration on the housing market, and establish regular reporting on the labour market contribution of immigrants.
- Recent work also includes an evaluation of the Community Organisation Refugee Sponsorship Pilot and a Customer Experience Survey to monitor and improve INZ's service delivery performance.
- An interactive Migration Data Explorer was released in March to enable easy access to a wide range of statistics on the population, flows and visa approvals of immigrants.

The Sector Workforce Engagement Programme (SWEP)

132. SWEP is a cross-agency operational initiative comprising MBIE, the Ministries of Social Development and Education, and the Tertiary Education Commission. It is housed within MBIE with the Strategy and Governance branch of the Provincial Development Unit. Focused on sectors that employ large numbers of low skilled workers and migrants, it aims to improve employers' access to reliable, appropriately skilled staff at the right time and place, while creating work opportunities for New Zealanders, including young people and those currently on benefits.
133. This is achieved through a series of industry-led, government-supported engagements to develop labour market solutions in industries critical to New Zealand. SWEP coordinates involvement and support from across government agencies, simplifying engagement for employers, and managing competing objectives.
134. In close collaboration with industry, local government and communities, SWEP has helped to develop and implement innovative labour and skills interventions, such as:
- the Jobs and Skills hub model being used in Auckland, at Auckland Airport, and as part of the Tamaki redevelopment. The model is designed to help employers in high-growth areas better connect to local jobseekers, build stronger connections with local schools, and facilitate training and development; and
 - the Federated Farmers Dairy Apprenticeship, in partnership with Federated Farmers and the Primary Industry Training Organisation. The scheme provides a three-year apprenticeship with formal and informal training, aiming to attract and train workers for the dairy industry, while also supporting farmers to become more involved in training and upskilling their staff
135. SWEP is currently active in the construction, horticulture and viticulture, tourism and hospitality, road freight transport, and aged care sectors.

Legal, Ethics and Privacy Branch

136. MBIE's Legal, Ethics and Privacy Branch provides legal advice and support to the Ministry and Ministers. Due to the complex legal framework in which immigration decision making takes place, MBIE's legal advisors provide independent legal advisory support. In addition, the Litigation team represents the Minister of Immigration in Tribunal matters where the Minister is the respondent (for resident deportation decisions), represents immigration officers or refugee and protection officers applying for warrants of commitment for immigration detention, and prosecutes immigration related offending. The Ministry's Legal Branch also provides oversight and instructs Crown Law and Crown Solicitors in High Court immigration-related litigation.

Other immigration-related government bodies

Immigration and Protection Tribunal (IPT)

137. The IPT is an independent body established under the Act to hear appeals on:

- decisions by INZ to decline a residence class visa application
- a person's pending deportation – the person may either be a New Zealand resident, a temporary class visa holder whom INZ wishes to deport for cause (for example, due to a conviction or a breach of visa conditions), or someone unlawfully in New Zealand because their temporary visa has expired
- decisions by INZ to not recognise a person as a refugee or a protected person.

138. The IPT is chaired by a District Court Judge, appointed by the Governor-General on the recommendation of the Attorney-General, and comprises 18 members appointed by the Governor-General on the recommendation of the Minister of Justice.

- The Chairperson of the IPT is Judge Peter Spiller.
- The IPT is administered by the Ministry of Justice.

Immigration Advisers Complaints and Disciplinary Tribunal

139. The Immigration Advisers Complaints and Disciplinary Tribunal (the IACDT) was established under the Immigration Advisers Licensing Act 2007, and deals with complaints against licensed immigration advisers. The Authority refers complaints to the Tribunal.

140. The IACDT is administered by the Ministry of Justice, and can impose a range of sanctions that include: caution or censure, a requirement to undertake training, suspension or cancellation of licence, payment of a penalty of up to \$10,000, payment of costs and refunds, and compensation to the complainant or other person.

141. The IACDT also deals with appeals against some decisions made by the Authority. These may relate to a decision of the Registrar of the Authority to cancel the licence of an immigration adviser or a determination of the Registrar to reject a complaint against a licensed immigration adviser.

142. Members of the IACDT are appointed by the Governor-General on advice from the Ministers of Justice and Immigration.

- The Chairperson of the IACDT is Mr David Plunkett.

5. Immediate priorities and key upcoming decisions

143. This section provides key dates and immediate priorities for the Immigration portfolio. Officials are available to brief you should you require further information.

144. Following this initial briefing, you have the opportunity to discuss your immigration policy priorities with officials and sequencing of further policy advice. You will also receive:

- A briefing (which will also be provided to the Ministers of Employment, Workplace Relations and Safety and for the Accident Compensation Corporation) on the labour market, including an empirical evidence pack
- Further information on immigration data and evidence

The key messages section of this document provides you with information on the four key areas of focus for the immigration portfolio over the next three years. The urgent upcoming decisions across these areas are as follows:

- **Safe and staged re-opening of the border (overview briefing)**
 - Border exceptions for classes of key workers s 9(2)(f)(iv) and the design of the existing border exception category for critical workers. Officials are working towards a Cabinet report back in December on the critical workers category.
 - Progressing and supporting work on the establishment of Safe Travel Zones.
 - Decisions on longer-term operation of the current system, and on the forward plan for re-opening of the border to wider groups of people as public health parameters allow.
- **Improving the skill level of people being granted temporary and residence work visas to support domestic labour market and economic objectives (overview briefing)**
 - Progressing reforms to the temporary work visa system and testing assumptions in light of COVID-19; the most immediate upcoming decisions (pre-Christmas) are about the accreditation standards for employers in the new system.
 - s 9(2)(f)(iv)
- **Ensuring operationally and financially sustainable models for INZ**

s 9(2)(f)(iv)

- **Progressing work to reduce migrant exploitation**

- Decisions on draft legislation options and further design requirements of the new visa for exploited migrant workers.

145. Other policy areas that present opportunities include:

- A review of the Immigration Act 2009, including with regard to decision-making and discretion in the immigration system. In the short term decisions will be needed about continuing new powers under the Act to respond to COVID-19, which will expire in May 2020.
- Re-setting international education to minimise immigration risks and support wider Government objectives to transition to a high quality and lower-volume industry strategy.
- Completing the review of the RSE Scheme and making decisions on further work on Pacific immigration policies.
- Completing changes to the Refugee Family Support Category.
- Reviewing family policies, including partnership.

146. Officials are available to provide more context and advice on the issues identified above, as well as implementation and timing of your manifesto priorities. Prioritisation and sequencing over the next three years will be necessary.

Key decisions and priorities

147. The following items are the upcoming schedule of activities/initiatives being developed or implemented by INZ, or are currently being developed by the Immigration Policy team for the Minister of Immigration:

s 9(2)(f)(iv)



s 9(2)(f)(iv)



s 9(2)(f)(iv)



§

s 9(2)(g)(i)



s 9(2)(g)(i)



Annex 1: MBIE key people – Immigration Portfolio

Contact	Role	Contact details
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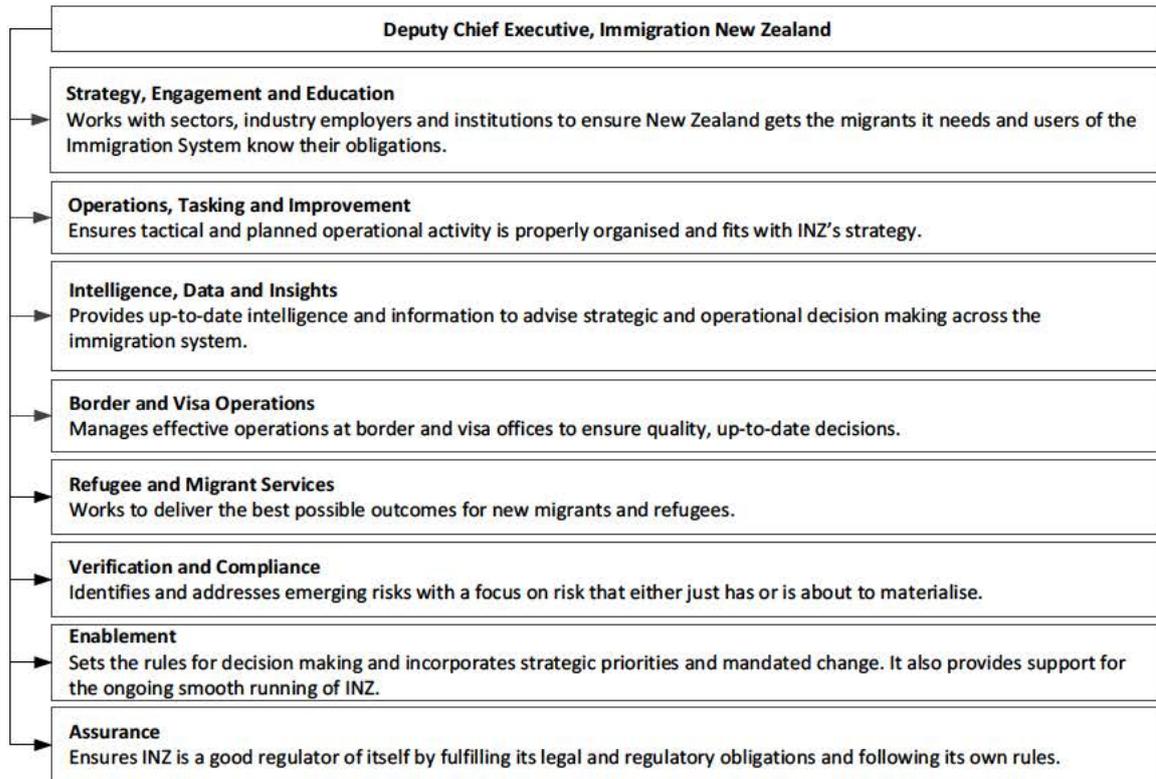
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Other Senior MBIE Officials with Immigration Responsibilities

Contact	Role	Contact details
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Immigration New Zealand Structure



Annex 2: Vote Labour Market

148. Five Ministers are responsible for appropriations in Vote Labour Market. For 2020/21 the Minister of Immigration is responsible for appropriations totalling:
- just over \$434 million for immigration services, including assessment and processing services (mostly funded by third party revenue of just under \$281 million), services for the attraction of migrants, settlement and integration of refugees and other migrants, and integrity and security of the New Zealand immigration system
 - \$8.6 million for policy advice and related services
 - just over \$4 million for regulation of immigration advisers, of which \$935,000 is to be funded by third party revenue
149. An additional forecast total of just under \$39 million in non-tax Crown revenue for immigration services (collected as the Immigration Adviser Levy and Immigration Levy).
150. MBIE is the department responsible for administering Vote Labour Market.
151. For administrative simplicity, one Minister typically takes overall responsibility for Vote Labour Market budget processes. The Lead Minister for Vote Labour Market (currently the Minister of Workplace Relations and Safety) receives the final estimates documentation for approval, covering the other portfolios. During the course of the financial year, the Lead Minister also receives:
- October and March Baseline Updates
 - Estimates and Supplementary Estimates
 - Late In-Principle Expense Transfers (IPET) in June
 - Select Committee Estimates Examination material as the main point of contact for Vote Labour Market.

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