

Briefing

ADDITIONAL ADVICE ON MANAGING ARRIVALS FROM VERY HIGH-RISK COUNTRIES

To: Hon Chris Hipkins Minister for COVID-19 Response			
Cc: Hon Grant Robertson Deputy Prime Minister		Hon Nanaia Mahuta Minister of Foreign Affairs	
Hon Kris Faafoi Minister of Justice Minister of Immigration		Hon Ayesha Verrall Associate Minister of Health	
Date	23/04/2021	Priority	High
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Purpose

This briefing provides additional advice in relation to arrivals from very high risk countries on:

- a) Policy settings for New Zealand residents who leave (or have left) New Zealand and travelled to a very high-risk country.
- b) An assessment of the ability for individuals to access testing within 48 hours of departure in India.
- c) Identifying a process and initial list of, testing laboratories which will be acceptable for the purposes of travel to NZ from India.
- d) Advice on the existing penalties regime s9(2)(g)(i)

Recommendations

1. **Note** that on Sunday 11 April 2021 the Government temporarily suspended travel from India until 11:59pm on 28 April 2021 in response to a spike in COVID-19 positive returnees from India.

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2. **Note** that on 19 April 2021 Cabinet considered a suite of risk mitigation measures for arrivals from very high risk countries and delegated authority to a subgroup of Ministers to take final decisions.
3. **Note** delegated Ministers agreed to advice provided on 22 April [2020/21-872 refers] which proposed a 3 level system to guide decisions around travel restrictions into New Zealand, and agreed an approach to assessing very high risk countries, which identified India, Brazil, Papua New Guinea and Pakistan as currently meeting that criteria.
4. **Note** that on 22 April Emirates announced the suspension of uplift of all passengers from India, which officials understand has been the primary route of transit for passengers from India coming to New Zealand.
5. **Note** that Ministers requested further advice on policy settings for New Zealand residents who leave (or have left) New Zealand and travelled to a very high-risk country.
6. **Agree** with the advice that the exemptions regime under the current Air Border Order giving effect to travel restrictions for very high risk countries is sufficiently broad to cover the range of circumstances that New Zealand residents may encounter as a consequence of travel restrictions.
7. **Note** in India processing times for approved COVID-19 tests currently exceed 48 hours, other than rapid testing available at major international airports.
8. **Agree** based on current advice on the availability of testing in very high risk countries not to change the required timeframe to obtain a pre-departure test from 72 to 48 hours at this time.
9. **Note** officials from the Ministries of Health and Foreign Affairs and Trade will develop an appropriate process for identifying, and provide an initial list of testing laboratories which will be acceptable for the purposes of travel to New Zealand from very high risk countries and seek to provide advice on that by Friday 30 April.
10. **Note** the Indian Council of Medical Research's (ICMR) has a list of 1426 labs providing RT-PCR for COVID-19 but only 31 laboratories are listed as holding accreditation to ISO 15189 for COVID-19 testing using RT-PCR.
11. **Agree** that as an interim arrangement prior to lists of accredited laboratories being agreed, the current requirements for pre-departure tests will apply for travellers from New Zealand from very high risk countries.

YES / NO

YES / NO

YES / NO

12. s9(2)(c)



13. s9(2)(g)(i)



14. **Note** that Government communications channels will be issuing infection prevention guidance generated by the Ministry of Health to travellers which will include clear information about how to reduce the risk of being exposed to COVID-19 in the 14 days before leaving.

15. **Note** that officials will prepare further advice for delegated Ministers on:

- a) a list of testing laboratories which will be acceptable for the purposes of travel to New Zealand from very high risk countries by Friday 30 April;
- b) the ability to access testing with 48 hours in those countries along with updated advice in relation to India.

16. **Note** that should any Order be made or amended, Ministerial consultation requirements will be satisfied through the proposals outlined in this paper.

Ben White
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COVID-19 Group, DPMC

23/09/2021

Hon Minister Hipkins
Minister for COVID-19 Response

...../...../2021

Contact for telephone discussion if required:

Name	Position	Telephone	1st contact
Cheryl Barnes	Deputy Chief Executive, COVID-19 Group	N/A	s9(2)(a)
Ben White	Manager, Strategy and Policy, COVID-19 Group	N/A	s9(2)(a)

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

Proactively Released

ADDITIONAL ADVICE ON MANAGING ARRIVALS FROM VERY HIGH-RISK COUNTRIES


Executive summary

1. This briefing brings together additional advice on measures to managing arrivals from very high risk countries, following decisions made by delegated Ministers (2020/21-872 refers).

Managing residents who leave (or have left) New Zealand

2. Officials consider the current exemptions criteria and regime to be sufficiently broad to consider the range of circumstances that residents may encounter as a consequence of a travel suspension for very high-risk countries.
3. We recommend against introducing a new assessment and/or criteria for travel from New Zealand given the current policy position advising all citizens and residents against overseas travel. It would also create issues of moral hazard and would be a significant challenge to communicate and operationalise given the increasingly complexity of different exemptions regimes.
4. More broadly, we consider that each time a new exception is created to the travel restrictions, there needs to be an assessment of the impact on both the individual and cumulative risk of COVID-19 entering the country when each exemption is granted to avoid it undermining the public health intent.

Ability for individuals to access testing within 48 hours of departure in India

5. s6(a) 
6. Based on the current evidence of the availability of rapid testing in affected countries, officials do not recommend changing the required timeframe to obtain a pre-departure test from 72 to 48 hours.

Laboratory accreditation in India

7. The Indian Council of Medical Research's (ICMR) has a list 1426 labs providing RT-PCR for Covid-19. MFAT have advised that only laboratories approved by India's National Accreditation Board Testing and Calibration (NABL) (which follows ISO 15189) were engaged by the ICMR for COVID-19 testing.
8. This list could be used, however, a search of the NABL website reveals that only 31 laboratories are listed as holding accreditation to ISO 15189 for COVID-19 testing using RT-PCR.
9. The Ministry of Health have made attempts to contact the ICMR and the NABL to find out if all 1426 of the labs listed as providing Real-Time RT-PCR for COVID-19 are accredited

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to ISO 15189, and if not, if there is another standard that has been applied as a requirement for approval. They are also working to verify if the laboratories at the airport provide the appropriate tests with the appropriate specimen type and accreditation.

Interim arrangement until lists of accredited laboratories can be confirmed

10. Ministers agreed that from 11:59pm on 28 April, permitted travellers to New Zealand from very high risk countries must have evidence of a negative test result from an accredited laboratory 72 hours prior to departure.
11. This means a published list of accredited laboratories must be available to permitted travellers by 11:59pm on 25 April at the latest. In light of the situation in India, this is simply not possible - MFAT and the Ministry of Health are working to provide advice on this by 30 April.
12. Officials therefore propose that we rely on the current requirements for pre-departure testing. Officials believe the increased risk of passengers having a 72 hour window for a pre-departure test prior to a flight, rather than a 24 hour window, is relatively low in the short term given we are likely to see very few travellers arriving from India given the suspension of Emirates flights between India and Dubai, the suspension of travel from India by several other common hub countries (Hong Kong, Japan, Singapore), the practical inability to travel from Brazil or Papua New Guinea at present, and the very low numbers of travellers expected from Pakistan.

Advice on the existing penalties regime

13. s9(2)(h) [Redacted]
14. s9(2)(h) [Redacted]
15. s9(2)(h) [Redacted]

Background

16. Resurgence of COVID-19 is occurring in several countries. We can expect to see further waves of infections in several countries emerge as new variants arise, vaccination programmes are rolled out at different speeds, and public health measures are relaxed in overseas jurisdictions.
17. As a result, we may see further spikes in returnees to New Zealand testing positive for COVID-19 on arrival and during their Managed Isolation and Quarantine (MIQ) stay. This has the potential to place pressure on MIQ systems and workforce, increasing the risk of transmission and a community outbreak.

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18. The Ministry of Health identified criteria to assess the risks to New Zealand from travellers from high-risk countries which weights the data starting with the total numbers of arrivals to New Zealand, cases presenting at the border, and the rate of positive cases per 1000 arrivals (2020/21-872 refers).
19. Delegated Ministers agreed to an approach to add to this an assessment of the cumulative risk of arrivals to New Zealand (2020/21-872 refers). This is based on the future risks of cases presenting from any given country, using a threshold for very high risk a rate of more than 50 cases per 1,000 arrivals and a minimum number of 15 arrivals a month s9(2)(a), s9(2)(g) s9(2)(g)(i)
20. Under the approach agreed to by delegated Ministers to assessing very high-risk countries, this identified India, Brazil, Papua New Guinea and Pakistan as currently meeting that criteria (2020/21-872 refers).

Emirates suspension of carriage of passengers from India

21. On 22 April Emirates announced the suspension of uplift of all passengers from India. This follows a decision by the UAE government to ban entry of passengers from India.
22. The announcement noted that effective 24 April 23:59 (Dubai local time), and for the next 10 days subject to further review, carriage of passengers from India will be suspended. It also noted that passengers who have transited through India in the last 14 days are not permitted to board from any other point to the United Arab Emirates.
23. For travellers from India attempting to get to New Zealand, this announcement therefore has significant implications. This recent announcement also represents stricter measures than the current settings that have been agreed by Ministers.
24. Ministry of Transport officials advise that while there are potentially other routes to get to New Zealand, the EK448 flight has represented the primary route of transit for travellers until now.
25. Other potential routes are very long and complicated and officials expect those routes may shortly close off as well as other countries also react to the situation in India.
26. When making an announcement, Ministers are advised to recommend travellers check with their airline carriers about their policies for travel from India, as these policies may further impact their ability to travel.

Managing residents who have left New Zealand

27. Ministers requested further advice on policy settings for New Zealand residents who leave (or have left) New Zealand and travelled to a very high-risk country. Officials note that this could arise in two distinct circumstances: either a resident travels subsequent to a country being categorised as very high risk; or a resident travels prior to the categorisation of the country as very high risk and travel is subsequently suspended.

Current policy settings advise against travel out of New Zealand...

28. The New Zealand Government's current travel advisory is at level 4 "do not travel" (except for Australia, which is at level 2 – "exercise increased caution"). MFAT introduced a global "do not travel" advisory for the first time in its history on 19 March 2020. This notes that

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any destination could experience a sudden increase in cases of COVID-19 and a heightened risk to travellers of contracting the virus, and that strict travel restrictions could also be imposed suddenly.

29. In the case of India, following the 2020 border closures, MFAT coordinated the largest ever peacetime evacuation of New Zealanders. Since then the number of consular enquiries in India for emergency evacuation has significantly decreased.

...and enable return to New Zealand in time critical humanitarian circumstances

30. If residents are offshore and want to return to New Zealand, a request for a humanitarian exemption to the travel restrictions under the Air Border Order, can be considered by the Director-General of Health or their delegate. Requests will be considered against criteria for urgent travel to New Zealand for reasons such as¹:
- a) New Zealand residents, who are unable to legally remain in their current location and have no other option but to return to New Zealand; or
 - b) New Zealand residents where a serious risk to health and safety exists for the applicant or their dependant, which requires urgent travel to New Zealand; or
 - c) where urgent travel is required to ensure a child is provided with appropriate care and protection; or
 - d) New Zealand residents who are required to provide critical care for a dependant person in New Zealand and need to travel urgently to do so; or
 - e) New Zealand residents:
 - i) entering New Zealand to visit a close relative living with a terminal illness or end-stage disease (with a life expectancy of six months or less); or
 - ii) who are living with a terminal illness or end-stage disease (with a life expectancy of six months or less) entering New Zealand to visit a close relative or to reside in New Zealand; or
 - iii) who are living with a terminal illness or end-stage disease (with a life expectancy of one month or less) who have travelled or are travelling to visit a close relative who resides overseas.

Stranding of New Zealand residents as a result of travel suspension for very high risk countries

31. In the event a country is designated as very high risk and New Zealand residents who have legitimately travelled to that country become stranded, the Minister for COVID-19 Response has the power to grant an exemption from the requirements of the Air Border Order to enable their return to New Zealand. The current assessment is that some circumstances may not be covered by the humanitarian criteria outlined above, and in these circumstances, applications for an exemption would need to be considered by the Minister. In the time available to prepare this advice, it was not possible to fully consider alternative arrangements for the exercise of this power in all circumstances.

¹ These criteria are consistent with those applied to requests for an emergency place in Managed Isolation and Quarantine.

32. Ministers requested advice from officials about a specific hypothetical scenario, whereby a New Zealand resident travels overseas (to what is subsequently designated as a very high risk country) for the funeral of a direct family member.
33. Everyone in New Zealand (including non-citizens) has the right to exit New Zealand under section 18(3) of New Zealand Bill of Rights Act. s9(2)(a), s9(2)(h)
s9(2)(h)
34. Officials consider that the current exemptions regime is sufficiently broad to cover the range of situations that residents may find themselves in as a consequence of a travel suspension for very high-risk countries.
35. In the hypothetical scenario outlined above (paragraph 32), the New Zealand resident would either need to:
- a) request a humanitarian exemption to the travel restrictions to allow travel back to New Zealand based on meeting the criteria above (paragraph 30) which may be granted by the Director General; or
 - b) request an exemption from the Minister for COVID-19 Response to enable their return to New Zealand (paragraph 31).

An assessment regime for assessing reasons for travel out of New Zealand raises risks

36. Officials recommend against introducing a new assessment and/or criteria for travel from New Zealand given the current policy position advising all citizens and residents against overseas travel. s9(2)(g)(i)
s9(2)(g)(i)
37. More broadly, we consider that each time new or additional exemptions are created to the travel restrictions, there needs to be an assessment of the impact on both the individual and cumulative risk of COVID-19 entering the country when each exemption is granted to avoid it undermining the public health intent.

Ability to access testing within 48 hours of departure from very high risk countries

Access to testing in India

38. s6(a)

² New Zealand's immigration system (encompassing our legislation and the supporting policy and operational settings) is concerned with managing the requirements for people *arriving* in New Zealand (or intending to arrive), as opposed to those departing, and applies to non-New Zealand citizens only.

s6(a)

39. Based on the current evidence of the availability of rapid testing in affected countries, officials do not recommend changing the required timeframe to obtain a pre-departure test from 72 to 48 hours.
40. Rapid testing facilities appear to be available for departing passengers at a number of airports, including New Delhi, Mumbai, Hyderabad, and Bengaluru airports, with both RT-PCR and Rapid Antigen tests available. Travellers can book these directly and results are available within 4-10 hours depending on location. Tests are available within 24 hours in Kochi. While this option could reduce the percentage of passengers carrying the virus by the time they board the plane, it will require passengers to spend a significant amount of time at an airport (a high risk environment) while they wait for their test results.
41. Details of access to testing within 48 hours at Indian airports is provided in *Attachment A*.

Other very high-risk countries

42. Following Ministers' agreement to the approach that uses the assessment of the future risk of cases to determine very high-risk countries and the inclusion of Pakistan, Papua New Guinea and Brazil in that category, officials will provide further advice on the ability to access testing with 48 hours in those countries along with updated advice in relation to India (2020/21-872 refers).

Identifying accredited laboratories in very high-risk countries

43. To ensure the quality and reliability of pre-departure tests, there is value in assessing the laboratory accreditation system in specific countries, s6(a) and exploring what international accreditation systems could be relied on more broadly.
44. On this basis, there is merit in identifying a process for, and initial list of testing laboratories which are deemed acceptable for the purposes of travel to New Zealand.
45. The Ministry of Health and MFAT officials will continue work to develop an appropriate process for identifying, and provide an initial list of, testing laboratories which will be acceptable for the purposes of travel to New Zealand from additional high risk countries, and provide advice on that by Friday 30 April. Work completed to date in relation to India is summarised below.

Laboratory accreditation in India

46. The Ministry of Health have been working to produce a list of accredited laboratories in India that provide RT-PCR or TMA COVID-19 tests using nasopharyngeal swabs as the specimen type.

47. s6(a)

s6(a)

48. s6(a)

49. s6(a)

50. s6(a)

Interim arrangement until lists of accredited laboratories can be confirmed

51. Ministers have agreed that from 11:59pm on 28 April, permitted travellers to New Zealand from very high risk countries must have evidence of a negative test result from an accredited laboratory 72 hours prior to departure. This means a published list of accredited laboratories must be available to permitted travellers by 11:59pm on 25 April at the latest. In light of the situation in India, this is simply not possible – as noted, MFAT and the Ministry of Health are working to provide advice on this by 30 April.
52. Officials therefore propose that we rely on the current requirements for pre-departure testing – that is:
- a) the test must be either a PCR test (including RT-PCR), LAMP or antigen test;
 - b) all tests must be processed by a laboratory recognised in the country of origin as authorised or accredited to conduct tests;
 - c) tests taken at-home must be processed by a laboratory recognised in the country of origin as authorised or accredited to conduct tests; testing labs must be able to issue a dated report recording the traveller's name, date of birth and/or passport number; date and time the test was conducted; name of testing lab; test type and test result.
53. Officials believe the increased risk of passengers having a 72 hour window for a pre-departure test prior to a flight, rather than a 24 hour window, is relatively low in the short term given we are likely to see very few travellers arriving from India given the suspension of Emirates flights between India and Dubai, the suspension of travel from India by several other common hub countries (Hong Kong, Japan, Singapore), the practical inability to travel from Brazil or Papua New Guinea at present, and the very low numbers of travellers expected from Pakistan.

Penalties regime

Current and forthcoming options for penalties regime

³ <https://nabl-india.org/>

54. Officials advise that the current options for infringements and prosecutions if people violate legal requirements of Orders under the COVID-19 Public Health Response Act 2020 are as follows:

- a) Any contravention of a requirement in the Act is a prosecutable offence, which means an individual can be prosecuted and given a prison sentence if appropriate.
- b) Any contravention of a requirement in an Order is a prosecutable offence, which means an individual can be prosecuted and given a prison sentence if appropriate. Enforcement of this has only been used so far for breaches of alert level orders.
- c) Any breach of a requirement in a section 11 Order can be an infringement offence if identified as such in the Order.
- d) Infringement offences are currently \$300 for an on-the-spot fee or up to \$1,000 for a court ordered fine.

55. s9(2)(f)(iv)



s9(2)(g)(i)



56. The current MIQ fee settings are:

- a) \$3,100 (incl. GST) for liable New Zealand citizens and residence class visa holders (liable ordinarily resident Australians, critical health workers and air and maritime crew).
- b) \$5,520 (incl. GST) for temporary visa class holders and other critical workers.

57. s9(2)(h)



58. s9(2)(h)



Visa implications

59. s9(2)(h)



s9(2)(h)

Pre-departure guidance for travellers

60. Previous advice to Ministers suggested additional guidance to travellers around actions they could take between testing and travelling might limit the risk of infection.
61. Government communications channels will be issuing infection prevention guidance generated by the Ministry of Health to travellers which will include clear information about how to reduce their risk of being exposed to COVID-19 in the 14 days before leaving by:
 - a) Avoiding high-risk events like parties, social gatherings or crowded places.
 - b) Avoiding contact with people who have COVID-19 or who are contacts of people with COVID-19.
 - c) Stay home as much as possible to limit contact with other people.
 - d) Wash and dry your hands often, cough into your elbow and avoid touching your face.
 - e) Keep your distance from people you do not know; and
 - f) Wear a face covering when you cannot keep your distance.
62. Communications officials in the COVID-19 Group will facilitate the dissemination of this guidance to travellers through existing government channels.
63. Officials have also considered in-flight interventions but advise that the measures already required by the airlines, including the wearing of face masks and hand sanitising, are sufficient to manage the risk of in-flight transmission. These measures are already supported by regular testing in MIQ to detect any in-flight transmission that may have occurred.

Next Steps

64. Given your approval of the proposed approach set out in briefing 2020/21-872, officials will undertake an ongoing assessment process as to whether countries should be classified as very high risk in relation to elevated COVID-19 risk.
65. Officials will prepare further advice for delegated Ministers on:
 - a) a list of testing laboratories which will be acceptable for the purposes of travel to New Zealand from very high risk countries by Friday 30 April;
 - b) the ability to access testing with 48 hours in those countries along with update advice in relation to India;

66. Officials in the COVID-19 Group will facilitate a cross-government effort to disseminate infection prevention guidance to travellers through existing channels to help minimise risk to travellers prior to departure and while in transit.

Financial Implications

67. There are no financial implications arising from the decisions in this paper.

Consultation

68. This paper was developed with the Ministry of Health, the Ministry of Business, Innovation and Employment, the Ministry of Foreign Affairs and Trade, and the Ministry of Transport.
69. The Ministry of Justice and the Crown Law Office were consulted.

Communications

70. Communications officials in the COVID-19 Group will facilitate the dissemination of pre-departure guidance for travellers to help minimise risk of exposure to COVID-19 prior to and during transit, through existing government channels.
71. The Ministry of Foreign Affairs and Trade will amplify any messaging on new travel or border measures provided by the Unite Against Covid website or other agencies through its consular channels.
72. The Department of the Prime Minister and Cabinet is preparing a press release and talking points for planned public announcements on Friday 23 April 2021.

ATTACHMENT A: DETAILS OF RAPID TESTING FACILITIES AT INDIAN AIRPORTS

- Rapid testing facilities appear to be available for departing passengers at a number of airports, including New Delhi, Mumbai, Hyderabad, Kochi and Bengaluru airports, with both RT-PCR and Rapid Antigen tests available.
- Travellers can book these directly, with results are available within 4-10 hours depending on location (travellers are advised to prepare for delay in test results).
- Further Information on PCR tests available:
 - New Delhi: <https://www.newdelhiairport.in/blog/delhi-airport-offers-special-packages-for-arrival-departure-passengers-at-india-s-first-airport-covid-lab>
 - Mumbai: <https://csmia.aero/covid-faqs.aspx>
 - (FAQ1) and booking: <https://covid19.suburbandiagnosics.com/signin>
 - Hyderabad: <https://www.hyderabad.aero/coronavirus-passenger-advisory.aspx#collapse29>
 - Kochi: https://cial.aero/Pressroom/newsdetails.aspx?news_id=448&news_status=A
 - Bengaluru: <https://www.bengaluruairport.com/corporate/media/news-press-releases/rt-pcr-test-facility-for-covid-19-launched-at-blr-airport.html>
- While this option could reduce the percentage of passengers carrying the virus by the time they board the plane, it will require passengers to spend a significant amount of time at the airport (a high risk environment) while they wait for their test results.

New Delhi:

- There is a Covid-19 (RT-PCR) testing facility available 24/7 at the international airport
- This service and facility is provided in collaboration with Premium Plaza Lounge and Genestrings Diagnostic Centre, a Delhi-based laboratory, which is currently associated with Delhi government to test COVID-19 samples
- The test results are available within 4-6 hours.
- RT-PCR report is valid only up till 72 hours after testing.
- In case of a positive result, the passenger will be processed in line with applicable ICMR (Indian Council of Medical Research) protocols by the State authorities. This will help the authorities concerned to avoid passengers affected with the disease from coming in close contact with those already having RT-PCR negative report.

Mumbai:

- There is a Covid-19 (RT-PCR) testing facility available at the international terminal
- Test results take up to 24-48 hours for arriving passengers and 8-10 hours for departing passengers.
- Results are sent via email

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- Proof of Valid ID proof is mandatory before undertaking the test

Hyderabad:

- The COVID RT-PCR testing is available at the international airport all departing and arriving passengers.
- GHIAL has collaborated with Mapmygenome, a Hyderabad based NABL (National Accreditation Board for Testing and Calibration Laboratories) and ICMR (Indian Council of Medical Research) certified agency to provide the services for COVID-19 test.
- The results take about 4-5 hours.

Kochi:

- There is a Covid-19 testing facility available at the international terminal which does both RT-PCR and antigen tests.
- The results of RT-PCR test will be available within 24 hours and antigen test results will be provided in 1 hour.

Bengaluru

- There is a Covid-19 testing facility available 24/7 at Bengaluru international airport (BIAL) which does RT-PCR testing.
- The testing centre is NABL and ICMR certified, and managed and operated by Bengaluru-based Auriga Research Private Limited.
- There is a sample collection kiosk inside the Terminal and a dedicated, state-of-the-art laboratory outside the BLR Airport Terminal. A waiting lounge with strict adherence to COVID-19 safety protocols is part of the facility.
- Under the express test method on the globally acclaimed Abbott ID Now™, the RT-PCR test result is available in less than 15 minutes, while the regular RT-PCR test result takes up to six hours. Until the test results are received, those tested would be required to wait in a specially demarcated area. Results are sent via email.
- As per Government requirements, the results of all samples will be registered on the ICMR website.