



Cabinet Economic Development Committee

Minute of Decision

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Electronic Travel Authority: Further Policy Decisions

Portfolio **Immigration**

On 20 February 2019, the Cabinet Economic Development Committee (DEV):

Background

1 **noted** that on 12 September 2018, DEV:

- 1.1 agreed to the introduction, scope and associated funding of an Electronic Travel Authority (ETA), which will be mandatory for certain groups of people who may currently travel to New Zealand without applying first for a visa;
- 1.2 invited the Minister of Immigration to seek Cabinet agreement to the outcomes of consequential policy development before the end of March 2019, and the subsequent regulations changes in April 2019;
- 1.3 agreed that the International Visitor Conservation and Tourism Levy be collected by Immigration New Zealand, alongside visa and ETA fees;

[DEV-18-MIN-0191]

2 **noted** that, for the purposes of the policy details set out below:

- 2.1 'eligible' travellers and crew are people who meet New Zealand's statutory requirements to travel to New Zealand and be granted a visa on arrival, and who are not exempted from the requirement to hold an ETA as a condition on visa-waiver travel;
- 2.2 New Zealand and Australian citizens are not subject to the ETA requirements;

Detailed regulatory design

3 **agreed** to the details set out in the paragraphs below, which will be reflected in the design of amendments to the Immigration (Visas, Entry Permission, and Related Matters) Regulations 2010 and in any consequential changes to the Immigration Operational Manual:

Definitions

- 3.1 a cruise vessel is a ship primarily carrying passengers (in the ordinary course of business of the ship) between any foreign port and New Zealand;

- 3.2 a cargo vessel is a ship primarily carrying cargo (in the ordinary course of business of the ship) between any foreign port and New Zealand;
- 3.3 the two ETA types are:
- 3.3.1 Traveller ETA (up to two year duration);
- 3.3.2 Crew ETA (up to five year duration) ;
- 3.4 as the ETA is not a visa, but a condition on a visa waiver enabling travel to (or via) New Zealand:
- 3.4.1 people will 'request' an ETA;
- 3.4.2 an ETA will be 'issued' or 'confirmed', or 'refused' or 'withdrawn' or 'revoked' if necessary;
- 3.4.3 an ETA will be 'held' by visa-waiver passengers and crew;
- 3.5 a Traveller or Crew ETA can be revoked or withdrawn when there are certain changes in circumstances, such as:
- 3.5.1 the visa waiver is suspended;
- 3.5.2 the person becomes statutorily ineligible for a visa or entry permission to enter or be in New Zealand;
- 3.6 a Crew ETA will be revoked when an individual leaves the carrier's employment (even if they are going to another carrier);

Timing of implementation and ETA requirements

- 3.7 the regulations enabling the ETA will come into effect on 1 July 2019 (requests for ETAs will be able to be made);
- 3.8 eligible passengers checking in for a flight which terminates in or transits New Zealand will be required to hold a valid Traveller ETA from 1 October 2019;
- 3.9 eligible passengers boarding a cruise ship that will travel to New Zealand will be required to hold a valid Traveller ETA at the port immediately before New Zealand from 1 October 2019;
- 3.10 eligible crew seeking uplift for a flight which terminates in or transits New Zealand or boarding a cruise ship that will travel to New Zealand will be required to hold a valid Crew ETA at the port immediately before New Zealand from 1 October 2019;

Carrier relationships and positioning crew

- 3.11 the Ministry of Business, Innovation and Employment may enter into relationships and establish memoranda of understanding (MoUs) with carriers in order to permit carriers to request Crew ETAs on behalf of crew members;
- 3.12 regulations will set out transitional provisions, which will establish processes that must be used by carriers to check the eligibility of travellers before embarkation, if electronic systems are not available or MoUs are not in place;

- 3.13 air crew and cruise vessel crew travelling to New Zealand by air to join a vessel or aircraft that will then depart for another country ('positioning crew') will be able to travel on their Crew ETA;

Visa waiver regime and transit visa waiver visa regime

- 3.14 where eligible, the following classes of eligible people will be waived the requirement to hold a visa to travel to New Zealand and will be required to hold an ETA as a condition of their visa-waiver travel:
- 3.14.1 visa-waiver nationality and visa-required nationality air crew travelling to New Zealand by air in the course of their employment, including as positioning crew;
 - 3.14.2 visitor visa-waiver nationality passengers (including holders of Australian permanent resident visas) travelling to New Zealand by air or transiting New Zealand by air;
 - 3.14.3 transit visa-waiver nationality passengers transiting New Zealand by air;
 - 3.14.4 visa-waiver nationality and visa-required nationality cruise vessel passengers and crew travelling to New Zealand on cruise vessels;
 - 3.14.5 visa-waiver nationality and visa-required nationality cruise vessel crew travelling to New Zealand by air as positioning crew;

Deemed visa regime

- 3.15 air crew will be deemed to hold a temporary visa and to have been granted entry permission on arrival at an Immigration Control Area;
- 3.16 crew on cruise vessels will be deemed to hold a temporary visa from the point that the vessel arrives in New Zealand's internal waters;
- 3.17 passengers on cruise vessels will be deemed to hold a temporary visa from the point that the vessel arrives in New Zealand's internal waters;
- 3.18 only cruise passengers and crew who are able to travel visa waiver will be deemed to hold a temporary visa;
- 3.19 crew and passengers on cruise vessels will be deemed to have been granted entry permission and a visa enabling 28 days stay, calculated from arrival in New Zealand's internal waters;
- 3.20 until Cabinet is asked to make further decisions about them with regard to the ETA regime, the existing regulatory regimes will continue for passengers and crew on cargo vessels and passengers and crew of private aircraft and private marine craft;

Detailed design and fees

- 3.21 individuals will be able to hold more than one ETA at one time (for example, a Crew ETA and a Traveller ETA);
- 3.22 individuals will be able to register more than one identity document against an ETA if they hold more than one passport (this facility may not be available immediately);

- 3.23 Immigration New Zealand will be able to require an individual to travel to New Zealand on their primary identity document;
- 3.24 requests for Traveller ETAs will require the provision of a photograph if the requestor uses a channel that has the technical capacity to enable one to be captured, noting that photographs will be mandatory for requests for ETAs made to the web browser platform when it is technically feasible and will not be a barrier to making an ETA request for bona fide travellers;
- 3.25 cruise passengers arriving at seaports and disembarking the cruise vessel prior to leaving New Zealand on a different craft will not be required to provide photos or other evidence of their eligibility to be granted a visa, or pay a visa fee or immigration levy;
- 3.26 the fees payable for an ETA, which will come into effect on 1 July 2019, will be:
- 3.26.1 Traveller ETA, where a request is made through a downloaded mobile application: \$9;
 - 3.26.2 Traveller ETA, where a request is made through the internet site: \$12;
 - 3.26.3 Crew ETA: \$9;
- 4 **invited** the Minister of Immigration to consider the case for, and level of, an urgent fee and to provide advice to Cabinet in the context of further policy decisions;

Transit visa regime

- 5 **noted** that on 12 September 2018, DEV directed officials to examine transit visa settings with regard to travel to and from Australia, with a view to either waiving visa requirements for travel in both directions (making it ETA-required) or requiring transit visa-required individuals to hold a visa for both directions [DEV-18-MIN-0191];
- 6 **agreed** that passengers who transit New Zealand by air, to or from Australia, will require an ETA as a condition of travelling transit waiver free, unless they are Australian or New Zealand citizens or hold a New Zealand visa;
- 7 **noted** that visa-waiver nationality passengers who hold transit Traveller ETAs and who decide that they would like to enter New Zealand as visitors will in the first instance need to apply for a further Traveller ETA and pay the applicable International Visitor Conservation and Tourism Levy;

Cash payment of certain immigration charges

- 8 **agreed** to:
- 8.1 amend the regulation which prescribes cash payment of certain immigration fees, as Immigration New Zealand offices no longer generally accept payment in cash;
 - 8.2 retain the ability to accept cash in exceptional circumstances by way of special direction by the Minister of Immigration;

Regulatory implications

- 9 **invited** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above proposals;

- 10 **authorised** the Minister of Immigration to approve changes consistent with the policy proposals in the paper under DEV-19-SUB-0023 or the earlier paper under DEV-18-SUB-0191, or on any issues that arise during the drafting process;
- 11 **noted** that Minister of Immigration intends to return to the Cabinet Legislation Committee to seek approval of the amendment regulations in April 2019;

Further regulatory amendments

- 12 **directed** officials to develop the details of marine advance passenger information and processing, including the timing and content of information about passengers and crew to New Zealand border agencies;
- 13 **directed** officials to establish transitional provisions to support the operation of the ETA where electronic systems or agreements with carriers are not in place;
- 14 **invited** the Minister of Immigration to report back to DEV in mid-2019 on the outcome of this policy work and seeking agreement to amend the Immigration (Carriers' Information Obligations) Regulations 2010;

Arrival card change

- 15 **noted** that the removal of the departure card in 2018 resulted in the loss of some statistical information;
- 16 **noted** that question 2(a) on the arrival card, addressed to New Zealand residents, will be amended in 2019 to improve both tourism statistics and the measurement of New Zealand's international connectivity;

Communications

- 17 **noted** that an extensive communications and engagement strategy has been developed for domestic and international stakeholders, in order that as many passengers as possible are aware of their obligations before the 1 October 2019 implementation date;
- 18 **noted** that the ETA implementation project team is working with stakeholders to co-design elements of the ETA, and therefore will inform stakeholders of the proposed changes arising from decisions made in relation to the paper under DEV-19-SUB-0023 prior to the formal approval of regulation changes in April 2019.

Janine Harvey
Committee Secretary

Present:

Hon Dr Megan Woods (Chair)
Hon Chris Hipkins
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Shane Jones
Hon Kris Faafoi
Hon Willie Jackson
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

Hard-copy distribution:

Minister of Immigration