



BRIEFING

Electronic Travel Authority: update on further policy work

Date:	23 May 2019	Priority:	High
Security classification:	In Confidence	Tracking number:	2692 18-19

Action sought		
	Action sought	Deadline
Hon Iain Lees-Galloway Minister of Immigration	<p>Note that no changes are proposed to Carrier Information obligations</p> <p>Agree to further minor changes to the current draft Amendment Regulations</p> <p>Note that the paper accompanying the Amendment Regulations will be provided to you on Tuesday 4 June</p>	29 May 2019
Hon Kris Faafoi Associate Minister of Immigration	For information	N/A

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Siân Roguski	Manager, Immigration Policy	04 901 3855	Section 9(2)(a) ✓
Christine Hyndman	Principal Policy Advisor, Immigration Policy, MBIE	04 901 8575	

The following departments/agencies have been consulted

Minister's office to complete:

Approved

Declined

Noted

Needs change

Seen

Overtaken by Events

See Minister's Notes

Withdrawn

Comments



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Purpose

This briefing:

- advises you that no changes are required to carriers' information obligations to enable the Electronic Travel Authority (ETA) to be made obligatory from 1 October 2019, and requests that you agree to seek a cancellation of the Cabinet reportback
- seeks your agreement to certain additional minor changes to the Amendment Regulations currently under preparation, and
- updates you on the progress of collaboration with cruise lines to inform the development of marine advance passenger processing.

Recommended action

It is recommended that you:

a) **Note** that the Cabinet Economic Development Committee (DEV) on 20 February 2019

i. directed officials to:

- a 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, and
- b establish transitional provisions to support the operation of the ETA where electronic systems or agreements with carriers are not in place

ii. invited the Minister of Immigration to seek Cabinet agreement to the outcomes of this policy development and to seek amendments to the *Immigration (Carriers' Information Obligations) Regulations 2010* in mid-2019 [DEV-19-MIN-0023]

Noted

b) **Note** that we have concluded that no changes are required to the *Immigration (Carriers' Information Obligations) Regulations 2010* to make the ETA mandatory from 1 October 2019, and that no transitional provisions are necessary

Noted

c) **Agree** to seek Cabinet's agreement to cancelling the report back you were invited to provide

Agree / disagree / discuss

d) **Note** that:

- i. DEV on 20 February 2019 agreed the information to be collected from people requesting an ETA [DEV-19-MIN-0023],
- ii. you subsequently agreed a set of minor and technical changes [3278 18-19], and

- iii. these are together reflected in the draft paper and Amendment Regulations due for consideration by Cabinet Legislation Committee (LEG) on 11 June 2019

Noted

- e) **Note** that the ETA project has identified two further pieces of information which could be sought from people requesting an ETA and which would considerably enhance identity resolution

Noted

- f) **Agree** that the draft Amendment Regulations be augmented by the addition of questions asking whether people requesting an ETA have previously:

- i. travelled to New Zealand
- ii. applied for a New Zealand visa

Agree / disagree / discuss

- g) **Note** that the ETA project is working with two cruise lines to develop a Proof of Concept to inform:

- i. the carrier check in and Immigration New Zealand (INZ) processes required to meet ETA boarding requirements on 1 October, and
- ii. the development of the full marine advance passenger processing solution, aimed for implementation in 2020

Noted

Next steps

- h) **Note** that the draft Amendment Regulations and accompanying draft Cabinet paper are currently undergoing Ministerial consultation (managed by the office of the Minister of Tourism)

Noted

- i) **Note** that we are proposing to provide the final paper to you on Tuesday 4 June, for submission to Cabinet Office on Thursday 6 June, and consideration by the Cabinet Legislation Committee on Tuesday 11 June.

Noted



Siân Roguski
**Manager, Immigration Policy,
Labour and Immigration Policy**
Labour, Science and Enterprise, MBIE

23 / 05 / 2019



Hon Iain Lees-Galloway
Minister of Immigration

31 / 05 / 19

You and the Minister of Tourism are jointly managing the changes required to implement the ETA and International Visitor Levy

1. Following public consultation, the Cabinet Economic Development Committee (DEV) agreed in September 2018 to the scope and introduction of the ETA, and directed officials to undertake policy work to develop the regulatory changes required to implement it [DEV-18-MIN-0191].
2. Cabinet also agreed to the purpose, scope and level of the International Visitor (Conservation and Tourism) Levy (IVL), which will be collected on applications for visas and requests for ETAs [DEV-18-MIN-0194] and which will be implemented through an amendment to the Act, to be considered by the House under urgency on Budget night.
3. Regulatory changes to implement both the IVL and ETA (through the *Immigration (Visa, Entry Permission and Related Matters) Amendment Regulations 2019* – the Amendment Regulations) will be considered by the Cabinet Legislation Committee on 11 June 2019. Most changes are planned to come into effect on 1 July, when foreign nationals will be able to request and hold ETAs, and the IVL will be charged on eligible visa applications and ETA requests. The remainder (including those relating to changes in the transit visa regime) will come into effect on 1 October, when the requirement to hold an ETA will become obligatory.
4. Ministerial consultation on the Amendment Regulations and draft Cabinet paper is currently underway, led by the office of the Minister of Tourism. Feedback has been sought by Thursday 30 May 2019, to enable the Cabinet paper to be lodged on 6 June for consideration by the Cabinet Legislation Committee (LEG) on 11 June 2019.

Cabinet has invited you to report back with changes to the Immigration (Carriers' Information Obligations) Regulations 2010

5. You advised Cabinet in February that further regulatory changes would be required to fully implement the ETA. As a result, on 20 February 2019 DEV directed officials to
 - a. 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, and
 - b. establish transitional provisions to support the operation of the ETA where electronic systems or agreements with carriers are not in place.
6. DEV invited you to seek Cabinet agreement to the outcomes of this policy development and to seek amendments to the *Immigration (Carriers' Information Obligations) Regulations 2010* in mid-2019 [DEV-19-MIN-0023].
7. Officials have now elaborated the framework of the information to be required of cruise lines and have concluded that no changes are required to the *Immigration (Carriers' Information Obligations) Regulations 2010* to make the ETA mandatory from 1 October 2019. In addition, following the design of marine advance passenger processing processes and the progression of discussions with cruise lines, officials have determined that no transitional provisions will be necessary.
8. It is therefore recommended that you seek the cancellation of the reportback invited in February through the Cabinet paper accompanying the Amendment Regulations.

We seek your agreement to a further change to the ETA design

9. DEV has already agreed to the broad shape of the information to be collected from people requesting an ETA [DEV-19-MIN-0023]. You subsequently (6 May 2019) agreed a set of minor and technical changes [3278 18-19], reflecting issues which arose during both policy development and the progress of the ETA project. This suite of decisions is reflected in the draft paper and Amendment Regulations due for consideration by LEG on 11 June 2019.

10. The ETA project has now identified two further pieces of information which could be sought from people requesting an ETA, which would considerably enhance identity resolution. Requestors would be asked to confirm whether they had previously either travelled to New Zealand or applied for a New Zealand visa. This would identify up front whether Immigration New Zealand (INZ) was likely to already hold a client record for an individual.
11. The two data items have undergone a standard privacy impact analysis against the ETA project data collection principles, including that any new proposals need to balance necessity (for travel facilitation, risk management, identity management), privacy (including avoiding over-collection) and usability (in terms of form design).
12. We are confident that this proposal is justified in terms of those principles. We are therefore seeking your agreement to include the "previous travel to New Zealand" and "previous visa application" data items in the draft Cabinet paper accompanying the Amendment Regulations for consideration by LEG on 11 June 2019.

Work is progressing on the development of marine advance passenger processing

13. The ETA project is developing a Proof of Concept with two cruise companies (the Carnival and Royal Caribbean lines). The Proof of Concept has the objective of providing insights to INZ and cruise lines to support:
 - a. both partners' development of the processes required to meet ETA boarding requirements on 1 October 2019, and
 - b. cruise lines' consideration of and planning for the technical, process and logistical changes required for the full marine advance passenger processing solution, which is planned for implementation in 2020.
14. The Proof of Concept will take place between June and September. INZ is developing a service into which check in staff will be able to enter passenger details, and which will then provide a boarding directive, congruent with airport check-in processes. (All directives during the Proof of Concept exercise will direct that the passenger is boarded.)

Next steps

15. The table below sets out upcoming dates.

Table One: Deliverables and dates

Comments due back on draft LEG paper from Ministers	30 May
Bill considered under urgency	30 May
Final draft of Regulations from PCO (incorporating any changes from Ministers)	4 June
Lodge paper	6 June
LEG considers	11 June
Cabinet and Executive Council (seeking 28 day rule waiver)	17 June
INZ Operational Manual amendments	19 June
Comes into force	Early July