



Cabinet Business Committee

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.

One-Way Quarantine-Free Travel to New Zealand from Samoa, Tonga and Vanuatu

Portfolios **COVID-19 Response / Immigration**

On 1 September 2021, the Cabinet Business Committee:

Background

- 1 **noted** that in July 2021, Cabinet agreed that officials should work towards one-way quarantine-free travel being operational from at least one of Samoa, Tonga, and Vanuatu, in part to deliver worker flows for an expected peak demand in late October 2021, subject to Cabinet's approval [CAB-21-MIN-0276];

Traveller eligibility for one-way quarantine-free travel

- 2 **agreed** to a staged approach to one-way quarantine-free travel from Samoa, Tokelau, Tonga and Vanuatu that will begin with a trial of Recognised Seasonal Employer (RSE) workers only from Samoa, Tonga and Vanuatu, with a review and report back one month after commencement to Cabinet by the Minister for COVID-19 Response to enable consideration of its expansion to other eligible travellers, including from Tokelau;
- 3 **noted** that Ministers deem that the public health risks are more manageable under this staged approach than if all groups agreed in principle by Cabinet on 12 July 2021 were permitted entry, due to RSE employers taking responsibility for meeting the additional public health measures;
- 4 **agreed** that RSE workers will arrive in New Zealand on chartered flights under the trial;
- 5 **noted** that the charter flights will be the subject of an exemption from the requirement for passengers to enter a managed isolation and quarantine facility (MIQF) on the condition that the passengers:
 - 5.1 have lawfully been in Samoa, Tonga and Vanuatu for 14 days immediately prior to travel; and
 - 5.2 meet applicable health requirements;
- 6 **noted** that other travellers to New Zealand (i.e. other than RSE workers on charter flights) from Samoa, Tonga, Vanuatu and Tokelau will continue to be required to enter MIQ for 14 days during the trial period;

- 7 **noted** that officials will propose an additional paragraph in the texts of the government-to-government arrangement documents with Tonga and Vanuatu to give effect to limiting quarantine-free travel initially to RSE workers, with a commitment to review this approach;
- s9(2)(h)

Additional health measures

- 10 **noted** that the Director-General of Health has assessed that Samoa, Tokelau, Tonga and Vanuatu have satisfied the original health readiness criteria required for one-way quarantine-free travel to New Zealand;
- 11 **noted** that neither Samoa, Tokelau, Tonga or Vanuatu have had a case of community transmission of COVID-19;
- 12 **agreed** that the following additional health measures be required for RSE workers travelling to New Zealand under the trial for one-way quarantine-free travel:
- 12.1 prior to departure RSE workers will be required to have at least one dose of a COVID-19 vaccine which has been approved in the country of departure;
 - 12.2 on arrival in New Zealand, RSE workers will be required to:
 - 12.2.1 take a COVID-19 test on day zero on arrival at their place of isolation, and an additional test on day five;
 - 12.2.2 isolate in accommodation managed by or contracted to an RSE at or near their place of employment pending a negative COVID-19 test on day five;
- 13 **agreed** that vaccination be verified through self-declaration or measures that can put in place by partner governments, noting that vaccine certification processes in New Zealand and partner countries are not ready at this time;
- 14 **agreed** that vaccination is not required for travellers under 18 years, or travellers with a medical certificate stating that vaccination is not advised due to medical reasons;
- 15 **noted** that travellers will be eligible to receive COVID-19 vaccination while in New Zealand and access for RSE workers will be managed by their employers through District Health Boards;
- 16 s6(a), s6(b)(i)
- 17 **noted** that these health measures will be reviewed by the Ministry of Health to assess the efficacy and on-going application of these requirements and included in the report back to Cabinet by the Minister for COVID-19 Response one month after commencement;

- 18 **authorised** the Prime Minister, Attorney-General, Minister for COVID-19 Response, and the Minister of Immigration to have Power to Act to take further decisions if necessary on requiring New Zealand citizens to submit a plan to the Ministry of Health, which outlines how they will meet the requirements of having an COVID-19 test on arrival, and self-isolating for seven days with a further test on day five;
- 19 **authorised** the Minister for COVID-19 Response to take operational decisions on introduction, phasing and implementation of additional health measures;

Commencement

- 20 **noted** that in July 2021, Cabinet agreed that officials should start discussions with Samoa, Tonga and then Vanuatu on one-way quarantine-free travel and work towards one-way quarantine-free travel being operational from at least one by 1 September 2021 [CAB-21-MIN-0276];
- 21 **noted** that Samoa, Tonga and Vanuatu have responded enthusiastically to the proposal that New Zealand establish one-way quarantine-free travel and that work to deliver these arrangements has proceeded swiftly and smoothly to this point;
- 22 **approved** the texts of the government-to-government Arrangements to facilitate quarantine-free travel to New Zealand from Tonga and Vanuatu, attached to the submission under CBC-21-SUB-0089, subject to any final non-substantive changes, including any changes required to implement new requirements such as additional health requirements;
- 23 **agreed** that the government-to-government Arrangements be signed at Ministerial level when partners are similarly ready to sign;
- 24 **noted** that officials are on track to agreeing realistic and workable repatriation plans with Samoa, Tonga and Vanuatu that allow for the timely repatriation of travellers in line with their visa durations and travellers' needs;
- 25 **agreed in principle** to commencement dates for one-way quarantine-free travel by air from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021, subject to the following conditions being met:
- 25.1 Arrangement texts are approved by Cabinet, as well as Samoa, Tonga and Vanuatu Governments, and signed by all participants;
 - 25.2 New Zealand and the relevant partner country are operationally ready to commence one-way quarantine-free travel, with tested departure screening processes in place to ensure travellers' compliance with the 14-day eligibility rule;
 - 25.3 airlines and airports are ready to accommodate one-way quarantine-free travel, including designation of Air Vanuatu as a quarantine-free travel carrier for Vanuatu and airlines being able to establish or adjust necessary operational processes;
 - 25.4 appropriate regulatory mechanisms are in place to operationalise the proposed trial of one-way quarantine-free travel;
 - 25.5 RSE' preparations are well advanced; and
 - 25.6 final advice from the Director-General of Health to Ministers on the health readiness of Samoa, Tonga and Vanuatu including all required health measures;

- 26 **noted** that the governments of Samoa, Tonga and Vanuatu will similarly need to approve the date for commencement of one-way quarantine-free travel to New Zealand;
- 27 **noted** that, following Cabinet's direction on 9 August 2021 that New Zealand should extend the one-way quarantine-free travel arrangement to Tokelau, the Tokelau Council of Ongoing Government approved Tokelau's inclusion;
- 28 **noted** that preparations for one-way quarantine-free travel to New Zealand for travellers from Tokelau via Samoa following the trial period are being progressed;

Policy decisions

- 29 **agreed** to retain scope in the Arrangement for Samoa to implement seven days' quarantine on arrival for passengers originating from New Zealand only, with all other arrivals into Samoa subject to a minimum 14-day quarantine period;
- 30 **noted** that New Zealand Health officials consider the risks to New Zealand of American Samoa to be low due to Samoa's strict border settings;
- 31 **invited** the Minister for COVID-19 Response and the Minister of Immigration to make final decisions about new and amended border exceptions, and the timing and phasing of the implementation of border exceptions and exemptions, taking into account repatriation considerations, in line with the decisions under CBC-21-MIN-0089;
- 32 **agreed** that a border exception to be implemented, subject to the trial period, to allow Vanuatu Government representatives to enter New Zealand under one-way quarantine-free travel (noting existing arrangements for nominated travellers already in place for Samoa and Tonga);
- 33 **agreed** to the following parameters for the RSE scheme during 2021/22:
- 33.1 the visa cap of 14,400 for 2021/22 will become available, counting in workers onshore as at early November 2021;
 - 33.2 industry will continue to coordinate the fair distribution of workers and, in consultation with Immigration NZ officials, will lead on a workforce plan ensuring overall worker allocation is consistent with country repatriation capacity;
 - 33.3 workers will be required to return home between seasons where repatriation routes are available, taking into account potential constraints on repatriation numbers in the Pacific and worker demand onshore;
 - 33.4 remuneration will be at least \$22.10 per hour (equivalent to approximately the minimum wage plus ten percent) for a minimum of 30 hours per week;
- 34 **noted** that Cabinet agreed on 12 July 2021 that a strong commitment to repatriation would be a requirement of partners, and noted that the limits on repatriation numbers meant that the volumes of travellers will still need to be managed under one-way quarantine-free travel [CAB-21-MIN-0276];
- 35 **noted** that the initial indicative RSE repatriation ceilings (1,200-2,000 for Samoa, 1,300-1,700 for Tonga, 4,400-5,100 for Vanuatu) are expected to allow for staggered repatriation of RSE workers, with a focus on those onshore who have been here the longest, and that recruitment from offshore above these numbers is likely to result in workers being unable to return home before their visas expire and before welfare issues arise from a stay longer than planned in New Zealand;

- 36 **noted** that indicative RSE ceilings may further be adjusted as officials assess the RSE industry's capacity for providing isolation facilities for workers, should Cabinet agree such isolation as a pre-requisite for quarantine-free travel;
- 37 **noted** that the numbers of RSE workers who can be repatriated to their home countries in a timely way is very likely to be less than the number of workers required by the horticultural and viticultural sectors in New Zealand;
- 38 **agreed** to initially apply ceilings on RSE worker numbers from partner countries (Samoa 1,200, Tonga 1,300, Vanuatu 4,400), to ensure that workers can return home in a timely way before visa expiry and welfare issues arise, with a December 2021 review of whether these ceilings can be increased to 2,000, 1,700 and 5,100 respectively or higher if repatriation capacity allows before peak demand in February/March 2022;
- 39 **directed** officials to report shortly to the Minister of Immigration and Minister for COVID-19 Response on further details of operationalisation, including:
- 39.1 ways to return to normal repatriation cycles;
- 39.2 mechanisms to address issues with existing Approvals to Recruit and visas that have already been granted or are awaiting decision now, to take account of Cabinet's decisions;
- 40 **invited** the Minister of Immigration to certify immigration instructions to implement both the decisions in and arising from the paper under CBC-21-SUB-0089 and further decisions on border exceptions and exemptions;
- 41 **noted** that Tonga is yet to participate in the RSE border exception, but that officials consider that Tonga now meets the repatriation condition and is therefore eligible to participate (noting that the QFT arrangements require a more detailed repatriation plan, due to the significant increase in possible arrival numbers);
- 42 **noted** that the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 establish that a person in a location that is or has been a quarantine-free travel zone can apply for a temporary entry class visa to travel to New Zealand without being invited, but that this setting is not appropriate for one-way quarantine-free travel and is not now appropriate for Australia;
- 43 **agreed** that that the general requirement to be invited to apply for a temporary entry class visa for a person offshore be reinstated, except for people in, and intending to travel from, the Cook Islands and Niue, until the situation in Australia becomes clearer;
- 44 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to effect the change referred to above;
- 45 **agreed** to a waiver of the 28-day rule, to enable the above change to come into effect to forestall people in the Pacific quarantine-free travel countries from being able to apply for temporary entry class visas once quarantine-free travel is in operation.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Dr David Clark
Hon Aupito William Sio

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Proactively released by the
Ministry of Foreign Affairs and Trade

[Restricted]

Office of the Minister for COVID-19 Response

Office of the Minister of Immigration

Cabinet Social Wellbeing Committee

One-Way Quarantine-Free Travel to New Zealand from Samoa, Tonga and Vanuatu

Proposal

- 1 This paper seeks agreement to commence discussions with Samoa, Tonga and Vanuatu with the aim of safely commencing one-way quarantine-free travel (QFT) by air to New Zealand from at least one of these countries by 1 September 2021. Achieving this timeline will be dependent on partners' interest and readiness. Commencement of one-way QFT before November 2021 would alleviate pressures on the horticultural workforce and MIQ. Officials would provide an update on progress to the Cabinet Social Wellbeing Committee (SWC) on 11 August 2021.

Relation to Government Priorities

- 2 This paper relates to the Government's response to COVID-19 and sits alongside Reconnecting New Zealanders with the World and other immigration papers currently being considered by Cabinet.

Executive Summary

- 3 Cabinet has requested advice on the option of one-way QFT from Pacific countries that are currently COVID-free: Samoa, Tonga and Vanuatu [SWC-21-MIN-0097]. These countries have extensive links with New Zealand, including as large sending countries in the Recognised Seasonal Employer (RSE) programme. Opening QFT from these countries would be an important step in reconnecting to our region beyond existing QFT arrangements with Australia, the Cook Islands and Niue, as we prepare for the next phase of reopening under the Reconnecting New Zealanders approach [SWC-21-SUB-0101].
- 4 The proposal would benefit New Zealand's seasonal industries (horticulture and viticulture), could alleviate workforce shortages in other industries and reduce pressure on MIQ. It will also facilitate easier access for travellers needing medical treatment or coming to New Zealand for study. It would support Pacific economies and communities that have suffered as a result of COVID-19 conditions.
- 5 This paper seeks agreement to commence discussions on one-way QFT by air with Samoa, Tonga and Vanuatu from at least one of these countries by 1

September 2021, subject to partners' interest and readiness, and the ability of both sides to meet requirements for one-way QFT. This would deliver worker flows for an expected peak demand in late October 2021. Officials will provide an update and seek further guidance on 11 August 2021.

- 6 Commencement of one-way QFT will be subject to Cabinet being satisfied that *inter alia*:
 - 6.1 It has received a health assessment from the Director-General of Health regarding commencement of one-way QFT to New Zealand;
 - 6.2 Partners' repatriation pathways are in place;
 - 6.3 Partners have committed to not unilaterally opening one-way QFT from New Zealand; and
 - 6.4 Partners have committed to not opening QFT from other countries.
- 7 One-way QFT only is recommended at this time in order to mitigate the risk of exporting COVID-19 to the Pacific. ^{s6(a)}

This advice should be reviewed in due course, particularly in light of vaccine roll-out in the region and as the Reconnecting New Zealanders approach develops.
- 8 Partners' repatriation pathways will be an important condition of one-way QFT. Unlike Cook Islanders, Niueans and Australians, most people travelling from Samoa, Tonga and Vanuatu will not have the right to live and work in New Zealand indefinitely nor be entitled to most forms of government support while here. New Zealand would want therefore to limit traveller volumes under one-way QFT in a way proportionate to partner country repatriation capacity, to avoid the welfare issues that would arise from individuals being stranded. Ministers are asked in principle to confirm that longer-term travel temporary entrants (including RSE workers and long-term [24 months plus] work visa holders, and students) and travel for humanitarian reasons (such as medical treatment) will be prioritised.
- 9 Throughout this process, officials will be appropriately responsive to partners' sovereign interests in maintaining control of their border settings and labour mobility policies. Our engagement with the region is steered by our desire for a peaceful, stable, prosperous and resilient Pacific in which New Zealand operates as a true partner. We would intend to open a conversation with our Pacific partners that respects mana and potentially different contexts.
- 10 Opening one-way QFT with only certain RSE sending countries will have implications for others, particularly those eligible to participate in the border exception but not meeting the conditions for QFT. ^{s6(a)}

s6(a)

urther advice will be provided on mitigating these unintended consequences.

Policy Rationale for one-way Quarantine-Free Travel

- 11 With the recent implementation of two-way QFT with the Cook Islands and Australia, and one-way QFT from Niue, it is timely to consider further opportunities to reconnect to our Pacific region. New Zealand and Australian Prime Ministers have consistently stated that Pacific countries will be the next focus for reopening borders. One-way QFT to New Zealand from low-risk Pacific countries offers a safe and manageable approach. It would also bring greater policy coherence to how similarly low-risk Pacific countries are treated.
- 12 One-way QFT from Samoa, Tonga and Vanuatu would provide opportunities to reconnect socially and boost New Zealand's economic recovery. New Zealand has close relationships with these countries and they send the highest number of RSE workers to New Zealand. Through increased remittances and access to essential services such as medical treatment, one-way QFT would support economic and social objectives in the Pacific also. It would allow large numbers of RSE workers to enter New Zealand without the need to enter MIQ. Providing one-way quarantine-free access for a range of eligible travellers will be more efficient than starting with a RSE worker cohort and is also recommended for legal, human rights and operational reasons.
- 13 Removing the requirement for RSE workers and other eligible travellers from Samoa, Tonga and Vanuatu to quarantine on arrival would remove a resource-intensive and expensive group from MIQ for these countries. Under the current RSE border exception, MIQ space is allocated for 150 RSE workers every 16 days from July 2021 on an on-going basis. Managed Isolation Allocation System voucher data shows that there have been approximately 55 arrivals per week from across Samoa, Tonga, Vanuatu and Tokelau since March 2021. Whether to maintain the RSE border exception will be addressed in further advice.
- 14 There are significantly fewer temporary migrant workers¹ coming to New Zealand than employers have traditionally had access to.² There are approximately 7,000 RSE workers currently onshore; this figure is higher than usual in winter and results from border restrictions in home countries. Demand will rise from late October 2021: the Ministry for Primary Industries (MPI) estimates that by the February/March 2022 peak season there will be a total shortfall of approximately 10,000 temporary migrant workers, of which approximately 5,000-6,000 would be Pacific RSE workers (the shortfall in RSE

¹ Temporary migrant workers is a group normally comprised of RSE workers, working holiday scheme visa holders, and workers on other visa types

² The current cap for RSE workers is 14,400 annually (which in previous years has translated to a maximum number of around 10,000 workers housed onshore at any time).

workers could be as high as 8,000 however, if larger numbers of workers return to their home countries at the close of their contracts).

- 15 One-way QFT could over time also enable other industries currently experiencing worker shortages (such as construction, transport and hospitality) and other primary sectors (including red meat and seafood processing) to recruit temporary workers from the Pacific. It could also potentially enable the currently-suspended processing of resident visa applications in the Samoan Quota and Pacific Access Category (for Tonga) to restart, subject to ministerial direction, including on prioritisation of resources in Immigration New Zealand (INZ).
- 16 One-way QFT is recommended at this time given the severe consequences partner countries would face if COVID-19 were exported from New Zealand.
s6(a)

One-way QFT will still support economic and social objectives for Pacific countries, if not to the same extent as two-way QFT. At the same time, we will need to be appropriately responsive to partners' sovereign interests in maintaining control of their border settings and labour mobility policies.

Country selection

What are the criteria for selecting countries for one-way QFT to New Zealand?

- 17 The following criteria have been used to select the initial candidates for one-way QFT to New Zealand:
 - 17.1 Which countries are acceptably low risk from a health perspective? This is based on surveillance and intelligence reporting.
 - 17.1 Where can one-way QFT deliver value for New Zealanders? Opportunities have been identified to support New Zealand's recovery by addressing skills shortages and re-establishing social connections. This sits in the broader context of contributing to the Pacific region's economic recovery.
 - 17.2 Which countries are interested in QFT with New Zealand? Countries who have expressed interest in QFT arrangements, with whom New Zealand has a strong bilateral relationship and direct flight connections have been prioritised. Opportunities to collaborate with Australia will be pursued.
 - 17.3 Which countries have reliable air and maritime border controls?

Which countries should New Zealand start discussions with now?

- 18 On the basis of the above criteria officials recommend commencing discussions with Samoa and Tonga, and after those discussions are underway, Vanuatu.
- 19 *Interest in QFT:* Samoa, Tonga and Vanuatu have approached New Zealand seeking quarantine-free access, noting they have remained for the most part COVID-19 free and their citizens are more likely to be exposed to COVID-19 in a New Zealand MIQ facility than in their home country. (Other Pacific countries have expressed interest in QFT but are generally not low-risk or do not have direct flight pathways to New Zealand.)
- 20 *Bilateral relationships:* The three countries that send the highest number of RSE workers to New Zealand are Vanuatu, Samoa and Tonga. New Zealand has particular obligations to Samoa because of the Treaty of Friendship. There are many long-standing familial and business connections. Samoa is also the gateway to Tokelau (part of the Realm of New Zealand). New Zealand has a close and long-standing relationship with Tonga including the Statement of Partnership.
- 21 *Health assessments on the selected countries:* Noting the countries identified in this paper, the Ministry of Health would need to undertake country risk assessments with Samoa, Tonga and Vanuatu, as well as a final Director-General of Health assessment immediately prior to a decision on commencement of one-way QFT to New Zealand. This follows a similar process to previous QFT arrangements.
- 22 *Initial border assessments:* Initial border assessments demonstrate that air borders are well controlled, whereas maritime borders may be harder to monitor as part of one-way QFT. ^{s6(a)}

As the three countries each have one international airport, the air border will be easier to monitor. Customs recommends seeking one-way QFT by air only. This means airlines will play a key role, especially in providing passenger data for eligibility. The capacity building programme, a joint venture between Customs and the Ministry of Foreign Affairs and Trade (MFAT), has enabled Customs to build strong relationships with partner agencies in Samoa and Vanuatu. ^{s6(a)}

A detailed border assessment for each country will be provided prior to a decision on commencement.

- 23 Officials could provide advice at a later stage on possible future QFT partners in the Pacific, including Tokelau (a Realm country with routes normally via Samoa), the Solomon Islands, Kiribati and Tuvalu.

Requirements for commencement of one-way Quarantine-Free Travel

- 24 The one-way QFT model utilised initially for the Cook Islands and currently in place with Niue provides an initial basis for one-way QFT with other acceptably low-risk Pacific countries. In order to commence one-way QFT, countries will need to meet the following criteria:
 - 24.1 Public health considerations, including:
 - 24.1.1 A low risk of COVID-19 spreading to New Zealand, taking into account the COVID-19 status of the country;
 - 24.1.2 The ability to detect cases or outbreaks through sufficient testing, surveillance and contact tracing, and to notify New Zealand should this occur;
 - 24.1.3 The capacity of the country's health system to deal with any possible outbreak.
 - 24.2 Border requirements, including ability to verify travellers' eligibility for QFT (14 days in country) and that countries' borders are not open for QFT from any country;
 - 24.3 A viable repatriation pathway for relevant travellers (further detailed in paragraph 27);
 - 24.4 Appropriate immigration settings, including agreement that the partner will not open one-way QFT from New Zealand unilaterally (unless both sides agree otherwise in the future).
- 25 The use of and access to 'Nau Mai Ra' (New Zealand's electronic traveller declaration) to enable contact tracing for these countries will be essential, but we will need to take into account the fact the countries must access this electronically. There may be operational issues using 'Nau Mai Ra' due to limited internet capabilities.
- 26 The process will remain cognisant of the broader Reconnecting New Zealanders approach, which will likely see a shift from QFT with individual countries towards a risk-based approach where we progressively change our border settings for travellers based on a set of factors, including the country of departure and vaccine status. It will be important to signal to Pacific countries the possible entry settings that New Zealand might adopt in future, including as part of any two-way QFT opening, and ensure flexibility in the QFT arrangements. Systems could be adjusted over time to take account of

changing risk levels as a result of vaccination rollout in New Zealand and partner countries.³

Immigration considerations

- 27 *Repatriation pathways are a baseline requirement:* After several thousand RSE workers were stranded in New Zealand when borders closed across the region in March 2020, New Zealand has made viable repatriation pathways a condition on countries to participate in the RSE border exceptions.^{s6(b)(i)}

f the countries being considered for one-way QFT, Samoa and Vanuatu meet the criteria.^{s6(a)}

The recent introduction of a vaccination requirement to enter Samoa will likely slow the flow of those returning until New Zealand rolls out vaccines to group 4;^{s6(a)}

Further advice will be provided to SWC on 11 August on vaccination of travellers while in New Zealand.

- 28 ^{s6(a)}

- 29 But volumes of travellers will still need to be managed, as constrained quarantine capacity in these countries is unlikely to enable large numbers to return home: Repatriation pathways will remain restricted under one-way QFT given limited quarantine capacity in partner countries. Unlike Cook Islanders, Niueans and Australians, most people travelling from Samoa, Tonga and Vanuatu will not have the right to live and work in New Zealand indefinitely nor be entitled to most forms of government support while here. Travel volumes of temporary visa holders therefore will need to continue to be managed proportionate to partner country repatriation capacity, to avoid the welfare issues that would arise from individuals being stranded.

³ Tonga is aiming to have its full eligible population vaccinated by November/December 2021. Samoa is aiming to have its full eligible population vaccinated by end 2021, dependent on ongoing vaccine supply. Vanuatu estimates it will be able to fully vaccinate its eligible population by mid/late 2023.

- 30 Ministers are therefore asked to agree that the current border exception regime (that manages the travel to New Zealand – and into MIQ – of people who seek to travel to New Zealand on a visitor, work or student visa) be maintained for the three countries once one-way QFT is opened to them. This would allow for travel by people covered by existing border exceptions (including people who qualify for the existing RSE worker, health worker, other critical worker, student, humanitarian and Pacific border exceptions). New Zealand citizens, most residence class visa holders, and people eligible to be granted a resident visa on arrival – namely, Australian citizens and residents would continue to be able to travel to New Zealand under one-way QFT.
- 31 Maintaining the border exception regime for those countries once one-way QFT is in place will require a change to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010; Ministers will be asked to agree to the detail of change in the report back to SWC in August 2021.

Industry engagement

Airports and airlines

- 32 The Ministry of Transport and Customs will lead engagement with airlines and airports on operational implementation, including resourcing. Industry reaction is likely to be supportive provided the measures applied to flights under these new one-way QFT arrangements are consistent with those on existing QFT routes. Officials propose to engage with airports and airlines on an in-confidence basis when discussions with partners commence.
- 33 Flights are expected to be into Auckland International Airport and possibly Christchurch International Airport, which both operate QFT. Advice will be provided on airport readiness in Samoa, Tonga and Vanuatu prior to decisions on commencement.
- 34 Air New Zealand is the only airline flying to Samoa and Tonga, while Air Vanuatu is the only airline flying to Vanuatu and would need to be designated for QFT.

Engagement with RSE Employers and Industry

- 35 MPI and the Ministry of Business, Innovation and Employment (MBIE) will engage with the horticulture/viticulture sector, including on managing visa numbers within the annual cap, timing of worker arrival and signalling that the current minimum requirements for terms and conditions of RSE workers entering under the border exceptions (including payment of the living wage) are expected to be maintained. Final policy decisions will be sought in the report back to SWC on 11 August 2021.

Proposed next steps

- 36 Should Cabinet agree to New Zealand starting a process towards one-way QFT from Samoa, Tonga and Vanuatu immediate next steps include:
- 36.1 MFAT to inform the governments of Samoa, Tonga and then Vanuatu of New Zealand's interest in one-way QFT and advising what information we would need from them to support a decision. We will also seek views from partner governments and assess whether a commencement date of 1 September 2021 is achievable;
 - 36.2 MFAT to inform existing QFT partners Australia, Cook Islands and Niue of the proposal;
 - 36.3 Ministry of Health to commence country risk assessments for each country through engagement with their health authorities and with Australian counterparts as appropriate;
 - 36.4 Ministry of Health to prepare advice on vaccination for RSE workers or other travellers where they are unvaccinated on arrival;
 - 36.5 Border agencies to commence border assessments for each country through engagement with their border authorities, and with Australian counterparts as appropriate;
 - 36.6 MFAT to continue engagement with countries on repatriation pathways;
 - 36.7 MBIE/INZ to prepare advice on managing traveller volumes under one-way QFT and any regulatory changes required;
 - 36.8 Customs and Ministry of Transport to engage with airports and airlines to start work towards operational readiness; and
 - 36.9 An update to SWC on 11 August 2021, seeking guidance following initial engagement with partner countries and decisions as required, including on the detail of temporary visa application prioritisation and any mechanisms necessary to manage demand and prevent temporary visa holders from becoming unlawful.
- 37 A detailed timeline will be prepared for SWC on 11 August 2021 following initial engagement with partner countries. This will provide an update of agreements that have been reached on the conditions of one-way QFT and remaining work, and timing of next steps towards country risk and border assessments. Advice on proposed sequencing for opening one-way QFT will also be provided as the work programme progresses.
- 38 The timeline will take account of advice from partner countries on ^{s6(a)}
s6(a) s9(2)(g)(i), s6(a)

the speed of movement on their side. We will need partner countries to provide health and border related documentation to New Zealand as part of our assessments. We are likely to seek to test functioning and inter-operability of these systems with our own through table-top exercises, which will require the active engagement of partner countries to progress.

Managing risks of approach

39 s6(a)

Pursuing discussions with multiple partners would help to meet the objective to see one-way QFT operational from at least one additional Pacific country by 1 September 2021. Officials would return to Cabinet if additional partners needed to be sought.

- 40 The level of relationships agencies hold in these partner governments will vary. In some cases agencies will be required to develop relationships from scratch and this may impact the ability to deliver to timelines. Past experiences with Niue and the Cook Islands have shown the strength of relationships as crucial to the success of one-way QFT so far – particularly when needing to discuss areas of vulnerability in the systems of partner governments, or in the event of a case or an outbreak, where communication and flow of information at a rapid pace is essential.
- 41 Resourcing requirements will need to be carefully considered and managed, both for New Zealand and partner governments, recognising the challenge of managing the range of QFT arrangements that are currently underway as well as any response demands in the event of outbreaks.
- 42 Opening up further QFT arrangements before New Zealand's vaccination programme is fully rolled out presents cumulative risks to New Zealanders, particularly if outbreaks in these countries go undetected. s6(a)

COVID-19 is a notifiable disease and therefore these populations will be freely able to access healthcare while in New Zealand if affected. s6(a)

- 43 This will be important when considering the management of travel volumes and the sequencing of new one-way QFT arrangements. s6(a)

Risks can be further mitigated by New Zealand officials engaging with partners to assess the capacity of their COVID-19 response system and allowing flexibility in the QFT arrangements to adjust travel requirements as risk levels change.

- 44 s6(a) Agreement not to unilaterally open QFT from New Zealand (until both sides agreed this could be managed safely) will be essential. Agreement to this and the health and border requirements for one-way QFT will be formalised in writing.
- 45 Progressing one-way QFT with only a subset of Pacific RSE-sending countries will have bilateral implications. s6(a)

Officials will engage with partners to mitigate risk to relationships.

- 46 Australia, Cook Islands and Niue as current QFT partners will take a close interest in decisions by New Zealand to open further QFT. Australia may have useful insights to share as another development partner in the region on countries' readiness. Officials will keep QFT partners informed of this proposal s6(a)
- 47 Possible RSE-related risks include:
- 47.1 Even higher numbers of RSE workers ending up onshore over next winter (when employers find it difficult to pay them as there is little work available); or conversely
- 47.2 Delays to implementation resulting in a shortfall of workers from these countries.
- 48 The Ministry of Social Development notes there has been an increase in uptake of horticulture and viticulture roles by New Zealand workers, which has increased pressure on industry to improve pay and conditions. A decision to increase RSE numbers would need to carefully consider size, timing and allocation to employers in order to maintain this pressure and not displace New Zealanders wanting to take up work.
- 49 Pasifika communities in New Zealand will be interested in the implementation of one-way QFT, including who will be able to enter New Zealand and how repatriation will be managed. Officials will engage with Pasifika communities once discussions have progressed sufficiently with partner countries.

Financial Implications

- 50 Since the beginning of the pandemic, New Zealand has responded to the economic situation in the Pacific, including with direct budget support to mitigate the risks of a fiscal crisis. Among others, New Zealand has provided COVID-19 budget support to Samoa (NZ\$14.5 million), Tonga (NZ\$8 million) and Vanuatu

⁴ Until COVID-19 New Zealand was the largest recipient of Solomon Islands RSE workers.

(NZ\$8.5 million). Remittances from migrant labour would provide a short term income stream that would assist these countries in recovering from the economic effects of COVID-19.

- 51 The Border Executive Board is currently working on a resource proposal regarding capacity for managing QFT arrangements at the border.
- 52 Border agencies note that the deployment of Airline Liaison Officers (ALOs) to Australia has supported airlines in both the introduction of QFT and more recently during the pauses, through ensuring that only eligible travellers board to come to New Zealand. There may be benefit in considering stationing ALOs in each country temporarily. However, the current cost is \$18,000 per ALO per month and INZ would not be able to fund this from within existing baselines.

Legislative Implications

- 53 No decisions on changes to legislation are being sought at this stage. The Air Border Order will need to be amended to enable one-way QFT to New Zealand.
- 54 Changes may be required to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010, as well as to immigration instructions certified by the Minister of Immigration. This would likely need to be enacted after 1 September 2021, in which case, a temporary solution would be pursued.

Impact Analysis

Regulatory Impact Statement

- 55 Since the proposal concerns tertiary legislation, a Regulatory Impact Statement (RIS) is not required under the Cabinet's impact analysis rules. Given the significance of QFT, MFAT has agreed to prepare some impact analysis for the report back in August 2021.

Climate and Population Implications

- 56 A Climate Implications of Policy Assessment (CIPA) was not necessary.
- 57 This paper will have a positive impact on communities in Samoa, Tonga, Vanuatu and Pasifika communities in New Zealand as it will support vital people-to-people connections and access to essential services located in New Zealand that have been impacted due to COVID-19.

s9(2)(h)

s9(2)(h)

Consultation

- 59 This paper was prepared by MFAT in collaboration with the Department of Prime Minister and Cabinet (Policy Advisory Group and COVID-19 Group), the Ministries of Health, Business, Innovation and Employment (Immigration and Managed Isolation and Quarantine), Primary Industries, Transport, Social Development and the New Zealand Customs Service. Consultation was undertaken with the Treasury, Crown Law, the Ministry for Pacific Peoples and the Parliamentary Counsel's Office.

Communications

- 60 Public communications will be jointly agreed between New Zealand and partner countries. A Communications Plan will be provided to the Minister of COVID-19 Response for information. The communications group will consult with counterparts in industry, partner countries and Pasifika communities in New Zealand at key points.

Proactive Release

- 61 I intend to proactively release this paper following Cabinet consideration, subject to necessary redactions including to preserve our international relations, and any commercial and legal sensitivities.

Recommendations

The Ministers for COVID-19 Response and of Immigration recommend that Cabinet:

- 1 **Note** that a significant risk with quarantine-free travel in the Pacific is exporting COVID-19 to vulnerable jurisdictions and that one-way quarantine-free travel arrangements from low-risk Pacific countries can mitigate this risk;
- 2 **Note** that the criteria for selection of Pacific countries for discussions on one-way quarantine-free travel are based on interest in quarantine-free travel with New Zealand, preliminary health and border considerations and bilateral relationships;

- 3 **Note** that officials assess that Samoa, Tonga and Vanuatu meet the proposed criteria for discussions on one-way quarantine-free travel to New Zealand;
- 4 **Agree** that New Zealand should start discussions with Samoa, Tonga and Vanuatu on one-way quarantine-free travel from these countries to New Zealand by air on the basis of agreements in principle in this paper, including that initial country risk assessments will be undertaken to inform further decision-making;
- 5 **Agree** that officials should work towards one-way quarantine-free travel being operational from at least one of Samoa, Tonga and Vanuatu by 1 September 2021, including in order to deliver worker flows for an expected peak demand in late October 2021, subject to Cabinet's approval;
- 6 **Note** that progress towards this target commencement date will depend on partner governments' interest and readiness, as well as both sides' ability to meet New Zealand's requirements for one-way quarantine-free travel, and officials will seek Cabinet decisions about sequencing and dates for commencing one-way quarantine-free travel with each country as the process advances;
- 7 **Note** that opening one-way quarantine-free travel from Samoa, Tonga and Vanuatu would benefit New Zealand seasonal industries (horticulture and viticulture), could alleviate shortages in other industries, reduce pressure on MIQ and enable the recommencement of Samoan Quota and Pacific Access Category (Tonga only) resident visa processing;
- 8 **Agree** that officials should pursue one-way quarantine-free travel only at this stage^{s9(2)(g)(i)}
- 9 **Agree** that a strong commitment to repatriation of temporary visa holders will be a requirement of partners;
- 10 **Note** that the limits on repatriation numbers mean that the volumes of travellers will still need to be managed;
- 11 **Agree** to maintain the border exception regime for one-way quarantine-free travel to New Zealand to manage the volume of temporary visa holders who can travel to New Zealand, as their ability to return will be constrained by the quarantine requirements in their home countries;
- 12 **Agree** that people eligible to travel to New Zealand under one-way quarantine-free travel will initially be those covered by existing border exceptions (including people who qualify for the existing RSE worker, health worker, other critical worker, student, humanitarian and Pacific border exceptions) and New Zealand

citizens, most residence class visa holders, and people eligible to be granted a resident visa on arrival);

- 13 **Note** that to maintain the border exception regime for the one-way quarantine-free travel countries, a change will be required to immigration regulations, which Ministers will be asked to agree to in the report back to the Cabinet Social Wellbeing Committee on 11 August 2021;
- 14 **Note** that officials will provide an update on progress with countries and further advice in the report back in August 2021, including on mechanisms to manage demand, risks of inadvertent overstaying and the partners' intended repatriation pathways under one-way quarantine-free travel;
- 15 **Note** that agreement with these countries on health and border prerequisites for one-way quarantine-free travel as well as the border and immigration settings and repatriation pathways to apply will be captured in writing;
- 16 **Note** that detailed health and border assessments would be provided to Cabinet before a decision were taken on commencement of one-way quarantine-free travel from any of these countries;
- 17 **Note** that once in New Zealand, travellers will be eligible for vaccination, in line with the pace of vaccination roll-out among the general population;
- 18 **Agree** that officials may engage with airlines and airports on an in-confidence basis on the operational implementation of one-way quarantine-free travel; and
- 19 **Note** that officials will inform existing quarantine-free travel partners of New Zealand's consideration of one-way quarantine-free travel with the proposed low-risk Pacific countries.

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

Hon Kris Faafoi

Minister of Immigration

Restricted

Office of the Minister for COVID-19 Response

Office of the Minister of Immigration

Cabinet

One-Way Quarantine-Free Travel to New Zealand from Samoa, Tonga and Vanuatu

Proposal

- 1 This paper seeks Cabinet agreement in principle to commence limited one-way quarantine-free travel (QFT) by air from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021, subject to Cabinet being satisfied that conditions are met by each country and additional health measures are in place. It seeks agreement to a staged approach that will begin with a trial of Recognised Seasonal Employer (RSE) workers only from Samoa, Tonga and Vanuatu. A review would be undertaken after one month to enable consideration of its expansion to other eligible travellers, including from Tokelau. The paper seeks approval of Arrangement texts on QFT to New Zealand from Vanuatu and Tonga, and agreement to changes to RSE policy settings.

Relation to Government Priorities

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

Executive Summary

- 3 This paper was considered by Cabinet on 23 August 2021, Cabinet Business Committee on 25 August 2021 and Cabinet on 30 August 2021. Following this discussion, we propose to provide additional assurance to the proposed one-way QFT arrangement through a staged approach to who can initially travel under one-way QFT and additional health measures.
- 4 Subject to greater understanding of the ability of partners, industry and New Zealand agencies to implement additional health measures, we expect to commence limited one-way QFT from at least one of Samoa, Tonga and Vanuatu in October 2021, which will kick start the entry of significant numbers of RSE workers into New Zealand. In light of the risks posed by the Delta variant, one-way QFT will be implemented through a staged approach. This will begin with a trial of only RSE workers from Samoa, Tonga and Vanuatu, with a requirement for additional health measures. After one month, a review will be carried out and the Minister for COVID-19 Response will report back to Cabinet to enable consideration of expansion of one-way QFT to other eligible

groups of travellers, including from Tokelau, that were agreed in principle by Cabinet on 12 July 2021 [CAB-21-MIN-0276].¹

- 5 This paper seeks Cabinet's in-principle agreement to commence one-way QFT from Vanuatu from 4 October 2021 and Samoa and Tonga from 12 October 2021, subject to the following conditions being met:
 - 5.1 The Arrangement texts are approved by Cabinet, subject to any final non-substantive changes, including any changes needed to implement a staged approach and additional health requirements, as well as the Samoa, Tonga and Vanuatu governments;
 - 5.2 New Zealand and the relevant partner country are operationally ready to commence one-way QFT, with tested departure screening processes in place to ensure travellers' compliance with the 14-day eligibility rule;
 - 5.3 Airlines and airports are ready to accommodate one-way QFT, including designation of Air Vanuatu as a QFT carrier for Vanuatu and airlines being able to establish or adjust necessary operational processes;
 - 5.4 Appropriate regulatory mechanisms are in place to operationalise the proposed trial of one-way QFT;
 - 5.5 Recognised Seasonal Employers' preparations are well advanced; and
 - 5.6 Final advice from the Director-General of Health on the health readiness of Samoa, Tonga and Vanuatu including all required health measures;
- 6 At a later date, Cabinet will be asked to approve final arrangements, including the commencement dates.
- 7 At present, negotiations with Vanuatu are the most advanced of the three, which is why its proposed commencement date is earlier. This would also allow an earlier option to reschedule the charter flight of RSE workers deferred from 24 August 2021 due to pressures on MIQ capacity.
- 8 One-way QFT from Vanuatu, Tonga, Samoa and Tokelau is underpinned by layers of assurance that the public health risk to New Zealand is low, and to ensure QFT can operate safely and effectively. These layers of assurance include:
 - 8.1 Government-to-government Arrangements which set out the political commitment of New Zealand and partners to commence one-way QFT

¹ Cabinet previously agreed current immigration border exceptions would be maintained to manage the categories of eligible travellers and noted that regulation change would be required [CAB-21-MIN-0276]. Alongside RSE workers, New Zealand citizens and most resident-class visa holders will be able to travel under one-way QFT, as will people already eligible for border exceptions, such as people arriving for medical care and scholarship students.

on the basis of public health and border criteria, and partners' undertakings not to open QFT from New Zealand unilaterally nor from other countries;

- 8.2 A repatriation plan in which each country outlines its planning for accommodating the return of increased number of travellers under QFT;
- 8.3 Tested departure screening processes in place to ensure travellers have been in-country for at least 14 days prior to departure;
- 8.4 The Director-General of Health's advice that health readiness criteria required for one-way QFT to New Zealand to commence have been met;
- 8.5 Additional layers of assurance afforded by a staged approach to who is eligible to travel under one-way QFT and the following additional health measures:
 - 8.5.1 Vaccination of RSE workers prior to departure with at least one dose of a COVID-19 vaccine that has been approved in the country of departure;
 - 8.5.2 On arrival in New Zealand, RSE workers will be required to take a COVID-19 test at their place of isolation on day zero and day five;
 - 8.5.3 RSE workers will be required to isolate in accommodation managed by or contracted to a RSE employer at or near their place of employment pending a negative COVID-19 test on day five, with costs to be met by the RSE employer;
- 8.6 Significant progress has been made with all four countries:
 - 8.6.1 The Arrangement texts with Vanuatu and Tonga have been agreed by their governments, and this paper seeks Cabinet's approval to sign the Arrangements at Ministerial level, provided partner governments are similarly ready to sign;
 - 8.6.2 Vanuatu's repatriation plan has been finalised. Officials continue to work with Tonga and Samoa on their repatriation plans, noting some complexities;
 - 8.6.3 The Director-General of Health has assessed that Samoa, Tokelau, Tonga and Vanuatu have satisfied the health readiness criteria required for one-way QFT to New Zealand; and
 - 8.6.4 Immigration New Zealand (INZ) and NZ Customs have provided advice that Vanuatu is on track to have appropriate

border systems and processes in place to provide a level of assurance around the 14-day eligibility rule. Work is still underway with Tonga and Samoa on their departure screening processes, but good progress has been made.

- 9 The 14 day in-country eligibility rule for passengers travelling to New Zealand is a key risk mitigation and New Zealand agencies have emphasised to counterparts in Vanuatu, Tonga and Samoa that the responsibility for providing assurance over this rule sits with government agencies in those three countries. INZ and NZ Customs' electronic systems cannot provide assurance over departure screening in Pacific countries.
- 10 There is further work required with each country to assess the implementation of additional health measures. Time is also required for vaccination of those RSE workers who have not already been vaccinated. ^{s9(2)(g)(i)}
- 11 Following discussions between the Minister of Immigration and RSE industry leaders, officials are working with industry to support the transition from MIQ arrangements to QFT. The proposed commencement dates reflect preparation required by RSE industry and partners to send workers to New Zealand, and workforce demand.
- 12 A staged approach to QFT will require RSE workers to travel on charter flights as current QFT provisions do not accommodate flights carrying both MIQ passengers and non-MIQ passengers. This may affect viability of flights for classes of travellers other than RSE workers. Charter flights will be the subject of an exemption from the requirement to enter a MIQ facility; any RSE workers travelling on non-chartered flights will still need to go into MIQ. It will be important to engage closely with airlines before announcements and to ensure operational readiness ahead of commencement.
- 13 ^{s6(a)}

Officials will explain that New Zealand remains committed to progressing one-way QFT and this approach with tighter restrictions allows it to proceed while taking into account the greater risks associated with the Delta variant. Careful public messaging will also be needed for New Zealand citizens and residents in Samoa, Tonga and Vanuatu. It is recommended that Cabinet review the arrangements after one month's operation and, following that review, officials would provide an update to partners on a timeline for its expansion to other eligible travellers, including for medical transfers, which are a priority for them.

- 14** Officials will propose an additional paragraph in the Arrangements with Tonga, Samoa and Vanuatu noting that the Arrangements will be provisionally applied to a more limited group of people to begin with, and that this approach will be reviewed at some point after commencement of RSE flights before moving towards full application of the Arrangement. The benefit of this approach is that it would provide clarity in the text and maintains momentum towards signing the Arrangements.
- 15** ^{s9(2)(h)}
- 16** Negotiations with all three partners have been progressing despite the COVID-19 outbreak in New Zealand and we are not yet detecting significant nervousness on QFT arrangements. It is unclear whether the outbreak will reduce willingness to travel, although seasonal workers have continued to deploy to Australia. New Zealand's situation is delaying current repatriation efforts ^{s6(b)(i)}
- If the South Island remains unaffected, it might be possible for flights to enter Christchurch to meet demand in the region. A delay in implementation until late October is unlikely to have major impacts for industry as demand picks up significantly from that time.
- 17** Ministers are asked to agree to policy parameters for RSE workers, which lock in the same wage enhancements required in previous RSE border exceptions and otherwise signal a continued transition to normal RSE visa settings, including repatriation expectations.
- 18** The opening of QFT travel pathways for RSE workers provides an opportunity to allow increased traveller volumes, so long as undue pressure is not put on home countries' quarantine capacity when those workers need to return home. Ceilings for visas for new arrivals will take into account current quarantine capacity, and a report to joint Ministers in December 2021 will consider how repatriation is progressing and whether the ceilings can be raised. Cabinet previously agreed current immigration border exceptions would be maintained to manage the categories of eligible travellers and noted that regulation change would be required [CAB-21-MIN-0276]. Alongside RSE workers, New Zealand citizens and most resident-class visa holders would be able to travel under one-way QFT, as would people already eligible for border exceptions, such as people arriving for medical care and scholarship students.

Discussions with partner governments have ensured repatriation plans take into account the welfare and needs of all eligible groups of travellers.

- 19 Following discussion at CBC on 25 August and Cabinet on 30 August, Ministers agreed to a staged approach to QFT, beginning with a trial of RSE workers only from Samoa, Tonga and Vanuatu followed by a review and report back one month after commencement to Cabinet by the Minister for COVID-19 Response. The report back will enable consideration of its expansion to other eligible travellers.
- 20 Ministers are of the view that the public health risks are more manageable under this staged approach than if all New Zealanders and those with existing border exceptions were permitted entry, as a result of RSE employers taking responsibility for meeting the additional public health measures.

Section 1: Partner countries' readiness to commence one-way QFT

- 21 This section outlines the status of preparations towards one-way QFT for each partner country. More detail on their readiness is provided in [Annex 1](#).

Government-to-government Arrangements

- 22 Arrangement texts agreed by Tonga Cabinet and the Government of Vanuatu are included as Annex 2 and Annex 3 to this paper, for Cabinet approval.

s6(b)(i)

Some renegotiation will have to occur given the proposal to initially limit the arrangement to a trial of RSE workers only and to implement additional health requirements. These requirements are outlined in Section 3 below.

- 23 A key feature of the Arrangements is a commitment on the 14 day in-country eligibility rule for travellers. While New Zealand Border agencies are not able to undertake pre-departure checks for QFT flights in partner countries they are working closely with counterpart agencies to ensure they put in place necessary checks in line with their existing border sector capabilities and technology. Officials assess this provides the necessary assurances for New Zealand.

Vanuatu

- 24 Based on the health information received and assessed from Vanuatu, the Director-General of Health confirms that Vanuatu has met the original health requirements for one-way QFT to New Zealand.
- 25 INZ and NZ Customs judge that Vanuatu is on track to have appropriate border systems and processes in place to provide a level of assurance around the 14-day eligibility rule for travellers – and on that basis INZ and NZ Customs assess one-way QFT with Vanuatu will be able to proceed at the commencement date.

26 On the basis of the above assessments and subject to both sides' agreement of the Arrangement text and repatriation plan, and the designation of Air Vanuatu as a QFT carrier, one-way QFT from Vanuatu could have commenced from 24 September 2021. RSE industry has indicated it would be possible for RSE workers to travel on a flight at that time.²

27 Given the proposed change in eligibility for one-way QFT and additional health measures, **officials now judge that one-way QFT with Vanuatu could commence from 4 October 2021.**

28 s6(b)(i)

abinet is asked to agree that nominated Vanuatu Government representatives can qualify for a border exception to travel to New Zealand on the same basis as Samoan and Tongan officials, following the initial trial period when Cabinet considers expanding eligibility.

Tonga

29 Based on the health information received and assessed from Tonga, the Director-General of Health confirms that Tonga has met the original health requirements for one-way QFT to New Zealand.

30 s6(a)

Officials will continue to engage with Tongan counterparts and once additional traveller eligibility screening steps noted in Annex 1 are in place, INZ and NZ Customs will provide a further assessment of the level of risk and Tonga's border settings in the Cabinet paper seeking a decision on commencement.

31 s6(b)(i)

32 Subject to progress on the above matters, officials assess that one-way QFT from Tonga would have been possible from 29 September 2021. This would allow time for capacity building with Tongan labour-sending officials and to mobilise the recruitment RSE workers.

33 Given the proposed change in eligibility for one-way QFT and additional health measures, **officials now judge that one-way QFT with Tonga could commence from 12 October 2021.**

Samoa

² There is a scheduled commercial flight on 24 September and a RSE charter flight on 27 September.

- 34** Based on the health information received and assessed from Samoa and Tokelau, the Director-General of Health confirms that Samoa and Tokelau have met the original health requirements for one-way QFT to New Zealand.
- 35** Samoa's quarantine requirements currently range from seven to 21 days depending on vaccination status and other risk factors, at the discretion of its Director General of Health. ^{s6(b)(i)}

Cabinet is asked to agree an exception in the Arrangement for fully vaccinated arrivals from New Zealand, with arrivals from all other countries (excluding Tokelau) required to complete a minimum of 14 days' quarantine. While this is ultimately a decision for Samoa, New Zealand Health officials consider the risk to Samoa to be low. ^{s6(a)}

- 36** Samoa is already allowing controlled quarantine-free entry from American Samoa ^{s6(b)(i)} reflective of their close social and economic ties. ^{s6(b)(i)}
- 37** All border controls are managed by the Samoan Ministry of Health with a great deal of care. Incoming travellers must be fully vaccinated with a COVID-19 vaccine, provide serology antibody testing, a negative PDT result, and get medical clearance. Samoa has existing QFT agreements with Tokelau and American Samoa. Both agreements and the associated border measures have been assessed as secure and pose a low risk to New Zealand from one-way QFT travellers. American Samoans are required to have been in country 28-days, have a negative PDT result and medical clearance before departure to Samoa. Onwards QFT to New Zealand (for eligible American Samoans and Tokelauans) would require 14-days in Samoa.
- 38** New Zealand Border agencies are working to understand the nature and scope of the current outbound process for passengers who are travelling to New Zealand (beyond visa verification). As the current negotiations unfold they will work with counterparts to ensure a robust system is in place and tested to ensure the Samoan Government obligations to screen the eligibility of departing passengers is met. ^{s6(a)}
- 39** **Given work remaining, officials considered QFT with Samoa could have commenced from late September.**

- 40 Given the proposed change in eligibility for one-way QFT and additional health measures, officials now judge that one-way QFT with Samoa could commence from 12 October 2021.

One-way QFT from Tokelau via Samoa

- 41 It is crucial that New Zealand protect access routes for Tokelauans to Samoa, as it is Tokelau's only port of connection, and ensure Tokelauans are able to access QFT to New Zealand as soon as practicable. Following Cabinet's direction on 9 August 2021 that New Zealand should extend the one-way QFT arrangement to Tokelau, the Tokelau Council of Ongoing Government approved Tokelau's inclusion in QFT on 22 August 2021. **Based on the health information received and assessed from Tokelau, the Director-General of Health confirms that Tokelau have met the original health requirements for one-way QFT to New Zealand.**
- 42 Given Tokelauans are New Zealand citizens and Tokelau does not participate in the RSE Scheme, if Cabinet agrees to initially limit eligibility for one-way QFT to a trial for RSE workers only, Tokelauans will not be eligible until following the initial trial period when Cabinet considers expanding eligibility.

Section 2: Settings for limited one-way quarantine-free travel

- 1 This section sets out **who will be able to enter New Zealand** and the **health and operational settings** that will apply to limited one-way QFT.

Who will be able to enter New Zealand under one-way QFT?

- 2 Entry to New Zealand under one-way QFT will be strictly controlled. Unlike the countries we have existing QFT arrangements with, most people in Samoa, Tonga and Vanuatu do not have the right to live permanently in New Zealand. Cabinet therefore agreed in principle that people eligible to travel to New Zealand under one-way QFT will initially be those covered by the existing border exception regime, or exempt from it [CAB-21-MIN-0276]. This includes RSE workers (the existing exception will be updated to reflect QFT) and the health worker, other critical worker, student, humanitarian and Pacific border exceptions (the latter is also used by foreign governments to staff their diplomatic missions where relevant). New Zealand citizens and most residence class visa holders would also be eligible.
- 3 Following discussion at CBC on 25 August and Cabinet on 30 August, Ministers agreed to a staged approach to QFT, beginning with a trial of Recognised Seasonal Employer workers only from Samoa, Tonga and Vanuatu followed by a review and report back one month after commencement to Cabinet by the Minister for COVID-19 Response. The report back will enable consideration of its expansion to other eligible travellers that were agreed in principle by Cabinet on 12 July 2021 [CAB-21-MIN-0276].

- 4 Ministers are of the view that the public health risks are more manageable under this staged approach than if all groups described in paragraph 45 were permitted entry, due to RSE employers taking responsibility for meeting the additional public health measures.
- 43 It will be important to ensure that arrival numbers line up with repatriation capacity in partner countries. It is important that RSE workers are able to return to their home countries in a timely way before their visas expire. ^{s9(2)(ba)(i)}

MBIE will provide advice to the Minister of Immigration in mid-September on policy changes to maximise the outflow of longer term RSE workers. This will involve, where possible, enforcing the return home of long-term workers, while providing certainty most can return for the next peak season after a rest period if they wish. To avoid other temporary travellers being placed in a similar situation of long-term stays in New Zealand, we will ask partners to exercise caution in nominating travellers under uncapped border exceptions.

- 5 In considering partner country repatriation capacity, and noting that industry will lead on managing incoming numbers, officials have considered the following indicative ceilings for RSE workers from each country as appropriate, in line with repatriation plans for travellers arriving over the remainder of the RSE season i.e. until the end of June 2022 (Annex 4 gives further detail):
- 5.1 Tonga: a maximum of 1,300-1,700 RSE workers arriving;
- 5.2 Vanuatu: a maximum of 4,400-5,100 RSE workers; and
- 5.3 Samoa: a maximum of 1,200-2,000 workers.
- 6 This is based on understood repatriation capacity at this time; it is recommended that visa limits for new arrivals be based on the lower figures at this point, subject to a report back to Ministers in December 2021. At that stage Ministers could decide to raise the limits based on progress in repatriation and workforce planning. New Zealand could decide to accept more RSE workers (in 2019 around 11,000 RSE workers arrived in New Zealand from the three countries combined). Officials recommend that this should be based on the numbers increasing in repatriation plans, to avoid the welfare and immigration issues that could arise if workers do not have a pathway home. Repatriation capacity will remain a dynamic conversation between officials on both sides, the RSE industry and airlines in order to maximise outcomes. Officials will also monitor repatriation of seasonal workers from Australia.
- 7 Ministers have confirmed that Australian citizens and permanent residents, and New Zealand citizens and most residence class visa holders would be eligible to travel. These groups do not pose a stranding risk. Cabinet agreed on 12 July 2021 [CAB-21-MIN-0278] that in addition to these groups, people

who have been granted a resident visa but are offshore and have not been able to travel on it, will be able to travel to New Zealand in the future, and invited the Minister for COVID-19 Response and the Minister of Immigration to make decisions on timing and phasing for offshore resident visa holders and Australians.

- 8** Officials recommend that Cabinet invite the Minister for COVID-19 Response and the Minister of Immigration to make decisions about new and amended border exceptions (including ODA students) and exemptions, and the timing and phasing of their implementation, as well as to invite the Minister of Immigration to certify immigration instructions to implement both the decisions in this paper and further decisions on border exceptions or exemptions. Further decisions would take into account repatriation considerations.
- 9** Partner governments have expressed strong interest in who is able to travel under one-way QFT. Officials advised it is envisaged that individuals currently able to travel to New Zealand will continue to be able to under one-way QFT, including medical cases and certain students. Vanuatu has requested its government representatives and officials be eligible to enter New Zealand under one-way QFT, e.g. for training with New Zealand counterparts. Cabinet is requested to agree to this being implemented, noting that there is already provision for such travel from Samoa and Tonga.

Airline and airport settings under one-way QFT

- 10** Officials have been working with airlines and airports on the settings under one-way QFT, which will be aligned to the settings under other QFT arrangements. More detail on flight and airport operations is provided in [Annex 5](#).

Contact tracing

- 11** The use of and access to Nau Mai Rā (New Zealand's electronic traveller declaration) to enable contact tracing for these countries will be essential. Officials in Vanuatu, Samoa and Tonga currently assess that internet connectivity should not be a roadblock in these countries.
- 12** In-country officials are considering how to ensure widespread understanding of and access to the system among all travellers ahead of arriving at the departure airport. Work is underway to ensure translation of Nau Mai Rā in multiple languages, including Samoan and Tongan, while local social media and websites, and local media (print, audio and visual) would likely be utilised to raise awareness. Officials are updating relevant groups such as RSE employers and education providers on requirements under one-way QFT to New Zealand, so that they can assist in passing this information on to potential travellers.
- 44** Travellers will be eligible to receive COVID-19 vaccination in New Zealand. The Ministry of Health will work with agencies to ensure this is communicated

to governments and travellers, as well as to DHBs and other relevant agencies.

RSE considerations and industry engagement

45 The Minister of Immigration has consulted with the horticulture and viticulture sector on the initial proposals and the response has been positive. Industry has established a working group that is meeting regularly with officials to prepare for one-way QFT, including to discuss the potential for planned RSE flights to be converted into QFT flights. The QFT arrangement supports a progressive return to normal policy settings for the RSE scheme for workers arriving from one-way QFT countries, with enhancements building on border exceptions decisions previously made. Cabinet is asked to approve the proposed approach set out below. More detail is provided in [Annex 6](#).

45.1 **The cap** has been set at 14,400 for 2021/22, and this amount will now become available, subject to normal policy requirements to demonstrate no New Zealanders are available to fill the roles. Workers currently onshore (around 7,000) will be counted within the 2021/22 cap unless they are returning home before early November 2021.

45.2 The **worker allocation approach** used for the border exceptions will be maintained, involving industry taking the lead in coordinating the fair distribution of workers to employers and regions needing workers the most. Industry, in consultation with INZ, will lead on a workforce plan ensuring overall worker allocation is consistent with repatriation capacity.

45.3 **Remuneration of at least \$22.10 per hour for at least 30 hours per week** will be required for all new RSE visas. This mirrors previous RSE border exception conditions and reflects the direction of travel of the RSE policy review underway. The rate of \$22.10 is approximately equivalent to the minimum wage plus 10%. After this season, the required rate will be indexed to the minimum wage (requiring 10% above) and move in line with annual increases.

Response planning

46 Compared to Cook Islands two-way QFT, response planning is lighter touch with Samoa, Tonga, and Vanuatu. The Ministry of Health has assessed any risk factors one-way QFT may introduce for the three partner countries and New Zealand. Officials do not anticipate one-way QFT posing any additional risks over the current settings. Partner country border settings, vaccination, and low-volumes of arrivals are positive factors.³

³ In Samoa 67% of the eligible population have received their first dose of Astra Zeneca vaccine and 28% are fully vaccinated. In Tonga 58% of the eligible population have received their first dose of Astra Zeneca vaccine and 41% are fully vaccinated. Samoa and Tonga may complete vaccine roll-out by October 2021. In Vanuatu 52% of the population on the main island Efate have received a first dose (Astra Zeneca and Sinopharm vaccines), with full Efate population coverage by the end of 2021. Vaccination on more remote outer islands is expected to be completed later in 2023.

- 47 A standalone response framework is not envisaged for the three countries. Response planning will draw from the settings developed for the Cook Islands and be adapted to each countries' systems and capacity to respond to an outbreak. In the event of an outbreak the Ministry of Health would assess the situation and, if necessary, provide advice to the response architecture (Border Executive Board/National Response Group/National Response Leadership Team) ^{s9(2)(g)(i)}. New Zealand would respond to an outbreak in line with our existing health support and humanitarian assistance programmes which are well-established in all three countries.

Section 3: Additional assurance measures

- 48 On 12 July Cabinet agreed to enter discussions with Samoa, Tonga and ^{s6(a)} Vanuatu on one-way QFT from these countries to New Zealand [CAB-21-MIN-0276] on the basis of health risk and border assessments of these countries. Subsequent health assessment indicated all three countries were good candidates for one-way QFT and travellers from these countries presented little risk of carrying COVID-19 into New Zealand. Based on the health information received and assessed from partners, the Director-General of Health confirms that Samoa, Tokelau, Tonga and Samoa have met the original health requirements for one-way QFT to New Zealand.
- 49 Later Cabinet discussions have indicated the need for additional layers of assurance for one-way QFT arrangements, in light of the changing context of the pandemic globally, and especially the increasing prevalence of the highly infectious Delta variant.
- 50 As such, we propose that one-way QFT arrangements proceed on the following basis:
- 50.1 One-way QFT could initially be limited to a trial where only RSE workers would be eligible. The Minister for COVID-19 would be in a position to report back to Cabinet one month after commencement of this trial on the feasibility of extending eligibility to other groups.
 - 50.2 Additional health measures, including:
 - 50.2.1 Vaccination of RSE workers prior to departure with at least one dose of a COVID-19 vaccine that has been approved in the country of departure;
 - 50.2.2 On arrival in New Zealand, RSE workers will be required to take a COVID-19 test at their place of isolation on day zero and day five; and
 - 50.2.3 RSE workers will be required to isolate in accommodation managed by or contracted to a RSE employer at or near their

place of employment pending a negative COVID-19 test on day five, with costs to be met by the RSE employer.⁴

- 50.3 Predeparture testing of travellers has been considered by officials, but is not recommended ^{s6(a)}

Section 4: Next steps and other considerations

Timeline to commencement

- 51 The below indicative timeline set outs key remaining milestones that need to be achieved to commence QFT from October 2021 with at least one country. The timeline is subject to partner governments' capacity and timelines.

Milestone/Activity	Timeframe (indicative)
Bilateral Arrangement text agreed at officials' level	Tonga: Agreed, pending renegotiation for staged approach and additional health measures Vanuatu: Agreed; pending renegotiation for staged approach and additional health measures Samoa/Tokelau: To be agreed pending renegotiation for staged approach additional health measures
Repatriation plans agreed	To be agreed by week of 30 August
Health and border technical assessments	Vanuatu: Completed pending confirmation of agreed registration process changes Tonga: Original health requirements met, border requirements assessment to come with focus on confirmation and implementation of agreed passenger registration process. Samoa/Tokelau: Original health requirements met, further border requirements assessment to come.
Assessment of partners' capacity to implement additional health measures	Week of 10 September 2021
Signature of Arrangement: <i>option one</i>	September 2021
Seek Cabinet's approval for commencement	September 2021

⁴ The view of public health that is requiring both a day zero and day five test is not proportionate to the risk. Day zero would identify whether they are infected from the country of departure. Day five captures whether they were incubating infection as they departed or if they were infected in transit.

with at least one country from 4 October	
Joint press release from Prime Ministers announcing signing of bilateral Arrangement (<i>option two</i> ; if not already announced) and agreed commencement date	September 2021
Minister of Immigration approves Immigration Instructions lifting the restrictions on entry	Following Cabinet commencement approval
Air Border Order amendments made and enter into force	Following Cabinet commencement approval
Public announcement/confirmation that QFT can commence on a specific date (3-7 days)	September 2021
Immigration Regulation changes into effect	September 2021
QFT recommences from at least one country	4 October 2021

- 52** Ahead of the public announcement of these initiatives, MFAT informed the governments of current QFT partners Australia, the Cook Islands and Niue of our plans. Their responses and updates on Niue and Solomon Islands are contained in [Annex 7](#).

Financial Implications

- 13** Possible costs associated with implementing and monitoring additional health measure options have not been fully investigated but could include;
- 13.1 Financial impacts on employers regarding self-isolation measures;
 - 13.2 DHBs/PHUs for any self-isolation testing requirements;
 - 13.3 Airlines to operationalise compliance checking of additional measures;
 - 13.4 Border agencies in compliance and enforcement.
- 14** There are no additional costs incurred as a result of vaccinating travellers accessing this QFT arrangement. The existing process and funding stream will cover any new Samoan RSE workers who travel to New Zealand via this QFT arrangement, although Samoa intends to ensure new workers are vaccinated prior to departure. Any additional costs as a result of RSE workers from Tonga and Vanuatu, and other travellers from the three countries accessing the vaccine are expected to be negligible due to relatively low traveller numbers.
- 53** All persons on visas enabling both work and a stay in New Zealand of 24 months or more are eligible for publicly-funded healthcare. RSE workers are ineligible and must have evidence of health insurance to obtain a visa.

- 15** | s9(2)(ba)(i)

s9(2)(ba)(i)

Legislative Implications

- 16 Immigration legislation and regulatory settings currently establish that most people outside New Zealand cannot apply for a temporary entry class visa to travel to New Zealand unless invited. The Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 set out that a person in a location that is or has been a QFT zone (through an order permitting QFT made under the COVID-19 Public Health Response Act 2020) may apply for a temporary entry class visa. This setting is not appropriate for one-way QFT and is now not appropriate for Australia. It is proposed that the requirement to be invited to apply for a visa be reinstated, except for people in the Cook Islands and Niue, at least until the situation in Australia becomes clearer.
- 17 Cabinet is asked to invite the Minister of Immigration to provide drafting instructions to Parliamentary Counsel Office to effect this change, and to agree to a waiver of the 28-day rule to enable it to be in effect when one-way QFT is in operation.
- 18 Cabinet is also asked to invite the Minister of Immigration to certify new immigration instructions to bring the proposals in this paper, and those arising subsequently as further decisions about border exceptions or exemptions are made, into effect at the appropriate times.
- 19 Necessary amendments to the Air Border Order will need to be drafted to give legal effect to the decision to designate airline/s as a QFT carrier and the four countries as 'QFT places' prior to commencement.
- 20 The Air Border Order will also need to be amended to designate Samoa, Tonga and Vanuatu as QFT places, and to designate Air Vanuatu a QFT carrier. For the first stage of one-way QFT with only RSE workers, QFT will be enabled through an exemption notice rather than an amendment to the Air Border Order.

Section 5: Impact Analysis

Regulatory Impact Statement

- 21 See Annex 8.

Climate and Population Implications

- 22 A Climate Implications of Policy Assessment (CIPA) was not necessary.

- 23** This paper will have a positive impact on communities in Samoa, Tonga, Vanuatu and Pasifika communities in New Zealand as it will support vital people-to-people connections and access to essential services located in New Zealand that have been impacted due to COVID-19.

s9(2)(h)

Consultation

- 24** This paper was prepared by MFAT in collaboration with the Department of Prime Minister and Cabinet (Policy Advisory Group and COVID-19 Group), the Ministries of Health, Business, Innovation and Employment (Immigration and Managed Isolation and Quarantine), Primary Industries, Transport, Social Development and the New Zealand Customs Service. Consultation was undertaken with the Treasury, Crown Law, the Ministry of Justice, the Ministry for Pacific Peoples and the Parliamentary Counsel's Office.

Communications

- 25** Public communications will be jointly agreed between New Zealand and partner countries. Industry and Pasifika communities in New Zealand will be key audiences for public communications. A Communications Plan will be provided to the Minister of COVID-19 Response for information. It will be important to engage closely with airlines before announcements, so they can align communications for passengers from the time of booking.

Proactive Release

- 26** This paper will be proactively released following Cabinet consideration, subject to necessary redactions including to preserve our international relations, and any commercial and legal sensitivities.

Recommendations

The Ministers for COVID-19 Response and of Immigration recommend that Cabinet:

Traveller eligibility for one-way quarantine-free travel

1. **Agree** to a staged approach to one-way quarantine-free travel from Samoa, Tokelau, Tonga and Vanuatu that will begin with a trial of Recognised Seasonal Employer workers only from Samoa, Tonga and Vanuatu with a review and report back one month after commencement to Cabinet by the Minister for COVID-19 Response to enable consideration of its expansion to other eligible travellers, including from Tokelau, that were agreed in principle by Cabinet on 12 July 2021 [CAB-21-MIN-0276];
2. **Note** that Ministers deem the public health risks are more manageable under this staged approach than if all groups agreed in principle by Cabinet on 12 July 2021 [CAB-21-MIN-0276] were permitted entry, due to RSE employers taking responsibility for meeting the additional public health measures;
3. **Agree** that Recognised Seasonal Employer workers will arrive in New Zealand on chartered flights under the trial;
4. **Note** that the charter flights will be the subject of an exemption from the requirement for passengers to enter a MIQ facility on the condition that the passengers:
 - a. have lawfully been in Samoa, Tonga and Vanuatu for 14 days immediately prior to travel; and
 - b. meet applicable health requirements;
5. **Note** that other travellers to New Zealand (i.e. other than Recognised Seasonal Employer workers on charter flights) from Samoa, Tonga, Vanuatu and Tokelau will continue to be required to enter MIQ for 14 days during the trial period;
6. **Note** that officials will propose an additional paragraph in the Arrangement texts to give effect to limiting quarantine-free travel initially to RSE workers, with a commitment to review this approach;

s9(2)(h)

Additional health measures

- 9. Note** that the Director-General of Health has assessed that Samoa, Tokelau, Tonga and Vanuatu have satisfied the original health readiness criteria required for one-way quarantine-free travel to New Zealand;
- 10. Note** none of the four countries Samoa, Tokelau, Tonga and Vanuatu have had a case of community transmission of COVID-19;
- 11. Agree** that the following additional health measures be required for RSE workers travelling to New Zealand under the trial for one-way quarantine-free travel:
- a. Prior to departure RSE workers will be required to have at least one dose of a COVID-19 vaccine which has been approved in the country of departure;
 - b. On arrival in New Zealand, RSE workers will be required to:
 - i) Take a COVID-19 test on day zero on arrival at their place of isolation, and an additional test on day five;
 - ii) Isolate in accommodation managed by or contracted to a Recognised Seasonal Employer at or near their place of employment pending a negative COVID-19 test on day five;
- 12. Agree** that vaccination be verified through self-declaration or measures that can put in place by partner governments, noting vaccine certification processes in New Zealand and partner countries are not ready at this time;
- 13. Agree** that vaccination is not required for travellers under 18 years, or travellers with a medical certificate stating that vaccination is not advised due to medical reasons;
- 14. Note** that travellers will be eligible to receive COVID-19 vaccination while in New Zealand and access for RSE workers will be managed by Recognised Seasonal Employers through District Health Boards;
- 15.** ^{s6(b)(i)}
- 16. Note** that these health measures will be reviewed by the Ministry of Health to assess the efficacy and on-going application of these requirements and included in the report back to Cabinet by the Minister for COVID-19 Response one month after commencement;
- 17. Authorise** the Minister for COVID-19 Response to take operational decisions on introduction, phasing and implementation of additional health measures;

Commencement

- 18.Note** that Cabinet previously agreed that officials should start discussions with Samoa, Tonga and then Vanuatu on one-way quarantine-free travel and work towards one-way quarantine-free travel being operational from at least one by 1 September 2021 [CAB-21-MIN-0276];
- 19.Note** that Samoa, Tonga and Vanuatu have responded enthusiastically to the proposal that we establish one-way quarantine-free travel and that work to deliver these arrangements has proceeded swiftly and smoothly to this point;
- 20.Approve** the texts of the government-to-government Arrangements to facilitate quarantine-free travel to New Zealand from Tonga and Vanuatu, subject to any final non-substantive changes, including any changes required to implement new requirement re limit to RSE and additional health requirements;
- 21.Agree** that the government-to-government Arrangements be signed at Ministerial level when partners are similarly ready to sign;
- 22.Note** that officials are on track to agreeing realistic and workable repatriation plans with Samoa, Tonga and Vanuatu that allow for the timely repatriation of travellers in line with their visa durations and travellers' needs;
- 23.Agree** in principle to commencement dates for one-way quarantine-free travel by air from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021, subject to the following conditions being met:
- a. Arrangement texts are approved by Cabinet, as well as Samoa, Tonga and Vanuatu Governments, and signed by all participants;
 - b. New Zealand and the relevant partner country are operationally ready to commence one-way quarantine-free travel, with tested departure screening processes in place to ensure travellers' compliance with the 14-day eligibility rule;
 - c. Airlines and airports are ready to accommodate one-way quarantine-free travel, including designation of Air Vanuatu as a quarantine-free travel carrier for Vanuatu and airlines being able to establish or adjust necessary operational processes;
 - d. Appropriate regulatory mechanisms are in place to operationalise the proposed trial of one-way quarantine-free travel;
 - e. Recognised Seasonal Employers' preparations are well advanced; and
 - f. Final advice from the Director-General of Health to Ministers on the health readiness of Samoa, Tonga and Vanuatu including all required health measures;
- 24.Note** that the Governments of Samoa, Tonga and Vanuatu will similarly need to approve the date for commencement of one-way quarantine-free travel to New Zealand;

25.Note that following Cabinet's direction on 9 August 2021 that New Zealand should extend the one-way quarantine-free travel arrangement to Tokelau, the Tokelau Council of Ongoing Government approved Tokelau's inclusion;

26.Note that preparations for one-way quarantine-free travel to New Zealand for travellers from Tokelau via Samoa following the trial period are being progressed;

Policy decisions

27.Agree to retain scope in the Arrangement for Samoa to implement seven days' quarantine on arrival for passengers originating from New Zealand only, with all other arrivals into Samoa subject to a minimum 14 day quarantine period;

28.Note that New Zealand Health officials consider the risks to New Zealand of American Samoa to be low due to Samoa's strict border settings;

29.Invite the Minister for COVID-19 Response and the Minister of Immigration to make final decisions about new and amended border exceptions, and the timing and phasing of the implementation of border exceptions and exemptions, taking into account repatriation considerations;

30.Agree to a border exception to be implemented, subject to the trial period, to allow Vanuatu Government representatives to enter New Zealand under one-way quarantine-free travel (noting existing arrangements for nominated travellers already in place for Samoa and Tonga);

31.Agree to the following parameters for the RSE scheme during 2021/22:

- a. The visa cap of 14,400 for 2021/22 will become available, counting in workers onshore as at early November 2021;
- b. Industry will continue to coordinate the fair distribution of workers and, in consultation with Immigration NZ officials, will lead on a workforce plan ensuring overall worker allocation is consistent with country repatriation capacity;
- c. Workers will be required to return home between seasons where repatriation routes are available, taking into account potential constraints on repatriation numbers in the Pacific and worker demand onshore;
- d. Remuneration will be at least \$22.10 per hour (equivalent to approximately the minimum wage plus ten percent) for a minimum of 30 hours per week;

32.Note that Cabinet agreed on 12 July 2021 that a strong commitment to repatriation would be a requirement of partners, and noted that the limits on repatriation numbers meant that the volumes of travellers will still need to be managed under one-way quarantine-free travel;

33.Note that the initial indicative RSE repatriation ceilings (1,200-2,000 for Samoa, 1,300-1,700 for Tonga, 4,400-5,100 for Vanuatu) are expected to allow for

staggered repatriation of RSE workers, with a focus on those onshore who have been here the longest, and that recruitment from offshore above these numbers is likely to result in workers being unable to return home before their visas expire and before welfare issues arise from a stay longer than planned in New Zealand;

34. Note that indicative RSE ceilings may further be adjusted as officials assess the RSE industry's capacity for providing isolation facilities for workers, should Cabinet agree such isolation as a pre-requisite for quarantine-free travel;

35. Note that the numbers of RSE workers who can be repatriated to their home countries in a timely way is very likely to be less than the number of workers required by the horticultural and viticultural sectors in New Zealand;

36. Agree to

EITHER:

- a. Option 1: Apply ceilings on RSE worker numbers from partner countries (Samoa 1,200-2,000, Tonga 1,300-1,700, Vanuatu 4,400-5,100) to ensure that workers can return home in a timely way before visa expiry and welfare issues arise;

OR:

- b. Option 2: Initially apply ceilings on RSE worker numbers from partner countries (Samoa 1,200, Tonga 1,300, Vanuatu 4,400), to ensure that workers can return home in a timely way before visa expiry and welfare issues arise, with a December 2021 review of whether these ceilings can be increased to 2,000, 1,700 and 5,100 respectively or higher if repatriation capacity allows before peak demand in February/March 2022

OR:

- c. Option 3: Allow RSE workers to enter up to the 2021/22 cap of 14,400, noting this would exceed home country repatriation capacity and could therefore result in RSE workers having to stay in New Zealand for longer than they would wish and beyond their visa expiry dates;

37. Direct officials to report shortly to the Minister of Immigration and Minister for COVID-19 Response on further details of operationalisation, including:

- a. ways to return to normal repatriation cycles;
- b. mechanisms to address issues with existing Approvals to Recruit and visas that have already been granted or are awaiting decision now, to take account of Cabinet's decisions;

38. Invite the Minister of Immigration to certify immigration instructions to implement both the decisions in and arising from this paper and further decisions on border exceptions and exemptions;

- 39. Note** that Tonga is yet to participate in the RSE border exception, but that officials consider Tonga now meets the repatriation condition and is therefore eligible to participate (noting that the QFT arrangements require a more detailed repatriation plan, due to the significant increase in possible arrival numbers);
- 40. Note** that the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 establish that a person in a location that is or has been a quarantine-free travel zone can apply for a temporary entry class visa to travel to New Zealand without being invited, but that this setting is not appropriate for one-way quarantine-free travel and is not now appropriate for Australia;
- 41. Agree** that that the general requirement to be invited to apply for a temporary entry class visa for a person offshore be reinstated, except for people in, and intending to travel from, the Cook Islands and Niue, until the situation in Australia becomes clearer;
- 42. Invite** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to effect this change; and
- 43. Agree** to a waiver of the 28-day rule, to enable the above change to come into effect to forestall people in the Pacific quarantine-free travel countries from being able to apply for temporary entry class visas once quarantine-free travel is in operation.

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

Hon Kris Faafoi

Minister of Immigration

Annex 1: Quarantine-free travel partner readiness assessments

- 1 This Annex provides supplementary detail to the summary of partner country readiness in Section One of this paper.

Government-to-Government Arrangements

- 2 The non-legally binding Arrangements put in place criteria and systems to manage COVID-19 risks associated with one-way quarantine-free travel (QFT) by air, through multiple layers of assurance including agreed health and border requirements, traveller conditions, and provisions on amending or terminating the Arrangement and suspending one-way QFT. They also include undertakings by partners not to open one-way QFT from New Zealand unilaterally or from other countries. Discussions with partners have been undertaken on the basis that one-way QFT is not a precursor to two-way QFT.
- 3 On border issues, strengthened language was incorporated on the 14-day in-country eligibility rule to secure partners' commitment to provide New Zealand this assurance. New Zealand Border agencies advise they are not able to undertake pre-departure checks for QFT flights (i.e. INZ and NZ Customs electronic systems cannot provide assurance over departure screening in Pacific countries) and therefore are working closely with counterpart agencies in the three countries to ensure they put in place necessary checks in line with their existing border sector capabilities and technology.
- 4 The border assessments in this paper have been completed on the basis of virtual engagement with counterpart Border agencies in Vanuatu, Tonga and Samoa, and are a 'point in time' snapshot. Ongoing engagement will be necessary to ensure that border settings in the three countries remain robust and fit-for-purpose.

Vanuatu – readiness

Border readiness

- 5 INZ and NZ Customs, supported by the New Zealand High Commission in Port Vila, have held discussions with, and received self-assessment documentation from, Vanuatu Border agencies. Vanuatu Border agencies have a high level of confidence in their own border settings and have supplied procedures and protocols to support this.
- 6 Vanuatu continues to receive passenger flights from Australia, New Caledonia and New Zealand (cargo flights from Fiji are on pause). All arriving passengers (by air or sea) go into MIQ for 14 days. ^{s6(a)}
 . Beyond cargo ships, this remains partially open to certain craft, such as approved fishing boats and

domestically flagged vessels. ^{s9(2)(g)(i)}

- 7 Overall, while New Zealand agencies cannot provide assurance over Vanuatu's border processes, Vanuatu Border agencies have undertaken to put mitigation measures in place. The Arrangement text includes a mandatory requirement for the Vanuatu Government to verify that QFT passengers have been in Vanuatu for 14 days preceding any QFT flights. With regard to ensuring the eligibility of QFT passengers, the Vanuatu Government currently requires a registration and approval process for travellers wanting to fly to New Zealand. Vanuatu has indicated it will leave this process in place and modify it in order to meet the 14-day eligibility requirement. As an additional layer of assurance, Vanuatu Border agencies will reconcile passengers on the registration list with departing passenger manifests at the airport. New Zealand Border officials are now working with the New Zealand High Commission in Vanuatu to ensure this registration screening and assurance process is being put in place, is robust, and will be audited on an ongoing basis by Vanuatu officials.
- 8 Vanuatu has confidence in its maritime arrival processes and only approved vessels may enter Vanuatu waters. Only Vanuatu Citizens, Permanent Residents, or Special Category Visa holders may disembark and they must undertake Vanuatu's mandated managed quarantine or managed isolation requirements. New Zealand Border agencies have also recommended that crew or passengers with approval to disembark and who have completed quarantine on vessels in transit or in port must remain for 14 days on land before being able to register for a QFT flight. ^{s6(a)}
- 9 On this basis, border agencies consider that it is likely that tested departure screening processes will be in place to ensure travellers' compliance with the 14-day eligibility rule by mid-September 2021.

Health readiness

- 10 The Director-General of Health has assessed that Vanuatu has satisfied the health readiness criteria required for one-way QFT to New Zealand

Tonga – readiness

Border readiness

- 11 Tonga is currently only receiving flights from New Zealand on a regular basis. Repatriation flights from Australia have been cancelled for the past two months due to the COVID-19 outbreak. Passenger and cargo flights from Fiji have also been paused for several months. Repatriation flights from Vanuatu are ad hoc. Tonga has a robust MIQ system in which all arriving passengers must undertake 21 days in a quarantine facility.

12 s6(b)(i)

13 Like Vanuatu, the Arrangement text includes a mandatory requirement for the Tongan Government to verify passenger eligibility of 14 days in Tonga, and for strict controls over the maritime border. This 14-day requirement commences from the moment potential travellers arrive onto Tongan soil, s6(a)

14 s9(2)(g)(i)

15 New Zealand Border agencies and High Commission officials are in discussions with Tongan counterparts to ensure they develop a suitable and robust process to achieve this requirement. This is based on an agreed in principle pre-departure registration portal and approval and verification process for travellers wanting to depart Tonga. s6(a)

Health readiness

16 The Director-General of Health has assessed that Tonga has satisfied the health readiness criteria required for one-way QFT to New Zealand.

Repatriation planning

17 Since June 2021, Tonga has ensured dedicated capacity on its monthly repatriation flights for RSE workers. While there was initial strong demand, only 50 RSE workers returned in July for reasons outside the control of the Tongan Government. These include uncertainty about pathways to return for both workers and employers, likely pressure on workers from families to stay, and the current RSE policy settings that allow for unlimited visa extensions. s6(b)(i)

- 18 Given Tonga has not participated in the RSE scheme since the COVID-19 pandemic began, capacity building with Tongan labour-sending officials will be required prior to workers being mobilised. This could take place as soon as we have agreement on Tonga's repatriation plan. INZ estimates approximately four weeks is required following recruitment to process workers ahead of travel to New Zealand.

Samoa – readiness

- 19 Good progress has been made on the Arrangement text following three rounds of formal negotiations, demonstrating Samoa's strong commitment to progress negotiations. Officials are working through two areas of complexity: quarantine-free entry into Samoa from American Samoa and reduced quarantine periods for vaccinated New Zealand travellers.

Border readiness

- 20 s6(a)

- 21 New Zealand Border agencies consider that a 14 day in-country (prior to travelling to New Zealand) requirement managed by the Samoan Government provides New Zealand with the best assurance layer. This will exclude travellers originating travel in Tokelau.
- 22 As the current negotiations unfold they will work with counterparts to ensure an appropriate departure registration system is developed and tested to ensure the eligibility of departing passengers is met.

Health readiness

- 23 The Director-General of Health has assessed that Samoa and Tokelau have satisfied the health readiness criteria required for one-way QFT to New Zealand.
- 24 Samoa remains free of COVID-19 and has prevented community transmission since the start of the pandemic with many measures in place to keep the risk of community transmission as low as possible. To date, Samoa has had 14 historical and one acute case detected in MIQ. American Samoa has reported three cases and is COVID-19 free. They have comprehensive policies and

procedures in place and the entire response including border control is led by the Ministry of Health.

- 25 All border controls are managed by the Samoan Ministry of Health with a great deal of care. Incoming travellers must be fully vaccinated with a COVID-19 vaccine, provide serology antibody testing, a negative PDT result, and get medical clearance. Samoa has existing QFT agreements with Tokelau and American Samoa. Both agreements and the associated border measures have been assessed as secure and pose a low risk to New Zealand from one-way QFT travellers. American Samoans are required to have been in country 28-days, have a negative PDT result and medical clearance before departure to Samoa. Onwards QFT to New Zealand (for eligible American Samoans and Tokelauans) would require 14-days in Samoa.
- 26 Permission must be sought before sea vessels are granted entry to Matautu wharf in Apia. Port health clearance is provided for each vessel and vessels are denied entry if necessary requirements, such as negative COVID-19 tests for the crew, have not been met.
- 27 Tokelau has been COVID-19 free since the pandemic began. The country's isolation and access only via sea and strict border controls are key protective factors against community transmission.
- 28 As travellers from Tokelau are considered very low-risk, their required 14-days in country prior to QFT travel will consider both time in Samoa and Tokelau.
- 29 As New Zealand citizens, it is important that the Tokelauan community have access to New Zealand for medical support, family, and employment relationships. Tokelau is one of the lowest-risk nations given its remote location, COVID-19 free status, and being accessible only by sea.

One-way QFT from Tokelau via Samoa

- 30 New Zealand has specific constitutional responsibilities with respect to Tokelau; Tokelauans are New Zealand citizens and Tokelau is a dependent territory of New Zealand. It is important to ensure that Tokelauans are able to access QFT to New Zealand as soon as practicable, to facilitate medical transfers, family reunion (over 7,000 Tokelauans live in New Zealand), access to tertiary education, and for other humanitarian and economic reasons.
- 31 s6(b)(i)

Officials have agreed textual amendments in the Arrangement with Samoa to reflect the participation of Tokelau. Samoa is also eager to ensure special consideration for Tokelau.

- 32 The Ministry of Health also has a strong working relationship with Tokelau Health officials. Vaccination rollout for Tokelau's eligible population was completed on 14 August 2021 with 99% coverage. The Director-General of Health has assessed that Tokelau has satisfied the health readiness criteria required for one-way QFT to New Zealand
- 33 Travellers from Tokelau transiting Samoa for a flight to New Zealand will need to utilise the Samoan registration process to be able to board a flight.

Proactively released by the
Ministry of Foreign Affairs and Trade

Annex 2: Arrangement with Tonga for one-way quarantine-free travel

Memorandum of Arrangement

between

The Government of New Zealand

and

The Government of the Kingdom of Tonga

to facilitate quarantine-free travel to New Zealand

Recognising the important and enduring relationship between New Zealand and Tonga (“both countries”), founded on shared Pacific geography and enriched by deep historical, cultural, social and family bonds;

Emphasising the benefits of movement of people between our countries to sustain essential economic and social connections in particular labour mobility and access to medical and education facilities;

Recognising that both countries are committed to controlling the transmission of COVID-19, protecting the health of our populations and addressing the economic impacts of COVID-19;

Desiring to build on current efforts and to facilitate access to New Zealand from Tonga without quarantine requirements;

Recognising that these arrangements are designed to be one-way from Tonga to New Zealand only, without quarantine, (“one-way quarantine-free travel”) and that travellers returning to Tonga from New Zealand would be subject to quarantine on arrival in Tonga.

The Governments of New Zealand and Tonga have come to the following understandings:

1. Scope of one-way quarantine-free travel

1.1 New Zealand will allow one-way quarantine-free travel by air from Tonga to New Zealand for persons who are permitted under New Zealand's current border settings to enter New Zealand, and who:

- a) have lawfully been in Tonga for 14 days immediately prior to travel;
- b) meet applicable health requirements; and
- c) comply with New Zealand immigration requirements.

1.2 Travellers to New Zealand will continue to be subject to normal customs, aviation and maritime security, and biosecurity screening.

2. Pre-conditions for commencement of one-way quarantine-free travel

2.1 One-way quarantine-free travel may only commence when New Zealand authorities are satisfied that:

- a) The rate of COVID-19 transmission and associated public health risk is acceptably low in Tonga, and the following criteria have been met:
 - i) The spread of cases is controlled and there have been no locally acquired cases of unknown source for the preceding 28 days;
 - ii) The ability to detect cases through sufficient testing and surveillance;
 - iii) The ability to manage cases through contact tracing and case management; and
 - iv) Other relevant considerations have been met including consistency of controls and decision making.

- b) The Government of Tonga has a repatriation plan that provides a clear pathway for travellers to return to Tonga from New Zealand in a timely and safe manner. Annex 1 sets out details of the repatriation plan.

3. Traveller conditions

3.1 Any person traveling to New Zealand pursuant to this Arrangement will:

- a) meet New Zealand Immigration requirements, as found on the New Zealand Government websites and subject to change at any time; and
- b) have lawfully been in Tonga for 14 days immediately prior to travel.

4. Conditions in respect of Government of Tonga border settings

4.1 The Government of Tonga will ensure that:

- a) All travellers arriving in Tonga by air, including from New Zealand, enter at least 14 days' managed quarantine or managed isolation (as appropriate), unless mutually determined otherwise in writing by the Government of New Zealand and the Government of Tonga;
- b) Its maritime border remains closed to all vessels except for cargo vessels, authorised foreign fishing vessels, authorised defence force vessels, authorised maritime patrol vessels, authorised tug boats, and vessels in distress. No person on board any vessel that enters Tonga's maritime border is permitted to disembark from that vessel except: (i) temporarily for essential tasks on or immediately adjacent to the vessel; or (ii) in the case of emergency. Such disembarkation will only occur in accordance with necessary COVID-19 safety protocols.
- c) Any checks required by New Zealand at the border prior to departure for New Zealand are carried out, including:
 - i) Confirming that all travellers departing for New Zealand have lawfully been in Tonga for 14 days or more immediately prior to travel (Note: 14 days in Tonga must be exclusive of any time spent at sea, whether in quarantine or not);

- ii) Confirming that no travellers are awaiting the result of a COVID-19 test (whether this test was taken as a result of a specific event, surveillance, or other reason).
- d) Information relevant to the operation of one-way quarantine-free travel from Tonga to New Zealand is shared through existing health and border mechanisms, as necessary; and
- e) It implements and maintains a clear pathway for travellers to return to Tonga from New Zealand in a timely and safe manner, as set out in Annex 1.

4.2 The Government of Tonga commits to not:

- a) Unilaterally open one-way quarantine-free travel from New Zealand to Tonga;
- b) Open one-way quarantine-free travel from any other countries to Tonga for the duration of this Arrangement, unless mutually determined otherwise in writing by the Government of New Zealand and the Government of Tonga.

5. Amendments

5.1 The Governments of New Zealand and Tonga recognise the importance of ensuring that the Arrangement is responsive and able to be adapted to meet new health, technology and other developments necessary to ensure safe travel.

5.2 The Governments of New Zealand or Tonga may propose amendments to this Arrangement to ensure it remains fit-for-purpose and effective. Any amendment will be jointly determined in writing.

6. Commencement

6.1 One-way quarantine-free travel in accordance with paragraph 1 will commence on a date jointly determined by the Governments of New Zealand and Tonga, once the Government of New Zealand is satisfied that the necessary preconditions set out in paragraphs 2.1(a) and 2.1(b) have been met.

7. Suspension and Termination

7.1 Either country may suspend or terminate this Arrangement by giving notice to the other country in writing. Should this occur, both countries will endeavour to give as much notice as possible to allow for smooth transition.

8. Other Clauses

8.1 Any differences of view on the interpretation or application of this Arrangement will be resolved by consultations between the Governments of New Zealand and Tonga and will not be referred to any national or international court, tribunal or third party for settlement.

8.2 Consultations under this paragraph will be through the following contact points:

- a) For New Zealand, the Secretary of Foreign Affairs and Trade or their designate;
- b) For Tonga, [Government of Tonga to provide details]

At _____ (location) At _____ (location)

on _____ (date) on _____ (date)

For the Government of New Zealand

For the Government of Tonga

*[Insert signatory and
signatory position]*

*[Insert signatory and
signatory position]*

Annex 3: Arrangement with Vanuatu for one-way quarantine-free travel

Arrangement

between

The Government of New Zealand

and

The Government of Vanuatu

to facilitate quarantine-free travel to New Zealand

Acknowledging the enduring nature of the relationship between New Zealand and Vanuatu (“both countries”), which is founded on our shared Pacific identity and culture, and historical connections, and strengthened by mutual respect, friendship, the growing links between our peoples and institutions, and our common interests in the region;

Emphasising the benefits of movement of people between our countries to sustain essential economic and social connections, in particular labour mobility and access to medical and education facilities;

Recognising that both countries are committed to controlling the transmission of COVID-19, protecting the health of our populations and addressing the economic impacts of COVID-19;

Desiring to build on current efforts and to facilitate access to New Zealand from Vanuatu without quarantine requirements;

Recognising that these arrangements are designed to be one-way from Vanuatu to New Zealand only, without quarantine, (“one-way quarantine-free travel”) and that

travellers returning to Vanuatu from New Zealand would continue to be subject to quarantine on arrival in Vanuatu;

The Governments of New Zealand and Vanuatu have come to the following understandings:

1. Scope of one-way quarantine-free travel

1.1 New Zealand will allow one-way quarantine-free travel by air from Vanuatu to New Zealand for persons who are permitted under New Zealand's current border settings to enter New Zealand, and who:

- a) have lawfully been in Vanuatu for 14 days immediately prior to travel;
- b) meet applicable health requirements; and
- c) comply with New Zealand immigration requirements.

1.2 Travellers to New Zealand will continue to be subject to normal customs, aviation and maritime security, and biosecurity screening.

2. Pre-conditions for commencement of one-way quarantine-free travel

2.1 One-way quarantine-free travel may commence only when New Zealand authorities are satisfied that:

- a) The rate of COVID-19 transmission and associated public health risk is acceptably low in Vanuatu, and the following criteria have been met:
 - i. The spread of cases is controlled and there have been no locally acquired cases of unknown source for the preceding 28 days;
 - ii. The ability to detect cases through sufficient testing and surveillance;
 - iii. The ability to manage cases through contact tracing and case management; and
 - iv. Other relevant considerations have been met including consistency of controls and decision making.

- b) The Government of Vanuatu has a repatriation plan that provides a clear pathway for travellers to return to Vanuatu from New Zealand in a timely and safe manner. Annex 1 sets out details of the repatriation plan.

3. Traveller conditions

3.1 Any person traveling to New Zealand pursuant to this Arrangement will:

- a) meet New Zealand Immigration requirements, as found on the New Zealand Government websites and subject to change at any time; and
- b) have lawfully been in Vanuatu for 14 days immediately prior to travel.

4. Conditions in respect of Government of Vanuatu border settings

4.1 The Government of Vanuatu will ensure that:

- a) All travellers arriving in Vanuatu by air, including from New Zealand, enter at least 14 days' managed quarantine or managed isolation (as appropriate), unless mutually determined otherwise in writing by the Government of New Zealand and the Government of Vanuatu;
- b) The maritime border of Vanuatu remains closed to all vessels except for cargo vessels, fishing vessels, Vanuatu-flagged vessels, authorised defence force vessels, authorised maritime patrol vessels, and vessels in distress. Only Vanuatu Citizens, Permanent Residents, or Special Category Visa holders may disembark and they must undertake Vanuatu's mandated managed quarantine or managed isolation requirements. No other person onboard a vessel is permitted to disembark except in the case of emergency;
- c) Any checks required by New Zealand at the border prior to departure for New Zealand are carried out, including:
 - i) Confirming that all travellers departing for New Zealand have lawfully been in Vanuatu for 14 days or more immediately prior to travel (Note: 14 days in Vanuatu must be exclusive of any time spent at sea, whether in quarantine or not);

- ii) Confirming that no travellers are awaiting the result of a COVID-19 test (whether this test was taken as a result of a specific event, surveillance, or other reason).
- d) Information relevant to the operation of one-way quarantine-free travel from Vanuatu to New Zealand is shared through existing health and border mechanisms, as necessary;
- e) It maintains a clear pathway for travellers to return to Vanuatu from New Zealand in a timely and safe manner, as set out in Annex 1.

4.2 The Government of Vanuatu commits to not:

- a) Unilaterally open one-way quarantine-free travel from New Zealand to Vanuatu;
- b) Open one-way quarantine-free travel from any other countries to Vanuatu for the duration of this Arrangement unless mutually determined otherwise in writing by the Government of New Zealand and the Government of Vanuatu.

5. Amendments

5.1 The Governments of New Zealand and Vanuatu recognise the importance of ensuring that the Arrangement is responsive and able to be adapted to meet new health, technology and other developments necessary to ensure safe travel.

5.2 The Governments of New Zealand or Vanuatu may propose amendments to this Arrangement to ensure it remains fit-for-purpose and effective. Any amendment will be jointly determined in writing.

6. Commencement

6.1 One-way quarantine-free travel in accordance with paragraph 1 will commence on a date jointly determined by the Governments of New Zealand and Vanuatu, once the Government of New Zealand is satisfied that the necessary preconditions set out in paragraphs 2.1(a) and 2.1(b) have been met.

7. Suspension and Termination

7.1 Either country may suspend or terminate this Arrangement by giving notice to the other country in writing. Should this occur, both countries will endeavour to give as much notice as possible to allow for smooth transition.

8. Other Clauses

8.1 Any differences of view on the interpretation or application of this Arrangement will be resolved by consultations between the Governments of New Zealand and Vanuatu and will not be referred to any national or international court, tribunal or third party for settlement.

8.2 Consultations under this paragraph will be through the following contact points:

- a) For New Zealand, the Secretary of Foreign Affairs and Trade or their designate;
- b) For Vanuatu, [Government of Vanuatu to provide details]

At _____ (location)

At _____ (location)

on _____ (date)

on _____ (date)

For the Government of New Zealand

For the Government of Vanuatu

*[Insert signatory and
signatory position]*

*[Insert signatory and
signatory position]*

Annex 4: Repatriation capacity

Repatriation plans with the three partners set out that each country will ensure that the volume of people travelling to New Zealand under limited one-way quarantine-free travel (QFT) aligns with their respective capacities to repatriate people in a safe and timely way (i.e., before their visas expire). The below tables lay out two options for the approximate maximum number of certain travellers to New Zealand from Samoa, Tonga and Vanuatu that could travel under one-way QFT: one based on current repatriation capacity and one based on potential repatriation capacity. Numbers are only provided for those traveller groups that officials consider most at-risk of stranding (noting the proposal for a staged approach beginning with a trial of Recognised Seasonal Employer (RSE) workers only). While traveller volumes are for the remainder of the current RSE season (i.e. until the end of June 2022), demand for repatriation will likely peak in key periods, such as the end of the RSE season. ^{s6(a)}

These figures give an indicative sense of the ceilings of traveller volumes; the complexities and uncertainties of international passenger flows make more precise prediction difficult.

^{s6(b)(i)}

Expected traveller volumes at current monthly repatriation capacity:

	Current monthly repatriation capacity	RSE workers	Humanitarian and essential traveller entries	Students (including dependants)	Total (remainder of 2018/19 season)
Samoa	300	1,200	350	600	2,150
Tonga	300	1,300	200	650	2,150
Vanuatu	600	4,400	50	250	4,700

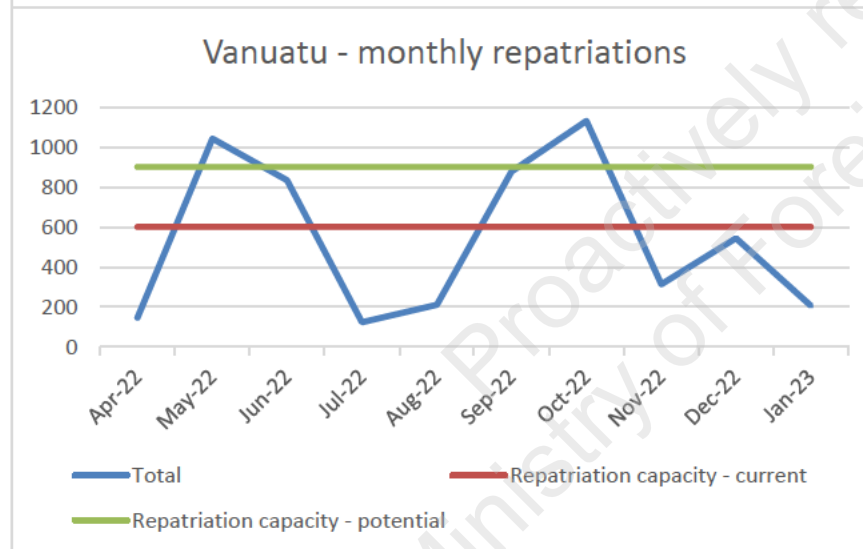
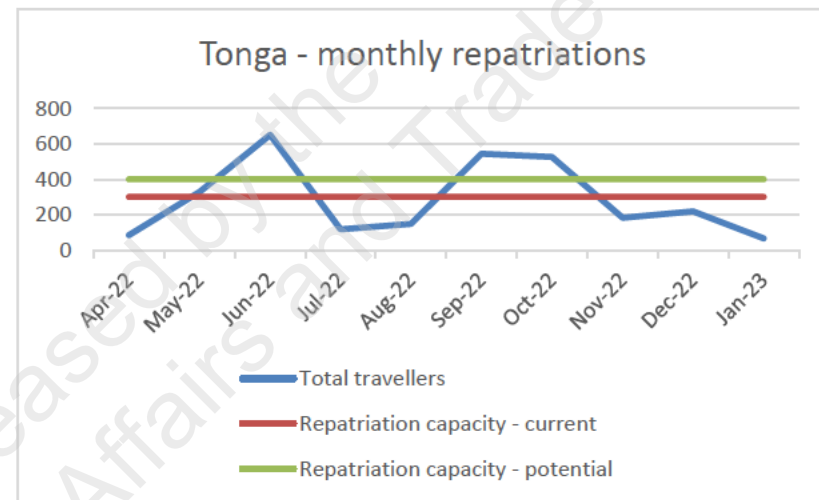
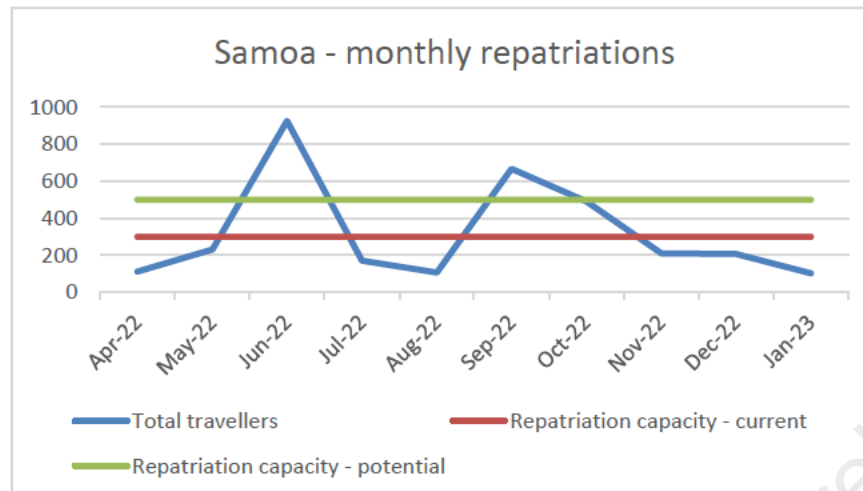
Expected traveller volumes at potential monthly repatriation capacity:

	Potential monthly repatriation capacity	RSE workers	Humanitarian and essential traveller entries	Students (including dependants)	Total (remainder of 2018/19 season)
Samoa	500	2,000	350	600	2,950
Tonga	400 ¹	1,700	200	650	2,550
Vanuatu	900	5,100	50	250	5,400

¹ s6(b)(i)
number would likely be shared among travellers from other destinations, like Australia.

Any increase in repatriation places above this

The following charts illustrate likely repatriation demand peaks (using 2018/19 traveller numbers).



Notes:

- Projections for RSE arrivals are based on figures from the 2018/19 season, which are measured against each country's current and potential future repatriation capacity.
- For the current season, RSE workers' visas will likely permit them to remain in New Zealand for seven months, at which point they will need to be repatriated. Most workers will begin returning to their home countries from April 2022.
- Projections for other arrival categories are based on figures for the 2019 calendar year, assuming that student numbers from these countries return to usual volumes (noting the proposal for QFT to initially apply only to RSE workers).

- Repatriation capacity refers to those places in countries' quarantine or isolation systems, and requires that sufficient flights to fill quarantine and isolation facilities are also in place. Partner countries may also choose to reallocate places to arrivals from third countries, in which case repatriation plans for travellers from New Zealand would need to be adjusted.
- These figures are for new arrivals but would need to include any workers currently on-shore who do not leave New Zealand before April 2022.

Proactively released by the
Ministry of Foreign Affairs and Trade

Categories of traveller from the Pacific and repatriation need (subject to future Ministerial decisions on eligibility for travel)

Category	Purpose of travel	Repatriation need
RSE workers	To work in the horticulture and viticulture industry over the peak period when extra workers are needed	Need to return at conclusion of 7 month contract – arrivals typically staggered over several months, with peak numbers in country in March and then reducing. Assuming each country maintains its repatriation capacity as in this paper and departures can be appropriately staggered, we expect 1,200-2000 workers from Samoa, 1,300-1,700 from Tonga, and 4,400-5,100 from Vanuatu.²
New Zealand citizens (including dual citizens)	Have right under New Zealand Bill of Rights Act 1990 to travel to and enter New Zealand (mirrored in Immigration Act 2009)	If resident in Pacific, may wish to return home, however timing likely flexible and no risk of stranding ³ in New Zealand
Resident-class visa holders with the right to travel to New Zealand	Have right under Immigration Act 2009 to travel to and enter New Zealand	If resident in Pacific, may wish to return home, however timing likely flexible and no risk of stranding in New Zealand
Family members of New Zealand citizens and	For partners and dependent children to unite / reunite with family	If ordinarily resident in Pacific, may wish to return home, however timing likely flexible and, if eligible for residence, no risk of stranding in New Zealand

² For the remainder of the 2021/22 RSE season. Based on 2018/19 arrival figures for RSE workers.

³ “Risk of stranding” from an immigration perspective means “risk of visa expiring and the individual becoming unlawfully in New Zealand” – it does not relate to whether the individual wishes to leave New Zealand or not.

residents		
<i>People eligible for a critical purpose visa under the COVID-19 Support Restricted temporary instructions, or otherwise exempt from the border restrictions, including:</i>		
Critical health workers	To take up a health role needed to deliver critical services in New Zealand	Generally long-term roles, small numbers.
Other critical workers	To enter New Zealand to work in a role sponsored by an employer or agency as a "critical worker" (high salary requirements)	Mix of short-term and long-term roles, with more long-term roles. Likely small numbers, with flexibility on timing of returns.
Humanitarian reasons	To receive medical treatment, or for other humanitarian reasons in extremely limited cases	Small numbers spaced out over year. Generally need repatriation in timely way. Fewer than 500 travellers per annum expected. ⁴
Students (particularly ODA)	To undertake tertiary education in New Zealand which is not available in home countries	Small numbers overall, need to return at conclusion of studies, generally November/December or June/July; can be on long-term visas. Fewer than 150 ODA scholars per annum expected and fewer than 2,000 travellers in total per annum, including dependants. ⁵
Partners and family, partners	To reunite with family in New Zealand	Long-term (allied to New Zealand visa holder's visa duration), relatively low risk of stranding unless principal visa expires.

⁴ Based on 2018/19 figures for visitors seeking medical treatment and patient escorts.

⁵ Based on 2019 air arrival figures. Dependents travelling with students calculated at 1/3 rate of total students (consistent with 2018/19 student visas granted offshore).

and dependent children of temporary visa holders (the current border exception criteria are relatively narrow)		
Non-New Zealanders travelling to and from Pacific Islands where entry to New Zealand is required	To travel through New Zealand on the way either to or from a Pacific Island, on nomination of a Pacific Island government. This is a capped border exception at 100 visas. For Samoan and Tongan citizens, also available for other essential travel to New Zealand. This is an uncapped category.	MFAT manages these border exceptions with the partner governments by facilitating nominations and applications with INZ. No risk of stranding in New Zealand if they have a flight to join.
People seeking to travel to visit family and friends in New Zealand	To reunite with family in New Zealand	Short term; at present no mechanism to gain visa outside humanitarian reasons. ^{s9(2)(f)(iv)}

Annex 8 – Shortened Regulatory Impact Statement

<p>What is the problem being addressed? What will happen if this is not tackled?</p>	<p>COVID-19 has severely restricted movement of people around the Pacific region. In normal times, people travel to New Zealand for work, education, medical reasons and to maintain family links. Furthermore New Zealand's horticulture and viticulture industries rely on seasonal labour from the Pacific through the Recognised Seasonal Employer (RSE) scheme and this has been disrupted due to COVID-19, leading to a shortage of labour. Facilitating limited movement from the region to New Zealand would alleviate the pressures on horticulture and viticulture sectors reliant on labour.</p>
<p>What is the preferred option to address this problem? What is the intended impact of this option?</p>	<p>One-way quarantine-free travel (QFT) entry into New Zealand from low risk Pacific countries will allow access to essential services and will also support labour supply. This would be a further step towards reconnecting New Zealand with the region. Through increased remittances and access to essential services such as medical treatment, one-way QFT would support economic and social objectives in the Pacific also. We are only pursuing one way quarantine-free entry into New Zealand, rather than two way, because these Pacific countries have strict isolation controls which they will maintain in order to protect their populations from COVID-19. While they represent a low risk, QFT from New Zealand to these countries represents a low but currently unacceptable risk. One-way QFT is recommended at this time given the severe consequences partner countries would face if COVID-19 were exported from New Zealand.</p> <p>s6(a)</p> <p>Providing one-way quarantine-free access for a range of eligible travellers will be more efficient than starting with a RSE worker cohort and is also recommended for legal, human rights and operational reasons.</p>
<p>What limitations did you face when choosing your preferred option?</p>	<p>Given this policy is in response to COVID-19 and time bound to commence as soon as possible, we did not have sufficient time to undertake a full RIS.</p>
<p>What are the potential unintended consequences of your option? How do you</p>	<p>s6(a)</p>

propose to mitigate these risks?	<p>s6(a)</p> <p>we miss the ambitious September 2021 start date for QFT from Samoa, Tonga and Vanuatu, we will risk a labour shortage for horticulture sectors. A small number of rooms will be set aside as contingency during September 2021.</p> <p>A possible risk is that travellers will come to New Zealand under one-way QFT and then not be able to return home. We will manage this through immigration controls (travellers can only come to New Zealand for limited reasons, including long term employment) and the Arrangement outlining the requirements for QFT includes an annex outlining a repatriation plan. The Cabinet paper provides an option to only allow travellers into New Zealand if the country has a careful repatriation plan in place, with clear pathways home.</p>
Who will be the most impacted by this change? What are the monetised and non-monetised costs they will face?	<p>The horticulture and wine sectors will have better access to labour for this next season and the low of remittances home will have an impact on families and communities in the Pacific. It will also improve access to medical services and education for those coming to New Zealand from the three Pacific countries.</p> <p>There are significantly fewer temporary migrant workers¹ coming to New Zealand than employers have traditionally had access to.² There are approximately 7,000 RSE workers currently onshore; this figure is higher than usual in winter and results from border restrictions in home countries. Demand will rise from late October 2021: the Ministry for Primary Industries (MPI) estimates that by the February/March 2022 peak season there will be a total shortfall of approximately 10,000 temporary migrant workers, of which approximately 5,000-6,000 would be Pacific RSE workers.</p>

¹ Temporary migrant workers is a group normally comprised of RSE workers, working holiday scheme visa holders, and workers on other visa types

² The current cap for RSE workers is 14,400 annually (which in previous years has translated to a maximum number of around 10,000 workers housed onshore at any time).

	<p>Foreign government diplomats and officials trying to get to/from the region will be able to take advantage of QFT from Samoa and Tonga, and we are exploring options for Vanuatu.</p> <p>We do not anticipate any costs to New Zealand or participating countries. There may be some cost to non-participating countries due to loss of employment in New Zealand. Should there be an outbreak of COVID-19 in New Zealand, all three countries are likely to halt repatriations. If this continues for an extended period, some people may be stranded without any means of support. A continued steady flow of repatriations while borders are open, and limits on categories of entry, should mitigate this risk.</p>
What are the likely population impacts of this proposal? What Treaty of Waitangi implications which should be kept in mind?	<p>This paper will have a positive impact on communities in Samoa, Tokelau, Tonga, Vanuatu and Pasifika communities in New Zealand as it will support vital people-to-people connections and access to essential services such as education and medical care located in New Zealand that have been impacted due to COVID-19. Remittances, flowing from RSE workers to home countries, make up sizable proportions of GDP in many Pacific countries. Tonga is at the top of the scale with remittances equating to 40.7 per cent of GDP. In Tonga and Samoa, remittance inflows are higher than total aid inflows. In Vanuatu, the contribution of offshore seasonal work in 2019 was estimated at \$27 million, supporting around ten per cent of all households.</p>
Who have you discussed your approach with? What advice did you receive? How did this influence the option you chose?	<p>This has been a multiagency effort and has included: MFAT, Health, Transport, Customs and MBIE including INZ. DPMC, Treasury, MPP have been included in consultation. The aviation sector (airports and airlines) have been consulted and once we are closer to implementation we will engage with the agriculture sector.</p>
How will you introduce the change? How will you inform others?	<p>There is a communications plan in place, developed by the AOG QFT Communications group and led by MFAT. It has already been shared with partner governments and will continually be updated and refined to reflect the circumstances and required messaging.</p>
What tools will you use to monitor the impact? How will you use this evidence to adapt your future policy decisions?	<p>We anticipate that this policy will end when the "Reconnecting New Zealanders" policy is fully implemented and becomes the norm for governing New Zealand's borders in the post COVID-19 era. To monitor its impact while in place, we will monitor traveller flows, RSE industry impact and partner government feedback.</p>

Proactively released by the
Ministry of Foreign Affairs and Trade

Proactively released by the
Ministry of Foreign Affairs and Trade

[Restricted]

Office of the Minister for COVID-19 Response

Cabinet

Commencement of One-Way Quarantine-Free Travel to New Zealand from Samoa, Tonga and Vanuatu

Proposal

- 1 This paper confirms that arrangements are in place for commencement of limited one-way quarantine-free travel (QFT) from Samoa, Tonga and Vanuatu, and the conditions identified by the Cabinet Business Committee (CBC) on 1 September 2021 will be met. It seeks approval to commence one-way QFT to New Zealand for Recognised Seasonal Employer (RSE) workers from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021.

Relation to Government Priorities

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

Executive Summary

- 3 On 1 September 2021, CBC agreed in principle to commencement of one-way QFT by air from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021, subject to six conditions being met, and agreed to a staged approach beginning with a trial of RSE workers [CBC-21-MIN-0089].
- 4 Cabinet is asked to confirm these commencement dates. The status of compliance with these conditions is:
 - 4.1 **Government-to-government Arrangements:** Arrangement texts for Tonga and Vanuatu have been approved by Cabinet [CBC-21-MIN-0089] and partner governments for signature prior to commencement of QFT. Cabinet's approval is now sought for the Arrangement with Samoa (refer [Annex 1](#)), which has been agreed at officials' level, for signature prior to commencement. Repatriation plans have been concluded at officials' level with all three governments and by Tonga's Cabinet.
 - 4.2 **Operational readiness:** Border agencies are satisfied that Vanuatu will have a departure screening process in place to ensure RSE travellers' compliance with the 14-day in-country and vaccine eligibility rules. Tonga is progressing well and has provided Border agencies an outline of its pre-registration process. Samoa's process is moving ahead and should be in place by the commencement date. If not, a one-off

workaround could provide appropriate assurance in order to allow the first RSE charter flights to proceed.

- 4.3 **Airports and airlines:** Airports are prepared for QFT for RSE workers. Air Vanuatu has advised it will be ready to commence QFT charter flights by 4 October 2021, subject to RSE industry readiness. Officials are confident Air Vanuatu will meet New Zealand's usual standards to run QFT flights by commencement. Air New Zealand has advised it can reschedule deferred MIQ flights from Samoa on 16 October 2021 and 21 November 2021. ^{s9(2)(ba)(i), s9(2)(ba)(ii)}

- 4.4 **Regulatory mechanisms:** Drafting of a Ministerial exemption from the managed isolation requirements in the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 (the Air Border Order) is under way and will be in place by 4 October 2021. Updated immigration instructions will shortly be provided to the Minister of Immigration for certification. The required amendment to immigration regulations is now in effect.

- 4.5 **Preparations by RSE employers** are well advanced and they will be ready to welcome RSE workers on commencement of QFT flights. Officials are working closely with employers to support this.

- 4.6 **Advice from the Director-General of Health** is that Samoa, Tokelau, Tonga and Vanuatu are ready from a health perspective to commence one-way QFT.

Background

- 5 On 1 September 2021, CBC agreed to a staged approach to one-way QFT from Samoa, Tokelau, Tonga and Vanuatu that will begin with a trial of RSE workers only from Samoa, Tonga and Vanuatu. CBC also agreed that additional health measures will be required for RSE workers travelling to New Zealand under the trial.
- 6 CBC agreed to a review of the limited application of one-way QFT to RSE workers and the associated health measures, with a report back to Cabinet one month after commencement by the Minister for COVID-19 Response to enable consideration of expansion of one-way QFT to other eligible travellers, including from Tokelau.

Government-to-government Arrangements

- 7 We have agreed with Tonga and Vanuatu non-legally binding government-to-government Arrangements outlining the requirements for one-way QFT. For Samoa, the non-legally binding Arrangement text agreed at officials' level is attached as Annex 1 to this paper, for Cabinet approval. ^{s6(b)(i)}

Arrangement texts also confirm that the initial limited eligibility for QFT will be reviewed by New Zealand one month after commencement of the Arrangement, with the intention of expanding application of the Arrangement.

- 8 The Arrangements with Samoa, Tonga and Vanuatu will be signed prior to commencement at Prime Ministerial level ^{s6(b)(i)}
This is in keeping with the approach we took with Cooks Islands and Niue.

Repatriation planning

- 9 Plans to ensure the repatriation of RSE workers (and other future eligible travellers) to their home countries before or on expiry of their visas have been approved by Vanuatu and Tonga governments, and at officials' level with Samoa. The plans are annexed to the Arrangements for each country.
- 10 Officials assess that the repatriation plans created with Samoa, Tonga and Vanuatu represent strong commitments to the repatriation of temporary visa holders, as Cabinet agreed as a requirement of partners on 12 July 2021 [CAB-21-MIN-0276] ^{s6(b)(i)}
- 11 The repatriation plans note that the safe and timely return of travellers is an essential condition to taking part in QFT and that governments undertake to maintain ongoing pathways for the return of travellers. This includes the repatriation of RSE workers at the completion of their contracts and in line with visa conditions. The plans also include a specific commitment to a pathway for any citizens who are not vaccinated despite partners' own requirements for arriving travellers to be vaccinated. Partners further commit to prioritising the return of travellers with pressing needs, such as expiring visas or family emergencies, and to maintaining systems to look after travellers in the event of a COVID-19 outbreak in New Zealand. The plans confirm that partners will work with New Zealand agencies and RSE employers to ensure there are clear and transparent processes for managing the safe and timely repatriation of travellers.
- 12 Repatriation plans have been established to ensure partners are able to accommodate the return of increased numbers of travellers expected under QFT. ^{s6(b)(i)}

s6(b)(i)

The December 2021 review will provide an opportunity to adjust traveller numbers in response to any changes in partners' repatriation capacities and their success in repatriating workers already in New Zealand. This will include any impact that the COVID-19 situation in New Zealand, particularly in Auckland, has had on repatriation flights and flows. In addition, I will report to Cabinet if, during the operation of these initiatives, the repatriation capacity of any country materially increases or decreases.

Potential Vanuatu border closure

13 s6(b)(i)

14 s6(a)

There are currently approximately 2,500 RSE workers from Vanuatu in New Zealand, including nearly 1,000 workers who have been in New Zealand since before March 2020. s6(a), s6(b)(i)

15 s9(2)(g)(i)

Our goal is to maximise the number of on-shore workers able to return to Vanuatu before 1 November 2021, with priority for those who have been longest in New Zealand. s6(a)

Subject to RSE industry needs, prioritising the return of workers currently on-shore who want to depart would reduce possible repatriation 'bottle-necks' following the peak of the RSE season in March 2022. s6(a)

s6(a)

- 16** Both the scheduled December 2021 review of RSE worker repatriation ceilings and the one-month review of the QFT pilot will provide an opportunity to assess both any changes to Vanuatu's repatriation capacity and its success in repatriating workers currently in New Zealand.

Readiness to commence one-way QFT and trial of RSE workers

Aviation sector readiness

- 17** Airlines and airports are ready for chartered flights for RSE workers. Customs is working with both Auckland and Christchurch airports to ensure travellers are managed safely through the respective green zones on arrival.
- 18** The RSE industry has asked Air Vanuatu to operate the first QFT charter flight to New Zealand on 4 October 2021, arriving in Christchurch early morning. A further QFT charter from Vanuatu into Auckland is being planned for mid-October 2021. An exemption under the Air Border Order is being drafted in time for commencement from 4 October 2021. The exemption notice will include the additional health measures required by Cabinet. Officials are confident Air Vanuatu will meet New Zealand's standards to run QFT flights and be ready to commence QFT charter flights by 4 October 2021.
- 19** Air New Zealand has made available a charter operation on 16 October 2021 from Samoa into Auckland. This initial flight is a postponed MIQ flight originally scheduled for 10 September 2021. A further charter flight from Samoa is being planned for 21 November 2021. ^{s6(a), s6(b)(i)}

At this stage, industry is planning on at least one flight of new RSE workers from Tonga before Christmas. ^{s6(a)}

- 21** Approval of commencement dates is required to allow airlines to confirm flight details with industry and plan aircrew requirements. ^{s9(2)(ba)(i)}
- 22** Given these are charter flights operating under an exemption, responsibility to manage the specific entry and health criteria on a charter service should ideally sit with the charter lessee who will also be responsible for identifying travellers' details and ensuring all of the relevant "QFT" requirements (i.e. vaccination status) are met. Pre-registration of worker details will satisfy this need, as well as ensuring the health declaration (no COVID-19 symptoms) is asked at departure. It is anticipated that the exemption notice will also provide the ability to check the relevant "QFT" requirements have been satisfied.
- 23** The exemption means that the passengers on the flight are not required to enter a managed isolation or quarantine facility for 14 days on arrival. In addition to the standard provisions included in the exemption and requirement for aircrew, it will specify the following requirements that the RSE workers will need to meet on arrival in New Zealand. These include that:
- 23.1 the passengers have been in Samoa, Tonga or Vanuatu (depending on where the flight is coming from) for the previous 14 days;
 - 23.2 the passengers have had at least one dose of a COVID-19 vaccine;
 - 23.3 passengers will be subject to a COVID-19 test on day zero/one and day five; and
 - 23.4 passengers will be required to self-isolate until they receive a negative day five test.
- 24** Scheduled commercial flights following the review of the trial period may look different. This will require reviewing operational criteria, which will be undertaken as part the review of the one-way QFT RSE trial leading up to the planning of scheduled commercial QFT services. The review of the one-way QFT trial will inform when the airline can move from charter to scheduled commercial flights.

Border readiness of partner countries

Vanuatu

- 25** Border agencies are comfortable with the rate of progress made by the Vanuatu Government in expanding its current departure pre-registration process by 4 October 2021. This process will allow the Vanuatu Government to verify the 14 day in-country and vaccination eligibility requirements are met before it approves RSE workers for travel.

Tonga

- 26 Border agencies are comfortable that Tonga will have in place a pre-registration process by 12 October 2021 allowing RSE traveller eligibility screening to take place. Ministry of Health and NZ Border agencies rely on Tongan authorities to verify the 14-day and vaccination status requirements through this process which, while still in development, is progressing well.

Samoa

s6(a), s9(2)(g)(i)

Health readiness of partner countries and New Zealand

- 29 On 25 August 2021, the Director-General of Health advised Ministers, based on the health information received and assessed from partners, that Vanuatu, Tokelau, Tonga and Samoa had met the original health requirements for one-way QFT to New Zealand.
- 30 New Zealand agencies, partner government agencies and RSE industry are in the process of putting in place appropriate measures to give effect to the additional health measures for RSE workers travelling to New Zealand under the trial for one-way QFT.
- 31 **At least one dose of vaccination prior to departure:** Vaccination status will be verified through the traveller registration process each country is implementing. Vaccination status will be confirmed by the host government and forms part of the approved passenger list. This list and details will be forwarded to the NZ Ministry of Health prior to flights departing. As described above, if the traveller registration process is not ready for the first flight from Samoa, a temporary workaround based on RSE sector information will be used to verify vaccination status.
- 32 **COVID-19 test on day zero on arrival at their place of isolation and an additional test on day five:** On arrival in New Zealand workers will immediately travel in their bubbles using privately chartered road or air transport (arranged by RSE industry employers) to their place of isolation. Once in place, RSE workers will be required to take a COVID-19 test on day zero (or day one, depending on how long it takes to travel to their place of isolation).

- 33** The method of testing used will be saliva testing. The tests will be carried out by the individual RSE workers themselves, under the guidance of their employers and provided by an authorised testing provider.
- 34** With the permission of workers, test results will be received in bulk by the employer at each site. Test results will be shared with individual RSE workers by their employer in a private setting. If a positive result is received, the RSE worker will be managed in accordance with public health guidelines, by the local Public Health Unit. Reporting on the completion of tests will also be carried out, with the Ministry of Health able to follow up on any issues with overall completion rates if identified.
- 35** The cost of the tests will be covered by the Ministry of Health under the COVID-19 Health Response.
- 36** **Isolate in accommodation managed by or contracted to an RSE at or near their place of employment pending a negative COVID-19 test on day five:** Self-isolation requirements, including updated health advice, have been provided to RSE employers by the Ministry of Business, Innovation and Employment (MBIE). At the request of industry, public health advice has been provided, confirming that RSE workers may work during their period of self-isolation if they remain in their bubbles and do not interact with anyone else.
s9(2)(ba)(i)
- 37** Ensuring adherence to the Cabinet required self-isolation measure will be the responsibility of the RSE employer in the first instance. Engagement with industry and MBIE on this matter has not surfaced any concern about industry's ability to undertake these functions. RSE employers will complete a COVID-19 travel and isolation plan which meets the Ministry of Health's requirements. RSE employers will receive an industry-led questionnaire to complete which will ask questions about the adherence to the self-isolation requirements. This will be provided to MBIE as a record. An additional layer of assurance could be provided through RSE employers receiving a call from Healthline or another outbound call provider to check employee adherence to the isolation requirement and to provide an opportunity to raise any issues. While this additional step could be taken, RSE employers need to be confident that their accommodation arrangements are well prepared and adhering to the guidance provided by Health.
s9(2)(g)(i)

RSE industry readiness

- 38** Officials and industry representatives are holding regular meetings to support implementation and clarify issues as they arise.

Regulatory mechanisms

- 39** Updated immigration instructions will shortly be provided to the Minister of Immigration for certification, and the amendment to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 came into effect on 23 September 2021.
- 40** The removal of the requirement for RSE workers to enter MIQ will be enabled during the pilot period through an exemption under the COVID-19 Public Health Response (Air Border) Order. Separate amendments to the Order will need to be made for any expansion into a wider QFT scheme for additional classes of traveller. Alongside the standard provisions included in the exemption and requirements for aircrew, the notice will specify the following requirements that the RSE workers will need to meet on arrival in New Zealand. These include that:
- 40.1 the passengers have been in Samoa, Tonga or Vanuatu (depending on where the flight is coming from) for the previous 14 days;
 - 40.2 the passengers have had at least one dose of a COVID-19 vaccine;
 - 40.3 the passengers will be subject to a COVID-19 test on day zero/one and day five; and
 - 40.4 the passengers will be required to self-isolate until they receive a negative day five test.

Review of one-way QFT RSE trial

- 41** As agreed by CBC, the Minister for COVID-19 Response will review the one-way QFT trial and report back to Cabinet one month after commencement to enable consideration of expansion of one-way QFT to other eligible travellers, including from Tokelau. The report back is currently planned for the Cabinet Social Wellbeing Committee on 10 November 2021.
- 42** Cabinet previously agreed in principle that other eligible travellers would include those covered by the existing border exception regime, or exempt from it [CAB-21-MIN-0276]. In addition to RSE workers, this includes New Zealand citizens and most residence class visa holders, and arrivals under the health worker, other critical worker, student, humanitarian and Pacific border exceptions (the latter is also used by foreign governments to staff their diplomatic missions where relevant).^{s6(b)(i)}

Financial Implications

- 43** RSE employers will continue to cover the costs associated with their employees. While RSE workers will still contribute to the cost of their travel, this is capped at the equivalent of a single commercial seat for their return trip. Charter travel and the cost of isolation will be met by employers; this still

represents a considerable saving per person on the cost of MIQ (noting that RSE workers will be able to work in their bubbles while undertaking isolation).

- 44** The cost of testing will be met by the Ministry of Health. This cost will be approximately \$120+GST for testing per worker.

Legislative Implications

- 45** A Ministerial exemption under clause 26 of the Air Border Order will exempt RSE workers who arrive in New Zealand on an aircraft undertaking an 'RSE flight' from the requirements in that Order for a confirmed allocation [clause 8(2A)] and for managed isolation or quarantine [clause 8(3) to (4)].
- 46** The exemption notice will specify the conditions for travel that must be met for the exemption to apply (and continue to apply) to a worker before they leave for New Zealand, on the flight to New Zealand, and on arrival. This will include requirements relating testing and vaccination, health prerequisites and self-isolation requirements.
- 47** The exemption will cease to have effect for any individual RSE worker who fails to comply with the conditions set out in the exemption notice, meaning that the worker (and potentially workers in their bubble) will no longer be exempt from the managed isolation requirements in the Air Border Order and will be required to enter a facility for a 14-day period.
- 48** COVID-19 Public Health Response (Exemptions and Conditions for Recognised Seasonal Employer Flights) Notice 2021 will be sent separately for consultation.

Impact Analysis

Regulatory Impact Statement

- 49** Since the proposal concerns tertiary legislation, a Regulatory Impact Statement is not required under the Cabinet's impact analysis rules. Given the significance of QFT, the Ministry of Foreign Affairs and Trade (MFAT) previously provided some voluntary impact analysis to CBC on 1 September 2021.

Climate and Population Implications

- 50** A Climate Implications of Policy Assessment was not necessary.
- 51** One-way QFT will have a positive impact on communities in Samoa, Tonga, and Vanuatu and Pasifika communities in New Zealand as it will support the economic recovery of these countries from the impacts of COVID-19.
- 52** One-way QFT will also have a positive impact on New Zealand's rural communities. The horticultural and viticultural sectors employ 13,500 in post-harvest processing roles, the majority of whom are New Zealanders in rural or

smaller metropolitan centres. Having the workforce in place to pick the fruit is essential for securing employment further down the processing chain.

- 53** Officials have considered te Tiriti o Waitangi / the Treaty of Waitangi as part of policy development. Māori are impacted alongside other New Zealanders as detailed in the Human Rights section below. As this proposal focuses on travel from low-risk countries and involves a range of risk mitigation measures, officials do not expect this proposal to pose any significant public health risks that could disproportionately impact Māori in New Zealand.

s9(2)(h)

Proactively released by the
Ministry of Foreign Affairs and Trade

Consultation

- 58** This paper was prepared by MFAT in collaboration with the Department of Prime Minister and Cabinet (Policy Advisory Group and COVID-19 Group), the Ministries of Health, Business, Innovation and Employment (Immigration and Managed Isolation and Quarantine), Primary Industries, Transport, Social Development and the New Zealand Customs Service. Consultation was undertaken with the Treasury, Crown Law, the Ministry for Pacific Peoples and the Parliamentary Counsel's Office.

Communications

- 59** Public communications to announce the commencement are being developed by the relevant New Zealand agencies, and will be coordinated between New Zealand and partner countries. Industry and Pasifika communities in New Zealand will be key audiences for public communications. Agencies will engage closely with airlines before any announcements, so they can align communications for passengers.

Proactive Release

- 60** I intend to proactively release this paper following Cabinet consideration, subject to necessary redactions including to preserve our international relations, and any commercial and legal sensitivities.

Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

- 1** **Note** that Cabinet previously agreed in principle to commencement dates for one-way quarantine-free travel by air from Vanuatu from 4 October 2021 and from Samoa and Tonga from 12 October 2021, subject to conditions being met;
- 2** **Note** that the Director-General of Health has provided advice that Vanuatu, Tonga, Samoa and Tokelau are ready from a health perspective to commence one-way quarantine-free travel;
- 3** **Note** that Border agencies are satisfied that Vanuatu will have a departure screening process in place to ensure RSE travellers' compliance with the 14-day and vaccine eligibility rules and that if Samoa and Tonga do not, a one-off temporary solution could provide appropriate assurance in order to allow the first RSE charter flights to proceed from Samoa and Tonga;
- 4** **Note** that officials are confident that Air Vanuatu will be ready to commence QFT charter flights by 4 October 2021;

- 5 **Note** that Air New Zealand will be able to commence a QFT charter flight from Samoa on 16 October 2021 subject to RSE industry readiness;
- 6 **Note** that Arrangement texts have now been approved by relevant authorities in Vanuatu, Tonga and at officials' level with Samoa;
- 7 **Note** that Cabinet previously required a strong commitment from partner governments to repatriate and all three governments have made this commitment through repatriation plans approved by relevant authorities in Vanuatu, Tonga and Samoa, that are annexed to the Arrangements for each country;
- 8 **Note** that the Minister for COVID-19 Response will report to Cabinet if repatriation capacity in any country materially increases or decreases;

s6(a)

- 10 **Note** that the Arrangements with Tonga and Vanuatu will be signed by the Prime Minister and counterparts prior to commencement;
- 11 **Approve** the text of the government-to-government Arrangement to facilitate quarantine-free travel to New Zealand from Samoa, subject to any final non-substantive changes;
- 12 **Note** that the Arrangement with Samoa will be signed by Prime Ministers when Samoa is similarly ready to sign;
- 13 **Note** that preparations by Recognised Seasonal Employers are well advanced and they will be ready to welcome workers on commencement dates;
- 14 **Agree** that Healthline (or another outbound call provider) call Recognised Seasonal Employers to check employee adherence to self-isolation requirements;
- 15 **Note** that drafting is under-way of an exemption under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020, including additional health measures, and the exemption is scheduled to be in force by 4 October 2021;
- 16 **Note** that
 - 16.1 regulation changes removing the ability of people in QFT zone countries to apply for temporary entry class visas came into force on 23 September 2021 and

- 16.2 updated immigration instructions implementing agreed changes to RSE policy settings and proposing special directions for classes of RSE workers will shortly be provided to the Minister of Immigration for certification;
- 17 **Agree** that one-way quarantine-free travel may commence from Vanuatu from 11.59pm on 3 October 2021 and Samoa and Tonga from 11.59pm on 11 October 2021;
- 18 **Agree** to announce the commencement dates following the Cabinet meeting on 27 September 2021;
- 19 **Note** that the Cabinet Business Committee agreed [CBC-21-MIN-0089] to a review and report-back to Cabinet by the Minister for COVID-19 Response one month after commencement to enable consideration of expansion of one-way quarantine-free travel to other eligible travellers, and that this review will also include an assessment by the Ministry of Health on the efficacy and on-going application of the additional health measures applied to one-way quarantine-free travel.

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

Annex 1: Samoa Arrangement

Arrangement

between

The Government of New Zealand

and

The Government of Samoa

to facilitate quarantine-free travel to New Zealand

Recognising the important and enduring relationship between New Zealand and Samoa, founded on shared Pacific geography and enriched by deep historical, cultural, social and family bonds;

Reflecting on the guiding principles of the Treaty of Friendship and the New Zealand – Samoa Statement of Partnership;

Emphasising the benefits of movement of people between our countries to sustain essential economic and social connections in particular labour mobility and access to medical and education facilities;

Recognising that both countries are committed to controlling the transmission of COVID-19, protecting the health of our populations and addressing the economic impacts of COVID-19;

Desiring to build on current efforts and to facilitate access to New Zealand from Samoa without quarantine requirements;

Recognising that these arrangements are designed to be one-way and that travellers returning to Samoa from New Zealand would be subject to national border restrictions and quarantine measures for entry into Samoa;

Recognising also Samoa's existing travel arrangement with Tokelau and that entry to Tokelau requires transit through Samoa, as well as Samoa's existing travel arrangement with American Samoa;

Acknowledging Tokelau's status as a non-self-governing territory that is part of the Realm of New Zealand, along with Tokelau's commitment to controlling the transmission of COVID-19;

Desiring also to enable quarantine-free travel to New Zealand from Tokelau via Samoa;

The Governments of New Zealand and Samoa have come to the following understandings:

1. Scope of one-way quarantine-free travel

1.1 New Zealand will allow one-way quarantine-free travel by air from Samoa to New Zealand for persons who are permitted under New Zealand's current border settings to enter New Zealand, and who:

- a) have lawfully been in Samoa or Tokelau for 14 days immediately prior to travel;¹
- b) meet applicable health requirements; and
- c) comply with New Zealand immigration requirements.

1.2 Travellers to New Zealand will continue to be subject to normal customs, aviation and biosecurity screening.

1.3 The 14 day time requirement set out in paragraph 1.1(a):

- a) Must be exclusive of any time spent at sea, whether in quarantine or not.²
- b) Can be met through a combination of time spent in Samoa, Tokelau and in transit between the two.

¹ For the avoidance of doubt, all travellers from American Samoa must spend 14 days in Samoa before travelling on to New Zealand.

² For the avoidance of doubt, passengers arriving on the authorised passenger ferry or cargo vessel from Tokelau can count their time in transit between Tokelau and Samoa as part of the 14 days.

2. Pre-conditions for commencement of one-way quarantine-free travel

2.1 One-way quarantine-free travel may only commence when New Zealand authorities are satisfied that:

- a) The rate of COVID-19 transmission and associated public health risk is acceptably low in Samoa, and the following criteria have been met:
 - i) The spread of cases is controlled and there have been no locally acquired cases of unknown source for the preceding 28 days;
 - ii) The ability to detect cases through sufficient testing and surveillance;
 - iii) The ability to manage cases through contact tracing and case management; and
 - iv) Other relevant considerations have been met including consistency of controls and decision making related to COVID-19 response.
- b) The Government of Samoa has a repatriation plan that provides a clear pathway for travellers to return to Samoa from New Zealand in a timely and safe manner. Annex 1 sets out details of the repatriation plan.

3. Traveller conditions

3.1 Any person traveling to New Zealand pursuant to this Arrangement will:

- a) meet New Zealand Immigration requirements, as found on the New Zealand Government websites and subject to change at any time;
- b) have lawfully been in Samoa or Tokelau for 14 days immediately prior to travel; and
- c) meet applicable health requirements.

4. Conditions in respect of Government of Samoa border settings

4.1 The Government of Samoa will ensure that:

- a) All travellers arriving in Samoa by air, including from New Zealand, enter at least 14 days' managed isolation or quarantine, except:
 - i) Fully vaccinated³ travellers arriving by air from New Zealand, who enter at least 7 days' managed isolation or quarantine as determined according to flight risk;
 - ii) Travelers arriving in Samoa directly from American Samoa in accordance with Samoa's existing travel arrangement with American Samoa;
 - iii) As mutually determined otherwise in writing by the Government of New Zealand and the Government of Samoa.
- b) Its maritime border remains closed to all vessels except for cargo vessels, authorised fishing vessels, authorised defence force vessels, authorised maritime patrol vessels, the authorised passenger ferry and cargo vessel to and from Tokelau, and vessels in distress. No person on-board a vessel is permitted to disembark except for:
 - i) those arriving on the authorised passenger ferry or cargo vessel from Tokelau;
 - ii) the crew and passengers of authorised vessels that have been permitted to disembark by the Government of Samoa and who must immediately enter 14 days' managed isolation or quarantine in Samoa; or
 - iii) in the case of emergency;
- c) Any checks required by New Zealand at the border prior to departure for New Zealand are carried out; these include:
 - i) Confirming that all travellers departing for New Zealand have lawfully been in Samoa or Tokelau for 14 days or more immediately prior to travel.
 - ii) Confirming that no travellers are awaiting the result of a COVID-19 test (whether this test was taken as a result of a specific event, surveillance, or other reason).
- d) Information relevant to the operation of one-way quarantine-free travel from Samoa to New Zealand is shared through existing health and border mechanisms, as necessary; and

³ Being fully vaccinated means having completed the required prescribed doses as per vaccine used. The last vaccination dose must be administered at least 2 weeks prior to travel.

- e) It implements and maintains a clear pathway for travellers to return to Samoa from New Zealand in a timely and safe manner, as set out in Annex 1.

4.2 The Government of Samoa commits to not:

- a) Unilaterally open one-way quarantine-free travel from New Zealand to Samoa;
- b) Open one-way quarantine-free travel from any other state or territory (other than Tokelau or American Samoa) to Samoa for the duration of this Arrangement, unless mutually determined otherwise in writing by the Government of Samoa and the Government of New Zealand.

5. Amendments

5.1 The Governments of New Zealand and Samoa recognise the importance of ensuring that the Arrangement is responsive and able to be adapted to meet new health, technology and other developments necessary to ensure safe travel.

5.2 The Governments of New Zealand or Samoa may propose amendments to this Arrangement to ensure it remains fit-for-purpose and effective. Any amendment will be jointly determined in writing.

6. Commencement

6.1 One-way quarantine-free travel will commence on a date jointly determined by the Governments of New Zealand and Samoa, once the Government of New Zealand is satisfied that the necessary preconditions set out in paragraphs 2.1(a) and 2.1(b) have been met.

6.2 Notwithstanding paragraphs 1.1 and 6.1, one-way quarantine-free travel under this Arrangement will initially apply only to individuals holding a visa enabling them to work for Recognised Seasonal Employers in New Zealand. This limited application will be reviewed by New Zealand one month after commencement of the Arrangement, with the intention of progressively expanding application of the Arrangement to the additional classes of individuals provided for in paragraph 1.1.

7. Suspension and Termination

7.1 Either country may suspend or terminate this Arrangement by giving notice to the other country in writing. Should this occur, both countries will endeavour to give as much notice as possible to allow for smooth transition.

8. Other Clauses

8.1 Any differences of view on the interpretation or application of this Arrangement will be resolved by consultations between the Governments of New Zealand and Samoa and will not be referred to any national or international court, tribunal or third party for settlement.

8.2 Consultations under this paragraph will be through the following contact points:

- a) For New Zealand, the Secretary of Foreign Affairs and Trade or their designate;
- b) For Samoa, Chief Executive Officer of the Ministry of Foreign Affairs and Trade or their designate.

At _____ (location)

At _____ (location)

on _____ (date)

on _____ (date)

For the Government of New Zealand

For the Government of Samoa

Rt Hon Jacinda Ardern

Prime Minister of New Zealand

Hon Fiamē Naomi Mata'afa

Prime Minister of Samoa

In Confidence

Office of the Minister for COVID-19 Response

Cabinet

Reconnecting New Zealanders: Early steps

Proposal

- 1 I propose that Ministers agree in principle, subject to further advice on operational viability and a Public Health risk assessment, to allow fully vaccinated travellers to enter New Zealand from low risk Australian states and territories via a medium risk pathway that replaces the requirement for managed isolation with a requirement to stay at home until the return of a negative day 3 test, to begin as soon as practical. I propose that unvaccinated travellers continue to undertake MIQ, but present options for Ministers consideration. Eligibility for participation will be staggered, starting with only those currently eligible to enter New Zealand, then signalling an intention in principle to expand to all in Australia from January 2022 subject to health advice, regulatory amendment and Cabinet decisions at the time.
- 2 Following the successful commencement of one-way quarantine-free travel (QFT) for Recognised Seasonal Employer (RSE) workers from Sāmoa, Tonga and Vanuatu, I seek Cabinet's agreement to its limited expansion to other eligible travellers¹ from these countries and Tokelau from 8 November 2021.

Executive summary

- 3 The MIQ system is under significant pressure due to the need to manage the Delta outbreak in the upper North Island and from the high demand from New Zealanders seeking to return home. Since the beginning of the August outbreak approximately 575 rooms have been removed from the managed isolation system intended for border arrivals as four facilities have been converted to quarantine for community cases. Currently MIQ has only been able to meet its obligations to people overseas already holding vouchers by deferring scheduled maintenance, suspending cohorting, and utilising its entire operational contingency. Removing low risk fully vaccinated cohorts from the MIQ system is estimated to free 350 rooms from Australia and the Pacific until the end of the year (or 43 rooms per week). How these rooms will be utilised will depend on how the community outbreak evolves in the coming weeks and upcoming decisions about whether another managed isolation facility is converted into quarantine.
- 4 This paper sits alongside the separate Cabinet paper *Reducing Managed Isolation and Quarantine stays for overseas border arrivals from 14 to 9 or 10 days*, which will also

¹ Eligible travellers are people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians) and people covered by existing border exceptions, including critical health workers and medical transfers.

be considered by Cabinet on 18 October 2021. That paper proposes reducing MIQ from 14 days to 9 days, based on Public Health advice.

- 5 At the same time, we will take this opportunity to test the systems which we will deploy as part of the Reconnecting New Zealanders strategy. This will provide valuable experience on the operation of both the medium risk and low risk pathways for entry into New Zealand proposed by that strategy (and further developed and operationalised by the Future Borders project).

- 6 s9(2)(b)(ii)

- 7 I have requested that these arrangements begin as soon as possible, however officials advise that the system would need until 8 November 2021. Health advice will be determinative of the operational viability on multiple questions, s9(2)(b)(ii)

It will also be important that travellers are given at least 14 days' notice to avoid some unnecessarily taking space in MIQ while others arriving later enter under reduced border measures. 8 November provides three weeks to ensure that our approach will be a steady and sustainable model to take forward into the new year and beyond.

- 8 On 9 August 2021 [CAB-21-MIN-0305] Cabinet agreed to shift New Zealand's border settings from a country-based approach to a risk-based approach, based on country risk and an individual's vaccination status, once New Zealand's health and border systems had the capability and capacity to safely manage higher traveller volumes. Cabinet's endorsement of the risk-based approach was based on three entry pathways for low, medium and higher-risk travellers.
- 9 This paper proposes some first steps in using these pathways in a controlled fashion, with only low risk Australian states and Pacific jurisdictions. This meets a number of objectives. There are significant numbers of New Zealanders who were stranded in Australia when trans-Tasman quarantine-free travel (TTQFT) was suspended, or who otherwise have pressing needs to travel. Public Health advice is that the ongoing outbreak means the risk of importing COVID-19 from the low risk jurisdictions discussed in this paper is deemed as not likely to increase the risk of infection in New Zealand. A result would be to revive inbound travel from much of Australia and from some COVID-free Pacific countries without a consequent unmanageable increase of importing the virus, if conditions outlined below are adhered to. It will provide a small reduction of pressure on the MIQ system and additional managed isolation capacity. Bringing arrangements for Samoa, Tonga and Vanuatu into line

with our approach in the Cook Islands and Niue provides clarity for our regional partners, will further support their resilience, recovery and reconnection with New Zealand, and confirms the direction Cabinet agreed to [CAB-21-MIN-0389]. Further advice on Reconnecting New Zealanders will be considered by Cabinet on 8 November 2021, and the approach progressively rolled out to travellers arriving from other locations. Annex 1 summarise the proposed requirements by jurisdiction.

- 10 The key features of the approach, including the main choices that Cabinet is asked to make, are to:
 - 10.1 Allow travellers from low risk Australian states and territories to enter through the medium risk pathway (3 day stay at home instead of managed isolation and quarantine under a high trust model), starting with only those currently eligible to enter New Zealand, then signalling an intention in principle to expand to all in Australia from January 2022 subject to health advice, regulatory amendment and Cabinet decisions at the time;
 - 10.2 Allow travellers from select low risk Pacific jurisdictions to enter through the low risk pathway (no managed isolation, quarantine or stay at home requirement);
 - 10.3 With regard to the variation of measures based on vaccination status for travellers from Australia, choose whether vaccinated and unvaccinated travellers may take the same flights, and whether they will be subject to the same medium risk pathway on arrival in New Zealand, or unvaccinated travellers will be subject to our standing managed isolation requirements (see paragraph 28):
 - 10.4 Flights using this pathway will be able to operate into any New Zealand airport able to meet requirements, and travellers will be subject to prevailing domestic Covid restrictions regarding their ability to transfer onto domestic flights.

Travel pathway to New Zealand from Australia for lower-risk travellers

- 11 On 17 September 2021, Quarantine-Free Travel from Australia was suspended until 19 November 2021 due to Delta outbreaks there. A decision needs to be made about connectivity and whether to open a facilitated pathway for travel from Australia, with a pathway operational by that date. This should align with the wider Reconnecting New Zealanders approach. While I would like this pathway to begin as soon as possible, officials propose 8 November 2021 at this stage.
- 12 The 7-day window for people to travel home from most Australian states following the TTQFT suspension allowed a large number of travellers to return; and most people caught in New South Wales during the pause had the opportunity to come back on red “managed return” flights. However, there was a long gap following the suspension²

² People in Australia were able to participate in the 20 September MIQ voucher release for the first time since TTQFT was suspended in July.

where most people in Australia could not access MIQ vouchers and the small number of special red flights in Australia were only available for emergency allocations. As the suspension has stretched on, in addition to those stranded, a growing number of people have newly-emerged pressing needs to return to New Zealand, calling for consular assistance and emergency MIQ space. The Australian Government has announced that it will reopen its borders to quarantine-free flights from New Zealand's South Island on 19 October 2021.

- 13 As with previous border announcements, we need to consider travellers whose arrangements may be affected during the period after announcement and before the changes come into effect. For example, to avoid a situation where some travellers are in MIQ while they could have entered with only a self-isolation requirement if arriving later, an announcement should take place at least 14 days before launch.

- 14 s9(2)(b)(ii)

Policy

Principles to take into account when considering opening of a traveller pathway

- 15 If a pathway is to have ongoing value in delivering on the Reconnecting New Zealanders strategy and meet commercial imperatives, it is important that it be readily adaptable to enable any cohort in the medium risk category to use it once we are comfortable from a Public Health perspective for that to take place.
- 16 The pathway must also be stable. Although the earlier TTQFT zone was designed with the ability to pause and suspend, the emergence of Delta led to those tools being used more often than intended, with consequent significant commercial and operational challenges. Subject to a major new variant emerging that requires a revised approach, the intent for this stage of Reconnecting should be high stability. Travellers, airlines, airports and border agencies need as much certainty as possible.
- 17 The principles against which the options for the compliance and eligibility conditions for travellers, and the supporting compliance approach should be considered are:
- 17.1 management of risks to, and equity of, Public Health outcomes to acceptable standards consistent with New Zealand's health settings for COVID-19;
 - 17.2 management of risk offshore as much as appropriate;
 - 17.3 requirements consistent with the risk pathways proposed and socialised with industry under the Reconnecting New Zealanders strategy and the Future Borders project;
 - 17.4 a steady, scalable and sustainable initiative - it should act as a basis for expansion to accommodate an increased number of travellers from more diverse locations as conditions allow;

- 17.5 based on a high-trust, self-management approach by the traveller but backed by minimum acceptable standards of compliance assurance and enforcement (though assurance and enforcement will not extend to stay at home and day 3 testing measures). s9(2)(c)

Public Health advice in respect of Australia

- 18 Public Health advice states that arrivals from lower-risk Australia states and territories (NT, QLD, SA, TAS, WA and Norfolk Island) who have been in one of more of these states or territories for 14 days can be permitted to enter New Zealand with some additional measures:

- 18.1 negative pre-departure COVID-19 test (PDT);
- 18.2 stay at home (with no monitoring);
- 18.3 return a negative day 3 COVID-19 test to end stay at home period.

A quarantine-free pathway for travellers from Australia

- 19 Taking into account the above considerations, I consider that as a first test of processes required to deliver the Reconnecting New Zealanders strategy, a vaccination-based and quarantine-free pathway into New Zealand could be made available in line with the 'medium risk pathway' approach.
- 20 I propose that the compliance and other conditions for eligibility to travel under the medium-risk pathway be:
- acceptable evidence of full vaccination and a negative PDT verified prior to boarding (although unvaccinated New Zealanders will still be able to travel, and will be subject to any additional health measures, such as MIQ, that you determine);³
 - declaration of prior travel history (including between Australian states);
 - all currently-required information, including contact details, entered into Nau Mai Rā;⁴
 - 'stay at home' (with no monitoring);

³ Immigration New Zealand will support airlines in checking vaccination and PDT statuses by sending Airline Liaison Officers (ALOs) to Australian airports.

⁴ The electronic system that collects travellers' contact information for Ministry of Health contact tracing purposes.

- Return a negative day 3 COVID-19 test to end stay at home period (with no monitoring).

21 These additional measures of stay at home and return a negative day 3 test are proposed with the understanding that no monitoring of follow-up of compliance with these measures will be undertaken. The Ministry of Health remains focused on the management of current cases and tracing contacts; and consequently has no capacity to enable monitoring of arrivals given the active and ongoing outbreak.

Treatment of unvaccinated passengers

22 A Cabinet decision is sought on whether unvaccinated passengers can travel alongside vaccinated passengers and how they will be treated on arrival.

s9(2)(c)

25 There are other factors to consider in making this decision:

25.1 The Prime Minister's announcements at the 'Reconnecting to the World Forum' on 12 August 2021 that unvaccinated passengers arriving in New Zealand would be required to enter MIQ. The role of vaccinations plays a core role in the Reconnecting New Zealanders work underway.

25.2 The key principle that the initiative is steady, scalable and sustainable and that once we open, we do not want to be susceptible to closing again. We need to be prepared for the Public Health risk assessment to change, and that vaccination offers a key mitigation even if it does.

25.3 s9(2)(c)

Vaccination

(alongside pre-departure testing) is a verifiable mitigation.

25.4 Australia's introduction of its international COVID-19 vaccination certificate on 1 November, which may offer a degree of public assurance about the systems in place.

25.5 The human rights implications, which are set out at paras 60-63.

25.6 That vaccination offers an enhanced pathway for entry, but that unvaccinated New Zealanders would still be able to enter via the MIQ pathway (subject to airline requirements⁵).

26 I note officials have identified three options. The expectation is the same settings would apply to New Zealanders and non-New Zealanders and that children will travel the same pathway as their guardian:

26.1 *Vaccinated and unvaccinated passengers can travel together. On arrival, unvaccinated passengers would be transferred to MIQ.*

- The key challenges for this scenario are operationalisation on arrival in New Zealand and consistency with the Reconnecting New Zealanders strategy. For airports, the introduction of mixed flights with differentiated treatment on arrival would significantly impact how arrivals are processed, which may affect the lead time required before implementation. Yet, if passengers are not required to be segregated it could be difficult to justify and explain why quarantine treatment should be different between the vaccinated and unvaccinated, raising inconsistencies with the Reconnecting New Zealanders strategy.

OR

26.2 *Only vaccinated passengers can travel on eligible flights from Australia.*

- This option would be easier to operationalise and would be most consistent with the Reconnecting New Zealanders strategy. As discussed above, it is more straightforward to operationalise having one type of traveller on the flights.
- The key challenge for this option is that unvaccinated passengers who hold MIQ vouchers would become ineligible for the flight. However, they would have the option to travel to New Zealand on red flights via Sydney or Melbourne, so there would still be a route to New Zealand for unvaccinated New Zealanders (although similar routes will likely not exist for unvaccinated passengers coming from the Pacific, as discussed below). People with existing vouchers could be re-accommodated (although it might incur additional transfer costs).
- Even if Cabinet chooses not to allow vaccinated and unvaccinated passengers to take the same flights from Australia, unvaccinated and vaccinated travellers from Sāmoa, Tonga and Vanuatu will still be able

⁵ Qantas and Air New Zealand have both announced “no jab, no fly” policies. Air New Zealand’s start date is 1 February 2022. Qantas’ is already effective and it is trialling systems on a pilot flight from London on 18 November.

to do so. Requiring flights with only vaccinated passengers from the Pacific would remove a 'red' pathway for unvaccinated New Zealanders in those countries.

OR

26.3 *Vaccinated and unvaccinated passengers can travel together. On arrival in New Zealand, they are treated in the same way.*

- I note officials not recommend this option, because it is inconsistent with public messaging on the wider Reconnecting New Zealanders strategy. If we enable equal treatment then this policy setting would effectively say that it doesn't matter if someone is unvaccinated or not. It would be difficult to see how vaccinated New Zealanders elsewhere (who can also get a negative PDT) could continue to be required to wait for MIQ places in light of the approach set out in this option. In terms of policy settings for managing Public Health risks, officials have also noted that the risk profile is susceptible to change meaning unvaccinated passengers could provide a higher level of risk in future.

Staggered traveller eligibility criteria

27 Cabinet is asked to make decision about traveller eligibility and phasing. I recommend that we open as soon as practicable only to:

27.1 Those travellers who have only been in Tasmania, Western Australia, South Australia, Northern Territory, Norfolk Island or Queensland for the past 14 days and who are already permitted to enter New Zealand under current settings (New Zealand citizens and most residence-class visa holders, Australians normally resident in New Zealand, Australians and temporary visa holders who left New Zealand on or after 6 April 2021, the small number eligible under other border exception categories, and family members); and

27.2 Signal to industry and the public an intention in principle to extend this pathway to all people in Australia who would be eligible on pre-COVID-19 immigration grounds and who meet health criteria from January 2022 (subject to health advice, regulatory amendment and Ministerial decisions at the time).

28 This aligns with the staged approach of the Reconnecting New Zealanders strategy to take small, steady and sustainable steps, to reopen in a controlled fashion, and test systems before increasing volumes. This also reflects advice that immigration regulations cannot be amended by 8 November 2021. This may have some impact on the commercial viability of routes using these pathways, but I'm advised that the MIAC scheme will continue to apply and the difference is likely to be marginal in the short term until two way quarantine-free travel (with broad eligibility) is relaunched between the two destinations on a given route. An important component of building industry confidence in this approach will be signalling our intention in principle to

expand eligibility for this route to all travellers from Australia in January 2022. In the meantime, critical non-New Zealand citizen travellers will remain eligible to enter under our existing border settings.

Onward travel

- 29 Those flying into a region under elevated Alert Level settings will be permitted to travel to other regions, as is permitted under domestic rules. Travellers arriving and travelling directly through an elevated Alert Level area will likely have a lower risk profile than people who have spent time in this area.

Operationalisation

- 30 Agencies have engaged in confidence with airlines and international airports to understand the operational and commercial viability of proposals at a high level relating to both Australia (discussed above), and select Pacific jurisdictions (discussed further below). In-depth engagement with industry will be required over the next week to work through operational issues, subject to confirmation of settings.
- 31 The high-level settings and eligibility criteria will affect volume and in turn commercial viability. The relevant Australian states represent only one third of traditional trans-Tasman traffic.⁶ An initial bump can be expected on opening, with people who have been “stranded” seeking to return to New Zealand. Following that, volume is expected to be suppressed until such time as the relevant Australian states and Pacific countries reopen to New Zealand and our mutual settings allow for tourists and visiting friends and relatives. Volume can also be expected to be suppressed while New Zealand’s domestic alert level settings are elevated.

- 32 Based on initial soundings:

32.1 s9(2)(b)(ii)

32.2 s9(2)(b)(ii)

⁶ Sydney and Melbourne usually account for two-thirds, and Queensland 25%.

⁷ The 1 November timing coincides with New South Wales’ reopening for fully-vaccinated Australian citizens, as well as the general reopening for fully-vaccinated travellers from the South Island from 19 November.

32.3 No engagement has taken place with Air Chathams. It may resume operations, depending on whether Norfolk Island would accept travellers from New Zealand.⁸

32.4 Air Vanuatu is covered under the Pacific section.

33 s9(2)(b)(ii)

s9(2)(b)(i)

34 The timing for operationalising the new proposals, at multiple ports in multiple countries at the same time, will be challenging.⁹ It will be critical for industry to have requirements confirmed within the next few days to enable them to be ready.

35 The key operational issues that will need to be worked through, but could not be resolved for this paper, are set out in the table at Annex I (covering both Australia and Pacific jurisdictions).

36 Officials will continue to work with industry to develop proposals and report back to the Minister for COVID-19 Response by 1 November 2021. Cabinet is invited to provide any initial direction on the questions raised. Annex 2 summarise operational issues.

Next steps for travel pathway from Australian states

37 Given the Public Health situation with respect to the control of COVID-19 in Tasmania, Western Australia, South Australia, Northern Territory, Norfolk Island and Queensland, the eligibility conditions for travellers, and the supporting regulatory and compliance framework proposed, I consider the risk to New Zealand of this proposal to be acceptably low.

38 In exchange for taking on this low level of risk we would obtain benefits from the first iteration of a vaccination-based and quarantine-free pathway including testing systems at relatively low volumes. Although it may differ from the settings for wider

⁸ Virgin Airway was also working towards standing up operations when QFT closed. It is not expected to recommence any services until mid-2022.

⁹ Airlines have consistently advised that they need at least five to six week notice to stand up services or make significant changes.

reopening, it would also give the public a demonstration of how future vaccination-based travel requirements might work.

- 39 The next iteration of the pathway will be guided by the Reconnecting New Zealanders strategy to be presented to Ministers on 8 November 2021. This will include options for additional risk management measures suitable for adding travellers from medium-risk countries to the pathway such as COVID-19 testing on arrival in New Zealand that will be informed by projects underway across agencies under the Reconnecting New Zealanders strategy.

Reconnecting with low risk Pacific jurisdictions

Expansion of one-way quarantine-free travel from Sāmoa, Tokelau, Tonga and Vanuatu

- 40 Cabinet previously agreed to a staged approach to one-way QFT from Sāmoa, Tokelau, Tonga and Vanuatu beginning with a trial of RSE workers only from Sāmoa, Tonga and Vanuatu, with a review and report back one month after commencement to Cabinet by the Minister for COVID-19 Response to enable consideration of its expansion to other eligible travellers, including from Tokelau [CBC-21-MIN-0089]. The trial commenced on 4 October 2021 [CAB-21-MIN-0389] and has proceeded smoothly and successfully with flights from Sāmoa and Vanuatu so far.

Policy

- 41 In light of current MIQ pressures, and Public Health advice, I recommend one-way QFT be expanded from 8 November 2021 to other eligible travellers from Sāmoa, Tokelau, Tonga, and Vanuatu that were agreed in-principle by Cabinet in July 2021 [CAB-21-MIN-0276]. Eligible travellers are people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians) and people covered by existing border exceptions, including critical health workers and people entering for a humanitarian reason. Cabinet has since agreed that government representatives from all three countries will be able to enter as well [CBC-21-MIN-0089].
- 42 Further limited border exceptions will be considered by responsible Ministers in the future. s6(a)

Nevertheless, new border exceptions for narrow classes of travellers expected only in small volumes, such as Manaaki ODA scholars and people entering on long term (two years or more) temporary visas, may be able to be implemented relatively easily once established. Separate advice to responsible Ministers will be prepared on proposals for border exceptions.

- 43 Under the trial two QFT RSE charter flights arrived from Vanuatu on 4 and 11 October 2021, delivering a combined 290 RSE workers. COVID-19 saliva tests were carried out at day 0/1 and day 5, and no positive COVID-19 cases have been detected. The first flight arrived from Sāmoa on 16 October 2021 with 150 RSE workers, for which preparations were verified by officials in the week prior. Both countries

completed departure screening processes to ensure travellers' compliance with the 14-day in-country and COVID-19 vaccination eligibility rules. The screening process can be scaled up for expanded QFT. Tonga's first QFT RSE charter flight is currently planned for 8 November 2021.

- 44 As part of establishing QFT, partner countries have established repatriation plans to provide for the timely return of their travellers. Partners have committed to maintaining sufficient repatriation capacity to accommodate the expected increase in traveller flows under QFT. s6(a)

Health requirements

- 45 There have been no developments in the four partner jurisdictions to alter the advice previously provided by the Director-General of Health that Sāmoa, Tonga, Tokelau and Vanuatu are ready from a health perspective to commence one-way QFT and are low COVID-risk [CBC-21-MIN-0089]. None have had a community case of COVID-19 since the start of the pandemic.
- 46 Under the trial, as an additional layer of protection beyond New Zealand's standard Pacific QFT requirements, RSE workers currently must have at least one dose of a COVID-19 vaccine pre-departure, complete a period of self-isolation on arrival at a facility provided by RSE employers and return negative COVID-19 saliva tests at day 0/1 and day 5. These requirements have been possible to implement for RSE workers because they form a single cohort for employers who have the ability to ensure the requirements are met within a controlled environment.
- 47 Cabinet previously noted that these health measures would be reviewed by the Ministry of Health to assess their efficacy and on-going application [CBC-21-MIN-0089]. Officials do not consider that all these requirements will need to be applied on an ongoing basis to RSE workers or to other eligible travellers under one-way QFT given the low COVID-risk posed by these countries and the challenges of implementing the measures. Given their COVID-free status, officials assess there is no Public Health rationale for requiring the same additional health measures for these countries as for Australia.
- 48 Alongside a new medium-risk pathway and consistent with the recommendation for Cook Islands and Niue referred to below, officials recommend retaining the existing one-way QFT arrangements recently agreed with Sāmoa (including Tokelau), Tonga, and Vanuatu as an enduring low risk entry pathway to New Zealand, pending any material change to the COVID-19 risk profile of these partners. Preserving the one-

way QFT framework for these key partners would reflect: our status as the primary gateway for Sāmoa and Tonga; our constitutional obligations to Tokelau; our significant people-to-people ties; and our significant economic connections, representing the highest RSE worker sending countries (except for Tokelau).

- 49 Officials recommend, based on health advice, that the additional measures applied to the one-way QFT trial for RSE workers be removed (except for vaccination requirements) and arrival settings for travellers from these jurisdictions be aligned with Cook Islands and Niue QFT under a Pacific low risk pathway. In practice, these travellers will be processed through airports using the same arrivals area as medium-risk pathway passengers to minimise operational impact of running three entry pathways.
- 50 If Cabinet wishes to put in place additional health measures on QFT entry from Pacific jurisdictions, it could require non-New Zealand citizen travellers to be fully vaccinated prior to departure except those exempt: medical transfers and the exemptions agreed by Cabinet on 4 October 2021, including RSE workers [CAB-21-MIN-0403]. The provision which allows RSE workers to arrive having only received one dose could be phased out by 1 January 2022, in view of vaccination levels tabulated in Annex 3.
- 51 Consistent with previous advice accepted by Cabinet in regard to RSE workers, and our current exemptions policy, officials do not recommend pre-departure testing of travellers given the limited testing capacity of Pacific partner countries and lack of Public Health rationale for this given these countries are currently COVID-free.
- 52 s9(2)(ba)(i)

Operationalisation

- 53 A commencement date of 8 November 2021 would allow time (three weeks from decision) to both communicate with partner governments and stakeholders, and for governments, RSE employers and airlines to prepare for expanded one-way QFT. QFT flights will be able to operate as scheduled services (with provision for group bookings for RSE workers) rather than only charter flights. RSE employers may also look to operate charter flights for RSE-only cohorts. Officials anticipate this would be welcomed by airlines as a more commercially viable model. Air Vanuatu has met New Zealand's standards to be designated a QFT carrier. As set out in Annex I, the process for pre-departure eligibility checks will need to be worked through (currently the Pacific governments are responsible for this for RSE workers). The government would continue to confirm the 14-day in-country status. As with Australia, airline compliance checks could be supported by the deployment of INZ Airline Liaison officers to support and advise airline staff and monitor adherence to QFT operating requirements (see Annex 2).

- 54 Limited QFT for RSE workers is currently enabled by an Exemption Notice issued pursuant to the Air Border Order. The expansion of QFT to additional cohorts from Sāmoa, Tokelau, Tonga and Vanuatu may be effected by including flights from Sāmoa, Tonga and Vanuatu within a general provision of the Air Border Order. Officials recommend you authorise them to propose necessary changes to the Air Border Order or associated notices in order to operationalise this QFT scheme.
- 55 The Minister of Immigration will certify any necessary changes to Immigration Instructions required to implement the changes in this paper.

Preserving current QFT arrangements with Cook Islands and Niue

- 56 Currently travellers from the Cook Islands and Niue can enter New Zealand without entering MIQ and without needing to meet any additional health requirements (other than having been in country for the previous 14 days and the health declaration). These Arrangements have been in place since January and March 2021 respectively, and there has been no transmission of COVID-19 since these were implemented.

57 s6(a)

I therefore recommend maintaining the existing arrangements with the Cook Islands and Niue.

Human Rights

58 s9(2)(h)

s9(2)(h)

International law considerations

62 s9(2)(h)

Financial Implications

65 There are no financial implications arising from the proposals set out in this paper. I will be reporting to Cabinet in October 2021 on the operationalisation of the Reconnecting New Zealanders Strategy including costs and funding requirements.

- 66 INZ has advised it has the necessary funding to support the deployments of airline liaison officers.
- 67 Increasing passenger numbers on flights may reduce the level of government support for Air New Zealand under the MIAC scheme. This is not expected to have a significant overall impact, given the relatively low volumes these routes represent.

Legislative Implications

- 68 There are legislative implications arising from this paper – modifications to Orders made under the COVID-19 Public Health Response Act 2020 or exemption notices will be required to implement certain aspects, if agreed by Ministers. These will be the subject of a report-back specified in the recommendations.
- 69 Changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 will be required if Ministers decide that travel from Australia using the medium risk pathway should be available to all eligible persons in Australia, to enable third country nationals to apply for visas from within Australia. Dependent upon our decisions, I recommend that Cabinet invite the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office if required.
- 70 The current legislative framework for Quarantine-free Travel is complex and does not provide the flexibility to deal with COVID-19 outbreaks. Therefore during operation of Trans Tasman Quarantine-free Travel the framework required weekly (often daily) health updates and legislative changes, and so was an unworkable and unsustainable model from public health assessment, policy, legal, legislative and operational perspectives. There are significant risks in continuing with the current legislative framework.
- 71 Further, officials advise the current legislative framework for QFT is not framed in a way that could easily be adjusted to give effect to the proposals in this paper. Doing so would increase the complexity of the current framework and the associated risks. It would also make it even harder to adjust at speed in future. Officials therefore recommend that the current Air Border Order and accompanying QFT notices and exemptions be replaced with a new legislative framework that is reframed to give effect to the proposals in this paper, and structured in a way that will make it easy to change and adapt for future changes in circumstances.

Impact analysis

- 72 The Regulatory Impact Analysis Team at the Treasury has determined that the proposals for a travel pathway from low risk Australian states and expansion of one-way QFT to eligible travellers from Sāmoa, Tokelau, Tonga and Vanuatu is exempt from the requirement to provide a Regulatory Impact Statement. The exemption is granted on the grounds that the proposals are intended to manage, mitigate or alleviate the short-term impacts of the declared emergency event of the COVID-19 pandemic, and implementation of the policy is required urgently to be effective (making complete, robust and timely Regulatory Impact Statements unfeasible).

Consultation

- 73 This paper was developed by the Ministry of Foreign Affairs and Trade. The following agencies were consulted and their views taken into account during the development of this paper: New Zealand Customs Service, Ministry of Health, Ministry of Business, Innovation and Employment (Immigration and MIQ), the Treasury, Ministry of Transport, the Ministry of Justice, the Department of Prime Minister and Cabinet (COVID-19 Group and PAG), and the Crown Law Office.

Communications

- 74 Clear, timely public communications will be critical for smooth implementation, including passenger compliance.
- 75 Officials have started developing a communications plan in anticipation of Cabinet's agreement to these proposals, including clarification for travellers of how these proposals work with the entry requirements for New Zealanders into Australia and the Pacific.
- 76 Airlines will have a key role in communicating changes directly to existing passengers and through its booking processes. Officials will notify the Australian, Cook Islands and Niue governments as QFT partners in advance of any public announcement, in keeping with the previous announcements related to our border settings. Officials will similarly advise other Pacific governments in advance of public announcements.

Proactive Release

- 77 Officials will consider appropriate timing to proactively release this paper following Cabinet consideration, with redactions made as appropriate.

Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

Australia

- 1 **note** that the suspension of quarantine-free travel with Australia is due to end on 19 November 2021, and that a decision needs to be made about whether to open a pathway for travel from Australia, to be operational by that date;
- 2 **note** that the Ministry of Health's preliminary advice is that based on current information people that have been in Norfolk Island, Northern Territory, Queensland, South Australia, Tasmania, Western Australia for 14 days can be deemed as low risk;
- 3 **agree in principle** that a pathway be made available from 8 November 2021 or earlier if possible to allow travellers who have only been in one or more of Norfolk Island, Northern Territory, Queensland, South Australia, Tasmania, Western Australia for 14 continuous days immediately prior to travel and who travel directly from these states

to enter New Zealand with the following compliance and other conditions for eligibility:

- 3.1 acceptable evidence of full vaccination and a negative pre-departure test sighted by airlines prior to boarding (unvaccinated New Zealand citizens will still be permitted to travel)
 - 3.2 declaration of prior travel history (including between Australian states), s9(2)(c)
 - 3.3 all required information, including contact details, entered into Nau Mai Rā
 - 3.4 'stay at home' until a negative day 3 COVID-19 test result is received
- 4 **note** that this reflects a high trust model and that there will be no monitoring or follow up of compliance with measures in recommendation 3.3 or 3.4.

5 **agree** that:

EITHER

- 5.1 Vaccinated and unvaccinated passengers can travel on the same flights. On arrival, unvaccinated passengers will be transferred to MIQ.

OR

- 5.2 Only vaccinated passengers can travel on eligible flights from Australia under the medium risk pathway. Unvaccinated passengers will travel on separate flights and then enter MIQ.

OR

- 5.3 Vaccinated and unvaccinated passengers can travel on the same flights. On arrival in New Zealand, they will be subject to the same health requirements (as outlined in rec. 3, above).

6 **agree** that for the medium risk path for travel from Australia, eligible travellers are:

- 6.1 ONLY Those travellers who have been in one or more of Norfolk Island, Northern Territory, Queensland, South Australia, Tasmania, Western Australia for the past 14 days and who are already permitted to enter New Zealand under current settings (New Zealand citizens and most residence-class visa holders, Australians normally resident in New Zealand, Australians and temporary visa holders who left New Zealand on or after 6 April 2021, and the small number eligible under other border exception categories, and family members); AND
- 6.2 Signal to industry and the public an intention in principle to extend this pathway to all people in Australia who eligible on pre-COVID-19 immigration

grounds and who meet health criteria from January 2022 (subject to health advice and regulatory amendment at the time);

- 7 **note** that there are significant operational issues to be worked through before confirming that airlines and airports can implement changes within the proposed timeframes; and that readiness will depend on urgent confirmation of all Public Health and other settings;
- 8 **direct** officials to report back to the Minister for COVID-19 Response by 1 November 2021 with further advice on the Public Health and operational issues arising from implementation of the compliance and eligibility conditions specified in recommendations 3, 4, 5, and 6, and with recommendations to approve the necessary changes to legal instruments;

Pacific

- 9 **note** that on 27 September 2021, Cabinet:
 - 9.1 agreed to commence one-way quarantine-free travel for Recognised Seasonal Employers workers from Sāmoa, Tonga and Vanuatu; and
 - 9.2 noted that on 1 September 2021 Cabinet Business Committee had agreed to a review and report-back to Cabinet by the Minister for COVID-19 Response one month after commencement to enable consideration of expansion of one-way quarantine-free travel to other eligible travellers [CBC-21-MIN-0089] [CAB-21-MIN-0389];
- 10 **note** that the first quarantine-free travel flight arrived from Vanuatu on 4 October 2021 and that the programme so far has been a success;
- 11 **agree** to expand one-way quarantine-free travel from 11.59pm on 7 November 2021 to other eligible travellers from Sāmoa, Tokelau, Tonga and Vanuatu as agreed in principle by Cabinet in July 2021, being those people who have the right to reside permanently in New Zealand (including first time resident visa holders and Australians), and people covered by border exceptions [CAB-21-MIN-0276];
- 12 **note** that further border exceptions will be considered by responsible Ministers in the future, but that entry will be continue to need to be managed given the constrained quarantine capacity in these countries;
- 13 **note** the Director-General of Health's previous advice that Sāmoa, Tokelau, Tonga and Vanuatu are ready from a health perspective to commence one-way quarantine-free travel [CAB-21-MIN-0389] and that they remain low risk;
- 14 **agree** that as an additional layer of assurance, travellers from Sāmoa, Tokelau, Tonga and Vanuatu must be fully vaccinated to enter New Zealand, unless they are New Zealand citizens or otherwise exempt from the requirement, such as medical transfers, or RSE workers who are currently required to have at least one dose of an

approved COVID-19 vaccination, as agreed by Cabinet [CAB-21-MIN-0403, CBC-21-MIN-0089].

- 15 **agree** that the provision allowing Recognised Seasonal Employer workers to enter with at least one vaccination dose be phased out by 1 January 2022;
- 16 **note** that if Cabinet selects to prevent vaccinated and unvaccinated travellers from travelling on the same flight, this could cut off the ability for people who do not meet vaccination requirements to travel to New Zealand from Sāmoa, Tokelau, Tonga and Vanuatu;
- 17 **agree** that consistent with the low risk posed by Sāmoa, Tokelau, Tonga and Vanuatu, travellers will not be required to undertake a COVID-19 tests prior to departure [CBC-21-MIN-0089] or post-arrival, nor stay at home on arrival;
- 18 **note** that the existing quarantine-free travel arrangements with the Cook Islands and Niue will be maintained;

Other

- 19 **agree** that given the current legislative framework for quarantine-free travel is complex and not fit-for purpose for current use nor for supporting the proposals in this paper that the current Air Border Order and accompanying quarantine-free travel notices and exemptions be replaced with a new legislative framework that would give effect to the proposals in this paper and be adaptable for future changes in circumstances;
- 20 **note** that MIAS vouchers for travellers who no longer require them will be cancelled in accordance with the voucher cancellation framework;
- 21 **note** that the MIQ Quarantine Free Travel reserve is currently being used for the community outbreak, but that if Ministers agree to open the medium risk pathways for travel from Australia, this will free up some MIQ capacity;
- 22 **invite** the Minister of Immigration to certify any necessary changes to immigration instructions required to bring the changes agreed by Cabinet into effect at the appropriate time; and
- 23 **invite** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to implement the decision at paragraph 53; and
- 24 **note** that this paper addresses only the air border and does not concern the maritime border.

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

[IN CONFIDENCE]

ANNEX 1: Reconnecting New Zealanders: Early Steps: Proposed Requirements

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

Annex 2: Reconnecting New Zealanders: Early Steps – Operational Issues

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

Page 2 of 6

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

[IN CONFIDENCE]

Page 3 of 6

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

[IN CONFIDENCE]

Page 4 of 6

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

[IN CONFIDENCE]

Page 5 of 6

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[IN CONFIDENCE]

[IN CONFIDENCE]

s9(2)(g)(i)

Proactively released by the
Ministry of Foreign Affairs and Trade

[Document ID]

[IN CONFIDENCE]

Annex 3: Reconnecting New Zealanders: Early Steps: Vaccination Rates in Select Pacific Jurisdictions

Jurisdiction	First dose	Fully vaccinated	As at date
Sāmoa	94.1%	60.1%	14 Oct 2021
Tokelau	-	99%	14 Aug 2021
Tonga	74.9%	49%	13 Oct 2021
Vanuatu	24.6%	11.9%	26 Sept 2021



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.

Reconnecting New Zealanders: Early Steps

Portfolio COVID-19 Response

On 18 October 2021, Cabinet:

- 1 **referred** the proposals in the submission *Reconnecting New Zealanders: Early Steps* [CAB-21-SUB-0423], to the COVID-19 Ministerial Group for further consideration;
- 2 **authorised** the COVID-19 Ministerial Group to have Power to Act to take decisions on the proposals.

Michael Webster
Secretary of the Cabinet

Proactively released by the
Ministry of Foreign Affairs and Trade

Annex 1: Pacific jurisdiction information

Country	Vaccination rate (eligible ppln)	Community transmission	Border controls	Main types of travellers	Expected traveller volumes (per annum)	Repatriation capacity management	Transit routes	Testing Capacity
Low-risk								
Solomon Islands Pop: 700,000	One dose: 46% Two doses: 17% (3 Dec)	No	MIQ on arrival for 7 (low risk), 10 (moderate risk) or 14 (high risk) days Travellers are required to be fully vaccinated Western maritime border patrolled ^{s6(b)(i)}	RSE (direct charter or via Australia) NZ Citizens/PRs Students	RSE (~800) NZers/ PRs (~50) Students (~10)	Controlled borders Medium MIQ capacity [150]	Via Australia, Brisbane	s6(b)(i)
Kiribati Pop: 121,950	One dose: 901% Two doses: 39% (for pop aged 18+ as at 8 Dec)	No	MIQ on arrival for all travellers for 14 days No vaccination requirements but are currently under review Maritime border is closely controlled with police presence	RSE Scholarship students PAC visa holders Diaspora and Technical Advisers for Kiribati	RSE (<300) PAC visa holders (~70) Scholarship students (~15)	Tightly controlled borders Small MIQ capacity	Via Fiji and Solomon Islands/Nauru-Australia s6(a)	s6(b)(i)
Tuvalu Pop: 12,000	One dose: 92% Two doses: 88% [final phase of AstraZeneca rollout under way] (for pop aged 18+ as at 11 Nov)	No	MIQ on arrival for 14 days No vaccination requirements but are currently under review Maritime border is closed	RSE, charters, medical referral patients, students, Technical Advisers	RSE (80-100) Students (~10) Medical patients (<50)	Controlled borders Small MIQ capacity [40 – 60]	Via Fiji and Vanuatu	s6(b)(i) Good MIQ testing capacity.

RESTRICTED

Page 2 of 3

Nauru Pop: 12,000	One dose: 100% Two doses: 94% (rollout complete for population aged 18+)	No	MIQ on arrival for all travellers for 5 days No vaccination requirements but are currently under review Maritime border is strictly controlled with 14 day quarantine required at sea and testing for cargo ships	RSE New Zealanders working in Nauru	NZers (~75) RSE (~5)	Tightly controlled borders Small MIQ capacity	Via Australia	s6(b)(1) s 9 Good MIQ testing capacity provided by Australia
American Samoa Pop: 55,000	One dose: 86% Two doses: 73% (for population aged 5+ as at 3 December)	No	Travellers can only travel from Hawaii or Apia and must be US citizens/nationals and/or American Samoa residents. Travellers from Hawaii must be fully vaccinated 14 days prior to travel, have three PCR tests prior to departure, complete a health questionnaire and undertake 10-14 days' MIQ. Travellers from Apia have to meet health requirements but do not need to isolate. Maritime border is subject to health requirements including PDT/vaccination.	New Zealanders living in American Samoa seeking medical treatment. Others seeking to transit via Auckland	100-150 travellers in total	Tightly controlled borders	Via Apia (note currently requires 14-day stay in Samoa under QFT) or Hawaii	Good capacity
Medium-risk								
Fiji	One dose: 98% Two doses: 89%	Yes	MIQ on arrival for 3 days. All travellers are required to be vaccinated.	RSE; family; tourism; scholarship students		Open border. Medium to large MIQ capacity.	Direct	Good community testing capacity

RESTRICTED

	(for population aged 12+ as at 8 December)		Maritime border is open.					
New Caledonia	One dose: 67% Two doses: 63% (for population aged 12+ as at 9 December)	Yes	Self-isolation on arrival for 7 days All travellers must be fully vaccinated The maritime border is closed	Repatriations, medical referral patients		Controlled border No MIQ facilities in active use	Via Australia or Japan	Good testing capacity s6(b)(i)
French Polynesia	One dose: 76% Two doses: 69% (for population aged 12+ as at 8 December)	Yes	Self-isolation or MIQ on arrival for 10 days if unvaccinated MIQ not required if vaccinated The maritime border is open	Tourists		Open border Medium MIQ capacity	Via France and the USA	Good testing capacity s6(b)(i)
High-risk								
PNG	One dose: 4% Two doses: 3% Significant anti-vax sentiments. (for population aged 18+ as at 28 November)	Widespread	The border is closed	NZ citizens and permanent residents Scholarship students			Via Australia	s6(b)(i)

Restricted

Office of the Minister for COVID-19 Response

Office of the Minister of Immigration

Cabinet Social Wellbeing Committee

Further Reconnecting with the Pacific

Proposal

- 1 This paper seeks approval of the next step for the low-risk Pacific pathway under the Reconnecting New Zealanders approach - to simplify the pathway's requirements proportionate to risk - and to include additional low-risk Pacific jurisdictions Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa from either 16 January or 13 February 2022. It also seeks agreement to remove the visa ceilings for Recognised Seasonal Employer (RSE) workers from Samoa, Tonga and Vanuatu, with volumes to be managed by the national RSE visa cap.

Relation to government priorities

- 2 This paper relates to the Government's response to COVID-19 and sits alongside Reconnecting New Zealanders to the World and other immigration papers being considered by Cabinet.

Executive summary

- 3 New Zealand has a strong interest in supporting Pacific resilience and further reconnecting with the Pacific for relationship, economic, social and geostrategic reasons. Early steps under the Reconnecting New Zealanders approach have so far successfully enabled quarantine-free travel (QFT) from low-risk Pacific jurisdictions with direct flights to New Zealand. Yet the processes to establish and maintain QFT arrangements have been burdensome for New Zealand and Pacific governments and airlines, and are increasingly disproportionate to the low level of risk presented by many Pacific jurisdictions.
- 4 With the transition to the COVID-19 Protection Framework, high vaccination rates and as New Zealand continues to implement the Reconnecting New Zealanders approach there is the opportunity to expand and simplify access to one-way QFT for other low-risk Pacific jurisdictions. New Zealand would unilaterally include jurisdictions in the low-risk Pacific pathway if they meet the eligibility criteria.
- 5 The next candidates for the low-risk Pacific pathway are proximate COVID-free jurisdictions without direct flights to New Zealand. Cabinet is invited to agree to expand one-way QFT to Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa in Q1 from either 16 January or 13 February 2022. Should Ministers consider it necessary to expand in January this could be implemented but would face significant operational challenges - at a time when officials need to focus on implementing Step 1

of the medium-risk pathway. Therefore, officials recommend February to allow appropriate time for operational readiness on the part of New Zealand and Pacific governments, and the aviation sector. In practice the number of travellers benefitting from a January timeframe would be very low; there would be a lag for airlines and travellers to respond to the opportunity, and RSE workers would not be eligible until the border exception is expanded. Partners have not been informed that New Zealand is considering expansion of the pathway ^{s6(a)}

- 6 Settings under the low-risk Pacific pathway would continue to be no pre-departure testing (PDT), no managed or self-isolation or testing on-arrival given the low COVID-19 risk to New Zealand presented by travellers. Vaccinations will remain a key enabler of the pathway. The medium-risk pathway is not recommended for these jurisdictions because the self-isolation requirement is disproportionate given the low public health risk to New Zealand, and because limited testing capacity in many of these jurisdictions makes the PDT requirement difficult for travellers to fulfil.
- 7 Volumes of travellers from the proposed QFT partners are likely to be small (refer Annex 1), with the possible exception of Solomon Islands RSE workers. Pacific partners will need to introduce direct charter flights and/or utilise appropriate transit routes. Some travellers will be able to transit Samoa or Vanuatu that are already part of the low-risk Pacific pathway. Other travellers are expected to transit Australia and Fiji and would enter under the medium-risk pathway if they go landside. Travellers would be required to self-declare upon arrival in New Zealand whether they have entered the landside area of the medium-risk transit airport.
- 8 Requirements will continue to mitigate risk, but in a way that is proportionate and demonstrates equitable treatment across close Pacific partners that are similarly low risk. A commitment to continue repatriation of RSE workers would remain a dedicated requirement for access to the RSE scheme rather than the low-risk Pacific pathway. For these and other reasons government-to-government Arrangements no longer need to be negotiated for new entrants.
- 9 Travellers under the low-risk Pacific pathway are currently limited to those who have the right to reside permanently in New Zealand and those covered by border exceptions. All the proposed jurisdictions except American Samoa are contributors to the RSE scheme. Border exceptions will be maintained for the time being. Further reopening of visa categories for travellers from the Pacific will align with Step 3 of the Reconnecting New Zealanders approach. This will ensure consistency with other jurisdictions, subject to there being no heightened risk of stranding.
- 10 We also recommend that visa ceilings for managing RSE worker numbers from Samoa, Tonga and Vanuatu be removed for all three countries, with volumes to be managed by the overall national RSE visa cap (14,400). ^{s6(a)}
- 11 Pacific countries remain vulnerable to the risks associated with New Zealand living with COVID-19. In coordination with donor partners such as Australia, New Zealand is continuing to support COVID-19 preparedness and response in the region.

- 12 The settings for the low-risk Pacific pathway are low intervention and high-trust. This reflects the low public health risk presented by travellers from these COVID-free jurisdictions and our close relationships with Pacific partners, which provides assurance about understanding any evolving risk. Over time, it is anticipated that the risk profile will change, for example, as jurisdictions open their borders or as new variants emerge. ^{s6(a)}

Background

- 13 Three pathways to enter New Zealand have been agreed under New Zealand's plan to reconnect with the world [CAB-21-MIN-0474]. The phased rollout of the medium-risk pathway in Q1 2022 is designed to enable a carefully managed transition from managed isolation as the default setting for international travellers.
- 14 Cabinet has requested advice on reconnecting with other Pacific jurisdictions recognising the priority attached to the Pacific region [CAB-21-MIN-0474]. In October 2021, COVID-19 Ministers agreed that settings for travellers from Samoa, Tokelau, Tonga and Vanuatu be aligned with Cook Islands and Niue QFT to form a low-risk Pacific pathway. The pathway will continue to allow quarantine-free entry into New Zealand with minimal restrictions for eligible travellers from eligible low-risk Pacific jurisdictions, incorporating and building on the existing QFT arrangements in operation.

Section 1: The next step for the low-risk Pacific pathway

- 15 New Zealand has so far completed QFT arrangements with COVID-19 free jurisdictions where there were direct air links to New Zealand, based on criteria of low COVID-19 public health risk, existing cultural and economic links, and mutually understood air and maritime border controls. As we move to implement next steps under the Reconnecting New Zealanders approach in Q1 2022, this paper defines eligibility criteria and settings for the next step of the low-risk Pacific pathway (that provides quarantine-free entry into New Zealand) and recommends that proximate low-risk Pacific jurisdictions without direct flights be unilaterally included. These are Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa.
- 16 In addition to the low COVID-19 health risk posed by these jurisdictions (including their current COVID-free status), New Zealand is an important gateway for these jurisdictions to reconnect with the world. All will help restore Pacific connections – delivering social and economic benefits for the region. All (except American Samoa) are contributors to the RSE scheme. ^{s6(b)(i)}

. Inclusion of American Samoa would recognise its inextricable links with Samoa and resolve an inconsistency between American Samoa and Tokelau (both of which rely on Samoa as a gateway). Further information about these jurisdictions is contained in Annex 1.

Eligibility and settings for the low-risk Pacific pathway

Where have we come from?

- 17 QFT requirements were originally designed to facilitate two-way QFT in primarily COVID-19 free environments and to minimise health risk to New Zealand from other countries, prior to vaccination becoming a feature in risk assessments. One-way QFT only was pursued with Samoa, Tokelau, Tonga and Vanuatu. Significant work was undertaken to assess suitability of QFT with Australia, the Cook Islands, Niue, Samoa, Tonga and Vanuatu as New Zealand pursued its elimination strategy. Health officials conducted detailed health assessments that considered both absence of COVID-19 community transmission and a jurisdiction's ability to detect, manage and report cases. Border agencies assessed the management of air and maritime border controls.

s6(a)

Moving to a streamlined approach, proportional to risk

- 18 With the transition to the COVID-19 Protection Framework, high vaccination rates, and as New Zealand implements the Reconnecting New Zealanders approach, officials recommend the approach to the low-risk Pacific pathway be adjusted to take account of relative risk. This would involve a streamlined process for assessing a jurisdiction's eligibility for the pathway and streamlined requirements. The principle applied is that settings under the low-risk Pacific pathway should be less onerous than those under the medium-risk pathway. While we pursue this approach, we need to be mindful of Omicron and keep a close watch on emerging evidence and any implications for public health risk.
- 19 Expansion of the pathway would not require government-to-government Arrangements; it would essentially be a unilateral step taken by New Zealand. Existing QFT Arrangements with the Cook Islands, Niue, Samoa, Tonga and Vanuatu would remain in place unless or until partners have a preference to terminate or suspend. s6(a), s9(2)(g)(i)

Eligibility for the simplified low-risk Pacific pathway

- 20 In order to be eligible for the low-risk Pacific pathway, jurisdictions will need to meet the criteria that the risk of COVID-19 cases entering New Zealand from the jurisdiction is acceptably low. Under the streamlined process, the Ministry of Health's country risk assessment is primarily based on there having been no community transmission for the preceding 28 days. A small number of contained cases would be accommodated to provide some resilience in the pathway (rather than triggering an immediate transition to a different entry pathway while the situation is assessed to establish if transmission is controlled). s6(a)

The information is drawn from modelling, surveillance and reporting. The expected low traveller volumes

from these small Pacific populations and their existing border controls are a key risk mitigation. The full set of criteria is included in Annex 2.

Health settings and entry requirements under the low-risk Pacific pathway

- 21 Eligible travellers will need to meet a number of requirements prior to departure, in transit and on arrival. These are similar to those required under QFT Arrangements, including the requirements to be fully vaccinated, to have been in a low-risk jurisdiction for the preceding 14 days, completion of Nau Mai Rā for contact tracing purposes and that travellers should not be displaying COVID-19 symptoms or waiting on a COVID-19 test result. The full set of requirements is contained in Annex 2. There will continue to be no PDT requirement or isolation on arrival into New Zealand. ^{s6(a)} and there is no identified public health need that warrants PDT due to the jurisdictions' low risk.

Shift to self-declaration of 14 day in-country requirement is needed

- 22 COVID-19 Ministers have been asked to approve substituting the requirement for partner governments to verify that travellers have spent '14 days in country' with a self-declaration by travellers. Feedback from one-way QFT partners is that the manual process is burdensome and unsustainable. Self-declaration at the departing airport would be appropriate and would be conducted by airlines at check-in as part of the existing pre-departure confirmation process. ^{s9(2)(ba)(i)}
- 23 Under existing partners' current MIQ requirements, all travellers should have been in that country for 14 days prior to travel. Regarding the proposed additional candidates, border controls currently ensure all arrivals in these jurisdictions enter managed isolation (refer Annex 1). The Ministry of Foreign Affairs and Trade (MFAT) will continue to monitor border settings.

Transit routes

- 24 Given New Zealand does not have direct air connections with the proposed additional jurisdictions, Pacific partners will either need to introduce direct charter flights and/or utilise appropriate transit routes. The settings therefore take a whole-of-journey perspective. How travellers will be treated on arrival would depend on whether they have flown directly from a low-risk jurisdiction or transited a low-risk or other country. Some travellers will be able to transit Samoa or Vanuatu that are already part of the low-risk Pacific pathway. Other travellers are expected to transit hubs in other countries such as Australia (e.g. Brisbane) and Fiji. Transit routes and layover are commercial decisions for airlines. Information on transit routes is in Annex 2.
- 25 Transit routes under the low-risk Pacific pathway may operate as follows:
- 25.1 Low-risk jurisdiction passenger transiting a low-risk jurisdiction = low-risk pathway
 - 25.2 Low-risk jurisdiction passenger transiting medium-risk jurisdiction and remaining airside (regardless if on a mixed pathway flight) = low-risk pathway

25.3 Low-risk jurisdiction passenger transiting medium-risk jurisdiction and going landside = medium-risk pathway

- 26 New Zealand Border agencies cannot verify whether a traveller has remained airside or has gone landside whilst transiting another jurisdiction. Travellers would be required to self-declare upon arrival in New Zealand whether they have entered the landside area of any medium-risk transit airport. On the basis of the self-declaration the traveller would be treated according to the risk pathway informed by public health advice, i.e. if they declared they had been landside they would enter via the medium-risk pathway.

What happens if there is an outbreak in a low-risk Pacific jurisdiction?

- 27 It will be important to provide certainty for travellers and airlines under the low-risk Pacific pathway and maintain stable settings if this is proportionate to risk. We will want to avoid a situation, to the extent possible, where access to the pathway is turned on and off again. Within the low-risk Pacific pathway there is allowance for a contained number of community cases rather than triggering an immediate transition to a different entry pathway. Mitigation tools could be introduced if the number of community cases increased, such as selective PDT or Day 0/1 testing, although there will be limits to the feasibility of bespoke arrangements. An assessment would be undertaken to determine if a transition to the medium-risk pathway or other pathways is required. Further advice on the thresholds for shifting between pathways will be provided in early February 2022.

Immigration settings

- 28 Travellers under the low-risk Pacific pathway are currently limited to those who have the right to reside permanently in New Zealand and people covered by border exceptions. As authorised by Cabinet we are considering creating additional border class exceptions for certain students, including Manaaki ODA scholars, and some additional workers from Pacific low-risk jurisdictions [CBC-21-MIN-0089]. We will also consider advice on expanding border exceptions to RSE workers from Solomon Islands, Tuvalu, Kiribati and Nauru by February 2022.
- 29 As New Zealand moves towards the medium-risk pathway we will need to ensure immigration eligibility for the low-risk Pacific pathway is equitable. At Step 3 the border exceptions regime will be removed and further reopening of visa categories from the Pacific will be considered, subject to there being no heightened risk of stranding, particularly for visitor visas.

Repatriation

- 30 A plan for repatriation of citizens has been a requirement of Pacific one-way QFT partners to date. Immigration New Zealand (INZ) officials consider that RSE workers present the greatest risk of stranding as the scheme is not designed for long-term stays. Other groups, such as workers on Essential Skills visas, have more options to remain in New Zealand longer-term.

- 31 Therefore a formal commitment to continue repatriation of RSE workers would remain a dedicated requirement for partners' access to the RSE scheme - rather than a condition for travel on the low-risk Pacific pathway generally. A form of volume control will remain under the RSE scheme. This would bring the low-risk Pacific pathway into greater alignment with the medium-risk pathway for which there is no repatriation requirement and ensure our approach is equitable for the Pacific.
- 32 Solomon Islands has an excellent record with repatriations. Kiribati and Tuvalu have been risk-averse following New Zealand's outbreak; no RSE workers have been repatriated since March 2020. Tuvalu restarted repatriation of RSE workers on 10 December 2021 and Kiribati has signalled gradual reopening of its border from January 2022 following vaccination rollout. Nauru is able to conduct repatriations via Brisbane.
- 33 Factoring in time to secure a repatriation commitment, commence recruitment and other processes, it is anticipated RSE workers from the additional jurisdictions would not arrive in New Zealand before March 2022. Solomon Islands workers will be needed by April-May 2022 in time for kiwifruit harvesting.

Airports and airlines

- 34 Agencies have been working with airports and airlines as part of developing the Reconnecting New Zealanders approach. It is anticipated that airlines and airports will not need to undertake additional work to accommodate expanded access to the low-risk Pacific pathway as they will already cater for the existing quarantine-free entry from some Pacific jurisdictions and the medium-risk pathway. Depending on the settings there may be some additional work for the health workforce on arrival – but this is expected to be minimal given low traveller volumes.
- 35 It is equally important to provide airlines and airports with certainty and maintain stable settings. Implementation will need to align to processes for wider reconnection and have limited derogations and exceptions. This is important as airlines face significant challenges to manage bespoke processes for separate countries.
- 36 Agencies will work alongside airport and airlines to ensure operational requirements are understood. Under the new pathways, airlines will no longer be designated as QFT or non-QFT carriers, nor will entire flights be designated as red or green. The Reconnecting approach focuses on individual traveller risk rather than an entire flight being designated the same. This will be given effect through the replacement Air Border Order (ABO).

MIQ implications

- 37 MIQ holds a small number of vouchers for travellers scheduled to arrive from Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa in January-February 2022. The Ministry of Business, Innovation and Employment (MBIE) intends to cancel these MIAS vouchers for travellers who no longer require them in accordance with the voucher cancellation framework.

Expansion of the low-risk Pacific pathway

- 38 The Ministry of Health has confirmed that the proposed jurisdictions meet the above eligibility criteria. On this basis we recommend that Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa be included in the simplified low-risk Pacific pathway either from 11:59pm on 16 January 2022 (in line with Step 1 of the medium-risk pathway) or from 11:59pm on 13 February 2022 (in line with Step 2).
- 39 Should the low-risk Pacific pathway be expanded on 16 January 2022, only travellers from American Samoa would be able to travel (through Samoa) from day one. The remainder of the jurisdictions would need time for airlines and in-country communications to prepare and respond to the opportunity. Experience in the Pacific to date has identified the requirement to complete the Nau Mai Rā declaration before departing for New Zealand requires substantial lead time to ensure travellers are aware of the additional documentation before travel. For Tuvalu and Kiribati the proposed shift of Fiji to the medium-risk pathway in February 2022 will open more viable route options.
- 40 Officials therefore recommend the 13 February 2022 timeframe. This would allow sufficient time for clear communications to eligible travellers, including translated materials, and for operational readiness on the part of New Zealand and Pacific governments, and the aviation sector. It would coincide with Fiji's access to the medium-risk pathway. It would also allow officials to focus on implementation of Step 1 of the medium-risk pathway in January 2022. Partners have not yet been informed that New Zealand is considering expansion of the low-risk Pacific pathway; so there are no expectations to manage.

Proposed actions for the low-risk Pacific pathway

- 41 Should Cabinet agree to the simplified approach for the low-risk Pacific pathway and its expansion, next steps and indicative timings include:
- 41.1 MFAT to inform existing QFT partners of the proposal (including Vanuatu's potential transit function) (starting week 20 December 2021);
 - 41.2 MFAT to inform the governments of Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa of New Zealand's intention to include them in the pathway and the requirements, with support from other agencies as required (starting week 20 December 2021);
 - 41.3 INZ and MFAT to engage with RSE-sending countries Kiribati, Nauru, Solomon Islands and Tuvalu to seek a commitment to continue repatriation of RSE workers in order to progress their inclusion in the RSE border exception (starting week 20 December);
 - 41.4 MBIE/INZ to provide advice to the Minister for COVID-19 Response and Minister of Immigration on expansion of the RSE border exception to Kiribati, Nauru, Solomon Islands and Tuvalu (by February 2022);

- 41.5 Ministry of Transport to inform airlines and Customs to inform airports in-confidence of the planned simplification and expansion of the pathway and Ministry for Primary Industries (MPI) and MBIE to engage with the horticulture sector in-confidence as preparations progress; and
- 41.6 Officials to provide the Minister for COVID-19 Response a progress report on discussions with partners and preparations, including advice on timing of a public announcement regarding expansion of the low-risk Pacific pathway (January 2022).

Section 2: Medium-risk Pacific jurisdictions

- 42 Under the medium-risk pathway fully vaccinated New Zealand citizens and other travellers eligible under our current restrictive border settings, from all but very high-risk countries, will be eligible to enter New Zealand from February 2022 without entering MIQ but with isolation and testing requirements. Pacific jurisdictions that fall under this category include Fiji, New Caledonia and French Polynesia. ^{s6(a)}

Section 3: RSE worker ceilings for Samoa, Tonga and Vanuatu

- 43 Cabinet previously agreed that numbers of visas for RSE workers from Samoa, Tonga, and Vanuatu would initially be capped at 1,200, 1,300 and 4,400 respectively for the remainder of the 2021/22 season. These ceilings were designed to ensure traveller flows from those countries remained proportionate to their capacity to accommodate the return of travellers before or at the end of their visas.
- 44 Cabinet agreed that officials would review these country ceilings in December 2021 and consider whether they could be raised to 2,000 for Samoa, to 1,700 for Tonga and to 5,100 for Vanuatu, or higher [CBC-21-MIN-0089]. This assessment would be based on partners' progress in repatriation and RSE workforce planning.
- 45 These ceilings were based on officials' assessment of partners' monthly repatriation capacities at the time repatriation plans were negotiated ^{s6(a), s6(b)(i)}

Further information regarding actual RSE worker repatriation levels, expected industry labour force needs and analysis of proposals can be found in Annex 3.

- 46 While the country worker ceilings were designed to avoid potential repatriation 'bottlenecks', it is likely that a similar outcome could be achieved through maintaining

the national RSE visa cap and removing country ceilings. The removal of the ceilings would allow industry to calibrate worker recruitment in an agile way allowing for partners' changing repatriation capacities.

- 47 This approach does carry the risk of larger numbers of workers coming from one country than would have come if ceilings were in place. However, such a risk is present in any context where repatriation capacity is limited. Removing the ceilings would fundamentally rely on industry to undertake recruitment in a sustainable way. This is already occurring: limited recruitment from Tonga is planned until further repatriation is confirmed.
- 48 We recommend that country ceilings are removed on the basis that the national cap and Pacific country labour-sending capacity will act as a sufficient constraint on numbers. We also recommend that the national cap of 14,400 for the 2021/2022 season be counted to include all RSE workers onshore as at 1 February 2022.

Section 4: Supporting safe Pacific reopening: risks & preparedness

- 49 s6(a), s9(2)(g)(i)

(refer Annex

1). s6(a)

- 50 As established in March 2020, health screening by New Zealand public health units will continue for outbound flights to Pacific countries. Quarantine on arrival also helps to minimise risk of an outbreak, but there is a residual risk. Our existing approach to one-way QFT has required partners to not unilaterally open up to New Zealand or other countries. Looking to 2022, Pacific countries will be increasingly developing their own strategies to reconnect with New Zealand, our region and the world. Recognising the economic and social benefits of greater Pacific interconnectedness, in line with the Government's approach to supporting Pacific Resilience [CAB-21-MIN-0401], we will continue to support partners' preparedness to 'open up' at their own pace, while continuing to monitor the possible impacts on New Zealand public health.
- 51 New Zealand is continuing to support COVID-19 preparedness and response across the Pacific region in coordination with other donor partners such as Australia and the WHO. This includes supporting continued access to vaccines, strengthening health system capacity and resilience, providing economic and budget support, engaging on vaccine certification for cross border travel and responding where outbreaks occur.
- 52 For example, New Zealand is working with the Cook Islands to prepare for safe border reopening and with Niue to safely achieve two-way QFT. We are engaging with Polynesian partners through the Polynesian Health Corridors programme to broaden and deepen their relationships with New Zealand health agencies to support strengthening their health systems' pandemic preparedness and response capacity, vaccine rollout and access to essential medicines.

- 53 While we will do all we can, working with Australia and other partners, to support any Pacific country grappling with a serious COVID-19 outbreak, there are practical limits on our resources. In expanding the low-risk Pacific pathway we will need to manage expectations.

Section 5: Other considerations

Financial Implications

- 54 Since the beginning of the pandemic, New Zealand has responded to the economic situation in the Pacific, including with direct budget support to mitigate the risks of a fiscal crisis. Among others, New Zealand has provided COVID-19 budget support to Solomon Islands (NZ\$8.95 million), Kiribati (NZ\$3 million), Tuvalu (NZ\$2 million), and Nauru (NZ\$0.5 million). Remittances from migrant labour would provide an immediate income stream that would assist these countries in recovering from the economic effects of COVID-19 and strengthen their long term resilience.
- 55 Managing the operational implications for agencies of expanding the low-risk Pacific pathway will be managed through existing allocations.

Legislative Implications

- 56 The proposals in this paper will be given effect through a new COVID-19 Order which will replace the current ABO and all existing QFT notices. The replacement ABO will transition the existing six QFT jurisdictions to the low-risk Pacific pathway (referred to as Category A jurisdictions in the ABO). This will move towards normalising requirements for airlines operating the various Reconnecting pathways and away from an air carrier designation model.
- 57 Before Step 3, changes are unlikely to be required to the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010. The Minister of Immigration will certify necessary changes to immigration instructions.

Impact Analysis

- 58 The Regulatory Impact Analysis Team at the Treasury has determined that the proposals to extend the low-risk Pacific pathway to other low-risk jurisdictions are exempt from the requirement to provide a Regulatory Impact Statement. The exemption is granted on the grounds that the proposals are intended to manage the border restrictions instituted to protect the public in response to the COVID-19 emergency, and implementation of the policy is required urgently to be effective (making complete, robust and timely Regulatory Impact Statements unfeasible).

Climate and Population Implications

- 59 A Climate Implications of Policy Assessment was not necessary.
- 60 This proposal will have a positive impact on communities in Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa and Pasifika communities in New Zealand as it

will support vital people-to-people connections and, for Tuvalu, access to healthcare services not available in Tuvalu for patients supported under existing medical treatment schemes.

- 61 Given the incidence and impact of COVID-19 on our Pasifika community, entry through the low-risk Pacific pathway is likely to expose travellers from the Pacific to increased COVID-19 risks in New Zealand and potentially on return in their country of origin. Vaccination entry requirements of non-New Zealand citizens and partners' MIO requirements on return will help manage the risk.

s9(2)(h)

Proactively released by the
Ministry of Foreign Affairs and Trade

Consultation

- 67 This paper was prepared by MFAT in collaboration with the Department of the Prime Minister and Cabinet (COVID-19 Group), the Ministries of Health, Business, Innovation and Employment (Immigration and Managed Isolation and Quarantine), Primary Industries, Transport, Social Development and the New Zealand Customs Service. Consultation was undertaken with the Treasury, Crown Law, the Ministries of Justice, Education, Pacific Peoples and the Parliamentary Counsel's Office.

Communications

- 68 A Communications plan will be developed with input from the relevant agencies, and consultation with industry as required. Key communications will be coordinated with partner governments.

Proactive Release

- 69 We intend to proactively release this paper following Cabinet consideration, subject to necessary redactions including to preserve our international relations and any commercial and legal sensitivities.

Recommendations

The Minister for COVID-19 Response and Minister of Immigration recommend that Cabinet:

- 1 **Note** that in the course of 2021 New Zealand has established quarantine-free travel from the Cook Islands, Niue, Samoa, Tokelau, Tonga and Vanuatu and these jurisdictions will be brought into the low-risk Pacific pathway;
- 2 **Note** that New Zealand has an interest in supporting Pacific resilience and further reconnecting with the Pacific for relationship, economic, social ^{s6(a)} reasons;
- 3 **Agree** now that New Zealand has implemented the COVID-19 Protection Framework and has a high rate of vaccination, to expand the low-risk Pacific pathway to jurisdictions on the basis of satisfying the following criteria:
 - 3.1 present a low risk of COVID-19 spreading to New Zealand, considering the COVID-19 status of the jurisdiction and New Zealand's current situation;
 - 3.2 are COVID-19 free, OR have only a small number of contained cases and there is ongoing monitoring and assurance to establish if transmission is controlled, or a small number of cases identified at the border/managed isolation or quarantine(MIQ);
 - 3.3 have had no community COVID-19 cases from an unknown source in the preceding 28 days in the jurisdiction of origin;

- 3.4 there are strong health-to-health relationships and engagement between New Zealand and the eligible jurisdiction to provide confidence in the health systems, COVID-19 response planning and preparedness and exchange of information related to a change in domestic COVID-19 risk; or where no current health-to-health engagement exists, this information can be increased through existing relationships with other health partners; and
- 3.5 officials can have high confidence in the data received from the jurisdiction;
- 4 **Agree** that Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa be included in the low-risk Pacific pathway on the basis that they meet the criteria for the pathway and given the strong bilateral, social and economic benefits;

EITHER

- 4.1 from 11:59pm 16 January 2022;

OR

- 4.2 from 11:59pm 13 February 2022;
- 5 **Agree** that New Zealand engage with Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa to inform them of the intention to include them in the low-risk Pacific pathway and the associated requirements;
- 6 **Note** that while these jurisdictions do not currently have direct flights to New Zealand, there may be options for direct charter flights and/or for travellers to transit through existing low-risk jurisdictions en route to New Zealand under the low-risk Pacific pathway;
- 7 **Note** that requirements for travel under the low-risk Pacific pathway include:
 - Prior to departure
 - 7.1 A self-declaration that the traveller has been in a low-risk jurisdiction of origin in the preceding 14 days;
 - 7.2 all non-New Zealand citizens to be fully vaccinated at least 14 days before travel with one of the WHO approved vaccines, any approved by overseas governments, or any MedSafe approved vaccines,
 - 7.3 completion of the 'Nau Mai Rā' electronic traveller declaration (until superseded by the Traveller Health Declaration System);
 - 7.4 self-declaration that the traveller is not waiting on the result of a COVID-19 test;
 - 7.5 self-declaration that the traveller has not been asked to self-isolate in the preceding 14 days;
 - 7.6 self-declaration that the traveller does not have COVID-19 symptoms;
 - In transit
 - 7.7 If transit occurs through a jurisdiction on the low-risk Pacific pathway, no additional actions are required;

- 7.8 if transit occurs through a jurisdiction on the medium-risk pathway, and the transit passenger remains airside in the jurisdiction of transit, the traveller may enter with no additional requirements;
- 7.9 if transit occurs through a jurisdiction on the medium-risk pathway and the traveller goes landside, the traveller will be required to enter under the medium-risk pathway (including self-isolation and testing requirements);

On arrival

- 7.10 All low-risk travellers would receive information about what to do, including how to access testing, if they develop any COVID-19 symptoms while in New Zealand;
- 8 **Note** that COVID-19 Ministers have been invited to approve that the 14-day in-country eligibility requirement be met by travellers' self-declaration rather than verified by partner governments and that this will be applied as soon as practicable to travel from Samoa, Tokelau, Tonga and Vanuatu;
- 9 **Note** that as New Zealand Border agencies cannot verify whether a traveller has remained airside or gone landside in another jurisdiction, the self-declaration by the transit passenger will operate on a high-trust model and travellers who self-declare on arrival will enter the respective pathway on that basis;
- 10 s6(a), s9(2)(g)(i)
- 11 **Invite** the
- 11.1 Minister for COVID-19 Response to issue drafting instructions to the Parliamentary Counsel's Office to give effect to the proposal under the Air Border Order; and
- 11.2 Minister of Immigration to certify instructions to give effect to the decisions made by Cabinet;
- 12 **Note** that eligible travellers under the low-risk Pacific pathway are those who have the right to reside permanently in New Zealand (including New Zealand citizens and residents, and Australian citizens and permanent residents), and people covered by border exceptions;
- 13 **Note** that as New Zealand opens the medium-risk pathway we will need to ensure immigration eligibility requirements for the low-risk Pacific pathway remain in step (subject to Pacific jurisdictions' limited MIQ capacity not creating a heightened risk of stranding, particularly in regard to visitor visas);
- 14 **Note** that Cabinet invited the Minister for COVID-19 Response and the Minister of Immigration to make final decisions on new and amended border exceptions for low-risk Pacific countries, taking into account repatriation concerns [CBC-21-MIN-0089];

- 15 **Agree** that a commitment to continue repatriation of RSE workers be a dedicated requirement for partners' access to the RSE scheme, rather than a general condition for travel on the low-risk Pacific pathway;
- 16 **Note** that a decision on expanding the RSE border exception to RSE workers from Kiribati, Nauru, Tuvalu and Solomon Islands is expected to be made by February 2022, contingent on repatriation commitments being received;
- 17 **Note** that New Zealand and Fiji have strong people-to-people links and that consideration of additional border exemptions and visa categories, including RSE, will be recommended under the medium-risk pathway;
- 18 **Note** that Pacific countries are vulnerable to the risks associated with New Zealand living with COVID-19 and in coordination with other donor partners New Zealand is continuing to support COVID-19 preparedness and response in the region;
- 19 **Note** that Cabinet agreed to consider raising the ceiling for RSE workers from Samoa, Tonga and Vanuatu in December 2021 depending on progress with repatriation and RSE workforce planning;
- 20 s6(a)
- 21 **Agree** to remove the RSE worker ceilings for Samoa, Tonga and Vanuatu, on the basis that the national cap and Pacific country labour-sending capacity will act as a sufficient constraint on numbers, noting that timely repatriation could be difficult if worker numbers from any one country increase significantly;
- 22 **Agree** that the national RSE cap be counted as all RSE workers on-shore as at 1 February 2022;
- 23 **Note** that officials will report back to the Minister for COVID-19 Response, Minister of Foreign Affairs and Associate Minister of Foreign Affairs on progress.

Authorised for lodgement

Minister for COVID-19 Response

Hon Chris Hipkins

Hon Kris Faafoi

Minister for COVID-19 Response

Minister of Immigration



BORDER EXECUTIVE BOARD

Briefing

Low-risk Pacific pathway: Shifting to self-declaration of 14-day in-country requirement

Date due to MO: 8 December 2021 **Action required by:** 15 December 2021

Security level: IN CONFIDENCE **BEB Report:** BEB RPT 21-085

To: Hon Chris Hipkins, Minister for COVID-19 Response
Ministers with Power to Act on COVID-19 matters

Contact for telephone discussion

Name	Position	Telephone
Christine Stevenson	Chair of the Border Executive Board	s9(2)(a)
Catherine McIntosh	Lead Adviser, Ministry of Foreign Affairs and Trade	

Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <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 | |

Comment:

Low-risk Pacific pathway: Shifting to self-declaration of 14-day in-country requirement

Security level: IN CONFIDENCE **Date:** 8 December 2021

To: Hon Chris Hipkins, Minister for COVID-19 Response
Ministers with Power to Act on COVID-19 matters

Purpose of report

- To seek approval to move from partner government manual verification to traveller self-declaration of 14-day in-country requirement for Pacific quarantine-free travel (QFT) partners under the low-risk Pacific pathway.

Key points

- Under New Zealand's government-to government Arrangements for QFT with select low-risk Pacific partners, it is a requirement that passengers must have been in the country they are departing from for the preceding 14 days prior to travel, in order to be eligible to travel to New Zealand on a QFT flight.
- With the exception of the Cook Islands and Niue, a manual government process has so far been used to check the travel history of travellers from Samoa, Tokelau, Tonga and Vanuatu. Partner governments have been responsible for verifying this requirement is met under the terms of the Arrangements.
- While this manual verification has been possible and it has served to provide additional assurance, feedback is that this process is burdensome ^{s6(a)}
- Given these countries' highly restrictive border settings, it is also considered unnecessary. Under partners' current MIQ requirements, all travellers should have been in that country for 14 days prior to travel. The commitments of the Cook Islands, Niue, Samoa, Tonga and Vanuatu to consult New Zealand before any border opening to other countries, including New Zealand, also provide assurance that this is the case.
- With the transition to the COVID-19 Protection Framework, high vaccination rates and as New Zealand continues to implement the Reconnecting New Zealanders approach there is the opportunity to expand and simplify access to QFT for other low-risk Pacific jurisdictions.
- For these reasons, officials recommend removing the requirement for partner governments to verify '14 days in country' for travellers under the low-risk Pacific pathway.
- Officials instead consider self-declaration by travellers at the departing airport would be appropriate. This would be part of the existing pre-departure eligibility confirmation process conducted by airlines at check-in. ^{s9(2)(ba)(i)}

- Removing the government verification process will remove this unnecessary burden for partners and would be welcomed.^{s6(a)}
^{s9(2)(g)(i)} Government-to-government Arrangements would be amended as necessary.
- Officials recommend that Samoa, Tonga and Vanuatu be permitted to transition towards implementing self-declaration as soon as practicable and that it apply to future partners under the low-risk Pacific pathway. The proposed expansion of the pathway will be considered by the Cabinet Social Wellbeing Committee on 15 December 2021 and Cabinet on 20 December 2021.

Recommendations

We recommend you:

- a) **Agree** that the 14-day in-country eligibility requirement under the low-risk Pacific pathway be met by travellers' self-declaration rather than verified by partner governments and this be applied as soon as practicable to travel from Samoa, Tokelau, Tonga and Vanuatu; **Yes / No**
- b) **Note** that government-to-government Arrangements with Samoa, Tonga and Vanuatu would be amended, as necessary, to remove the requirement for government assurance of the 14-day in-country eligibility requirement. **Yes / No**



Christine Stevenson

Chair of the Border Executive Board

Date: 8/12/21

Hon Chris Hipkins

Minister for COVID-19 Response

Date:

Rt Hon Jacinda Ardern

Prime Minister

Date:

Hon Grant Robertson

Deputy Prime Minister

Date:

Hon Andrew Little
Minister of Health
Date:

Hon Kris Faafoi
Minister of Justice
Date:

Hon Kelvin Davis
Minister for Māori Crown Relations
Date:

Hon Aupito William Sio
Minister for Pacific Peoples
Date:

Hon Peeni Henare
Associate Minister of Health
Date:

Hon Dr Ayesha Verrall
Associate Minister of Health
Date:



19 February 2021

Minister for COVID-19 Response

For action by 22 February 2021

One-way quarantine-free entry from Niue to New Zealand

BRIEFING Decision Submission

PURPOSE This paper seeks guidance on preparing a Cabinet paper on one-way quarantine-free entry from Niue to New Zealand.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	23 February 2021
Minister of Finance	For information by	23 February 2021
Minister of Health	For information by	23 February 2021
Minister of Foreign Affairs	For information by	23 February 2021
Minister of Immigration	For information by	23 February 2021
Minister of Transport	For information by	23 February 2021
Minister of Customs	For information by	23 February 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Christine Stevenson	Chair of Border Executive Board; Comptroller of Customs	New Zealand Customs Service	s9(2)(a)
Patrick Rata	Lead Negotiator	Ministry of Foreign Affairs and Trade	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Seen
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

One-way quarantine-free entry from Niue to New Zealand

Pito matua – Key points

- This paper seeks instruction to prepare advice for Cabinet seeking approval to commence one-way quarantine-free entry from Niue to New Zealand.
- Officials have been working closely with Niuean counterparts to exchange information on each country's health systems, and maritime and aviation border settings. This has included the sharing of documentation, table-top exercises, and High Commission visits to Niuean facilities. A senior Niuean official also visited Auckland Airport to undertake a walk-through of the quarantine-free arrival process.
- A key consideration is that Niue will maintain its current border settings and managed isolation requirements under one-way quarantine-free travel from Niue to New Zealand. As well, Niue's air border is closed to all arrivals except a weekly flight from New Zealand and the maritime border is closed to all vessels except for scheduled commercial cargo vessels. Crew on-board these vessels have no contact with Niuean workers.
- s9(2)(b)(ii)

A maritime border incursion that subverts border control is unlikely due to the geography of the island.

- There remains no evidence of COVID-19 in Niue, and based on the information obtained, there is very low risk of transmission from Niue to New Zealand.
- In terms of New Zealand's preparedness, operational agencies are well-positioned to commence quarantine-free entry from Niue as a number of necessary protocols and practices are already in place.
- Officials have engaged with Auckland Airport and Air New Zealand on one-way quarantine-free entry from Niue. A key issue for operational viability is managing the airport cleaning standards set by the Government, which will require approximately 90 minutes. Auckland Airport and Air New Zealand are seeking to align the arrival time slot of the Niue flight with a flight from the Cook Islands. Air New Zealand and Auckland Airport have indicated that alignment is likely to be possible with the Sunday flight (Saturday Niue time) arriving from the Cook Islands.
- A technical visit of New Zealand officials to Niue will be necessary before the commencement of two-way quarantine-free travel between New Zealand and Niue, and is welcomed by Niuean officials as a further opportunity to support capacity building.

Christine Stevenson
Comptroller of Customs,
Chair Border Executives Group

One-way quarantine-free entry from Niue to New Zealand

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note that the <i>Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel between New Zealand and Niue</i> was signed by leaders on 21 December. | Yes / No |
| 2 | Note that officials have been working closely with Niuean counterparts to exchange information on each country's health systems, and maritime and aviation border settings. | Yes / No |
| 3 | Note that information has been gathered through documentation exchange, technical engagement, table top exercises, and through the New Zealand High Commission in Niue, and officials assess a technical visit is not required for the purpose of one-way quarantine-free travel from Niue to New Zealand. | Yes / No |
| 4 | Note that Niue will maintain its current border settings and managed isolation requirements under one-way quarantine-free entry from Niue to New Zealand. | Yes / No |
| 5 | Note that there is no evidence of COVID-19 in Niue and, based on the information obtained, there is very low risk of transmission from Niue to New Zealand. | Yes / No |
| 6 | Note that, based on information obtained, officials have concluded Niue has shown technical readiness for one-way quarantine-free travel in relation to its aviation and maritime borders. | Yes / No |
| 7 | Agree that officials should prepare advice for Cabinet seeking approval to commence one-way quarantine-free entry from Niue to New Zealand. | Yes / No |
| 8 | Note that the Cabinet paper will outline New Zealand's domestic readiness for one-way quarantine-free entry from Niue. | Yes / No |
| 9 | Note that planning is under way for a technical visit to Niue prior to two-way quarantine-free travel commencing. | Yes / No |

Hon Chris Hipkins
 Minister for COVID-19 Response
 Date: / /

One-way quarantine-free entry from Niue to New Zealand

Pūrongo – Report

1. This paper proposes a way forward for quarantine-free entry from Niue to New Zealand. As agreed by Cabinet [CAB-20-MIN-0515] officials have been undertaking further work on the possibility and implications of quarantine-free entry from Niue to New Zealand. Based on technical officials' understanding of Niue's health capacity and maritime and aviation border settings, as well as New Zealand's domestic readiness, officials conclude that it is possible to commence quarantine-free entry from Niue to New Zealand and recommend you take a paper to Cabinet seeking approval.

Summary of Government decisions and action to date

2. On 7 December 2020, Cabinet approved signature of the *Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel* and noted that Niue had indicated it was not pursuing two-way quarantine-free travel until 2021, but had raised the idea of one-way quarantine-free travel as an interim measure. Cabinet also noted that officials would undertake a technical visit to Niue in early 2021 and that Cabinet's approval would be sought to commence quarantine-free travel following a review of Niue's readiness [CAB-20-MIN-0515]. Cabinet agreed to officials undertaking further work on the possibility and implications of quarantine-free entry from Niue to New Zealand as an interim measure to two-way quarantine-free travel. On 16 December 2020, Cabinet noted that officials were working with Niue to facilitate quarantine-free travel from Niue to New Zealand and would report back to Ministers once those preparations had been further developed [CBC-20-MIN-0143].
3. On 17 December 2020, Prime Minister Ardern and Premier Tagelagi announced next steps towards quarantine-free travel. Their joint media statement said officials would progress discussions to enable one-way quarantine-free entry from Niue to New Zealand, to enable improved access for essential travel and to support Niue's economic recovery.
4. In December 2020, the two leaders signed the *Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel*. The Arrangement will come into effect once the two Governments have mutually determined that the necessary preconditions set out in the Arrangement have been met.

Policy rationale for quarantine-free entry from Niue

5. New Zealand has special responsibilities towards Niue that arise from our unique constitutional relationship. Regular transport connections are critical for sustaining Niue's economy and providing access to critical services, as well as ensuring that commercial, family and people linkages with New Zealand can be maintained.
6. Enabling quarantine-free entry to New Zealand will provide opportunity for the movement of people to more easily access essential services in New Zealand (e.g., medical and education services).

Technical Readiness of Niue for quarantine-free entry into New Zealand

7. Officials have engaged with Niue, including at technical agency level, to exchange information concerning each country's health system and current aviation and maritime

One-way quarantine-free entry from Niue to New Zealand

border settings. This has included the exchange of documentation, including standard operating procedures and emergency response frameworks, and table top exercises running through possible scenarios including breaches of the maritime border. The New Zealand High Commission in Niue has conducted physical checks and observations on behalf of New Zealand agencies at the border and at healthcare facilities. Niue's Head of External Affairs visited Auckland Airport for a 'walk-through' to understand how quarantine-free entry from the Cook Islands is operating. This also provided a further opportunity to discuss both countries' border settings.

8. New Zealand officials have focused on building up their understanding of Niue's health system response to COVID-19, including leadership and governance, surveillance system and testing capability, quarantine capacity, and case management.
9. Officials conclude that the current COVID-19 situation and health and border settings of Niue mean the risk of transmission of COVID-19 from Niue is low (due to its air border being closed to all countries other than New Zealand). In this context, officials advise it is possible to proceed with quarantine-free entry from Niue to New Zealand.

Niue's Health Capacity

10. Niue has no reported cases of COVID-19 and all testing to date under Niue's testing approach has returned negative results. Furthermore, Niue's officials have confirmed that under a one-way quarantine-free entry arrangement Niue would maintain managed isolation (or self-isolation for a small number of visitors under strict criteria) on arrival for two weeks for all travellers.
11. Based on a review of technical documents and information received from the New Zealand High Commission in Niue, the Ministry of Health assessment is that a visit and technical assessment is not needed before one-way quarantine-free travel commences. An interim assessment has taken place through a review of Niue's Department of Health documentation and in-country health system observations by the New Zealand High Commission. This is complemented by in-country observations on airport processes and the current quarantine and isolation status.
12. Niue has the systems in place to manage returnees with the maintenance of its current entry and border settings, 14-day managed isolation on arrival, and a cap on arrival numbers (up to 26 a fortnight) with a stringent selection process. Niue has developed a surveillance and testing plan aligned with New Zealand's approach (i.e. same case definition, predominantly symptomatic testing) and is currently utilising GeneXpert for COVID-19 testing, recently having received a supply of 400 cartridges which can accommodate the current demand under existing settings and Niue's bespoke surveillance and testing approach.
13. The arrivals cap and selection entry criteria for travellers to Niue align with its existing quarantine and isolation capacity and staff resource, including for contact tracing should it be required. Niue currently has 10 secured self-contained units for quarantine purposes. Niue can also expand this using the country's main hotel (the Scenic Matavai), which has up to 30 rooms available, but this would need to align with staffing resource for health checks, monitoring and security. There is one ICU bed in the hospital with plans to increase capacity to three beds in a new building (building due to begin in June 2021).

One-way quarantine-free entry from Niue to New Zealand

There is one isolation bed in the hospital but this capacity can be expanded to nine beds by relocating the existing geriatric ward.

14. To enable one-way quarantine-free travel from Niue, an exemption under the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 is likely to be required. The *quarantine-free entry criteria* under the exemption will provide that:
 - the person has been only in Niue or New Zealand for at least 14 days prior to departure to New Zealand;
 - they have maintained physical distancing (to the greatest extent practicable) from any person, at the airport at which they arrive, who did not arrive from Niue;
 - they have worn a face covering while in the airport at which they arrived in New Zealand; and
 - on arrival into New Zealand, there are no reasonable grounds (as determined by a suitably qualified health practitioner) to suspect that the person may have COVID-19.
15. As with preparations for one-way quarantine-free travel arrangements between New Zealand with Australia, and with the Cook Islands, a response framework will be developed with Niue to manage potential risk.

Niue's Maritime and Aviation Border

16. Niue's border is closed to all countries other than New Zealand. The air border is served currently by a weekly flight from New Zealand. One of these flights is a cargo only flight effectively meaning that passenger flights are every fortnight. For the weekly freight flight, contact with the aircraft is limited, PPE worn, no crew disembark but an engineer disembarks for a visual safety check of the plane.
17. Niue is currently the only country that does not submit Advanced Passenger Processing (APP) information to Immigration New Zealand. Steps will be taken to work with Niue to change this. In the meantime, due to low passenger numbers and Niue's border settings, the lack of APP information presents low risk to New Zealand.
18. Niue's maritime border is closed to all vessels, except for scheduled commercial cargo vessels. Niue's reef and natural rock features limit arriving craft to only one safe access point which provides secure oversight of the maritime border. A scheduled commercial cargo vessel arrives every 4-5 weeks. Large vessels must anchor outside the reef at Alofi with cargo transferred from the vessel to port by barge and tug. Crew on board vessels have no contact with Niuean workers. Niue Customs is responsible for the ship and its contents, the Police are responsible for the legal status of the ship and Immigration are responsible for the people on board.
19. New Zealand technical officials have engaged with Niuean officials to understand the measures and controls in place to manage risk from the maritime border. In mid-February, the New Zealand High Commission observed flight and cargo operations under instruction from New Zealand border agencies.

One-way quarantine-free entry from Niue to New Zealand

20. While the maritime border remains closed to all vessels including yachts, there are the occasional yachts that pass through Niue. These boats are required to radio in advance to Niue Police, with access restricted unless genuine reasons for anchorage. Vessel granted permission can moor outside the reef at Alofi and crew are not permitted to leave the vessel. If vessels do not radio in to Niue Police, the Niue Police will send out the Police boat to meet the vessel and request they depart Niuean waters. Crew can only leave in a medical emergency.
21. Niue has standard operating procedures in place to manage maritime emergencies.
s7(a)(ii); s9(2)(ba)(i)

It is assessed that a maritime border incursion that subverts border controls is unlikely due to the geography of the island.

Technical visit to Niue

22. Cabinet noted that officials will undertake a technical visit to Niue in early 2021. It is necessary for a technical visit to take place prior to commencement of two-way quarantine-free travel with Niue. A technical visit would also help to build confidence between Niue and New Zealand that full two-way quarantine-free travel can be safely operationalised. This includes the management and containment of COVID-19.
23. In the mean time, officials recommend that you take a paper to Cabinet seeking approval to commence one-way quarantine-free entry from Niue to New Zealand. This is on the basis that a technical visit is not required to provide the necessary assurances to Cabinet for one-way quarantine-free entry from Niue to New Zealand, as sufficient information has been gathered through remote means and via the High Commission under agencies' instruction.
24. The technical visit will take place after one-way quarantine-free travel from Niue to New Zealand has commenced.

New Zealand Domestic Readiness

25. New Zealand's operational agencies are positioned to commence quarantine-free entry from Niue, as the process will follow the same protocols as current quarantine-free entry from the Cook Islands.
26. To administer one-way quarantine-free entry from Niue to New Zealand, agencies will apply standard border passenger processing protocols and health measures and draw on the settings in the Arrangement to further mitigate risk. Enhanced measures will also be in place, consistent with the relevant requirements for two-way safe travel zones. Cabinet advice will go into more detail on these measures.
27. Previous Cabinet decisions on requirements for safe travel initials, including with respect to use of e-Gates, random temperature checking and airport cleaning protocols, will apply to quarantine-free entry from Niue to New Zealand.

One-way quarantine-free entry from Niue to New Zealand

28. Niue has noted that under one-way quarantine-free travel it intends to maintain the current fortnightly schedule for passenger flights, and so will not require further services to be added.
29. Officials have engaged with Auckland Airport and Air New Zealand on implementing one-way entry from Niue.s9(2)(b)(ii)

Progress towards commencement

30. Subject to your agreement, next steps are:
 - 30.1. Preparation of a Cabinet paper seeking agreement to remove the managed isolation and quarantine requirements for travellers entering New Zealand from Niue;
 - 30.2. An exchange of letters confirming the parameters for quarantine-free entry from Niue to New Zealand;
 - 30.3. Making the necessary changes to border orders;
 - 30.4. A joint public announcement;
 - 30.5. Confirming arrangements for the commencement of flights.
31. A communications plan will be developed ahead of the commencement of quarantine-free travel to New Zealand from Niue. It will focus on communicating key information around eligibility, what to expect while travelling, and health and safety advice. Communications will be shared with Niue ahead of any announcements.

Restricted

Office of the Minister for COVID-19 Response

Cabinet

Quarantine-Free Travel to New Zealand from Niue

Proposal

- 1 This paper seeks Cabinet approval to commence one-way quarantine-free travel (QFT) to New Zealand from Niue from 19 March 2021.

Relation to Government Priorities

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

Executive Summary

- 3 This paper recommends commencement of one-way QFT to New Zealand from Niue from 19 March 2021. Officials assess the risk of COVID-19 transmission from Niue to New Zealand to be low, due to current health and border settings. To give effect to QFT to New Zealand from Niue, both countries have signed an Arrangement and will complete an Exchange of Letters to outline expectations around one-way QFT. Steps towards full two-way QFT will be covered in a separate Cabinet paper.

Policy Rationale

- 4 New Zealand has special responsibilities towards Niue that arise from our whanaungatanga and unique constitutional relationship. Niue is part of the Realm of New Zealand. Transport connections are critical for sustaining the economic and social well-being of Niueans, and ensuring that commercial, family and people linkages with New Zealand can be maintained.
- 5 As well, QFT to New Zealand from Niue will provide improved access for Niueans seeking medical treatment for both acute and chronic conditions. Niue's health system relies on referral to New Zealand for specialist and tertiary healthcare.

Background

- 6 On 7 December 2020, Cabinet approved signature of the *Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel* (the Arrangement) and noted that Niue had raised the idea of one-way QFT as an interim measure [CAB-20-MIN-0515]. On 16 December 2020, Cabinet noted that officials were working with Niue to facilitate QFT from Niue to New Zealand and would report back to Ministers once those preparations had been further developed [CBC-20-MIN-0143].

- 7 In December 2020, Prime Minister Ardern and Premier Tagelagi announced next steps towards QFT, and signed the Arrangement. The Arrangement will come into effect once the two governments have mutually determined the preconditions set out in the Arrangement have been met.

Assessment of Niue for quarantine-free entry into New Zealand

- 8 In January and February 2021, New Zealand and Niuean officials exchanged information on Niue's maritime and aviation borders and health system. The exchanges included remote technical dialogues, exchanges of documentation, and table top exercises. The New Zealand High Commission in Niue conducted physical checks and observations at the direction of New Zealand agencies. The information gathering did not include a technical visit to Niue but such a visit will precede any decisions regarding two-way QFT. Officials have advised that it is possible to proceed with one-way QFT to New Zealand from Niue.
- 9 Two-way QFT is expected to require ^{s7(b)(i), s7(b)(iii)} the Director-General of Health also strongly recommends high levels of vaccination of the eligible population. These aspects will be assessed in further detail during a technical visit by New Zealand officials.

Health preconditions in Niue are currently met

- 10 Niue has no reported cases of COVID-19 and all testing to date under Niue's testing approach has returned negative results. New Zealand officials have concluded that the current COVID-19 situation and health and border settings of Niue mean the risk of transmission of COVID-19 from Niue is low (especially as its air border is closed to all countries other than New Zealand). The Director-General of Health's advice is that risk of transmission of COVID-19 from Niue is low and it is safe to commence one-way QFT to New Zealand from Niue.
- 11 Niue has developed a surveillance and testing plan aligned with New Zealand's approach, using the same case definition and predominately symptomatic testing. Niue recently received a supply of 400 GenXpert cartridges which can accommodate the current testing demand.

Niue's maritime and aviation border meet the necessary requirements

- 12 Niue's air border is closed other than a weekly flight from New Zealand. One of these flights is freight-only and so passenger flights are once every fortnight. There is a cap on arrival numbers (26 passengers per fortnight), and the Government maintains a stringent selection process for travellers allowed to enter the country, combined with a 14-day managed isolation requirement on arrival). For the freight-only flights, contact with the aircraft is limited, PPE gear is worn, and no crew disembark except an engineer for a visual safety check of the plane.

- 13 Niue's maritime border is closed to all vessels except for scheduled commercial cargo vessels. Officials assess that a maritime border entry that could subvert border controls is unlikely. Niue's reef and natural rock features limit arriving craft to only one safe access point which provides secure oversight of the maritime border. While the maritime border remains closed to all vessels including yachts, yachts occasionally pass through Niue's territorial waters. Vessels granted permission can moor outside the reef at Alofi, but crew are not permitted to leave their vessel except in a medical emergency.

Niue's immigration settings will remain in place

- 14 Crucially, under one-way QFT, Niue will retain current border settings including the cap on arrival numbers and two weeks managed isolation (or self-isolation for a small number of people under strict criteria) for all travellers on arrival.
- 15 It is anticipated that Niue will want to continue to enable limited exceptions to its immigration settings to allow entry for individuals who provide essential services. This could include health specialists to provide health services.

New Zealand's readiness to commence one-way QFT from Niue

- 16 New Zealand's operational agencies are well-positioned to commence one-way QFT from Niue, as the process will follow the same protocols as current one-way QFT from the Cook Islands. Measures include: separation of quarantine-free arrivals from other passengers through airport slot planning; deep cleaning between flights; airlines to only carry passengers that have completed pre-departure eligibility questions at check-in; use of eGates; random temperature checking; and separate air crew for low risk routes (New Zealand domestic flights, other QFT flights).
- 17 Legislative and operational preparation continues for the eventual two-way QFT and the process for amending the COVID-19 Public Health Response (Air Border) Order (No 2) 2020 is under way but may not be in force by mid-March. To enable one-way QFT from Niue to occur in the interim, an exemption needs to be granted from the Order, which will be prepared by officials if required.
- 18 Immigration Instructions will need to be certified to enable travellers from Niue who are not New Zealand citizens or residence class visa holders to travel to and enter New Zealand, and to enable third country nationals who are in Niue to apply for temporary entry class visas to travel to New Zealand.
- 19 A communications plan will be finalised ahead of commencement of one-way QFT from Niue. It will focus on communicating key information around eligibility, what to expect while travelling, and health and safety advice. Communications will be shared with Niue ahead of any announcements.

Airport and airline readiness

- 20 Niue has noted its intention to maintain only the fortnightly flight, to manage returning passengers' entry into managed isolation. As with the twice weekly

flights from the Cook Islands, Auckland Airport will separate quarantine-free travellers (green) from quarantine-required (red) travellers using slot planning and deep cleaning to meet safe separation requirements. Arrival slot alignment with a Cook Islands flight is crucial, as low passenger numbers will mean it is not viable to carry out a separate deep clean for the Niue flight. Air New Zealand and Auckland Airport have indicated alignment is likely to be possible. This will be confirmed following a Cabinet decision on commencement.

Giving effect to one-way QFT to New Zealand from Niue

- 21 Officials consider the most effective way to implement one-way QFT from Niue is to formalise this in writing. The Arrangement has already been signed by leaders. As with the Cook Islands, one-way QFT will be formalised through an Exchange of Letters which outline the expectations for facilitating one-way QFT (Annex 1).

Proposed Next Steps

- 22 Should Cabinet approve one-way QFT from Niue, the next steps will include:
- 22.1 Inform Niue and confirm the proposed commencement date;
 - 22.2 Advise private sector stakeholders and confirm a start date for flights;
 - 22.3 Complete an Exchange of Letters to confirm expectations;
 - 22.4 Complete legislative, regulatory and operational changes; and
 - 22.5 Complete a joint public announcement with Niue and related communications.

Two-way QFT between New Zealand and Niue

- 23 The Director-General of Health's strong recommendation is that two-way QFT should commence after work on preparing Niue's health system is completed and when there is vaccination (how high will be determined in light of emerging scientific information closer to the time, and is likely to be over 90 per cent, similar to New Zealand's target rate) of the eligible population. A technical visit to Niue will take place prior to commencement of two-way QFT. The visit will assess whether and when full two-way QFT can be safely operationalised.

s7(b)(i), s7(b)(iii)

- 24 Contingency planning aspects of safe travel initiatives are well progressed and officials will report to Ministers shortly.

Financial Implications

- 25 Agencies estimate minimal impact on resourcing requirements if low travel volumes continue and will seek to manage any pressures within baselines.

Legislative Implications

- 26 To enable QFT from Niue, amendments will need to be made to the COVID-19 Public Health Response (Air Border) Order (No 2) 2020. The required changes will exempt eligible persons arriving on specified flights from quarantine requirements, set out the eligibility criteria for passengers, provide a process for suspending one-way quarantine-free entry if required, and provide for temperature checking. These change are unlikely to be in force by mid-March. To enable one-way QFT from Niue in the interim, an exemption needs to be granted from the Order.
- 27 Minor technical changes are being progressed to the COVID-19 Public Health Response (Managed Isolation and Quarantine Charges) Regulations 2020 to ensure that ^{s6(a)}
- This will come into force in late March.
- 28 The Minister of Immigration will certify new Immigration Instructions which will enable travellers from Niue who are not New Zealand citizens or residence class visa holders to travel to and enter New Zealand. Cabinet has already agreed to approve a change to regulations to enable people coming from a 'Safe Travel Zone' to apply for a visa if required [CAB-20-MIN-0448].

Impact Analysis

Regulatory Impact Statement

- 29 The Treasury previously determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement since they are intended to alleviate the short-term impacts of a declared emergency event, namely the COVID-19 outbreak [CAB-20-MIN-0391].

Climate and Population Implications

- 30 A Climate Implications of Policy Assessment was not necessary.
- 31 This paper will have a positive impact on Niuean communities, as it will recommence vital people-to-people connections and access to essential services located in New Zealand that have been impacted due to COVID- 19.

Human Rights

- 32 ^{s9(2)(h)}

Consultation

- 33 This paper was jointly prepared by the Department of the Prime Minister and Cabinet (Policy Advisory Group), the Ministries of Foreign Affairs and Trade, Health, Business, Innovation and Employment (Immigration and Managed Isolation and Quarantine), and Transport, and the New Zealand Customs Service. Consultation was undertaken with the Treasury.

Communications

- 34 Public communications will be jointly agreed between New Zealand and Niue. A Communications Plan will be provided to the Minister of COVID-19 Response for information. The communications group is consulting with counterparts in industry and partner countries at key points.

Proactive Release

- 35 I do not intend to proactively release this paper following Committee consideration.

Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

- 1 **Note** that Prime Minister Ardern and Premier Tagelagi have signed the *Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel*, and there will be a separate Exchange of Letters to enable commencement of one-way quarantine-free travel from Niue as an interim measure;
- 2 **Note** that there remains no evidence of COVID-19 in Niue and, given the very low risk of transmission of COVID-19 from Niue to New Zealand, the Director-General of Health considers one-way quarantine-free travel to New Zealand from Niue would be safe to commence;
- 3 **Note** that Niue, New Zealand, and relevant aviation industry stakeholders are ready for one-way quarantine-free travel to New Zealand from Niue to commence;
- 4 **Agree** one-way quarantine-free travel to New Zealand from Niue can commence from 19 March 2021;
- 5 **Note** that officials will, if required, prepare the necessary border exemption for the Minister for COVID-19 Response to enable one-way quarantine-free travel to New Zealand from Niue to commence;
- 6 **Invite** the Minister of Immigration to give effect to these decisions through certifying Immigration Instructions;
- 7 **Note** that the Minister of Immigration will, through the certification of Immigration Instructions, provide further detail and definitions to the criteria as required to operationalise these decisions; and

- 8 **Note** planning is under way for a technical visit to Niue prior to two-way quarantine-free travel commencing.

Authorised for lodgement

Hon Chris Hipkins

Minister for COVID-19 Response

Proactively released by the
Ministry of Foreign Affairs and Trade

Proactively released by the
Ministry of Foreign Affairs and Trade



Cabinet Social Wellbeing Committee

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.

Quarantine-Free Travel to New Zealand from Niue

Portfolio **COVID-19 Response**

On 10 March 2021, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-21-MIN-0056]:

- 1 **noted** that the Prime Minister of New Zealand and the Premier of Niue have signed the *Arrangement between the Government of New Zealand and the Government of Niue to facilitate quarantine-free travel*, and there will be a separate Exchange of Letters to enable commencement of one-way quarantine-free travel from Niue as an interim measure;
- 2 **noted** that there remains no evidence of COVID-19 in Niue and, given the very low risk of transmission of COVID-19 from Niue to New Zealand, the Director-General of Health considers one-way quarantine-free travel to New Zealand from Niue would be safe to commence;
- 3 **noted** that Niue, New Zealand, and relevant aviation industry stakeholders are ready for one-way quarantine-free travel to New Zealand from Niue to commence;
- 4 **agreed** that one-way quarantine-free travel to New Zealand from Niue can commence from 19 March 2021;
- 5 **noted** that officials will, if required, prepare the necessary border exemption for the Minister for COVID-19 Response to enable one-way quarantine-free travel to New Zealand from Niue to commence;
- 6 **invited** the Minister of Immigration to give effect to the decision in paragraph 4 above through certifying Immigration Instructions;
- 7 **noted** that the Minister of Immigration will, through the certification of Immigration Instructions, provide further detail and definitions to the criteria as required to operationalise these decisions;
- 8 **noted** that planning is under way for a technical visit to Niue prior to two-way quarantine-free travel commencing.

Rachel Clarke
Committee Secretary

Present: (see over)

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Poto Williams
Hon Damien O'Connor
Hon Kris Faafoi
Hon Peeni Henare
Hon Willie Jackson
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Officials Committee for SWC

Proactively released by the
Ministry of Foreign Affairs and Trade



25 June 2021

Minister for COVID-19 Response

For action by

30 June 2021

Preparations for two-way quarantine-free travel between New Zealand and Niue

BRIEFING Decision Submission

PURPOSE This paper provides advice on the process and timeline for commencement of two-way quarantine-free travel between Niue and New Zealand.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	12 July 2021
Minister of Foreign Affairs	For information by	12 July 2021
Associate Minister of Foreign Affairs and Health	For information by	12 July 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE
Christine Stevenson	Chair of Border Executive Board, Comptroller of Customs	New Zealand Customs Service	s9(2)(a)
Catherine McIntosh	Lead Adviser, Quarantine-Free Travel	Ministry of Foreign Affairs and Trade	s9(2)(a)

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Seen
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Preparations for two-way quarantine-free travel between New Zealand and Niue

Pito matua – Key points

- This paper provides advice on next steps towards two-way quarantine-free travel (QFT) with Niue. The process will be simpler than for the Cook Islands. Officials consider that Cabinet approval to commence two-way QFT could be sought by late-August 2021 at the earliest, with commencement soon after. This is generally aligned with Niue's expectations at this stage.
- s7(b)(i), s7(b)(iii), s9(2)(ba)(i)

Niue has indicated that

vaccination could be a condition of entry. s7(b)(i), s7(b)(iii)
- One-way quarantine-free travel has been operating well and Niue's eligible population is expected to be fully vaccinated against COVID-19 by 10 July 2021. However, the Niue health system is small s7(b)(i), s7(b)(iii), s9(2)(ba)(i)
- There remains work to be done to support the strengthening of Niue's health system. Support to improve Niue's preparedness will include public health capacity strengthening, and ensuring a Response Framework is in place to coordinate between Niue and New Zealand in the event of an outbreak.
- Niue's health officials have requested strengthening work begin only once the vaccination rollout is complete.
- Officials intend to undertake a technical mission to Niue in late July 2021, which would be welcomed by Niue. This visit will provide further assurances for Cabinet's decision on commencement.
- Through the preparations for one-way QFT, Customs and Immigration New Zealand confirmed that Niue's border controls were acceptable for managing the risk of COVID-19. Border officials continue to work with Niue on some remaining aspects for two-way QFT, including on introducing automated Advanced Passenger Processing, information sharing arrangements, and facilitating engagement between Air New Zealand and Niue to confirm all operational requirements.



Christine Stevenson
Chair Border Executive Board
Comptroller of Customs

Preparations for two-way quarantine-free travel between New Zealand and Niue

Tūtohu – Recommendations

It is recommended that you:

- 1 **Note** that the eligible population of Niue is expected to be fully vaccinated by 10 July 2021; **Yes / No**
- 2 **Note** that when Niue's eligible population is fully vaccinated, the risk from opening two-way quarantine-free travel from New Zealand is not completely mitigated so robust systems will still be needed; **Yes / No**
- 3 **Note** that previously agreed health criteria will take into account the Niuean context and guide the Director-General of Health's assessment as to whether two-way quarantine-free travel with Niue can commence; **Yes / No**
- 4 **Note** s7(b)(i), s7(b)(iii), s9(2)(ba)(i) **Yes / No**
- 5 **Note** that officials expect to undertake an in-country visit of public health experts to provide support to Niue prior to commencement of two-way quarantine-free travel; **Yes / No**
- 6 **Note** that officials have provided an indicative timeframe, taking into consideration the Niuean context, that sets out key health preparedness work that needs to be completed to inform the Director-General of Health's final advice to commence two-way quarantine-free travel; **Yes / No**
- 7 **Note** that a Response Framework will be developed as part of the preparedness work and scenario testing will be undertaken; **Yes / No**
- 8 **Note** that many of the border requirements are already in place under one-way quarantine-free travel and border officials will work with Niuean counterparts on remaining issues, including information sharing arrangements and Advanced Passenger Processing data processes; **Yes / No**
- 9 **Note** that Niue has indicated a preference for all travellers from New Zealand to be vaccinated s7(b)(i), s7(b)(iii) **Yes / No**
- 10 **Note** that New Zealand's health and eligibility settings for quarantine-free travel from Niue will align with those from other quarantine-free travel ports; and officials are seeking to facilitate direct engagement between Niue and Air New Zealand to confirm operational requirements for travel from New Zealand to Niue; **Yes / No**
- 11 **Note** that officials estimate two-way quarantine-free travel with Niue could commence by late-August 2021 subject to Niue's agreement, and the Director General of Health's final advice; and **Yes / No**
- 12 **Instruct** officials to proceed towards two-way quarantine-free travel with Niue under the outlined process and timelines. **Yes / No**

Hon Chris Hipkins
Minister for COVID-19 Response

Preparations for two-way quarantine-free travel between New Zealand and Niue

Pūrongo – Report

1. This paper proposes a process and timeline towards two-way QFT between Niue and New Zealand, noting that:

- 1.1. s7(b)(i), s7(b)(iii), s9(2)(ba)(i)

Under the bilateral *Arrangement between the Government of New Zealand and Government of Niue to facilitate quarantine-free travel* (the Arrangement) for QFT, Niue retains the ability to determine immigration requirements that apply to travellers.

- 1.2. Niue's eligible population is estimated to be fully vaccinated against COVID-19 by 10 July 2021. Vaccination will improve the likelihood that, should an event occur, Niue will be dealing with a more manageable situation. This likelihood increases further with an increasing volume of New Zealand visitors being vaccinated as well. While vaccination improves the situation for Niue, it remains important to support health system readiness in, and test, the key areas outlined in the health criteria in the Arrangement.

- 1.3. s7(b)(i), s7(b)(iii), s9(2)(ba)(i)

Niue's Premier has stated publicly an expectation that two-way QFT with New Zealand might commence August – September 2021.

- 1.4. Niue has a small healthcare system that relies on accessing key services in New Zealand, including the transfer of complex cases. Essential services on island are designed to service Niue's small population (approximately 1,700 residents) with little potential to scale up in the case of an emergency.
 - 1.5. Officials, learning from the Cook Islands two-way QFT preparations, consider that a technical visit is important for exchanging information and to support Niue to build and test its systems and processes. s7(b)(i), s7(b)(iii)

Summary of Government decisions and developments to date

2. On 10 March 2021, the Cabinet Social and Wellbeing Committee approved commencement of one-way QFT to New Zealand from Niue [SWC-21-MIN-0014]. Cabinet noted that Prime Minister Ardern and Premier Tagelagi had signed the Arrangement and that a separate exchange of letters enabled commencement of one-way QFT from Niue to New Zealand as an interim measure.
3. The Arrangement sets out systems and criteria to manage COVID-19 risks associated with travel, through multiple layers of assurance including existing and enhanced border and health protocols, information sharing and governance mechanisms, and provisions on amending or terminating the Arrangement and suspending QFT.
4. One-way QFT from Niue to New Zealand has enabled Niueans to access essential healthcare in New Zealand and re-connect with family. Under one-way QFT Niue has maintained a system to manage returnees, with a cap on arrival numbers and 14 days' managed isolation on arrival (and some isolation at home in approved circumstances).

Preparations for two-way quarantine-free travel between New Zealand and Niue

5. s7(b)(i), s7(b)(iii) Demand for return flights to Niue has been greater than expected, leading to a limited increase to the cap on arrivals and expansion of Niue's current managed isolation facility. Officials anticipate further requests from Niue to increase the cap on arrivals soon.
6. At the same time, rollout of the Pfizer vaccine has progressed at speed. As of 21 June 2021, 98 percent of the eligible population is estimated to have received their first dose. Vaccine rollout is expected to be completed by 10 July 2021. s7(b)(i), s7(b)(ii), s7(b)(iii), s9(2)(ba)(i)

Niue's readiness for two-way QFT

7. While Niue's high level of vaccination and preference for limited two-way QFT means commencement is relatively low risk, officials need to undertake further preparatory work.
8. Full vaccination of Niue's eligible population does not completely mitigate the risk from opening two-way QFT with New Zealand. Robust systems are still needed, even if Niue considered a staged opening. For example, contact tracing, case management and testing will still need to occur as well potential hospitalisation and/or medical transfer to New Zealand. All these measures need to be well-planned and tested prior to QFT commencement.
9. Therefore, it is important that there is a clear and agreed process to commence two-way QFT with Niue. s7(b)(i), s7(b)(iii)

Health requirements

10. As stated in the Arrangement, QFT may only commence when Niue and New Zealand health authorities have mutually determined that the rate of COVID-19 transmission and associated public health risk is acceptably low in both countries. The criteria that each country must meet includes the ability to detect cases through sufficient testing and surveillance, no locally acquired cases of unknown source, the ability to manage cases through contact tracing, and careful border controls.

What is needed to support Niue's health system readiness for QFT

11. Previously agreed criteria (above) will guide the assessment of operating two-way QFT with Niue. While these are the same criteria used for the Cook Islands, they will be considered in the Niuean context. Annex 1 outlines the Ministry of Health's preliminary assessment of Niue's health system preparedness and key areas to progress for QFT readiness.
12. The overall risk to Niue of opening two-way QFT with New Zealand is low. This reflects the current domestic COVID-19 situation in both countries (including the recent alert level change in Wellington) but does not consider potential risk stemming from trans-Tasman QFT. However, there are further areas to progress Niue's readiness, to firm up required support, New Zealand's response and to test systems in Niue and New Zealand before QFT commencement.

Preparations for two-way quarantine-free travel between New Zealand and Niue

13. The areas required for Niue's health readiness preparation include:

13.1. A brief overview and update on **status of existing protocols and plans** including the overall emergency response plan, any update to the surveillance and testing plan and any existing plans for quarantine and isolation. This includes a status update on previous plans for a new isolation/ICU facility.

13.2. **Confirming access to PCR testing in New Zealand**, particularly for whole genome sequencing while also accounting for management of GeneXpert cartridge supply and testing protocols in the event that testing demand increases under QFT and supply is strained e.g. management of potential cases or high risk cohorts where testing isn't immediately available.

13.3. s9(2)(g)(i)

To support readiness and the small public health team we would look to test the need for **contact tracing and case investigation refresher training** and any scenario testing (either remote or in-country). It is vital these systems are well developed and all relevant staff are confident in what needs to be done, when and by whom. This is because decision-making in the first 24 – 48 period of an outbreak makes a considerable difference to how an outbreak is managed thereafter (particularly given there is no specialist public health expertise in-country to guide this process).

13.4. **Outbreak response** from New Zealand should align with the needs of Niue but may result in a smaller on-the-ground presence to support any local outbreak response due to the positive impact on COVID-19 transmission and disease severity of vaccination for both the local population and visitors from New Zealand.

Technical visit and process

14. Learning from our Cook Islands two-way QFT experience, we will commence joint work with Niue after its vaccine rollout, to identify key areas where New Zealand can provide further support.

15. This would then need to be followed up with an in-country visit of public health experts to provide support to Niue on the areas identified in paragraph 13 and Annex 1. The work of the in-country team would be supplemented with virtual sessions from other experts (e.g. on contact tracing and surveillance, and response management). Recently Niue officials have expressed a strong preference for an in-country visit by health officials to help Niue provide assurances within its own system that it would be ready to respond should there be a case.

16. s7(b)(i), s7(b)(iii) . Health officials considered whether this could be undertaken virtually however given the highly technical and detailed nature of the work officials do not consider it feasible to complete it entirely virtually. Further work to prepare for New Zealand's response to a situation in Niue would need to take place concurrently (e.g. further work on the deployable pool of experts, on how our two systems would need to connect in a response, and on how a managed return would be operationalised).

17. After the visit completion, officials would be in an informed position to provide you advice on the readiness of the Niuean health system for two-way QFT (as well as our ability to respond).

18. Overall, officials estimate the above process would take around four weeks including two weeks for the in-country visit. A number of assumptions underpin this timeframe, including that Niue foregoes their current requirements for 14 days' managed isolation on arrival (as

Preparations for two-way quarantine-free travel between New Zealand and Niue

we would send only vaccinated public health experts who have tested negative to COVID-19), the required public health experts are available within the timeframe (work on this is now underway) and that Niue can make all relevant officials available within the required timeframe. Officials will provide further advice on timing should these assumptions not be upheld, in particular if Niue continues to require 14 days managed isolation on arrival.

Border requirements

19. The Arrangement states that Niue and New Zealand must have enhanced border controls to manage the risk of the spread of COVID-19.

Niue to New Zealand

20. Through the preparations for one-way QFT, border agencies (Customs and Immigration New Zealand) confirmed that Niue's border controls were acceptable for managing the risk of COVID-19.
21. Air New Zealand is the only carrier that operates this route, and flights are only ex-Auckland. Air New Zealand and Auckland Airport have already been approved as meeting New Zealand's Infection Prevention and Control measures for participating in QFT. The health and eligibility screening questions and processes are aligned across all two-way QFT ports of departure into New Zealand.
22. An increase in the frequency of flights is not expected to be commercially-viable until two-way QFT is in place. Current operation of a fortnightly passenger flights from Auckland to Niue is supported by the New Zealand Government through the Maintaining International Air Connectivity (MIAC) scheme.
23. Although current Niue border controls are acceptable for one-way QFT, automated Advanced Passenger Processing through the Immigration NZ (INZ) carrier portal will be required prior to flight departure for a two-way travel arrangement. This ensures New Zealand can meet our QFT assurance obligations for all our QFT arrangements not just Niue.

New Zealand to Niue

24. Niue is responsible for defining the health and eligibility requirements for arrivals into Niue, including airline and airport requirements. s7(b)(i), s7(b)(iii), s9(2)(ba)(i)

s7(b)(i), s7(b)
(iii)

25. Officials have offered to provide support and share experiences with Niue. Officials are also seeking to facilitate direct engagement between Niue and Air New Zealand so that Niue can confirm its operational requirements for two-way QFT to Niue. As with the Cook Islands, key questions are expected to focus on pre-departure screening processes, aircraft, and aircrew requirements. Air New Zealand has advised that for practical reasons it will seek to align requirements with the Cook Islands, as it will do for any future QFT arrangements with other Pacific Island countries.
26. As with existing QFT arrangements, travel between the Cook Islands, Niue and Australia will still require 14 days in New Zealand before travelling on, unless these countries decide otherwise.

Preparations for two-way quarantine-free travel between New Zealand and Niue

27. Like other QFT arrangements, New Zealand will need to share information with Niue on potentially ineligible passengers. The Customs and Excise Act 2018 allows officials to share this information on an ad hoc basis, or under an arrangement. Customs and Immigration New Zealand officials have decided that an information sharing arrangement would be most suitable in this situation because information sharing will be ongoing. An arrangement is currently under construction with engagement with Niue Immigration intended in early July 2021 to ensure processes formulated for notification of passengers not meeting 14-day dwell time are reflected. The indicative timeline for the arrangement to be agreed is mid-August.
28. At present, Niue records all its passenger data manually. With the recent installation of the new Manatua cable and better internet, there is a future opportunity for New Zealand officials to assist Niue in developing a digital system for passenger information if capability building and funding assistance is offered.
29. Niue Chief of Police Timothy Wilson, is scheduled to meet with officials to discuss joint implementation of QFT while he is in New Zealand in July. Officials will visit Niue to ensure Niue's border readiness. Customs aspects will be covered off by INZ.

New Zealand Readiness for two-way QFT

Response Planning

30. New Zealand and Niue have existing structures to govern domestic responses and international engagement. Existing connections between the New Zealand and Niue ensure respective governance systems are coordinated.
31. Officials expect the Response Framework for managing an outbreak during QFT with the Cook Islands can be applied to Niue with some adjustments. It will consider the much smaller capacity of the Niuean health system and wider government systems. s7(b)(i), s7(b)(ii), s7(b)(iii)
- Although Niue is likely to receive much lower numbers of travellers than the Cook Islands, similar planning assumptions for any managed return from the Cook Islands would apply to Niue. Officials will share and seek to agree a Response Framework with Niue in advance of two-way QFT. Following two-way QFT commencing joint workshopping will ensure that systems are well connected and coordinated.
32. If Niue has a case(s) of COVID-19, New Zealand would provide support to Niue in similar ways that we would for an outbreak in the Cook Islands (as set out in Annex 2).
33. The Ministry of Health has deployable people as part of the New Zealand Medical Assistance Team (NZMAT), and the COVID-19 National Outbreak Response Team (NORT) in preparation for any response request. Interagency support is being sought to access potentially deployable volunteers in the laboratory, testing, isolation and quarantine specialty areas of practice.
34. s6(a), s7(b)(i), s7(b)(ii), s7(b)(iii)

Communications

35. An interagency communications plan will be developed ahead of two-way QFT commencing. It will build on the communications approach that has been successfully established for the

Preparations for two-way quarantine-free travel between New Zealand and Niue

Cook Islands, focusing on encouraging traveller preparedness and healthy behaviours while travelling. The plan will be shared with the Niue Government to support consistent and coordinated communications.

Next steps

36. Given the specific context of two-way QFT with Niue, s7(b)(i), s7(b)(iii), s9(2)(ba)(i) officials consider that two-way QFT could commence by late-August 2021, noting that this is contingent on Niue relaxing its 14 day quarantine period to enable a visit and availability of specialists and officials from New Zealand and Niue.

37. Should you agree, we will engage with Niue's and test their comfort with this timeline and commence work.

Week of 12 July	<p>Formal talks and information sharing between Niue and New Zealand scoping out;</p> <ul style="list-style-type: none"> - Where Niue is currently positioned - Next steps - Development of a Terms of Reference for readiness work <p>Two public health officials travel for a two week technical support visit to Niue. Additional support provided virtually by other parts of Ministry of Health (e.g. NZMAT, NORT, Incident Management Team, Office of the Director of Public Health) and wider New Zealand Government agencies (managed return, response management)</p> <p>Ministry of Transport and Niue to engage with Air New Zealand to establish any additional Niue requirements for departures from New Zealand (such as a pre-departure test)</p>
Week of 26 July	New Zealand public health officials in country to finalise plans/guidelines/SOPs and run scenario exercise with Niue
Mid-August	Information sharing arrangement in place
Late-August	<p>Officials report back to Cabinet seeking approval to commence two-way QFT.</p> <p>Prepare the Director-General of Health's final health advice.</p> <p>The Director-General of Health will provide a final health assessment of Niue's readiness for two-way QFT prior to commencement.</p>
Late-August onwards	Monitoring of two-way QFT and joint workshops to ensure response planning remains fit-for-purpose.

Preparations for two-way quarantine-free travel between New Zealand and Niue

Annex 1: Ministry of Health Advice on Niue

1. There are several considerations that inform the Niue context which will have implications on COVID-19 risk, the further work required and the level of support needed from New Zealand.
2. Factors that decrease the impact of COVID-19 on Niue and likelihood for a broader outbreak response from New Zealand under QFT include:
 - 2.1. Niue will have completed full vaccination of the eligible population before QFT commencement. This will likely include those aged 12 to 15-year-old following Medsafe's approval of expansion of age eligibility for the Pfizer/BioNTech vaccine to. While this does not decrease the risk to zero, in the event of a case or cluster arising, it meaningfully increases the likelihood that the Niue health system can contain the situation with existing resource and that the impact on the hospital, broader health system and local community is reduced.
 - 2.2. Niue is likely to maintain its border settings initially, allowing travel from New Zealand only, which currently represents a low risk to Niue. For example, regardless of whether the Niuean population is fully vaccinated, the investment in contact tracing and case management is the same.
 - 2.3. Consideration of a staged opening to two-way QFT (i.e. initially beginning with Niuean residents, essential workers etc) allows time for Niue to adjust and test their systems before opening to a wider cohort of visitors from New Zealand.
 - 2.4. The volume of tourists from New Zealand is likely to be relatively small and controlled adjusting to Niue's level of comfort for a broader cohort of visitors. Volumes will also be dependent on airline and tourism capacity.
 - 2.5. There is a further diminishing risk from New Zealand travellers as the domestic vaccination campaign ramps up from July 2021.
3. Factors that increase the impact of COVID-19 on Niue and likelihood for a broader outbreak response from New Zealand under QFT include:
 - 3.6. People with pre-existing non-communicable diseases (NCDs) are at greater risk of severe outcomes from COVID-19 disease. 53 percent of Niue's population aged 15 years and over are affected by some form of NCD.
 - 3.7. The Niue health system is small s7(b)(i), s7(b)(iii), s9(2)(ba)(i)
4. Niue's Department of Health (DoH) is responsible for the provision of health services. One hospital (Niue Foou) provides public health, environmental health, maternity and aged care services across 14 villages. The hospital has one ICU bed, which can be expanded on completion of another facility which includes an extra two ICU beds.
5. The DoH has a small health workforce. The public health team consists of a principal public health officer, four other public health officers and a child and maternity care nurse. This public health team cover a wide range of areas from other infectious diseases through to non-communicable diseases. The clinical team is led by a Chief Medical Officer, supported by three other medical officers and a small team of nurses. Niue has no public health doctor.

Preparations for two-way quarantine-free travel between New Zealand and Niue

Criteria	What we know / remaining work
a) Leadership and governance (including coherence of strategy, leadership and public health expertise)	<ul style="list-style-type: none"> Niue have implemented their National Emergency Response plan via a multi-agency National Disaster Council (NDC). NDC advises Cabinet alongside the DoH, in collaboration with NGOs, community leaders and the private sector. Niue have a three-tiered colour-coded alert level system that also considers the epidemiological situation in New Zealand and currently sit at the lowest level, Code Blue. <p>Key areas to progress</p> <ul style="list-style-type: none"> Confirming information sharing arrangements with Niue NFP and public health team (i.e. ensuring both countries are well set up to share critical public health information in the event of a case/outbreak in either country). Collaborating on planning for a response to an outbreak situation in Niue including what support (remote or in-country) is provided from NZ, how two leadership and governance structures communicate if required, and managed return of any NZ resident travellers that wish to do so.
b) Ability to detect cases through sufficient testing and surveillance	<ul style="list-style-type: none"> Niue has remained COVID-19 free with zero cases since the emergence of SARS-CoV-2. Niue relies on New Zealand to provide this (including for any whole genome sequencing (WGS) required). Niue has access to two testing platforms: <ol style="list-style-type: none"> 1) GeneXpert, a cartridge-based rapid PCR testing with a short turnaround time for results. Niue recently received a supply of 400 cartridges to accommodate the level of testing they currently require. 2) Biofire Platform from the WHO though not actively used. Testing demand is primarily driven by Niue's quarantine facility for overseas arrivals. Numbers are limited by restriction in number of incoming passengers on fortnightly flights (see next criteria below) Niue's hospital acts as the only sentinel site for all community influenza-like-illness (ILI) and SARI surveillance. Niue does not operate regular surveillance COVID-19 testing of border workers to better manage cartridge supply of GeneXpert cartridges <p>Key areas to progress</p>

Preparations for two-way quarantine-free travel between New Zealand and Niue

	<ul style="list-style-type: none"> • Update on GeneXpert capacity and overall testing capacity given lab staff, confirming PCR arrangement with New Zealand. • Update on Surveillance and Testing Plan status (last updated January 2021). • Confirmation of testing or surveillance support required from New Zealand to support a response e.g. WGS, additional GeneXpert supply.
c) Ability to manage cases and contacts through contact tracing and case management	<ul style="list-style-type: none"> • Niue currently caps arrivals (up to 26 per fortnight) aligned to their quarantine capacity. • Under existing settings, this makes contact tracing much more manageable for Niue's small health team. Contact tracing (for other conditions such as tuberculosis and dengue) is led by the public health team. For COVID-19 the National Disaster Council lead the work. • Niue currently utilises quarantine on arrival in a facility and home quarantine on a strict case-by-case basis. They have the experience gained over the last 12-15 months should it be required to establish under QFT settings. • Niue currently have up to 10 secured self-contained units in Homofiti for quarantine on arrival. Niue can expand this capacity using the country's main hotel, the Scenic Matavai, which has up to 30 rooms available, but this would need to be aligned with available staff resource for health checks and security. • Niue Fooou Hospital has one isolation bed but can expand this to eight beds by using the aged care facility (and relocating inpatients). This will be expanded further in the new facility to commence construction in June 2021. <p>Key areas to progress</p> <ul style="list-style-type: none"> • Update on status and plans for quarantine and isolation. • Status update on new facility at Niue Fooou Hospital to increase isolation and ICU beds due to commence June 2021. • Confirmation of support for contact or case management e.g. contact tracing and case investigation training for COVID-19. s7(b)(i), s7(b)(ii), s7(b)(iii)
d) Other relevant matters	Response planning, contingency planning, excluding vaccination.

Preparations for two-way quarantine-free travel between New Zealand and Niue

Annex 2: Response planning

Remote support

1. If Niue has a confirmed case of COVID-19, Ministry of Health could provide the following remote support:
 - a. Sharing of epidemiological data - between NFPs. Once agreed as part of QFT arrangements, this system, that will be established prior to two-way QFT commencement, is continually refined and updated. As with other QFT arrangements this channel would be two-way as New Zealand also regularly shares data on our domestic situation with Niue.
 - b. Public health expertise - the Ministry of Health's ODPH maintains a roster that would need to be made available to the Niuean public health team. This can help inform risk assessments and decision making, particularly in the initial 24- to 48-hours after identifying a COVID-19 case. To note, there are already to be considerable pressures on this team given they also manage the public health assessment related to Australia and Cook Islands QFT, and domestically. Managing virtual support will further increase this pressure.
 - c. Contact tracing - support from the National Investigation and Tracing Centre (NITC) to support capacity and capability. The necessary relationships still need to be established to ensure that New Zealand officials can reach out to Niuean counterparts to ensure they have the support they need.
 - d. Communications support - to ensure appropriate risk communication to the public and public health response measures aligned with the evolving situation.

Deployable personnel

2. s7(b)(i), s7(b)(iii)

An important part of the preparedness work in advance of QFT is to undertake joint planning with Niue about what workforce might be helpful for different situations.
3. The Ministry of Health has deployable people as part of the New Zealand Medical Assistance Team (NZMAT), and the COVID-19 National Outbreak Response Team (NORT). But as noted earlier for New Zealand to respond to a case or outbreak in Niue, we will need a considerable deployable pool given the potential for concurrent response with the Cook Islands and New Zealand as well, and possibly other Pacific nations.
4. MFAT also maintains a roster of identified individuals available to deploy to bolster the New Zealand High Commission, support consular functions including a managed return, and deploy for a humanitarian response.

Supporting the managed return of travellers to New Zealand

5. A managed return will require New Zealand and Niuean authorities to work closely together. Work is yet to start to develop detailed operational Standard Operational Procedures (SOPs) jointly with Niue, to ensure that functions and responsibilities are clear, including a communications plan for conveying information to travellers.
6. Contingency planning for the return of travellers to New Zealand following a COVID-19 needs to be developed and will draw on lessons learned from the Cook Islands.

Preparations for two-way quarantine-free travel between New Zealand and Niue

There are emergency response capacity concerns

7. The Ministry of Health's Emergency Management Team (which NZMAT is part) is managing current commitments s9(2)(g)(i)
8. s9(2)(g)(i)
9. NZMAT teams are presently in the Cook Islands until 5 August 2021 providing backfill support to allow Te Marae Ora health staff availability to vaccinate their population. This team is available and able to step-up to provide support in all areas of a response if required.
10. Concurrently, NZMAT has personnel deployed to Fiji as part of the AUSMAT Forward Planning Team. This team is assessing the potential health support that New Zealand could provide in any humanitarian response to Fiji's COVID-19 outbreak.
11. The 2021 cyclone season (November to April) necessitates having NZMAT on standby for any New Zealand humanitarian response to a sudden onset natural disaster of this type.



24 September 2021

Minister for COVID-19 Response

For action by

1 October 2021

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

BRIEFING Decision Submission

PURPOSE To provide advice on the process and timeline for commencement of two-way quarantine-free travel between Niue and New Zealand.

Tukunga tūtohua – Recommended referrals

Prime Minister	For information by	8 October 2021
Minister of Foreign Affairs	For information by	8 October 2021
Associate Minister of Foreign Affairs and Health	For information by	8 October 2021

Taipitopito whakapā – Contact details

NAME	ROLE	DIVISION	WORK PHONE s9(2)(a)
Christine Stevenson	Chair of Border Executive Board, Comptroller of Customs	New Zealand Customs Service	
Catherine McIntosh	Lead Adviser, Quarantine-Free Travel	Ministry of Foreign Affairs and Trade	

Mā te Tari Minita e whakakī – Minister's Office to complete

<input type="checkbox"/> Approved	<input type="checkbox"/> Noted	<input type="checkbox"/> Referred
<input type="checkbox"/> Needs amendment	<input type="checkbox"/> Declined	<input type="checkbox"/> Withdrawn
<input type="checkbox"/> Overtaken by events	<input type="checkbox"/> See Minister's notes	

Comments

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

Pito matua – Key points

- s7(b)(i), s7(b)(iii)

- s7(b)(i), s7(b)(iii)

This includes building MIQ capacity, health response protocols, surveillance and testing, and response planning.

s7(b)(i), s7(b)(iii)

- s7(b)(i), s7(b)(iii)

New Zealand officials stand ready to work with Niue at their pace.

- s7(b)(i), s7(b)(iii)

New Zealand officials continue to work to maintain momentum and progress readiness for an eventual re-opening.

- In the best case scenario, if New Zealand's Delta outbreak is under control and readiness work is completed, commencement could be late November 2021. However, if there is continued or subsequent COVID-19 community transmission in New Zealand, this is likely to delay commencement until early 2022 or later.
- It will be important to continue to balance the strong economic, social and cultural drivers for opening two-way QFT, and the need to ensure the necessary support is in place for Niue's health system, should a COVID-19 response be triggered.



Christine Stevenson
Chair Border Executive Board
Comptroller of Customs

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

Tūtohu – Recommendations

It is recommended that you:

- | | | |
|---|---|-----------------|
| 1 | Note two-way QFT between New Zealand and Niue has been delayed following New Zealand's COVID-19 outbreak and in light of additional preparatory work that needs to be done; | Yes / No |
| 2 | Note a new commencement date has not been discussed by Niue, however officials will continue to work to maintain momentum and ensure that systems are ready and in place when Niue is comfortable; | Yes / No |
| 3 | Agree that New Zealand work with Niue to help strengthen its systems, with an intention of having necessary measures in place by late November 2021; | Yes / No |
| 4 | Note that New Zealand will provide information to Niue on support New Zealand may be able to provide in the case of a COVID-19 case or cases; | Yes / No |
| 5 | Note that s7(b)(i), s7(b)(iii) and
subject to New Zealand's domestic COVID-19 situation being under control; | Yes / No |
| 6 | Refer a copy of this submission to Prime Minister, Minister of Foreign Affairs and Associate Minister of Foreign Affairs and Health. | Yes / No |

Hon Chris Hipkins
Minister for COVID-19 Response
Date / /

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

Pūrongo – Report

1. In June 2021, officials informed you that work was under way to progress quarantine-free travel (QFT) from New Zealand to Niue under a two-way QFT arrangement, with an anticipated start date of 20 September 2021. One-way QFT has been in place from Niue to New Zealand since 19 March 2021.
2. This start date has been delayed in light of Niue's caution arising from the COVID-19 Delta outbreak in New Zealand, ^{s7(b)(i), s7(b)(iii)}

Niue Government hits pause

3. The Government of Niue has responded swiftly to the increased threat of a COVID-19 incursion posed by the Delta outbreak in New Zealand. Inbound passenger flights to Niue have been paused and conditions for entry and quarantine significantly tightened. Travellers to Niue are now required to be fully vaccinated against COVID-19 and day 3 and day 12 testing has been introduced for all incoming passengers. Niue has also decided to temporarily relocate its managed isolation facility to the main Matavai Resort to clear the backlog of passenger numbers (previously managed isolation was permitted in the Matavai Resort's apartment units and in some cases at a person's residence).
4. For now, the Government of Niue remains focused on keeping COVID-19 out. ^{s7(b)(i), s7(b)(iii)}
5. Despite this, the Government of Niue has requested support from New Zealand to assist its preparedness to eventually re-open borders to travellers from New Zealand. ^{s7(b)(i), s7(b)(iii)}

Additional support to get Niue ready

6. A New Zealand interagency technical mission from the Ministry of Health, Ministry of Business Innovation and Employment (MBIE) and Customs visited Niue from 27 July to 23 August 2021. ^{s7(b)(i), s7(b)(iii)}
7. The report identified the following priorities to improve Niue's health and border systems to mitigate the risk of a COVID-19 incursion:
 - Strengthening of quarantine measures for arrivals in the short term with prudent use of testing under the current high risk setting. Further planning by Niue to increase

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

quarantine and isolation capacity to cater for numbers of contacts and cases that do not require hospitalisation, and for staff that manage cases.

- Health response planning and simulation exercises as well as contingency planning for a widespread response. ^{s7(b)(i), s7(b)(iii)}
 - Joint New Zealand and Niue response planning to confirm the scope of support for Niue managing cases and contacts in an outbreak of COVID-19, particularly the Delta variant (or future more virulent variants).
 - Reviewing and updating current government departments' SOPs and policies used for COVID-19. These should be reviewed by Niue's COVID Committee bi-monthly to ensure relevancy and understanding across relevant agencies.
 - Strengthening Niue's current pandemic-specific legislation to better enable information sharing arrangements between our border agencies.
 - Policy development in relation to vaccination and testing of front-line and MIQ workers.
8. From this, New Zealand and Niuean officials are working to develop a joint plan of priority actions. ^{s9(2)(g)(i), s7(b)(i), s7(b)(iii)}

New Zealand officials stand ready to work with Niue at their pace.

9. In relation to Niue's vaccination entry requirement, Niue recognises the New Zealand vaccination appointment card, and accepts a photograph of a vaccination card shown or emailed to the Government of Niue, or a letter from a medical professional. New Zealand's digital COVID-19 vaccination certificate, available from the end of November, could also be used to support Niue's requirement of all travellers being vaccinated before entering the country.
10. ^{s9(2)(b)(ii)}

Response planning

11. There is a very high level of COVID-19 vaccination in Niue (97% of the eligible population aged 16 years or older), and vaccination of 12 – 15 year olds is expected to begin soon. This will help to prevent the most serious health outcomes which could occur as a result of contracting COVID-19. ^{s7(b)(i), s7(b)(iii)}
12. Officials are working with Niue to provide an overview of the types of assistance New Zealand will be able to provide in the case of an outbreak.

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

13. This will take into account the different scenarios that may impact New Zealand's own capacity (i.e. whether we are dealing with concurrent outbreaks).

14. Given the small health system capacity in Niue, ^{s7(b)(i), s7(b)(iii)}

This could include a mix of public health and isolation/quarantine expertise to support containment measures, such as rapid contact tracing and quarantine/isolation management. With Niue's planned approach of using dedicated clinical staff to manage cases, additional clinical staff to support essential service delivery would also be valuable.

15. As for implementing QFT with the Cook Islands and Australia previously, response planning needs to address how best to deal with New Zealand-based tourists in Niue at the time of an outbreak, including when and how their return to New Zealand could be managed. Pathways identified during contingency planning in the Cook Islands context can be used as a basis for planning. Because of the Niue health and border system limitations identified by the technical mission, especially the limited isolation and quarantine capacity in Niue, it will be prudent for planning to assume that a quick, large-scale return of travellers to New Zealand may be required. Tourist numbers are much smaller for Niue (compared to the Cook Islands), with just two inbound passenger flights operating to Niue per week pre-COVID.

16. As is currently the case, medically critical patients or those requiring treatment that cannot be provided on-island to prevent serious consequences are usually referred to New Zealand via Air Ambulance. The NZ Defence Force can be called upon by the Air Ambulance service, if no other aircraft are available.

Maintaining momentum

17. Niue is watching New Zealand's progress against Delta before deciding on a start date, however New Zealand officials are keen to encourage preparatory work to continue, and if possible to be completed by November, to give Niue options to open when it feels comfortable to do so. ^{s7(b)(i), s7(b)(iii)}

18. ^{s9(2)(g)(i)}

^{s7(b)(i), s7(b)(iii)}

19. We know that Niue has a zero-tolerance towards COVID-19, and commencement will also depend on how Delta plays out in New Zealand. Yet there is an opportunity to maintain momentum on preparations following the technical mission visit.

20. Continued dialogue, agreeing a shared action plan, and our continued support for Niue's readiness and response will be essential to keep things moving. A follow up visit would be useful to supplement capacity gaps in key planning areas, and maintain close working relationships. It will be important to continue to balance the strong economic, social and cultural drivers for opening up to two-way QFT, and the need to ensure the necessary support is in place for Niue's health system, should a COVID-19 response be triggered.

Update on progress towards two-way quarantine-free travel between New Zealand and Niue

21. Given these factors, at best, we could look to a late November 2021 start date.

s9(2)(g)(i), s7(b)(i), s7(b)(iii)

we will
continue to work at their pace. Officials will keep Ministers updated as preparations continue.

Proactively released by the
Ministry of Foreign Affairs and Trade



BORDER EXECUTIVE BOARD

Briefing

Quarantine-Free Travel with the Cook Islands, Niue and Tokelau:
maintaining access to Aotearoa New Zealand in the event of COVID-19
community transmission

Date due to MO: 18 February 2022

Action required by: 23 February 2022

Security level: IN CONFIDENCE

BEB Report: BEB RPT 22-010

To: Hon Chris Hipkins, Minister for COVID-19 Response
Hon Nanaia Mahuta, Minister of Foreign Affairs
Ministers with Power to Act on COVID-19 matters

Contact for telephone discussion

Name	Position	Telephone
Ray Smith	Acting Chair, Border Executive Board	s9(2)(a)
Catherine McIntosh	Lead Adviser, Ministry of Foreign Affairs and Trade	

Minister's office to complete:

- | | | |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Decline | <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 | |

Comment:

Quarantine-Free Travel with the Cook Islands, Niue and Tokelau: Maintaining access to Aotearoa New Zealand in the event of COVID-19 community transmission

Security level: IN CONFIDENCE **Date:** 18 February 2022

To: Hon Chris Hipkins, Minister for COVID-19 Response
Hon Nanaia Mahuta, Minister of Foreign Affairs
Ministers with Power to Act on COVID-19 matters

Purpose of report

- To seek agreement that in the event of widespread COVID-19 community transmission in the Cook Islands, Niue and/or Tokelau, Aotearoa New Zealand will maintain open borders and not suspend quarantine-free travel (QFT) or shift these jurisdictions to the self-isolation pathway.

Key points

- This week the Cook Islands' first COVID-19 community cases have been detected, prompting the need to confirm Aotearoa New Zealand's approach to QFT with the Cook Islands, Niue and Tokelau in the event of widespread COVID-19 community commission.
- The low-risk Pacific pathway under the Reconnecting New Zealanders approach generally provides for QFT from low-risk Pacific jurisdictions and there are additional obligations under our government-to-government QFT Arrangements with some of these partners. The two-way QFT Arrangements with the Cook Islands and Niue set out the expectation for working together when significant changes in our COVID-19 contexts arise, with a view to facilitating continued QFT.
- The QFT Arrangements with the Cook Islands and Niue, and with Samoa (that provides for QFT from Tokelau), reflect Aotearoa New Zealand's long-standing special relationships and constitutional obligations to the Cook Islands, Niue and Tokelau. Cook Islanders, Niueans and Tokelauans are New Zealand citizens.
- Aotearoa New Zealand has significant health-to-health relationships with the Cook Islands, Niue and Tokelau. The only way to reach the Cook Islands and Niue currently by air is from Aotearoa New Zealand. Therefore any COVID-19 outbreak in the Cook Islands or Niue will have originated in Aotearoa New Zealand.
- Officials recommend that QFT from the Cook Islands and Niue be maintained, regardless of rates of COVID-19 community cases, and that this also apply to Tokelau where possible. ^{s7(b)(i), s7(b)(ii)}

- ^{s7(b)(i), s7(b)(ii)}

While this may change the public health assessment depending on the COVID-19 context at the time, the Cook Islands and New Zealand would work through this together to ensure settings remain appropriate.

Recommendations

We recommend you:

- a) **Note** that Aotearoa New Zealand has existing government-to-government two-way Quarantine-Free Travel Arrangements with the Cook Islands and Niue, and one-way quarantine-free travel from Tokelau is facilitated through the Arrangement with Samoa. **Yes / No**
- b) **Note** that the Cook Islands' health system is generally well prepared for the current Omicron outbreak and does not intend to close its border with New Zealand as Omicron surges in Aotearoa New Zealand. **Yes / No**
- c) **Note** that Aotearoa New Zealand and Niue have not yet moved to two-way quarantine-free travel, ^{s7(b)(i), s7(b)(iii)} **Yes / No**
- c) **Note** that Aotearoa New Zealand has specific constitutional obligations to the Cook Islands, Niue and Tokelau, and these are reflected in our current Quarantine-Free Travel Arrangements. **Yes / No**
- d) **Note** that the low-risk Pacific pathway under the Reconnecting New Zealanders approach generally provides for one-way quarantine-free travel to New Zealand for a wider set of Pacific jurisdictions and it is appropriate that Aotearoa New Zealand maintains particular provision for Cook Islands, Niue and Tokelau given our constitutional obligations, close health-to-health relationships and Quarantine-Free Travel Arrangements. **Yes / No**
- e) **Note** that based on current border settings and the nature of New Zealand's outbreak, an outbreak in the Cook Islands or Niue would be considered an extension of New Zealand's domestic outbreak from a public health perspective. **Yes / No**
- f) **Agree** that Aotearoa New Zealand will maintain current quarantine-free travel to Aotearoa New Zealand from the Cook Islands and Niue, regardless of their respective COVID-19 situation, noting that further advice would be provided should a new variant or a change in border settings warrant it. **Yes / No**
- g) **Agree** that Aotearoa New Zealand will apply the same principles to maintaining access to one-way quarantine-free travel for Tokelau where possible, noting the pathway is via Samoa and will depend in part on Samoa's own travel arrangements with Tokelau. **Yes / No**
- h) **Note** that under the Quarantine-Free Travel Arrangements with the Cook Islands and Niue participants are required to consult on respective COVID-19 situations with a view to facilitating continued quarantine-free travel. **Yes / No**
- i) **Agree** that officials communicate these decisions to Cook Islands, Niue and Tokelau, as well as Air New Zealand and relevant airports. **Yes / No**



Ray Smith
Acting Chair of the Border Executive Board

Date: 18/02/2022

Hon Chris Hipkins

Minister for COVID-19 Response

Date:

Rt Hon Jacinda Ardern

Prime Minister

Date:

Hon Grant Robertson

**Deputy Prime Minister
Minister of Finance**

Date:

Hon Andrew Little

Minister of Health

Date:

Hon Nanaia Mahuta

Minister of Foreign Affairs

Date:

Hon Kris Faafoi

Minister of Justice

Date:

Hon Kelvin Davis

Minister for Māori Crown Relations

Date:

Hon Aupito William Sio
Minister for Pacific Peoples

Date:

Hon Peeni Henare
Associate Minister of Health

Date:

Hon Dr Ayesha Verrall
Associate Minister of Health

Date:

Proactively released by the
Ministry of Foreign Affairs and Trade

Report

1. As Omicron spreads through the Pacific and cases are appearing in the Cook Islands¹, we provide advice on what border settings may be used in the event of widespread COVID-19 community transmission in the Cook Islands and Niue. The same principles will apply to Tokelau, although it is practically challenging given the air route is via Samoa.
2. Aotearoa New Zealand has comprehensive two-way QFT Arrangements with the Cook Islands and Niue, and one-way QFT Arrangements with Samoa that includes access for Tokelau, with Vanuatu and Tonga (although QFT is currently suspended due to the current COVID-19 outbreak). In October 2021, COVID-19 Ministers agreed that settings for travellers from Samoa, Tokelau, Tonga and Vanuatu be aligned with those for Cook Islands and Niue to form a low-risk Pacific pathway under the Reconnecting New Zealanders approach. From 27 February 2022, the pathway will be extended to Nauru, Tuvalu and American Samoa. While further advice will be developed on the future settings of the low-risk Pacific pathway, officials recommend a specific approach for the Cook Islands, Niue and Tokelau.
3. Aotearoa New Zealand has long-standing special relationships and constitutional obligations in relation to the Cook Islands, Niue and Tokelau. Cook Islanders, Niueans and Tokelauans are New Zealand citizens.
4. Given these constitutional obligations, combined with the close health-to-health relationships and current settings under the QFT Arrangements, officials recommend that the Cook Islands and Niue maintain their QFT status regardless of rates of COVID-19 community cases, and that this also apply to Tokelau where possible. The public health view is that because Aotearoa New Zealand is the only entry pathway for COVID-19 into these countries, any outbreak in the Cook Islands or Niue is considered an extension of an outbreak in Aotearoa New Zealand, while recognising that these countries maintain autonomy over their own health systems and responses. This paper sets out the rationale for this recommendation.

We have existing two-way Quarantine-Free Travel Arrangements with the Cook Islands and Niue

5. Cook Islands Prime Minister Brown and Prime Minister Ardern signed the 'Arrangement to Facilitate Quarantine-Free Travel between New Zealand and the Cook Islands' in December 2020. The Arrangement sets out the commitment of both countries to resume QFT on the basis of public health and border criteria. It also establishes governance arrangements to support such travel.
6. Since the Arrangement came into effect, the Cook Islands has had quarantine-free entry to Aotearoa New Zealand since January 2021 and two-way QFT between May and August 2021, and since 14 January 2022. This has enabled Cook Islands residents to have critical access to Aotearoa New Zealand meeting family, health,

¹ There are three active cases in the Cook Islands, as at 17 February 2022

education and business needs, and enabled tourists to travel to the Cook Islands, providing a major economic lifeline for this tourism-reliant economy.

7. Prime Minister Brown has publicly announced that the Cook Islands intends to maintain its open border with Aotearoa New Zealand despite rising Omicron case numbers in Aotearoa New Zealand. ^{s7(b)(i), s7(b)(ii)}
8. Niue Premier Tagelagi and Prime Minister Ardern signed the 'Arrangement to Facilitate Quarantine-Free Travel between Aotearoa New Zealand and Niue' in December 2020. One-way QFT from Niue to New Zealand has been in place since early 2021, and preparations continue to support Niue towards reopening its border with New Zealand. ^{s7(b)(i), s7(b)(ii)}

The Cook Islands and Niue, with support from Aotearoa New Zealand, have undertaken significant work to prepare for an outbreak

9. Aotearoa New Zealand has very good oversight of the Cook Islands' and Niue's health system capacity and capability, as well as border systems. The New Zealand Ministry of Health has worked in close partnership with the Cook Islands and Niue since mid-2020 via the Polynesian Health Corridors programme to prepare for and implement safe two-way QFT, build health system resilience and support COVID-19 vaccine rollout. Likewise New Zealand border agencies have supported the two countries' border readiness for QFT. Aotearoa New Zealand recently committed to provide support to the extent possible to the Cook Islands, Niue and Tokelau in the event of an outbreak (the range of support could include remote support, health supplies, medical evacuation through usual channels, and - where possible - on-the-ground medical personnel).
10. ^{s7(b)(i), s7(b)(ii)}

There are very high vaccination rates - 96% of the eligible population 12 years and over are double dosed, 70% of those 18 and over have received booster doses, and 80% of 5-11 year olds on Rarotonga have received their first dose. ^{s7(b)(i), s7(b)(ii)}

There is close public health engagement on a regular basis between our two systems.
11. A technical delegation visited Niue in August 2021 and work to strengthen health and border systems is ongoing. Niue's vaccination campaign is impressive, with 96% of the eligible population fully vaccinated. Booster doses and vaccinations for 12-15 year olds are almost complete, and paediatric dose administration now underway. ^{s7(b)(i), s7(b)(iii)}

² Travellers from New Zealand to the Cook Islands are currently required to undertake a PCR test within 48 hours of departure. Travellers from the Cook Islands, Niue and Tokelau to New Zealand are exempt from pre-departure testing requirements.

In a public health sense, an outbreak in the Cook Islands or Niue would be considered an extension of Aotearoa New Zealand's Omicron outbreak

12. The only way to reach the Cook Islands and Niue currently by air is from Aotearoa New Zealand. Therefore at present any COVID-19 outbreak in the Cook Islands or Niue will have originated in Aotearoa New Zealand, and so from a public health perspective, the outbreak is considered an extension of the New Zealand COVID-19 outbreak, while recognising that these countries maintain autonomy over their own health systems and responses.
13. Currently the risk of contracting COVID-19 is significantly higher in Aotearoa New Zealand than the Cook Islands, Niue or Tokelau.

s7(b)(i), s7(b)(ii), s7(b)(iii)

14. Our constitutional obligations to the Cook Islands, Niue and Tokelau are reflected in our government-to-government QFT Arrangements with the Cook Islands, Niue and Samoa, and a letter to Tokelau. In the case of the Cook Islands and Niue, the Arrangements include requirements to consult and share information on any material changes to our respective COVID-19 situations, with a view to facilitating continued QFT where possible, and to give reasonable notice in writing of any planned suspension or termination of QFT.

15. s7(b)(i), s7(b)(ii)

16. For Niue, a requirement to self-isolate on arrival would impact Niueans' timely access to healthcare services. Patients with acute and chronic conditions are required to travel to Aotearoa New Zealand to undertake treatment.

17. s7(b)(i), s7(b)(ii), s7(b)(iii)

18. s7(b)(i), s7(b)(ii)

19. Maintaining QFT for these jurisdictions would also avoid any risk of border setting changes causing a knock-on reduction in air services between the Cook Islands and New Zealand. Aside from the economic benefits, maintaining good air connectivity

will ensure that, in event of a significant outbreak, New Zealand-based tourists will be able to quickly return to New Zealand using regular commercial services.

In light of these factors, we propose maintaining quarantine-free travel with Cook Islands, Niue and where possible Tokelau, regardless of the COVID-19 situation

20. Given the special constitutional relationships, deep health-to health-partnerships Aotearoa has with the Cook Islands, Niue and Tokelau, and current border settings under the QFT Arrangements, officials propose that there be a high threshold for making changes to these jurisdictions' access to Aotearoa New Zealand. This will also provide clarity and stability for airline operations and travellers.
21. Officials therefore propose that in the event of a significant COVID-19 community outbreak in the Cook Islands and Niue, Aotearoa New Zealand maintain QFT and not shift these countries to the self-isolation pathway or introduce additional public health measures such as pre-departure testing (given partners' testing capacity is limited) or self-isolation on arrival. The current pre-departure eligibility confirmation process and health check would continue to apply including that travellers must not be awaiting a COVID-19 test result or displaying COVID-19 symptoms.
22. While there may be complexities in maintaining QFT from Tokelau in the context of an outbreak in Tokelau (as travel to New Zealand is via Samoa), our starting principle should be to maintain QFT with Tokelau if possible. As a non-self-governing territory of Aotearoa New Zealand, we have even greater constitutional obligations to Tokelau than we do to the Cook Islands and Niue. We maintain similarly deep health-to-health partnerships with Tokelau and have been supporting its COVID-19 preparedness. During discussions to prepare for one-way QFT, Tokelau emphasised the importance of access to New Zealand for medical treatment. ^{s6(a)}

There are some factors to be considered

23. Should a new variant that is more severe or has significant vaccine escape be identified internationally, New Zealand's response may change and officials would provide advice on any risk mitigation tools required for QFT with the Pacific.
24. ^{s7(b)(i), s7(b)(ii)}

this may change the public health position described above, i.e. that the Cook Islands outbreak is an extension of Aotearoa New Zealand's outbreak. ^{s7(b)(i), s7(b)(ii)}

Furthermore,

travellers from the Cook Islands must have been in the Cook Islands (or Aotearoa New Zealand) for 14 days before travel, which may provide additional health protection. This is currently met by travellers' self-declaration as part of the pre-departure eligibility confirmation process at the airport in Rarotonga.

25. ^{s9(2)(g)(i)}

Whilst entry requirements under the Reconnecting New Zealanders approach need to be as consistent as possible across the system to ensure it is equitable and justifiable, at the same time the approach to Pacific jurisdictions will need to continue to take account of Aotearoa New Zealand's relationships and responsibilities in the region, in particular with regard to Cook Islands, Niue and Tokelau. The fact that any COVID-19 outbreak in the Cook Islands and Niue will necessarily have originated from New Zealand also provides a clear basis from both equity and health perspectives for treating arrivals from these locations differently to those from elsewhere. Officials consider there is sound rationale for this different approach, and Aotearoa New Zealand has consistently prioritised access for these countries from the outset of the pandemic, but this rationale will need to be clearly communicated.

26. The low-risk Pacific pathway under the Reconnecting New Zealanders approach provides for one-way QFT to Aotearoa New Zealand for a wider set of Pacific jurisdictions. ^{s6(a)}

Continuing work is required on the remaining low-risk Pacific pathway jurisdictions under the Reconnecting New Zealanders approach, as we move to a context where there are widespread COVID-19 outbreaks across the Pacific region. Officials will provide future separate advice on this as part of advice being developed by the Department of Prime Minister and Cabinet on enduring settings and future low-risk settings (including but not just for Pacific jurisdictions) beyond Phase Three of our Omicron response plan.