



## COVERSHEET

<b>Minister</b>	Hon Erica Stanford	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Fiji Transit Visa Waiver	<b>Date to be published</b>	24 July 2024

List of documents that have been proactively released		
Date	Title	Author
June 2024	Fiji Transit Visa Waiver	Office of the Minister of Immigration
4 June 2024	Fiji Transit Visa Waiver CAB-24-MIN-0198 Minute	Cabinet Office

### Information redacted

YES /  NO (please select)

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## In Confidence

Office of the Minister of Immigration

Cabinet

## Fiji Transit Visa Waiver

### Proposal

- 1 This paper seeks Cabinet's agreement to add Fiji to the list of countries whose nationals are not required to apply for a Transit Visa prior to transiting New Zealand.

### Relation to government priorities

- 2 The Pacific is a strategic foreign relations priority for New Zealand. We have a strong interest in deepening New Zealand's partnerships to maintain and protect our influence and support Pacific Island countries' development goals. The Prime Minister will be visiting Fiji from 5-7 June.

### Executive Summary

- 3 Transit visa requirements is a constant irritant for Fiji nationals. Since 2008, all Pacific Islands Forum countries became Transit Visa waived except for Fiji due to the coup of the time where New Zealand put a wide range of sanctions on Fiji. However, a recent risk assessment conducted by Ministry of Business, Innovation and Employment officials found that the benefits outweigh the risks of removing the Transit Visa requirements for Fiji nationals. The benefits primarily relate to improving our bilateral relationship with Fiji and removing barriers to Fijian people transiting New Zealand to other countries.
- 4 Therefore, I seek Cabinet's approval to remove the Transit Visa requirements for Fiji nationals and add Fiji to the Transit Visa waiver list in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 to take effect on 4 September. This change will be announced during the Prime Minister's upcoming visit to Fiji from 5-7 June.

### Background

*Transit Visas help manage immigration risks*

- 5 The objective of Transit Visa policy is to ensure that only people with genuine and lawful intentions pass through New Zealand enroute to other destinations.
- 6 Transit passengers may not enter New Zealand and must remain in the transit area of the airport. It allows the scrutiny of the intentions of certain foreign nationals who plan to transit New Zealand. This scrutiny helps reduce the pressure associated with assessing non-genuine spontaneous asylum claims by foreign nationals. Transit Visas also reduce the possibility of people-smuggling operations, or other criminal activities taking place on New Zealand soil.

- 7 Transit Visas are required for all people transiting through New Zealand who are from countries that are not exempt from the Transit Visa or Visitor Visa. Twenty-four countries are Transit Visa waived, on top of the sixty Visitor Visa waived countries<sup>1</sup>.
- 8 Foreign relations, border security and economic criteria are used to determine which countries are required to apply for a transit visa. These criteria consider risks, such as possible friction from countries not included in the list and histories of asylum claims and undocumented border arrivals. The consideration of potential benefits of removing Transit visa requirements included the enhancement of country relationships and encouraging people to transit through New Zealand rather than, for example, Australia.

*Fiji is the only Pacific Island Forum country that requires a Transit Visa*

- 9 In February 2008, Cabinet agreed to remove the Transit Visa requirements for all Pacific Islands Forum countries<sup>2</sup>, except for Fiji, and two additional visa-required countries, Bermuda, and the Bahamas [CAB Min (08) 6/2A refers]. Fiji's exclusion was due to the coup in 2006 where the New Zealand Government imposed a wide range of sanctions on Fiji.<sup>3</sup>

### **Transit Visas are an ongoing bilateral irritant for the Fiji-New Zealand bilateral relationship**

- 10 New Zealand's immigration and visa settings are frequently raised in discussions between New Zealand and Pacific counterparts and risk becoming an impediment to our broader strategic goals in the Pacific. The requirement to apply for a Transit Visa is a specific irritant for the Fiji-New Zealand bilateral relationship, especially given other Pacific Islands Forum countries are Transit Visa waived.
- 11 The Transit Visa imposes costs and time for travellers and is an impediment for some Fijians. Although there is no Transit Visa application charge, Fijian passport holders still need to pay the fee of FJD \$65 for the Visa Application Centre (VAC) to receive their application and submit it to Immigration New Zealand (INZ). Also, they must fill out a paper form rather than apply online.
- 12 The Transit Visa also affects other Pacific partners who rely on Fijian labour. The majority of Transit Visas are granted to Fiji nationals to travel to the Cook Islands for work. This is for the purpose of work in the tourism industry on a single-entry work permit. Additionally, families transit through New Zealand to visit other family members working in the Cook Islands.
- 13 Fiji is also a key gateway for other international travel, and the delays and costs caused by the application of this visa impact those countries (business and individuals) that rely on this labour.

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<sup>1</sup> Schedules 1 and 2 of the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

<sup>2</sup> Pacific Islands Forum countries include: Federated States of Micronesia, Kiribati, Nauru, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

<sup>3</sup> New Zealand Government, 7 December 2006, NZ imposes wide range of sanctions on Fiji | Beehive.govt.nz, [accessed 9 May 2024]

**I am proposing that Cabinet agrees to add Fiji nationals to the Transit Visa waiver list**

- 14 The benefits of waiving the Transit Visa for holders of a Fiji passport are expected to outweigh the risks. The benefits include:
- 14.1 Removing an ongoing bilateral irritant and inconsistency with other Pacific countries, which will support New Zealand's overall foreign policy aims for the Pacific, and
  - 14.2 Facilitating the travel of Fiji nationals who need to transit New Zealand including those going to other Pacific countries for business, work, and/or other reasons.
- 15 If the proposal of this paper is approved, Fiji nationals will need to apply for a New Zealand Electronic Travel Authority (NZeTA) to transit New Zealand. The fee is NZD \$23 for online applications, or NZD \$17 if using the free app. NZeTA requests are processed within 72 hours and are valid for 2 years.

**Risk Analysis**

- 16 MBIE officials have carried out a risk assessment and found that Fijian transit travellers are likely to have a low risk of adverse outcomes, unmeritorious asylum claims, and immigration fraud. The risk assessment mentions that the proposed Transit Visa waiver:
- 16.1 is unlikely to have a major impact on asylum claim volumes by Fiji nationals;
  - 16.2 may have a positive impact on visa processing volumes for INZ's Suva Visa Processing Team;
  - 16.3 is unlikely to have a major impact on non bona fide third country nationals abusing the Fiji visa waiver status;
  - 16.4 is unlikely to have a major impact on the exploitation of the air or maritime stream for the purpose of irregular migration;
- 17 The proposed Transit Visa and the NZeTA together will be unlikely to significantly increase the overall risk of Fiji nationals with character warnings transiting or entering New Zealand.
- 18 Fiji nationals on a Transit Visa are highly likely to be bona fide travellers. The other main sources of Transit Visas processed for Fiji nationals relates to travel to South America (via Chile) and this is mostly Fijian government officials. There is a low rate (around 2.5%) of Transit Visa declines for Fiji nationals, refer to Table 1 below.

**Table 1: Fiji nationals Transit Visa applications**

Year	Transit Visa applications	Approved Transit Visas	Declined Transit Visas
2021	1141	1031	34
2022	853	750	30
2023	728	708	7
2024	162	151	2
<b>Total</b>	<b>2884</b>	<b>2640</b>	<b>73</b>

- 19 There have been no indications of sudden emerging risks associated with Fiji nationals. Australia and the United Kingdom currently do not require Fiji nationals to obtain a Transit Visa, indicating partner agencies have assessed transit waiver status for Fiji as low risk.
- 20 Refugee and protection claim data indicates volumes of Fiji nationals who claim asylum are low. For the period 2021 to 2024, there have been no refugee and protection claim by Fiji nationals on a Transit Visa. In general, there are very few individuals who attempt to use the Transit Visa pathway to claim asylum in New Zealand. Over the past 10 years, there have been a total of 12 claims by Transit Visa holders for all nationalities.

### Implementation

- 21 The proposal in this paper will require changes to Immigration Regulations, Immigration Instructions, and Immigration New Zealand IT systems which will take three months to implement. The transit visa waiver is expected to go live on 4 September 2024.

### Cost-of-living Implications

- 22 This proposal will not have any impacts or implications on the cost of living. It will not impact on New Zealanders’ ability to maintain their standard of living including direct or indirect impacts on the cost of everyday expense.

### Financial Implications

- 23 Transit Visa and NZeTA costs are met through third party fees. Any changes to forecast volumes will be taken into account when baselines are updated. There are no implications for the Crown’s operating balance.

### Legislative Implications

- 24 If Cabinet agrees to the proposal in this paper, Cabinet will need to authorise the Parliamentary Counsel Office to draft the regulation change to give effect to the decision.
- 25 Draft amendment regulations to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, will be prepared by the Parliamentary Counsel Office for submission to Cabinet in due course.
- 26 The Parliamentary Counsel Office have been notified and consulted on the timeframe.

## Impact Analysis

### Regulatory Impact Statement

- 27 The Ministry for Regulation has determined that the proposal to remove the Transit Visa requirement for Fiji nationals is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

### Climate Implications of Policy Assessment

- 28 A Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met.

### Population Implications

- 29 There are no identified impacts on population groups.

### Human Rights

- 30 The proposals in this paper are unlikely to raise issues of consistency under the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

### Consultation

- 31 The Ministry of Foreign Affairs and Trade, Ministry for the Environment, and Treasury were consulted. Ministers and coalition partners were consulted. Parliamentary Counsel Office was notified and consulted on timeframe only.

### Communications

- 32 The Prime Minister will announce the proposed change during his upcoming travel to Fiji on 5 to 7 June 2024.

### Proactive Release

- 33 I intend to release this Cabinet paper proactively in whole within 30 business days of decisions being confirmed by Cabinet.

### Recommendations

- 34 The Minister of Immigration recommends that the Committee:
- 1 **note** that in February 2008, Cabinet agreed to remove the Transit Visa requirements for all Pacific Island Forum countries, including two additional non-Pacific Island countries, Bermuda and the Bahamas, with the exception of Fiji [CAB MIN (08) 6/2A];
  - 2 **agree** to remove the Transit Visa requirements for Fiji nationals and add Fiji to the Transit Visa waiver list in the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;

**IN CONFIDENCE**

- 3 **note** that the benefits of removing the Transit Visa requirements outweigh the risks;
- 4 **note** that this will mean that Fiji nationals will require a NZeTA to transit New Zealand;
- 5 **note** that recommendation 2 will require change to the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010;
- 6 **note** that implementation of the transit visa waiver for Fiji nationals will occur on 4 September 2024;
- 7 **invite** the Minister of Immigration to issue drafting instructions to the Parliamentary Counsel Office giving effect to the decisions in this paper;
- 8 **agree** for the Minister of Immigration to make decisions, consistent with the proposals in these recommendations, on any issues which arise during the drafting process.

Hon Erica Stanford

Minister of Immigration