

## In Confidence

Office of the Minister for COVID-19 Response

Cabinet

## Reconnecting New Zealanders: Commencing phased reopening of the international border

### Proposal

- 1 This paper seeks agreement on the timing and settings for Steps 1 and 2 of Reconnecting New Zealanders with the World, and the timing and sequencing of groups under Steps 3, 4, and 5.

### Relation to government priorities

- 2 This paper supports the ongoing response to COVID-19 and is part of the strategy for Reconnecting New Zealanders with the World.

### Executive Summary

- 3 Cabinet decisions taken in November 2021 set out three steps for Reconnecting New Zealanders, beginning in mid-January 2022. In December 2021, Cabinet agreed to defer the commencement of Reconnecting New Zealanders due to the newly emerging Omicron variant [CAB 21-MIN-0558 refers].
- 4 We now have Omicron in the community and the trajectory of the outbreak is unknown. However, the need to re-establish our international connections remains critical and the context that we take decisions in will continue to be uncertain. We are getting our health and community care systems ready for widespread Omicron, and close to three million New Zealanders will be eligible for their booster by the end of February.
- 5 Decisions around the timing and sequencing of easing border restrictions needs to balance two key factors: the desirability of phasing a potentially significant increase in the number of international arrivals in order to minimise the public health risk, and the need to sequence demand for visa processing following two years of built-up demand.
- 6 I have reconsidered the timing of the Reconnecting Steps in light of these factors and seek Cabinet's agreement to proceed, as planned, with a late February 2022 commencement. I propose that Step 1, enabling New Zealanders and other eligible travellers under current border settings, to enter on the medium-risk (self-isolation) pathway from Australia, commences at 11:59pm Sunday 27 February 2022.
- 7 I consider that Step 2, being New Zealanders and other currently eligible travellers arriving from all other countries, should remain staggered after

Step 1. This approach will manage any additional load on the health system as a result of cases arriving through the border and support the bedding in of new systems. s9(2)(h)

[REDACTED]

[REDACTED] On that basis, I propose that Step 2 commences at 11:59pm Sunday 13 March 2022.

- 8 Opening up the wider immigration settings presents more options. On balance, I consider that a targeted approach that phases traveller volumes and meets the needs of sectors is best in the short term. I propose that in Step 3 we open the medium-risk pathway to the wider skilled workers border exception, international students for semester 2 (capped at 5,000), and offshore current temporary visa holders from 11:59pm Tuesday 12 April 2022. Step 4 could follow from July 2022, being Australia, Working Holiday Schemes, visitors from visa-waiver countries and the Accredited Employer Work Visa categories. Reopening of all visa categories, including visitor visas and student visas, would be Step 5, in October 2022.
- 9 Confirming the timing and sequence of these groups will be critical to secure air connectivity and shore up fragile supply chains. Family reunification is largely provided for in Steps 1 and 2 under existing border exceptions and will also be improved through Steps 3-5.
- 10 Cabinet previously agreed to expand quarantine-free entry to additional low-risk Pacific countries. Kiribati and Solomon Islands now have community transmission of COVID-19 so no longer meet the criteria for the low-risk Pacific pathway. Instead, eligible travellers from these countries will be able to enter via the medium-risk pathway from Step 2. New transit settings for the low-risk Pacific pathway are recommended in light of Omicron. Given these transit constraints and other implementation considerations, I propose to defer the expansion of the low-risk Pacific pathway to Nauru, Tuvalu and American Samoa to 11.59pm 27 February 2022.
- 11 Settings for the medium-risk pathway have also been reviewed. I propose that the settings broadly align with requirements of close contacts under our new Omicron response plan, which has three phases. In the unlikely event we were still in Phase One of the response when we commence Step 1, this would mean a slight increase in length of self-isolation from 7 to 10 days, returning to 7 days when we reach Phase Two. I view these settings as maximum requirements and that if any changes are made over time, settings would be eased.
- 12 Border settings remain under review to ensure that the limitations we apply to international arrivals remain fit for purpose, proportionate, and justifiable. Ultimately, easing the flow of travellers, subject to a public health risk assessment, will be a critical element of our social and economic recovery.

## Background

- 13 On 24 November 2021, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-21-MIN-0498], endorsed a three-step medium-risk pathway and timeline for Reconnecting New Zealanders:
  - 13.1 Step 1 – Fully vaccinated New Zealanders and other currently eligible travellers<sup>1</sup> to and from Australia from 11.59pm Sunday 16 January 2022;
  - 13.2 Step 2 – Fully vaccinated New Zealanders and other currently eligible travellers to and from anywhere else from 11.59pm Sunday 13 February 2022; and
  - 13.3 Step 3 – Fully vaccinated foreign nationals (possibly staged by visa category) from Saturday 30 April 2022 [SWC-21-MIN-0200 refers].
- 14 On 20 December 2021, in response to the emergence of the Omicron variant, Cabinet agreed in principle to delay Step 1 to the end of February to align the reopening with a greater proportion of the population having received a booster shot [CAB 21-MIN-0558 refers].
- 15 Since then, Omicron cases have increased at the border and community transmission has been confirmed. In response, New Zealand moved to the Red level of the COVID-19 Protection Framework (the Framework) at 11.59pm Sunday 23 January.
- 16 Over the past week, case numbers in the community have increased. Between 23:59pm Sunday 23 January and 23:59pm Sunday 30 January the 7-day average increased from 27 to 69 cases, and the 3-day averages were 27 and 89 on the same days.

## Timing of Step 1

- 17 I have reconsidered the timing of Reconnecting in the context of the global emergence and the recently detected domestic transmission of Omicron. While Omicron has affected how we think about when we start Reconnecting, I propose to continue with a stepped approach.
- 18 We have outlined three phases to our Omicron response: Phase One, when we are in the initial stages of transmission; Phase Two, where our focus will be on minimising and slowing further spread; and Phase Three, when there are thousands of cases per day. The trajectory of the domestic outbreak is uncertain. We are currently in Phase One, but experience overseas suggests cases may increase rapidly, and we may move to Phase Two

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<sup>1</sup> 'Other currently eligible travellers' refers to those who are exempt from current border restrictions or who are granted border exceptions under the immigration border rules applying at the time. This includes, for example, critical health workers and partners/dependents of New Zealand citizens who meet the normal visa requirements.

soon. The phase we are in at the time of reopening will determine the level of additional risk.

- 19 Modelling by the Ministry of Health and the Department of the Prime Minister and Cabinet (DPMC) indicates that if Step 1 leads to around 5,000 – 6,000 travellers per week from Australia, this could equate to an expected 30 – 150 imported cases per week being introduced to the community. This estimate accounts for a 65% reduction in risk attributed to border measures including self-isolation. The upper limit is based on the proportion of cases detected in arrivals from Australia in January (4%), which is expected to decline by the time Step 1 commences.
- 20 If the current domestic outbreak does escalate rapidly, starting Step 1 is likely to make little difference to overall case numbers. Once there is widespread community transmission of Omicron, the public health need and justification for our current border settings is likely to erode.
- 21 It is possible that the current Omicron cases in New Zealand are not the start of the full ‘wave’. If the domestic outbreak has been contained, reopening the borders is likely to increase public health risk by seeding new cases. However, it is not expected that we can prevent community transmission of Omicron indefinitely, given the high proportion of cases we have seen arriving at the border since December, together with the variant’s increased transmissibility and reduced vaccine effectiveness compared with Delta.
- 22 Updated results of modelling from Te Pūnaha Matatini (TPM) indicate that in a scenario with a minimal public health response, there is little difference in health impact whether an outbreak starts in February, March or April. However, for a widespread outbreak in a strong public health response scenario, the cases, hospitalisations and deaths are higher for an outbreak that seeds in early April than for one that seeds in early February.<sup>2</sup> A February outbreak would see hospital bed occupancy peak at around 780 approximately 14 weeks after the start of the outbreak, whereas an April outbreak would peak several weeks later at around 1,200. This difference is because of the interacting effects of waning immunity and booster shot uptake.
- 23 The TPM model does not account for seasonality effects. If the peak of an Omicron wave and outbreaks of other illnesses (including those imported through the border such as measles or influenza) coincides with winter, there will be additional pressure on the health system. This is more likely for an outbreak seeded in April.
- 24 To make reopening as safe as possible we need to be ready. A key part of our preparation is the rollout of boosters and paediatric vaccines. By the end of February, almost 3 million people will become eligible to have a booster. A further 400,000 will be eligible by the end of March and a further 200,000 by

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<sup>2</sup> A strong public health response is compared to South Australia (Ref 2.2) and is stronger than New Zealand’s COVID-19 Protection Framework Red (Red). A minimal public health response is compared to New York (Ref 3.4) which is less stringent than Red. Both scenarios assume significantly greater transmission than the Delta outbreak.

the end of April, with these later cohorts disproportionately comprising Māori and Pacific peoples. Children aged 5-11 are now eligible for their first dose and those vaccinated early will be eligible for their second dose from mid-March. How cohorts are impacted by an outbreak will depend on the intersection of the timing of primary doses/booster doses with the phases of an outbreak, as well as other factors such as age and underlying health conditions.

25 It is important the Care in the Community model is able to scale significantly to ensure that our most vulnerable communities are well supported for the likely increased need for health and welfare support to self-isolate safely and to ensure that the existing inequities are not further exacerbated. This will be particularly important for Māori and Pacific communities.

26 s9(2)(h) [Redacted]

27 Border agencies have been preparing to operationalise the Reconnecting Steps and, subject to clarity of detailed settings and requirements, will be ready with a minimum of two weeks' lead-in. Airport and airline companies have consistently advised that they need a minimum of four weeks' lead-in for go-live following confirmation of the criteria and settings. Some changes to immigration settings may also require longer than two weeks, e.g. amending regulations if needed.

28 While the trajectory of the pandemic remains uncertain, the reasons to reopen our international borders still remain – reuniting whānau and friends, re-establishing and building new trade and business opportunities, access to skilled workers, re-establishing our tourism industry, growing international supply chains, and restoring the rights of New Zealanders to travel and return freely.

29 A confirmed date for reconnecting is vital for enabling businesses, the aviation sector, tourism, whānau and friends in New Zealand and overseas to prepare. The aviation sector has stressed the importance of gaining clarity on dates and settings of reopening as soon as possible. They have warned of the dampening impacts of on-going self-isolation requirements on air connectivity, supply chain capacity, and the tourism sector. There is a strategic risk of airlines exiting the market if clarity over timing of reopening and the easing of border measures is not provided.

30 We cannot be certain how the domestic situation will evolve over the coming months or whether there will be new risks, including emerging variants of concern. However, we cannot delay decisions indefinitely. Given the current expectations about the domestic transmission of Omicron, the expected marginal impact of border reopening on a widespread outbreak, our preparedness, and the implications of further delay for the winter flu season, I propose that Step 1 starts at 11:59pm Sunday 27 February 2022.

## Timing of Step 2

- 31 Cabinet originally agreed to the three Reconnecting Steps to manage volumes and risk coming through the border. Step 2 brings a high volume of New Zealanders from around the world and was staggered after Step 1 to allow our border systems to bed in and reduce risk at the border.
- 32 However, deferring Step 2 continues to limit the rights of New Zealanders to return home. That right should be reinstated as soon as safe and practical.
- 33 Officials advise there is still value in staggering the Steps. Ministry of Health advice is to stagger Steps 1 and 2 by several weeks to manage any additional load on the health system as a result of additional cases arriving through the border. It will also support the bedding in of new systems for testing and self-isolation. The New Zealand Customs Service (Customs) advises a stepped approach will support a better experience for travellers as agencies and airlines adjust to the new settings and traveller volumes.
- 34 Operationally, the preference is for Step 2 in mid-March to allow time for systems to adjust to increased traveller volumes and extend the NZBORA rights of citizens to return as soon as is practical following Step 1.
- 35 There are three options for the timing of Step 2:

35.1 *Step 2 at the same time as Step 1:* This would ensure all New Zealanders' rights to return to New Zealand are reinstated at the same time. This approach would be appropriate if Omicron is widespread in the community and the relative risk from the border is immaterial. Merging these Steps would provide agencies and the aviation sector the lead-in time needed to prepare for the higher volumes. Manually processing the resulting high volumes of travellers will be challenging.

35.2 *Step 2 at 11:59pm Sunday 13 March (recommended option):* This provides agencies and the aviation sector two weeks to test and adjust their systems and processes with a lower volume of travellers before the higher volumes of Step 2. For example, allowing time for operational staff at the border to become familiar with the New Zealand Traveller Declaration (NZTD) requirements and certification regime ahead of its implementation on 31 March. It would also make for a smoother transition between Nau Mai Rā and manual processing to NZTD. s9(2)(h)

35.3 *Step 2 at 11:59pm Thursday 31 March:* This would provide a longer lead-in time to test systems, and would spread the potential load on the health system over a longer period. Customs advises against increasing traveller volumes at the same time as starting to use the NZTD on 31 March. s9(2)(g)(i)

s9(2)(g)(i) This option may be appropriate if COVID-19 is contained in March and the number of cases arriving would threaten our ability to contain the outbreak. Pushing Step 2 out to late March further delays realising the social and economic benefits of broader reopening.

- 36 Modelling by the Ministry of Health and DPMC suggests opening to fully vaccinated New Zealanders from all other countries on the medium-risk pathway could result in an additional 10,000-13,000 arrivals and an additional 65 – 845 imported cases per week introduced into the community. This estimate includes the 65% reduction in risk attributed to border mitigations, and the upper limit is based on the proportion of cases detected in arrivals from jurisdictions other than Australia in January (10%), which is expected to decline by the time Step 1 commences.

### Options for Step 3

- 37 Whereas timing decisions for Steps 1 and 2 are driven primarily by public health considerations, timings for Step 3 are driven more by practical constraints around Visa processing and the need to ensure the highest priority groups are able to enter first.
- 38 On 20 December 2021 Cabinet noted that officials have identified three options for reopening under Step 3 (CAB-21-MIN-0551):
  - 38.1 Option A: a 'faster' rollout from 30 April, including recommencing visa-waiver travel from this point;
  - 38.2 Option B: an 'early' rollout from 31 March (aligned with implementation of the NZTD), with visa-waiver travel following from 30 April (per Option A);
  - 38.3 Option C: a 'slower' rollout from 30 April, which delays recommencing visa waiver until October.
- 39 Once Steps 1 and 2 have commenced, all eligible travellers with border exceptions, or who are exempt from border entry restrictions under current criteria (e.g. diplomats, air crew), will also be able to enter on the medium-risk pathway, except those that are travelling from Very High Risk countries.
- 40 Cabinet agreed as part of the Immigration Rebalance that the immigration settings that would apply until visa categories are re-opened will include expanding entry to workers earning 1.5 times the median wage or more (with a bright line salary test only), extending class exceptions where needed, and a larger capped student exception [CAB-21-MIN 0554]. s9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

42 In light of the evolving pandemic, the delay to Steps 1 and 2, the Immigration Rebalance decisions, and the wish to prioritise key workers early, officials have revised the proposed approach and timing for re-opening categories from Step 3. Customs recommends a slight delay to the commencement of Step 3 to avoid an influx of international travellers on the same day that the NZTD goes live. On that basis, I propose:

*Step 3, from 11:59pm Tuesday 12 April, being:*

- 42.1 Expanded border exceptions as follows:
  - 42.1.1 additional skilled workers (per the bright line test of a job offer at 1.5 x median wage<sup>3</sup>). The skilled worker family reunification border exception settings for onshore temporary migrants will also be amended to align with this bright line test;
  - 42.1.2 critical workforces (any new class exceptions and lists updated/expanded as determined by Border Ministers);
  - 42.1.3 a capped class exception for up to 5,000 international students for study commencing from semester 2;
  - 42.1.4 sports/events (additions to the government approved list); and
- 42.2 Other offshore temporary visa holders currently outside New Zealand who hold a valid visa and can still meet the relevant visa requirements.

*Step 4 from July, being:*

- 42.3 Australia (Australian citizens, permanent residents and other foreign nationals in Australia);
- 42.4 Working Holiday Schemes; and
- 42.5 Visitors from visa-waiver countries.

<sup>3</sup> Currently around \$84,500 for a 40-hour week.



42.6 The Accredited Employer Work Visa will open to normal offshore visa applications and processing, and the medium-risk pathway, from July. This means that the skilled worker border exception can be phased out at that point. Workforce class exceptions and other border exceptions can remain in place where needed until wider visa processing resumes to ensure continued access to New Zealand for these groups.

Step 5 from October, being:

42.7 visitor visas; and

42.8 student visas.

42.9 At this point, normal visa processing - 'business as usual' - can resume under reopened visa categories. Full reopening of all visa categories, including visitor visas, is not operationally feasible for Immigration New Zealand before October due in part to previous decisions to prioritise processing of 2021 Residence Visa applications.

43 The following table sets out the estimated numbers of migrant travellers based on the proposed phasing of Steps 3-5.<sup>4</sup>

Step 3 – 11:59pm 12 April 2022	
<i>Skilled workers:</i> expanded border exception (1.5 x median wage bright line test)	Could double the number of critical workers able to enter New Zealand (i.e. from 10,000 presently to possibly 20,000 per year).  Will be eligible to apply from 12 April with some lead-in time before travel. Staggered numbers over the year.  Note that the volume of critical workers (e.g. health workers) is also likely to increase from Step 2, when MIQ constraints are removed.
<i>Class exceptions for critical workforces:</i> Expanded and new class exceptions, or additions to lists, for critical workforces that do not meet the 1.5 x median wage bright line test	Numbers will depend on agreed exceptions/lists but have been limited to date. This includes seasonal workforces eligible to travel across 2022, the infrastructure list and the Antarctic programme.
<i>Events and sports</i>	Numbers will depend on agreed additions to Government-approved lists but have been limited to date.

<sup>4</sup> Some of these estimates (for Australia, visa waiver travel and visitor visas) are based on 65% of 2019 volumes and are not based on specific estimates of airline availability or demand (including impacts of COVID-19, economic changes, or self-isolation). Current border exceptions can mean traveller volumes of around 2,000-3,000 per month.

<i>Existing visa holders</i>	Includes up to 21,000 temporary visa holders currently offshore.  Will be eligible to travel from 12 April, but not all will still meet visa requirements or wish to travel.
<i>Students</i>	5,000  For travel ahead of semester 2. Unlikely to arrive before June.
<b>Step 4 – July 2022</b>	
<i>Australian citizens, permanent residents and other foreign nationals in Australia</i>	Estimate 675,000 per year  Will be eligible for travel as soon as travel from Australia opens. Some foreigners in Australia will be required to apply for a visa.
<i>Working Holiday Schemes</i>	Estimate 50,000 per year, with Schemes open for applications in stages (as usual).  Eligible to apply from July 2022 or once the relevant Scheme opens. Travel will follow the granting of visas when the traveller chooses.
<i>Visa-waiver travellers</i>	Estimate 1.2 million per year  Will be eligible for travel as soon as borders open to visa-waiver visitors.
<i>Accredited Employer Work Visas</i>	Processing can open from 4 July (and not before) with the Immigration Rebalance settings in place, after which critical worker border exceptions can be phased out.  Numbers depend on demand. Travel will follow visas being granted (which will mean some delay before arrivals).
<b>Step 5 – October 2022</b>	
<i>Visitor visas</i>	Estimate 730,000 per year

#### **Family reunification under expanded immigration settings**

- 44 The proposed phasing of expanded immigration settings will also provide for family reunification during 2022. New Zealand citizens and residents can support their partners and dependent children to come to New Zealand, provided they meet usual visa requirements (e.g. partners living together in a

genuine and stable relationship). They do not need to travel together. There is also a limited group of onshore temporary migrants who can currently support their offshore partners and dependent children to travel to New Zealand. Most critical workers travelling to New Zealand under border exceptions are also already able to bring their partners and dependent children with them.

- 45 The table attached at Appendix 2 sets out how changes to immigration settings from Step 3 onwards will enable both New Zealand citizens and residents and all normally eligible onshore work temporary visa holders to be reunited with their families.

### Low-risk Pacific pathway

- 46 On 20 December, Cabinet agreed to expand one-way quarantine-free travel (QFT) to New Zealand from Kiribati, Nauru, Solomon Islands, Tuvalu and American Samoa from 11:59pm Sunday 13 February [CAB-21-MIN-0548]. This was on the basis these jurisdictions were free of COVID-19. Officials informed partner governments of this decision in late 2021, noting that a commitment to repatriating Recognised Seasonal Employer (RSE) workers would be required for participation in the RSE scheme. Filling the horticulture and viticulture sectors' worker deficit ahead of the March/April peak was a key goal of expansion of QFT to these jurisdictions.
- 47 Since the expansion to the low-risk Pacific pathway was agreed, Kiribati and Solomon Islands have detected COVID-19 in their communities, and cases are increasing. The Ministry of Health has assessed these two jurisdictions no longer meet the criteria for the low-risk Pacific pathway. Travellers from these jurisdictions will instead enter on the medium-risk pathway at Step 2.
- 48 In response to Omicron, the Ministry of Health has also recommended the following changes to transit route settings for the low-risk Pacific pathway:
- a. transit is permitted only if via a low-risk Pacific jurisdiction for entry into New Zealand under the low-risk Pacific pathway, and;
  - b. where the above condition is not met, entry is via MIQ until the commencement of Step 1; after then, if transit is via Australia **from Step 1**, or via any other jurisdiction (except those classified as Very High Risk) **from Step 2**, the medium-risk pathway isolation and testing requirements will apply.
- 49 These changes have implications for the expansion of the low-risk Pacific pathway on 13 February. While Tuvalu, Nauru and American Samoa continue to meet the criteria for the pathway, there are no direct flights or feasible low-risk Pacific transit routes from Tuvalu and Nauru at this time, meaning travellers would continue to need to enter MIQ until the Reconnecting Steps begin. There may be a possibility of charter flights from Tuvalu, but implementation much ahead of the end of February is unknown, and the volume of travellers that could utilise the opportunity within this

timeframe is very small. It is expected travellers from American Samoa could transit Samoa, once flights resume to and from Samoa.<sup>5</sup>

50 In addition to these constraints, commencing the expansion from 13 February would entail considerable legislative complexity, as introducing changes at that time would require amendments to both the current Air Border Order (ABO) and the new ABO, which will come into force on 27 February when the current ABO is revoked. Significant amendment of the new ABO will already be required to give effect to other decisions from this paper in time for Step 1.

51 Given the operational complexity, and the currently limited potential to realise the expansion at this time, I propose deferring commencement of the low-risk Pacific pathway from Tuvalu, Nauru and American Samoa until 11.59pm 27 February 2022, to align with Step 1.

52 The horticulture and viticulture sectors' need for workers remains acute despite New Zealand government efforts to facilitate worker flows.

s9(2)(b)(ii) [redacted]  
[redacted].<sup>6</sup> Existing worker pipelines are being squeezed: s6(a) [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

53 Cabinet previously authorised me as Minister for COVID-19 Response, together with the Minister of Immigration, to expand the RSE border exception, contingent on RSE repatriations being received, to Fiji, Kiribati, Nauru, Solomon Islands and Tuvalu [SWC-21-MIN-0227 refers]. We propose to expand the RSE border exception to Nauru and Tuvalu from 11.59 pm 27 February, in line with Step 1. This would enable RSE workers from Tuvalu and Nauru to transit Australia and enter under the medium-risk pathway from Step 1. We additionally propose to expand the RSE border exception to Fiji, Kiribati and Solomon Islands from Step 2, to enable workers from these jurisdictions to enter under the medium-risk pathway from mid-March.

54 It is envisaged that RSE employers would facilitate the isolation of RSE workers entering on the medium-risk pathway in accommodation at or near their place of employment under the group isolation settings for the medium-risk pathway.

55 A repatriation commitment is currently a condition for participation in the RSE border exception. s6(a) [redacted]

<sup>5</sup> s6(a) [redacted]  
<sup>6</sup> s9(2)(g)(i) [redacted]  
[redacted]  
[redacted]  
[redacted]

s6(a)

[Redacted]

- 56 While the expansion of the low-risk Pacific pathway and the commencement of the medium-risk pathway will enable additional workers with an RSE border exception to enter without MIQ, the timing will likely mean RSE employers will not have additional workers in time for peak harvest, and the horticulture and viticulture industries will need to look to scale up their onshore workforce. The Minister of Immigration is seeking advice from officials on other measures that could be taken to support these industries.
- 57 The Ministry of Health has recommended a review of vaccination settings for the low-risk Pacific pathway and will provide further advice to me shortly.
- 58 I will also be provided with further advice on pre-departure testing (PDT) requirements for travellers entering on the medium-risk pathway from Pacific jurisdictions that are currently exempted from PDT requirements. s9(2)(f)  
(iv)
- [Redacted]

**Medium-risk pathway settings**

- 59 On 24 November, the Cabinet Social Wellbeing Committee (SWC) (with Power to Act) agreed the broad settings for seven-day self-isolation under the medium-risk pathway [SWC-21-MIN-0200]. SWC also noted that self-isolation requirements can only be implemented on a high-trust basis, due to expected traveller numbers. The broad self-isolation settings include:
- 59.1 No limitations on how people travel from their port of arrival to their place of self-isolation;
  - 59.2 Only minor limitations on where people may undertake self-isolation and on who may be present while a person is undertaking self-isolation (ordinary household members);
  - 59.3 Limited (traveller-initiated) welfare support for people undertaking self-isolation; and
  - 59.4 No requirements for active monitoring or enforcement of traveller compliance with self-isolation requirements.
- 60 The Minister for COVID-19 Response agreed detailed self-isolation settings, including the requirement to submit a PCR test on day 0/1, and complete a

series of at least three (days 3, 5, and 7) self-administered Rapid Antigen Tests (RATs) before leaving self-isolation [MBIE-BR-2122-2097 / MOH-HR-20212706 refers].

- 61 The Ministry of Health has reviewed the medium-risk pathway settings against the new operational changes required to respond to Omicron. They consider that international arrivals are similar in risk profile to close contacts of cases in the community and recommend that measures for arrivals entering the medium-risk pathway are broadly aligned with the testing and isolation requirements for close contacts.
- 62 This means that the settings will shift through the phases of the Omicron response to align to the domestic risk profile and border strategy. All Phases are included although it is most likely we will be in Phase Two or Three when Step 1 commences.
- 63 This would require the following changes to the testing and isolation requirements agreed by Cabinet in November:

Previously agreed	Phase One – proposed	Phase Two – proposed	Phase Three – proposed
Day 0/1 PCR at or near the airport	Day 0/1 PCR at or near the airport	Day 0/1 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing Centre	Day 0/1 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing Centre
7-day isolation	10-day isolation	7-day isolation	7-day isolation
Series of at least three (days 3, 5, and 7) self-administered RATs before leaving self-isolation	Day 5/6 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing centre	Day 5/6 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing centre	Day 5/6 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing centre

64 I view these settings as the maximum requirements for medium-risk travellers, acknowledging that over time they are expected to ease, as domestic risk and health system capacity allow. Public health advice is to retain the previously agreed day 0/1 PCR testing at or near the airport for Phase One. There is a lead-in time associated with operationalising PCR testing at the airport, and this would need to be confirmed by 1 February.

s9(2)(b)(ii)

65 Given that we are likely to be in Phase Two or Three when Step 1 commences, I do not recommend proceeding with this investment and instead recommend that we prepare for Phase Two testing settings, being a

day 0/1 self-administered RAT. This means, in the unlikely event that we are in Phase One when Step 1 commences, we will need to proceed with day 0/1 RATs. Officials will further consider the role of PCR testing at or near the airport as part of advice on enduring border settings in March.

- 66 Under the proposed new settings, each traveller would be provided with 2 RATs on arrival. If they test positive, they would be required to undertake a PCR test at a community testing centre and continue to self-isolate. A PCR test will enable us to monitor for any emerging variants. The Ministry of Health has confirmed there is sufficient RAT supply allocated for arrivals at Steps 1 and 2, with more supplies arriving before Step 3 commences.
- 67 The Ministry of Health is reviewing other aspects of self-isolation settings such as what conditions apply to other household members present while a person is undertaking self-isolation. This will be provided to me by 3 February. Advice on confirming pre-departure testing (PDT) requirements and maximum interval since the last vaccination dose will be provided in February.
- 68 Information on how other jurisdictions have adjusted border settings in response to Omicron is summarised in Appendix 1.

#### Future border strategy

- 69 s9(2)(h)
- 70 Ministry of Health officials will continue to keep border measures under review to ensure they remain fit for purpose, justifiable, proportionate, and an efficient use of limited resources. This will include ongoing review of each pathway, review of maritime border settings to reflect the Reconnecting approach, and consideration of how non-scheduled aviation will fit into the pathways.
- 71 Without significantly easing border measures in the future, for example removing the requirement for all arrivals to self-isolate, the social and economic benefits of Reconnecting New Zealanders will be subdued or remain unrealised. Airlines are unlikely to return to New Zealand as long as a self-isolation requirement is in place, limiting future travel opportunities, and continuing supply chain constraints.
- 72 Further work is required to clarify the purpose of border measures in the phase beyond an Omicron wave. For example, in the future, the COVID-19 related border settings may still be useful to:
- 72.1 delay the introduction of new variants of concern,
  - 72.2 prevent international arrivals becoming a burden on our health system, and/or
  - 72.3 manage future pandemics.

73 Officials will provide me with advice on high-risk pathway settings through the Phases of the Omicron response in February. Additional advice will be provided on enduring border measures beyond Phase Three of the response, including testing, the ongoing role of MIQ in an environment of endemic COVID-19, and the longevity of the current settings for self-isolation, by March.

**Future of MIQ**

74 In December, Cabinet agreed to a moderate transition approach to the decommissioning of MIQ, which will see MIQ capacity reduced to approximately 4,400 rooms by July 2022 and 1,300 rooms by June 2023 [SWC-21-MIN-0215].

75 The emergence of Omicron has led to a 30% reduction in MIQ capacity with the shift back to a 10-day stay, and the increasing need for quarantine capacity to accommodate positive border arrivals. As a result, I have not yet taken decisions to begin the moderate transition approach, and MIQ has not yet begun formal negotiations to either extend hotel contracts beyond June 2022, or end contracts early.

76 Demand for MIQ will significantly decrease through Steps 1 and 2, but there remains a high degree of uncertainty about the scale and timing in relation to available capacity. It is expected that MIQ will still need to be available for travellers on the high-risk pathway through Steps 1 and 2 (e.g. for unvaccinated New Zealand citizens and others who do not meet the criteria for the medium-risk pathway but who have a right to enter New Zealand under immigration settings). s9(2)(h)

[REDACTED]

While there are operational constraints to introducing changes on a shorter timeframe, this will be kept under review.

77 If demand for MIQ reduces rapidly over a short period of time, it is highly likely that there will be excess supply in the MIQ network, including empty facilities. This potential excess supply reflects contractual constraints, and limits on how many facilities can be safely decommissioned simultaneously.

78 Following Step 3, there may be increased demand for MIQ, if it remains available for travellers on the high-risk pathway who do not meet the criteria for the medium-risk pathway, as additional groups will gain a right to enter from Step 3 onwards. Officials will provide further advice on this by March.

79 Consistent with Cabinet decisions in December, MBIE will advise me on plans to finalise operational details of the MIQ transition approach, following Cabinet decisions on the timing of the Reconnecting Steps. This transition plan will reflect the need to retain a core quarantine capacity that can be scaled up as required, and which will form the basis of the future National Quarantine Service.



**Next Steps**

- 80 Subject to Cabinet's agreement today:
  - 80.1 The Ministry of Health will provide further advice to me for decisions on the medium-risk pathway including self-isolation settings – by Thursday 3 February;
  - 80.2 DPMC and the Ministry of Health will provide further advice to me on high-risk pathway settings through the Phases of the Omicron response, PDT requirements for all pathways, the maximum interval since last vaccination dose for non-New Zealand citizens, vaccination settings for the low-risk Pacific pathway – in February;
  - 80.3 Border Exceptions Ministers will take decisions on 2022 class exceptions and lists in early February, including RSE as needed;
  - 80.4 Officials will notify Reconnecting Ministers by 20 February, ahead of Steps 1 and 2, if there are any critical public health or operational reasons why Steps 1 and/or 2 cannot proceed as planned;
  - 80.5 I will sign Orders to amend the new Air Border Order and the Isolation and Quarantine Order no later than Friday 25 February to give effect to the agreed timing and settings for Step 1 and to the expansion of the low-risk Pacific pathway from 11.59pm Sunday 27 February;
  - 80.6 Officials will report back to me with further advice on enduring border measures beyond Phase Three, including for the high-risk pathway, by March;
  - 80.7 The Minister of Immigration will bring a paper to Cabinet with the required regulations changes in February or March, and ahead of each Step will make necessary changes to Immigration Instructions and confirm any further details on immigration settings and policy required to implement the Steps and decisions outlined in this paper.

**Financial Implications**

81 There are a range of one-off and ongoing costs for agencies arising from implementation of the approach. Costs will be met within existing baselines or through previously approved funding. Should further funding requirements be identified following the commencement of the approach, approval will be sought from Cabinet. s9(2)(f)(iv)

[Redacted text]

82 s9(2)(f)(iv)

[Redacted text]

## Legislative Implications

83 A replacement COVID-19 Public Health Response (Air Border) Order 2020 (ABO) and a related amendment to the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 (IQO) giving effect to Cabinet's previous decisions are due to come into force on 27 February. Subject to decisions today, further amendments will be made to the replacement ABO and to the IQO prior to 27 February, ahead of Step 1 and the expansion of the low-risk Pacific pathway commencing. Further amendments will be made prior to the commencement of subsequent Steps.

### *Immigration changes*

- 84 At present, most offshore foreign nationals can only apply for a temporary entry-class visa if they qualify for a border exception. This setting is governed by regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, which will need to be amended to enable Steps 4 and 5 to be implemented.
- 85 Cabinet has already agreed [CBC-20-MIN-0069 and LEG-21-MIN-0090] that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration.
- 86 I invite the Minister of Immigration to issue drafting instructions accordingly. I note that Cabinet previously agreed to waive the 28-day requirement in case it is necessary, on the basis that the change will only confer benefits. The Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time and take any detailed policy decisions to give effect to the immigration changes set out here and agreed by Cabinet.

### *International law considerations*

- 87 s9(2)(h) [REDACTED]
- [REDACTED]

## Impact Analysis

### Regulatory Impact Statement

- 89 Treasury's Regulatory Impact Analysis (RIA) Team has determined that the proposals to commence a phased re-opening of the border are exempt from the requirement to provide a Regulatory Impact Statement (RIS). This is on the grounds that the proposals are intended to mitigate the short-term impacts of the COVID-19 emergency, and implementation of the policies is required urgently to be effective (making a complete, robust and timely RIS unfeasible).
- 90 Given the changing context and proposals, the earlier RIS prepared by DPMC in December 2021 does not match the proposals in this paper. The speed with which these proposals were prepared (in light of recent community transmission of Omicron) increases the risk of unanticipated consequences and implementation challenges.

### Population Implications

- 91 This section is focused on the population impacts of Reconnecting New Zealanders. Analysis of the population impacts of an Omicron outbreak is set out in the Minister for COVID-19 Response's parallel paper *COVID-19 Response: Managing Omicron in the Community*, which outlines steps that will help to strengthen our domestic response.

#### *Risks and implications for vulnerable population groups*

- 92 If a large number of additional COVID-19 cases are seeded from the border, there is a risk that there may be some additional health and non-health effects of COVID-19 in the community. The extent to which cases amongst international arrivals materially impacts a domestic outbreak will depend on the phase of the response we are in at the time.
- 93 While almost 3 million people will be eligible for a booster by the time that Step 1 commences on 27 February, approximately 600,000 people will become eligible through March and April. This later cohort disproportionately comprises Māori and Pacific peoples. Advice in the accompanying paper *COVID-19 Response: Managing Omicron in the Community* outlines measures being proposed to scale Care in the Community and mitigate risks to Māori.
- 94 Complying with self-isolation requirements on the medium-risk pathway will be challenging for a range of groups, including Māori, Pacific, many of whom live in high-density, overcrowded housing. Disabled people are also likely to find the self-isolation requirements challenging if they require access to carers. The Care in the Community model has been designed to support those in self-isolation. The Ministry of Social Development will work with other agencies to identify further options to mitigate potential impacts on more vulnerable groups.

*Pacific countries*

95 Many Pacific countries relied on New Zealand as their first line of defence against COVID-19 as we maintained tight border settings. s6(a)

[Redacted text block]

Recent outbreaks in Solomon Islands and Kiribati demonstrate how rapidly COVID-19 can take hold. Officials continue to work with our Pacific partners to support preparedness and health system strengthening, as well as supporting responses to outbreaks.

*Benefits and opportunities from reuniting New Zealanders with the world*

96 By re-opening we will reunite New Zealanders overseas who are unable to get a place within MIQ with friends and whānau. This will have a positive impact for both those at home and those returning, especially those living in challenging circumstances overseas. It will be beneficial for Pacific peoples who will have the opportunity to reunite with their families based in the Pacific region and fulfil family and/or cultural obligations. Furthermore, as demonstrated by current quarantine-free travel arrangements with some Pacific countries, the increase in travel provides economic opportunities and access to essential services including specialist health care and education.

97 More permissive border settings will enhance the ability of the non-resident diplomatic corps (99 countries) to enter New Zealand and re-establish in person diplomatic connections with much of the rest of the world.

98 Population groups living in certain regions will be impacted positively by an influx in visitors and the resulting increase in employment. The business sector and the tourism industry will benefit as will the economy. However, certain geographic areas with high at-risk population groups may be concerned about their increased risk of exposure to COVID-19. There is a need to balance the benefits to the business sector and the tourism industry and regions from an influx of overseas visitors, against the adverse impacts of increasing the volume of visitors to areas of the country with high-risk populations.

99 There will also be benefits for citizens in New Zealand to more readily take advantage of short to medium term social, cultural, business and education opportunities abroad. There are significant benefits for New Zealanders in accessing overseas opportunities such as knowledge transfer, establishing professional and business relationships, and demonstrating the value of New Zealand products and talent on the international stage.

**Human Rights [Legally privileged]**

100 s9(2)(h)

s9(2)(h)

[Redacted text block]

[Redacted text block]

[Redacted text block]

**Te Tiriti O Waitangi Analysis**

- 103 In December 2021, the Waitangi Tribunal's 'Haumarū' report found the Crown's response to the COVID-19 pandemic to be Treaty-inconsistent and inequitable. The Tribunal reaffirmed the Treaty principles – partnership, active protection, equity, and the principle of options – and found that the Crown's Treaty obligations are heightened due to the threat posed to the welfare and safety of Māori. It recommended the Crown take immediate and significant steps to improve the Treaty-consistency and effectiveness of its response for Māori.
- 104 When considering options for reopening the international border, the Crown must consider the impact of the options on Māori health and wellbeing and take into account the views of Māori communities.
- 105 The attempt to stamp out this outbreak, and preparations for a wider outbreak, are designed to mitigate the impacts on communities, including

Māori, who are at greater risk of severe illness if they contract COVID-19. Increased risk for Māori is due to lower vaccination rates (and second doses for Māori are in a later cohort compared to the wider population meaning boosters are available later to Māori); co-morbidities prevalent in the Māori population; and the relative effectiveness of mitigation measures (e.g. ability to safely self-isolate, access to healthcare). This means the Crown should consider and implement targeted assistance for Māori to actively protect Māori health and achieve more equitable outcomes. The accompanying paper to Cabinet *COVID-19 Response: Managing Omicron in the Community* provides advice on potential mitigation measures.

- 106 The Tribunal recommended that, to better manage its response to the COVID-19 pandemic in respect of Māori the Crown set up regular engagements with a collective Māori entity and empower Māori to lead the Māori pandemic response. The Crown should conduct effective engagement with such Māori entities to share what is known about the current outbreak and options to address it; to hear Māori views on the best response measures to protect Māori health and wellbeing; and to discuss what options there might be to monitor the effectiveness of response measures.
- 107 Officials have recently engaged with the National Iwi Chairs Forum Pandemic Response Group (PRG), Te Whakakaupapa Uruta, Ngā Manawahakaere and the New Zealand Māori Council (NZMC) on both Omicron and Reconnecting New Zealanders, though not on the specific timing options being considered in this paper. This engagement is ongoing and will continue to inform officials' advice.

*Summary of feedback from iwi / Māori*

- 108 All groups strongly recommended delaying reopening international borders to avoid seeding an outbreak that could disproportionately impact Māori. They explicitly disagreed with the option of commencing Step 1 in late February rather than a later date. They advised that more time is required to enable communities and community health providers to prepare for Omicron and to enable more boosters and paediatric vaccines to be administered.
- 109 NZMC advised that border reopening needs to be delayed until the general and Māori vaccination rates reach 90%, with a particular focus on boosters and paediatric doses. They commented on concerns regarding the accuracy of Māori health data and that a comparable level for Māori would be nearer to 95%.
- 110 The use of self-isolation for the medium-risk pathway may disproportionately affect Māori as they are more likely to live in multi-family, multi-generational households and are also overrepresented in lower socio-economic populations. They are also less likely to have alternative living options or be able to afford other forms of isolation such as hotels.
- 111 NZMC also advised that community-led initiatives should be supported and that current self-isolation settings are unworkable for many Māori, given

concerns regarding the impacts of overcrowding on the ability of Māori to undertake self-isolation and safely protect their whānau.

- 112 As noted above, self-isolation settings for the medium-risk pathway are agnostic as to the location of self-isolation. Proposals by iwi to establish community isolation facilities around marae may meet both the health requirements and community need. Officials will continue to engage with NZMC on these proposals.
- 113 The Federation of Māori Authorities and the NZMC acknowledged the impacts of ongoing border closures on Māori employment and business, stressing that border reopening must still be safe and protect public health.

#### *Government response*

- 114 The recommendation in this paper to proceed with border reopening from late February does not align with advice provided by iwi / Māori to delay border reopening. If COVID-19 remains contained at the end of February, retaining border measures could allow more time to roll out boosters and the paediatric vaccine to Māori. Modelling indicates that outbreaks seeded closer to winter would have worse overall health outcomes as a result of waning booster doses, and increases the risk of an outbreak of Omicron in the winter, exacerbating strain on the health system from other respiratory illnesses, which could put Māori at further risk.
- 115 I consider that it could take some time to achieve the 90% vaccination targets as proposed by NZMC. This is why we are proposing additional funding to enhance current efforts to strengthen resilience, facilitate Māori-led responses that meet the needs of iwi and whanau (including those hesitant to engage directly with the Crown), and complement the Care in Communities approach. These initiatives will help mitigate any additional risks to Māori from Reconnecting and Omicron more broadly. Further detail on the proposed funding and initiatives is outlined in the accompanying Cabinet paper *COVID-19 Response: Managing Omicron in the Community*.
- 116 New Zealand is one of the last remaining countries taking a *keep it out* approach at the border. Our tight border settings, and the length of time they have been in place, were specifically designed to protect our most vulnerable populations, including Māori, allowing time for vaccinations and health and welfare system readiness. Border reopening is being phased to allow our health and welfare systems to adjust to any additional risk that may arise as a result of the resumption of international travel. These factors have contributed to the active protection of Māori and will continue to do so through the Reconnecting Steps.
- 117 I have considered deferring border reopening, but consider that the proposed mitigations will serve to actively protect Māori health to the best of our ability in the context of our preparedness for Omicron, and to avoid the implications of a further delay for the winter flu season and associated impacts on Māori health.





s9(2)(f)(iv)

## Recommendations

The Minister for COVID-19 Response recommends that Cabinet:

1. note that on 20 December 2021 Cabinet agreed in principle to defer Step 1 of Reconnecting New Zealanders until late February in response to the emergence of Omicron [CAB 21-MIN-0558 refers];

## Decisions to proceed with Steps 1 and 2

2. agree that Step 1 commences at 11.59pm Sunday 27 February 2022;
3. agree that Step 2 commences at 11:59pm Sunday 13 March 2022;
4. direct officials from DPMC and the Ministry of Health, in consultation with relevant agencies, to notify Reconnecting Ministers by 20 February 2022, ahead of Steps 1 and 2, if there are any critical public health or operational reasons why Steps 1 and / or 2 cannot proceed as planned;
5. note that Cabinet has previously agreed that Steps 1 and 2 of the medium-risk pathway includes all migrants with border exceptions/exemptions from those countries by default which largely provides for family reunification;

## Proposed phasing for opening broader immigration settings

### Step 3

6. agree that Step 3 be implemented from 11:59pm Tuesday 12 April 2022, with the following expanded border exceptions per Cabinet decisions in December [CAB-21-MIN-0554]:
  - 6.1. skilled workers earning at least 1.5 times the median wage (with the highly-skilled worker family reunification border exception aligned to this as well);
  - 6.2. updated and expanded workforce class exceptions and events/programmes lists where needed;
  - 6.3. sports and events (additions to the government approved list); and
  - 6.4. a large international student border class exception for entry ahead of semester 2;
7. agree to a new international student border class exception for up to 5,000 students for entry for semester 2;
8. authorise the Ministers of Education and Immigration to confirm the details of eligibility for the semester 2 international student exception;

9. agree that temporary work visa holders who are currently offshore and whose visa remains valid will also be included in Step 3;
10. delegate the Border Exception Ministers' Group the authority to approve additional class exceptions and additions to lists, for implementation from Step 3 (noting that these exceptions can be in place no earlier than mid-March);

#### *Step 4*

11. agree to open the medium-risk pathway to Australia (Australian citizens, permanent residents, and other foreign nationals in Australia), working holiday schemes, and visitors from visa-waiver countries from July 2022;
12. agree that the Accredited Employer Work Visa will also open to normal offshore visa processing and the medium-risk pathway from July 2022, which will also mean that the skilled worker border exception can be phased out at that point (consistent with CAB-21-MIN-0554);
13. note that workforce class exceptions and other border exceptions can remain in place where needed until wider visa processing resumes to ensure continued access to New Zealand;

#### *Step 5*

14. agree to open the medium-risk pathway from October 2022 to visitor visas and student visas;
15. agree that normal visa processing will resume with all categories able to re-open offshore processing from October 2022 (excluding any deliberately closed/paused categories), with the border exceptions regime phased out or limited to use for necessary travel outside of the medium or low risk pathways;

#### *Implementation*

16. authorise the Minister of Immigration to make any detailed decisions to give effect to Cabinet's decisions in this paper on Steps 1 to 5;

#### **Low-risk Pacific pathway**

17. agree that for travellers eligible to enter on the low-risk Pacific pathway:
  - 17.1. transit is permitted only if via a low-risk Pacific jurisdiction for entry into New Zealand under the low-risk Pacific pathway, and;
  - 17.2. where the above condition is not met, and transit is via Australia (from Step 1) or via any other jurisdiction (from Step 2) except if it is classified as Very High Risk, the medium-risk pathway requirements will apply upon entry into New Zealand;

18. note that Cabinet previously agreed the low-risk Pacific pathway would be expanded to American Samoa, Kiribati, Nauru, Tuvalu and Solomon Islands from 11.59pm 13 February 2022 [SWC-21-MIN-0227];
19. agree that, as Kiribati and Solomon Islands no longer meet the criteria for the low-risk Pacific pathway in light of their COVID-19 outbreaks, eligible travellers will enter instead on the medium-risk pathway from Step 2;
20. agree the commencement of the expansion of the low-risk Pacific pathway to Nauru, Tuvalu and American Samoa be deferred to 11.59pm 27 February 2022, in light of limited potential for travellers from these jurisdictions to arrive in New Zealand on the low-risk Pacific pathway and the significant legislative complexity of giving effect to changes prior to that date;
21. note that Recognised Seasonal Employer (RSE) workers from Samoa, Tonga and Vanuatu can enter currently on the low-risk Pacific pathway;
22. note the critical deficit of workers that the horticultural and viticultural sectors are currently experiencing s6(a)  
[REDACTED]
23. authorise the Minister of Immigration and the Minister for COVID-19 Response to expand the RSE border exception to:
  - 23.1. Nauru and Tuvalu from 11.59 pm 27 February, subject to their meeting the criteria for the low-risk Pacific pathway and in line with Step 1; and
  - 23.2. Fiji, Kiribati and Solomon Islands from Step 2;
24. note that a repatriation commitment is currently a condition for participation in the RSE border exception [SWC-21-MIN-0227];
25. s6(a)  
[REDACTED]
26. note that RSE workers entering on the medium-risk pathway will likely be defined and considered as groups (in line with the approach to sports teams and cultural groups) which ensures consistent messaging of self-isolation requirements, rather than bespoke arrangements;
27. agree, subject to confirmation by the Minister for COVID-19 Response and the Minister of Immigration of operational feasibility, that RSE employers will be required to facilitate the group isolation of RSE workers entering on the medium-risk pathway in accommodation managed by or contracted to an RSE employer at or near their place of employment in line with the group isolation settings for the medium-risk pathway;

### Settings for the medium-risk pathway

28. note that the Ministry of Health has reviewed the medium-risk pathway settings against operational changes required to respond to Omicron in the community;
29. note the Ministry of Health's advice that international arrivals are considered similar in COVID-19 risk profile to close contacts and should be required to meet broadly similar testing and isolation requirements to close contacts of domestic cases;
30. agree to change the medium-risk pathway settings to broadly align with close contacts (recommended by the Ministry of Health) and;
  - 30.1. replace day 0/1 PCR testing at or near the airport with day 0/1 self-administered RAT testing, with a requirement for a PCR test in a Community Testing Centre if tested positive, for Phases Two and Three of the Omicron response;
  - 30.2. increase the period of self-isolation from 7 to 10 days for Phase One of the Omicron response, and reduce back to 7 days for Phases Two and Three; and
  - 30.3. replace the series of at least three self-administered RATs before leaving self-isolation with a day 5/6 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing Centre, for Phase One, Two and Three of the Omicron response;
31. note that, in the unlikely event that we are in Phase One when Step 1 commences, day 0/1 self-administered RAT testing will be implemented;
32. direct the Ministry of Health to provide further advice to the Minister for COVID-19 Response by 3 February on detailed self-isolation settings for the medium-risk pathway settings;
33. note that DPMC and the Ministry of Health will provide detailed advice to the Minister for COVID-19 Response in February on high-risk pathway settings through the Phases of the Omicron response, pre-departure testing requirements, introducing a maximum interval since the most recent vaccination dose, and vaccination settings for the low-risk Pacific pathway;
34. authorise the Minister for COVID-19 Response, in consultation with the Prime Minister, the Minister of Health, the Associate Minister of Health, Minister of Customs, and the Minister of Transport, to take further decisions on pre-departure testing requirements, detailed isolation settings for the medium-risk pathway, settings for the high-risk pathway, vaccination settings for the low-risk Pacific pathway and medium-risk pathway, and updating minimum vaccination requirements for non-New Zealand citizens at the air border, for the purposes of drafting amendments to orders under the COVID-19 Public Health Response Act 2020;

- 35. note that to enable border agencies, airports and airlines to be ready for the commencement of the medium-risk pathway on 27 February, detailed settings need to be agreed prior to announcements on 3 February;
- 36. direct DPMC, in consultation with the Ministry of Health and border agencies, to report back to the Minister for COVID-19 Response with further advice on enduring border measures beyond Phase Three, including for the high-risk pathway, by March;

**Communications**

- 37. agree that the Prime Minister will announce the decisions in this paper on 3 February;
- 38. agree that officials can notify airlines and airports, in confidence, of Cabinet's decisions ahead of the public announcement in recommendation 37;
- 39. s6(b)(i) [Redacted]
- 40. s9(2)(f)(iv) [Redacted]

**Legislative implications**

- 41. note that amendments to the replacement Air Border Order and the COVID-19 Public Health Response (Isolation and Quarantine) Order 2020 will be prepared for the Minister for COVID-19 Response, to give effect to Cabinet's decisions;
- 42. note that regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 stops a person who is offshore from applying for a temporary entry class visa unless they qualify for a border exception (one of which is where the person is invited to apply for a visa under COVID-19 immigration instructions);
- 43. note that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration [LEG-21-MIN-0090];
- 44. authorise the above Ministers to decide on the detail of dates for opening and the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office accordingly; and
- 45. note that the Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time.

Authorised for lodgement

Hon Chris Hipkins  
Minister for COVID-19 Response

Proactively Released

## Appendix One: COVID-19 Omicron Travel Restrictions

Jurisdiction	Countries affected by Omicron travel ban ("Lifted ban" relates to ban initially placed on travel from specified southern African jurisdictions)	Border Restrictions in Response to Omicron Variant
Australia	Lifted ban	<ul style="list-style-type: none"><li>• Qantas has resumed direct passenger flights between South Africa and Australia. These flights have been heavily subscribed; reflecting the large South African diaspora population living in Australia that has been disconnected from South Africa for a lengthy time.</li><li>• A negative COVID-19 test result is required for travelling to Australia (some jurisdictions exempt). When you check-in to your flight you need to provide:<ul style="list-style-type: none"><li>• evidence of a negative COVID-19 Polymerase Chain Reaction (PCR) test or other Nucleic Acid Amplification Test (NAAT) taken within 3 days of your flight's scheduled departure, or</li><li>• a medical certificate as evidence of a negative Rapid Antigen Test taken under medical supervision within 24 hours before your flight's scheduled departure to Australia.</li></ul></li><li>• Fully vaccinated Australian citizens, permanent residents and from 15 December 2021 eligible visa holders across a number of categories can now travel to and from Australia without needing to apply for a travel exemption.</li><li>• Victoria required fully vaccinated arrivals to immediately quarantine on arrival, get a RAT or a PCR test within 24 hours of arriving in Australia and continue to quarantine until you get a negative result.</li><li>• Queensland: From 22 January, fully vaccinated international arrivals are not required to quarantine if: they have undertaken a COVID-19 test within 24 hours of their arrival in Queensland, and they isolate at their residence, accommodation or boat until they receive a negative result.</li><li>• Eased the ban on arrivals from eight Southern African nations on 15 December 21</li><li>• Reopened to vaccinated travellers from Japan and Republic of Korea and opening to international skilled and student cohorts, humanitarian, working holiday makers and provisional family visa holders.</li></ul>

<b>Austria</b>	Angola, Botswana, Denmark, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Netherlands, Norway, South Africa, the UK, Zambia and Zimbabwe.	<ul style="list-style-type: none"><li>• Entry is generally prohibited from specified countries. Exceptions for: business travellers; Austrian citizens, EU / EEA / Swiss citizens; residents: students and urgent exemptions.</li></ul>
<b>Brazil</b>	Botswana, Eswatini, Lesotho, Namibia, South Africa and Zimbabwe.	<ul style="list-style-type: none"><li>• No entry, nationals and residents exempt.</li></ul>
<b>Canada</b>	Lifted ban	<ul style="list-style-type: none"><li>• Lifted the ban on international travel from Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe on 19 Dec 21</li></ul>
<b>Chile</b>		<ul style="list-style-type: none"><li>• 7-day post-international travel quarantine extended to Chileans and residents who have only received two doses. Non-residents – who must register their vaccines with health authorities prior to entering the country – are still able to enter the country with just two doses.</li></ul>
<b>China</b>	Essentially closed apart from some exceptions	<ul style="list-style-type: none"><li>• Entry requirements for Chinese citizens and those with visas are outlined above.</li><li>• 14-21 days depending on port of entry. Shanghai is 14, Beijing 21.</li><li>• NAT and antibody testing required before departure</li><li>• There is also no indication that vaccines will be treated as a substitute for track/trace/test/quarantine, which remain at the core of China's COVID-19 response. Localised outbreaks in recent months have meant that certain cities – including Beijing and Guangzhou – have increased the length of quarantine from 14 to 21 days, with Beijing also adding an additional 7 days of 'health monitoring' following the 21-day quarantine, and mandating a total of five COVID tests: on day 0, 7, 14, 21 and 28.</li></ul>
<b>Denmark</b>		<p>Entry from areas with COVID-19 variants of concern (currently there are no such countries):</p> <ul style="list-style-type: none"><li>• If you have stayed in a country, region or area with COVID-19 variants of concern (except transit) within 10 days prior to the date of entering Denmark, you must take a test within 24 hours of entry and immediately self-isolate for 10 days. You may end the isolation with a negative PCR-test taken at least six days after arrival. If you fly directly from the area with variants of concern, you must also take a PCR-test before boarding.</li><li>• Even though you are fully vaccinated, you are not exempt from the requirement for testing before boarding, as well as testing and isolation after entry. Previously infected people are excepted the testing prior and after entry, but must self-isolate immediately after entry.</li></ul>



<b>European Union</b>	Lifted ban	<ul style="list-style-type: none"><li>On 11 Jan, travel ban from Southern African countries (Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe) was lifted.</li><li>The EU said it was tightening COVID-19 travel rules for unvaccinated arrivals from Australia, removing it from a list of countries where easier travel restrictions apply regardless of vaccination status - now require a vaccine approved by the European Medicines Agency to enter Europe.</li></ul>
<b>Egypt</b>	Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe.	<ul style="list-style-type: none"><li>Suspension of flights from specified countries</li><li>Egyptian and foreign travellers to Egypt, except children below the age of 12, will be required to present certificates of coronavirus vaccination or negative results of coronavirus tests</li><li>However, it will not accept ID NOW COVID-19 tests from travellers coming from specified countries</li></ul>
<b>Germany</b>	Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe.	<ul style="list-style-type: none"><li>Germany's federal government agency and research institute – Robert Koch Institute (RKI) – announced that it would lift the travel ban on specified countries on 4 January.</li></ul>
<b>Indonesia</b>	All arrivals	<ul style="list-style-type: none"><li>Government has removed arrival restrictions on high risk destinations, citing economic considerations.</li><li>Travellers from all destinations are now required to quarantine for seven days on arrival.</li></ul>
<b>Israel</b>	Lifted ban	<ul style="list-style-type: none"><li>No longer using its "red list" of destinations with high COVID-19 infection rates; travel restrictions on all countries are lifted</li><li>All countries are currently on the <a href="#">orange list</a></li></ul>
<b>Japan</b>	Total border closure	<ul style="list-style-type: none"><li>Banned entry of foreign nationals from all countries. This includes individuals who have already been issued with a visa to enter Japan. Japanese citizens, permanent residents, spouses of Japanese nationals, and accredited diplomats will still be able to re-enter Japan.</li><li>Entry into Japan by newly arriving foreign nationals is suspended until the end of February</li><li>Returning Japanese nationals will continue to be asked to self-isolate for 14 days, regardless of their vaccination status, and those arriving from countries with a prevalence of Omicron cases are requested to quarantine at designated government facilities for periods ranging from three to 10 days.</li><li>s6(a) [REDACTED]</li></ul>
<b>New Caledonia</b>	All arrivals	<ul style="list-style-type: none"><li>Travellers from high risk locations must now carry out a PCR test within 24 hours of arrival in New Caledonia. Travellers from other locations remain obligated to carry out an antigen test within 48 hours of arrival. All arrivals are required to self-isolate for 7 days.</li></ul>
<b>Norway</b>	Lifted ban	<ul style="list-style-type: none"><li>The special entry restrictions that were introduced for travellers arriving from 8 countries in Southern Africa at the end of November were removed on 23 December. The measures were introduced to limit and delay the spread of the Omicron variant. The Norwegian Government is keeping the strict general entry restrictions that apply to arrival in Norway.</li></ul>

<b>Papua New Guinea</b>	All arrivals	<ul style="list-style-type: none"><li>• Passengers travelling to Bougainville are no longer required to obtain a negative pre-departure Covid-19 test result.</li></ul>
<b>Russia</b>	Lifted ban	<ul style="list-style-type: none"><li>• On 4 December, Russian authorities banned for all foreigners traveling from countries in southern Africa and Hong Kong and required all Russian nationals returning from South Africa or neighbouring countries to quarantine for 14 days because of the Omicron variant.</li><li>• However the 14-day quarantine is no longer necessary for passengers arriving in Russia from Botswana, Zimbabwe, Lesotho, Madagascar, Mozambique, Namibia, Tanzania, Eswatini, South Africa, and Hong Kong.</li></ul>
<b>Saudi Arabia</b>	Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe.	<ul style="list-style-type: none"><li>• Suspended flights from specified countries.</li></ul>
<b>Singapore</b>	Lifted ban	<ul style="list-style-type: none"><li>• Postponed 6 Dec launch of vaccinated travel lanes with the major travel hubs of Qatar, the United Arab Emirates and Saudi Arabia until further notice.</li><li>• On 27 Dec 21 lifted its ban on passengers from 10 African countries from entering or transiting in the country (Botswana, Eswatini, Ghana, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa and Zimbabwe).</li></ul>
<b>South Korea</b>	Botswana, Eswatini, Ethiopia, Ghana, Lesotho, Malawi, Mozambique, Namibia, South Africa and Zimbabwe	<ul style="list-style-type: none"><li>• Until 3 Feb 22 passengers arriving from or who have been in the past 14 days specified countries are not allowed to enter or transit.</li><li>• Until 3 Feb 22 flights from Ethiopia suspended.</li><li>• All incoming travellers are still required to complete ten days of quarantine, regardless of their vaccination status.</li><li>• Korean nationals and those with long-term visas are able to quarantine at home, while short-term visitors have to quarantine at a government run facility. Those in quarantine are required to be tested (PCR) on arrival, on day three and before release on day ten.</li><li>• From midnight 4 December to 18 December, the only direct flight from Africa, an Ethiopia Airlines flight, has been suspended. However, people arriving on a diplomatic visa (A1 visa) remain exempt from quarantine, except when coming from a country designated high risk.</li><li>• 62 Countries are Suspended for the K-ETA.</li></ul>
<b>United Arab Emirates</b>	Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa, Zimbabwe	<ul style="list-style-type: none"><li>• Passengers who have been in the listed countries in the 14 days preceding their scheduled/intended visit to Dubai, are not permitted to enter the emirate.</li><li>• This does not apply to official delegations, UAE nationals, diplomats and holders of UAE golden visa. However, they are required to undergo PCR tests prior to departure and on arrival to the UAE, in addition to 10-day quarantine after entering the UAE.</li><li>• All UAE residents can travel to Dubai without an approval from GDRFA or ICA. However, residents travelling from the following countries will need an approval: Bangladesh, Ethiopia, India, Pakistan, Sri Lanka, South Africa, Sudan.</li><li>• The UAE continues to have a travel ban against South African travellers, thus suspending Emirates flights out of Johannesburg. Singapore Airlines and Qatar airlines are the most direct flight options for New Zealanders looking to return to New Zealand.</li></ul>

<b>United Kingdom</b>	Lifted ban	<ul style="list-style-type: none"><li>• On 15 December lifted its special restrictions on travellers arriving from 11 African countries (Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Zambia and Zimbabwe).</li><li>• From 11 Feb, testing and quarantine restrictions will end for fully vaccinated visitors.</li><li>• There are currently no countries on the red list. There are different rules if you have been in a red list country or territory in the 10 days before you arrive in England. Red list rules apply whether you are fully vaccinated or not.</li></ul>
<b>United States</b>	Lifted ban	<ul style="list-style-type: none"><li>• On 31 December 21 lifted travel ban from Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa and Zimbabwe.</li><li>• The US Centers for Disease Control and Prevention (CDC) added Australia to its 'Do not travel' list due to Omicron</li></ul>

Proactively Released

## Appendix Two: Family reunification in Steps 3 to 5

Border settings	Eligibility to come to New Zealand
Current settings	<p>Partners and dependent children of New Zealand citizens, permanent residents and resident class visa holders are able to come to New Zealand if they are travelling together or meet the usual partnership requirements (living together in a genuine and stable relationship).</p> <p>Partners and dependent children of critical workers arriving under most border exceptions (excludes seasonal workforces).</p> <p>Offshore partners and dependent children of some onshore temporary visa holders are eligible for a border exception, e.g. critical health workers, teachers, and highly-skilled workers.</p>
<i>Step 3 – 11:59pm 12 April 2022</i>	
Amendment to family reunification border exception for onshore temporary visa holders to align with shift to bright line test for critical workers.	Partners and dependent children of all onshore temporary visa holders earning 1.5 times the median wage.
<i>Step 4 – July 2022</i>	
Travel opens to Australia	All Australian family members will be able to reunite with their families in New Zealand, along with anyone else living in Australia and able to visit New Zealand.
Visa processing opens to Accredited Employer Work Visa	Partners and dependent children of all remaining onshore workers intended to be able to apply to join the primary visa holder and will have to meet usual visa requirements.
Travel opens to visa-waiver visitors	All family members from visa-waiver countries will be able to visit and reunite with their families in New Zealand.
<i>Step 5 - October 2022</i>	
Travel opens to all visitor visa holders	<p>All family members from non-visa-waiver countries will be eligible to visit and reunite with their family in New Zealand.</p> <p>This includes those people unable to meet partnership requirements who will be able to travel to New Zealand in order to demonstrate the living together requirement of a partnership visa.</p>



# 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: Commencing Phased Reopening of the International Border

Portfolio                      COVID-19 Response

On 1 February 2022, Cabinet:

#### Background

1        **noted** that on 20 December 2021, Cabinet agreed in principle to defer Step 1 of Reconnecting New Zealanders until late February 2022 in response to the emergence of Omicron [CAB 21-MIN-0558];

#### Decisions to proceed with Steps 1 and 2

2        **agreed** that Step 1 commences at 11:59 pm, Sunday 27 February 2022;

3        **agreed** that Step 2 commences at 11:59 pm, Sunday 13 March 2022;

4        **agreed** that Step 2 also include:

4.1      skilled workers earning at least 1.5 times the median wage (with the highly-skilled worker family reunification border exception aligned to this as well);

4.2      working holiday schemes;

5        **directed** officials from the Department of the Prime Minister and Cabinet (DPMC) and the Ministry of Health, in consultation with other relevant agencies, to notify Reconnecting Ministers by 20 February 2022, ahead of Steps 1 and 2, if there are any critical public health or operational reasons why Steps 1 and/or 2 cannot proceed as planned;

6        **noted** that Cabinet has previously agreed that Steps 1 and 2 of the medium-risk pathway includes all migrants with border exceptions/exemptions from those countries by default, which largely provides for family reunification;

#### Proposed phasing for opening broader immigration settings

##### Step 3

7        **agreed** that Step 3 be implemented from 11:59 pm, Tuesday 12 April 2022, with the following expanded border exceptions [CAB-21-MIN-0554]:

7.1      updated and expanded workforce class exceptions and events/programmes lists where needed;

- 7.2 sports and events (additions to the government approved list); and
- 7.3 a large international student border class exception for entry ahead of semester two;

8 **agreed** to a new international student border class exception for up to 5,000 students for entry for semester two;

9 **authorised** the Ministers of Education and Immigration to confirm the details of eligibility for the semester two international student exception;

10 **agreed** that temporary visa holders who are currently outside New Zealand who hold a valid visa and can still meet relevant visa requirements will also be included in Step 3;

11 **authorised** the Border Exception Ministers' Group to approve additional class exceptions and additions to lists, for implementation from Step 3 (noting that these exceptions can be in place no earlier than mid-March 2022);

#### Step 4

12 **agreed** to open the medium-risk pathway to Australia (Australian citizens, permanent residents, and other foreign nationals in Australia), and visitors from visa-waiver countries by July 2022;

13 **agreed** that the Accredited Employer Work Visa will also open to normal offshore visa processing and the medium-risk pathway from July 2022, which will also mean that the skilled worker border exception can be phased out at that point (consistent with CAB-21-MIN-0554);

14 **noted** that workforce class exceptions and other border exceptions can remain in place where needed until wider visa processing resumes to ensure continued access to New Zealand;

#### Step 5

15 **agreed** to open the medium-risk pathway from October 2022 to visitor visas and student visas;

16 **agreed** that normal visa processing will resume with all categories able to re-open offshore processing from October 2022 (excluding any deliberately closed/paused categories), with the border exceptions regime phased out or limited to use for necessary travel outside of the medium or low risk pathways;

#### Implementation

17 **authorised** the Minister of Immigration to make any detailed decisions to give effect to Cabinet's decisions relating to the paper under CAB-22-SUB-0008 on Steps 1 to 5;

#### Low-risk Pacific pathway

18 **agreed** that for travellers eligible to enter on the low-risk Pacific pathway:

- 18.1 transit is permitted only if via a low-risk Pacific jurisdiction for entry into New Zealand under the low-risk Pacific pathway; and

18.2 where the above condition is not met, and transit is via Australia (from Step 1) or via any other jurisdiction (from Step 2) except if it is classified as Very High Risk, the medium-risk pathway requirements will apply upon entry into New Zealand;

19 **noted** that Cabinet has previously agreed that the low-risk Pacific pathway would be expanded to American Samoa, Kiribati, Nauru, Tuvalu and Solomon Islands from 11.59 pm, 13 February 2022 [SWC-21-MIN-0227];

20 **agreed** that, as Kiribati and Solomon Islands no longer meet the criteria for the low-risk Pacific pathway in light of their COVID-19 outbreaks, eligible travellers will enter instead on the medium-risk pathway from Step 2;

21 **agreed** that the commencement of the expansion of the low-risk Pacific pathway to Nauru, Tuvalu and American Samoa be deferred to 11.59 pm, 27 February 2022, in light of the limited potential for travellers from these jurisdictions to arrive in New Zealand on the low-risk Pacific pathway and the significant legislative complexity of giving effect to changes prior to that date;

22 **noted** that Recognised Seasonal Employer (RSE) workers from Samoa, Tonga and Vanuatu can enter currently on the low-risk Pacific pathway;

23 **noted** the critical deficit of workers that the horticultural and viticultural sectors are currently experiencing s6(a)

24 **authorised** the Minister of Immigration and the Minister for COVID-19 Response to expand the RSE border exception to:

24.1 Nauru and Tuvalu from 11.59 pm, 27 February 2022, subject to their meeting the criteria for the low-risk Pacific pathway and in line with Step 1; and

24.2 Fiji, Kiribati and Solomon Islands from Step 2;

25 **noted** that a repatriation commitment is currently a condition for participation in the RSE border exception [SWC-21-MIN-0227];

26 s6(a)

27 **noted** that RSE workers entering on the medium-risk pathway will likely be defined and considered as groups (in line with the approach to sports teams and cultural groups), which ensures consistent messaging of self-isolation requirements, rather than bespoke arrangements;

28 **agreed**, subject to confirmation by the Minister for COVID-19 Response and the Minister of Immigration of operational feasibility, that RSE employers will be required to facilitate the group isolation of RSE workers entering on the medium-risk pathway in accommodation managed by or contracted to an RSE employer at or near their place of employment in line with the group isolation settings for the medium-risk pathway;

### Settings for the medium-risk pathway

29 **noted** that the Ministry of Health has reviewed the medium-risk pathway settings against operational changes required to respond to Omicron in the community;

- 30 **noted** the Ministry of Health's advice that international arrivals are considered similar in COVID-19 risk profile to close contacts and should be required to meet broadly similar testing and isolation requirements to close contacts of domestic cases;
- 31 **agreed** to change the medium-risk pathway settings to broadly align with close contacts (recommended by the Ministry of Health) and:
- 31.1 replace day 0/1 PCR testing at or near the airport with day 0/1 self-administered RAT testing, with a requirement for a PCR test in a Community Testing Centre if tested positive, for Phases Two and Three of the Omicron response;
  - 31.2 increase the period of self-isolation from 7 to 10 days for Phase One of the Omicron response, and reduce back to 7 days for Phases Two and Three; and
  - 31.3 replace the series of at least three self-administered RATs before leaving self-isolation with a day 5/6 self-administered RAT and, if a positive result is returned, a PCR at a Community Testing Centre, for Phase One, Two and Three of the Omicron response;
- 32 **noted** that, in the unlikely event that New Zealand is in Phase One when Step 1 commences, day 0/1 self-administered RAT testing will be implemented;
- 33 **directed** the Ministry of Health to provide further advice to the Minister for COVID-19 Response by 3 February 2022 on detailed self-isolation settings for the medium-risk pathway settings;
- 34 **noted** that DPMC and the Ministry of Health will provide detailed advice to the Minister for COVID-19 Response in February 2022 on high-risk pathway settings through the Phases of the Omicron response, pre-departure testing requirements, introducing a maximum interval since the most recent vaccination dose, and vaccination settings for the low-risk Pacific pathway;
- 35 **authorised** the Minister for COVID-19 Response, in consultation with the Prime Minister, the Minister of Health, the Associate Minister of Health (Hon Dr Ayesha Verrall), the Minister of Customs, and the Minister of Transport, to take further decisions on pre-departure testing requirements, detailed isolation settings for the medium-risk pathway, settings for the high-risk pathway, vaccination settings for the low-risk Pacific pathway and medium-risk pathway, and updating minimum vaccination requirements for non-New Zealand citizens at the air border, for the purposes of drafting amendments to orders under the COVID-19 Public Health Response Act 2020;
- 36 **noted** that to enable border agencies, airports and airlines to be ready for the commencement of the medium-risk pathway on 27 February 2022, detailed settings need to be agreed prior to announcements on 3 February 2022;
- 37 **directed** DPMC, in consultation with the Ministry of Health and border agencies, to report back to the Minister for COVID-19 Response with further advice on enduring border measures beyond Phase Three, including for the high-risk pathway, by March 2022;

### Communications

- 38 **noted** that the Prime Minister will announce the above decisions on 3 February 2022;
- 39 **agreed** that officials can notify airlines and airports, in confidence, of Cabinet's decisions ahead of the public announcement referred to above;



- 40 **authorised** the Ministry of Foreign Affairs and Trade (MFAT) to engage with the Australian, and other affected governments, to confidentially notify them ahead of the public announcements;
- 41 **noted** that MFAT intends to remove the global ‘Do not travel’ advisory ahead of Step 2 of the five-step approach to opening the medium-risk pathway, and that early public messaging to this effect will be published on the SafeTravel website following Cabinet approval;

### Legislative implications

- 42 s9(2)(f)(iv)  
[Redacted]  
[Redacted]
- 43 **noted** that regulation 9A of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 stops a person who is offshore from applying for a temporary entry class visa unless they qualify for a border exception (one of which is where the person is invited to apply for a visa under COVID-19 immigration instructions);
- 44 **noted** that Ministers with Power to Act (the Minister of Immigration, the Minister of Foreign Affairs, the Minister of Health and the Minister for COVID-19 Response) are authorised, if necessary, to revoke the regulations, in whole or in part, upon the recommendation of the Minister of Immigration [LEG-21-MIN-0090];
- 45 **authorised** the above Ministers to decide on the detail of dates for opening and the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office accordingly;
- 46 **noted** that the Minister of Immigration will also certify amendments to immigration instructions to implement the Steps at the appropriate time;

### Human rights

- 47 **noted** that Cabinet has taken the rights guaranteed by the New Zealand Bill of Rights Act 1990 into consideration in making each of the decisions and agrees that, to the extent that these proposals limit those rights, the limitations are demonstrably justified in a free and democratic society.

Michael Webster  
Secretary of the Cabinet