



## COVERSHEET

<b>Minister</b>	Hon Andrew Little, Hon Dr Megan Woods, Hon David Parker	<b>Portfolio</b>	Immigration, Housing and Transport
<b>Title of Cabinet paper</b>	Managing the flow of people across the border and into Managed Isolation and Quarantine	<b>Date to be published</b>	7 November 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
July 2022	Managing the flow of people across the border and into Managed Isolation and Quarantine	Office of the Minister of Immigration Office of the Minister of Housing Office of the Minister of Transport
1 July 2021	Managing the Flow of People across the Border and into Managed Isolation  SWC-20-MIN-0094 Minute	Cabinet Office

### Information redacted

**YES**

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.

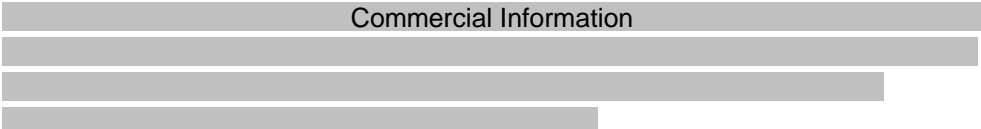
Some information has been withheld for the reasons of Commercial Information and Legal Professional Privilege.

Office of the Minister of Transport  
Office of the Minister of Housing  
Office of the Minister of Immigration

Cabinet Social Wellbeing Committee

## Managing the flow of people across the border and into managed isolation and quarantine

### Proposal

- 1 This paper seeks Cabinet agreement to:
  - 1.1 Introduce a requirement on all passengers to have a pre-booked place in Managed Isolation and Quarantine (MIQ) facilities before boarding a flight and before entering New Zealand, unless exempt. This would be implemented through amendment to the *COVID-19 Public Health Response (Air Border) Order* and Civil Aviation Rules
  - 1.2 Reinforce this requirement through a complementary obligation on foreign nationals, implemented through changes to Immigration Instructions and Border Entry Instructions
  - 1.3  Commercial Information

### Relation to government priorities

- 2 This paper relates to the Government's response to COVID-19.

### Executive Summary

- 3 To protect New Zealand, almost everyone arriving at our borders is required to complete at least 14 days in MIQ. The number of people arriving at the border is growing and there is significant uncertainty in predicting demand for MIQ facilities ahead of any particular day.
- 4 This has required urgent actions to manage people returning across our air border like re-directing, or chartering half empty aircraft to other facilities, and emergency stand up of facilities. This is costly, unsustainable, and does not allow for a measured matching of demand and supply for MIQ. This paper addresses managing the flow of people across the border and into the MIQ system so that demand can better match supply. It will not prevent people from returning.
- 5 Ministers are asked in this paper to agree to put in place a flow management system that would apply to all New Zealand citizens, residents and visa holders coming into New Zealand (other than people operating under exemptions).

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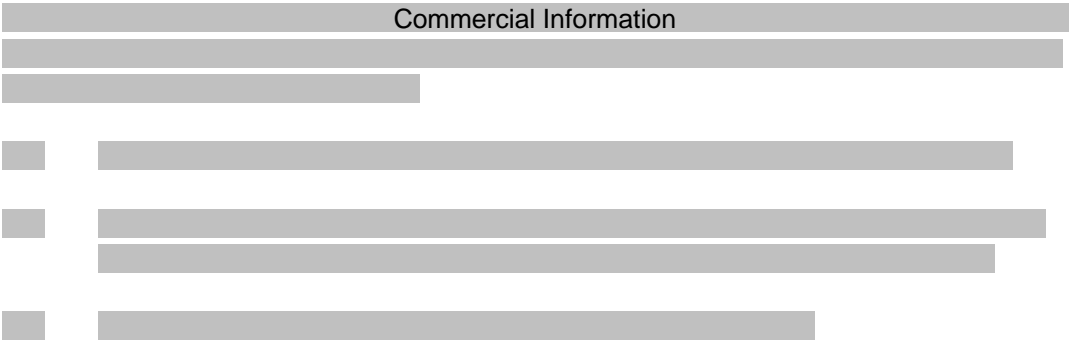
6 Ministers are asked to note that the following legal instruments would be needed to support a people flow management system:

6.1 The Minister of Health would need to amend the *COVID-19 Public Health Response (Air Border) Order 2020* (Air Border Order) to permit passengers to arrive in NZ from any place outside of NZ by air only if they have a booked MIQ place or are exempt. This would need to be supported by advice from the Director-General of Health as to the public health rationale for MIQ, and the constraints/risks arising from the current unmanaged flow.

6.2 The Governor General, on the recommendation of the Minister of Transport, would be advised to make amendments to Civil Aviation rules to require airlines to take reasonable steps to ensure that each passenger on their flight has evidence of a booking in a managed facility for that passenger's scheduled date and port of arrival, or is exempt from the requirement. Associated changes will be made to make non-compliance an offence under civil aviation regulations.

6.3 The Minister of Immigration would certify new Immigration Instructions to ensure that foreign nationals secure a booking in a managed facility before travelling to New Zealand. This would enable Immigration New Zealand to over time introduce automated boarding refusals for foreign nationals (who are not residence class visa holders) who do not hold bookings.

7 The combination of these legal tools would require the person travelling, and airline, to ensure any passenger coming to New Zealand (whether a citizen, a permanent resident or a visa holder) has evidence of a place at a managed facility on the date of their arrival, or that they are exempt. They also enable a range of graduated enforcement tools. This enables a booking system that matches the spaces available to the passengers and manages the flow into those facilities.

8  Commercial Information

9 These proposals work alongside a suite of changes to improve our overall MIQ system to manage flow across the border and match supply and demand for facilities:

9.1 The Ministers of Housing and Health proposed options on 29 June 2020 for co-payment from people arriving in New Zealand to offset the cost to taxpayers from putting in place suitable facilities, including for temporary

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visa holders, New Zealand citizens and residents. Cabinet has agreed to additional funding and further design work will be undertaken.

- 9.2 The Minister of Housing, in consultation with the Minister of Health, is also leading work on a sustainable and scalable regulatory model for managed isolation and quarantine, to safely grow the supply of MIQ places.
- 10 The costs of establishing and operating this system are growing and the Minister of Housing will report-back to Cabinet to request a tagged contingency for additional funding from the COVID-19 Response and Recovery Fund (CRRF) once this work has been completed.

### Background

- 11 Managing the health risks of importing cases of COVID-19 at the border is a critical pillar of the Government's overall public health strategy for the COVID-19 pandemic. Cabinet has agreed that the only people who can enter New Zealand are New Zealand citizens or resident visa holders (and their families); along with some other very limited groups [CAB 20 MIN 0122 refers]. In summary Cabinet agreed that the following groups are not subject to the restrictions:
- 11.1 New Zealand citizens and residence class visa holders.
  - 11.2 The partner, legal guardian or any dependent children of a New Zealand citizen or residence class visa holder.
  - 11.3 Australian citizens and permanent residence class visa holders ordinarily resident in New Zealand.
  - 11.4 People subject to regulation 25 of the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010*, which includes air and marine crew.
  - 11.5 Diplomats accredited to New Zealand and currently resident in New Zealand.
- 12 Anyone else wishing to travel to New Zealand must first apply for and be granted an exception to the border restrictions in one of a limited number of categories (e.g. under exceptional humanitarian circumstances, or as critical workers) assessed on a case by case basis.
- 13 Every person who arrives in New Zealand must spend at least 14 days in MIQ, unless they are excluded from this requirement on the limited grounds set out in the *COVID-19 Public Health Response (Air Border) Order 2020* (e.g. aircraft pilots or flight crew members, diplomats).

*New Zealand has limited places available in MIQ facilities, and demand is close to exceeding supply*

- 14 The operational arrangements for MIQ were stood up under urgency as part of the all-of-government response to COVID-19. The number of places available in hotels for MIQ is now constrained. While work is underway to expand capacity, we have been experiencing high demand for the available places, and demand is close to outstripping supply in the short term.

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- 15 Currently, the flow into and demand for MIQ is being driven by returning New Zealanders (and others exempt from border restrictions), the exceptions granted to border restrictions (under humanitarian and critical worker categories), and the availability of flights, which is set to increase (eg Emirates will commence three flights a week from Dubai from early July, although we note the main purpose is to take out outbound passengers and inbound is only a small number of people).
- 16 As at 21 June 2020, there have been approximately 57,000 commercial arrivals in New Zealand since the border closed to foreign nationals on 20 March 2020. The vast majority of arrivals are New Zealand citizens or residents and their immediate family (on visas), but there is also pressure on MIQ facilities from Australian citizens and permanent residents and foreign nationals who have met the high bar for exemptions from the border restrictions. In the week of 15-21 June 2020:
- 16.1 84 percent of arrivals were New Zealand citizens or residents;
  - 16.2 three percent were Australian citizens or permanent residents; and
  - 16.3 13 percent were foreign national temporary visa holders.

*There is considerable uncertainty in predicting demand for, and the number of people who would be required to be in, MIQ for any particular day*

- 17 While Air New Zealand and Board of Airline Representatives NZ (BARNZ) provide potential numbers of passengers arriving to New Zealand, these are often only a few days out, and it has been difficult to separate out transit passengers<sup>1</sup> from passengers arriving (which can result at times in lower numbers than predicted). Repatriation flights can be planned for and influenced to some extent, but are not always around commercial airline peaks and troughs, and numbers can be fluid resulting in sudden unpredicted increases in numbers. However, after 3 July (the final repatriation flight currently planned out of India), they are not expected to represent a significant proportion of inbound passenger flows.
- 18 All of this makes it hard to manage people returning across our border, and has required urgent actions to manage flows like re-directing, or chartering (at times) half empty aircraft to other facilities, and emergency stand up of facilities. This is costly, unsustainable, and does not allow for a measured matching of demand and supply for MIQ.
- 19 It is anticipated that the numbers of New Zealanders returning home may continue to increase. Since moving to Alert Level 1, and opening up of travel in other countries from lock-down and more flight options, we are seeing a steady increase in passenger arrivals into New Zealand, which is forecast to increase as restrictions ease further. Auckland MIQ capacity has been exceeded and facilities in Hamilton, Rotorua, Wellington and Christchurch are now running, but there are limits to how many new facilities can be established and the speed at which this can be done.

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<sup>1</sup> Passengers transiting through Auckland en-route to a third country, who do not leave the airport and therefore do not require MIQ

- 20 Although the numbers of foreign nationals arriving at the border is still relatively low, as the economy moves further into recovery we can expect these numbers to grow. Future demand for additional exemptions to support our social and economic recovery are anticipated from foreign nationals, including international students, workers, other high value visitors would also drive demand for additional capacity. A trans-Tasman travel zone that allows us to safely exempt some arrivals from MIQ requirements could help mitigate this pressure, but will not remove the need for facilities to still manage arrivals from higher risk countries.

### **Management of the flow of people across the border and into MIQ**

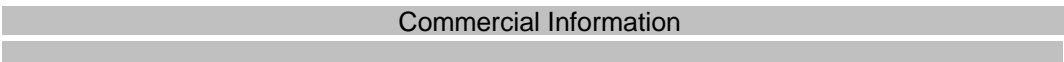
*Any flow management system will need to meet a number of criteria*

- 21 Any system designed for managing the flow of people over the New Zealand border and into MIQ should need to meet the following criteria:
- (a) be able to match people coming to New Zealand requiring MIQ with available places in facilities on any given day;
  - (b) where possible, support future demand modelling to enable considered approaches to increasing capacity and number of facilities;
  - (c) able to work with a cost recovery model;
  - (d) legislatively backed and enforceable;
  - (e) Impose only a reasonable and proportionate delay to New Zealand citizens' right to enter New Zealand and resident visa right holders' right to travel to and stay in New Zealand;
  - (f) be able to be implemented in a timely, simple, robust, sustainable manner (as it may need to be in place for some time) using existing systems rather than new build, to limit the risk of implementation mistakes or issues;
  - (g) able to be operated as early in the process as possible (preferably at point of booking air tickets) to provide early notification of when people can travel, rather than managing at departure or at the border;
  - (h) easy for travellers and airlines to understand, and engage with, and operationalise (including online and by phone interaction for accessibility);
  - (i) link to onward domestic journeys by bus, or air, to managed facilities, to ensure safe, efficient and cost effective movement of people to facilities upon arrival in NZ;
  - (j) be able to accommodate urgent and compassionate travel; and
  - (k) manage the flow of people not aircraft, and should not restrict international airlines coming to New Zealand. This is because restrictions would contravene international air services agreements, impede the movement of critical imports and exports, make repatriation more difficult, likely cause international carriers to exit and result in retaliatory action, and impede economic recovery.

*A legislatively backed and enforceable flow management system*

- 22 This paper recommends that Cabinet note that the following legal instruments would need to be put in place to support any people flow management system:
- 22.1 An amendment by the Minister of Health to the *Air Border Order* to permit passengers to arrive in New Zealand from any place outside of New Zealand by air only if they have a booked MIQ place or are exempt. This requirement will apply to all arrivals, including New Zealand citizens, residents, and temporary visa holders.
- 22.2 A Civil Aviation Rule made by the Governor General, on the recommendation of the Minister of Transport, which requires airlines to take reasonable steps to ensure that each passenger on their flight has a booked MIQ space for that passenger's scheduled date and port of arrival, or is exempt from the requirement. Associated changes will also be made to create an offence for contraventions of the rule.
- 22.3 Immigration Instructions under the *Immigration Act 2009*, certified by the Minister of Immigration, to require foreign nationals who are not residence class visa holders to have a confirmed booking in a MIQ facility in order to be granted entry into New Zealand. Once Immigration Instructions are in place to implement the agreed change, the new requirement will be able to be applied to those who already have been approved an exemption to the border restrictions but have not yet travelled to New Zealand, as well as to any further foreign nationals that are granted an exemption to travel to New Zealand.
- 22.4 While airlines, under the Civil Aviation Rule, would be required to not board anyone without evidence of a managed facility booking, this could be bolstered by immigration requirements on carriers in relation to foreign nationals. These would enable boarding to be denied, eventually in an automated fashion. In addition, if an individual was boarded when they should not have been, then the individual may be liable to be turned around on arrival and returned to their place of embarkation. (Officials advise that there may be practical difficulties in doing so while flight availability is limited; and that if MIQ spaces are available when they land, turn around would not necessarily be the best option).
- 23 The combination of these legal tools will require the person travelling, and airline, to ensure a person coming to New Zealand has evidence of a booking for a MIQ place for the date of their arrival (or be exempt). They also enable a range of graduated enforcement tools.
- 24 These instruments will be developed by relevant agencies with support from Crown Law, and drafted by the Parliamentary Counsel Office, to ensure any amendments are consistent with the *New Zealand Bill of Rights Act 1990* and other legal risks are minimised.

**The Booking System**

25  Commercial Information

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[Redacted]

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[Redacted]



*How the managed passenger flow process would operate*

- 31 The managed passenger flow process is proposed to operate as below (see Annex 1 for a diagram):
- 31.1 A person (or a group of people) wishing to travel to New Zealand goes to an international airline website to book a flight. (People who are not New Zealand citizens or residents will have been required to apply for an exception or for evidence of an exemption, and to either hold a visa or have been approved in principle.) The website notifies them of the need to book a managed isolation facility first [redacted] Commercial Information [redacted]
- 31.2 The person goes to the booking platform and puts in: proposed flight number, intended destination, date of travel, required personal information, and passport number/other travel documents, and consents to the information being shared with Government border agencies. If cost recovery is included, they would enter a credit card for pre-authorisation.
- 31.3 [redacted] Commercial Information [redacted]  
[redacted]  
[redacted] If there are any questions around the authorisation to travel the person will be directed to the Immigration Border Office (IBO). Citizens and most residence-class visa holders will be authorised automatically.
- 31.4 [redacted] Commercial Information [redacted]  
[redacted]  
[redacted]  
[redacted] If there is no facility available for the date or port of arrival, they are notified that they will need to book a flight for another day or arrival point.
- 31.5 Within a set period (probably two days)<sup>3</sup> of provisional booking notification, the passenger buys their air ticket from their carrier (or through a travel agent) and confirms their international flight booking through the booking system. Once the person confirms and pays for accommodation and transfer (if cost recovery is applicable), the person receives a token or other document as evidence of a confirmed booking. If they reject the booking or fail to confirm, the booking becomes available in the system.
- 31.6 On the day of departure the person must produce the evidence of the confirmed booking to their international carrier at check in, and the airline will check through to point of arrival. New Zealand agencies may have provided a list of people understood to hold bookings against the provisional flight manifest earlier. If the person does not have a token or the carrier has reason to believe that they do not have a booking, non-New Zealand citizens and residents will be declined uplift by Immigration New Zealand. (This may be able to be automated in the future.) Where

<sup>2</sup> [redacted] Commercial Information [redacted]

<sup>3</sup> A person will either book the facility first, then their airline ticket, or book their airline ticket with a conditional hold as is possible now.

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New Zealand citizens or residents do not appear to have a booking, carriers will be advised that they do not appear to meet the requirements of the Aviation Rule for travel to New Zealand.

31.7 There will be some MIQ capacity reserved to deal with exceptional cases where a person who arrives to check in should be allowed to board (eg if they need to travel for an emergency or on compassionate grounds). This would require authorisation from the IBO.

31.8 Passengers on arrival will:

- a) clear border control and be taken to a managed facility at point of arrival;
- b) clear border control and be put on a bus to their managed facility; or
- c) wait on board until cargo is unloaded, or de-plane and be safely managed to catch another domestic flight, and be taken to their final point of arrival and clear border there.

32 Passengers will have limited choice of location of managed facility. People will be told the location of managed isolation facility connected to their flight, so if they have concerns they could book a flight for another day where it might be going to a different managed facility location. We cannot have more freedom of accommodation type, or location, as it is too complex (at least initially) to manage the system efficiently, safely, and cost effectively to separate passengers at arrival.

33 Flights from high-risk countries could be prioritised to Auckland where there are more quarantine and managed facility options.

34 The process supports New Zealand citizens' ability to enter New Zealand provided there are options for arrival within a reasonable time period. The booking system would enable better planning of future demand, and if there was significant bookings and a back-log beginning to emerge it will signal the need to develop other facility options in order to ensure delays to New Zealand citizens and residents returning do not become unreasonable or disproportionate.

35 People who currently have airline bookings would be transitioned into the booking system first.

36 We believe that this system would not significantly damage the commercial viability of flights to New Zealand. Commercial Information

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

*Legal issues [Legally privileged]*

37 Legal professional privilege

[Redacted]



Commercial Information

- 42.5.2 providing advice to intending travellers, including people who already hold visas.

*There is also likely to be a shorter term response while this new system gets put in place*

- 43 All of this could be put in place in the next few weeks. However, capacity issues will continue to be an urgent problem. Commercial Information

### Stakeholder Engagement

- 44 Commercial Information

### Financial Implications

- 45 Further work is needed to determine the set up and on-going costs of operating a booking system (including costs at the border). At this stage we are hoping to have the system live in three weeks. If Cabinet agrees to the proposal, the responsible Minister will report back to Cabinet to request a tagged contingency for additional funding once this work has been completed.

### Legislative Implications

- 46 Changes to the Air Border Order, Civil Aviation Rules and Civil Aviation Regulations, and Immigration Instructions will be required to implement the proposals in this paper. The Parliamentary Counsel Office has been informed of the proposals.

### Impact Analysis

- 47 The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with CAB-20-MIN-0138.

### Population Implications

- 48 Requiring passengers arriving in New Zealand to have a booked place in managed isolation will contribute to managing the risks of COVID-19 transmission to vulnerable populations. Vulnerable populations include the elderly, Māori, Pacifica, and ethnic communities as well as groups that are more at risk of severe illness from COVID-19 due to age or underlying health conditions.

## Human Rights

### *Requirement on all passengers to have a pre-booked place in Managed Isolation and Quarantine (MIQ) facilities*

- 49 Due to current immigration settings, most of the entries to New Zealand since the MIQ regime commenced have been of New Zealand citizens, and this is likely to continue. Measures that limit the right to enter New Zealand engage s 18(2)-(3) of the New Zealand Bill of Rights Act 1990 (BORA), which (inter alia) set out that New Zealand citizens have the right to enter and leave New Zealand.
- 50 The right to enter New Zealand would be limited by any system or order which restricts travel to New Zealand on the basis of quarantine capacity (however implemented). Such a measure may also indirectly limit the right to *leave* New Zealand, because the limited availability of MIQ accommodation on return would tend to prevent citizens from exercising their right to leave.
- 51 Given the importance of maintaining the effectiveness of the MIQ regime, in order to prevent a further outbreak of COVID-19 in New Zealand, it is likely that a flow management system that imposes a reasonable and proportionate delay on citizens exercising their right to enter New Zealand will be a justified limitation on this right, under s 5 of BORA. The key will be to ensure that MIQ capacity is sufficient to ensure that any delay imposed through flow management is reasonable and proportionate (for example not longer than six weeks to two months).
- 52 As the requirement is proposed to apply to all entrant nationalities, it does not engage issues of discrimination on the grounds of nationality. Crown Law advises [redacted] Legal professional privilege [redacted]

### *Requiring foreign nationals to have a confirmed booking in order to be granted entry into New Zealand*

- 53 The proposal to require foreign nationals to have a confirmed booking in order to be granted entry into New Zealand is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, and with New Zealand's international commitments to enabling the movement of people.

## Consultation

- 54 This paper was prepared by the Ministry of Health, Ministry of Business, Innovation and Employment and the Ministry of Transport.
- 55 The following agencies were consulted on the requirement on all passengers to have a pre-booked place in MIQ facilities and their views taken into account during its development: The Department of the Prime Minister and Cabinet (Operations Command Centre), Crown Law, NZ Police, National Emergency Management Centre (NEMA), New Zealand Customs Service and Immigration New Zealand.
- 56 The following agencies were consulted on the requirement of foreign nationals to have a confirmed booking in order to be granted entry into New Zealand: The Ministry of Foreign Affairs and Trade, Ministry of Justice and the Treasury. The

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Department of the Prime Minister and Cabinet (Policy Advisory Group) has been informed.

- 57 Due to the short timeframe for developing the proposals in this paper, it was not possible to undertake wider consultation.

### Communications

- 58 Implementation of the new border entry criteria and carrier obligations will include clear and proactive communications to affected travellers, carriers and border staff to ensure that all are aware of the new requirements and that check in processes are smooth at airports. Discussions are already underway with airports and carriers and they are confident that the necessary systems can be developed to support our need for better flow management at the border.
- 59 This paper proposes that we announce these decisions when the booking system is ready so that travellers can immediately be supported to seek a place in MIQ and can confirm their travel plans. This will enable to signal well in advance whether there will be any delays in being able to secure a confirmed place. In particular, providing families and businesses awaiting incoming travellers with some certainty around travel windows will be very important. Signalling the requirement to book ahead of a system being ready could result in a spike in demand.

### Proactive Release

- 60 This paper will be proactively released once the booking system is in place. Any redactions made will be consistent with the *Official Information Act 1982*.

### Recommendations

The Ministers of Transport, Housing, and Immigration recommend that the Committee:

- 1 **Note** that the *COVID-19 Public Health Response (Air Border) Order 2020* requires all persons entering New Zealand by air to complete at least 14 days of quarantine or managed isolation unless they are “excluded arrivals”;
- 2 **Note** that, on 15 June 2020, Cabinet invited the Minister of Housing and the Minister of Health to report back to Cabinet in July 2020 on workstreams established to support the transition to a sustainable model of quarantine and managed isolation (MIQ) [CAB-20-MIN-0284];
- 3 **Note** that this paper reports back on managing the flow of people across the border and into the MIQ system;
- 4 **Note** that this paper is part of a suite of work being undertaken by officials across government to strengthen our MIQ arrangements;

#### *Criteria for any flow management system*

- 5 **Agree** that any system designed for managing the flow of people over the New Zealand border and into managed isolation will need to meet the following criteria:

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- 5.1 be able to match people coming to New Zealand requiring MIQ with available places in facilities on any given day;
  - 5.2 where possible, support future demand modelling to enable considered approaches to increasing capacity and number of facilities;
  - 5.3 be able to work with a cost recovery model;
  - 5.4 be legislatively backed and enforceable;
  - 5.5 impose only a reasonable and proportionate delay to New Zealand citizens' right to enter New Zealand and resident visa right holders' right to travel to and stay in New Zealand;
  - 5.6 be able to be implemented in a timely, simple, robust, sustainable manner (as it may need to be in place for some time) using existing systems rather than new build, to limit the risk of implementation mistakes or issues;
  - 5.7 able to be operated as early in the process as possible (preferably at point of booking air tickets) to provide early notification of when people can travel, rather than managing at departure or at the New Zealand border;
  - 5.8 easy for travellers and airlines to understand, and engage with, and operationalise (including online and by phone interaction for accessibility);
  - 5.9 link to onward domestic journeys by bus, or air, to managed facilities, to ensure safe, efficient and cost effective movement of people to facilities upon arrival in NZ;
  - 5.10 able to accommodate urgent or compassionate travel and
  - 5.11 the system should manage the flow of people not aircraft, and should not restrict international airlines coming to New Zealand.
- 6 **Agree** to put in place a flow management system that would apply to all New Zealand citizens, residents and visa holders coming into New Zealand (other than people operating under exemptions).

### *Legal instruments to support any people flow management system*

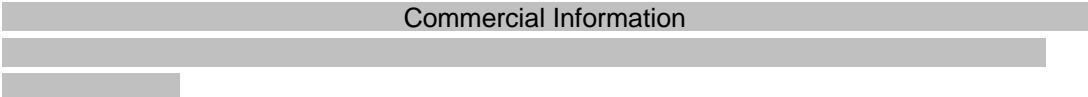
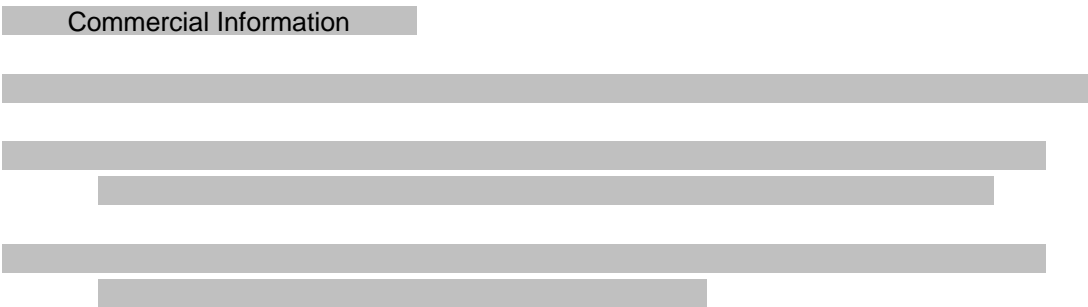
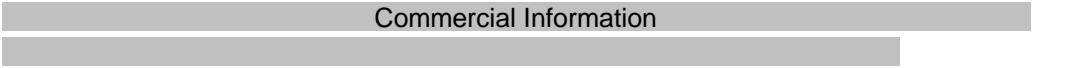

- 7 **Agree** that, in order to give effect to these proposals the following legal instruments be prepared to support any people flow management system:
- 7.1 That the Minister of Health and Director-General of Health proceed with consideration of amendments to the *COVID-19 Public Health Response (Air Border) Order* to permit passengers to arrive in New Zealand from any place outside of New Zealand by air only if they have a booked MIQ place or are exempt;
  - 7.2 The Minister of Transport proceed with amendments to Civil Aviation rules, for recommendation to the Governor General, which requires airlines to take reasonable steps to ensure that each passenger on their flight has a booked MIQ space for that passenger's scheduled date and

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port of arrival, or is exempt from the requirement (and associated changes to create an offence for contraventions of the rule); and

- 7.3 That the Minister of Immigration under the *Immigration Act 2009* certify Immigration Instructions requiring foreign nationals to have a confirmed booking in a MIQ facility in order to be granted entry into New Zealand.
- 8 **Note** that the combination of these legal tools requires the person travelling, and the airline, to ensure a person coming to New Zealand has evidence of a place at a managed facility on the date of their arrival (unless exempt), and enables a range of graduated enforcement tools;
- 9 **Note** that requiring New Zealand citizens and residents to have a confirmed place in a managed isolation facility prior to travel could raise issues under the *New Zealand Bill of Rights Act 1990*, but that these are considered to be manageable as long as those individuals can still travel within a reasonable amount of time;
- 10 **Note** that it would however be relatively straightforward to impose this requirement on other foreign nationals;
- 11 **Note** that the proposed Immigration Instructions changes will complement amendments to the Civil Aviation rule, and will enable Immigration New Zealand to over time introduce automated boarding refusals for foreign nationals who are not residence class visa holders who do not hold confirmed bookings;
- 12 **Note** that individuals who do not meet the new requirements will be refused boarding permission, or, if they have arrived at the New Zealand border (and are a visa holder), may be liable to be turned around and returned to their place of embarkation;

*The Booking System*

- 13  Commercial Information
- 14  Commercial Information
- 15  Commercial Information
- 16  Commercial Information



Commercial Information

*Implementation*

17 **Invite** the Ministers of Transport, Immigration and Health as appropriate, to instruct relevant officials to:

17.1 prepare the necessary legal orders, instruments and Instructions;

18 **Invite** the Minister of Immigration to certify new Immigration Instructions to implement these decisions;

19 **Invite** the Ministers of Housing and Transport to instruct officials to:

19.1 Commercial Information

*Financial implications*

20 **Note** that further work is needed to determine the set-up and on-going costs of operating a new booking system, including on border agencies;

21 **Invite** the Minister of Housing to report-back to Cabinet to request a tagged contingency for additional funding once this work has been completed;

*Communications*

22 **Note** that implementation of the new border entry criteria and carrier obligations will include clear and proactive communications to affected travellers, carriers and border staff to ensure that all are aware of the new requirements and that check in processes are smooth at airports; and

23 **Agree** that we will announce decisions on the requirement to have a confirmed booking in a MIQ facility when the booking system is ready, to appropriately manage the potential spike in demand and to enable travellers to immediately be supported to seek a place in MIQ in order that they can confirm their travel plans.

Authorised for lodgement

Hon Phil Twyford  
Minister of Transport

Hon Dr Megan Woods  
Minister of Housing

Hon Iain Lees-Galloway  
Minister of Immigration

## Annex 1: Proposed managed passenger flow process

Commercial Information

