



# **COVERSHEET**

Minister	Hon Michael Wood	Portfolio	Immigration
Title of Cabinet paper	Reconnecting New Zealanders: Options for Step 5	Date to be published	18 August 2022

List of documents that have been proactively released			
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# Information redacted

YES / NO

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Some information has been withheld for the reasons of international relations, legal professional privilege, constitutional conventions, and free and frank opinions.

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#### In Confidence

Office of the Minister of Immigration

Cabinet

# Reconnecting New Zealanders – options for Step 5

# **Proposal**

This paper seeks agreement to bring forward Step 5 of the Reconnecting New Zealanders Strategy from October to: 4 July for all work visas (in line with the Accredited Employer Work Visa), and 31 July for visitor and student visas. It also presents options to prioritise travel from Pacific Island Forum countries.

# Relation to government priorities

This paper is part of the strategy for Reconnecting New Zealanders with the World and supports accelerating New Zealand's economic recovery from COVID-19.

# **Executive Summary**

- Following Cabinet's recent decisions to bring forward the border reopening for Australians and visa-waiver travellers, I propose that we now consider options to bring forward Step 5, the final Step in the Reconnecting New Zealanders Strategy. Bringing forward Step 5 will help accelerate our economic recovery from COVID-19 and ensure we maintain our connections with the rest of the world.
- Three significant visa categories remain in Step 5: Work visas other than the Accredited Employer Work Visa (AEWV), visitor visas, and student visas. I consider the best way to bring forward the benefits of Step 5, whilst managing impacts on visa processing capacity is to stagger the reopening of these categories as follows:

Visa category	Visa volume estimation for 2022/23	Proposed reopening date
All work visas (excl. AEWV)	60,200	4 July
Visitor visas	134,000	31 July
Student visas	77,300	31 July

Successfully bedding in the new pathway for skilled workers, the AEWV, from 4 July is a key priority as businesses will require these to be processed in a timely fashion for their operations. With the continuing focus on processing 2021 Resident Visas, and delivering the new employer accreditation policy,

the plan laid out above will have significant but manageable impacts on Immigration New Zealand's (INZ) workload. Staging the reopening to these visa categories will reduce pressure on INZ's ICT delivery over the crucial July implementation window for the AEWV, and will mitigate the risks to INZ's processing capacity.

- However, in order to manage the impact of reopening on INZ's systems, I am seeking endorsement from Cabinet for my decision to extend the processing timeframes for the majority of the 2021 Resident Visa to have 80 percent processed by June 2023 rather than December 2022. INZ will continue to make every effort to complete 80 per cent of these within 12 months. I also wish to bring to Cabinet's attention a number of measures I have approved using my discretion as the Minister of Immigration. These measures are designed to free up INZ's processing capacity and to provide certainty for businesses.
- I also propose options to prioritise Pacific reopening by either reopening visitor visa applications from individuals in Pacific Island Forum countries or by expanding the 'essential travel' to and from the Pacific border class exception. An important consideration in this decision will be repatriation issues, International relations

# **Background**

- In December 2021 Cabinet agreed a three-step plan for reopening our border. Cabinet amended this to a five-step plan in February 2022 as the Omicron variant rapidly changed how we managed COVID-19 in New Zealand [CAB-22-MIN-0008]. As part of Step 2, on 13 March 2022 the criteria for skilled workers were simplified to a 1.5 times the median wage bright line test and Working Holiday Scheme visas were opened successfully. As of 6 April, over 3,400 Working Holiday Scheme visas have been approved.
- 9 On 14 March 2022, Cabinet agreed to bring forward the following categories of travellers originally included in Step 4 (by July) to Step 3 [CAB-22-MIN-0072]:
  - 9.1 Australian citizens and permanent residents from anywhere in the world from 11:59pm Tuesday 12 April 2022;
  - 9.2 Visa-waiver travellers and existing holders of valid visitor visas from 11:59pm Sunday 1 May 2022.
- Bringing forward the reopening to Australia and visa-waiver travellers provides much needed support to the tourism sector, enables business travel from some key markets and is a further step towards family reunification.
- These categories have minimal impact on visa processing capacity and their opening remains on track for implementation. Cabinet noted that any future decisions concerning the timing of reopening to visa-required categories scheduled for Step 5 (from October) would require significant lead-in times,

- owing to the need to amend regulations and reprioritise immigration processing resources.
- A key milestone in the border reopening is the implementation of the AEWV on 4 July as part of Step 4, which includes new employer accreditation, job check and visa application processes. It is not possible to bring this forward as this is a completely new visa new systems need to be implemented and these need to be communicated to employers well in advance.

# Options to bring forward visa categories from Step 5

- The October date for Step 5 of the border reopening is becoming more difficult to justify from a health perspective; and recognising the impact that the border closure continues to have on the well-being of many people both in and outside New Zealand, I consider that we should revisit the timing of Step 5. It is important that any decisions we take on phasing and timing of these remaining visa categories are final, in order to provide certainty to businesses, families, airlines and INZ. This will enable INZ to do forward planning for the reprioritisation of staff from other visa products, enable staff to undertake training and give time to implement other operational streamlining measures.
- 14 Three significant categories of visa remain scheduled to reopen for offshore applications as part of Step 5:
  - 14.1 All other work visas;1
  - 14.2 Visitor visas;
  - 14.3 Student visas.
- The timing of the opening of these visa categories (and the ensuing application volumes) will impact how much pressure is placed on the immigration system, and in turn how long wait times will be. With that in mind I propose the following plan as the best way to bring forward Step 5:

Visa category	Proposed reopening date	
All work visas	4 July	
Visitor visas	31 July	
Student visas	31 July	

Bringing forward reopening will result in volumes of applications that will likely place strain on this visa processing capacity. Current forecasts for visa category reopening anticipate high up-front demand, trailing in the months following. Volume estimates for the Step 5 visa categories for the 2022/23 year are laid out in Table One below:

<sup>&</sup>lt;sup>1</sup> Such as the Specific Purpose Work Visa and special work visas.

Table One: Visa volume estimates for 2022/23

Category	Assumed percentage of 2018/19	Visa volume estimation for 2022/23 based on assumption <sup>2</sup>
Work visas (excl. AEWV)	65%	60,200
Visitor visas	26%	134,000
Student visas	83%	77,300

While the public health rationales for limiting or staging visa reopening may be dissipating, successful implementation and policy effectiveness requires reasonable wait times and turnarounds once visas open – it is not in our interest to have long visa queues. That is why I propose to slightly stagger reopening to ensure the estimated volumes in Table One can be effectively managed. This is important not just for visa processing but also to mitigate the impact on support services such as the Immigration Contact Centre, and Risk and Verification.

# Other work visas on 4 July

Opening all work visas on 4 July is in line with previous decisions regarding the AEWV and simplifies the approach to work visas. By prioritising work visas we ensure these are processed quickly - enabling workers to enter the country to address skilled labour shortages. In turn this would enable border exceptions to be phased out (unless they are needed as transitional arrangements) and those processing staff redeployed on to visitor visas for 31 July.

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#### Visitor visas on 31 July

Opening visitor visas on 31 July will further support family reunification and tourism. While the peak tourist season won't be until summer 2022/23, I expect many people will start applying for their visas from when the system opens and potentially bring forward travel bookings for New Zealand. The July

<sup>&</sup>lt;sup>2</sup> These figures include adjustment to account for the impacts of the 2021 Resident Visa and the AEWV

- reopening date will also build confidence in airlines planning a return to New Zealand routes for the peak season, and in the wider tourism sector recovery.
- Tourism from China, one of our key tourism markets, is however expected to be significantly reduced if their tight border settings continue. In addition, visitor visas are an important pathway for travellers from the Pacific to visit New Zealand for cultural, social and health reasons.

# Free and frank opinions

However, the combined reopening for Australians and visawaiver travel should bring early benefits.

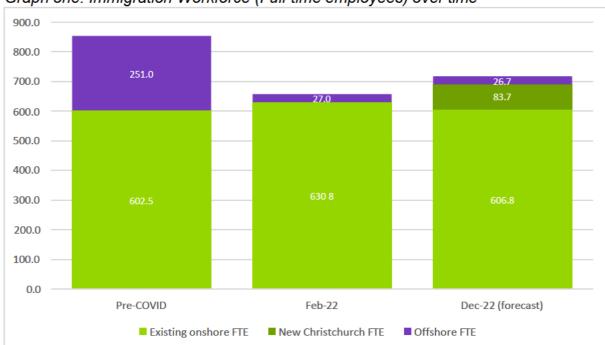
The number of additional visitors that could be expected to arrive in early July would be limited as it would be the off-season (note also that our main winter ski markets do not require visitors visas), and airlines planning a return to New Zealand are unlikely to launch new services until after the winter.

# Student visas on 31 July

- Opening student visas on 31 July would support school, sub-degree and English language students. Due to timing, it is unlikely to benefit university students as courses for semester two start in early July (even an early July opening would not see students entering in July). Some pressure has been taken off the reopening of student visas as education agencies and INZ are currently implementing the class exception for 5,000 students to enter New Zealand in 2022. Peak bodies are still asking for student visas to open earlier.
- 25 Changes to Post Study Work Visa eligibility agreed under the Immigration Rebalance will not be implemented in time for 31 July. However, so long as this policy change is clearly communicated and operationalised as soon as possible, this can be managed.
- I therefore recommend staging the bringing forward of the timing of Step 5. The staging of Step 5 as outlined above allows the reopening to be managed effectively, while still enabling the dates that travellers can come to New Zealand to be brought forward. It would allow the workforce to be reconfigured across visa categories to deal with any demand surges, mitigating the development of queues, and allowing the new AEWV to be successfully bedded in.

# Policy and operational measures to clear queues and pivot resources to the border reopening

INZ has stepped up efforts to secure additional resourcing in order to successfully deliver the Government priorities relating to the 2021 Resident visa, the AEWV and border reopening. This resourcing effort will help offset the impact of the closure of INZ's offshore offices (excluding the Pacific), and includes a new Christchurch INZ office opened this year. The impact of INZ's current recruitment drive is illustrated in Graph One below:



Graph one: Immigration Workforce (Full-time employees) over time

- As a result of a significant expansion in the number of full-time employees (FTEs), 25 per cent of INZ's workforce are relatively inexperienced resulting in reduced efficiency. Their efficiency will increase over time as staff become familiar with the new areas of work.
- In addition to increasing resourcing, I have requested that INZ identify options to:
  - 29.1 free up visa processing capacity for the border reopening;
  - 29.2 streamline and increase efficiency to speed up processing throughput (within acceptable risk tolerances), thereby reducing wait times when larger volumes resume.
- In order for an effective delivery of reopening, it will be necessary to extend the timeline to process the majority of the 2021 Resident Visas. This will enable INZ to pivot resources where necessary to cover initial surges in visa applications. INZ will continue to make every effort to complete 80 per cent of these within 12 months. Therefore, I propose that Cabinet endorses my decision to:
  - 30.1 extend the timeline to process 80 per cent of 2021 Resident Visas from 12 months to 18 months;
- Alongside this, additional measures will be necessary to assist clearing existing queues so that capacity can be freed up to focus on the border reopening. These measures will also give sectors and workers certainty as we work to implement changes under the Immigration rebalance over the course of 2022/23. I have approved the initiatives proposed below, which are all beneficial to visa holders:

- 31.1 extend onshore Work to Resident visas by six months, through special direction issued under section 78A of the Immigration Act;
- 31.2 issue a new two-year open work visa to onshore holders of Essential Skills, Post Study and Partner of a New Zealander work visas whose visas expire before 31 December 2022, and their partners and dependents.

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# Entry from the Pacific continues to be a priority

- Throughout the pandemic New Zealand's strong social, cultural and economic ties to the Pacific have been an important consideration in how we manage our border. To date a number of measures have been taken to prioritise travellers from the Pacific:
  - 33.1 New Zealand has comprehensive two-way QFT Arrangements with the Cook Islands and Niue, and one-way Quarantine Free Travel (QFT) Arrangements with Samoa (that includes Tokelau), Tonga and Vanuatu. We then unilaterally opened QFT under the Low-Risk Pacific Pathway from Nauru, Tuvalu and American Samoa;
  - 33.2 the Recognised Seasonal Employer (RSE) scheme was opened through a border exception, and this was recently increased to 16,000 places;
  - 33.3 border exceptions have been operating for essential travel to and from the Cook Islands, Niue, Samoa, Tokelau, Tonga, and Tuvalu (and Vanuatu government representatives), nominated by their respective Government and administered by the Ministry of Foreign Affairs and Trade (MFAT);
  - 33.4 Ministers recently agreed to a class exception for 250 Manaaki Scholars from the Pacific for semester two 2022; and
  - 33.5 INZ is currently processing the 341 on hand applications from the 2019 ballot for the Pacific Access Category (PAC) and the Samoan Quota (SQ) resident visas, which provide special residence pathways for Pacific countries.
- New Zealand has strong interest in prioritising reconnecting with the Pacific, and bilateral, economic International relations reasons for doing so in line with our Cabinet-mandated commitment to support the long-term resilience of the region [CAB-21-MIN-0401]. International relations

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	International relations	

In light of this, I propose two options for an earlier reopening to travellers from the Pacific:

#### **EITHER**

35.1 From 16 May reopen to online visitor visa applications from applicants in Pacific Island Forum countries (excluding Australia), including third country nationals residing in those countries;

#### OR

35.2 From 1 May expand the border exception for essential travel to and from the Pacific to include all Pacific Island Forum countries (excluding Australia)<sup>3</sup>, loosen the 'essential travel' requirement<sup>4</sup> and increase the cap from 100 to 1,000 places.

Opening to visitor visas from Pacific Island Forum countries (excluding Australia)

- Agreeing that Pacific Island Forum countries (excluding Australia) may apply online for visitor visas from 16 May would be consistent with Cabinet's earlier decisions on supporting Pacific resilience. It would also be in line with the broader trend of reopening regular visa categories where possible, rather than making changes to border exceptions.
- Pre-pandemic visitor visa applications from the Pacific were normally made in person and processed by one of INZ's three Pacific offices. The pandemic saw INZ's offices in the Pacific close to the public, entry only being available by appointment. The current COVID-19 situation in the Pacific has further restricted the operation of INZ's offices in Apia and Nuku'alofa, as both Samoa and Tonga are in COVID-19 lockdowns. The pandemic has also resulted in tight border and quarantine settings across the Pacific, which makes repatriation of Pacific nationals difficult (this has problem has been most acute with RSE workers).

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<sup>&</sup>lt;sup>3</sup> Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu, but excluding Australia.

<sup>&</sup>lt;sup>4</sup> E.g. to travel for cultural events, health treatment or business.

- It is difficult to estimate expected demand for visitor visas from the Pacific. As with the reopening of visitor visas to the rest of the world, there is likely to be pent-up demand, resulting in an initial surge in applications that tails off. It is expected that demand would be most prominent from Fiji, Samoa and Tonga. Potential volumes would be mitigated by New Zealand's vaccination requirements, limited flight availability from the Pacific, and Omicron outbreaks in the region. Reopening visitor visas to the Pacific will also potentially result in a 'backdoor' to New Zealand being created for other visarequired nationals, but the risk of this being used by any volume of travellers is low, due to lack of flight availability.
- The lockdowns in Samoa and Tonga also mean it is not feasible for the Apia and Nuku'alofa offices to take physical applications. Therefore, I propose that if visitor visas are reopened to the Pacific, that this is only for online applications. This is in line with the practice of other countries such as Australia and with the direction that INZ was going pre-COVID.

# Expanding the essential travel border exception

- The approach of expanding the border exception for essential travel to and from the Pacific would enable priority travel to be facilitated to New Zealand whilst avoiding the repatriation issues discussed in paragraph 38. The proposed expansion has three parts:
  - 41.1 expanding the countries eligible to all Pacific Island Forum countries (excluding Australia);
  - 41.2 loosening the definition of essential travel to include travel for things such as cultural events, health treatment or business; and
  - 41.3 increasing the cap from 100 places to 1,000 places.
- This would address some, but not all, of the needs of the Pacific before we reopen visitor visas to the rest of the world. However, increasing the cap for the region to 1,000 places, International relations

  It would also raise significant
  - operational issues, particularly the role of Pacific governments and MFAT in the process. The process of being nominated would also result in it taking longer to obtain a visa, compared to the visitor visa option.
- Regardless of the option chosen, it is essential that communications about earlier reopening are clear, especially INZ's repatriation requirements outlined in paragraph 38. MFAT will work closely with Posts and partner governments to ensure appropriate messaging and communications.

# Phasing out the border exception regime

With the opening of the border to existing work and student visas on 12 April and the opening to visitor visas on 1 May, there will be no remaining border restrictions for travellers coming to New Zealand. Offshore temporary visa applications (e.g. work, visitor, and student visas) are currently suspended,

and pending Cabinet's decisions on Step 5 this suspension will soon be phased out.

45		gular visa categories are reopened the need of border exceptions is
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		I also seek authorisation to make final decisions on
	which	border exceptions are phased out at which date.

# **Legislative Implications**

- 47 Following Cabinet's decisions, I will bring the amendments to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 directly to Cabinet on 2 May 2022, for consideration and referral to Executive Council on that day, to ensure that the changes can come into effect by 16 May for the Pacific.
- I am seeking a waiver of the 28-day rule for the regulation changes associated with the proposals in this paper, as they will be only beneficial.
- I will also certify immigration instructions to implement bringing forward the proposed categories and take any detailed policy decisions to give effect to the immigration changes set out here and agreed by Cabinet.

## **Impact Analysis**

#### **Regulatory Impact Statement**

The Treasury's Regulatory Impact Analysis (RIA) Team has determined that the proposals to bring forward Step 5 in the Reconnecting New Zealanders policy are exempt from the requirement to provide a Regulatory Impact Statement (RIS). This is on the grounds that the proposals are intended to manage, mitigate or alleviate the direct actions taken to protect the public in response to COVID-19, and implementation of the policies is required urgently to be effective (making a complete, robust and timely RIS unfeasible). The

<sup>&</sup>lt;sup>6</sup> Ministry of Business, Innovation and Employment (MBIE) officials will work with relevant agencies to determine where transitional arrangements will be needed and how long they will be needed for.

speed with which these proposals were prepared increases the risk of unanticipated consequences and implementation challenges.

# **Population Implications**

If a large number of additional COVID-19 cases are seeded from the border, there is a risk that there may be some additional health and non-health effects of COVID-19 in the community as a result of bringing Step 5 categories forward. The extent to which cases amongst international arrivals materially impacts a domestic outbreak will depend on the phase of the response we are in at the time.

#### Pacific countries

Many Pacific countries relied on New Zealand as their first line of defence against COVID-19 as we maintained tight border settings. As New Zealand reopens its borders a range of border settings are in place across the Pacific. Samoa and Tonga in particular have maintained tight border settings and are currently in the midst of Omicron outbreaks. The combination of these factors with the low availability of flights hinders the ability of Pacific nationals to repatriate (although air connectivity will increase as we open to the Pacific). Officials continue to work with our Pacific partners as we move towards having open borders.

# Benefits and opportunities from reuniting New Zealand with the world

- Reopening earlier will be beneficial for all visa-required travellers, but in particular Pacific peoples who will have the opportunity to reunite with their families based in the Pacific region and fulfil family and/or cultural obligations. Furthermore, as demonstrated by current quarantine-free travel arrangements with some Pacific countries, the increase in travel provides economic opportunities and access to essential services including specialist health care and education.
- Reopening to all work visas from July Legal professional privilege

  It will also address skill shortages throughout the economy, and increase our connections with the world, both of which benefit New Zealanders.
- Population groups living in certain regions will be impacted positively by an influx in visitors from 31 July and the resulting increase in employment. The business sector and the tourism industry will benefit as will the economy. However, certain geographic areas with high at-risk population groups may be concerned about their increased risk of exposure to COVID-19. There is a need to balance the benefits to the business sector and the tourism industry and regions from an influx of overseas visitors, against the adverse impacts of increasing the volume of visitors to areas of the country with high-risk populations.

#### Ethnic communities

- Ethnic communities have ties with families and friends based overseas and reopening earlier gives them the opportunity to reunite with their loved ones. However, this comes at the expense of those waiting for 2021 Resident Visas. In the short term the impact of delays to applicants for the 2021 Resident Visa will be stress and uncertainty for these communities.
- In the long term these communities will lag behind other segments of the New Zealand population in their ability to access the support of social services in the future should they need this form of support. Many Government supports such as first year fees free tertiary study, access to student loans and allowances, superannuation, are only available to New Zealand residents after they have held their residency status for a specified period of time.

# **Human Rights**

58 This paper has no NZBORA implications.

# **Te Tiriti O Waitangi Analysis**

- As part of the Crown's consideration of easing international border settings, the impact on the health and wellbeing of Māori needs to be taken into account. COVID-19 is already having a disproportionate effect on Māori due to a range of factors, including underlying health conditions and lower COVID-19 vaccination rates.
- There will be many Māori who support reopening to tourists from visa-required countries, as iwi-owned tourism businesses will benefit from these travellers. Conversely, an increased number of tourists pose health risks to rural communities that are traditionally popular with international tourists, such as the Far North.
- The Crown's obligation to protect Māori health may justify maintaining conservative border and visa settings longer than expected. At this stage, however, the marginal risk of easing these settings is relatively small and outweighed by the Government's prerogative to govern the borders in line with international expectations, the need to ensure freedom of movement for its citizens, as well as these benefits to Māori of increased tourism.

# Consultation

- This paper was prepared by Immigration Policy in MBIE.
- The following agencies were also consulted on the paper: Department of Prime Minister and Cabinet, Foreign Affairs and Trade, New Zealand Customs Service, Te Arawhiti, Ethnic Communities, Transport, Health, Primary Industries, MBIE Tourism and Pacific Peoples.

# **Communications and Proactive Release**

- I propose that, subject to Cabinet's agreement, the Prime Minister will announce the changes to the timing of Step 5. With agreement from Cabinet, officials will confidentially notify airlines and airports ahead of the public announcement, as is the usual process, to provide them with sufficient time to prepare for the expected surge in public interest.
- MFAT will engage with relevant governments, including in the Pacific, to notify them of Cabinet decisions ahead of any announcements.
- I intend to proactively release this paper and its associated minute with any appropriate redaction where information would have been withheld under the Official Information Act 1982.

#### Recommendations

The Minister of Immigration recommends that Cabinet:

- note that following Cabinet's decisions, I will bring the amendments to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 directly to Cabinet on 2 May 2022, for consideration and referral to Executive Council on that day, to ensure that the changes can come into effect by 16 May for the Pacific.
- agree to waive the 28-day rule for the regulation changes associated with the proposals in this paper, as they will be only beneficial

# Options for bringing forward Step 5

- note that on 14 March 2022, Cabinet agreed to bring forward reopening for the following categories of travellers originally included in Step 4 (by July) [CAB-22-MIN-0072]:
  - 3.1 Australian citizens and permanent residents from anywhere in the world from 11:59pm Tuesday 12 April 2022;
  - 3.2 Visa-waiver travellers and existing holders of valid visitor visas from 11:59pm Sunday 1 May 2022;
- 4 note that there are three significant visa categories that remain scheduled to reopen to offshore applications as part of Step 5 in October:
  - 4.1 all other work visas (other than the AEWV);
  - 4.2 visitor visas:
  - 4.3 student visas;
- note the timing of the opening of these visa categories will impact how much pressure is placed on the immigration system, and in turn how long wait times will be;
- agree to reopen all work visas on 4 July in line with the AEWV, followed by visitor visas and student visas on 31 July.

## Streamlining and efficiency measures

- endorse the Minister of Immigration's decision to extend the timeline to process 80 per cent of 2021 Resident Visas from 12 months (December 2022) to 18 months (June 2023);
- 8 note that the Minister of Immigration has approved the following measures to help INZ to clear queues and pivot resources to the border reopening:
  - 8.1 extend onshore Work to Resident visas by six months, through special direction issued under section 78A of the Immigration Act;

issue a new two-year open work visa to onshore holders of Essential Skills, Post Study and Partner of a New Zealander work visas whose visas expire before 31 December 2022, and their partners and dependents;

# **Ensuring continued ties to the Pacific**

9 agree to one of the following options for prioritising Pacific reopening:

## **EITHER**

9.1 From 16 May reopen to online visitor visa applications from applicants in Pacific Island Forum countries (excluding Australia), including third country nationals in those countries;

#### OR

9.2 From 1 May expand the border exception for essential travel to and from the Pacific to include all Pacific Island Forum countries (excluding Australia), loosen the 'essential travel' requirement (to include travel such as for cultural events, health treatment or business) and increase the cap from 100 to 1,000 places;

10	Free and frank opinions	

# Phasing out border exceptions

11	agree to phase out the border exception regime in stages,	Confidential advice to Government

authorise the Minister of Immigration to make final decisions on which border exceptions are phased out at which date.

Authorised for lodgement

Hon Kris Faafoi

Minister of Immigration

