

Briefing

STRONGER COVID-19 BORDER MEASURES

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|-------------|-----------------------------|-------------|------------|
| To | Ministers with Power to Act | | |
| From | All of Government Group | Date | 19/03/2020 |

Purpose

- 1 This paper provides advice on whether and how to impose stronger border measures relating to COVID-19.

Recommendations

- 2 Officials recommend you:
- 2.1 **Note** the following considerations for changing border restrictions:
- 2.1.1 Risk to the health of New Zealanders,
- 2.1.2 Risk to the health of Pacific Island countries,
- 2.1.3 Readiness of agencies to operationalise any measures, and
- 2.1.4 Risks to foreign relations or of significant adverse economic impacts.
- 2.2 **Note** the categorisations for travel restrictions as of 16 March 2020:

| <i>Category</i> | <i>Coming from or have been through in 14 days prior to travel to New Zealand</i> |
|--|---|
| Category 1A: Cannot travel to New Zealand | <ul style="list-style-type: none"> Mainland China and Iran |
| Category 1B: Can travel to New Zealand but must self-isolate for 14 days | <ul style="list-style-type: none"> Rest of the world except specific Pacific Island countries.¹ |
| Category 2: Can travel to New Zealand and must self-isolate for 14 days if unwell | <ul style="list-style-type: none"> Specific Pacific Island countries.² |

¹ This means all Pacific Islands Forum members (except Australia and French Polynesia), associate member Tokelau, and observer Wallis and Futuna.

² This means all Pacific Islands Forum members (except Australia and French Polynesia), associate member Tokelau, and observer Wallis and Futuna.

- 2.3 **Note** that given the rapidly worsening global health situation relating to COVID-19, the threat to public health in New Zealand has risen.
- 2.4 **Note** that effective containment of COVID-19 requires Government resources to be focussed on testing, contact tracing, and preparation for large-scale self-isolation should there be widespread transmission here.
- 2.5 **Note** that travellers on visitor and working holiday scheme visas are unlikely to have a realistic prospect of self-isolation without significant Government support and call on scarce resources.
- 2.6 **Agree** to stronger measures at the border through changing categorisations by **EITHER OPTION A OR OPTION B**:

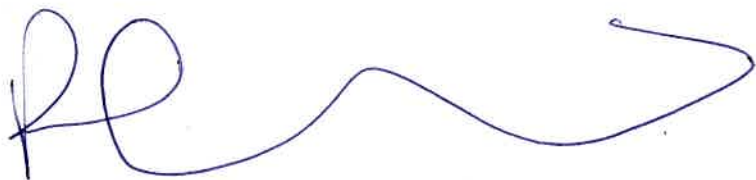
| <i>Option A (recommended)</i> | |
|--|---|
| <i>Category</i> | <i>Coming from or have been through in 14 days prior to travel to New Zealand</i> |
| Category 1A: Cannot travel to New Zealand | <ul style="list-style-type: none"> • Mainland China and Iran: all travellers. • Rest of the world. |
| Category 1B: Can travel to New Zealand but must self-isolate for 14 days | <ul style="list-style-type: none"> • People to whom Category 1A does not apply, except air and marine crew. |
| Category 2: Can travel to New Zealand and must self-isolate for 14 days if unwell | <ul style="list-style-type: none"> • None. |
| <i>Option B</i> | |
| <i>Category</i> | <i>Coming from or have been through in 14 days prior to travel to New Zealand</i> |
| Category 1A: Cannot travel to New Zealand | <ul style="list-style-type: none"> • Mainland China and Iran: all travellers. • Rest of the world: transit, visitor and working holiday visa holders. |
| Category 1B: Can travel to New Zealand but must self-isolate for 14 days | <ul style="list-style-type: none"> • Rest of the world: all other temporary visa holders (eg students and temporary work). • Other people to whom Category 1A does not apply, except air and marine crew. |
| Category 2: Can travel to New Zealand and must self-isolate for 14 days if unwell | <ul style="list-style-type: none"> • None. |

Please circle
Option A / Option B

- 2.7 **Note** that Category 1A restrictions will continue not to apply to:
- 2.7.1 New Zealand citizens and residence class visa holders³ (including the Realm),
 - 2.7.2 The partner, legal guardian or any dependent children travelling with a New Zealand citizen or residence class visa holder,
 - 2.7.3 Australian citizens and permanent residence class visa holders ordinarily resident in New Zealand, and
 - 2.7.4 People subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which includes air and marine crew.
- 2.8 **Agree** that Category 1A restrictions will not apply to diplomats accredited to New Zealand and currently resident in New Zealand.
- 2.9 **Agree** that exceptions can be sought in relation to Category 1A on a case-by-case basis, in particular for:
- 2.9.1 Humanitarian reasons,
 - 2.9.2 Essential health workers,
 - 2.9.3 Citizens of Samoa and Tonga for essential travel to New Zealand, and
 - 2.9.4 Those on visitor visas who are partners or dependents of a temporary work or student visa holder, and who normally live in New Zealand.
- 2.10 **Agree** that the requirement to self-isolate will continue not to apply to air and marine crew to allow flights to continue operating.
- 2.11 **Note** any such change to the Immigration Instructions could come into effect for passengers boarding planes to New Zealand from 2359 hours on Thursday, 19 March 2020 if a decision is made by 1700 hours on Thursday, 19 March 2020 (all times in NZDT).
- 2.12 **Agree** that decisions in recommendations 2.6 – 2.10 will expire at 2359 hours on Tuesday, 31 March 2020.
- 2.13 **Invite** the Minister of Immigration to give effect to the decisions in recommendations 2.6 – 2.12 through certifying Immigration Instructions.
- 2.14 **Note** that these restrictions could impact the New Zealand horticulture and viticulture industries who source workers under the Recognised Seasonal

³ This exemption from these restrictions will not apply to a person whose residence class visa was granted off shore and the person is arriving in New Zealand for the first time.

Employer Scheme, however Vanuatu has already temporarily closed this for Vanuatu itself.



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Rt Hon Jacinda Ardern
Prime Minister

Rt Hon Winston Peters
Minister of Foreign Affairs

Hon Kelvin Davis
Minister of Tourism

Hon Grant Robertson
Minister of Finance

Hon Chris Hipkins
Minister of Education

Hon David Clark
Minister of Health

Hon David Parker
Minister for Trade and Export Growth

Hon Iain Lees-Galloway
Minister of Immigration

Proactively Released

Rationale for strengthening border measures

- 3 This advice has been jointly prepared and agreed by the following Government agencies: MBIE, MFAT, MOH, NZ Customs Service and the Treasury. MOT were also consulted.

Public health in New Zealand

- 4 In the week since the World Health Organization declared COVID-19 a global pandemic, the number of countries with widespread or community transmission has rapidly increased. Consequently, there is increased risk of importation of COVID-19 to New Zealand.
- 5 We have seen multiple new confirmed cases to date, with limited person-to-person transmission. New Zealand is still in the window of opportunity to contain COVID-19 if we can slow its importation.
- 6 The case to move hard and early is predicated on public health grounds and the precautionary principle: that the risk of importing further cases and risking exponential growth can be deferred and, through rapid action, managed down over a very short period.
- 7 Over the last week, as outbreaks have worsened in many countries around the world, it has become clear that to have the best chance of avoiding a similar situation in New Zealand:
- 7.1 The most important things we can do to slow and contain the spread of COVID-19 are testing, contact tracing and self-isolation, in addition to reducing its importation.
 - 7.2 These measures require near-universal compliance at large scale and widespread public buy-in to be effective.
 - 7.3 People living in New Zealand will require significant levels of government support to successfully self-isolate.
- 8 If we continue to allow people to enter New Zealand who do not have a realistic prospect of self-isolation or who cannot return home easily, there will be a significant call on resources to either support them or enforce compliance. Temporary visitors, transit and working holiday visa holders do not have a realistic prospect of self-isolation because their purpose for travelling to New Zealand is inherently contrary to self-isolation (eg short-term travel for tourism). In addition, other temporary visa holders (eg students) are likely to be stranded in New Zealand as flights close.
- 9 Over the last few days, we have seen multiple instances of non-compliance from visitors in particular. There have been increasing and credible reports from the hospitality, accommodation and conservation sectors that visitors are not complying with self-isolation requirements, and have no intention of doing so. Existing phone lines are receiving a growing volume of calls reporting non-compliance by people perceived to be visitors. Spot checks by Police since 17

March 2020 have also revealed that recent arrivals to New Zealand do not have a clear understanding of self-isolation requirements.

- 10 Media coverage of these developments undermines public confidence in our border measures. It also threatens self-isolation as a viable strategy, given we are simultaneously ramping up public messaging about the importance and effectiveness of self-isolation. While steps have been taken to monitor and enforce self-isolation since the changes of 16 March 2020, this is a poor use of resources and counteracts our precautionary approach to transmission.
- 11 For temporary visa holders who do not comply with self-isolation requirements, there is the option of making them liable for deportation. However, they have a 14-day right to give good reasons as to why they shouldn't be deported (although this may not apply if they have been determined as an excluded person), and 28 days to lodge an appeal, and if they do, the time it takes for the appeal to be considered by the Immigration and Protection Tribunal. This means if strong enforcement action is needed, by the time deportation can be carried out, it is unlikely there will be suitable flights available, other than those being operated by Air New Zealand.
- 12 The main reason working holiday visa holders are in New Zealand is tourism, with work rights as a supplementary component of the visa. The risk profile for these travellers is similar to visitor visa holders: they typically do not have fixed accommodation and are likely to be moving around the country. We expect to see softening labour demand in the sectors where working holiday visa holders typically work. This will be compounded by a large number of temporary work visa holders who are likely to shortly be stranded in New Zealand, as well as New Zealanders needing redeployment to other work.
- 13 Transit is still available for passengers arriving in New Zealand, remaining airside, and then travelling onwards to a third country. They currently do not need to self-isolate because they do not enter New Zealand, and do not pose any higher risk while airside than other travellers arriving on the same flight (if not unwell).
- 14 While there are benefits to keeping transit open for continued air route capacity, which could help more New Zealanders overseas to return home, there is a high risk of transit passengers becoming stranded in New Zealand if their onward travel is blocked while they are already en route to New Zealand. Overnight, it is clear that many countries are now closing their borders to transiting passengers, which has raised the risk of passengers being stranded in New Zealand.
- 15 There is a large number of people in New Zealand on visitor visas, many of whom are tourists. There are around 80,000 New Zealanders temporarily overseas and a further 800,000 we believe reside permanently overseas. The message to all of these should be that they need to return to their home countries as soon as possible, while flights are still available.

Public health in the Pacific

- 16 While some areas in the Pacific have relatively strong border measures, there are now confirmed cases overnight in multiple countries in the Pacific. This makes the risk associated with temporary visa holders from these countries and territories similar to other parts of the world.
- 17 While there is currently no identified spread of cases from the Pacific, there is significant transit with New Zealand, which increases the risk of importing COVID-19 to New Zealand. With confirmed cases, it would be inconsistent with existing border measures if the Pacific was not moved into Category 1A for at least transit, visitor and working holiday visas.
- 18 We therefore recommend raising the categorisation of specific Pacific Islands⁴ to Category 1A, along with the rest of the world. This categorisation does not apply to citizens of the Realm, and case-by-case exceptions may be made.

Recommended measures

- 19 We recommend stronger border measures by bringing the rest of the world, including the Pacific, into Category 1A:
 - 19.1 We recommend this apply to all temporary visa holders (Option A).

| <i>Option A</i> | |
|--|--|
| <i>Category</i> | <i>Coming from or have been through in 14 days prior to travel to New Zealand</i> |
| Category 1A: Cannot travel to New Zealand | <ul style="list-style-type: none"> • Mainland China and Iran: all travellers. • Rest of the world. |
| Category 1B: Can travel to New Zealand but must self-isolate for 14 days | <ul style="list-style-type: none"> • People to whom Category 1A does not apply, except air and marine crew. |
| Category 2: Can travel to New Zealand and must self-isolate for 14 days if unwell | <ul style="list-style-type: none"> • None. |

⁴ This means all Pacific Islands Forum members (except Australia and French Polynesia), associate member Tokelau, and observer Wallis and Futuna.

- 19.2 An alternative Option B could be limiting 1A categorisation to visitor, working holiday and transit visa holders only, as the groups with the least realistic prospects of self-isolation. This would not change the current categorisation of mainland China and Iran as 1A for all travellers.

| Option B | |
|--|---|
| <i>Category</i> | <i>Coming from or have been through in 14 days prior to travel to New Zealand</i> |
| Category 1A: Cannot travel to New Zealand | <ul style="list-style-type: none"> • Mainland China and Iran: all travellers. • Rest of the world: transit, visitor and working holiday visa holders. |
| Category 1B: Can travel to New Zealand but must self-isolate for 14 days | <ul style="list-style-type: none"> • Rest of the world: all other temporary visa holders (eg students and temporary work). • Other people to whom Category 1A does not apply, except air and marine crew. |
| Category 2: Can travel to New Zealand and must self-isolate for 14 days if unwell | <ul style="list-style-type: none"> • None. |

- 20 There are general exceptions that apply to Category 1A, which include:
- 20.1 New Zealand citizens and residence class visa holders⁵ (including the Realm),
 - 20.2 The partner, legal guardian or any dependent children travelling with a New Zealand citizen or residence class visa holder,
 - 20.3 Australian citizens and permanent residence class visa holders ordinarily resident in New Zealand, and
 - 20.4 People subject to regulation 25 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which includes air and marine crew.
- 21 We can also make case-by-case exceptions in relation to Category 1A on a case-by-case basis. We recommend you agree to exceptions on a case-by-case basis in particular for:
- 21.1 Humanitarian reasons,
 - 21.2 Essential health workers,

⁵ This exemption from these restrictions will not apply to a person whose residence class visa was granted off shore and the person is arriving in New Zealand for the first time.

21.3 Citizens of Samoa and Tonga for essential travel to New Zealand, and

21.4 Those on visitor visas who are partners or dependents of a temporary work or student visa holder, and who normally live in New Zealand.

International relationships

22 In light of the wide range of border measures that have been put in place across the global community, we assess that any risks around international relationships can be managed. Given the interconnected nature of the trans-Tasman and Pacific borders, we recommend giving advance notice of this change to Australia and Pacific Island partners.

23 The United States and Canada have overnight agreed to close their shared border for non-essential travel (ie only supply routes and critical travel remain available). Australia has sent clear messaging to its citizens by moving to travel advisory level 4, which means “do not travel” for all Australians considering leaving.

Economic considerations

24 The marginal economic impact of the recommended changes, given the border measures announced on 16 March 2020 and border decisions of other countries in recent days, is likely to be low. The reduction in air services and border restrictions by other countries also make travel more difficult.

24.1 Visitor arrivals dropped from 5,300 on 9 March 2020, to 1,360 on 16 March 2020.

24.2 Overall arrivals dropped from 17,165 on 9 March 2020, to 7,181 on 16 March 2020.

25 The most immediate impacts are likely to be associated with international air travel. There have already been significant reductions in air services announced by Air New Zealand and other airlines operating out of New Zealand.

26 In response to the border restrictions that came into effect on 16 March 2020, Air New Zealand will reduce its trans-Tasman capacity by 80% over 30 March – 30 June 2020 period, and signals are that this is likely to reduce further. A number of their other international routes will begin to cease completely between 20 to 30 March 2020, until June 2020. Air New Zealand will continue some services but only to a few locations.

27 A number of other airlines who operate out of New Zealand have also indicated they will cease or only run minimal services here.

28 This means that very shortly, international air services to New Zealand will be drastically reduced. In the next few days, the risk of COVID-19 being spread further by visitors coming in on any remaining flights will be minimal.

- 29 However, if further travel restrictions are introduced immediately, it is unclear whether there will be enough demand to maintain the reduced services Air New Zealand (and other carriers) have already announced for the next few days to bring people home. Airlines may possibly reduce services earlier than currently planned, which may not help with repatriation of New Zealanders overseas and foreign nationals here.

Timing and communications

- 30 Any decision you make to change categorisations before 1700 hours on Thursday, 19 March 2020 could come into effect from 2359 hours on Thursday, 19 March 2020 (all times in NZDT).
- 31 In addition to the standard operating procedures for notifying foreign governments and airlines ahead of an announcement, there will need to be clear and strong public messages:
- 31.1 The border remains open for returning New Zealanders and most people with residence class visas.
 - 31.2 Temporary visa holders are now banned from entering New Zealand.
 - 31.3 New Zealand citizens and most residence class visa holders overseas should return now while flights remain available.
 - 31.4 Foreign nationals temporarily in New Zealand should leave now, so that they are able to return home.
 - 31.5 People living in New Zealand should avoid all overseas travel.
 - 31.6 These measures are necessary to protect public health in New Zealand, but temporary. They will be reviewed every 14 days.
- 32 We recommend aligning these measures with the normal expiry and renewal cycle of all border measures. This means they would expire at 2359 hours (NZDT) on Tuesday, 31 March 2020. Advice will be provided to Cabinet on whether to continue them, in whole or in part.
- 33 Even in just 30 days' time, the situation is likely to have worsened in the rest of the world. Ministers may need to be ready to start lifting border measures at that time, on the basis that New Zealand is as ready as it can be. Continuing beyond that point could increase economic hardship in New Zealand, without commensurate public health benefits. Further advice will be provided to Cabinet on a pathway to reopening New Zealand's borders over time.