



## Report of the Petitions Committee

### Petitions related to COVID-19 immigration and border policies:

- Petition of Abhijit Mallik: Request for permanent residence for Work Visa Holders presently in New Zealand
- Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications
- Petition of Belen Macchiavello: Extend visas for people currently unable to re-enter New Zealand
- Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry
- Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category
- Petition of Julie South: Approve vets as critical workers
- Petition of Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure
- Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs
- Petition of Marie Louisa Bock: Working Holiday Visa extension
- Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants
- Petition of Natasha James: Reunite children and separated families caused by the border closure
- Petition of Oliver Manton: Extend all current SSE visas by 1 year until 30/06/22
- Petition of Polina Chernyshova: Let postgraduate students in New Zealand reunite with their partners
- Petition of Ravi Sabrol: New Zealand Immigration Rules should only change after 5 years
- Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas
- Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand
- Petition of Xiaosong Lan: Don't break up families, let them get together
- Petition of Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ

August 2021

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## Petitions related to COVID-19 immigration and border policies

### Recommendation

The Petitions Committee has considered the petitions of Abhijit Mallik: Request for permanent residence for Work Visa Holders presently in New Zealand; Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications; Belen Macchiavello: Extend visas for people currently unable to re-enter New Zealand; Cait Guyette: Temporary flexibility of work visa conditions for the wine industry; Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category; Julie South: Approve vets as critical workers; Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure; Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs; Marie Louisa Bock: Working Holiday Visa extension; Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants; Natasha James: Reunite children and separated families caused by the border closure; Oliver Manton: Extend all current SSE visas by 1 year until 30/06/22; Polina Chernyshova: Let postgraduate students in New Zealand reunite with their partners; Ravi Sabrol: New Zealand Immigration Rules should only change after 5 years; Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas; Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand; Xiaosong Lan: Don't break up families, let them get together; Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ.

We recommend that the House take note of this report.

### Many petitions requesting changes to immigration and border policies

This report is about 18 petitions relating to the immigration and border restrictions introduced as part of the Government's response to COVID-19. The petitions include requests on behalf of people in the following situations:

- overseas citizens seeking entry so that they can reunite with family in New Zealand
- overseas citizens who are currently overseas and are unable to enter New Zealand because of the border closure—including work visa holders, international students, and their families
- overseas citizens already in New Zealand, including skilled migrant category applicants and working holiday visa holders.

A summary of each petition is set out below.

### **Petition of Abhijit Mallik: Request for permanent residence for Work Visa Holders presently in New Zealand**

The petition of Abhijit Mallik was presented on 30 April 2021. It received 33 signatures. It asks:

That the House of Representatives urge the Government to offer permanent residence to work visa holders presently in New Zealand, to recognise that they contributed and held hands with the local people to maintain the economy of New Zealand during the unprecedented events of COVID-19.

We invited and received a written submission from the petitioner.

### **Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications**

The petition of Artur Khasanov was presented on 20 July 2020. It received 4,143 signatures. It requests:

That the House of Representatives ask the Government to take urgent action to clear the Skilled Migrant Category application backlog, and urge Immigration NZ to remove section A16.1(a)(i) from its operational manual and return to processing applications on a “first in, first out” basis in a queue ordered by lodgement date.

We invited and received a written submission from the petitioner.

### **Petition of Belen Macchiavello: Extend visas for people currently unable to re-enter New Zealand**

The petition of Belen Macchiavello was presented on 30 April 2021. It received 2,309 signatures. It asks:

That the House of Representatives urge the Government to allow migrants with current New Zealand visas who are stuck offshore to either re-enter the country, or extend their visas.

### **Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry**

The petition of Cait Guyette was presented on 27 July 2020. It received 1,107 signatures. It requests:

That the House of Representatives pass urgent legislation easing temporary work visa conditions for international winery workers impacted by COVID-19 to allow them to stay and work in New Zealand until Vintage 2021.

### **Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category**

The petition of Carlos Madureira was presented on 4 September 2020. It received 320 signatures. It requests:

That the House of Representatives urge the Government to resume processing Expressions of Interests for Skilled Migrant Category for the people who are currently in New Zealand.

### **Petition of Julie South: Approve vets as critical workers**

This petition was presented on 9 February 2021. It had 1,065 signatures. It requests:

That the House of Representatives urge the Government to provide border exceptions to veterinarians of all disciplines to enter into New Zealand, as critical and essential workers.

We invited and received a written submission from the petitioner.

### **Petition of Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure**

The petition of Mandeep Singh was presented on 22 May 2020. It received 2,376 signatures. The Education and Workforce Committee received 88 emails in support of this petition. The petition requests:

That the House of Representatives urge the Government to consider allowing temporary visa holders, who held a valid visa on or before 19 March 2020, to enter New Zealand during the border closure as an exception.

### **Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs**

The petition of Marianna Tomarelli was presented on 28 July 2020. It received 2,928 signatures. It requests:

That the House of Representatives urge the Government to fulfil their pledge of reuniting NZ citizens and permanent residents with their partners, by directing Immigration New Zealand (INZ) to process Visitor, Work and Resident Visas for partners of New Zealanders stuck offshore.

We invited and received a written submission from the petitioner.

### **Petition of Marie Louisa Bock: Working Holiday Visa extension**

The petition of Marie Louisa Bock was presented on 31 July 2020. It received 13,342 signatures. It requests:

That the House of Representatives urge the Government to grant a six month extension for Working Holiday Visa (WHV) holders who are already located in New Zealand.

We invited and received a written submission from the petitioner.

### **Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants**

The petition of Nandita Alexander was presented on 10 February 2021. It received 1,900 signatures. It asks:

That the House of Representatives urge the Government to give visa extensions and exemptions to travel to NZ on humanitarian reasons to offshore migrants who are ordinarily resident in New Zealand, but who are currently stuck overseas due to the border closure.

We invited and received a written submission from the petitioner.

### **Petition of Natasha James: Reunite children and separated families caused by the border closure**

The petition of Natasha James was presented on 6 August 2020. The petition received 42 signatures. It requests:

That the House of Representatives urge the Government to allow for the partner and children of temporary work visa holders who are currently working and residing in New Zealand to travel to New Zealand to be reunited as a family unit.

We invited and received a written submission from the petitioner.

### **Petition of Oliver Manton: Extend all current SSE visas by 1 year until 30/06/22**

The petition of Oliver Manton was presented on 30 April 2021. It received 1,399 signatures. It asks:

That the House of Representatives urge the Government to extend all current active supplementary seasonal employment (SSE) visas by another year from the end of the current expiry date (30/06/21) to 30/06/22.

### **Petition of Polina Chernyshova: Let postgraduate students in New Zealand reunite with their partners**

This petition was presented on 24 February 2021. It was signed by 1,186 people. It requests:

That the House of Representatives urge the Government to resume visa assessment processes for the partners of postgraduate students and allow partners with valid visas to enter New Zealand, and note that 333 people have signed a change.org petition with a similar request.

We invited and received a written submission from the petitioner.

### **Petition of Ravi Sabrol: New Zealand Immigration Rules should only change after 5 years**

The petition of Ravi Sabrol was presented on 30 April 2021. It received 2,914 signatures. It requests:

That the House of Representatives urge Immigration New Zealand to only change immigration policies after 5 years, to help keep migrants eligible for further working visas or residency permits, to put upcoming changes from July 2021 on hold, and rules should be relaxed for migrants who are onshore and offshore.

We invited and received a written submission from the petitioner.

### **Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas**

The petition of Ryann Lourenco was presented on 5 February 2021. It received 64,316 signatures. It requests:

That the House of Representatives grant a residence amnesty to approximately 200,000 migrants on temporary working visas or resident/citizen partner working visas currently in New Zealand, similar to the amnesty granted back in 2000 under the fifth Labour Government.

We invited and received a written submission from the petitioner. We also received a written submission from the Association of New Kiwis Aotearoa.

### **Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand**

The petition of Tincy Mary Philip was presented on 21 January 2021. It received 588 signatures. It requests:

That the House of Representatives urge the Government to allow international students with valid visas, who have already paid their 2020 study fees, to enter New Zealand and pursue their studies.

We invited and received a written submission from the petitioner.

### **Petition of Xiaosong Lan: Don't break up families, let them get together**

The petition of Xiaosong Lan was presented on 24 February 2021. It received 3,149 signatures. It requests:

That the House of Representatives urge the Government to grant border exemptions and MIQ spaces to all overseas partners of NZ citizens, residents, and temporary visa holders, to allow families to be reunited.

We invited and received a written submission from the petitioner.

## **Petition of Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ**

The petition of Yu Ting Mak was presented on 1 July 2020. It received 2,565 signatures. It requests:

That the House of Representatives urge the Government to lift border restrictions against holders of temporary work visas, like the Essential Skills Work Visa, with existing jobs and lives in New Zealand, so that those caught outside New Zealand when the lockdown was enforced can return.

We invited and received a written submission from the petitioner.

## **Comments from the Ministry of Business, Innovation and Employment**

We received a submission from the Ministry of Business, Innovation and Employment, which hosts Immigration New Zealand. We attach the ministry's submission as Appendix A.<sup>1</sup> We note that our request for information from the ministry was in relation to the issues in 12 of these petitions (the first petitions that we considered).

We acknowledge the ministry's comment that tight border restrictions are a key part of the Government's strategy to protect New Zealanders against COVID-19.

## **Special debate on these petitions**

Due to the number of petitions, their consistency of theme, and their time-critical nature, we asked the Business Committee for a special debate in the House under Standing Order 80. Special debates are new to this Parliament, and were adopted on the recommendation of the Standing Orders Committee in 2020. The Business Committee determined that the petitions should be debated in the House. This was one of the first special debates held.

It was held on 13 May 2021 and is recorded in Hansard.<sup>2</sup>

## **Interim report**

To help the House prepare for the special debate, we presented an interim report about the petitions. It set out some of the details and information that we received from petitioners and from the ministry. We attach our interim report as Appendix B.<sup>3</sup>

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<sup>1</sup> The submission from the ministry is also available separately on our website at [https://www.parliament.nz/resource/en-NZ/53SCPET\\_EVI\\_99499\\_PET444/91c191cea133440521b030f4e2d47a30d1e9bfea](https://www.parliament.nz/resource/en-NZ/53SCPET_EVI_99499_PET444/91c191cea133440521b030f4e2d47a30d1e9bfea).

<sup>2</sup> Transcript and video of the debate can be found at [https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb\\_20210513\\_20210513\\_24](https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20210513_20210513_24).

<sup>3</sup> Our interim report is also available on the Parliament website at [https://www.parliament.nz/en/pb/sc/reports/document/SCR\\_111186/petitions-related-to-covid-19-immigration-and-border-policies](https://www.parliament.nz/en/pb/sc/reports/document/SCR_111186/petitions-related-to-covid-19-immigration-and-border-policies).

## **Summary of our views on the petitions**

We are pleased that issues faced by some of these petitioners have been resolved because of various adjustments that the Government has made to the immigration and border settings in recent months.

However, we are aware that many people are still facing hardships due to the border closure. We extend our sympathy to them and we encourage the Government to take steps towards allowing visas and entry to more groups of people as the COVID-19 situation allows.

## **Further petitions on these matters**

We have continued to receive petitions on these issues. Since the special debate, another eight petitions have been presented about the COVID-19 border policies. We expect to report on them soon.

We acknowledge that Standing Order 372(1)(d) prevents new petitions being presented that are “substantially the same” as an earlier petition that has been reported to the House, or referred to a Minister for response, during the current term of Parliament. Therefore, no more petitions making these requests will be able to be presented to the House, unless the Speaker allows them after consulting with us under Standing Order 372(2).

We wrote to the Speaker seeking clarity on how he expects this would work in practice. The Speaker set out his expectation that a new petition that was substantially the same as one reported to the House (or referred to a Minister) would only be allowed if there was:

- a substantial and material change in the circumstances that led to the petition; or
- substantial and material new evidence that came to light.

The Speaker expects that such a petition would be presented to the Clerk as usual, but accompanied by a statement explaining why the discretion set out in Standing Order 372(2) should be exercised. He said he would then consult us on whether to accept it.

The Speaker added that, for a petition to be considered “substantially the same”, it would not have to be identical to a previous petition. Rather, it would have the same effect or seek the same outcome.

We will let people know this if they seek to present a petition on these topics.

## **Appendix A—Submission from Ministry of Business, Innovation and Employment**

We attach the submission from the ministry here.



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

# **Ministry of Business, Innovation and Employment**

Information relating to a list of immigration-related petitions before the Petitions Committee

30 April 2021

## The role of the Ministry of Business, Innovation and Employment

The Ministry of Business, Innovation and Employment (MBIE) is the government's lead policy advisers on labour market issues, including issues relating to immigration and the policy settings that enable migrants to visit, work, study, invest and live in New Zealand.

MBIE also houses Immigration New Zealand (INZ), which has responsibility for the operational aspects of New Zealand's border and immigration rules, including regulating the entry and stay in New Zealand of people who are not New Zealand citizens.

### Select Committee request

On 15 April 2021 MBIE received correspondence from the Clerk of the Petitions Committee requesting the following:

*The committee also asked us to invite MBIE to provide a short comment ("just a paragraph or two") on each petition, particularly outlining the Government's position on these issues. This would be made public, and incorporated into the interim report.*

MBIE's comments below outline the relevant policy settings.

### Petitions related to personal visas or those of family members after the border closure

#### **Petition of Natasha James: Reunite children and separated families caused by the border closure**

Request: That the House of Representatives urge the Government to allow for the partner and children of temporary work visa-holders who are currently working and residing in New Zealand to travel to New Zealand to be reunited as a family unit.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99499/petition-of-natasha-james-reunite-children-and-separated](https://www.parliament.nz/en/pb/petitions/document/PET_99499/petition-of-natasha-james-reunite-children-and-separated)

#### **Information from MBIE**

The decision to close the borders has impacted many people, including temporary work visa-holders in New Zealand who had planned to apply for visas for their families.

Partners of New Zealand citizens and residents can travel to New Zealand if:

- they are travelling with their New Zealand citizen or resident partner or parent, or
- they are ordinarily resident in New Zealand, or
- they have a visa based on their relationship to their New Zealand citizen or resident partner or parent.

Around 13,000 people have been granted border exceptions as partners or dependents of New Zealand citizens or residents.

Over the past year, a number of border exceptions supporting the reunification of split families have been introduced. For example a border exception was established for partners and dependent children of New-Zealand based work or student visa-holders who normally live in New Zealand. Around 2,000 such people have been granted an exception.

Critical workers who are entering New Zealand through a border exception are able to have their family accompany them. More than 3,000 family members of critical workers have also entered to date.

On 19 April 2021, the Government announced changes to border settings to enable the partners and children of temporary work visa-holders who are currently working and residing in New Zealand to travel to New Zealand to be reunited.

New border exceptions have been created for:

- the partners and dependent children of temporary visa-holders in New Zealand, who hold visas, but had not yet arrived here when the border closed,
- the families of health care workers in New Zealand,
- a small number of other highly-skilled workers in other sectors who are currently in New Zealand.

**Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs**

Request: That the House of Representatives urge the Government to fulfil their pledge of reuniting NZ citizens and permanent residents with their partners, by directing Immigration New Zealand (INZ) to process Visitor, Work and Resident Visas for partners of New Zealanders stuck offshore.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99393/petition-of-marianna-tomarelli-process-visa-applications](https://www.parliament.nz/en/pb/petitions/document/PET_99393/petition-of-marianna-tomarelli-process-visa-applications)

**Information from MBIE**

Partners of New Zealand citizens and residents can travel to New Zealand if:

- they are travelling with their New Zealand citizen or resident partner or parent, or
- they are ordinarily resident in New Zealand, or
- they have a visa based on their relationship to their New Zealand citizen or resident partner or parent.

INZ resumed processing offshore relationship-based visa applications for partners or dependent children of New Zealand residents and citizens from September 2020. This includes the culturally-arranged marriage visa.

Partners from visa waiver countries can apply for a critical purpose visitor visa to travel to New Zealand for 6 months. An assessment of partnership will be conducted at the visa application stage.

General visitor visas are not partnership visas and therefore applications are not being considered at this point as INZ cannot issue a visa that is unable to be used. Partners who are unable to demonstrate that they are in a partnership are also unable to be approved for a visa.

The INZ website states that 75% of partner of a New Zealander work visas are decided within 4 months and 75% of partner of a New Zealander resident visas are decided within 7 months.

**Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants**

Request: That the House of Representatives urge the Government to give visa extensions and exemptions to travel to NZ on humanitarian reasons to offshore migrants who are ordinarily resident in New Zealand, but who are currently stuck overseas due to the border closure.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_103585/petition-of-nandita-alexander-allow-visa-extensions-and](https://www.parliament.nz/en/pb/petitions/document/PET_103585/petition-of-nandita-alexander-allow-visa-extensions-and)

**Information from MBIE**

Tight border restrictions are a key part of the Government's strategy to protect New Zealand against COVID-19.

Permission to enter New Zealand under humanitarian reasons is only granted where there are exceptional circumstances that make it strongly desirable for an applicant to travel to New Zealand. Examples of exceptions granted under humanitarian reasons have included enabling Christchurch mosque attack victims to attend the sentencing, and people travelling to receive medical treatment.

A small number of border exceptions have been created to enable the entry of people to support our economic and social recovery.

On 24 August 2020, the Government approved a new 'normally resident' border exception category to enable offshore temporary work visa-holders who normally live and work in New Zealand to re-enter the country.

The criteria for this border exception is targeted at those temporary work visa-holders who had jobs, family, and homes in New Zealand but were unable to return due to border restrictions. Visa-holders must satisfy the following:

- a. have departed New Zealand between 1 December 2019 and 9 October 2020; and
- b. have an Essential Skills Work Visa granted on the basis of mid-, or higher-skilled employment, or employment at or above the median wage; Entrepreneur Work Visa; or Work to Residence Visa; and
- c. be employed in the same job as that when they left New Zealand; and
- d. have been living in New Zealand for more than 2 years or between 1 and 2 years. If they have been in NZ for 1 to 2 years they must also have:
  - i. had 1 or more dependent children with them in New Zealand for at least 6 months of that 12-month period;
  - ii. have parents or adult siblings who are currently in, and who are ordinarily resident in, New Zealand; or
  - iii. submitted their application for their current resident visa by 10 August 2020.

To date, this has enabled 1,300 temporary work visa-holders, and their families, who normally live here and were overseas when the borders closed to return to New Zealand.

## Petitions related to work or study visas after the border closure

### **Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand**

Request: That the House of Representatives urge the Government to allow international students with valid visas, who have already paid their 2020 study fees, to enter New Zealand and pursue their studies.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_102555/petition-of-tincy-mary-philip-allow-international-students](https://www.parliament.nz/en/pb/petitions/document/PET_102555/petition-of-tincy-mary-philip-allow-international-students)

#### **Information from MBIE**

The Government has approved border class exceptions for up to 250 international PhD students and for 1,000 priority returning degree and post-graduate international students (including family members where eligible).

Class exceptions that provide border entry for a defined group of people are decided by Cabinet. The decisions are not straightforward as they often involve large numbers of people, which adds to the pressure on New Zealand's managed isolation and quarantine capacity. Proposals for class exceptions must be supported by the government agency responsible for the relationship with the sector and have to demonstrate substantive economic, social or national interest benefits.

The Government will consider new class border exceptions as circumstances permit taking into account the benefits to New Zealand's economic, social and humanitarian objectives and the impacts on managed isolation and quarantine capacity.

### **Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas**

Request: That the House of Representatives grant a residence amnesty to approximately 200,000 migrants on temporary working visas or resident/citizen partner working visas currently in New Zealand, similar to the amnesty granted back in 2000 under the fifth Labour Government.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_101348/petition-of-ryann-lourenco-grant-residence-status-to-all](https://www.parliament.nz/en/pb/petitions/document/PET_101348/petition-of-ryann-lourenco-grant-residence-status-to-all)

#### **Information from MBIE**

People who are currently in New Zealand on temporary work visas or partnership work visas may be eligible for a number of existing pathways to residence. For example:

- **Skilled Migrant Category:** Migrants with certain skills, qualifications or experience that New Zealand needs may be eligible for a resident visa under the Skilled Migrant Category (SMC). SMC is a points system based which awards points for factors such as age, work experience, qualifications, and employment or an offer of employment in a skilled role. As well as meeting a minimum points threshold, applicants must be aged 55 or under, and meet English language, health, and character requirements.
- **Residence from Work:** Some migrants may have a pathway to residence if they hold a Work to Residence visa (either a Talent (Accredited Employer) work visa or a Long Term Skill Shortage list work visa). To qualify for residence, applicants need to have held either of

these work visas for two years, meet health and character requirements, and meet the requirements of either the Talent (Accredited Employer) Resident visa or a Long Term Skill Shortage List Resident visa (including minimum salary criteria). These pathways will be affected by upcoming temporary work reforms.

- **Partnership:** Partners of New Zealand citizens or residents can apply for residence based on this relationship. Eligibility criteria include health and character requirements for the applicant, evidence that the applicant and their New Zealand partner have been living together in a genuine and stable relationship for 12 months or more, and that the New Zealand partner is able to support the application.

#### **Petition of Marie Louisa Bock: Working Holiday Visa extension**

Request: That the House of Representatives urge the Government to grant a six month extension for Working Holiday Visa (WHV) holders who are already located in New Zealand.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99443/petition-of-marie-louisa-bock-working-holiday-visa-extension](https://www.parliament.nz/en/pb/petitions/document/PET_99443/petition-of-marie-louisa-bock-working-holiday-visa-extension)

#### **Information from MBIE**

In December 2020 the Minister of Immigration extended working holiday visas expiring between 21 December 2020 to 30 June 2021 by 6 months to enable those workers to remain in New Zealand and continue to work for industries needing their skills. At the time the Minister announced he would consider further extensions with careful consideration of the evolving labour market context.

With the border closed working holiday visa-holders cannot enter New Zealand. There are currently approximately 6,000 Working Holiday visa-holders still onshore (compared to around 45,000 at this time in 2019).

Working holiday makers wishing to stay in New Zealand to continue work can also apply for an essential skills visa if they have a 30-hour-a-week job offer and their employer can meet the labour market test of showing that there are no New Zealanders available for the role.

#### **Petition of Mandeep Singh: Allow existing temporary visa-holders to enter as an exception to border closure**

Request: That the House of Representatives urge the Government to consider allowing temporary visa-holders, who held a valid visa on or before 19 March 2020, to enter New Zealand during the border closure as an exception.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_97662/petition-of-mandeep-singh-allow-existing-temporary-visa](https://www.parliament.nz/en/pb/petitions/document/PET_97662/petition-of-mandeep-singh-allow-existing-temporary-visa)

#### **Information from MBIE**

Tight border restrictions are a key part of the Government's strategy to protect New Zealand against COVID-19. A small number of border exceptions have been created to enable the entry of people to support our economic and social recovery, including critical workers and partners of New Zealanders who meet the relevant exception criteria.

On 24 August 2020, the Government approved a new 'normally resident' border exception category to enable offshore temporary work visa-holders who normally live and work in New Zealand to

re-enter the country. The criteria for this border exception is targeted at those temporary work visa-holders who had jobs, family, and homes in New Zealand but were unable to return due to border restrictions. To date, this has enabled 1,300 temporary work visa-holders, and their families, who normally live here and were overseas when the borders closed to return to New Zealand.

**Petition of Yu Ting Mak: Remove border restrictions against temporary work visa-holders with jobs in NZ**

Request: That the House of Representatives urge the Government to lift border restrictions against holders of temporary work visas, like the Essential Skills Work Visa, with existing jobs and lives in New Zealand, so that those caught outside New Zealand when the lockdown was enforced can return.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_97665/petition-of-yu-ting-mak-remove-border-restrictions-against](https://www.parliament.nz/en/pb/petitions/document/PET_97665/petition-of-yu-ting-mak-remove-border-restrictions-against)

**Information from MBIE**

The tight border restrictions continue to be a key part of the Government’s strategy to protect New Zealand against COVID-19. However, over the past year, various categories of border exceptions have been created to enable the entry of people to support our economic and social recovery.

On 24 August 2020, the Government approved a new ‘normally resident’ border exception category to enable offshore temporary work visa-holders who normally live and work in New Zealand to re-enter the country. The criteria for this border exception is targeted at those temporary work visa-holders who had jobs, family, and homes in New Zealand but were unable to return due to border restrictions. To date, this has enabled 1,300 temporary work visa-holders, and their families, who normally live here and were overseas when the borders closed to return to New Zealand.

Essential Skills Work Visa-holders who were caught offshore and who still wish to return to New Zealand may be able to enter through the border exception established for Other Critical Workers. The employer will need to demonstrate that the worker has unique experience and technical or specialist skills not readily obtainable in New Zealand; or that they are necessary to undertake a time-critical role providing significant economic benefit (including work related to government-approved programmes and projects, events and major infrastructure projects). However this is a high bar that means that most employers will need to look onshore for talent and skills while the border remains closed.

**Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category**

Request: That the House of Representatives urge the Government to resume processing Expressions of Interests for Skilled Migrant Category for the people who are currently in New Zealand.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99644/petition-of-carlos-madureira-resume-the-process-expression](https://www.parliament.nz/en/pb/petitions/document/PET_99644/petition-of-carlos-madureira-resume-the-process-expression)

**Information from MBIE**

The fortnightly selection of Expressions of Interest (EOI) for the SMC was suspended in April 2020 because of the impacts of COVID-19 on the ability of people to source relevant evidence and submit complete applications before their invitation to apply expired, and INZ's operational resource to receive, accept and select EOIs.

In the meantime, INZ continues to process on hand applications. Applicants can continue to submit an EOI (there are approximately 9,000 on hand representing nearly 20,000 people pending selection).

A decision on the resumption of EOI selections is expected shortly.

**Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications**

Request: That the House of Representatives ask the Government to take urgent action to clear the Skilled Migrant Category application backlog, and urge Immigration NZ to remove section A16.1(a)(i) from its operational manual and return to processing applications on a "first in, first out" basis in a queue ordered by lodgement date.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99342/petition-of-artur-khasanov-resolve-the-backlog-of-skilled](https://www.parliament.nz/en/pb/petitions/document/PET_99342/petition-of-artur-khasanov-resolve-the-backlog-of-skilled)

**Information from MBIE**

Demand for the SMC and Residence from Work sub-stream has risen significantly in recent years. This has resulted in longer decision times for applicants.

INZ's capacity to assess SMC applications has been informed by the planning range for approvals set by the Government as part of the previous New Zealand Residence Programme (NZRP). The last NZRP ran from 1 July 2018 until 31 December 2019 and included a planning range of 50,000-60,000 residence approvals; a total of 52,048 people were approved residence during the 18 months. INZ continues to process applications at the same volume.

Since February 2020 INZ has formally prioritised the allocation of skilled residence applications if the principal applicant is in New Zealand and is paid twice the median wage or higher (currently NZD \$51 an hour or NZD \$106,080 a year), or works in an occupation where registration is required by immigration instructions and holds that registration. This allowed INZ to start allocating older, non-priority applications on a more consistent basis.

Prioritisation allows faster allocation for some highly-skilled applicants or applicants key skills, while preserving movement through the queue for all applicants.

The Government has signalled a review of the SMC.

**Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry**

Request: That the House of Representatives pass urgent legislation easing temporary work visa conditions for international winery workers impacted by COVID-19 to allow them to stay and work in New Zealand until Vintage 2021.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_99178/petition-of-cait-guyette-temporary-flexibility-of-work](https://www.parliament.nz/en/pb/petitions/document/PET_99178/petition-of-cait-guyette-temporary-flexibility-of-work)

**Information from MBIE**

Temporary visa-holders with an offer of full time employment that cannot be filled by New Zealanders may be eligible for a new or further essential skills visas that allows them to continue to work in New Zealand.

Some work visas were extended to allow workers to stay and remain in current roles to help maximise the available onshore workforce while the border was closed. The most recent extension was made in December 2020 for workers in New Zealand with visas expiring from 1 January to 30 June 2021. The Minister of Immigration stated he would consider further extensions with careful consideration of the evolving labour market context.

**Petition of Julie South: Approve vets as critical workers**

Request: That the House of Representatives urge the Government to provide border exceptions to veterinarians of all disciplines to enter into New Zealand, as critical and essential workers.

[https://www.parliament.nz/en/pb/petitions/document/PET\\_104226/petition-of-julie-south-approve-vets-as-critical-workers](https://www.parliament.nz/en/pb/petitions/document/PET_104226/petition-of-julie-south-approve-vets-as-critical-workers)

**Information from MBIE**

In 2020, the Government approved a class exception for up to 30 mixed and large animal veterinarians. To date, 28 workers have been invited to apply for this class exception.

In addition, following receipt of new industry information in December 2020, veterinarians are now generally being approved under the general 'other critical worker' border exception criteria.

## **Appendix B—Our interim report**

We attach our interim report here.



## Interim report of the Petitions Committee

### **Petitions related to COVID-19 immigration and border policies:**

- Petition of Natasha James: Reunite children and separated families caused by the border closure
- Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs
- Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand
- Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants
- Petition of Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ
- Petition of Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure
- Petition of Julie South: Approve vets as critical workers
- Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas
- Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry
- Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category
- Petition of Marie Louisa Bock: Working Holiday Visa extension
- Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications

May 2021

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## Petitions related to COVID-19 immigration and border policies

### Recommendation

The Petitions Committee is considering the following petitions:

- Petition of Natasha James: Reunite children and separated families caused by the border closure
- Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs
- Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand
- Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants
- Petition of Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ
- Petition of Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure
- Petition of Julie South: Approve vets as critical workers
- Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas
- Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry
- Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category
- Petition of Marie Louisa Bock: Working Holiday Visa extension
- Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications.

We recommend that the House take note of this interim report.

## Petitions asking for changes to immigration and border policies

We are considering a number of petitions relating to border restrictions that were introduced as part of the New Zealand Government's response to COVID-19. Due to the number of petitions and their consistency of theme, as well as the time-critical nature of the petitions, we requested that the Business Committee grant a special debate under Standing Order 80 to allow the House to consider this issue. In April 2021 the Business Committee determined that the issues raised in these petitions be debated in the House under Standing Order 80.

The purpose of this interim report is to provide the House with a summary of the issues in these petitions. The summary is in the first part of this interim report. Details of each petition are in the second part of this report.

After we started considering these petitions as a group, six additional petitions were presented that are also about the COVID-19 border policies. We are therefore currently considering 18 petitions about these issues. The additional petitions are from:

- Xiaosong Lan
- Polina Chernyshova
- Belen Macchiavello
- Ravi Sabrol
- Oliver Manton
- Abhijit Mallik.

We mention them in this report for completeness.

We received a written submission from the Ministry of Business, Innovation and Employment (MBIE). We acknowledge MBIE's comment that tight border restrictions are a key part of the Government's strategy to protect New Zealanders against COVID-19.

### **Families affected by the border closure**

Four petitioners want certain foreign citizens to be able to come to New Zealand to be reunited with their families. They include temporary visa holders, their families, and family members of New Zealanders.

- Natasha James came to work in New Zealand in January 2020 as a critical health worker, but her partner and children are still overseas. She asks that places in MIQ (managed isolation and quarantine) be made available for family of temporary work visa holders.
- Xiaosong Lan has a similar request. He wants the Government to grant border exemptions and MIQ spaces to all overseas partners of New Zealand citizens, residents, and temporary visa holders.
- Polina Chernyshova's petition is about the partners of post-graduate students. It asks that partners with valid visas be allowed to enter New Zealand. It says, "being separated from our families is affecting our mental health, efficiency and ability to focus on the research".
- Marianna Tomarelli's petition is about non-resident partners and dependent children of New Zealanders. Ms Tomarelli acknowledges that Immigration NZ has now restarted the processing of partners' and children's visas. However, she says it is harder for families in non-visa-waiver countries to gain entry to New Zealand.<sup>1</sup> She submits that the entry process should be the same from both types of country.

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<sup>1</sup> Citizens of visa-waiver countries do not have to apply for a visa before they travel to New Zealand. They must hold a New Zealand electronic travel authority. The list of visa-waiver countries is at <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/general-information/visa-waiver-countries>.

We learned from MBIE that the border exceptions now allow entry to partners and children of temporary work visa holders who are currently working and living in New Zealand. Critical workers can bring their families with them when they enter New Zealand. A border exemption has also been set up for partners and children of people with work or student visas who normally live in New Zealand.

### **Workers and students currently overseas**

Seven petitioners want entry to become available to various groups of people who are “stuck” overseas. These groups include international students, work visa holders, and their families. One asks that more veterinarians be allowed in to address a skills shortage.

- Tincy Mary Philip is frustrated that the border is closed to students who were granted study visas before entry restrictions began, and who were about to travel here to start their study. She describes their financial and mental health problems as a result of not being allowed to enter.
- Nandita Alexander, her husband, and their toddler were living and working in New Zealand but got stranded overseas while visiting relatives at the start of the lockdown. They just want to come back.
- Yu Ting Mak acknowledges the exemptions that were made in October 2020 for work visa holders who resided in New Zealand but were overseas when the border closed. To qualify for the exemption and be granted re-entry, these visa holders must have left New Zealand on or after 1 December 2019 and have lived here for at least one year. This petitioner seeks to extend the exemptions to all migrants who still have work in New Zealand, “regardless of time spent in New Zealand, and regardless of their residency application status”. The petitioner says these people have skills that New Zealand needs; also, their pay is now flowing out of this economy instead of being spent on New Zealand goods and services.
- Mandeep Singh asks that the following people be allowed entry to New Zealand:
  - people with work or study visas who had been living long-term in New Zealand before the border closed
  - offshore partners who were issued a visa to join their partner in New Zealand before the border closed.
- Julie South is concerned about a shortage of veterinarians. She asks for a widening of definitions to allow more overseas veterinarians in to New Zealand to work.
- Belen Macchiavello asks that the Government allow migrants with current New Zealand visas who are stuck offshore to re-enter New Zealand.
- Among other things, Ravi Sabrol wants Immigration NZ to put upcoming changes from July 2021 on hold and to relax rules for migrants who are onshore and offshore.

We note that, in August 2020, the Government approved a new “normally resident” border exception category to facilitate the re-entry of temporary work visa holders who had jobs, family, and homes in New Zealand. Also, some people with Essential Skills Work Visas could use the border exception established for Other Critical Workers. However, employers would have to show that the worker has unique experience and technical or specialist skills

that are not readily obtainable in New Zealand, or that they are needed for a time-critical role providing significant economic benefit.

### **Requests to extend the work visas of people already in New Zealand**

Seven petitions are about the difficulties faced by overseas citizens who are already in New Zealand. They want to stay longer. Groups represented here are wine industry workers, applicants for skilled migrant visas, and working holiday visa holders.

- Marie Louisa Bock asks the Government to publish a plan for what will happen when working holiday visas expire at the end of June 2021. She says these workers need more certainty because (1) they may still be needed if no new workers can enter the country and (2) for many, returning to their home countries is a daunting idea, as they are still struggling to control the virus.
- The petition of Cait Guyette requests temporary flexibility of visa conditions for wine industry workers so that there will be enough staff for the 2021 vintage.
- Carlos Madureira is frustrated that the Government has paused its processing of expressions of interest for the Skilled Migrant Category from workers who are currently in New Zealand. He says people are struggling with having to put their lives on hold while waiting.
- The petition of Artur Khasanov is about the length of time taken by Immigration NZ to process Skilled Migrant Category residence applications.
- Ryann Lourenco asks that residence be granted to all immigrants who:
  - have been in New Zealand since 19 March 2020
  - are in work (or were made redundant because of COVID-19)
  - satisfy certain other requirements (about health, age, English ability, and criminal record).
- Oliver Manton asks that all current Supplementary Seasonal Employment visas be extended to the end of June 2022 to provide another year's help on farms.
- Abhijit Mallik asks for permanent residence to be granted to all work visa holders currently in New Zealand.

Visa holders are expected to leave New Zealand before their visas expire. To stay and work in New Zealand, workers need to be eligible for another visa giving them the right to continue to work.

Some work visa holders' visas were extended to maximise the available onshore workforce during the border closure. MBIE told us that the Minister of Immigration plans to consider further extensions "with careful consideration of the evolving labour market context".

We understand that the Government has signalled a review of the Skilled Migrant Category. We await further news with interest.

## Details of each petition

Below are the details of each of the 18 petitions.

### **Petition of Natasha James: Reunite children and separated families caused by the border closure**

The petition of Natasha James was presented on 6 August 2020. The petition requests:

That the House of Representatives urge the Government to allow for the partner and children of temporary work visa holders who are currently working and residing in New Zealand to travel to New Zealand to be reunited as a family unit.

The petition received 42 signatures. The petitioner points out that a similar petition on another online platform received 2,115 signatures. The petitioner has made a written submission.

Natasha James came to work in New Zealand as a critical health worker in January 2020. Her partner and three children are still overseas. At the date of her written submission (February 2021) they had been separated for 13 months, and we understand that Ms James returned to South Africa shortly after then, to be with her family. We are aware the family now expects to enter New Zealand together in June 2021.<sup>2</sup> The petition asks that family members get priority in MIQ facilities ahead of actors, entertainers, and sports teams. Ms James says that the Office of the Children's Commissioner is working on a report about COVID-19 and children's rights. She understands that the office plans to mention her issue in its report.

The border exceptions now allow entry to the partners and children of temporary work visa holders who are currently working and living in New Zealand.

### **Petition of Xiaosong Lan: Don't break up families, let them get together**

The petition of Xiaosong Lan was presented on 24 February 2021. It received 3,149 signatures. It requests:

That the House of Representatives urge the Government to grant border exemptions and MIQ spaces to all overseas partners of NZ citizens, residents, and temporary visa holders, to allow families to be reunited.

The reason stated for the petition is:

Many of us are in committed long-distance relationships, but are cut off from our partners and children outside New Zealand. Some children and genuine lovers are experiencing the toughest time of their lives. Every family has a different story but many have the same pain, despair and sadness. It's not necessary to classify the type of partner and family member. During the pandemic, we need our lovers and family members to be together to support each other. The uncertain waiting is devastating.

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<sup>2</sup> Source: "I'm counting down the days – 39 to go", *Dominion Post*, 24 April 2021, p. A8.

The petitioner has been invited to make a written submission.

### **Petition of Polina Chernyshova: Let postgraduate students in New Zealand reunite with their partners**

This petition was presented on 24 February 2021. It was signed by 1,186 people. It requests:

That the House of Representatives urge the Government to resume visa assessment processes for the partners of postgraduate students and allow partners with valid visas to enter New Zealand, and note that 333 people have signed a change.org petition with a similar request.

The reason stated for the petition is:

We are postgraduate students who contribute in many spheres in New Zealand. Applying for PhD positions, we accepted conditions that were offered to our families as well. Recently, the Government announced a border exception which allows some postgraduate students to enter New Zealand with their families. But some of us already in New Zealand have not seen partners for many months. Being separated from our families is affecting our mental health, efficiency and ability to focus on the research.

Ms Chernyshova has been invited to make a written submission.

### **Petition of Marianna Tomarelli: Process visa applications of offshore partners of NZ citizens and PRs**

The petition of Marianna Tomarelli was presented on 28 July 2020. It received 2,928 signatures. It requests:

That the House of Representatives urge the Government to fulfil their pledge of reuniting NZ citizens and permanent residents with their partners, by directing Immigration New Zealand (INZ) to process Visitor, Work and Resident Visas for partners of New Zealanders stuck offshore.

Between March and June 2020, partners and children could only enter if they travelled with the New Zealand citizen or resident. In June 2020, the Government removed this requirement and allowed partners and dependent children to return to New Zealand separately if they had a relationship-based visa or were ordinarily resident in New Zealand.<sup>3</sup>

The petitioner's submission acknowledges that Immigration NZ has started processing visas again for offshore partners of New Zealanders. However, she submits that the current entry restrictions create a two-tier system because it is easier for those from the visa-waiver countries to enter New Zealand. She says the 60 visa-waiver countries are mostly Western and European nations. Ms Tomarelli says New Zealanders with partners in one of the other 135 nations still have to travel offshore to "fetch" their partners. She also submits that it takes a lot longer to process visas from those countries—two years, compared with six months for visa-waiver countries.

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<sup>3</sup> Hon Phil Twyford and Hon Iain Lees-Galloway, "[Helping families reunite and supporting economic recovery with border exceptions](#)" (12 June 2020).

Ms Tomarelli also comments that applications from new spouses of New Zealanders who had a culturally arranged marriage overseas are not being processed. She says this has created difficulties for many newly married couples.

### **Petition of Tincy Mary Philip: Allow international students enrolled for 2020 to enter New Zealand**

The petition of Tincy Mary Philip was presented on 21 January 2021. It received 588 signatures. It requests:

That the House of Representatives urge the Government to allow international students with valid visas, who have already paid their 2020 study fees, to enter New Zealand and pursue their studies.

Ms Philip submits that she learnt on 6 March 2020 that her student visa application was successful. She resigned from her job and took a loan to pay her tuition fees. The tuition fees were not refunded. She says many other students are in the same situation. Some borrowed money for fees from family and now face difficult questions from family members. It appears that the decision to request a refund means they withdraw from the visa.

Students sit an international English language test as part of their application. Ms Philip sat the test in 2019 and is worried about the test's imminent "expiry".

Ms Philip mentions the frustration and mental health struggles of students in this situation.

We note that the Government has approved border class exceptions for up to 250 international PhD students and for 1,000 priority returning degree and post-graduate international students. This includes family members, where eligible.

MBIE commented that these decisions are not straightforward as they often involve large numbers of people, which adds to the pressure on MIQ. It also said that proposals for class exceptions must be supported by the government agency responsible for the relationship with the sector and that there must be economic, social, or national interest benefits. It said the Government will consider new class border exceptions as circumstances permit, taking into account the benefits to New Zealand's economic, social, and humanitarian objectives and the effects on MIQ.

### **Petition of Nandita Alexander: Allow visa extensions and travel restriction exemptions for offshore migrants**

The petition of Nandita Alexander was presented on 10 February 2021. It received 1,900 signatures. It asks:

That the House of Representatives urge the Government to give visa extensions and exemptions to travel to NZ on humanitarian reasons to offshore migrants who are ordinarily resident in New Zealand, but who are currently stuck overseas due to the border closure.

The petitioner's name is Nandita Narenderan (her husband's first name is Alexander). They have been stuck in India for over a year. According to her written submission, she is a teacher with an essential skills work visa. She and Alexander have a three-year-old child

who was born in New Zealand. On 13 March 2020 they went to India to visit relatives. Their return flight, scheduled for April 2020, was cancelled.

The family is still paying rent and bills for their home in New Zealand. All their possessions and most of their documents are in New Zealand. They cannot get welfare support in India. The petitioner says that she and her husband are finding it hard to cope. She mentions mental health issues arising from their situation.

They have received the first dose of a COVID-19 vaccination and the second is due on 12 May 2021.

MBIE told us that, on 24 August 2020, the Government approved a new “normally resident” border exception category to enable offshore temporary work visa holders who normally live and work in New Zealand to re-enter the country. The criteria for this border exception is targeted at temporary work visa holders who had jobs, family, and homes in New Zealand but could not return due to border restrictions. Visa holders must:

- have left New Zealand between 1 December 2019 and 9 October 2020
- have an Essential Skills work visa granted on the basis of mid- or higher-skilled employment, or employment at or above the median wage; an Entrepreneur Work Visa; or a Work to Residence Visa
- be employed in the same job as when they left New Zealand
- have been living in New Zealand for more than two years; or one to two years if they also:
  - had one or more dependent children with them in New Zealand for at least 6 months of that 12-month period or
  - have parents or adult siblings who are currently in, and who are ordinarily resident in, New Zealand or
  - submitted their application for their current resident visa by 10 August 2020.

### **Petition of Yu Ting Mak: Remove border restrictions against temporary work visa holders with jobs in NZ**

The petition of Yu Ting Mak was presented on 1 July 2020. It received 2,565 signatures. It requests:

That the House of Representatives urge the Government to lift border restrictions against holders of temporary work visas, like the Essential Skills Work Visa, with existing jobs and lives in New Zealand, so that those caught outside New Zealand when the lockdown was enforced can return.

This petitioner has provided a written submission. They worked and lived in Auckland from 2018 on an Essential Skills Work Visa. Currently stuck overseas with their partner, they work remotely for a New Zealand company.

The petitioner acknowledges the changes in October 2020 about new border exemptions for normally resident work visa holders.<sup>4</sup> The exemptions will grant entry to people who, among other things, left New Zealand on or after 1 December 2019 and have lived here for at least two years (one year in certain circumstances). However, the petitioner submits that their goal is for “all migrants who are currently still employed to be exempted from border closures... regardless of time spent in New Zealand, and regardless of their residency application status.” They point out that these people have skills that New Zealand needs. They also comment that their pay is flowing out of the New Zealand economy instead of being spent on New Zealand goods and services.

MBIE submitted that holders of Essential Skills Work Visas who are still overseas may be able to use the border exception established for Other Critical Workers. To apply under this exception category, the employer must show that the worker has unique experience and technical or specialist skills that not readily obtainable in New Zealand, or that they are necessary to undertake a time-critical role providing significant economic benefit. However, MBIE acknowledged that this is a high bar and that most employers will have to look inside New Zealand for workers.

### **Petition of Mandeep Singh: Allow existing temporary visa holders to enter as an exception to border closure**

The petition of Mandeep Singh was presented on 22 May 2020. It received 2,376 signatures. It requests:

That the House of Representatives urge the Government to consider allowing temporary visa holders, who held a valid visa on or before 19 March 2020, to enter New Zealand during the border closure as an exception.

The reason stated for this petition is to draw attention to the situations of:

- people with work or study visas who were living in New Zealand for several years before the border closed
- offshore partners who were issued a visa to join their partner in New Zealand before the border closed.

The petitioner was invited to make a written submission but we have not received one.

We note the new “normally resident” border exception category that allows temporary work visa holders with jobs, family, and homes in New Zealand to return.

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<sup>4</sup> The announcement can be found at: [https://www.beehive.govt.nz/release/new-border-exception-normally-resident-work-visa-holders-0?fbclid=IwAR3Nzh-evGqKe\\_Ce-FvTQR5wDebCgo9naD55GDtNmDdMiwRqzqesEMPa3Qw](https://www.beehive.govt.nz/release/new-border-exception-normally-resident-work-visa-holders-0?fbclid=IwAR3Nzh-evGqKe_Ce-FvTQR5wDebCgo9naD55GDtNmDdMiwRqzqesEMPa3Qw).

### **Petition of Julie South: Approve vets as critical workers**

This petition was presented on 9 February 2021. It had 1,065 signatures. It requests:

That the House of Representatives urge the Government to provide border exceptions to veterinarians of all disciplines to enter into New Zealand, as critical and essential workers.

The petitioner, who manages a veterinary-sector recruitment agency, has provided a written submission. She asks that vets be classified as critical health workers so that they can enter New Zealand to work.<sup>5</sup> She says there are about 250 vet vacancies in New Zealand.

The petitioner says that it takes 3 to 6 months to recruit vets from overseas. She says that only senior vets earn twice the median salary and can therefore come in as long-term critical workers. She believes graduates and mid-level vets should also be allowed in. She gives examples of the stress that the shortage is putting on vets, animals, and the primary production sector.

Here is some relevant information from the Immigration NZ website:

- Up to 30 mixed- and large-animal vets “may be nominated for assessment by the Ministry of Primary Industries. Vets must hold the necessary qualifications and experience for them to be licensed and registered with the Veterinary Council of New Zealand”.<sup>6</sup>
- “Highly specialised domestic veterinarians” may be included as short-term critical workers (people coming to New Zealand for less than 6 months).
- Vets (and others) can be approved for long-term working visas if they will be earning more than twice the median salary.<sup>7</sup>

In April 2021, MBIE told us that 28 mixed- and large-animal vets had so far been invited to apply for the 30 applications mentioned above. It also said that vets are now generally being approved under the general Other Critical Worker border exception criterion.

### **Petition of Belen Macchiavello: Extend visas for people currently unable to re-enter New Zealand**

The petition of Belen Macchiavello was presented on 30 April 2021. It received 2,309 signatures. It asks:

That the House of Representatives urge the Government to allow migrants with current New Zealand visas who are stuck offshore to either re-enter the country, or extend their visas.

The reason stated for the petition is:

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<sup>5</sup> Critical health workers are defined at <https://www.immigration.govt.nz/documents/amendment-circulars/amendment-circular-2021-08.pdf>.

<sup>6</sup> Source: <https://www.immigration.govt.nz/about-us/covid-19/covid-19-information-for-employers/bringing-workers-to-nz/approved-classes-of-workers>.

<sup>7</sup> Source: <https://www.immigration.govt.nz/about-us/covid-19/covid-19-information-for-employers/bringing-workers-to-nz>.

Thousands of us are ordinarily residents and have spent almost a year away from home, jobs and in some cases our partners and kids. New Zealand is our home. Our lives are there, as are our families, jobs, careers, homes and friends. Please let hard working people return home. It's been a long time without access to our belongings.

### **Petition of Ravi Sabrol: New Zealand Immigration Rules should only change after 5 years**

The petition of Ravi Sabrol was presented on 30 April 2021. It received 2,914 signatures. It requests:

That the House of Representatives urge Immigration New Zealand to only change immigration policies after 5 years, to help keep migrants eligible for further working visas or residency permits, to put upcoming changes from July 2021 on hold, and rules should be relaxed for migrants who are onshore and offshore.

The reason stated for this petition is:

Immigration NZ should only change its immigration policies after 5 years, to help keep migrants eligible for further working visas or residency permits. Changes from July 2021 in immigration rules should be put on hold or cancelled, and the rules should be relaxed for migrants who have valid work visas. Residency visas should be based on permanent job offers only, and per-hour wage rate requirements should be removed from the permanent residency criteria.

### **Petition of Ryann Lourenco: Grant residence status to all migrants currently in NZ on temporary work visas**

The petition of Ryann Lourenco was presented on 5 February 2021. It received 64,316 signatures. It is supported by the Association of New Kiwis Aotearoa (ANKA), an organisation for immigrants trying to get residence in New Zealand. It requests:

That the House of Representatives grant a residence amnesty to approximately 200,000 migrants on temporary working visas or resident/citizen partner working visas currently in New Zealand, similar to the amnesty granted back in 2000 under the fifth Labour Government.

The petitioner submits that residence should be granted to long-term immigrants and their families who:

- are in New Zealand
- are in employment (or were made redundant because of COVID-19)
- satisfy certain other requirements (about health, age, English ability, and criminal record).

The petitioner submits that there are just over 169,000 people currently in New Zealand on temporary working visas of various kinds. He emphasises that most of these people have chosen New Zealand as their home and were encouraged to do so.

He adds that many lost their jobs as a result of the pandemic. However, he also comments that the visa restrictions on many of these migrants mean they cannot help with the current labour shortages, such as those in orchards.

Mr Lourenco further submits that granting residence to these workers would free up Immigration NZ's backlog.

### **Petition of Cait Guyette: Temporary flexibility of work visa conditions for the wine industry**

The petition of Cait Guyette was presented on 27 July 2020. It received 1,107 signatures. It requests:

That the House of Representatives pass urgent legislation easing temporary work visa conditions for international winery workers impacted by COVID-19 to allow them to stay and work in New Zealand until Vintage 2021.

The reason stated for this petition is:

Viticulture workers who accepted a change in conditions to their contracts/visas may no longer be able to work after 24 June (6 weeks from Level 2). I believe many would face extreme difficulty or impossibility in returning home. There is a shortage of workers for vital vineyard work and if travel is not viable prior to Vintage 2021, the multi-billion dollar wine industry will face serious hardship. It is very disheartening to see those deemed essential 3 months ago, now simply having to leave.

Ms Guyette was invited to make a written submission but we have not received one.

The Supplementary Seasonal Employment (SSE) work visa provides a visa for seasonal workers in the horticulture or viticulture industries.<sup>8</sup> The SSE visa was automatically given to working holiday visa holders in New Zealand with visas expiring between 1 October 2020 and 31 March 2021. Other work visa holders were able to apply for an SSE visa if they had an acceptable job offer.<sup>9</sup> MBIE told us that the most recent extension to work visas was in December 2020 for workers whose visas were due to expire between 1 January and 30 June 2021.

### **Petition of Carlos Madureira: Resume the process Expression of Interest (EOI) for Skilled Migrant Category**

The petition of Carlos Madureira was presented on 4 September 2020. It received 320 signatures. It requests:

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<sup>8</sup> For more information see Immigration New Zealand, *Operations Manual: WH3.10 Supplementary Seasonal Employment (SSE) work visa instructions*.

<sup>9</sup> Immigration New Zealand, "Information about Supplementary Seasonal Employment Work Visa"; Hon Kris Faafoi, "Seasonal work visa available to more people" (22 September 2020).

That the House of Representatives urge the Government to resume processing Expressions of Interests for Skilled Migrant Category for the people who are currently in New Zealand.

The reason stated for the petition is:

I believe the people who have already applied for residency in the Skilled Migrant Category and remaining in lockdown in the pool with no information, deserve at least some feedback. Everyone has made efforts to meet the criteria and their lives now are still on hold whilst the residency process is still running in other programs. That situation could cause those who already struggle with their visa's expiration causing several problems such as depression and anxiety within families.

The petitioner was invited to make a written submission but we did not receive one.

This petition is about the processing of applications for Skilled Migrant Category residence visas. Before COVID-19, people wanting to apply for these visas would submit an EOI to Immigration NZ. The EOI went into a pool, and each fortnight, Immigration NZ would select EOIs from the pool based on certain criteria. The successful submitters were invited to apply for the visa.

The fortnightly selections of EOIs for the Skilled Migrant Category were suspended in April 2020. On 19 October 2020, it was announced that EOI selections would be deferred for a further six months.<sup>10</sup> In April 2021, MBIE informed us that a decision on the resumption of EOI selections was "expected shortly".

### **Petition of Marie Louisa Bock: Working Holiday Visa extension**

The petition of Marie Louisa Bock was presented on 31 July 2020. It received 13,342 signatures. It requests:

That the House of Representatives urge the Government to grant a six month extension for Working Holiday Visa (WHV) holders who are already located in New Zealand.

The petitioner notes in her submission that people in New Zealand on a student or visitor visa can now apply for a Supplementary Seasonal Employment (SSE) work visa. The SSE visas will expire on 30 June 2021.<sup>11</sup> Those who have completed at least three months of seasonal work in horticulture or viticulture can apply for an extra three months of a working holiday visa.<sup>12</sup>

The petitioner submits that these decisions should have taken into account the "psychological safety" of WHV holders. The communication, support, and technology around the implementation led to financial stress for WHV holders. She says the Government should

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<sup>10</sup> Immigration New Zealand, "[Selection of EOIs for residence under the Skilled Migrant Category and Parent Category deferred another 6 months](#)" (19 October 2020).

<sup>11</sup> Details are available at <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/supplementary-seasonal-employment-sse-work-visa>.

<sup>12</sup> Details can be found at <https://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/about-visa/working-holidaymaker-extension-work-visa>.

provide clear information because (1) these workers may still be needed if no new workers can enter the country and (2) for many people, returning to their home countries is a daunting idea as they are still struggling to control the virus.

We note that WHV holders cannot currently enter New Zealand. Approximately 6,000 of these visa holders are still here, compared to around 45,000 at this time in 2019. MBIE informed us that WHVs expiring between 21 December 2020 and 30 June 2021 have been extended by six months to enable these people to stay in New Zealand and keep working for industries needing their skills. It also said that, if they wish to stay longer, they can apply for an essential skills visa if they have a 30-hour-a-week job offer and their employer can meet the labour market test of showing that there are no New Zealanders available for the role.

### **Petition of Artur Khasanov: Resolve the backlog of Skilled Migrant Category (SMC) Residence applications**

The petition of Artur Khasanov was presented on 20 July 2020. It received 4,143 signatures. It requests:

That the House of Representatives ask the Government to take urgent action to clear the Skilled Migrant Category application backlog, and urge Immigration NZ to remove section A16.1(a)(i) from its operational manual and return to processing applications on a “first in, first out” basis in a queue ordered by lodgement date.

This petition is about the way Immigration NZ prioritises Skilled Migrant Category and Residence from Work applications, and the length of time it takes to process non-priority applications.

The petitioner submits that, although Immigration NZ started its prioritisation policy in mid-2018, it was not transparent about this change until February 2020.<sup>13</sup> He describes this as “underhand and cruel”. He says each applicant should be treated equally and their place in the queue should be based on the date of their application. He also says that the published information on the processing times for these applications is inaccurate, and this contributes to stress for applicants. The petitioner says it costs more (because applicants have to reapply for their temporary visas while in the queue) and also has a mental toll on applicants and their families.

MBIE told us that demand for the Skilled Migrant Category and the Residence from Work “sub-stream” has risen significantly in the last few years, resulting in longer waiting times.

It said that, since February 2020, Immigration NZ has formally prioritised the allocation of skilled residence applications if the principal applicant is in New Zealand and is paid twice the median wage or higher (twice the median wage is currently \$51 an hour or \$106,080 a year) or works in an occupation where registration is required by immigration instructions and holds that registration. MBIE said that this allowed Immigration NZ to start allocating other applications more consistently.

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<sup>13</sup> The relevant announcement is at <https://www.immigration.govt.nz/about-us/media-centre/news-notifications/how-we-prioritise-resident-visa-applications/smc-and-rfw-prioritisation-information-for-immigration-advisers>.

We understand that the Government plans to review the Skilled Migrant Category.

### **Petition of Oliver Manton: Extend all current SSE visas by 1 year until 30/06/22**

The petition of Oliver Manton was presented on 30 April 2021. It received 1,399 signatures. It asks:

That the House of Representatives urge the Government to extend all current active supplementary seasonal employment (SSE) visas by another year from the end of the current expiry date (30/06/21) to 30/06/22

The reason stated for this petition is:

I support the previous extension of working holiday visas (WHVs) to SSE visas. There were farms letting their fruits perish from not having the usual workers. 11,000 WHV holders were issued SSE visas. This saved the fruit industry in New Zealand this season and in turn let travellers stay in a safe country whilst a global crisis was taking place. If extended, SSE workers can attend to vital maintenance/harvest over the next year. It is surely a great deal for both the Government and workers.

### **Petition of Abhijit Mallik: Request for permanent residence for Work Visa Holders presently in New Zealand**

The petition of Abhijit Mallik was presented on 30 April 2021. It received 33 signatures. It asks:

That the House of Representatives urge the Government to offer permanent residence to work visa holders presently in New Zealand, to recognise that they contributed and held hands with the local people to maintain the economy of New Zealand during the unprecedented events of COVID-19

The reason stated for the petition is:

We, as individuals holding work visas, have done our best to support the people of New Zealand and assist in maintaining its growth process and its economy during the unprecedented events of COVID-19. We have held everybody's hands and helped the country to prosper and move forward to achieve peace, love and prosperity. Please help us to get residence so that we may become proud citizens of New Zealand in future.

## **Appendix**

### **Committee process**

Twelve petitions were referred to us between 26 November 2020 and 10 February 2021. We have met between 9 December 2020 and 6 May 2021 to consider them. We received written submissions from Natasha James, Marianna Tomarelli, Nandita Narendran (Alexander), Tincy Mary Philip, Ryann Lourenco, the Association of New Kiwis Aotearoa, Marie Louisa Bock, Yu Ting Mak, Artur Khasanov, Julie South, and the Ministry of Business, Innovation and Employment.

### **Committee members**

Hon Jacqui Dean (Chairperson)  
Rachel Boyack  
Dr Liz Craig  
Shanan Halbert  
Nicole McKee  
Teanau Tuiono  
Tim van de Molen

### **Evidence received**

The documents we received as evidence in relation to this petition are available on the Parliament website, [www.parliament.nz](http://www.parliament.nz).

## **Appendix C—Committee procedure**

### **Committee process**

The 18 petitions were referred to us between 26 November 2020 and 30 April 2021. We met between 9 December 2020 and 5 August 2021 to consider them. We received written submissions from Abhijit Mallik, Artur Khasanov, Julie South, Marianna Tomarelli, Marie Louisa Bock, Nandita Narendran (Alexander), Natasha James, Polina Chernyshova, Ravi Sabrol, Ryann Lourenco, the Association of New Kiwis Aotearoa, Tincy Mary Philip, Xiaosong Lan, Yu Ting Mak, and the Ministry of Business, Innovation and Employment.

### **Committee members**

Hon Jacqui Dean (Chairperson)  
Rachel Boyack  
Dr Liz Craig  
Shanan Halbert  
Nicole McKee  
Teanau Tuiono  
Tim van de Molen

### **Evidence received**

The documents we received as evidence in relation to these petitions are available on the Parliament website, [www.parliament.nz](http://www.parliament.nz).