

~~In Confidence~~

Office of the Minister for COVID-19 Response

Cabinet

COVID-19 VACCINATION REQUIREMENTS FOR NON-NEW ZEALAND CITIZENS ENTERING NEW ZEALAND

Proposal

- 1 This paper seeks agreement to require non-New Zealand citizens travelling to New Zealand to be fully vaccinated against COVID-19, to reduce the risk of COVID-19 entering the community.

Relation to government priorities

- 2 This proposal relates to the ongoing response to COVID-19. It strengthens measures for entry to New Zealand for non-citizens, in light of the risks posed by more transmissible variants such as Delta.

Executive Summary

- 3 In response to the current community outbreak and the increased risk posed by the Delta variant, I considered advice on how and when a requirement for COVID-19 vaccination for travellers arriving in New Zealand via the air border could be implemented.
- 4 Requiring non-citizens to be fully vaccinated to enter New Zealand will help to reduce the risk of COVID-19 entering via the border, and of subsequent transmission within and from managed isolation facilities (MIQ) into the community.
- 5 There are some potential unintended consequences of the policy, as well as equity implications; however, on balance I consider that the approach is appropriate in the circumstances, as it is subject to specified exemptions, communications, and subsequent review. It will also send a clear signal that non-citizens who wish to travel to New Zealand should be fully vaccinated, encouraging greater uptake.
- 6 To implement the policy, I am proposing a series of 'light touch' interventions along the passenger journey to New Zealand, to ensure compliance with the new requirement. These include offshore prevention measures (travellers making a self-declaration of vaccine status supplied through the Managed Isolation and Allocation System (MIAS)) and airlines asking non-citizen passengers to present evidence of being vaccinated at check-in, coupled with a similar check by Customs officers upon arrival in New Zealand.
- 7 This requirement will be imposed via an amendment to the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order). As part

of this proposal, the paper considers information related to vaccine standards, exemptions and enforcement, and penalties for non-compliant travellers.

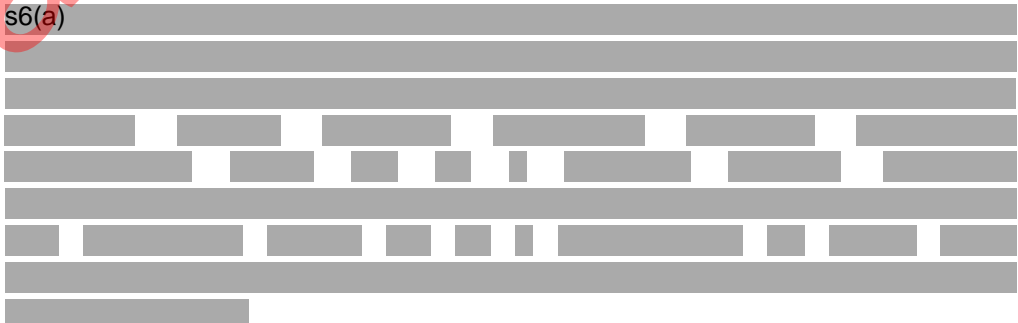
Background

- 8 The Delta variant continues to place pressure on New Zealand's COVID-19 response. Our border settings, volume restrictions, Pre-Departure Testing (PDT) requirements, and 14-day managed isolation and quarantine (MIQ) are currently our key lines of defence for keeping COVID-19 out of the country. However, despite considerable precautions, there remains a small residual risk that COVID-19 can be transmitted from travellers arriving with COVID-19 and the virus escaping into the community.
- 9 Work is underway that will support us to manage our risk in the medium to longer term. This includes the vaccination programme and work on Reconnecting New Zealanders – noting that announcements on 12 August 2021 signalled that vaccine status would affect an individual's traveller risk assessment and which entry pathway they would be able to take. A traveller health declaration system (THDS) is also in development. s9(2)(f)(iv)
- 10 However, I have also sought advice on measures that could improve our resilience in the short term and while vaccination uptake continues to grow. This includes whether we can require all non-New Zealand citizen travellers who arrive in New Zealand and subsequently enter MIQ to be fully vaccinated from 1 November 2021, in order to reduce the risk of COVID-19 entering the New Zealand community.
- 11 I directed officials to exclude New Zealand citizens from this analysis, irrespective of vaccination status, as section 18(2) of the New Zealand Bill of Rights Act 1990 (BORA) protects the rights of citizens to return to New Zealand. I also directed officials to only consider vaccination entry requirements for those entering New Zealand via the air border, as a separate programme of work is being undertaken in relation to controlling maritime risk at the border.

Requiring non-citizens to be vaccinated is likely to reduce our risk

- 12 s9(2)(h)
- It is anticipated that, if this requirement prevents unvaccinated or partially vaccinated non-citizen travellers from entering MIQ, there will be a reduction in the risk of COVID-19 entering the community, with corresponding public health benefits. For example:

- 12.1 Although the highly transmissible Delta variant is a major source of uncertainty, currently available data indicates that vaccination reduces transmission of COVID-19, as well as the risk of serious illness which may burden our health care system;

- 12.2 Excluding all quarantine-free travel (QFT), 45% of arrivals (i.e. 35,800 travellers) to New Zealand since the start of 2021 are not New Zealand citizens;¹ and
- 12.3 We do not have data on vaccination status of positive cases in MIQ, or the breakdown of citizenship of those cases. However, in data collected from 2,438 arrivals into MIQ from 24 August to 17 September, the vast majority of guests in MIQ self-reported that they have been fully vaccinated (2218 or 91%) or partially vaccinated (184 or 7.5%). The remaining 1.5% either had not been vaccinated or declined to answer the question.
- 13 Overall, assuming self-reporting rates are accurate, requiring all 2,000 visitors to MIQ each week to be fully vaccinated could therefore increase the number of fully vaccinated travellers by up to about 180 people per week, thereby reducing our risk of transmission.
- 14 It is likely that the actual risk reduction would be more modest, as the policy would not capture citizens or anyone with an exemption. It is also likely that the proportion of fully vaccinated MIQ guests will continue to increase even without this change, and vaccination cannot remove all risk of transmission. Nevertheless, there will be a remaining public health benefit.
- 15 Potential unintended consequences of the policy have been considered, at a high level. For example:
 - 15.1 There are proportionality and equity concerns to be considered – which are discussed in further detail later in paragraphs 47 to 54 of this paper. These equity concerns include that the requirement to be fully vaccinated would apply to New Zealand residents who have the right to live in New Zealand indefinitely and will have built a life and settled here;
 - 15.2 The broader impacts for our workforces are uncertain – for example, if critical worker arrivals are affected, this may impact our supply chain, workplace vacancies (e.g. replacement of maritime crew), or other services and projects (e.g. building of significant infrastructure); and
 - 15.3 s6(a)


¹ Data of all non-citizen arrivals in 2021 suggests the breakdown may be approximately 70% residence class visas and 30% other visas; however, this data does not exclude quarantine-free travel.

- 16 On balance, I consider it is appropriate in the circumstances (subject to the specified exemptions, communications, s9(2)(f)(iv) to require non-citizen travellers entering New Zealand and MIQ from 1 November to be fully vaccinated. While the implementation approach will need to be relatively 'light touch' in the short term, it will:
- 16.1 Provide us with another tool to manage and reduce our risk of transmission, supporting our wider public health measures to keep COVID-19 out of New Zealand; and
 - 16.2 Send a clear signal that non-citizens who wish to travel to New Zealand should be fully vaccinated, encouraging greater uptake. s9(2)(f)(i)
- 17 In the short term, a high trust model will be required, relying upon travellers presenting a document showing proof of vaccination or exemption, without robust verification. In the longer term, however, more effective mechanisms for offshore checking and verification will become available (for example, through the THDS).

Passenger journey

- 18 To implement the policy, I am proposing a series of interventions along the passenger journey to ensure compliance with the new requirement.

Offshore prevention

- 19 Travellers will be asked to make a self-declaration of COVID-19 vaccination status through the Managed Isolation and Allocation System (MIAS), as an indication that they are either already fully vaccinated or will be fully vaccinated at the time of travel to New Zealand. I note that:
- 19.1 The only additional functionality that can be developed within the timeframes is a simple declaration of vaccination status, without evidence or any ability for checking;
 - 19.2 The requirement cannot be applied to people who have existing registered MIAS accounts (approximately 250,000 accounts), which includes anyone with existing bookings beyond 1 November;
 - 19.2.1 To mitigate this limitation, MBIE will proactively contact a number of groups in MIQ and Immigration systems, to inform them that non-New Zealand citizens will not be able to board flights to New Zealand without presenting certification of vaccination from 1 November.
 - 19.2.2 These communications would capture all those who already have registered MIAS accounts, those offshore who hold a temporary entry or residence class visa, and any Australian citizens who are recorded in Immigration New Zealand systems as intending to travel to New Zealand.

- 20 Airlines will be required to take reasonable steps to ensure that non-citizen passengers present evidence of being fully vaccinated at check-in. I note that:
- 20.1 The primary requirement for compliance lies with the passenger;
 - 20.2 Airlines could only be required to take reasonable steps to have sight of some form of documentation showing proof of vaccination (either physical or digital), or documentation that provides evidence of an exemption;
 - 20.3 There is no expectation that airlines or check-in staff will have the ability to verify the wide variety of vaccination documents, or to prevent falsified documents being presented. s9(2)(f)(iv)
[Redacted]
 - 20.4 On a multi-leg journey on different airlines, the passenger would be checking in with a different airline than the one that brings them to New Zealand. Airlines that provide the last leg to New Zealand could only attempt to influence the airline that provides the first leg of the journey;
 - 20.5 There is a risk that some passengers might be stranded at transit hubs if they change airlines and are found not to have the necessary documentation after they have started their journey to New Zealand;
 - 20.6 Any requirements may have an impact on check-in processes at airports (i.e. queues could be longer meaning that passengers may therefore be less able to practice social distancing, thereby increasing the risk of infection); and
 - 20.7 Further engagement with and guidance to airlines (for example, on what qualifies as acceptable certification or evidence of an exemption) will be required prior to implementation.

Onshore checking

21 Upon arrival of travellers in New Zealand, Customs officers will perform a check on all non-New Zealand citizens' COVID-19 vaccination documentation, similar to the check carried out by airlines at check-in. I note that:

- 21.1 s6(c)
[Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

21.3 As with changes to check-in processes offshore, adding checks upon arrival has the potential to create risk of infection due to longer queues, less social distancing and longer timeframes. s6(c)

[Redacted]

and

21.4 Further guidance will be required for Customs officers, as with airlines, on what qualifies as acceptable COVID-19 vaccine certification or evidence of an exemption.

Implementation considerations

22 I propose that this requirement will be imposed via an amendment to the Air Border Order, obliging:

22.1 certain persons arriving in New Zealand by air to be fully vaccinated in order to arrive in New Zealand, and to provide evidence of vaccination or exemption to the airline on boarding, and to an enforcement officer on arrival in New Zealand; and

22.2 airlines to ensure that everyone on board an aircraft arriving in New Zealand holds such certification.

23 If this proposal is agreed, officials will continue to engage with airlines to develop obligations that will be workable, given the nature of travel journeys to New Zealand.

24 s9(2)(f)(iv)

[Redacted]

COVID-19 vaccine standards

25 As part of imposing the requirement, it will be necessary to specify which vaccines, doses and timing of doses would be acceptable to meet the requirement.

26 The Ministry of Health has received advice from the COVID-19 Vaccine Technical Advisory Group (CV-TAG) on this matter. Given that testing and MIQ would continue to provide the key line of defence at the border, the Group recommended that with a full primary course of vaccination with any of the 22 COVID-19 vaccines approved by a government or approval authority (or an approved combination of those vaccines in their origin country), with the last dose being at least 14 days before arrival, would be acceptable for this proposed policy. Vaccination should be documented in the manner that the origin country provides.

- 27 From a science perspective, there is some variability in the effectiveness of different COVID-19 vaccines in use internationally. However, from an equity perspective, given that most people do not have any choice as to which vaccine product they receive, the CV-TAG considered that prohibiting some people from entry to New Zealand based on the type of vaccine that was available to them would be unjust and unfair. It would also be contrary to the public health principles of promoting global vaccination against COVID-19.
- 28 To mitigate the risks of the exemptions and the variability of effectiveness of some vaccines, the CV-TAG have recommended that certain individuals aged 12 or over are offered either a full course of vaccination or an additional dose as soon as possible after entry to New Zealand or as they leave MIQ. The CV-TAG will continue to monitor all relevant information (including vaccine efficacy data against emerging variants of concern and emerging evidence on the duration of immunity), and will update their recommendations as further evidence becomes available.
- 29 The only exception to the approach described above relates to the potential for conflict with the COVID-19 Public Health Response (Vaccinations) Order 2021 (Vaccinations Order), which requires most New Zealand-domiciled aircrew who work on international flights to be vaccinated with a full course of a COVID-19 vaccine that provides a sufficient level of protection for high risk work. Currently, the Vaccinations Order only recognises the Pfizer/BioNTech vaccine, but it will likely expand out to a select group of COVID-19 vaccines in the near future. It is proposed that the approach in the Vaccinations Order will take precedence where relevant, removing the potential for conflict. This is only likely to apply to a relatively small number of aircrew who are domiciled in New Zealand and are not New Zealand citizens.
- 30 Following confirmation by the Ministry of Health, the list of recognised vaccines will be reflected in the Air Border Order, and included in all communications on this policy. The Ministry of Health will lead work to operationalise offers of vaccination to certain arrivals.

Exemptions

- 31 As noted already, this requirement would not apply to New Zealand citizens (including citizens of Niue, Tokelau and the Cook Islands). I propose that the following groups would also be exempted from the requirement. Generally, I have proposed additional exemptions where the requirement would be inconsistent with existing rights, agreements or obligations, and/or would create or exacerbate inequities:

Proposed exemptions	Rationale
Children under 17	Most countries have approved vaccination for children aged 16 and older
Foreign diplomats	Due to international conventions i.e. legal obligations as well as operational,

Proposed exemptions	Rationale
	reciprocity and enforcement concerns
One-way QFT arrangements for Recognised Seasonal Employers workers from Vanuatu, Tonga and Samoa	RSE workers are already required to have at least one dose before arrival and are subject to other conditions
Those who are travelling to New Zealand as part of our Refugee Quota programme	People needing to travel for humanitarian reasons who are unlikely to have had access to the COVID-19 vaccine
Those who are not able to be vaccinated for medical reasons	Unable to be vaccinated (e.g. people with disabilities or health conditions that prevent them from being vaccinated)
Any person for whom the Director General grants an exemption to the requirement – either: <ul style="list-style-type: none">• on humanitarian grounds, or• on the grounds that they are travelling with family members who are citizens, and have not had an opportunity to be fully vaccinated within the timeframe	<p>Those who cannot, or have had no opportunity to be vaccinated, and have a genuine need to travel to New Zealand</p> <p>Where there has not been sufficient time following an announcement to obtain all required vaccinations before any existing bookings for travel and MIQ, this may impact on the ability of citizens to return to New Zealand</p>

32 Officials advise that the exemptions process is only operationally feasible on the basis of a high trust, low verification model. Public communications and guidance will need to be developed with airlines and Customs officers before the policy begins on 1 November.

33 It is noted that the following groups are not intended to be exempted:

33.1 Australian citizens normally resident in NZ: Since the start of the pandemic, New Zealand and Australia have applied border measures to each other's citizens normally resident in the other country in the same way as their own citizens. I note that it is not intended in this case to exempt Australian citizens normally resident in NZ from the vaccination requirement. s6(a)

33.2 Aircrew: Aircrew would be subject to the vaccination requirement. It is noted that most New Zealand-domiciled aircrew are already subject to vaccination requirements under the COVID-19 Public Health Response

(Vaccinations) Order 2021 (Vaccination Order) regardless of their citizenship status. s9(2)(f)(iv)

[REDACTED]

- 33.3 QFT travellers generally: Except where explicitly identified in exemptions, the requirement would apply whether or not travel is quarantine free.

Enforcement and penalties

- 34 I propose that the requirement to provide evidence of vaccination or an exemption will be specified as an infringement offence, in order to ensure that infringement notices can be issued for any non-compliance. Customs officers (or any other persons) who check vaccination evidence and issue infringement notices will also need to be authorised as enforcement officers under the Air Border Order for this purpose.
- 35 Should breaches be detected, any penalties issued would be consistent with the wider regime for non-compliance with COVID-19 Orders, as provided for in section 26 of the COVID-19 Public Health Response Act 2020 (the Act). The COVID-19 Public Health Response Amendment Bill (the Bill) currently proposes to increase the individual penalties to a maximum of \$4,000 for an infringement offence (currently a fixed \$300) or to \$12,000 for a criminal offence (currently a maximum \$4,000); however, the Bill is not expected to commence until the end of November. Whatever penalty regime is in place at the time of the breach would apply, and any penalties issued will depend on the threshold of the offending.
- 36 I am advised that the ability to turn around or deport non-compliant travellers will depend on their visa status. In particular:
- 36.1 Temporary visa holders can potentially be turned around at the border or made liable for deportation: Temporary entry class visas are granted on the condition that the individual complies with orders made under section 11 of the Act. Therefore, if a temporary entry class visa holder does not comply with the Air Border Order, this would be a breach of visa conditions and:
- 36.1.1 They could be turned around at the border, if identified pre-entry – however, due to the reduced number of flights it may not be possible for them to be immediately removed from New Zealand; or
- 36.1.2 They could potentially be made liable for deportation under section 157 of the Immigration Act, if identified after they have gained entry;

² Aircrew not covered by this proposal or by the Vaccination Order would include any New Zealand citizens who are (a) international aircrew as they live overseas; or (b) pilots who travel overseas but do not lay over; or (c) New Zealand-domiciled aircrew on quarantine-free travel flights.

36.2 However, Immigration New Zealand cannot deny entry to or deport residence class visa holders: For the most part, permanent residents are not subject to the conditions that apply to temporary visa holders, and cannot be denied entry or deported. (The only exception would be where first time residence class visa holders have not yet entered New Zealand. However, most of these individuals are currently prevented from entering New Zealand in any case.)

s9(2)(h)

■ [Redacted text block]

■ [Redacted text block]

[Redacted text block]

■ [Redacted text block]

■ [Redacted text block]

■ [Redacted text block]

Next Steps

42 If Cabinet agrees to this approach, proposed next steps are outlined in **Appendix 1** at a high level. These include drafting of amendments to the Air Border Order, an announcement as soon as possible after the proposal is agreed, and operational processes required to implement the approach.

Risks

43 Several risks have already been noted, along with the mitigations. Additionally, given that a 'high trust' model will initially be required, there is a risk of fraudulent activity (e.g. using false vaccination certificates or presenting immigration documents which may appear to meet the exemptions, where the person is not actually exempted). In the absence of a single international standard for COVID-19 vaccine documentation and verification, this cannot yet be fully mitigated. However:

43.1 I am advised that travellers generally have a good understanding of all international requirements. Given the demand to travel to New Zealand and secure places in MIQ, Customs and MBIE have observed high levels of compliance by travellers; and

43.2 In future, more robust verification systems will become available through the THDS.

Financial Implications

44 The financial implications of the proposal for the Crown can be absorbed within MBIE, Ministry of Transport, and Customs baselines, while this remains a short term and 'light touch' approach. This will continue to be monitored.

Legislative Implications

45 The proposal will be implemented through amendments to the Air Border Order. The Parliamentary Counsel Office has been consulted.

Impact Analysis

46 Treasury's Regulatory Impact Analysis team has determined that the proposal to amend the Air Border Order, which has been made under the COVID-19 Public Health Response Act 2020, is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it is intended to manage the direct actions taken to protect the public in response to a declared emergency event; and required urgently to be effective (making a complete, robust and timely Regulatory Impact Statement unfeasible). It is a temporary measure intended to mitigate the risk of further outbreaks of COVID-19 in the community while vaccination rates are still increasing and longer-term policy work on reconnecting New Zealanders is developing.

Population Implications

47 Since the beginning of the response, groups such as older people, disabled people, Māori, Pacific peoples, some ethnic communities and rural communities have been more affected by both the health and non-health impacts of COVID-19 than others. Disabled people, Māori and Pacific peoples are more likely to experience these impacts, as they have higher rates of underlying health conditions and co-morbidities. Reducing the risk of COVID-19 entering the community will benefit these groups, as well as workers who are exposed to higher risk, such as border or MIQ workers.

- 48 The implications of requiring non-New Zealand citizens to be fully vaccinated will impact a specific group of future travellers to New Zealand. There is a potential perception of discrimination where certain populations are less likely to have an opportunity to be vaccinated or obtain valid certification, or cannot be vaccinated due to geographical, financial or disability barriers. This could exacerbate existing health inequities, including in the Pacific.
- 49 Additionally, s9(2)(h) [REDACTED] it may add to perceptions of discrimination against non-citizens, including resident non-citizens. Residents of this kind may have, for all intent and purposes, made their lives in New Zealand and have an indefinite right to live here under their residence class visa.
- 50 Appropriate exemptions for a range of specified groups will be available to mitigate some equity concerns and allow pathways for those without proof of vaccination but with a genuine right or need to travel to New Zealand.
- 51 Clear and early communications about these new requirements will be important in ensuring future travellers understand what is needed. Additional detail on the recommended approach is set out in the upcoming communications section of this paper. s9(2)(f)(iv) [REDACTED]

Te Tiriti o Waitangi implications

- 52 It is not considered that mandatory vaccination requirements for non-New Zealand citizens entering MIQ would undermine the agency of iwi, hapū and whānau to protect their own wellbeing, or be inconsistent with principles of Te Tiriti o Waitangi.
- 53 There may be Māori who are not New Zealand citizens living elsewhere who will be restricted from visiting New Zealand under this policy. It is uncertain how many individuals may be in this category. This points to a possible 'unequal treatment', in terms of indigenous rights and interests based on whakapapa. However, it is an issue with broader reaching implications which cannot be resolved within the scope of this paper.
- 54 Additionally, active protection of Māori interests, including health and economic interests, is engaged by the objective to reduce risk domestically. Tighter border settings reflect the need in a domestic context to avoid community outbreaks and the associated increase in Alert Level restrictions. This is critical to minimising and addressing existing inequities in New Zealand.

Human Rights

- 55 While the implementation of measures as part of the Government's COVID-19 response requires an acceptance by New Zealanders that there are some losses of freedoms, from a human rights perspective, any use of border limitation measures needs to be a justified limit. There is a specific

requirement in the Act that I need to be satisfied that any limit an order would impose on rights protected by the BORA is a justified limit (section 9(ba)).

56 Given that powers under the COVID-19 Public Health Response Act are constitutionally extraordinary, the current assessment of risk must be considered throughout the decision-making process in order for any restriction on rights to be proportionate in the circumstances.

s9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

s9(2)(h)

Consultation

62 The following agencies have been consulted: Ministry of Health; Ministry of Transport; the New Zealand Customs Service; the Ministry of Foreign Affairs and Trade (MFAT); the Ministry of Justice; the Ministry of Business, Innovation and Employment (Managed Isolation and Quarantine, Immigration Policy); Ministry for Ethnic Communities; Te Puni Kōkiri; Te Arawhiti; Crown Law Office; and The Treasury. The Parliamentary Counsel Office and Office of the Privacy Commissioner have also been consulted.

63 s9(2)(f)(iv)

Communications

64 Decisions taken on this issue will need to be supported by clear, early communications to travellers to support their compliance with the requirement. The limited timeframe between the announcement and 'going live' may impact some travellers' existing plans, where they are not yet fully vaccinated.

65 MBIE will send out proactive communications to those with registered MIAS accounts and a number of offshore visa holders. Supporting information will also be added to the Immigration New Zealand and MIQ websites, including information for people booking MIAS places (for example, setting out the requirements for children, and that a single jab will not be sufficient). MFAT's offshore network could assist by updating host governments about the change in settings. MFAT would also advise foreign diplomatic representatives about the measure in terms of potential impacts on their non-diplomatic staff.

66 Clear messaging will also be important to manage the public and partner country expectations around any future policy amendments New Zealand may make around border entry requirements. s6(a)

s9(2)(g)(i)

Proactive Release

68 I intend to proactively release this paper following any announcements of a change in policy, subject to any appropriate redaction where information would have been withheld under the Official Information Act 1982.

Recommendations

The Minister for COVID-19 Response recommends that the Committee:

- 1 note that, despite existing defences including our border settings and managed isolation and quarantine (MIQ) requirements, there remains a small residual risk that COVID-19 can be transmitted from acute border arrival cases into the New Zealand community;
- 2 note that requiring all non-New Zealand citizen travellers who arrive in New Zealand via the air border to be fully vaccinated would not mitigate all residual risk, but would:
 - 2.1 provide us with another tool to manage and reduce our risk from COVID-19 transmission; and
 - 2.2 encourage greater uptake of vaccination by non-citizens who wish to travel to New Zealand;
- 3 note that there are risks and issues to be considered, including proportionality, equity, s6(a) but these can be mitigated by applying appropriate exemptions and review, and through effective communications;
- 4 note that the proposed process for implementation would support offshore prevention and onshore checking via:
 - 4.1 seeking a self-declaration of COVID-19 vaccination status through the Managed Isolation and Allocation System (MIAS) as an indication that they are either already fully vaccinated or will be fully vaccinated at the time of travel to New Zealand;
 - 4.2 communications from MBIE to all individuals with existing registered MIAS accounts, and to those offshore who hold a temporary or residence class visa or approved border exception, to inform them of the new requirements;
 - 4.3 requiring airlines to take reasonable steps to have sight of a form of certification of vaccination (either physical or digital) or a relevant exemption from the New Zealand Government, where required, at check-in; and
 - 4.4 checking by Customs Officers of a form of certification of vaccination (either physical or digital) or a relevant exemption from the New Zealand Government, where required, upon arrival in New Zealand;

- 5 agree that a requirement should be imposed on all non-New Zealand citizens arriving in New Zealand by air to be fully vaccinated in order to arrive in New Zealand from 1 November 2021, via amendments to the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);
- 6 note that the COVID-19 Vaccine Technical Advisory Group (CV-TAG) has advised the Ministry of Health that a full primary course of any of the 22 COVID-19 vaccines approved by a government or approval authority, with the last dose being at least 14 days before arrival, would be acceptable for arrivals to New Zealand for this policy;
- 7 note that, to mitigate the risk of any exemptions and the variability of effectiveness of different COVID-19 vaccines, CV-TAG has recommended that certain individuals aged 12 or over are offered either a full course of vaccination or an additional dose as soon as possible after entry to New Zealand or as they leave MIQ;
- 8 note that it is proposed that the COVID-19 Public Health Response (Vaccinations) Order 2021 (which requires certain New Zealand-domiciled aircrew to be vaccinated with a more limited set of COVID-19 vaccines) will take precedence in the event of any conflict with the vaccine standards proposed in recommendation 6 above;
- 9 agree that, along with New Zealand citizens (including citizens of Niue, Tokelau and the Cook Islands), the following groups would be automatically exempted from the requirement:
 - 9.1 children under 17;
 - 9.2 foreign diplomats;
 - 9.3 workers from Vanuatu, Tonga and Samoa travelling under one-way quarantine free travel arrangements for Recognised Seasonal Workers;
 - 9.4 those who are travelling to New Zealand as part of our Refugee Quota programme; and
 - 9.5 those who are not able to be vaccinated for medical reasons;
- 10 agree that individuals may also apply for an exemption from the Director General of Health (via the Air Border Order) under:
 - 10.1 humanitarian grounds; or
 - 10.2 on the grounds that they are travelling with family members who are citizens, and have not had an opportunity to be fully vaccinated within the timeframe;
- 11 note that Australian citizens who are normally resident in New Zealand and aircrew would not be automatically exempted from the requirement;

- 12 agree that the requirement to provide evidence of vaccination or exemption will be specified as an infringement offence, and that Customs officers or other persons who check evidence and issue infringement notices will be authorised as enforcement officers under the Air Border Order;
- 13 direct officials to issue drafting instructions to PCO to draft amendments to the Air Border Order which reflects decisions taken on this paper;
- 14 note that any infringements would be subject to penalties consistent with the wider regime for non-compliance with COVID-19 Orders under section 26 of the COVID-19 Public Health Response Act 2020 (the Act) and that non-compliant travellers may be liable to be turned around at the border (but only where they are temporary entry class visa holders as opposed to residents) or deported (unless a permanent visa holder);
- 15 s9(2)(h) [Redacted]
- 16 agree that officials will prepare advice on the option to amend the Act, through the COVID-19 Public Health Response Amendment Bill, to give powers to enforcement officers to collect information for enforcement purposes;
- 17 s9(2)(f)(iv) [Redacted]

Authorised for lodgement

Hon Chris Hipkins
Minister for COVID-19 Response

Appendix 1: Next Steps

Assuming Cabinet agrees to the recommendations of this paper on 4 October 2021, the critical pathway to implement the policy from 1 November 2021 is laid out below, at a high level:

Milestone		Timeframe	Lead agency
1	Cabinet decision on this paper	4 October 2021	N/A
2	Decision on vaccine standards for the policy shift	By 8 October 2021	Ministry of Health
3	Airlines to be advised of Cabinet decision	As soon as possible after Cabinet's decision 70	Ministry of Transport
69	Announcement of upcoming policy shift – including updating Unite Against COVID-19 website and other relevant agency websites with new requirements and supporting information		DPMC to coordinate
4	Drafting of amendments to Air Border Order for approval by Minister for COVID-19 Response	If possible, approval by 18 October 2021	DPMC instructing PCO
5	Formal guidance to airlines and New Zealand Customs officers on the requirements	Starting immediately after Cabinet decision, and completed by 1 November	Ministry of Health, Ministry of Transport (working with airlines), and New Zealand Customs Service
	MBIE proactively contacts those who have already registered for MIQ, as well as those offshore who hold a temporary entry or residence class visa, and certain Australian citizens	By 18 October 2021, if not earlier	Ministry for Business, Innovation and Employment (MBIE) – Immigration, MIQ
6	Managed Isolation and Allocation System updated with self-declaration of COVID-19 vaccination status for new account registrations	1 November 2021	MBIE (MIQ)
7	Requirements come into effect	1 November 2021	N/A



Cabinet

Minute of Decision

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

COVID-19 Vaccination Requirements for Non-New Zealand Citizens Entering New Zealand

Portfolio COVID-19 Response

On 4 October 2021, Cabinet:

- 1 **noted** that despite existing defences, including border settings and managed isolation and quarantine (MIQ) requirements, there remains a small residual risk that COVID-19 can be transmitted from acute border arrival cases into the New Zealand community;
- 2 **noted** that requiring all non-New Zealand citizen travellers who arrive in New Zealand via the air border to be fully vaccinated would not mitigate all residual risk, but would:
 - 2.1 provide another tool to manage and reduce the risk from COVID-19 transmission;
 - 2.2 encourage greater uptake of vaccination by non-citizens who wish to travel to New Zealand;
- 3 **noted** that there are risks and issues to be considered, including proportionality, equity, s6(a) but that these can be mitigated by applying appropriate exemptions and review, and through effective communications;
- 4 **noted** that the proposed process for implementation would support offshore prevention and onshore checking via:
 - 4.1 seeking a self-declaration of COVID-19 vaccination status through the Managed Isolation and Allocation System (MIAS) as an indication that they are either already fully vaccinated or will be fully vaccinated at the time of travel to New Zealand;
 - 4.2 communications from the Ministry of Business, Innovation and Employment to all individuals with existing registered MIAS accounts, and to those offshore who hold a temporary or residence class visa or approved border exception, to inform them of the new requirements;
 - 4.3 requiring airlines to take reasonable steps to have sight of a form of certification of vaccination (either physical or digital) or a relevant exemption from the New Zealand Government, where required, at check-in;
 - 4.4 checking by Customs Officers of a form of certification of vaccination (either physical or digital) or a relevant exemption from the New Zealand Government, where required, upon arrival in New Zealand;

- 5 **agreed** that a requirement be imposed on all non-New Zealand citizens arriving in New Zealand by air to be fully vaccinated in order to arrive in New Zealand from 1 November 2021, via amendments to the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (Air Border Order);
- 6 **noted** that the COVID-19 Vaccine Technical Advisory Group (CV-TAG) has advised the Ministry of Health that a full primary course of any of the 22 COVID-19 vaccines approved by a government or approval authority, with the last dose being at least 14 days before arrival, would be acceptable for arrivals to New Zealand for this policy;
- 7 **noted** that, to mitigate the risk of any exemptions and the variability of effectiveness of different COVID-19 vaccines, CV-TAG has recommended that certain individuals aged 12 or over are offered either a full course of vaccination or an additional dose as soon as possible after entry to New Zealand or as they leave MIQ;
- 8 **noted** that it is proposed that the COVID-19 Public Health Response (Vaccinations) Order 2021 (which requires certain New Zealand-domiciled aircrew to be vaccinated with a more limited set of COVID-19 vaccines) will take precedence in the event of any conflict with the vaccine standards proposed above;
- 9 **agreed** that, along with New Zealand citizens (including citizens of Niue, Tokelau and the Cook Islands), the following groups would be automatically exempted from the requirement:
- 9.1 children aged under 17 years;
 - 9.2 foreign diplomats;
 - 9.3 workers from Vanuatu, Tonga and Samoa travelling under one-way quarantine-free travel arrangements for Recognised Seasonal Workers;
 - 9.4 those who are travelling to New Zealand as part of the Refugee Quota programme;
 - 9.5 those who are not able to be vaccinated for medical reasons;
- 10 **agreed** that individuals may also apply for an exemption from the Director General of Health (via the Air Border Order) under:
- 10.1 humanitarian grounds; or
 - 10.2 on the grounds that they are travelling with family members who are citizens, and have not had an opportunity to be fully vaccinated within the timeframe;
- 11 **noted** that Australian citizens who are normally resident in New Zealand and aircrew would not be automatically exempted from the requirement;
- 12 **agreed** that the requirement to provide evidence of vaccination or exemption be specified as an infringement offence, and that Customs officers or other persons who check evidence and issue infringement notices will be authorised as enforcement officers under the Air Border Order;
- 13 **invited** the Minister for COVID-19 Response to issue drafting instructions to the Parliamentary Counsel Office to draft amendments to the Air Border Order to give effect to the above paragraphs;

14 **noted** that:

14.1 any infringements would be subject to penalties consistent with the wider regime for non-compliance with COVID-19 Orders under section 26 of the COVID-19 Public Health Response Act 2020 (the Act);

14.2 non-compliant travellers may be liable to be turned around at the border (but only where they are temporary entry class visa holders as opposed to residents) or deported (unless a permanent visa holder);

15 s9(2)(h) [Redacted]

16 **agreed** that officials will prepare advice on the option to amend the Act, through the COVID-19 Public Health Response Amendment Bill, to give powers to enforcement officers to collect information for enforcement purposes;

17 s9(2)(f)(iv) [Redacted]

Michael Webster
Secretary of the Cabinet

Proactively Released