



## BRIEFING

### Update on MIQ exemptions process

<b>Date:</b>	9 April 2021	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2021-3006

Action sought		
	Action sought	Deadline
Hon Chris Hipkins Minister of COVID-19 Response	<p><b>Note</b> current exemption process.</p> <p><b>Note</b> that the Director General of Health has recently signed off a revised exemptions risk assessment tool which was implemented 9 April 2021.</p> <p><b>Note</b> changes to the risk assessment tool to allow MOoH discretion on exemption applications from low risk countries after a negative day 3 test.</p>	16 April 2021

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Kara Isaac	General Manager, MIQ Policy	Privacy of natural persons	✓
Privacy of natural persons	Policy Director, MIQ Policy		
	Senior Policy Advisor, MIQ Policy		

The following departments/agencies have been consulted
Ministry of Health

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments



# BRIEFING

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### Purpose

You have asked for information on how the exemptions process for managed isolation and quarantine operates. This briefing covers the current process, including the decision making process, and recent updates to the risk assessment tool.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** the criteria, process and decision makers for the assessment of exemptions to MIQ.  
*Noted*
- b **Note** the risk tool has been recently reviewed by officials, signed off by the Director-General of Health, and was implemented 9 April 2021.  
*Noted*
- c **Note** the Director-General has amended the tool to allow Medical Officers of Health to utilise their clinical judgement to consider exemptions from a low risk country prior to day 7, but after a negative day 3 test (these cases would have previously been automatically declined).  
*Noted*
- d **Note** criteria for the risk assessment tool are now publically available online for greater transparency.  
*Noted*

Kara Isaac  
General Manager, MIQ Policy  
MBIE

9 / 4 / 2021

Hon Chris Hipkins  
Minister for COVID-19 Response

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## Background

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1. The primary objective of the Managed Isolation and Quarantine (MIQ) system is to prevent infected individuals from entering the New Zealand community. The COVID-19 Public Health Response (Air Border) Order 2020 requires that people isolate for 14 days when entering the country. There are some exemptions to this rule in the Air Border Order (e.g. aircrew). The COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 also provides for exceptional circumstances in which a person may need to be exempt from entering a MIQ facility, such as where medical needs mean that a facility is not adequately equipped to care for them, or when a returnee may be in a Managed Isolation Facility (MIF) and applies to leave it early or on a temporary basis, such as when a close family member is dying.
2. The exemptions process is out of necessity a very restrictive process and approval to leave an MIQ facility early or for a limited period of time is only given where the reason for leaving is exceptional, the person presents a low risk to public health, and there are appropriate risk mitigations in place to ensure that COVID-19 is not inadvertently spread in the community. **Annex One** outlines the process for determining exemptions.
3. Exemption applications can be made in advance, for example where someone is applying to isolate somewhere other than a MIF, or they can be made as circumstances arise, for example in the case of family bereavement during a MIF stay.
4. Exemptions cannot be granted to anyone showing symptoms, close contacts of confirmed cases, people in quarantine facilities, anyone on a flight with someone who tested positive, or where the public health risk of the proposed actions cannot be mitigated, for example where a person plans to take public transport (including a commercial flight).

## Risk assessment tool

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5. The Ministry of Health has produced a risk assessment tool which indicates the likely public health risk posed by an application for exemption to MIF. This tool, which is referred to in the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020, is used both by the healthcare staff at MIFs and the MIQ Exemptions Team at MBIE to determine the broad risk level of an application. Where an application passes the first stages of the tool, it is then referred to a Medical Officer of Health (MOoH) for a clinical view.
6. The exemptions risk assessment tool was recently reviewed and a revised version has been agreed to by the Director-General of Health. The Ministry of Health consulted with the MIQ Exemptions Team and the District Health Board (DHB) Medical Officers of Health on proposed revisions to the tool. The groups worked together to refine and simplify the template and consider how risk should be assessed. Key changes in the revised version of the tool include the removal of duplication in information requirements, better sequencing of questions, and it places greater weight on transmission risks to reflect the new variants' greater transmissibility. There is also greater transparency for applicants, as the MIQ website has been updated with more detailed information about the application process.
7. **Annex Two** outlines three scenarios to illustrate how the process operates and the impact of the amendments on the process.
8. The revised version of the tool has been amended to allow MOoH's to utilise their clinical judgement to consider exemptions from a MIF prior to day 7 on a case by case basis, where:
  - a. there is a demonstrable emergency and the exemptions cannot wait until day 7, or
  - b. the returnee has arrived from a low-risk country of origin without transit through a high risk country, and has a negative day 3 test.

9. This will result in more people from low risk countries having their cases considered earlier in their stay. Low risk countries are currently defined as those which do not require pre-departure testing, so this will impact Australia cases between implementation and 19 April, and may apply if the QFTZ is shut down but pre-departure testing is not brought in for Australia. It will apply to the Pacific Islands and Antarctica. If MoH's risk assessment of any other countries changes significantly and they no longer require pre-departure testing, this amendment would apply to them also.
10. The revised exemptions tool was agreed by the Director-General of Health and implemented on 9 April 2021.

### **Changes to MIQ exemptions**

11. You have asked whether the exemptions process ought to be relaxed for people from low risk countries. The exemptions risk analysis tool already takes into account where a person has come from a low risk country via a low risk route (i.e. no transits) and this will significantly impact their overall point total, and therefore increase the likelihood of an exemption on day 7.
12. Further, as noted above, revised tool has been amended to allow MOoH's to utilise their clinical judgement to consider an exemption from a MIF where the applicant has a negative day 3 test on a case by case basis for those coming from a low risk country.

## **Annexes**

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Annex One: Process for exemption to MIF

Annex Two: Application examples

Appendix One: Public Health Risk and Impact Assessment Matrix

## **Annex One: Process for exemptions to MIF**

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13. Entering a MIF on arrival into the country is a legal requirement. However, it is possible to apply for an exemption where there are exceptional reasons, or medical reasons, that mean a MIF is not able to meet a returnee's complex needs. These applications are assessed on a case by case basis under clause 12 of the Isolation and Quarantine Order. These decisions are made by the Secretary for MBIE's delegate on the advice of a MOoH. Decision-makers' primary consideration is whether the needs of the applicant can be met within a MIF, and if not what a viable alternative might be.
14. Applications for temporary or early departure from a MIF are considered under clause 14 of the Isolation and Quarantine Order. Cases go through a screening process, are assessed by the MIQ Exemptions Team, and final decisions on these cases are made by the Secretary for MBIE's delegate on the advice of a MOoH. Applications are processed based on urgency and completed within 5 to 7 working days.
15. The process of assessing applications is outlined in text below and in Figure 1, and the revised risk assessment tool is attached at **Appendix One**.
16. The assessment process starts with the MIQ Exemptions Team to complete the health risk matrix based on the information supplied by the applicant. The health risk matrix assesses the likelihood of a person being exposed to COVID-19 in the past 14 days. It takes into account:
  - a. risk level in the country of origin
  - b. the number countries (other than country of origin) that the person has visited in the last 14 days
  - c. how many international airports they passed through in transit to New Zealand
  - d. any occupational risk (e.g. working as a healthcare, public transport or border worker in country of origin).
17. Travel plans are then assessed, and anything unsuitable will mean the request is declined.
18. The case is then referred to the MIF, where a healthcare worker assesses the case against the following criteria (as outlined in the public health risk and impact assessment):

*Low risk indicators*

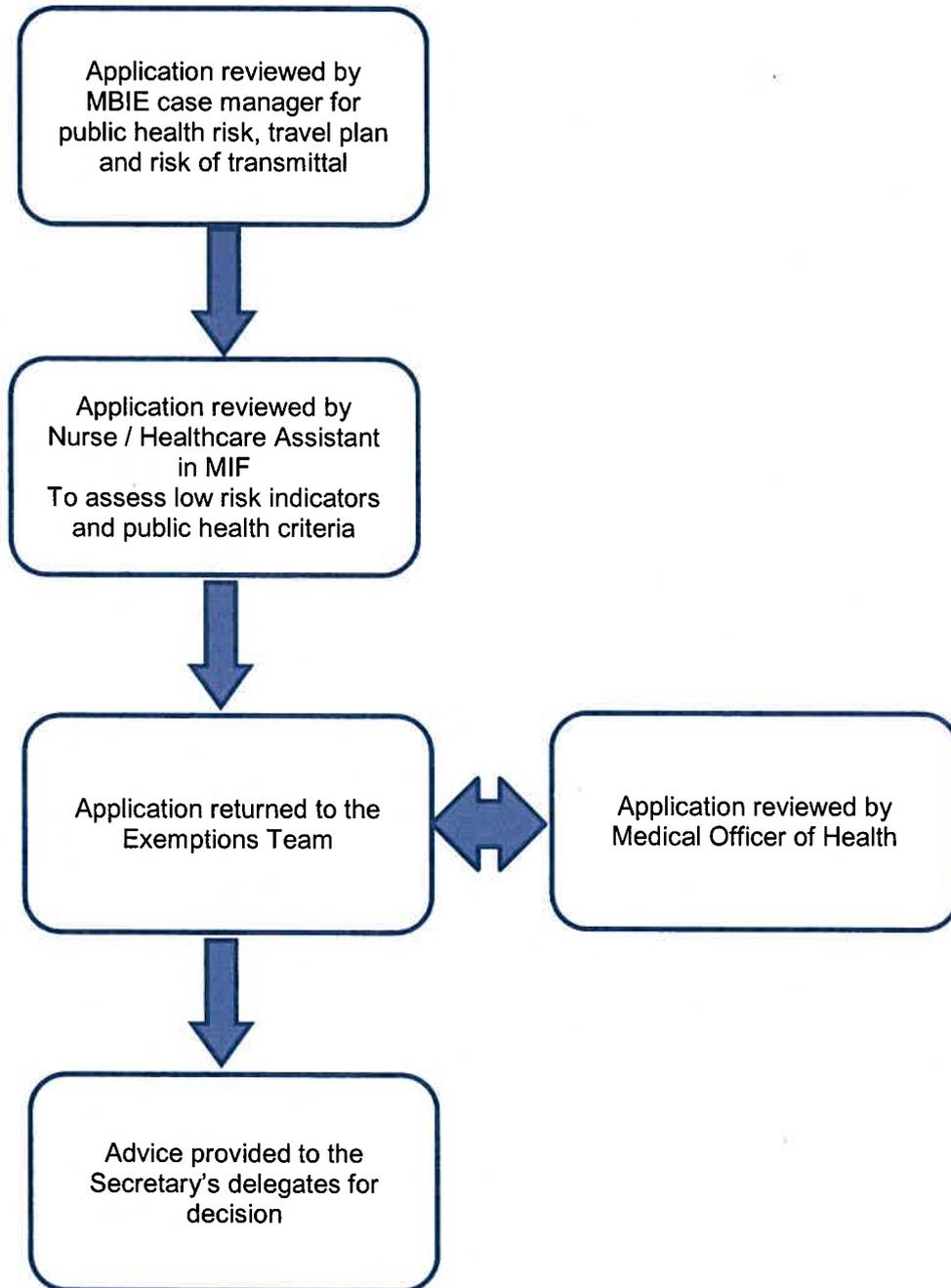
  - a. A negative day 3 test
  - b. No COVID-19 symptoms, certified by a health professional

*Public health criteria*

  - c. Has completed 7 days in managed isolation (or where the applicant's country of origin is low risk, after a negative day 3 test)
  - d. Has not been a close contact with a COVID-19 case within the last 14 days
  - e. Has not been on a flight with a COVID-19 case
  - f. There is no one in the person's bubble who is unwell or has respiratory symptoms
19. The case is then sent back to the exemptions team, who will seek advice from the MOoH.
20. At that point a recommendation is made and the final decision is made by the Secretary for MBIE's delegates (the Deputy Secretary, Associate Deputy Secretary and the Head of

Managed Isolation and Quarantine). Complex cases tend to be assessed by both the Deputy Secretary and Head of MIQ.

**Figure 1**



## Annex Two: Application examples

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21. As part of the review of the risk assessment tool, the MIQ Exemptions team ran historical cases through the new tool to assess changes in outcome. The below cases are anonymised information on a case from South Africa that was declined, a case from the Cook Islands that was approved for a 1 hour visit, and a case from Australia that was declined due to location. The examples have a record of the points they accrue under the current risk assessment tool and the new one. This does not change the outcome for any of these cases. A point score of 10 or above results in an automatic decline, and a 9 or below will be referred to a MOoH for advice.

**Case A** – Automatically declined based on risk analysis framework – 15 points (12 points under the new tool)

22. Situation: Applicant requested to isolate at their home residence in [redacted] to support their [redacted] Privacy of natural persons infection. Applicant had travelled from South Africa, and was offshore at the time of applying, however the risk assessment tool was calculated when the applicant was onshore.
23. Rationale: South Africa is a high risk country (5 points), and they had to transit through an international airport (1 point), which increased their total number of points. However, a key issue was that they wanted to isolate at home with other people there – this is therefore classified as a gathering (5 points). In the event that they came from a low risk country with no transits and had completed 7 days of isolation, then the point total would have been 9, and the case would have been referred to a MoOH for a decision instead of being automatically declined.
24. Under the new tool, this case would have 12 points, which is still an automatic decline. The new low-risk country of origin arrangements would not affect this application, as South Africa is a high risk country.

**Case B** – Low risk country, approved – 4 points (7 points under new tool)

25. Situation: Applicant requested to visit [redacted] Privacy of natural persons who had recently been advised that [redacted] Privacy of life expectancy was a few weeks, as the [redacted] Privacy of natural persons treatment [redacted] Privacy of natural persons had been receiving was no longer working. The applicant had travelled from the Cook Islands and was in an Auckland MIF, and the [redacted] Privacy of natural persons was located at [redacted] Privacy of natural persons home in [redacted] Privacy of natural persons. The applicant was approved to leave the MIF for one hour to visit [redacted] Privacy of natural persons.
26. Rationale: Key factors in approval of this case are that he had a direct flight from the Cook Islands, which is a low risk country, and he was in a MIF in the same city as the person [redacted] Privacy of natural persons wanted to visit, which makes the trip low risk. Visits more than 3 hours away are automatically declined. The difference in point totals between the two tools is because the new tool picks up that [redacted] Privacy of natural persons planned to travel in a car with another passenger to visit [redacted] Privacy of natural persons whereas this is not factored into the old tool, which only asks who is present at the visit.
27. The new arrangements for applications for low risk countries of origin would apply here. It is possible that a visit may be allowed earlier in the applicant's stay in situations like this.

**Case C** – Low risk country, declined due to travel plans – 9 points (8 points under new tool)

28. Situation: Applicant requested an early release for the afternoon of day 13 of their isolation period. The applicant's [redacted] Privacy of natural persons was diagnosed with [redacted] Privacy of natural persons and was advised on [redacted] Privacy of natural persons life expectancy was a few weeks. [redacted] Privacy of natural persons was located at a [redacted] Privacy of natural persons. Applicant had travelled from Australia, and was placed in a Christchurch MIF. Application was declined.
29. Rationale: The key factor in this case being declined was that the applicant would have needed to take a flight from Christchurch to Wellington to visit their [redacted] Privacy of natural persons. Any plans to use

public transport including flights are automatically declined as the public health risk cannot be managed. The difference in point totals between the two tools is a reflection of the new tool being structured to automatically decline applications if the travel plans are unfeasible, as opposed to adding to the point total. This application would still be declined under the new arrangements for low-risk countries, due to travel plans.

# **Public Health Risk and Impact Assessment**

**(For exemption or early release from Managed Isolation)**

**Name of person/persons (if in bubble) seeking exemption:**

**Date form completed by MBIE:**

**Applicant contact number:**

**Arrival date and time at MIF:**

**Due departure date from MIF:**

**Clause 14, Section 4 of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 describes the risk assessment tool as follows:**

4) In this clause, risk assessment tool means a risk matrix that—

(a) is approved by the Director-General, including as updated at any time; and

(b) assesses the risk of the outbreak or spread of COVID-19 by taking into account matters such as the following:

(i) the risk caused by any activity for which the person seeks to leave their place of isolation or quarantine:

(ii) the results of any medical examination and testing of the person or any other relevant person:

(iii) the length of time for which the person has been isolated or quarantined:

(iv) the risk profile of the country or countries from which the person arrived:

(v) any international airports or ports to which the person has been on the way to New Zealand:

(vi) any potential exposure of the person to COVID-19 before arriving in New Zealand (for example, from working in healthcare or being somewhere without controls on community transmission):

(vii) the length of time for which the person will leave their place of isolation or quarantine.

## Risk of being exposed to COVID-19 in the last 14 days

The purpose of the point system is to identify all applicants who are considered too high risk for exemption and therefore do not require further assessment.

**Tables 1 - 4 to be completed by MBIE.**

**Table 1: Risk of being exposed to COVID-19**

	Public Health Risk	Point allocation	Points
1	Has the person, or anyone in their bubble, come from a high-risk country? <sup>1</sup>	<ul style="list-style-type: none"> <li>• High risk = 5</li> <li>• Low risk = 1</li> </ul>	
2	How many countries have they visited during the past 14 days?	<ul style="list-style-type: none"> <li>• 3 or more countries = 2</li> <li>• 2 countries = 1</li> <li>• 1 country = 0</li> </ul>	
3	How many international airports have they passed through in transit to New Zealand?	<ul style="list-style-type: none"> <li>• 1 point for every airport other than origin and arrival airport</li> </ul>	
4	Occupational Risk – have they worked in any of the following roles in the past 14 days? <ul style="list-style-type: none"> <li>• Healthcare worker</li> <li>• Border worker</li> <li>• Public transport worker</li> </ul>	<ul style="list-style-type: none"> <li>• 1 point if working in a high-risk occupation in the past 14 days</li> </ul>	
	Total points (Table 1)		

<sup>1</sup> As at 1 April 2021, high risk countries include all countries apart from Australia, Antarctica and most Pacific Islands. See [pre-departure testing information](#) for current list of countries.

**Table 1: Risk of being exposed to COVID-19 Analysis:**

If 3 or less points, this person is eligible to be considered for exemption from day 7 once they are onshore\*

If 4 to 7 points, this person is eligible to be considered an exemption from day 10

If 8 or more points, decline application

**Notes (optional)**

\*Exceptions to this criterion may be considered on a case by case basis where there is a demonstrable emergency and the exemption cannot wait until day 7.

**Note:** If eligible to be considered for an exemption, continue with this risk assessment. Documentation will be required by the Medical Officer of Health. If the assessment has reached this point, the person is encouraged to seek advice to make sure their plan complies with the mitigating requirements.

**Risk of transmitting Covid-19 in New Zealand**

The low risk of transmission criteria must be met. If not met, the exemption must be declined.

**Table 2: Risk of transmitting Covid-19**

If any of the below answers are “no”, the application must be declined.

If the total duration out of isolation exceeds 3 hours, access to toilet facilities must be available.	Yes / No
Mode of transport: MIQ approved exclusive use vehicle	Yes / No
Facility or place being visited has provided a letter of support or evidence confirming that it can make arrangements to ensure no one is exposed	Yes / No
PPE (mask and hand hygiene products) will be used when in contact with others (in the same closed space or within 2 metres)	Yes / No
Notes (optional)	

**Table 3: Risk of transmission points**

	Public Health Risk	Point allocation	Points
1	What is the length of time requested in the exemption?	1 point per day up to maximum of 7 points	
2	How many individuals will the person come into contact with while outside of the MIF (excluding during transport)?	Apply these criteria for temporarily visiting a facility/location but returning to Managed Isolation Number of people that will be within 2 metres or in the same room or closed space for more than 15 minutes (2 points per person)  Apply these criteria for early release applicants going to stay at a residence for the duration of their isolation period  Number of other people living in the same household (3 points per person).	
4	Feasibility of request?	Travel time to final destination <60 minutes (0 points) 60 minutes to 3 hours (2 points) > 3 hours (decline application)	
5	Transport exposure: Number of passengers in an MIQ approved exclusive use vehicle?	Decline application if mode of transport includes use of public transport  MIQ approved exclusive use vehicle with 3 points per applicant/returnee.	
Total points (Table 3)			

**Analysis:**

Tally of points from tables 1 and 3: \_\_\_\_\_

If the combined total of tables 1 and 3 is 10 points or more, the application is considered high risk and must be declined\*. If the combined total is 9 points or less, refer the application to a Medical Officer of Health with completed travel plan for assessment.

\*For the purposes of clause 14 (3)(a) of the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020.

Notes (optional)

## Travel Plan

Note: the travel plan does not need to be completed where the application is to be declined.

**Table 4: Travel plan**

Section	Description	Details
Request	Requested date and time of departure from MIF	
Mode of Transport	MIQ approved exclusive use vehicle: list number of passengers and names/roles	
Journey	Length of travel time	
Destination	Arrival destination and estimated time of arrival	
Who will the person be in contact with	<p>Include names where known, contact details, length of contact and proximity (for how many minutes/hours or days and within how many metres)</p> <p>Description of precautions close contacts will take to protect themselves (for example masks, gloves and eyewear, hand hygiene)</p>	
Precautions taken by person to prevent the spread of COVID-19	<p>Describe how the following measures will be used:</p> <ul style="list-style-type: none"> <li>• Hand hygiene</li> <li>• Social distancing</li> <li>• PPE</li> <li>• Avoiding enclosed spaces</li> <li>• Minimising length of time in contact with people</li> </ul>	
Length of time at planned destination	If staying longer than 2 hours at a location, describe plans to avoid sharing toilet facilities	
Letter of endorsement from an appropriately authorised person at the facility or destination	Letter or evidence outlining that they are aware of exemption/visit and have been able to prepare their location to manage the risk	
Date and time of return to MIF	N/A if remaining at destination until completion of 14 days isolation	
Mode of transport to MIF	N/A if remaining at destination until completion of 14 days isolation	

Length of time to facility	N/A if remaining at destination until completion of 14 days isolation	
Notes (optional)		

## Low risk indicators

These indicators need to be met before a person can leave a facility – if any of the below are not met, the exemption must be declined.

**Tables 5 and 6 to be completed by Registered Nurse or Healthcare Assistant at the MIF.**

**Table 5: Low risk indicators**

	Date	Verified document(s) sighted
Day 3 COVID-19 test negative (on or after)		
No symptoms of COVID identified on daily checks as certified by a suitably qualified health practitioner		

## Public health criteria

All public health criteria must be met. If any of the below are not met, the exemption must be declined. Complete date and verification columns only where criteria are met.

**Table 6: Public health criteria**

Criteria	Y/N	Date	Verification
Has arrived from a low-risk country of origin <sup>2</sup> (may be eligible for exemption following day 3 negative test where all other criteria met), <b>or</b> Has completed 7 days in Managed Isolation  *Exceptions to this criterion may be considered on a case by case basis where there is a demonstrable emergency and the exemption cannot wait until day 7	Y/N		
Has not been a close contact with a COVID-19 case within the last 14 days	Y/N		
Has not been on a flight with a COVID-19 case	Y/N		

<sup>2</sup> Please see [pre-departure testing information](#) for full list of low-risk countries.

(List flight number and flight dates)			
There is no one in the person's bubble who is unwell or has respiratory symptoms	Y/N		
Notes (optional)			

