



09 JUN 2021

Tēnā koe

On 11 May 2021, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Copy of the Ministry's COVID policy document, specifically guidelines and policy created in since early 2020.*

Following the COVID-19 pandemic, the Ministry developed the COVID-19 Special Assistance Programme (the Programme) to support New Zealanders stranded overseas due to COVID-19.

Under the Programme, the Ministry would pay clients who left New Zealand before 26 March 2020 while receiving the following benefits:

- New Zealand Superannuation
- Veteran's Pension
- Jobseeker Support
- Sole Parent Support
- Supported Living Payment
- Youth Payment
- Young Parent Payment
- Emergency Benefit (includes Emergency Maintenance Allowance).

The Programme will end on 31 August 2021, with payments stopping for clients who are not back in New Zealand before this date.

The policy settings for the Programme are publicly available, and as such, your request is partially refused under section 18(d) of the Act as some of the information requested is already in the public domain. The legislation which sets out the creation of the Programme, and subsequent amendments, can be found at the following links:

- Initial programme established (20 April 2020) – www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/covid-19-new-zealanders-stranded-overseas-support-programme.html
- First amendment (28 April 2020 – amended to correct technical errors in principal programme): www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/covid-19-new-zealanders-stranded-overseas-support-amendment.html.
- Second amendment (28 September 2020 – expiry date amended from October 2020 to April 2021): www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2020/covid-19-new-zealanders-stranded-overseas-support-amendment-no-2-2020.html
- Third amendment (14 April 2021 – expiry date amended from April 2021 to August 2021): <https://www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/notice-of-change/2021/stranded-overseas.html>.

Furthermore, the Cabinet papers relating to the establishment of the Programme can be found here:

- Establishment of the COVID-19 New Zealanders Stranded Overseas Support Programme: www.covid19.govt.nz/assets/resources/proactive-release-2020-july/OI1-Report-Establishing-the-COVID-19-New-Zealanders-Stranded-Overseas-Supp....pdf
- First extension of the COVID-19 New Zealanders Stranded Overseas Support Programme: www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/cabinet-papers/2020/extending-the-covid-19-new-zealanders-stranded-overseas-support-programme.html
- Second extension of the COVID-19 New Zealanders Stranded Overseas Support Programme: <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/information-releases/cabinet-papers/2021/extending-the-covid-19-new-zealanders-stranded-overseas-support-programme.html>.

The Ministry has located the following two internal documents in scope of your request, which are attached to this response:

1. 'COVID-19 Response: Financial Assistance for Beneficiaries Temporarily Overseas Operational Policy Design', dated 20 April 2020
2. 'COVID-19 Response: Financial Assistance for Beneficiaries Temporarily Overseas Operational Policy Design Document Addendum: Deciding if there are reasonable travel options for New Zealanders unable to return to New Zealand', dated 1 October 2020.

Some information has been withheld under section 9(2)(k) of the Act in order to reduce the possibility of staff being exposed to phishing and other scams. This is because information released under the Act may end up in the public domain, for example, on websites including the Ministry's own website.

Furthermore, some information is withheld under section 9(2)(g)(ii) of the Act to maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.

Additionally, some information is withheld under 9(2)(f)(iv) as it is under active consideration. The release of this information is likely to prejudice the ability of Government to consider advice and the wider public interest of effective government would not be served.

As you have advised you do not require staff names below tier 4, staff names have been marked as out of scope.

In regard to the residency requirements for New Zealand Superannuation (NZS), this is set out in Sections 26 and 27 of the New Zealand Superannuation and Retirement Income Act 2001 (NZSRIA).

To qualify for NZS, a client must be ordinarily resident and present in New Zealand for 10 years after age 20, and 5 years after age 50. To apply for portability of NZS, a client must be ordinarily resident and present in New Zealand at the time of their

application. Depending on their time ordinarily resident and present in New Zealand between the ages of 20 and 65, a client may receive full or part-payment of their NZS as determined by Section 26(A)1 of the NZSRIA.

Clients receiving domestic NZS super can be absent from New Zealand and continue to receive their payment for up to 26 weeks provided the absence does not exceed 30 weeks. This in accordance with Section 22 of the NZSRIA. For those who are not in New Zealand on the day their entitlement commences, the 26-week period is from the commencement date, not the date they left NZ, in accordance with Section 25 of the NZSRIA.

If the client has been absent from NZ for more than 30 weeks there is no qualification to any NZS payments from when they have left NZ, unless the return to NZ was delayed due to circumstances beyond their control that could not have been reasonably foreseen before departure. Clients may apply for portability if they have left New Zealand with the intention of returning within 26 weeks or less but are prevented from returning due to circumstances beyond their control that they could not have reasonably foreseen. Section 27 of the NZSRIA allows a client to make an application for portable NZS outside of NZ, if they had been receiving NZS before leaving NZ and where their return had been delayed due to unforeseen circumstances. An application from overseas is assessed based on residence in New Zealand between the ages of 20 and 65.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter available to the wider public. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz. If you are not satisfied with this response to your request for information regarding New Zealanders stranded overseas due to COVID-19, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Jo Herewini

Group General Manager, Planning and Change



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

SERVICE DELIVERY

**COVID-19 RESPONSE: FINANCIAL ASSISTANCE FOR
BENEFICIARIES TEMPORARILY OVERSEAS**

OPERATIONAL POLICY DESIGN

APRIL 2020

Owner: **Ailee Gray**

Author: Out of scope

Version: **1.0**

File Ref: s 9(2)(k)

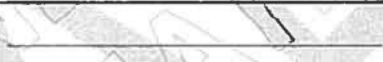


Release Date: **20 April 2020**

Sign off

This form records provisional approval and acceptance of the following document:

Document Name	Version	EDRMS File Reference
COVID-19 Response: Financial Assistance for Beneficiaries Temporarily Overseas	1.0	§ 9(2)(k)

The following signatures indicate provisional approval and acceptance of the above document, subject to any caveats below:

Name	Role	Signature/Date
Lynne Cousins	Policy Manager, Disability Seniors and International Policy	 _____ ____/____/____
Caveats:		
Lauren Smith	Team Manager, Legal Services	 _____ ____/____/____
Caveats:		
Ailee Gray	National Manager, Operational Policy and Practice	 _____ ____/____/____
Caveats:		

Distribution List

Version	Date	Author	Distributed to		Feedback
0.1	02/04/2020	Out of scope	Ailee Gray Out of scope	Lauren Smith Out of scope Lynne Cousins Out of scope	Feedback addressed and incorporated as agreed
0.2	08/04/2020	Out of scope	Ailee Gray Out of scope	Lauren Smith Out of scope Lynne Cousins Out of scope	Feedback addressed and incorporated as agreed
0.3	14/04/2020		Ailee Gray Out of scope	Lauren Smith Out of scope Lynne Cousins Out of scope	Feedback addressed and incorporated as agreed

PURPOSE

This document sets out the policy framework and detailed guiding principles for providing financial assistance for beneficiaries temporarily overseas, who are unable to return to New Zealand due to COVID-19 pandemic restrictions.

The purpose of this document is to influence and help make decisions within legislative requirements for the day to day operations of the Ministry of Social Developments' (MSD) core business.

The scope of an operational policy design document is to express policies in practice as opposed to process. It is the foundation document used to develop MSD's operational guidelines. The template also provides the policy intent and context for business process, training, and communication documents, material or resources.

BACKGROUND

The Ministry of Foreign Affairs and Trade (MFAT) Consular Division and overseas posts are receiving an increasing number of calls for assistance from New Zealanders overseas as countries' border measures become stricter in response to COVID-19. Most calls relate to New Zealanders having difficulty returning to New Zealand.

MFAT consular advice is that New Zealanders who are not able to return home should take steps to ensure their safety in place, and contact their travel insurer, bank, family and friends in the first instance if they are facing financial difficulties. There is an expectation that New Zealand travellers follow this advice and exhaust all avenues before seeking consular support including the possibility of an emergency loan and, in exceptional circumstances, an ex-gratia payment.

Normally around 80,000 New Zealanders will be overseas travelling at any point in time, but the group affected is likely to be much smaller now as many people have returned to New Zealand as COVID-19 has started to spread.

Although many New Zealanders have returned home, border restrictions mean that it is not possible for every New Zealander temporarily overseas to return as soon as they would like or had planned. Some New Zealanders who had intended to be absent from New Zealand temporarily now find themselves needing to remain overseas.

People in this group include MSD clients, including 5,165 New Zealand Superannuation (NZS) or Veteran's Pension (VP) recipients without portability and 2,078 people receiving a benefit.

On 3 April 2020, Cabinet agreed that the above MSD clients who are temporarily overseas and are unable to return to New Zealand should have their payments continued until they can be reasonably expected to return home.

The Minister for Social Development approved the COVID-19 New Zealanders Stranded Overseas Support Programme on 17 April 2020. This programme provides special assistance for MSD clients stranded overseas.

CABINET MINUTES AND REPORTS

Refer to *Appendix 1* to view the Cabinet Minute of Decision, Financial Support for New Zealanders Temporarily Overseas or Domiciled in Australia who are in Financial Distress due to the COVID-19 Pandemic, CAB-20-MIN-0130.

Refer to *Appendix 2* to view REP_20_4_374, Establishing the COVID-19 New Zealanders Stranded Overseas Support Programme.

CURRENT POLICY

The current rules for absence from New Zealand, and the obligation to advise MSD of overseas travel, differs for people receiving NZS or VP, main benefits (e.g. Jobseeker Support) and/or supplementary assistance (e.g. Accommodation Supplement).

Obligation to advise MSD of any absence from New Zealand

Clients receiving a main benefit, Orphan's or Unsupported Child's Benefits and/or supplementary assistance are required to inform MSD of their overseas travel prior to their departure.

Note that this includes clients receiving NZS or VP who also receive supplementary assistance, otherwise they are not required to advise of temporary absences.

Clients who fail to notify MSD have their payments stopped from the day after they leave New Zealand. An Approved Information Sharing Agreement with the New Zealand Customs Service allows MSD to be provided with data that identifies clients who have left New Zealand without notification.

However, there is discretion to resume payments from the day after departure if a client:

- contacts MSD as soon as possible
- has a humanitarian reason that justifies their reason for travel and the reason they didn't tell MSD they intended to leave, *and*
- they meet the criteria to continue to be paid whilst overseas.

Effect of absence from New Zealand on NZS and VP

Generally, NZS and VP clients (and their non-qualified partner if included in their payments) can receive payment for a maximum of 26 weeks while overseas, provided they return to New Zealand within 30 weeks of their departure date.

NZS or VP can be paid for a longer period if the reason a client is overseas is for medical treatment (up to two years) or undertaking humanitarian work (up to 156 weeks).

Overseas for more than 26 weeks

NZS and VP clients who intend to travel overseas for longer than 26 weeks, or whose return to New Zealand has been delayed for longer than 26 weeks, e.g. client was in hospital, can apply for payment under the general portability provisions.

Clients who are unable to return to New Zealand due to circumstances beyond their control may apply to be paid their New Zealand Superannuation or Veteran's Pension under the general portability provisions¹. There may be a gap in payment for clients who do not contact MSD until after their 26 weeks period has ended, and the rate of payment is proportionate to a client's periods of residence between the ages of 20 and 65, which means they may receive a reduced (or nil) rate. Non-qualified partners do not qualify for payment under these provisions.

NZS and VP paid to a client who didn't return to New Zealand within 30 weeks, and their return wasn't delayed by circumstances beyond their control, will be a debt for the client.

Qualifying clients receiving New Zealand Superannuation or Veteran's Pension can also continue to receive their payments if they decide to live in a country that has a social security agreement with New Zealand.

Effect of absence from New Zealand on a main benefit

The general rule is that main benefits aren't payable whilst clients are overseas. However, in some circumstances main benefits can continue to be paid, where the absence is notified, for up to 28 days in a 52 week period, or longer in specific situations, e.g. overseas medical treatment.

Refer to the table in *Appendix 2* for a high level overview of the absence from New Zealand rules that determine which clients can continue receiving a main benefit when their travel is notified, and they are temporarily overseas.

¹ Section 27 of the New Zealand Superannuation and Retirement Income Act 2001 (NZSRIA)

Effect of absence on Orphan's or Unsupported Child's Benefit

Orphan's and Unsupported Child's Benefit can continue to be paid for up to 28 days in a 52 week period, based on either the caregiver or the child being temporarily overseas, if the definitions of principal caregiver and dependent child continue to be met. This means they still have the child in their care and the child continues to be dependent.

Orphan's Benefit may continue to be paid if the caregiver and the child go to reside in a country that has a reciprocal agreement with New Zealand to pay an Orphan's Benefit.

Effect of absence from New Zealand on a supplementary assistance

Supplementary assistance (e.g. Accommodation Supplement) can continue for up to 28 days in a 52 week period, if the recipient tells MSD that they are leaving New Zealand temporarily, and their costs are continuing whilst they are out of the country.

Discretion to continue paying benefits beyond 28 days

There is discretion to continue paying main benefits, Orphan's Benefit, Unsupported Child's Benefit and supplementary assistance beyond 28 days, for a reasonable period but no longer than is necessary, for clients who are unable to return to New Zealand because of circumstances beyond their control, e.g. client is in hospital.

The decision to continue payments beyond the period of entitlement or resume payments for New Zealanders already overseas temporarily who are unable to return to New Zealand because of restrictions or travel disruption arising from COVID-19, does not extend to people who left New Zealand on or after 26 March 2020, that is the date New Zealand went into lockdown.

It is reasonable to assume that people leaving on or after this date were aware of restrictions and travel disruption due to COVID-19 and could plan accordingly. They will be subject to the current legislative provisions for payment of benefit when absent from New Zealand.

The current operational policy guidelines must be used when making decisions for anyone who left on or after this date.

INTRODUCTION

From 20 April 2020, clients who left New Zealand temporarily prior to 26 March 2020 and are unable to return to New Zealand because of restrictions or travel disruption arising from the effect of the COVID-19 pandemic may receive special assistance that continues the following benefits:

- New Zealand Superannuation
- Veteran's Pension
- Jobseeker Support
- Sole Parent Support
- Supported Living Payment
- Young Parent Payment
- Youth Payment
- Emergency Benefit (including Emergency Maintenance Allowance)
- Orphan's Benefit
- Unsupported Child's Benefit
- Accommodation Supplement
- Child Disability Allowance
- Disability Allowance
- Family and Best Start tax credits
- Special Benefit
- Special Disability Allowance
- Temporary Accommodation Assistance
- Temporary Additional Support
- Transitional Assistance Payment
- Transitional Subsidy
- Winter Energy Payment (applicable from 1 May 2020)

Suspended benefits

Clients in the same situation whose payments are already suspended may have the above benefits resumed. The resumption date will generally be the date they intended to return to New Zealand, although there is discretion to use a different date based on individual circumstances.

Note that Winter Energy Payment (WEP) will start on 1 May. It will be paid automatically to clients who are stranded overseas who are receiving a main benefit, New Zealand Superannuation or Veteran's Pension. WEP will continue to be paid unless a client loses entitlement, e.g. their main benefit is cancelled.

LEGISLATION

The table below shows which legislation is used to continue or resume benefits for clients who are stranded overseas during the COVID-19 pandemic.

Social Security Act 2018, New Zealand Superannuation and Retirement Act 2001 and Veteran's Support Act 2014		COVID-19 New Zealanders Stranded Overseas Support Welfare Programme	
Pensions	Benefits (includes supplementary assistance)	Pensions	Benefits (includes supplementary assistance)
<p>Allows New Zealand Superannuation and Veteran's Pension to be continued for 26 weeks if the client is returning within 30 weeks, or if they can't return within 30 weeks because of circumstances beyond their control</p> <p>Exceptions</p> <p>Allows New Zealand Superannuation and Veteran's Pension to be continued for:</p> <ul style="list-style-type: none"> up to two years to receive medical treatment overseas approved by Ministry of Health up to 156 weeks to undertake full-time voluntary humanitarian work 	<p>Allows payments to continue for up to 28 days in a 52 weeks period if a client has:</p> <ul style="list-style-type: none"> notified MSD of their absence prior to leaving New Zealand; or notified MSD of their absence and had an approved travel reason; or had a humanitarian and an approved travel reason for not notifying their absence from New Zealand prior to their departure <p>Discretion to pay beyond 28 days</p> <p>Provides discretion that allows benefits to continue beyond 28 days in a 52 week period where clients can't return to New Zealand because of circumstances beyond their control</p> <p>Note that Appendix 3 provides an overview of the situations where a main benefit can be paid for a longer period than 28 days</p>	<p>Allows New Zealand Superannuation and Veteran's Pension to be continued beyond 26 weeks for the qualifying client, and their non-qualified partner if any</p> <p>Allows New Zealand Superannuation and Veteran's Pension to be resumed and paid beyond 26 weeks for the qualifying client, and their non-qualified partner if any</p>	<p>Allows benefits to be resumed if the client was not entitled to have their payments continued whilst they were overseas because they:</p> <ul style="list-style-type: none"> didn't notify MSD of their absence; or notified MSD but didn't have an approved travel reason and this was required

ELIGIBILITY

Clients who are prevented from returning to New Zealand because of restrictions or travel disruption, arising from the effect of the COVID-19 pandemic can continue to receive payments, or have them resumed, if they meet all the eligibility criteria.

Clients are eligible if they:

- left New Zealand temporarily before 26 March 2020; **and**
- are stranded overseas due to COVID-19 restrictions; **and**
- intend to return to New Zealand; **and**
- were eligible for and were receiving a pension or benefit immediately before they left New Zealand; **and**
- would continue to be eligible for a pension or benefit if they were in New Zealand.

Definitions

- *Left New Zealand temporarily* means that a client had intended to return to New Zealand within 30 weeks or hadn't left New Zealand permanently, or for an extended period, to live/work in another country.
- *Stranded overseas due to COVID-19 restrictions* means there are no reasonable travel options available to them because of the effect of the COVID-19 pandemic.
- *Intend to return to New Zealand* means that a client has clear intentions to return home, e.g. they had a return flight that was cancelled, they have a return flight or will book a return flight as soon as reasonable travel options become available.
- *Eligible for and were receiving a pension or benefit immediately before they left New Zealand* means that a client's payments were current on the day, they left New Zealand.
- *Continue to be eligible for a pension or benefit if they were in New Zealand* means that their circumstances haven't changed to the degree that they are no longer eligible for their pension or benefit, or they cannot continue to receive it if they are a non-qualified or an apportioned partner. Non-qualified partners of New Zealand Superannuation or Veteran's Pension clients and apportioned partners of main benefit clients only receive payments by virtue of the qualifying client.

LEGISLATION

- Eligibility clause 8 COVID-19 New Zealanders Stranded Overseas Support

CONTINUING CURRENT BENEFITS

Main benefits, New Zealand Superannuation and Veteran's Pensions that are still current on 20 April 2020 will be continued automatically, on the basis that recipients' payments are current because they are intending to return to New Zealand, and MSD accepts that they are unable to return because of the effects of the COVID-19 pandemic.

Orphan's Benefit, Unsupported Child's Benefit and supplementary assistance payments, e.g. Accommodation Supplement, that are still current will stop 28 days after a client left New Zealand. Clients who make contact can have these payments continued if they are still eligible.

LEGISLATION

- Discretion to pay benefit in respect of absences longer than total of 4 weeks in 52-week period regulation 148 Social Security Regulations 2018

- Qualifying circumstances for discretionary payment of certain benefits in respect of absences longer than 4 weeks in 52-week period regulation 149 Social Security Regulations 2018
- Special assistance for New Zealand Superannuation or Veteran's Pension clause 10 COVID-19 New Zealanders Stranded Overseas Support

RESUMPTIONS

A benefit or pension can only be resumed if a client meets all the eligibility criteria.

If a client declares that they've had a change in their circumstances that means they are no longer eligible for some or all of the payments they were receiving when they left New Zealand they must be cancelled.

Current operational policy guidelines must be used to determine the correct cancellation date.

Example: Client not entitled

Jen is a sole parent with two dependent children aged four and two years. They receive Sole Parent Support, Accommodation Supplement and Disability Allowance.

Jen contacts MSD on 10 February to advise that their grandparents in England have paid for a trip for them and the children to visit them. They leave on 17 February 2020 and are returning on 15 March 2020. Jen's payments can continue for the period they are away because they have work preparation obligations but don't have any activities assigned.

On 25 April Jen contacted MSD to say that they are unable to return to New Zealand because of COVID-19. Jen declares that they have been working full-time in England since 1 March but has been laid off because of COVID-19 and isn't sure about returning to New Zealand. Jen hopes to be re-employed by the same company when things return to normal.

Jen's Sole Parent Support, Accommodation Supplement and Disability Allowance are cancelled from 1 March 2020, the day they started earning more than the income limits.

Jen is provided with contact information for MFAT in case they change their mind and require support to return to New Zealand.

Informing clients of a decision not to resume payments

If a client's payments are not resumed, they must be sent a written notice confirming that decision. The written notice must provide information about their right to review and appeal the decision MSD has made.

LEGISLATION

- Eligibility clause 8 COVID-19 New Zealanders Stranded Overseas Support

EFFECTIVE DATE FOR RESUMPTION (BENEFITS AND PENSIONS)

The effective date for resuming benefits and pensions will generally be the date a client intended to return to New Zealand, which could be a date in the past or the future. However, there is discretion to choose an earlier date if a client is in severe hardship due to COVID-19 restrictions.

There may also be some situations where it isn't appropriate to resume payments, such as the client intends to live in another country for a prolonged period.

Resuming benefit or pension from the date a client intended to return

The date a client intended to return to New Zealand will generally be the date their payments are resumed.

Example: Main Benefit

Omar, a single person, has been receiving Jobseeker Support since he was made redundant in December 2019.

Omar advised MSD that he was leaving New Zealand on 13 February 2020 to visit his family in the United Kingdom for the first time in 10 years and was returning on 9 April 2020. His Jobseeker Support is stopped on 14 February 2020 because he has full-time work obligations and his reason for travel isn't an approved reason.

Omar contacts MSD on 10 April to explain that his flight had to be rearranged because he was feeling unwell and he has tested positive for COVID-19. The earliest flight available has been booked for 5 May 2020.

Omar's Jobseeker Support is resumed from 9 April 2020, the date he intended to return to New Zealand.

Example: Pension and Supplementary Assistance

Charlotte is a single person who is receiving New Zealand Superannuation and Disability Allowance.

Charlotte leaves New Zealand on 15 February 2020 to stay with her family in New York, she plans to return on 16 May. Charlotte's Disability Allowance stopped on 15 March, 28 days after she left New Zealand.

On 10 May, Charlotte contacts MSD to say that she will not be able to return on 16 May because New York state has been locked down. She says that the situation is getting worse and she's not sure when she'll be able to return home.

Charlotte confirms that her disability costs are continuing and have not changed.

Charlotte's New Zealand Superannuation will continue to be paid for up to 26 weeks under the New Zealand Superannuation and Retirement Income Act 2001 from the day after her departure. Charlotte's Disability Allowance is resumed from 16 May 2020, the date she intended to return to New Zealand.

If Charlotte hasn't returned to New Zealand on 27 July 2020, MSD will consider whether there are reasonable transport options available for Charlotte to return home. If not, Charlotte's payments will continue, otherwise Charlotte will be notified, and her payments will stop.

Resuming benefits from a date earlier than the expected date of return

Clients could be in hardship if their travel plans have changed significantly because of the COVID-19 pandemic. It may be reasonable in these situations to resume a client's benefit from an earlier date than the date they intended to return to New Zealand. However, clients must be able to demonstrate that they are in hardship.

How clients were going to fund their travel and the degree to which that has changed, and whether that's sustainable, will have a bearing when making decisions. A client may have had enough funds to cover their essential costs for the whole trip, but those funds were used up earlier than expected because of COVID-19 restrictions, and they have no other available resources to draw on.

A client may have had no choice but to go into debt to access accommodation or essential goods and services which will need to be repaid. Debt could have been accrued in several

ways including through use of a credit card, loans from family or goodwill from providers of accommodation or goods and services with payment due before they return home.

When making a decision to resume a benefit from a date earlier than the client had expected to return, you must be satisfied that a client has no available resources to cover their current essential costs where they are now and/or in New Zealand.

Key consideration – Current essential costs

Current essential costs are living expenses and other costs overseas or continuing costs in New Zealand:

Food – Food is an essential cost if it's not being provided as part of a client's accommodation arrangements.

Accommodation – This could be the cost of overseas accommodation, e.g. hotel, hostel, bed and breakfast, or rent or mortgage (plus building insurance, rates, water rates etc) in New Zealand.

Medical costs – Clients with health condition including disabilities are likely to have medical costs overseas including paying to see a doctor and buying prescription medications.

Hire purchases – Clients may have hire purchase costs to cover in New Zealand. A washing machine, fridge/freezer, sofa, bed and a car used for employment or disability purposes would all be considered an essential cost.

There may be other costs that can be taken into consideration that are not listed here. The consequential impact on a client's wellbeing must be considered if that cost isn't met before deciding if it is an essential cost.

Key consideration – No available resources

Generally, clients must have no available resources to cover their current essential costs, overseas and/or at home in New Zealand to be considered as being in hardship, and have their benefit resumed from an earlier date than the date they expected to return home.

Clients must be asked to declare if they have access to any of the following to help determine if they are in hardship:

- **Travel insurance** – The COVID-19 outbreak led many insurers to invoke force majeure clauses which has left travellers without insurance cover.

- **Financial support from the government or non-government organisations** in the country where they are settling in place until they can return home – If a client is getting payments from any of these sources to cover their essential costs then they won't meet the hardship test.
- **Income, e.g. wages or salary or property rental income** – A client would generally be expected to use their income to cover their essential costs. However, their income may no longer cover their essential costs if it's reduced, or their essential costs overseas are in excess of their current income. It's possible that a working client has used up paid leave provisions and has no income at this time. If a client declares their income, continued entitlement to an income tested benefit must be checked first before making any decisions about resuming their benefit.
- **Cash assets** – If a client has cash assets, they would generally be expected to use them, however, the client may need to use some or all of their cash assets to pay for an essential cost, e.g. a return flight to New Zealand. It would not be reasonable to

Example: Client is in hardship

Morehu and Xui are a married couple receiving Jobseeker Support.

In November 2019 Xui's grandfather passed away leaving her an inheritance of \$10,000. Morehu and Xui spend the money on a sightseeing trip across Asia, ending in China where they will celebrate the Lunar New Year on 12 February and visit Xui's family.

Xui contacts MSD on 20 December 2019 to advise that she and Morehu will leave New Zealand on 31 December 2019 and return on 29 February 2020. Morehu and Xui's Jobseeker Support is suspended on 1 January 2020 because they have full-time work obligations and their reason for travel isn't an approved reason.

On 22 April 2020, Xui contacts MSD to advise that they have been locked down in Hubei Province since 23 January. Xui confirms that she and Morehu have been staying in a hotel since that date and have been unable to pay the bill since 16 February, they have no available resources, and their credit card has reached its maximum limit. Their flight can be rebooked but it may take some time before international flights become available.

Morehu and Xui's Jobseeker Support is resumed from 16 February, earlier than their expected return date, because they are in hardship. They will continue to be in touch with the airline and will rebook their return flights as soon as they become available.

expect a client to use cash assets set aside for a return flight to cover essential costs that cannot be covered in any other way.

Deciding to resume a benefit later than the expected date of return

There may be some situations where a benefit cannot be resumed on a client's expected return date. A client's location on the date they expected to return will be significant when making these decisions. The first place to lockdown was Wuhan in the Hubei Province in China on 23 January 2020. From that point on international travel was disrupted and started to become more limited as regions and countries across the world started to lockdown.

If a client confirms that their expected date of return was 25 January 2020 and they were in Canada, they won't qualify for special assistance under this Welfare Programme because they couldn't have been stranded as a result of COVID-19 restrictions.

However, if the client confirms that they decided to extend their stay and became stranded on a later date because there were no available flights to New Zealand for the foreseeable future, then the appropriate resumption date is the date the client became stranded.

LEGISLATION

- Commencement clause 15 COVID 19 New Zealanders Stranded Overseas Support
- Initial grant of assistance clause 9 COVID-19 New Zealanders Stranded Overseas Support
- Special assistance for New Zealand Superannuation or Veteran's Pension clause 10 COVID-19 New Zealanders Stranded Overseas Support
- Special assistance for main benefit recipients clause 11 COVID-19 New Zealanders Stranded Overseas Support
- Special assistance for supplementary assistance recipients clause 12 COVID-19 New Zealanders Stranded Overseas Support
- Review clause 14 COVID-19 New Zealanders Stranded Overseas Support

PAYMENT

Current payments

Main benefits, New Zealand Superannuation and Veteran's Pensions that are still current on 20 April 2020 will be continued automatically at the same rate, on the basis that recipients' payments are current because they are intending to return to New Zealand, and MSD has accepted that they are unable to return due to COVID-19 restrictions or travel disruption.

Suspended payments

Benefits that are suspended may be resumed when a client contacts MSD if they meet the eligibility criteria, and the rate payable may be reassessed if appropriate.

If a client has had no changes in their circumstances the rate of payment will be the same as it was on the date it stopped, unless the client's payments were stopped before 1 April 2020.

Rate of payment – resumption prior to 1 April 2020

If the client's payments were stopped prior to 1 April 2020 the rate will need to be reviewed when their payments are resumed to ensure that the effect of the changes from the Annual General Adjustment, the Income Support or COVID-19 Recovery Packages are incorporated.

Managing a change in circumstances

When a client's benefit is resumed, the rate of payment may be adjusted if their circumstances have changed and this affects the rate of payment they can receive. Some common changes in circumstances that may change a client's rate of payment are:

- Change of address
- Child comes into care
- Child leaves care or dies
- Employment
- Income
- Relationship changes

Current operational policy guidelines must be followed when managing a change in circumstances. This may also include a managing change in costs for some supplementary assistance such as Temporary Additional Support or Disability Allowance.

Disability Allowance

It is reasonable to assume that a client still has costs associated with their disability whilst they are stranded overseas, and they could be more expensive. The rate of payment for a client's Disability Allowance should not be reviewed unless the client has declared a change in their costs that is regular and on-going. Temporary changes to costs because the client is overseas will generally not result in a change to the rate of Disability Allowance payable.

Special Disability Allowance

Special Disability Allowance is paid to clients whose partner is in residential care or in long-term hospital care in lieu of their extra costs, predominantly the cost of visiting their partner.

Special Disability Allowance must be continued unless the client is no longer eligible to receive it, e.g. their partner has passed away. It is reasonable to assume that clients who are now stranded overseas are keeping in touch with their partner by phone or through the internet in much the same way as clients in New Zealand are doing where residential facilities have closed their doors to visitors.

Informing clients when benefits are continuing or have been resumed

Clients who have their payments continued or resumed must be sent a written notice confirming that payments are continuing or will be resumed. The written notice must provide information about their right to review and appeal the decisions made.

LEGISLATION

- Initial grant of assistance clause 9 COVID-19 New Zealanders Stranded Overseas Support
- Amount of assistance clause 13 COVID-19 New Zealanders Stranded Overseas Support
- Review clause 14 COVID-19 New Zealanders Stranded Overseas Support

CLIENT REQUIRES ADDITIONAL FINANCIAL ASSISTANCE

Clients cannot make an application for additional financial assistance, e.g. Special Needs Grant or Advance Payment of Benefit, payable under the Social Security Act 2018 whilst they are overseas.

Clients with exceptional circumstances who require additional financial support to shelter safely in place or to enable their return home to New Zealand must contact MFAT.

REVIEWING BENEFITS

From time to time MSD will conduct a review to determine if clients can reasonably be expected to return to New Zealand, that is reasonable travel options are available.

LEGISLATION

- Review clause 14 COVID-19 New Zealanders Stranded Overseas Support

ENDING BENEFITS

Entitlement to benefits that have been continued or resumed under the COVID-19 New Zealanders Stranded Overseas Support Programme, will end on the date a client:

- returns to New Zealand; **or**
- has a change in circumstances that means they are no longer entitled to the payments they receive; **or**
- decides they are not returning to New Zealand, that is they are no longer ordinarily resident; **or**
- could return to New Zealand and hasn't taken steps to arrange their travel; **or**
- 20 October 2020, whichever is earlier.

LEGISLATION

- Ending of assistance clause 16 COVID-19 New Zealanders Stranded Overseas Support
- Expiry clause 17 COVID-19 New Zealanders Stranded Overseas Support

REVIEWS AND APPEALS

A client can apply for a Review of Decision when they have received formal notification of (and do not agree with) a decision which has been made under a special assistance programme approved by the Minister under section 100 or 101.

A client can appeal to the Social Security Appeal Authority where they do not agree with a decision, which was:

- upheld or upheld in part by the Benefits Review Committee under an application for Review of Decision; **or**
- made by the Chief Executive (and not delegated for an employee to decide)

IN CONFIDENCE



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.

Financial Support for New Zealanders Temporarily Overseas or Domiciled in Australia who are in Financial Distress due to the COVID-19 Pandemic

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN-0130] convened on 3 April 2020 at 10.30am, and in accordance with their Power to Act:

- 1 noted that travel restrictions resulting from the global COVID-19 response mean a high likelihood of travelling New Zealanders being stranded offshore, who may lack access to financial or other resources to support themselves, with consequent health and welfare risks
- 2 noted that MFAT consular advice is that New Zealanders who are not able to return home should take steps to ensure their safety in place, and contact their travel insurer, bank, family and friends in the first instance if they are facing financial difficulties
- 3 agreed that stranded New Zealanders overseas should continue to follow the advice above, with consular support available including the possibility of an emergency loan
§ 9(9)(i)
- 4 noted that in the current circumstances, MFAT consular officials are taking a more flexible approach to the provision of financial support, so that individuals are not prevented from returning to New Zealand quickly or sheltering safely in place by e.g. securing appropriate accommodation or health services
- 5 noted that on 23 March 2020, the Prime Minister issued an Epidemic Notice, which took effect on 25 March 2020 and enables the use of special welfare powers under the Social Security Act 2018
- 6 noted that Epidemic Management Notices issued with the written approval of Ministers have provided further tools for the delivery of financial assistance to stranded migrants, including broad emergency powers under the Social Security Act 2018
- 7 agreed that the following payment arrangements be made for MSD clients stranded overseas:
 - 7.1 payments of New Zealand Superannuation and Veterans Pension can be resumed from the date a person expected to return to New Zealand, with the flexibility to resume payments from an earlier date for people in severe hardship or not to resume payments where it is identified that people no longer qualify;

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IN CONFIDENCE

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IN CONFIDENCE

- 7.2 payments of main benefits, Orphan's Benefit, Unsupported Child's Benefit and/or supplementary assistance: payments can be resumed from the date a person expected to return to New Zealand, with the flexibility to resume payments from an earlier date for people in severe hardship or not to resume payments where it is identified that people no longer qualify;
- 8 noted that emergency powers are needed to implement the changes agreed in paragraph 7 above and that officials are working through the process to put in place the instruments that will authorise the changes, which may include Immediate Modification Orders under the Epidemic Preparedness Act 2006;
- 9 noted that there are no fiscal costs associated with the decisions in paragraph 7 above;
- 10 s 9(2)(i)(iv)
- 11
- 12 noted that New Zealanders are eligible for Australia's COVID-19 wage subsidy scheme and for early withdrawal of Australian Superannuation Guarantee funds, which may alleviate some of the financial pressures for New Zealanders domiciled in Australia;
- 13 agreed that advocating for the extension of Australia's social security support is the preferred option to support New Zealanders domiciled in Australia who require this assistance.

Michael Webster
Secretary of the Cabinet

Distribution:
The Cabinet
Hon James Shaw

Copied to officials via email



MINISTRY OF SOCIAL
DEVELOPMENT
TE HAKAŌ WHAKANGATO ORA

Report

Date: 16 April 2020

Security Level: IN CONFIDENCE

To: Hon Carmel Sepuloni, Minister for Social Development

Establishing the COVID-19 New Zealanders Stranded Overseas Support Programme

Purpose of the report

- 1 This report seeks your agreement to the attached *COVID-19 New Zealanders Stranded Overseas Support Programme*. The purpose of this Programme is to provide special financial support to beneficiaries and superannuants who are unable to return to New Zealand because of the effects of COVID-19.

Recommended actions

It is recommended that you:

- 1 note that the COVID-19 Ministerial Group today:
 - 1.1 noted your intention to establish a Ministerial Welfare Programme to continue or resume benefits or pensions for people stranded overseas who are unable to return to New Zealand because of the effects of COVID-19
 - 1.2 agreed to waive the 28-day rule so the Programme is able to have immediate effect
 - 1.3 established a new appropriation to fund the Programme
 - 1.4 noted the Income Tax Act 2007 will need to be amended (retrospectively) to ensure payments under the Programme are subject to income tax where appropriate
 - 1.5 invited the Minister of Revenue to issue drafting instructions to Inland Revenue to give effect to these amendments to the Income Tax Act 2007
- 2 note that the attached *COVID-19 New Zealanders Stranded Overseas Support Programme* has been drafted to reflect the Ministerial Group's decisions
- 3 sign the attached *COVID-19 New Zealanders Stranded Overseas Support Programme*

Agree / Disagree

- 4 note that officials will arrange for publication of the Programme in the next issue of the New Zealand Gazette
- 5 note that, pending your approval, the attached Programme will come into force on 20 April 2020 and expire on 20 October 2020
- 6 note your office has been provided with a draft Press Release on this Programme and the special financial support it provides

The Aurora Centre, 56 The Terrace, PO Box 1556, Wellington – Telephone 04-916 3300 – Facsimile 04-918 0099

7 forward a copy of this report to the Minister of Revenue for his information

Agree / Disagree

Julia Bergman
General Manager
Disability, Seniors and International Policy

Date

Hon Carmel Sepuloni
Minister for Social Development

Date

APPENDIX 3 – ABSENCE RULES FOR CONTINUING MAIN BENEFITS

Overview of the absence from New Zealand rules that determine which clients can continue receiving a main benefit when their travel is notified, and they are temporarily overseas			
Benefit type	Payment duration whilst overseas	Conditions under which payments can continue whilst temporarily overseas	Exceptions that cover additional or longer periods of absence
Jobseeker Support	Up to 28 days in a 52 week period	<ul style="list-style-type: none"> • Clients must have an approved travel reason (even if they are exempt from work obligations or their obligations are deferred) • Partners with work obligations or work preparation obligations with activities assigned must have approved travel reason • Partners with work preparation obligations don't require an approved travel reason 	<ul style="list-style-type: none"> • Overseas medical treatment – up to two years • One or more absences that were unforeseeable and for an approved travel reason – more than 28 days in a 52 week period • Unable to return to NZ because of circumstances beyond their control – an undefined but necessary period
Sole Parent Support		<ul style="list-style-type: none"> • Clients with work obligations (even if they are exempt from work obligations or their obligations are deferred) or work preparation obligations with activities assigned must have approved travel reason • Clients with work preparation obligations don't require an approved travel reason 	
Young Parent Payment/Youth Payment		<ul style="list-style-type: none"> • Young people with youth activity obligations must have approved travel reason unless their travel doesn't prevent them from meeting those obligations, e.g. travel between academic years • Young people who have an exemption from their youth activity obligations don't require an approved travel reason 	<ul style="list-style-type: none"> • Overseas medical treatment – up to two years • One or more absences that were unforeseeable and for an approved travel reason – more than 28 days in a 52 week period • Unable to return to NZ because of circumstances beyond their control – an undefined but necessary period
Supported Living Payment		<ul style="list-style-type: none"> • Clients work preparation obligations with activities assigned must have an approved travel reason • Clients with work preparation obligations don't require an approved travel reason • Partners with work obligations or work preparation obligations with activities assigned must have approved travel reason • Partners with work preparation obligations don't require an approved travel reason 	<ul style="list-style-type: none"> • Overseas medical treatment – up to two years • Vocational training or disability assistance-dog training (SLP-HCID only) – up to two years • Competing in the Special Olympic or Paralympic Games (SLP-HCID only) – up to six weeks • Attend an approved overseas disability forum – up to 12 weeks • One or more absences that were unforeseeable and for an approved travel reason, or travel to receive support from a family member who lives overseas – more than 28 days in a 52 week period • Unable to return to NZ because of circumstances beyond their control – an undefined but necessary period
Emergency Benefit		<ul style="list-style-type: none"> • Clients must have an approved travel reason 	<ul style="list-style-type: none"> • Any of the above depending on the equivalent benefit type



**MINISTRY OF SOCIAL
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

SERVICE DELIVERY

**COVID-19 RESPONSE: FINANCIAL ASSISTANCE FOR BENEFICIARIES TEMPORARILY
OVERSEAS OPERATIONAL POLICY DESIGN DOCUMENT ADDENDUM: DECIDING IF
THERE ARE REASONABLE TRAVEL OPTIONS AVAILABLE TO RETURN TO NEW ZEALAND**

**OPERATIONAL POLICY DESIGN
SEPTEMBER 2020**

Owner: Ailee Gray

Author: Out of scope

Version: 1.1

File Ref: s 9(2)(k)



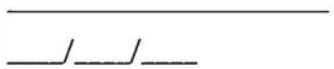
Release Date: 1 October 2020

SIGN OFF

This form records provisional approval and acceptance of the following document:

Document Name	Version	EDRMS File Reference
COVID-19 response: financial assistance for beneficiaries temporarily overseas, operational policy design document, addendum: deciding if there are reasonable travel options available to return to New Zealand	1.1	s 9(2)(k)

The following signatures indicate provisional approval and acceptance of the above document, subject to any caveats below:

Name	Role	Signature/Date
Lynne Cousins	Policy Manager, Disability Seniors and International Policy	via email 23/09/2020  Policy sign off.obr
Caveats:		
Lauren Smith	Team Manager, Legal Services	Via email 30/09/2020  Legal sign off.obr
Caveats:		
Ailee Gray	National Manager, Operational Policy	

Caveats:

DISTRIBUTION LIST

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0.1	25/08/2020	Out of scope	Catherine French	Incorporated
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0.3	09/09/2020	Out of scope	Out of scope <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> Lauren Smith Lynn Cousins Out of scope <div></div> <div></div> <div></div> <div></div>	Incorporated
1.0	15/09/2020	Harriet Dacre	Lynne Cousins Out of scope	Incorporated
1.1	22/09/2020	Harriet Dacre	Lauren Smith	n/a

PURPOSE

This is an addendum to the COVID-19 response: Financial Assistance for Beneficiaries temporarily overseas Operational Policy Design Document released on 20 April 2020.

This addendum enhances the operational policy guidelines to reflect a wider range of factors for MSD to consider when determining whether reasonable travel options are available for clients to return to New Zealand in individual circumstances.

Once this addendum has been approved, the New Zealanders Stranded Overseas Support MAP will be updated to include the more detailed guidance.

BACKGROUND

Clause 8(1)(d) of the COVID-19 New Zealanders Stranded Overseas Support Programme (the Programme), provides that assistance under the Programme only applies to a person if MSD is satisfied that:

it is not reasonable for the applicant to return to New Zealand because no reasonable travel options are available because of the effects of COVID-19.

MSD must determine whether it is reasonable for a client to return to New Zealand, considering the travel options available and client's circumstances.

Existing guidelines for determining whether reasonable travel options are available focus on the availability of flights. This was appropriate when the Programme was introduced in April 2020 because of the significant reduction in commercial flights caused by border restrictions, public health measures, decreased tourism, and other responses to the global COVID-19 outbreak. MSD accepted that anyone overseas at 20 April 2020 could not return to New Zealand at that time, because of the effects of the COVID-19 pandemic.

As time goes on more international flights are becoming available again, and MSD needs to consider if a flight being available means it is reasonable for clients to return home. This will depend largely on individual circumstances, such as any heightened vulnerability to COVID-19. Considerations for health and travel will be weighted in line with current Ministry of Health, and SafeTravel guidance, respectively.

For example, it may be unreasonable for a client to return to New Zealand right now if they are recovering from chemotherapy and are therefore at higher risk of COVID-19. This client needs to self isolate and although there may be commercial flights available, travelling on one would be a health risk for them.

INTRODUCTION

The global situation of COVID-19 is constantly changing, and there are a range of considerations surfacing that limit the availability of reasonable travel options for individual clients in addition to reduced commercial flights.

In response to COVID-19 New Zealand has implemented strict border controls and public health measures. New Zealand citizens and residents (and their partners) have a legal right to return home. From 9 April 2020, everyone entering New Zealand, including citizens and residents, must complete a 14-day managed isolation or quarantine. Managed isolation and quarantine measures prevent people returning from overseas from spreading COVID-19 into the community.¹

From 7 July 2020, the government has been working with Air New Zealand to align daily arrivals with capacity at managed isolation facilities. This may impact on the availability of return options. Returnees do not have to pre-book their place in isolation facilities.

Border restrictions in other countries change frequently in response to their current levels of COVID-19. This means the availability of travel from the client's overseas location is fluctuating. For example, all flights between Melbourne and New Zealand were suspended for two weeks from 1 July due to the COVID-19 spike in Victoria, Australia.

In general, if there are commercial flights available it would be considered reasonable for the client to return to New Zealand. However, all factors must be taken into consideration and it will not generally be a single factor that makes return travel reasonable or not. There may also be a range of other individual circumstances that mean a client is unable to return to New Zealand immediately including age, health and any other risk factors. This addendum is not an exhaustive list of considerations, there may be other relevant factors not explained here.

TRAVEL AVAILABLE

Availability of commercial flights to New Zealand has increased since the implementation of the Programme. Access to these flights is a good indicator of whether it is reasonable for a client to return to New Zealand. However, MSD must also consider the cost, duration and burden of the available flights.

FLIGHT PATH, DURATION AND LAYOVERS

Increased number of connections and flight duration does not necessarily make travel options unreasonable, it might be a natural consequence of the global response to COVID-19. However, if there is a significantly increased number of connections and flight duration compared to before the global COVID-19 outbreak, there may be cause for MSD to consider the available travel options unreasonable.

The number and duration of lay-overs is also a consideration for this decision. Extended periods of time in transit at international airports could place clients at risk of contracting COVID-19. Additionally, countries may require additional visas or permissions for individuals to transit because of the effects of COVID-19, making booking travel complicated and less accessible.

¹ <https://www.miq.govt.nz/>

An example of when return travel can be considered unreasonable is where a client over the age of 70 would have to make 4 connections with a travel duration close to 72 hours.

COST OF TRAVEL

Current guidelines on the cost of travel are still relevant in deciding if there are reasonable travel options available to return to New Zealand. These can be found in appendix One.

Price is a consideration for this decision. If return travel is significantly more expensive than before the COVID-19 pandemic the travel options may not be reasonable for a client. As a guide, if return travel is twice the price as before the COVID-19 Pandemic this is significant, and we could consider the travel options unreasonable.

The client's ability to purchase return flights is not a consideration for this decision. The Ministry of Foreign Affairs and Trade is responsible for determining if a New Zealander needs financial assistance to return to New Zealand or not.

AGE

The Ministry of Health guidelines state that the risk of severe illness from COVID-19 increases with age, particularly over the age of 70 years. Older age does not in and of itself make return travel unreasonable, but it might indicate an underlying health condition that makes returning to New Zealand unreasonable while the risk of COVID-19 is still high. Older age is one consideration that should be looked at in the context of the client's full circumstances, such as health which is discussed in the next section.

MSD would need to know why a client's age was impacting on their ability to return to New Zealand in order to accept that there are no reasonable travel options available because of the effects of COVID-19.

HEALTH

If a client has a health condition or compromised immunity that increases their risk of severe illness from COVID-19 as per the Ministry of Health guidelines, we can consider it unreasonable for them to travel to New Zealand. There does not need to be any additional considerations for MSD to decide these clients are unable to return because of the effects of COVID-19.

Ministry of Health guidance² should be used when considering if the client's health condition puts them at risk. Examples include (but are not limited to):

- a chronic lung disease e.g. cystic fibrosis or severe asthma
- a serious heart condition e.g. congestive heart failure
- diabetes that is not well controlled

² Ministry of Health guidance (referred to as at 4 September 2020)

- compromised immunity e.g. from an H.I.V infection or recent health treatment such as chemotherapy.

MENTAL HEALTH

The effects of COVID-19 on a client's mental health may act as a barrier to the client returning to New Zealand. This can be a consideration in the decision of whether reasonable travel options exist or not. For example, if a client has a history of anxiety and states that travelling in the current environment will trigger their symptoms. The client would need to demonstrate that their mental health is contributing to the return travel options available being unreasonable for them. It is unlikely this consideration alone would be a determination of the client's ability to return, but should be looked at in conjunction with the client's full circumstances.

ANXIETY ABOUT TRAVELLING

Everyone reacts differently to events and COVID-19 has caused a combination of stress and uncertainty for many. This can have significant and wide-reaching impacts on mental wellbeing. While it is normal to feel anxious in the midst of a pandemic, some may find COVID-19 more challenging than others. If the client demonstrates travelling would cause significant distress or anxiety we can take this into consideration when determining if travel is unreasonable for the client.

MANAGED ISOLATION

From 9 April 2020, all people entering New Zealand must complete 14 days in managed isolation or quarantine. This is important in mitigating the public health risk of COVID-19 and will remain in place on an ongoing basis, as the state of COVID-19 around the world continues to be a risk to New Zealand.

There are some limited exemptions to completing managed isolation for clients who:

- have exceptional circumstances
- have medical or other needs that cannot be provided at one of the facilities
- are transiting New Zealand.

The requirement to complete managed isolation is not a consideration for whether returning to New Zealand is reasonable or not. If a client does not want to complete managed isolation, they can apply for an exemption which will be assessed by the Ministry of Business, Innovation and Employment. If the client is not granted an exemption MSD would still expect them to return to New Zealand unless there are other considerations that make returning unreasonable.

Clients who qualify under the Programme left New Zealand before 26 March 2020 and are therefore not liable to pay a contribution fee towards their managed isolation. Therefore, cost of isolation is not a consideration in this decision.

NO REASONABLE TRAVEL OPTIONS AVAILABLE EXAMPLE

Dorothy is 83 and confined to a wheelchair. Dorothy only travels by plane if her daughter Meriana accompanies her.

On 18 March 2020, Dorothy and Meriana went to Sydney to visit Dorothy's grandchildren. Meriana came back to New Zealand on 23 March 2020. Dorothy was planning on returning to New Zealand on 1 April 2020, with Meriana flying back over to Sydney to accompany her return.

On 29 March 2020 Dorothy's return flight to New Zealand was cancelled.

Commercial flights from New Zealand to Australia are severely limited. This is preventing Meriana from travelling to Sydney in order to accompany Dorothy on a new return flight to New Zealand.

When determining if there are reasonable travel options available for Dorothy to return to New Zealand, MSD can consider:

- Dorothy being 83 years old (*vulnerability to COVID-19 increases with age, particularly after 70 years*)
- Dorothy being confined to a wheelchair (*health requirements*)
- Dorothy only travelling if accompanied by Meriana (*including before the COVID-19 pandemic*)
- Commercial flights from New Zealand to Australia are even more limited, when looking on 24 August the first available flight is not until 23 September (*this is preventing Meriana from being able to accompany Dorothy's return*)

Considering all of the factors, it is not currently reasonable for Dorothy to return to New Zealand. The travel options available are not reasonable for her because of the effects of COVID-19.

Unable to return to New Zealand

To get payments extended using the New Zealanders Stranded Overseas Support Programme, a client must have been unable to return to New Zealand on their intended return date, and be currently unable to return, due to the effects of COVID-19. There **must be no** reasonable travel options available for the client.

Note the New Zealand borders are not closed to returning New Zealand citizens, permanent residents, or residents with valid travel conditions.

Client not prevented from returning

It is important to consider where the client was located on the date they were expected to return. This is because not all regions or countries went into lockdown at once, and there will continue to be significantly varied travel rules and options depending on location.

For example, a client in Canada who was expected to return to New Zealand on 25 January 2020 could not have become stranded because of COVID-19. This is because travel was not disrupted everywhere immediately, some places continued to have regular flights for a while following the start of the Pandemic. Wuhan in China was the first city to lockdown, on the 23 January 2020.

Reasonable travel options

When we are determining what counts as reasonable travel options for a client, you should consider:

- the cost of a return trip compared to before the COVID-19 pandemic
- the flight path of available return trips compared to before the COVID-19 pandemic, ie the duration and number of connections
- current health reasons for delaying travel, for example, if the client is immune compromised and needs to self-isolate because of COVID-19

To be considered reasonable, travel options must be accessible and realistically priced.

Accessible travel options can include where a client is able to travel domestically within a country, in order to access an international flight. To be accessible, flights must not have excessive lay-over times or connections.

Realistically priced flights can be more expensive than what they were before the COVID-19 pandemic, but not by a significant amount.

In general, we will be determining whether travel options are reasonable based on the advice of other government departments, most notably the Ministry of Foreign Affairs and Trade.

Ability to purchase a flight

A client's current financial ability to purchase a return ticket to New Zealand is not a factor in determining whether the travel options available are reasonable or not. When a client does not have enough resources to purchase a return flight, they should be directed to the Ministry of Foreign Affairs and Trade for support.

For more information see:

Qualifications

Legislation

- Eligibility clause 8 COVID-19 New Zealanders Stranded Overseas Support Programme