



Cabinet Business Committee

Minute of Decision

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Proposal to Develop an Electronic Travel Authority

Portfolio Immigration

On 28 May 2018, the Cabinet Business Committee:

Background

- 1 **noted** that large numbers of travellers to New Zealand receive minimal screening before travel, including:
 - 1.1 the nationals of 60 countries, who are waived the requirement to apply for a visa before travel;
 - 1.2 the nationals of another 24 visitor visa-required countries, who are not required to apply for a transit visa if their travel plans include transiting New Zealand;
 - 1.3 all passengers and crew of maritime vessels spending 28 days or less in New Zealand waters;
- 2 **noted** that increasing numbers of travellers and changes in the global travel environment are placing pressure on New Zealand's ability to:
 - 2.1 manage security risks, immigration risks and other border risks (smuggling and biosecurity incursions);
 - 2.2 facilitate traveller movements smoothly;

Proposed Electronic Travel Authority

- 3 **agreed** to public consultation on the proposal to introduce an Electronic Travel Authority, which would enable the government to require specified classes of non-New Zealand citizens who intend to travel to or transit New Zealand to pre-register in order to be approved to travel;
- 4 **noted** that the requirement to hold an Electronic Travel Authority would be a condition on the grant of a waiver to hold a visa, meaning that New Zealand's visa waiver framework would remain intact;

Key parameters for consultation

- 5 **agreed** to public consultation during June 2018 on the following Electronic Travel Authority parameters:

Classes of people required to hold an Electronic Travel Authority before travel

- 5.1 the classes of people proposed to be required to hold an Electronic Travel Authority before travel to or transit through New Zealand, namely:
- 5.1.1 people who are currently waived the requirement to hold a visa before travelling to New Zealand as visitors;
 - 5.1.2 Australian permanent residents;
 - 5.1.3 cruise passengers and crew and commercial aircrew;
 - 5.1.4 people who are currently waived the requirement to hold a visa before transiting New Zealand;
- 5.2 the proposal that classes of traveller not required to hold an Electronic Travel Authority before travel to New Zealand (such as Australian citizens) could voluntarily choose to do so to benefit from the enhanced border and traveller facilitation that an Electronic Travel Authority would eventually offer;

The period of validity

- 5.3 the maximum period of time for an Electronic Travel Authority to be obtained before the date of intended travel, and if so what it should be;
- 5.4 the length of validity of an Electronic Travel Authority;

The information to be collected by the Electronic Travel Authority and how it should be used

- 5.5 the information proposed to be collected about the intending traveller or their travel, namely:
- 5.5.1 biographic details;
 - 5.5.2 travel document details;
 - 5.5.3 contact details;
 - 5.5.4 information that enables the traveller's statutory eligibility to travel visa waiver to be confirmed (such as a declaration about their criminal conviction history);
 - 5.5.5 information about the intention of their travel to New Zealand, including relevant information about whether they are travelling in order to seek medical treatment;
 - 5.5.6 information about the intended date of travel, including booking references;
- 5.6 the optional provision of biometric information (the passport photograph);

- 5.7 information that could or should be provided to the traveller, such as about their non-eligibility for publicly-funded health care or New Zealand's biosecurity requirements;
- 5.8 declarations that could or should be made by the travellers, such as a declaration that they are not travelling to seek publicly-funded health care;
- 5.9 the checking of data provided (such as against the international Lost and Stolen Passports list);
- 5.10 the potential for sharing of the data provided with authorised agencies, such as border agencies, for risk assessment and facilitation purposes (subject to legal and privacy impact considerations);
- 6 **noted** that public consultation will seek advice from stakeholders on recommendations for messaging, communication channels, and mitigation strategies to support successful implementation;

Relationship with International Visitor Conservation and Tourism Levy

- 7 **noted** that the separate paper on *International Visitor Conservation and Tourism Levy: Release of Discussion Document*, under CBC-18-SUB-0054, seeks decisions on a proposed International Visitor Conservation and Tourism Levy and agreement to undertake consultation on its details;
- 8 **noted** that one of the collection options that has been considered includes an additional charge on visa and Electronic Travel Authority applications;
- 9 **noted** that, if immigration applications are the agreed vehicle for collecting the proposed International Visitor Conservation and Tourism Levy, out-of-cycle capital funding would enable the Electronic Travel Authority to come into effect early in 2019/20;

Financial implications

- 10 **noted** that initial scoping indicates that the Electronic Travel Authority project would cost § 9(2)(f)(ii) which would require a Crown-funded capital injection;
- 11 **noted** that the Minister of Immigration intends to seek this funding through an out-of-cycle bid, supported by a business case, to enable work to begin on the project during 2018;
- 12 **noted** that the operational costs of the Electronic Travel Authority project can be met by charges on applicants, including depreciation and capital charge related to the project, and the ongoing costs associated with decisions including identity resolution, and communications with the public and carriers;
- 13 **noted** that initial costings indicate that a charge of approximately \$9.00 would fully recover the costs of the Electronic Travel Authority;
- 14 **noted** that the increase in volumes of identities to be managed by Immigration New Zealand systems might mean future investments need to be made earlier than currently planned, but that any consequential Cabinet decisions will not be sought before 2020/21;

Legislative and regulatory implications

- 15 **noted** that the Electronic Travel Authority proposal would require changes to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to:
- 15.1 establish the condition that certain classes of people who are waived the requirement to hold a visa before travel to or via New Zealand must hold an Electronic Travel Authority;
 - 15.2 amend the classes of people deemed to hold a visa and granted entry permission, and the circumstances when specified classes of people are deemed to hold a visa;
 - 15.3 establish a fee or fees for classes of people seeking to register;
- 16 **noted** that amendments to the Immigration (Carriers' Information Obligations) Regulations 2010 may be required if the advance passenger information to be provided by cruise lines differs from the information currently required to be provided by airlines;

Next steps

- 17 **agreed** to the release of the discussion document, *Consultation on an Electronic Travel Authority: Seeking Your Views on a Proposal to Require Most Visa Free Visitors to Register Before Travelling to New Zealand* (the discussion document), attached to the paper under CBC-18-SUB-0057:
- 17.1 alongside consultation on the International Visitor Conservation and Tourism Levy and Immigration Fees and Levy review; and
 - 17.2 subject to any minor or technical changes that may be authorised by the Minister of Immigration;
- 18 **invited** the Minister of Immigration to report back to the Cabinet Economic Development Committee in July 2018 to seek decisions on the final shape of the Electronic Travel Authority, following public consultation;
- 19 **noted** that, following the delivery of the Electronic Travel Authority, the next phase will involve a policy exploration of future possibilities for better assurance and easier travel;

Communications

- 20 **noted** that a range of stakeholders have an interest in the proposal to introduce an Electronic Travel Authority, including:
- 20.1 countries whose nationals have visa waiver status;
 - 20.2 the tourism industry;
 - 20.3 ports and carriers;
 - 20.4 the New Zealand public whose family and friends or business contacts may be affected;

21 **noted** that:

21.1 s 6 (a)

21.2 s 6(a)

22 **directed** the Ministry of Business, Innovation and Employment to develop a communications and engagement strategy, in consultation with relevant agencies including the Ministry of Foreign Relations and Trade and other border agencies;

23 **noted** that the paper under CBC-18-SUB-0057 will be proactively released, along with relevant briefings, subject to any appropriate redactions.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Kelvin Davis
Hon Grant Robertson
Hon Phil Twyford
Hon Chris Hipkins
Hon Andrew Little
Hon Carmel Sepuloni
Hon Dr David Clark
Hon Nanaia Mahuta
Hon Tracey Martin
Hon James Shaw

Hard-copy distribution:

Minister of Foreign Affairs
Minister of Tourism
Minister of Immigration

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet