



Submission by

**The Employers and Manufacturers  
Association (EMA)**

to the

**Education and Workforce Committee**

on the

**Immigration (COVID-19 Response)  
Amendment Bill**

16 April 2021

## **About the EMA**

The EMA has a membership of more than 7,500 businesses from Taupo north to Kaitaia that employ around 350,000 New Zealanders.

The EMA provides its members with employment relations advice from industry specialists, a training centre with more than 600 courses, and a wide variety of conferences and events to help businesses grow.

The EMA also advocates on behalf of its members to bring change in areas that can make a difference in the day-to-day operations, such as RMA reform, infrastructure development, employment law, skills and education and export growth.

## **Contact**

For further contact regarding this submission:

Sonja Rose - Policy Advisor

Employers and Manufacturers Association

Private Bag 92-066

Auckland 1142

New Zealand

Telephone: 09 367 0950

E-mail: [Sonja.rose@ema.co.nz](mailto:Sonja.rose@ema.co.nz)

## Introduction

The EMA supports the need to have flexible immigration system, as stated in the General Policy Statement of the Bill. As a representative of the business community and over 7,500 employers, the EMA understands the pressures in the labour market due to COVID-19 border closure and immigration settings.

Skills shortages are the number one issue business members are concerned about, when surveyed. The EMA accepts that a cautious health response is required, however this must be balanced with the desperate need for skills in New Zealand.

The EMA fully supports BusinessNZ's written submission.

## Comments

- The EMA supports the use of the Bill to achieve flexibility within the New Zealand immigration system in relation to COVID-19 measures.
- The EMA recognises the Bill as a tool for agility within the immigration system and the border. The Bill, which gives legal powers for this flexibility to occur, can be only as efficient as the Government chooses to use them for.
- The Bill and the powers it provides sit within a broader system. Better co-ordination with industry and all the border settings (MIQ, border exceptions process, immigration settings etc) is required. The powers by themselves do not facilitate the skills needed to have a flexible border and immigration system.
- The Bill, as well as the initial (2020) Amendment Bill, highlighted that standing border and immigration settings were not equipped to move in a flexible way, as well as some settings being outdated. These findings must be utilised to improve New Zealand's immigration settings and capability during non-pandemic times. This will require policy development that this Bill gives time to complete, including an in-depth review of the Immigration Act 2009 which must begin as soon as possible.
- The Bill, as well as the initial (2020) Amendment Bill, provides the power to implement decisions quickly. The EMA encourages this power to be utilised and decisions made in a timely way.
- The Bill, as well as the initial (2020) Amendment Bill, provides the power to implement decisions to the advantage of Aotearoa, as well as migrants. Not utilising powers to allow families of migrant workers already in New Zealand to enter is causing much-needed skilled people to leave to reunite with their loved ones, as well as causes harm to migrant workers who stay and continue to be separated from their families.
- The Bill should be used as a short-term measure as the COVID-19 situation evolves, particularly with vaccines being rolled out and as travel bubbles emerge.
- Use of this Bill, as well as implementation of broader policy changes, needs to be resourced with sufficient training and capability-building within Immigration New Zealand. Immigration New

Zealand's service delivery has caused confusion and errors to occur. This capability must be improved.

## **Recommendations**

The EMA recommends:

- That the duration of the Bill is reduced to twelve months.
- That the proposed extension of visa suspension from three months to six months is not included within the final legislation.
- That the proposed legislation includes the requirement of publicly available parameters and guidelines pertaining to the use of Ministerial decisions.
- That the proposed legislation includes the requirement of consistent use of Ministerial powers.
- That the proposed legislation includes reasonable timelines on decisions being taken.
- That the proposed legislation includes the requirement of business advice and reporting on the economic impact of the Minister's decisions.
- That the proposed legislation includes the requirement of the Minister to consider the impact, economic and otherwise, of not taking decisions.
- That Bill is used in a highly transparent way, including clarity on why decisions have been taken.
- That the Bill includes a provision for guidelines or a process to be created and used to manage unintended consequences from decisions, as well as mistakes or bad calls.