



## COVERSHEET

<b>Minister</b>	Hon Kris Faafoi	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	<b>Extension to the Polynesian Gateway class exception</b>	<b>Date to be published</b>	17 December 2021

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
November 2021	Extension to the Polynesian Gateway class exception	Office of the Minister of Immigration
1 November 2021	Extension to the Polynesian Gateway class exception CAB-21-MIN-0443	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 Legal professional privilege.

**[In Confidence]**

Office of the Minister of Immigration

Cabinet

**Extending the Polynesian Gateway class exception**

**Proposal**

- 1 This paper seeks Cabinet's agreement to extend the Polynesian Gateway class exception for a further six months, beyond 3 November 2021, and include Tuvalu as a qualifying country.

**Background**

- 2 Exceptions to border restrictions are assessed by the Ministerial Group for Border Exceptions (Border Exception Ministers), led by the Minister of Immigration, before being put forward for Cabinet approval [CAB-20-MIN-0466]. In early October, Border Exception Ministers agreed by round robin to an in principle extension to the Polynesian Gateway class exception and to include Tuvalu as a qualifying country.
- 3 The Polynesian Gateway class exception supports essential travel to and from the Cook Islands, Niue, Tokelau, Samoa and Tonga. For essential travellers, the exception facilitates 14-day MIQ access in New Zealand before their onward flight connections into the Pacific.
- 4 Ministers with Power to Act over the General Election 2020 and government formation period first agreed to implement the Polynesian Gateway class exception for up to 100 travellers over six months in October 2020 [MBIE briefing 2021-1025]. On 19 April, Border Exception Ministers with Power to Act agreed to extend this class exception for a further six months [MBIE briefing 2021-3123]. The class exception is due to expire on 3 November 2021.

**Border Exception Ministers have agreed in principle to extend the Polynesian Gateway class exception and include Tuvalu**

- 5 In October 2021, Border Exception Ministers agreed in principle to extend the Polynesian Gateway class exception for a further six months, beyond the current expiry date of 3 November 2021. New Zealand is the primary gateway to-and-from the rest of the world for these countries. There are significant foreign policy benefits to this class exception and it supports the Government's objectives in the Pacific. There is also an ongoing need for the class exception due to uncertainty around international travel and border policies.
- 6 Border Exception Ministers also agreed that Tuvalu be included as a qualifying country. This would support the implementation of New Zealand

investments under the Aid Programme and enable the Government of Tuvalu to undertake maintenance to critical infrastructure such as desalination plants.

**Due to significant pressure on MIQ capacity, I do not propose increasing the cap on travellers over a six month period at this time**

- 7 The advice considered by Border Exception Ministers included a proposed increase to the cap on travellers from 100 to 120 people over six months. This was not universally supported by Border Exception Ministers due to the sustained, high level of demand for managed isolation and quarantine (MIQ).
- 8 I propose rolling-over the existing class exception and maintaining the current cap, at this stage. This will enable essential travel to continue while Ministers consider wider advice around quarantine-free travel in the Pacific.
- 9 I also propose that Cabinet delegate decision-making authority to the Minister of Immigration and Minister for COVID-19 Response to adjust the cap on this class exception should our border settings support it in future. Such decisions will be made in light of MIQ capacity and any wider changes to border settings.

**Implementation**

- 10 Subject to Cabinet approval of the proposal in this paper, I will extend the Polynesian Gateway class exception with minor modifications by certifying changes to immigration instructions.

**Financial Implications**

- 11 Financial implications, if any, are expected to be minor. The proposal in this paper does not expand the number of people who are eligible to enter New Zealand and undertake MIQ.

**Legislative Implications**

- 12 No changes to law or regulations are proposed. I will certify changes to immigration instructions in order to implement Cabinet's decisions.

**Impact Analysis**

**Regulatory Impact Statement**

- 13 Changes to immigration instructions do not require a Regulatory Impact Statement (RIS).

**Climate Implications of Policy Assessment**

- 14 A Climate Implications of Policy Assessment is not required.

## Population Implications

- 15 The health impact of COVID-19 on priority groups such as the elderly, Māori, Pasifika and ethnic communities is clear. We know that some groups are more at risk of severe illness from COVID-19 due to age or underlying health conditions. The ongoing border restrictions (and associated managed isolation requirements) support the ability of our healthcare systems to meet the ongoing health and disability needs of priority communities, especially in Māori and rural communities.

## Human Rights

- 16 The key human right impacted by the border restrictions generally is the right of New Zealand citizens to enter New Zealand (as affirmed in s.18 (2) of the New Zealand Bill of Rights Act 1990). Legal professional privilege

## Consultation

- 17 This paper was prepared by the Ministry of Business, Innovation and Employment (MBIE). The following agencies were consulted on this paper: MBIE (INZ, MIQ) and the Ministry of Foreign Affairs and Trade.

## Communications

- 18 The new criteria will be published online by Immigration New Zealand and communicated to immigration stakeholders.

## Proactive Release

- 19 This paper will be proactively released following Cabinet consideration and once the amended re-entry border exception is in place, subject to necessary redactions.

## Recommendations

The Minister of Immigration recommends that Cabinet:

- 1 **Note** that the Polynesian Gateway class exception supports essential travel to and from the Cook Islands, Niue, Tokelau, Samoa and Tonga for up to 100 travellers over six months;
- 2 **Note** that the Polynesian Gateway class exception is due to expire on 3 November 2021 and that the need for the class exception remains;
- 3 **Agree** to extend the Polynesian Gateway class exception for up to 100 travellers over six months, beyond 3 November, to 3 May 2022;
- 4 **Agree** to include Tuvalu as a qualifying country in the Polynesian Gateway class exception;

**I N C O N F I D E N C E**

- 5 **Agree** to delegate decision-making authority to the Minister of Immigration and Minister for COVID-19 Response on future changes to the cap on this class exception.

Authorised for lodgement

Hon Kris Faafoi

Minister of Immigration