



Proactive Release

The following items have been proactively released by the Rt Hon Jacinda Ardern, Prime Minister:

Paper: Additional Border Control Measures for Self-Isolation of International Arrivals

Minute of Decision: Additional Border Control Measures for Self-Isolation of International Arrivals

In Confidence

All of Government Group

Cabinet Committee on COVID-19 Response

Additional border control measures for self-isolation of international arrivals

Proposal

1. This paper proposes additional border control measures requiring all passengers arriving on international flights to New Zealand to self-isolate for 14 days in an approved facility. After these 14 days isolation they will be able to continue their journey home.

Relation to government priorities

2. This paper is part of the Government's economic response to COVID-19. It is critical that New Zealand acts to break the chain of community transmission and prevent overwhelming the health system. Early containment will increase our chances of preventing exponential growth in case numbers, therefore we are taking steps to improve self-isolation measures.

Details of the additional measures

3. Current measures require anyone arriving in New Zealand on an international flight to self-isolate for 14 days. We are further proposing to require that *self-isolation be in an approved facility before passengers are allowed to return to their homes.*
4. Powers are available under both section 70 and Part 3A of the Health Act 1956 to allow the enforcement of requirements for people to self-isolate or quarantine. Penalties include a fine of up to \$4,000 or up to 6 months' imprisonment. Those people on temporary visas refusing to self-isolate can also be refused entry or may potentially be held liable for deportation, arrested and detained under the Immigration Act 2009.
5. The following agencies/organisations are key to delivery of these improved border controls:
 - a. Ministry of Transport will be responsible for providing the additional information to airlines;
 - b. BARNZ and airlines will be involved in communicating the measures to passengers;
 - c. Immigration NZ and Customs NZ will have oversight of implementation at the airport;
 - d. The Temporary Accommodation Service (TAS) will be involved in providing approved isolation facilities, including eg hotels and other accommodation providers with clear information and guidelines around what their role is;
 - e. The police will be involved in compliance issues.

6. The policy can be implemented around 24 hours after agreement by Cabinet. We will provide an oral update on the exact timing.
7. However, the scale of arrivals of up to 20,000 by Sunday 29 March 2020 presents a significant operational challenge for managed isolation facilities. To provide context, there are only around 13-14,000 hotel and motel rooms in all of Auckland (some of which may be full already). We do not consider it is likely to be possible to stand up this scale of managed isolation in the timeframes envisaged in Auckland alone. We are exploring options to divert arriving flights to other international airports, such as Christchurch, to spread the burden and enable this approach to work in practice.
8. The Ministry of Health has also separately advised Ministers that the risk associated with arrivals over coming days means that potentially all arrivals should be cancelled, for example, from 48 hours after an announcement (so that travellers who have departed or are already in transit are not stranded).
9. Therefore, the proposal for a requirement on arrivals to isolate for 14 days in an approved isolation facility should be considered alongside agreeing the Ministry of Health's recommendations.
10. A third alternative is to continue the current approach of managed isolation facilities for those who are non-compliant or have nowhere arranged to self-isolate, with the remainder of passengers being transported to their homes for self-isolation, with facilitated transport to minimise transmission.
11. For example, those who live in Auckland or who are being taken to hotels, could be met by an official at the airport escorted through Customs and transported by buses. Buses are similar to the aeroplanes that the passengers would have been on, and the risk to the driver may be able to be managed through the existing requirement for the driver to wear PPE and distance from passengers.

Enforcement

12. On arrival, Customs NZ will provide contact details for the Temporary Accommodation Service who would provide assistance in arranging accommodation in an approved facility and an approved transport service to transport them directly to the address where they will isolate.
13. Non-compliance would result in the passenger being directed to remain in the Customs area (under s. 208 Customs and Excise Act 2018) or detained in the Customs area until they are collected by the appropriate Health or police authority (under s. 221 Customs and Excise Act 2018). This could result in enforcement action to place them into quarantine.
14. Where the person is a temporary visa holder, it is now a condition on their visa that they comply with any instruction from a Medical Officer of Health which relates to a notifiable or quarantinable disease. If they refuse, they are in breach of the visa conditions and may be refused entry to New Zealand and turned around (if a flight is available back to their origin).
15. Alternatively, breaching "self-isolation" requirements may be sufficient reason to make a person liable to deportation and arrest and detention for up to 96 hours

without a warrant. Additional detention time would be subject to approval of a warrant of commitment by a District Court Judge. Following the issuing of the Epidemic Management Notice for the Immigration Act 2009, this warrant of commitment may be approved on the papers, rather than in person. Deportation is subject to a 28 day appeal period during which deportation cannot take place unless the person waives their right of appeal.

Implementation and operational issues

16. There are a number of outstanding operational issues that officials are working through: i. what constitutes an approved transport service; ii. how the new requirements are communicated to passengers; iii. the capacity of commercial providers to accommodate those required to self-isolate, and v. where passengers will be located at airports while awaiting transport to their approved isolation facility.

i. What constitutes an approved transport service

Guidance on the required standards for the approved transport service is being developed by the Ministry of Health, but are likely to include measures to protect the drivers and to ensure that the passenger arrives at the isolation address. The distance that the transport service can travel is also being considered, and will also depend on clinical guidelines to protect the driver and passengers.

ii. How the requirements are communicated to passengers

Ideally, we would make people aware of the requirements before they start travelling so they are not surprised at the border. The Ministry of Transport will lead in advising the key transport agencies (BARNZ and the airlines) involved in the application of these measures.

The mechanism for information provision at the point of disembarkation is still to be confirmed. It will require a heightened presence of Immigration or Customs staff at airports to convey the information and provide guidance to passengers. However, the number of inbound flights are falling drastically so the numbers of arrivals will be declining.

iii. The capacity of commercial providers to accommodate those required to isolate.

The numbers of people who will be arriving into New Zealand is still unclear, and the details of how they might arrive are still being established (see below for implications for other decisions). Commercial providers may not have the capacity to provide suitable accommodation for all the passengers requiring to self-isolate.

iv. Where passengers will be located at airports if they have no arrangements in place.

There is the potential for large numbers of passengers to arrive who need arrangements to be made. Customs report that they have been dealing with large numbers of people. There are risks around pooling of passengers in airports. Officials are working on a solution to this.

The numbers of passengers likely to return is not known at this stage. Annex 2 shows that just over 6,000 passengers returned to New Zealand on 19th March. However, since then the alert level has been raised from level 2, to 3 rising to 4, and more measures have been introduced by other governments around the world. As a result, the numbers from 19^h March may not be representative of the number of people who might be looking to return to New Zealand over the coming days and weeks.

Implications for other decisions

17. Work is under way to establish how best to manage the repatriation of New Zealanders still overseas, and these measures requiring returning passengers to self-isolate before travelling domestically will have implications for the scheduling and timing of repatriation flights. Forward planning will ensure agencies, and accommodation and transport providers have the appropriate capacity and can provide guidance and services for arriving passengers.
18. All repatriations from this point will be done under highly restrictive travel conditions as we are currently under alert level 3, moving to alert level 4 on Wednesday 25th March. The measures requiring isolation in the city of arrival are in line with the intent of alert level 4 and any repatriation undertaken whilst alert level 4 is in place.

Consultation

19. The Ministry of Transport, Ministry of Health, NZ Customs, and Immigration New Zealand have been consulted on this paper.

Recommendations

The Minister for Economic Development recommends that the Committee:

- 1 **Note** that currently, all passengers arriving on international flights to New Zealand are required to self-isolate for 14 days
- 2 **Agree** that the following additional requirements could be added to further reduce the risk of arrivals spreading COVID-19:
 - 2.1 Passengers are required to self-isolate for 14 days upon arrival in an approved isolation facility.
 - 2.2 After these 14 days they will be able to travel to their home.
- 3 **Note** that there are limits on capacity of appropriate facilities to approve for isolation in the timeframes involved
- 4 **Agree** that passengers who are not willing to comply will be detained until government agencies have made appropriate arrangements, which could include deportation.

- 5 **Note** that these measures can be put in place quickly, and are supported by the powers under section 70 and Part 3A of the Health Act 1956 requiring people to quarantine or self-isolate. The powers to enforce the measures are conferred by sections 208 and 221 of the Customs and Excise Act 2018.
- 6 **Note** that there are a number of operational issues that still need to be worked through. Agencies are currently addressing these issues.
- 7 **Note** that these measures will have implications for the schedule of repatriation flights. Work is under way to assess how repatriations into New Zealand can be best managed to ensure that authorities and facilities are not overwhelmed due to self-isolation and other requirements within an alert level 4 environment.

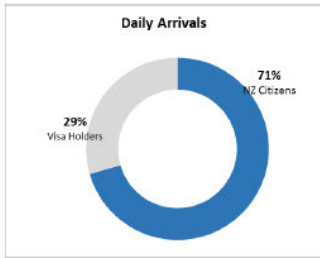
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Annex 2 Latest data on daily incoming passengers (received Friday 20th March)

Arriving / Incoming Passengers

Arrivals on 19 March 2020

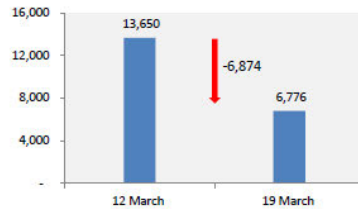
6,776



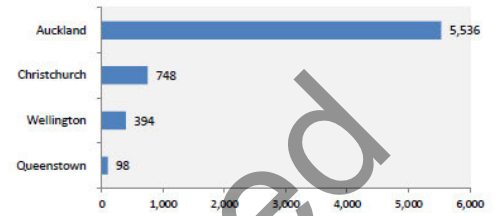
Visa_Type	Number of arrivals
NZ Citizen	4,780
Visitor	850
Worker	404
Resident	395
Permanent Resident	369
Student	118
Limited	42
Endorsement	17
Diplomatic/Official Exemptions	1
Total	6,776

Incoming Passengers

Comparison to same day last week



International Arrivals by Port



Nationality	New Zealand	Australia										
Number of Pas Arrival	4,780	278										
Nationality	Great Britain	India	United States of America	Germany	China	France	Samoa	Fiji	Philippines	Netherlands	Japan	Canada
Number of Pas Arrival	328	204	151	137	125	70	66	55	56	50	42	28
Nationality	Malaysia	Italy	Switzerland	Vietnam	South Africa	Ireland	Argentina	Bangladesh	Nepal	Brazil	Chile	Hong Kong
Number of Pas Arrival	27	24	23	22	22	18	16	15	14	13	12	12
Nationality	Pakistan	Indonesia	Thailand	Sri Lanka	Tonga	Belgium	Egypt	Sweden	South Korea	Taiwan	Singapore	Poland
Number of Pas Arrival	12	11	11	9	9	8	8	8	7	7	6	5
Nationality	Czech Republic	Spain	Finland	Latvia	Mexico	Austria	Colombia	Hungary	Iceland	Lithuania	Norway	Peru
Number of Pas Arrival	4	4	4	4	4	3	3	3	3	3	3	3
Nationality	Slovakia	Denmark	Ecuador	Iran	Jordan	Cambodia	Serbia	Russia	Albania	Bulgaria	Bolivia	Eritrea
Number of Pas Arrival	3	2	2	2	2	2	2	2	1	1	1	1
Nationality	Israel	Iraq	Kenya	Morocco	Madagascar	Myanmar	Macau	Mauritius	Oman	Papua New Guinea	Sudan	Slovenia
Number of Pas Arrival	1	1	1	1	1	1	1	1	1	1	1	1
Nationality	Ukraine	Uruguay										
Number of Pas Arrival	1	1										

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Meeting of the COVID-19 Ministerial Group

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.

Additional Border Control Measures for Self-Isolation of International Arrivals

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN-0130] convened on 25 March 2020 at 10.30am and, in accordance with their Power to Act:

- 1 **noted** that currently all passengers arriving on international flights to New Zealand are required to self-isolate for 14 days;
- 2 **noted** that public health officials assess that allowing entry to the anticipated large volumes of people arriving from international destinations poses significant risk to New Zealand in relation to COVID-19 transmission;
- 3 **agreed** to new border control measures for the self-isolation of international arrivals, including:
 - 3.1 every person arriving in New Zealand is questioned by health officials. If symptomatic or tested, they will be put in managed isolation in an approved facility. If not, then they must have a self-isolation plan – they will be escorted to their place of self-isolation;
 - 3.2 if they do not have a self-isolation plan, they will be put in managed isolation in an approved facility;
 - 3.3 every person in self-isolation will be subject to follow-up Police checks – if the person is not present at their place of self-isolation, they will be taken into quarantine and fined;
- 4 **agreed** to close the borders to incoming transit passengers as soon as that can practicably be done;
- 5 **agreed** that there be an exemption to paragraph 4 above in the case where passengers departing from New Zealand are disembarking at an overseas port where there is a Government to Government agreement that those passengers will be accepted as part of repatriation;
- 6 **noted** that the above measures will have implications for the schedule of repatriation flights, and that work is under way to assess how repatriations into New Zealand can be best managed to ensure that authorities and facilities are not overwhelmed (this will include discussions with airlines about the need for passengers to disembark from planes in small groups at a time);

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- 7 **directed** officials to provide further advice on how those quarantined in a hotel will be managed once their period of quarantine has ended;
- 8 **directed** officials to provide a detailed logistics plan for implementing the above border control measures, including advice on capacity, for consideration at the next meeting of CVD Ministers.

Michael Webster
Secretary of the Cabinet

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