



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Immigration
Title of Cabinet paper	2021 Resident Visa – Fees and Detailed Policy Decisions	Date to be published	10 December 2021

List of documents that have been proactively released

Date	Title	Author
October 2021	2021 Resident Visa – Fees and Detailed Policy Decisions	Office of the Minister of Immigration
6 October 2021	2021 Resident Visa – Fees and Detailed Policy Decisions CAB-21-MIN-0041	Cabinet Office

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of Confidential advice to Government.



Cabinet Business Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

2021 Resident Visa: Fees and Detailed Policy Decisions

Portfolio **Immigration**

On 6 October 2021, the Cabinet Business Committee, having been authorised by Cabinet to have Power to Act [CAB-21-MIN-0408]:

Background

1 **noted** that on 6 September 2021, Cabinet agreed to a new, one-off residence visa to be called the 2021 Resident Visa (the Resident Visa), and that it will primarily be available to migrant workers in New Zealand who:

1.1 hold an eligible work visa; and

1.2 are either:

1.2.1 settled (have been in New Zealand for three years);

1.2.2 skilled (earning the median wage or above); or

1.2.3 scarce (work in a role on the Long Term Skills Shortage List; hold occupational registration and work in the health or education sector; work in a personal care or other critical health worker roles, or specified non-seasonal roles in the primary industries);

[CAB-21-MIN-0359]

2 **noted** that the date by which applicants would need to meet eligibility criteria for the Resident Visa is currently the date of announcement, which may result in a large number of applications for temporary work visas being made after the policy was announced;

3 **agreed** that temporary workers in New Zealand must meet the eligibility criteria on the day before the date of announcement, replacing the previous decision for criteria to be met on the date of announcement;

4 **noted** that the Minister of Immigration will certify immigration instructions setting out the detailed criteria for a grant of a Resident Visa;

Fee and levy for new policy

5 **agreed** to a fee of \$1,330 for the Resident Visa;

6 **agreed** to an immigration levy of \$830 for the Resident Visa;

- 7 **agreed** that people who are included in a skilled residence application or expression of interest (EOI) who apply for a Resident Visa will be required to pay the fee and levy (if required) following assessment of the application, and payment will be required to complete the application;
- 8 **agreed** that a principal applicant of a skilled residence application or EOI who has applied for a Resident Visa will be able to receive a refund for their previous application or EOI when:
 - 8.1 Immigration New Zealand (INZ) has written to them to request payment for the Resident Visa; and
 - 8.2 they have agreed to withdraw their previous application or EOI;
- 9 **noted** that the applicant will have the option to use their refund from their previous application to offset the fee for their Resident Visa;
- 10 **agreed** that people who are included in a skilled residence application who apply for this new visa be exempt from the immigration levy;
- 11 **noted** that the proposals in the paper under CBC-21-SUB-0114 on immigration fees and levies will require changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;
- 12 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions in the paper under CBC-21-SUB-0114;
- 13 **authorised** the Minister of Immigration to make further decisions, consistent with those in the paper under CBC-21-SUB-0114, on any issues which may arise during the drafting of regulations or immigration instructions;
- 14 **agreed** that people who are included in a skilled residence application who apply for this new visa be exempt from the immigration levy;
- 15 **noted** that in order to support the opening of the Residence Visa by 1 December 2021, the regulations will require a waiver of the 28-day rule;

Funding for refunds

- 16 **noted** that the cost to INZ of refunding EOIs and skilled residence applications is estimated to be \$26.3 million;
- 17 **noted** that a \$306 million capital injection was provided to the Ministry of Business, Innovation and Employment (MBIE), including a \$119 million tagged contingency to support MBIE’s cash liquidity and visa application fee refunds of which \$26 million remains [CAB-20-MIN-0328.03];
- 18 **approved** the following capital injection to MBIE to fund the refunds described in paragraph 8 above, with a corresponding impact on net core Crown debt:

	\$ million – increase (decrease)				
	2021/22	2022/23	2023/24	2024/25	2025/26 & outyears
Ministry of Business Innovation and Employment: Capital Injection	26.000	-	-	-	-

- 19 **agreed** that the departmental capital injection in paragraph 18 above be included in the 2021/22 Supplementary Estimates and that, in the interim, this capital injection be met from Imprest Supply;
- 20 **agreed** that the capital expenditure in paragraph 18 above be charged against the capital contingency Addressing the Impact of Border Restrictions on MBIE's Liquidity, previously established by Cabinet;
- 21 **noted** that, subject to agreement to paragraph 18 above, the Addressing the Impact of Border Restrictions on MBIE's Liquidity tagged capital contingency will be reduced to zero;

Approach to dependents over 24

- 22 **noted** there are some children included in skilled residence applications and EOIs who are now older than 24, and therefore are not eligible to be included as dependent children if their parents apply under the new policy (dependents);
- 23 **agreed** to allow these dependents to be eligible to be granted a Resident Visa if:
- 23.1 they meet the requirements for being a dependent child (apart from age);
 - 23.2 they were are included on an EOI or skilled residence application on the day before the announcement;
 - 23.3 one of their parents has been granted residence under this category;
 - 23.4 they meet the standard health and character requirements for this category;
- 24 **agreed** to exempt such children from paying the fee or immigration levy;

Part time work for dependents 18 and over

- 25 **noted** that dependents who are 18 and over who are awaiting the outcome of a resident visa application cannot generally work and would have to pay international fees to attend tertiary study;
- 26 **agreed** that the ability to work 20 hours be available to dependents who are:
- 26.1 aged 18 or older; and
 - 26.2 included in a Resident Visa application;

Travel conditions for residents and permanent resident visas

- 27 **agreed** that Resident Visas will not have any additional travel restrictions.

Jenny Vickers
Committee Secretary

Attendees: (see over)

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Dr David Clark

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet