

In Confidence

Office of the Minister of Immigration

Chair, Cabinet Economic Development Committee


PROPOSAL TO DEVELOP AN ELECTRONIC TRAVEL AUTHORITY

Proposal

1. I seek Cabinet's agreement to consult publicly on the introduction of an Electronic Travel Authority (ETA), which would be mandatory for certain groups of people who currently travel to or transit New Zealand visa free; and on its proposed key parameters, including its targeting, length of validity and the information holders would have to provide.

Summary

2. Our immigration border settings aim to facilitate travel to maintain and strengthen economic and personal connections with the outside world, while managing immigration and wider border security risks. New Zealand's current settings are increasingly not fit for purpose in the face of rising numbers of diverse travellers, following more diverse routes. Specifically, immigration border settings need to change in order to ensure:
 - 2.1. *Faster and better facilitation for an increasing number of travellers:* to meet travellers' and carriers' expectations of a quicker facilitation experience (including not being turned around at check-in or at the border) and an expectation of an ability to interact with authorities digitally and receive personalised and modern services
 - 2.2. *More secure borders:* to provide assurance to New Zealand about the purposes and characteristics of intending foreign travellers and closing gaps in New Zealand border settings relating to the marine (cruise) pathway.
3. In order to respond to these challenges, the border system needs to have better advance information about more travellers: currently visa waiver air visitors receive only light-touch screening at check-in (1.3 million arrivals in 2016/17); and cruise passengers and crew are not screened at all (200,000 non-New Zealand citizen arrivals in 2016/17).
4. Enhancements to existing advance information mechanisms – the Passenger Name Record (PNR) and Advanced Passenger Processing system (APP) – are insufficient as the information is either not reliably linked to passenger identity (PNR) or is provided late in the travel process (APP).
5. I propose to consult publicly on the introduction of an Electronic Travel Authority (ETA) facility as the best mechanism to collect advance information. The ETA would overcome the shortcomings of the existing PNR and APP mechanisms and can be applied to the marine (cruise) pathway. Over the longer term the ETA enables consideration of whether its wider application might provide further immigration and border benefits.

6. As a condition on a visa waiver in advance of travel, it preserves New Zealand's existing suite of visa-waiver agreements and the Trans-Tasman Travel Agreement with Australia. Introducing an ETA would put New Zealand on par with similar countries, such as Australia, Canada, the United States and the European Union.
7. I seek Cabinet's agreement to public consultation in June on whether an ETA should be introduced and details of its targeting and design:
 - 7.1. The classes of people required to apply and hold an ETA
 - 7.2. The period of validity
 - 7.3. The information to be collected and how it could be used.
8. There are potential risks associated with the introduction of an ETA, all of which I consider can be mitigated through policy and design choices and communications, and on which public consultation will provide further information:
 - 8.1. travellers could potentially perceive New Zealand as less welcoming and be discouraged from travel due to hassle or costs
 - 8.2. s 6 (a) 
 - 8.3. the implementation of the new system is not smooth, with negative impacts for intending travellers and for carriers.
9. Public consultation on the ETA will be aligned with consultation on changes to immigration fees and levies and the introduction of an International Visitor Conservation and Tourism Levy (IVL), should Cabinet agree to proceed with the latter. Following consultation I propose to report back in July to seek agreement to the ETA, if consultation supports that, and its final details.
10. If Cabinet agrees, the July report back will seek an out-of-cycle capital bid in the order of \$16.5 million, supported by a business case. The business case will cover the costs associated with the build of the new system, including: the establishment of the ETA system; the establishment of a marine (cruise) APP system; and consequential changes to Immigration New Zealand's business systems and websites. It will also include the ongoing operating costs, including: software licenses; and non-IT support services, such as additional resource for identity resolution and to support the check-in processes. The ongoing operating costs can be recovered by a fee charged on the ETA, in the order of \$9 per application.
11. Should Cabinet agree to the introduction of the ETA, there are two options for the timing of implementation that are dependent on Cabinet decisions on the proposal to introduce an IVL:

Either:

 - 11.1. If Cabinet separately agreed to charge an IVL on visa and ETA applications, the ETA platform would be introduced in two phases:
 - 11.1.1. Phase one would enable charging of the IVL alone from the first quarter of 2019/20
 - 11.1.2. Phase two would enable the full border security and facilitation capability (including automated matching against watchlists and the capacity for immigration officials to interact with intending travellers) from the first quarter of 2020/21;

Or:

- 11.2. 8.2 If Cabinet decided not to introduce an IVL, the ETA would be rolled out by the end of the first quarter of 2010/21
12. Following the delivery of the ETA, the next phase would involve consideration of whether its wider application could provide further immigration and border benefits. It could involve considering how we could build on the technology investment to date, and whether we could or should rework our legal or visa frameworks.
13. There are a number of other funding changes underway or proposed at the border. Cabinet has agreed to changes to immigration fees and levies, subject to public consultation after the Budget is announced and to come into effect before the end of 2018 [DEV-18-MIN-0040]. In addition, agencies are working on or planning to work on changes to charges impacting on passenger and good movements. Officials from all border agencies are coordinating across these areas to consider cumulative impacts and align consultation where possible. Finally, changes to immigration regulations will be required to enable implementation.

The ETA work sits within a framework of proposed changes to immigration settings

14. Well-managed immigration is essential to our economic and social success as a country. My key immigration priorities are to:
- 14.1. Better match the skills New Zealand needs with the skills New Zealand gets in order to improve the contribution of immigration to the labour market outcomes of New Zealanders
- 14.2. Tackle the exploitation of migrants
- 14.3. Review New Zealand's approach to Pacific migration issues
- 14.4. Increase New Zealand's refugee intake
- 14.5. Make immigration system improvements and contribute to the security of New Zealand's borders.
15. Annex One provides a summary of the upcoming papers I am intending to take to Cabinet for the immigration portfolio and outlines how they align to my portfolio priorities and the Government's wider economic, labour market, foreign relations and security objectives.

Background

The Immigration Act 2009 governs the rules covering the entry and stay of non-New Zealand citizens and enables them to be scrutinised before travel through visa applications

16. New Zealand's visa and border security framework seeks to facilitate the travel of legitimate travellers while managing border security risk. The benefits of facilitation include the economic gains from people entering New Zealand (such as tourism expenditure and from business undertaken) and positive foreign relations outcomes (including from the Trans-Tasman Travel Arrangement with Australia).
17. Potential border security risks include travellers not being bona fide¹, not leaving when they are supposed to leave, or posing a security risk to New Zealand. From a broader border security perspective, there are also risks around people bringing in things that are harmful (such as infectious diseases, pests, or contraband).

¹ Including that they are not likely to keep to the conditions of their visa – in particular, likely to seek to work unlawfully or to overstay.

18. Under the Immigration Act 2009 (the Act), only New Zealand citizens have the unfettered right to enter New Zealand. Under the Act and associated Regulations and certified Instructions, the New Zealand government sets the conditions under which non-New Zealand citizens can travel to, enter and be in New Zealand.
19. Existing settings, in principle, require all foreign nationals to apply for a visa before travel and provide full information as part of that application process. Visa applications enable Immigration New Zealand (INZ) to scrutinise people who are not New Zealand citizens well before they travel and to seek additional information if necessary. INZ's immigration officers consider applications and decline permission to travel if applicants are considered to be non-bona fide or otherwise a risk to New Zealand (such as likely to commit a crime, or to be a security risk).
20. In practice, this requirement is waived for most short-term air and sea visitors to New Zealand, as well as for Australian citizens and permanent residents. This waiver (variously described as meaning travellers are 'visa waived', 'visa waiver' or 'visa free') means that people can travel to New Zealand and arrive at our borders with minimal pre-arrival scrutiny.

The changing global travel environment raises challenges and issues that our current visa and border security frameworks are not well placed to respond to

21. There are several factors placing pressure on border facilitation and risk management:
 - 21.1. The numbers of people travelling between and through countries by air and sea for leisure, business and work purposes have grown considerably in recent decades and are forecast to continue to grow into the future
 - 21.2. Traveller backgrounds and routes are increasingly diverse, which is more demanding for risk management
 - 21.3. The public, the New Zealand government, and other countries have lowered their tolerance for immigration and security risk in recent years
 - 21.4. Travellers increasingly expect to be able to interact with authorities digitally and to receive personalised and modern services.

More than 2.4 million non-New Zealanders arrived visa free by air last year, a 40 percent increase on 2012/13

22. New Zealand's current visa and border security framework has a sharp dichotomy between those people required to provide the full information of a visa application, and those people who can buy a ticket and turn up with minimal pre-arrival scrutiny.
23. New Zealand has formally waived the requirement to hold a visa before visitor travel for most people² from 60 economies.³ The nationals of a further 24 economies, while visa-required to enter New Zealand, may transit New Zealand visa-free.⁴ Visitor visa-waiver economies and transit visa-waiver parameters are set out in Annex Two. In addition, Australian citizens and permanent residents are also visa waived for travel to New Zealand, and apply for resident visas on arrival.

² With the exception of people who are statutorily excluded from travelling visa waiver, for reasons that include criminal convictions or having been previously deported.

³ These are mostly sovereign nations, but waivers also apply to people travelling as nationals of Macau and Hong Kong. Waivers are also granted to people travelling on United Nations laissez passer documents.

⁴ In addition, people transiting New Zealand on their way to Australia do not require a visa (as they will have been approved a visa or Electronic Travel Authority by Australia), but this is not the case in the opposite direction.

24. Annex Three sets out groups of people who are deemed to hold a visa, and who therefore also do not need to apply to INZ for a visa before travel. They include almost all people arriving by sea, most people travelling to Antarctica, and people travelling on military orders.
25. These waivers benefit tourism, business travel, and international relations, and contribute to New Zealand's reputation as a welcoming destination. However, they mean that New Zealand border agencies have a limited ability to scrutinise a large number of intending travellers. This also constrains the government's ability to use technology to interact with and facilitate the travel of tourists and other visitors.
26. The annual number of non-New Zealand citizen, visa-waived air arrivals grew by 40 percent over the five years to 2016/17 and is forecast to continue growing.

Table one: all air passenger arrivals, 2012/13 – 2016/17 (rounded)

	2012/13	2013/14	2014/15	2015/16	2016/17	Five year increase
New Zealand citizens	2,249,100	2,341,700	2,429,480	2,540,420	2,733,120	22%
Visa free visitors	894,320	963,880	1,032,620	1,155,160	1,360,720	52%
Australian citizens	826,830	858,840	901,180	973,480	1,052,880	27%
Visa waived travellers	1,721,150	1,822,720	1,933,800	2,128,640	2,413,600	40%
Everyone else *	924,560	985,240	1,116,340	1,281,540	1,378,660	49%
Grand total - all travellers	4,894,810	5,149,660	5,479,620	5,950,600	6,525,380	33%

* This figure includes people from visa waiver nationalities entering as students, workers and residents, and all arrivals by visa required nationals.

Source: Immigration New Zealand arrival statistics


All air travellers to New Zealand are screened at check in and some are further checked before their flight arrives

27. The 2.4 million visa waived traveller air arrivals in 2016/17 underwent automated screening at check in, using the Advance Passenger Processing (APP) system, which checks against:
 - 27.1. New Zealand passport and visa databases, including for person and document alerts
 - 27.2. the Australian passport and visa database in order to identify Australian nationals and holders of Australian permanent resident visas
 - 27.3. the Interpol Stolen and Lost Passport database.
28. Some flights to New Zealand were also screened via checks by INZ border staff against airline reservation (Passenger Name Record, PNR) data, before and during travel. There are limitations to these data and checks. For PNR checks in particular, airline data is not reliably attached to identity information and there are issues with PNR accuracy, timeliness and non-provision. INZ has the resources to screen only a proportion of flights.
29. As a result of the checks, in 2017 more than 3,800 people (50 percent from visa waiver nationalities) were refused boarding at check in. Another 1,280 (88 percent from visa waiver nationalities) were refused entry on arrival and turned around. While around half of that number was for customs or biosecurity breaches, in each of the last three years, more than 300 visa waived nationals annually have been refused entry at the border on character grounds, generally following arrival card declarations about their convictions.

Cruise passenger numbers are also rising but there is little or no advance information about marine arrivals

30. There is much less advance or post-arrival information available for people arriving as passengers or crew on cruise ships, who are deemed to hold a visa and entry permission if they are in New Zealand waters for 28 days or less. The deeming mechanism was established to avoid the need to set up full primary line border facilities at every port in New Zealand, but as the cruise industry has grown this approach is no longer fit for purpose. In particular, as cruise routes diversify, previous assumptions that Australia's visa screening processes would protect New Zealand no longer apply.
31. In 2017, for more than 200,000 non-New Zealand citizens who arrived at the marine border, INZ received either no information, or only received information about their arrival after they had landed. Cruise lines provide some information to Customs, particularly about passengers who are disembarking in New Zealand, but minimal information is provided for travellers who are cruising into and out of New Zealand. Cruise passenger numbers in New Zealand are growing strongly, at around 13 percent per annum⁵, and the numbers of travellers who would be visa-required if travelling by air⁶ is also growing.

32. s 6 (c)



Other countries are increasingly using advance information to both screen and facilitate travellers

33. Countries are increasingly introducing or planning to introduce pre-travel digital authority mechanisms for people who are not required to apply for visas. For example, of our five-eye country partners:
 - 33.1. under the Migration Act 1958, *Australia* has a universal visa regime (New Zealand citizens being the only exception), including an Electronic Travel Authority for certain low risk intending visitors
 - 33.2. *the United States* introduced the Electronic System for Travel Authorization for visa waiver nationalities in 2009
 - 33.3. *Canada* introduced its Electronic Travel Authorization in 2015, which applies to all visa waiver nationals, except citizens of the United States.
34. In June 2017, the *European Commission* agreed its approach to a proposal for a European Travel Information and Authorisation System, which will require all those who do not need a visa to be checked before they travel to the Schengen area and will prevent the travel of anyone identified as posing a risk. Annex Four provides further detail on the advance information and border screening developments in these countries.

⁵ Cruise Industry contribution to the New Zealand economy 2017 Tourism New Zealand

⁶ Around 8 percent of passengers are not Australian, North American or European.

Options for addressing the challenges and issues need to be assessed against multiple criteria

35. Options for addressing the challenges and issues require the balancing of the following policy criteria:
- 35.1. *Enhance security and reduce immigration risks*: to improve border agencies' information about people who seek to travel to or through New Zealand to prevent security risks from materialising; and about non bona fide people who seek to travel to New Zealand
 - 35.2. *Address smuggling risks*: to enhance border agencies' information in order to prevent attempts by passengers to smuggle goods and drugs either into or through New Zealand
 - 35.3. *Address biosecurity risks*: to enhance border agencies' information in order to protect New Zealand's natural environment and status as a safe exporter of high quality food, including through targeted messaging
 - 35.4. *Maintain or improve the immediate traveller experience*: to ensure that compliance and financial costs on travellers are minimised or eliminated, and reduce the number of people who are refused entry on arrival at the New Zealand border. Transparency about the purpose of the information that intending passengers supply, and confidence that it will be treated appropriately, is also important
 - 35.5. *Improve the future traveller experience*: to enable a more seamless border experience over time, including the removal of both obvious obtrusive checks during the journey and the need to re-provide information, and to enable personalised services to individual travellers (with appropriate privacy controls on information)
 - 35.6. *Manage the provision of services more efficiently*: to enable border agencies to manage increased volumes of travellers and the requirements for better checking within existing resources, without requiring more space at ports, travellers to be charged more for services, or the private sector to face high compliance costs
 - 35.7. *Be future focused*: to ensure that systems that are put in place can adapt to the changing needs and requirements of the government and stakeholders
 - 35.8. *Support New Zealand's international agreements and relationships*: to be congruent with international agreement that New Zealand is party to, to maintain or enhance New Zealand's relationships with other countries which support New Zealanders' access to markets and travel, and enable carriers to meet New Zealand and other countries' regulatory requirements.⁷
36. Implementation considerations are also important:
- 36.1. *Minimise implementation impacts across government – costs, IT, legislative*: the costs and other resourcing implications of any solution should be proportionate for both INZ and other agencies, given the wide range of ongoing demands from both business as usual activities and other priorities for business development
 - 36.2. *Minimise negative impacts and costs on carriers and ports*: minimise both the initial and ongoing costs of compliance for private sector partners who facilitate travel across New Zealand's borders (such as air and marine carriers and ports).

⁷ For example, those arising from the European Union's General Data Protection Regulation.

Four options have been considered for addressing the issues and challenges

37. I consider that responding to the challenge and issues, while meeting the criteria described above, can be achieved through improved information about passengers prior to travel. In developing the proposal to introduce an ETA, I have considered four options:

Option one: Maintain the status quo

38. This would maintain the current structure of visa waivers, advance passenger processing for air passengers, and minimal advance information for marine passengers. It would mean no additional cost and compliance requirements for currently visa-free passengers and cruise passengers, and would mean no additional cost to the Crown. It would not meet any other criteria.

Option two: Require a wider range of nationalities to apply for visas before travel, including people travelling to New Zealand as cruise passengers

39. This would increase the amount of advance information on travellers, and potentially all travellers. More people would be able to contribute to the costs of INZ's passenger clearance at the border, which are currently paid for by a mixture of Crown funding and levies by existing visa applicants. There would be low costs to airlines.
40. It would increase costs and compliance requirements on a large number of travellers. Cost impacts for the Crown would vary with scale: increasing visa requirements for a few nationalities of air passengers would likely have no or low costs to the taxpayer. It is possible that other countries might respond by requiring New Zealand citizens to apply for a visa before travel.
41. If passengers who are visa-required for air travel became visa-required for travel by sea, this would enable cruise passenger pre-boarding screening through the APP mechanism, which already screens all passengers on commercial air flights. Introducing visa requirements and the APP mechanism would be a significant change for cruise lines and passengers, and cruise lines would need to make investments in new systems and processes. This would also require changes to INZ infrastructure, to enable cruise lines to interact with INZ via APP.

Option three: Require carriers (air and marine) to provide more information about travellers via Passenger Name Record data, before travel

42. This could involve changes to regulations to oblige carriers to require more information of travellers when booking tickets or prior to travel, for example by requiring bookings to include valid passport numbers 72 hours before travel. It would provide some additional screening information to border agencies. It would add cost and compliance requirements to passengers and carriers, and there may be potential privacy issues that would require further consideration if the option was pursued. It would be out of step with other countries, and carriers would need to change their systems for travel to New Zealand.

Option four: Introduce an Electronic Travel Authority for certain currently visa-waivered travellers to New Zealand

43. This would involve the introduction of a light touch electronic pre-registration and travel approval for certain intending travellers to, and transit passengers through, New Zealand. It would also provide a mechanism to deliver an International Visitor Conservation and Tourism Levy, should Cabinet agree. As with option two, rolling the requirement out to cruise passengers and crew would require cruise lines to make investments in new systems and processes. It would also require changes to INZ infrastructure to enable cruise lines to interact with INZ using APP. It could be

implemented as a condition on the waiver of the requirement to hold a visa permitting travel to New Zealand. Unlike option two, this approach would not change the legal status of nationals of countries who currently benefit from New Zealand's suite of visa waivers.

44. Table two below outlines a qualitative assessment of each of the options against the policy criteria, as well as the implementation considerations for each of the options:

Table two: assessment of options for improving information about passengers prior to travel (more ticks – more favourable)

	Status quo	More visas	More PNR	ETA
Policy criteria				
Address security and immigration risks	✓	✓✓✓	✓✓	✓✓✓
Address smuggling risks	✓	✓✓	✓✓	✓✓
Address biosecurity risks	✓	✓	✓	✓✓
Maintain / improve current traveller experience	✓✓	✓	✓✓	✓
Improve future traveller experience	✓	✓	✓	✓✓✓
Manage the provision of services within existing resources	✓	✓	✓	✓✓✓
Be future focused	✓	✓	✓	✓✓✓
Aligned with international agreements	✓✓✓	✓	✓	✓✓✓
	11	11	11	20

Including assessment of implementation impacts

Implementation considerations				
Implementation impacts across government – costs, IT, legislative	✓✓✓	✓✓✓	✓✓	✓✓
Minimal implementation impacts on carriers, and ports / ongoing costs low / recoverable	✓✓✓	✓	✓	✓
	17	15	16	23

The ETA option performs the best against the criteria

45. According to the assessment outlined above, the ETA option performs best overall. It would provide for a low-cost and straightforward online mechanism for improved information about classes of people currently not required to apply for a visa prior to travel.
46. An ETA would also support broader facilitation objectives. It could be a platform for technological innovations to support the reduction of requirements to provide information or re-present documents during travel, and to enable more assured travel and more personalised services to travellers. This would support tourism and business travel.
47. It would be consistent with government's intentions for the provision of digital services and Immigration New Zealand's operating principles of using technology to meet the increasing expectations of travellers, migrants and carriers in relation to convenience, timeliness, and service quality. Over time all (non-Australian) non-New Zealand citizens would have an individual account with Immigration New Zealand, underpinning

a personalised and facilitated journey to New Zealand, while providing assurance to New Zealand as a whole.

48. As it would not be a visa it would not change the legal status of New Zealand's suite of visa waivers. It could in the future be further extended to some groups who are currently visa-required – for example, travellers who are transit visa-required could be waived that requirement, provided they were registered for the ETA.
49. An immediate benefit would be a reduction in the number of people currently refused entry on arrival due to their arrival declarations, as noted in paragraph 29 above. An ETA is also likely to best support or align with future border policy developments, including international agreements or technology-enabled enhancements to security and facilitation.

I propose that Cabinet agree to public consultation on whether an ETA should be introduced and details of its targeting and design

50. I seek Cabinet's agreement to consultation on whether New Zealand should implement an ETA facility and its key scope and design parameters, namely:
 - 50.1. the classes of people required to apply and hold an ETA
 - 50.2. the length of ETA validity (before first arrival in New Zealand, and overall)
 - 50.3. the information to be collected.

The classes of people required to seek and hold an ETA

51. There are choices about the groups of people required to seek and hold an ETA. I propose to consult on including the following classes of people:
 - 51.1. holders of travel documents that are currently waived the requirement to hold a visa before travelling to New Zealand⁸, but excluding Australian citizens
 - 51.2. people who are currently waived the requirement to hold a visa before transiting New Zealand (all visitor visa and transit visa-waived nationalities, whom I propose would be ETA-required);
 - 51.3. Australian permanent resident visa holders, who are also currently waived the requirement to hold a visa before travelling to New Zealand
 - 51.4. marine cruise passengers and crew (whether otherwise visa-required), and commercial aircrew, all of whom are currently deemed to hold a visa and entry permission.
52. I do not propose requiring Australian citizens to hold an ETA because introducing an ETA for Australian citizens would be a significant departure from the principle of freedom of access under the Trans-Tasman Travel Arrangement. s 6 (a)

53. s 6 (a)

⁸ See Annex Two, and Schedule 2 of the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010*. This is fundamentally citizens of 59 economies, and holders of United Nations laissez-passer documents, but also includes British passport holders who have the right to reside permanently in the United Kingdom, and certain residents of Hong Kong, Macau and Taiwan.

54. I do propose that Australian permanent resident visa holders be ETA-required, which would broadly mirror Australia's policy settings for New Zealand residents. Under this proposal there would however continue to be a key difference in the treatment of travellers of other nationalities, as I propose that Australian permanent residents would continue to be eligible to apply for a resident visa on arrival in New Zealand.
55. I propose that individuals who are not required to hold an ETA (such as Australian citizens) could voluntarily choose to do so in order to benefit from the enhanced border and traveller facilitation an ETA would eventually offer. This could include the ability to submit a digital arrival card, or to be granted a visa on arrival without needing to queue for and pass through an eGate.

The ETA's period of validity

56. I propose to consult on two separate validity questions: how long an ETA would be valid for before first travel to New Zealand and the total duration of an ETA.
57. Visas applied for offshore expire if the holder does not travel to New Zealand within a specified period of time (between three months for most temporary visas and a year for residence visas). I propose to consult on whether an ETA should also be no longer valid if the holder has not travelled to New Zealand within a specified amount of time. A short period of validity means that the traveller's details and declarations (such as about their criminal conviction history) are more likely to be up to date. A longer period of time offers more flexibility if travel plans are fluid.
58. With regard to total ETA duration, my preference is for a validity of two years, as the most practical duration. It would balance ensuring that that traveller details remain up to date with facilitation for frequent travellers. I note that other countries' validity durations vary from one to five years, or until the expiry date of the holder's passport, whichever is sooner (see Annex Four).

The information to be collected by an ETA and how it could be used

59. I propose that the ETA be an electronic account and enable:
- 59.1. information to be collected about the intending traveller or their travel which corresponds to that currently collected on the arrival card, including
 - 59.1.1. biographic details
 - 59.1.2. travel document details
 - 59.1.3. contact details
 - 59.1.4. information which enables the traveller's statutory eligibility to travel visa waiver to be confirmed (such as a declaration about their criminal conviction history)
 - 59.1.5. information about the intention of their travel to New Zealand, including relevant information about whether they are travelling in order to seek medical treatment
 - 59.1.6. information about the intended date of travel, including booking references
 - 59.2. information to be provided to the traveller, including about their non-eligibility for publicly-funded health care
 - 59.3. payments to be made

- 59.4. checking of the data provided against a variety of sources (such as the international Lost and Stolen Passports list), and
- 59.5. sharing of the data provided with authorised agencies, such as Customs (in accordance with legal and privacy impact considerations) for risk assessment and facilitation purposes.
- 60. I propose to consult on the optional provision of biometric information (the passport photograph), which could enable future facilitation (such as the capacity to cross the border without presenting a physical passport) and which would also enhance identity verification. The inclusion of biometric information would require consultation with the Privacy Commissioner and Privacy Impact Assessment publication.
- 61. Ensuing ease of use would be a design focus. Applicants would be able to check and update their status easily. Airlines would also be able to check that intending travellers had a valid ETA, reducing the risks to carriers regarding infringements relating to boarding travellers who should not be boarded. It is also envisaged that, subject to privacy impact considerations, authorised agents (which could include family members or travel agents) would be able to apply on behalf of individuals.
- 62. Cruise lines have indicated that they are open to the introduction of ETA and an APP facility, which would be similar to Australia's requirements.
- 63. I propose to seek specific feedback on submitters' views on the amount and type of information which could be collected, how it could be used (including possible future facilitation opportunities and who it should or should not be shared with), and other privacy and data protection considerations. Broad privacy impacts would be considered before reaching decisions on the introduction of the ETA, and it is intended that proactive consultation will take place with the Office of the Privacy Commissioner.

There are potential risks and negative impacts if an ETA is introduced that can be mitigated

- 64. An ETA could raise some border, tourism and international relationship risks, particularly if the project was poorly designed or badly implemented. I consider that these risks can be managed through policy and design choices, consultation, strong project and implementation disciplines and appropriate communication strategies.

There is potential for negative impacts on tourism and on the border

- 65. Tourism industry stakeholders advocate for governments to make travel and entry easier, with streamlined border processing, assurance of entry, and easy to understand information, alongside assurances that accompanying travellers do not pose risks. The design of an ETA therefore needs to be straightforward and easy to use. Tourism industry stakeholders will also be interested in the cost of an ETA (see the financial implications from paragraph 74 below), and the cumulative impacts of changes to all border charges.
- 66. There is a risk of issues arising for travellers at overseas ports, if travellers do not comply with requirements to register for an ETA before arriving at check-in. This would be a challenge for carriers, who are interested in streamlined passenger processing and boarding, and is a particular risk immediately after the point of ETA implementation.
- 67. These risks can be managed by:
 - 67.1. Timely communication with other countries, tourism industry stakeholders including carriers, and intending travellers

- 67.2. the ETA design enabling people to easily comply with requirements to register and pay at short notice if necessary (although travellers would be encouraged to register no less than 72 hours before travel)
- 67.3. targeted support at the point of implementation (such as higher staffing of INZ 24/7 telephone support for carriers and passengers).
- 68. I propose that public consultation on the ETA seek specific advice from stakeholders on preferred messaging, communication channels, and mitigation strategies.

s 6 (a)



The ETA could support the introduction of an International Visitor Conservation and Tourism Levy or could be implemented independently

- 71. The Minister of Tourism is taking a proposal to Cabinet regarding the introduction of an International Visitor Conservation and Tourism Levy (IVL) and to agree to consult publicly on its details. One of the collection options for the IVL is to charge it on specified visa and ETA applications. Given the commonality of stakeholders, I propose that public consultation is aligned between the ETA, the IVL (if progressed) and the Immigration Fee and Levy review already considered by Cabinet [DEV-18-MIN-0040]. I envisage two potential timeframes for the implementation of the ETA:
 - 71.1. if Cabinet agreed to charge an IVL on visa and Electronic Travel Authority applications before the end of 2019, the ETA platform will be introduced in two phases:
 - 71.1.1. *Phase one* to enable charging of the IVL and ETA fee from the first quarter of 2019/20; and
 - 71.1.2. *Phase two* to enable full ETA capability (including automated matching against watchlists and the capacity to interact with intending travellers) introduced over the following twelve months
 - 71.2. if Cabinet decided to not introduce an IVL, or to harmonise the introduction of an IVL with fuller ETA capability, the ETA would be rolled out by the end of the first quarter of 2020/21.
- 72. Following the delivery of the ETA, the next phase would involve consideration of whether its wider application could provide further immigration and border benefits. It could involve considering how we could build on the technology investment to date, and whether we could or should rework our legal or visa frameworks.

Consultation

73. The following government agencies were consulted on the proposal in this paper and their views are reflected in its development: the New Zealand Customs Service, the Ministries of Foreign Affairs and Trade, Pacific Peoples, Primary Industries and Transport; the Department of Internal Affairs; the New Zealand Defence Force; the Treasury; and the Department of Prime Minister and Cabinet.

Financial implications

74. Initial scoping indicates that the introduction of an ETA would cost in the order of \$16.5 million, plus or minus ten percent. This would cover all of the costs relating to building the new system and the ongoing operational costs, such as software licences. It includes the establishment of the ETA system, the establishment of a marine APP system, and consequential changes to INZ's existing Application Management System, Immigration Global Management System, and websites. The project also includes non-IT support services, and in particular additional resource for identity resolution and to support the "offshore border" (that is, check in staff where passengers have received a "do not board" message).
75. If Cabinet agrees to the introduction of an ETA in July 2018, I will seek funding for the project through an out of cycle bid for capital funding and the associated operational expenditure. The bid will be supported by a business case. If an ETA is the agreed mechanism for collecting the IVL and the IVL is intended to come into effect in early 2019/20, this out of cycle funding would enable that.
76. I consider that an out of cycle bid is necessary regardless of whether the ETA is the agreed mechanism for targeting and charging the IVL. Another option would be to seek funding through the 2019 Budget round, but that would mean that work on the ETA would not commence until 2019/20, and the ETA could not be delivered until 2021.
77. The operational costs of the ETA can be met by charges on applicants⁹. These costs include depreciation and capital charge related to the project, and the ongoing costs associated with immigration and border decisions, including identity resolution, and communications with the public and carriers. Initial costings indicate that a fee of approximately \$9 would fully recover the development and implementation costs of the ETA project to the point that it is rolled out in 2020, and its ongoing cost of decision making.
78. The ETA would increase the volumes of identities to be managed by INZ systems beyond current forecasts, which are based on visa applications. Upgrades to INZ IT systems to address forecast volume increases are already programmed. The ETA facility might bring forward requirements to upgrade those systems, particularly if biometric capability is introduced. This would have implications for the timing of future investments. The introduction of biometric capability would be subject to future Cabinet decisions. Such decisions are unlikely to be sought before 2020/21.

The ETA work must be aligned with other changes to border charging

79. As noted above, there are a number of funding changes underway or proposed at the border. Cabinet has already agreed to changes to immigration fees and levies [DEV-18-MIN-0040], subject to public consultation after the Budget is announced, and to come into effect before the end of 2018. The proposal for the introduction of an IVL is being considered alongside this paper. In addition, agencies are working on or planning to work on changes to charges impacting on passenger movements (including a review of Aviation Security clearance costs) and goods movements.

⁹ Under s.393 of the *Immigration Act 2009*.

80. Officials from all border agencies are coordinating across these areas to consider cumulative impacts and align consultation where possible. As part of the consultation process, the information set out in Annex Five will be provided to the public on the potential cumulative impacts of the Border Clearance Levy, IVL and immigration charges on specified groups of passengers.

Human rights

81. The proposals in this paper are consistent with the *New Zealand Bill of Rights Act 1990* and the *Human Rights Act 1993*, and with New Zealand's international commitments to enabling movement of people. The *Immigration Act 2009* recognises that immigration matters inherently involve different treatment on the basis of personal characteristics, but immigration policy development seeks to ensure that any changes are necessary and proportionate.

Legislative and regulatory implications

82. While legislative change is not required to implement the ETA proposal, it would require regulatory change. 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. Amendments to the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010* would be required to:
- 82.1. 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 ETA
 - 82.2. 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
 - 82.3. establish a fee or fees for classes of applicants.
83. I anticipate bringing a paper to Cabinet seeking agreement to regulatory change before the end of April 2019. The report back in July 2018 will set out more detail. A Regulatory Impact Statement will be developed to accompany the July report back.

Publicity

84. A range of stakeholders have an interest in the proposal to introduce ETA, including countries whose nationals have visa waiver status or which have an Antarctic interest, the tourism industry, ports and carriers, and the New Zealand public whose family and friends or business contacts may be affected. Officials from the Ministry of Business, Innovation and Employment have developed a communications and engagement strategy, in consultation with relevant agencies including the Ministry of Foreign Relations and Trade and other border agencies.
85. I plan to consult publicly on the ETA proposal, in alignment with consultation on changes to immigration fees and levies and the IVL. A copy of the consultation document is attached, and this document will be proactively released to support public discussion.. I will report back in July to seek agreement to the final details of the proposal, along with funding to support the project's implementation.

Recommendations

86. The Minister of Immigration recommends that the Committee:
- 1 **note** 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 **note** 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); and
 - 2.2 facilitate traveller movements smoothly;
- 3 **agree** 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 **note** 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;

Electronic Travel Authority – key parameters for consultation

- 5 **agree** 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 which 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 **note** 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 **note** that Cabinet will shortly be asked to make decisions on a proposed International Visitor Conservation and Tourism Levy and to agree to consultation on its details;
- 8 **note** that one of the collection options that has been considered includes an additional charge on visa and Electronic Travel Authority applications;
- 9 **note** that, if immigration applications are the agreed vehicle for collecting the 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 **note** that initial scoping indicates that the Electronic Travel Authority project would cost in the order of \$16.5 million, which would require a Crown-funded capital injection;
- 11 **note** 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 **note** 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 **note** that initial costings indicate that a charge of approximately \$9 would fully recover the costs of the Electronic Travel Authority;
- 14 **note** 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 **note** 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 **note** 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 **agree** to the release of the attached consultation 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*:
 - 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 **invite** the Minister of Immigration to report back to Cabinet in July 2018 to seek decisions on the final shape of the Electronic Travel Authority, following public consultation;
- 19 **note** 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 **note** that a range of stakeholders have an interest in the proposal to introduce an Electronic Travel Authority, including: countries whose nationals have visa waiver status; the tourism industry; ports and carriers; and the New Zealand public whose family and friends or business contacts may be affected;
- 21 s 6 (a) 
- 22 **direct** officials from 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; and

- 23 **direct** officials from the Ministry of Business, Innovation and Employment to proactively release this Cabinet paper and relevant briefings to support consultation, removing material consistent with the Official Information Act, including anything that could affect New Zealand's international relations or is legally privileged.

Authorised for lodgement

Hon Iain Lees-Galloway
Minister of Immigration

Summary of Upcoming Cabinet Papers in the Immigration Portfolio

The Government's vision is to improve the wellbeing and living standards of New Zealanders, including through productive, sustainable and inclusive economic growth.

The immigration system supports this vision by:

Vision

Improving New Zealand's labour market outcomes including by filling skill and labour shortages and raising overall skill levels

Encouraging investment and supporting innovation and exports

Supporting foreign relations objectives and New Zealand's international and humanitarian commitments

Supporting social inclusion, including through family reunification

Protecting the security of New Zealanders and the border

Government Priorities

§ 9(2)(f)(iv)

Other Government priorities with implications for immigration include:

- Refreshing New Zealand's approach to the Pacific islands region, including developing deeper partnerships and adopting principles of engagement based on mutual understanding, friendship, mutual benefit, collective ambition, and sustainability
- Deepening cooperation with Australia to enhance New Zealand's security and prosperity, including by streamlining trans-Tasman travel and working together to **§ 6(a)**
- Supporting the rules-based international system and increasing New Zealand's overseas development contribution and improving responses to global emergencies and issues

2018 Immigration portfolio priorities

Better match the skills New Zealand needs with the skills New Zealand gets and ensure that the immigration, education and welfare systems work together to improve labour market outcomes for New Zealanders*

*below are the first steps of immigration's contribution to wider work to better align labour market systems and to address skill and labour shortages that is underway

Tackle the exploitation of migrants, particularly of international students and temporary workers

Review New Zealand's approach to Pacific migration issues

Increase New Zealand's refugee intake

Make immigration system improvements and contribute to the security of New Zealand's borders

Upcoming papers

Changes to the Labour Market Test and Accredited Employer policy

§ 9(2)(f)(iv)

Changes to immigration settings to facilitate the KiwiBuild programme

Sets out the key elements of an immigration package for KiwiBuild and seeks agreement to consult

Would target more facilitative visa settings at construction occupations whilst ensuring better labour market outcomes for the domestic construction workforce

Visa approvals ↑

Cabinet paper due DEV 23 May 2018

Regionalisation of labour market policies

MBIE to provide initial advice on how immigration can better support the needs of regional labour markets

Unknown - Impacts will depend on the decisions made by Cabinet

§ 9(2)(f)(iv)

New Zealand Residence Programme

Seeks agreement to the next iteration of the New Zealand Residence Programme, which sets out who gets residence in New Zealand

Unknown - Impacts will depend on the decisions made by Cabinet

Changes to immigration settings for international students

Seeks agreement to consult on proposed changes to restrict access to post-study work visas to higher qualified former international students and tighten access to work and student visas for family members of students

The changes would reduce the number of students who stay and work here after study and may reduce the number of international students

Visa approvals ↓

Cabinet paper due DEV 23 May 2018

Establishing an inquiry into temporary migrant worker exploitation

To seek agreement to establish an inquiry into temporary migrant worker exploitation (including international students) to make recommendations to mitigate migrant vulnerability and reduce exploitation

§ 9(2)(f)(iv)

Pacific migration Review

Seeks agreement to a proposed immigration policy work programme from 2018-2020 for Pacific immigration policies

§ 9(2)(f)(iv)

Visa approvals ↔

Cabinet paper due DEV 23 May 2018

Increasing the Annual Refugee Quota to 1,500 Places

Seeks Cabinet agreement to increase the annual Refugee Quota to 1,500 **§ 9(2)(f)(iv)**

Increase in number of permanent residence visas granted (by 500 annually)

§ 9(2)(f)(iv)

§ 9(2)(f)(iv)

Proposal to develop an Electronic Travel Registration

Seeks agreement to consult on proposal to introduce Electronic Travel Registration (ETR), which would be mandatory for most people who currently travel to or transit New Zealand visa free

An estimated 1.3 million visa free visitors per annum would be required to hold an ETR

Cabinet paper due DEV 23 May 2018

Removal of departure card

Seeks agreement to the removal of the requirement that travellers complete a physical departure card at the border (Statistics New Zealand has developed new measures which do not depend on departure card data)

Would facilitate border processes for all passengers departing New Zealand

Cabinet paper due in July 2018

Expected impacts

Status / Timing

§ 9(2)(f)(iv)

Annex Two – Nationalities and classes of people waived from the requirement to hold a visa before travel to New Zealand and proposed ETR requirement

People who do not need to apply for a visa before travel and who may apply for a resident visa on arrival

Australian citizens and permanent residents do not need to apply for a visa before travel to New Zealand. They are granted a resident visa on arrival as long as they meet character and entry permission requirements. This means Australian citizens and residents do not need to apply for other types of visas, such as visitor or work visas, when they come to New Zealand.

Table 1: Resident visa-waiver passengers

Type of passenger	ETA requirement
Australian citizens	No
Australian residents	Yes

People who do not need to apply for a visa before travel and who may apply for a visitor visa on arrival

Passport holders of visitor visa waiver countries (see Table 2) do not have to apply for a visa before travelling to New Zealand for a short-term visit. They are granted a visitor visa on arrival as long as they meet character and entry permission requirements. People travelling on a United Nations laissez passer are also waived from the requirement to apply for a visitor visa before travel,

All people travelling on the documents set out in Table 2 are proposed to be ETA required.

Table 2: Short-term visitor visa-waived travel documents (all ETA required)

Andorra	Finland	Luxembourg	Saudi Arabia
Argentina	France	Macau (travelling on Macau SAR passports)	Seychelles
Austria	Germany	Malaysia	Singapore
Bahrain	Greece	Malta	Slovak Republic
Belgium	Hong Kong (residents travelling on HKSAR / BNO passports)	Mauritius	Slovenia
Brazil	Hungary	Mexico	South Korea
Brunei	Iceland	Monaco	Spain
Bulgaria	Ireland	Netherlands	Sweden
Canada	Israel	Norway	Switzerland
Chile	Italy	Oman	Taiwan (permanent residents travelling on Taiwanese passports)
Croatia	Japan	Poland	United Arab Emirates
Cyprus	Kuwait	Portugal	United Kingdom
Czech Republic	Latvia (citizens only)	Qatar	United States of America
Denmark	Liechtenstein	Romania	Uruguay
Estonia (citizens only)	Lithuania (citizens only)	San Marino	Vatican City
United Nations laissez passer			

Visitor visa requirements are also waived for the following groups. The current ETA proposal does not include them in its scope:

- members of, or any person associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty, and
- members of a visiting force (including members of the civilian component of the visiting force).

People who do not need to apply for a visa before travel transiting New Zealand

People passing through New Zealand as a transit passenger must apply for a transit visa before travel, unless they meet New Zealand’s character requirements and they:

- already hold a visa, or
- hold a passport from a resident or visitor visa waiver country (listed in Table 1 and Table 2), or
- hold a passport from a transit visa waiver country (listed in Table 3 below), or
- they are travelling to (but not from) Australia

Table 3: Transit visa-waived nationalities (all ETA required)

Nauru	Samoa	Thailand
Papua New Guinea	Palau	Panama
Tuvalu	Solomon Islands	Peru
Vanuatu	Republic of Marshall Island	Paraguay
Tonga	Philippines	Venezuela
Federated States of Micronesia	Indonesia	Bahamas
Kiribati	Colombia	Bermuda
Costa Rica	Ecuador	Bolivia

Transit visa requirements are also waived for the following groups of people. The current ETA proposal does not include them in its scope:

- people associated with scientific programmes under the Antarctic Treaty, or
- members of a visiting military force.

For more information, see the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010*, including

- Regulation 8 (*Applications at immigration control area by Australian citizens and permanent residents for resident visa*)
- Regulation 11 (*Application requirements at immigration control area*)
- Regulation 16 (*People to whom waiver of requirement for transit visa applies*)
- Regulation 18 (*People to whom waiver of requirement for visa permitting travel to New Zealand applies*)
- Regulation 24 (*Application requirements*), and
- Schedule 2 (*People to whom waiver to travel to New Zealand applies*).

Annex Three – Classes of people who are deemed to hold a visa and entry permission for New Zealand and proposed ETR requirement

The people described below are deemed to hold a temporary visa and entry permission so do not need to apply for either. Table 1 shows the period of stay for which they are deemed to hold a visa and entry permission, and whether they are proposed to be ETA required. A visa must be applied for if a longer stay is required.

Table 1: Groups of people with deemed visa and entry permission

Type of traveller*	Length of stay	ETA requirement
Passengers on a ship carrying passengers, cargo or both	The earlier of: 28 days from the day the ship arrives at its first port, or when the ship is given clearance to leave its last port	Yes, for cruise passengers only
Crew on a ship carrying passengers, cargo or both	Same as above	Yes, for cruise crew only
Crew on a ship carrying coastal cargo under the Maritime Transport Act	28 days from arrival	No
Aircraft crew of an aircraft on a flight between any other country and New Zealand in the course of a scheduled international service	7 days from arrival	Yes
Aircraft crew of a private or commercial aircraft on a flight between any other country and New Zealand that is not in the course of a scheduled international service	21 days from arrival	Yes for commercial, not for private aircraft.
Any person associated with a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty	The duration of their stay in the Ross Dependency, plus three months if they subsequently travel to another area of New Zealand	No
Guests of government	3 months from arrival	No
Members of a visiting force, or the crew transporting them, on a military craft	Until the earlier of: the day that the holder ceases to be a member of a visiting force or crew member of the military craft transporting a visiting force, or when the holder's duty or employment in New Zealand finishes.	No

For more information see the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010*, including:

- Regulation 19: *People deemed to be granted temporary entry class visa*
- Regulation 25: *Exemptions from requirement to apply for entry permission*; and
- Schedule 3: *People deemed to hold visa and have been granted entry permission.*

Annex Four – Advance information and border security developments in five-eye partner countries and the European Union

Australia

Australia has a universal visa regime (New Zealand citizens are the only exception) and has a range of online visa and Electronic Travel Authority instruments for intending visitors. As Australia does not have a formal cost recovery framework like New Zealand's, visitor application fees do not exactly correspond to decision costs. Charges vary from free for an eVisa, an AUD20 (service fee) for an Electronic Travel Authority (ETA), to AUD40 for a paper based visitor visa and AUD1,020 for a frequent traveller visitor visa. An ETA lasts for a year.

Australia is investing heavily in border technology which is aimed at enhancing its pre-screening of all passengers and facilitation of increasing numbers of bona fide travellers. Current initiatives include using testing the use of passenger biometrics which, combined with face of the fly camera technology, could enable passengers to pass the border without the need to use SmartGates, and piloting digital arrival cards. Such arrival cards will likely be pre-populated by visa / ETA data, reducing passenger compliance burdens.

United States

The United States introduced the Electronic System for Travel Authorization (ESTA) for visa waiver nationalities in 2009, primarily as a response to the events of 9/11. It has an online application form, and costs USD14 (of which \$4 covers the cost of the decision, and \$10 is for tourism promotion). An ESTA lasts for five years and the system has a strong security screening emphasis.

Canada

Canada introduced its Electronic Travel Authorization (eTA) in August 2015, and made it obligatory in November 2016. All visa waiver nationals, except citizens of the United States, seeking to fly to or transit Canada must hold an eTA, which is applied for online and costs CAD7. An eTA lasts for five years. In addition to the security pre-screening which it enables, it is intended to facilitate low risk travellers by reducing the need for officers to screen them for admissibility at the border.

European Union

The European Commission is proposing to set up an automated system (the European Travel Information and Authorisation System or ETIAS) that will gather information on visa-exempt travellers prior to their arrival, to determine any irregular migration, security or public-health risks associated with them. It will apply to visa-exempt third-country nationals arriving at the Schengen external borders (there are currently around 60 visa-exempt countries), who will need to obtain a travel authorisation before their trip, via an online application.

A travel authorisation will be valid for three years or until the end of validity of the travel document registered during application, whichever comes first. It is expected to be operational by 2020. It is estimated that the ETIAS will cost EUR212 million to implement, and EUR85 million to operate annually.

Annex five: Personas for combined impacts of Immigration Fees and Levy review, Electronic Travel Authority and IVL proposals

Key: BCL = Border Clearance Levy

ETR = Electronic Travel Registration

IVL = International Visitor Conservation and Tourism Levy

Persona 1: Single traveller (visitor – tourist), visa required				Persona 2: Single traveller (visitor – tourist or business), visa waiver				Persona 3: Single traveller (visitor– tourist or business), Australian citizen			
Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase
Visa fee	\$151-\$170	\$190	\$20-\$39	Visa fee	n/a	n/a	n/a	Visa fee	n/a	n/a	n/a
Immigration levy	\$14	\$21	\$7	Immigration levy	n/a	n/a	n/a	Immigration levy	n/a	n/a	n/a
BCL	\$21.58	\$18.73	-\$2.85	BCL	\$21.58	\$18.73	-\$2.85	BCL	\$21.58	\$18.73	-\$2.85
ETR fee	n/a	n/a	n/a	ETR fee	n/a	\$8	\$8	ETR fee	n/a	n/a	n/a
IVL	n/a	\$30	\$30	IVL	n/a	\$30	\$30	IVL	n/a	n/a	n/a
Combined	\$186.58 - \$205.58	\$259.73	\$54.15 - \$73.15	Combined	\$21.58	\$56.73	\$35.15	Combined	\$21.58	\$18.73	-\$2.85
Persona 4: Family group of four travellers (visitor), visa required				Persona 5: Family group of four travellers (visitor), visa waiver				Persona 6: Family group of four travellers (visitor), Australian citizens			
Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase
Visa fee	\$151-\$170	\$190	\$20-\$39	Visa fee	n/a	n/a	n/a	Visa fee	n/a	n/a	n/a
Immigration levy	\$14	\$21	\$7	Immigration levy	n/a	n/a	n/a	Immigration levy	n/a	n/a	n/a
BCL	\$86.32	\$74.92	-\$11.40	BCL	\$86.32	\$74.92	-\$11.40	BCL	\$86.32	\$74.92	-\$11.40
ETR fee	n/a	n/a	n/a	ETR fee	n/a	\$32	\$32	ETR fee	n/a	n/a	n/a
IVL	n/a	\$120	\$120	IVL	n/a	\$120	\$120	IVL	n/a	n/a	n/a
Combined	\$251.32 - \$270.32	\$405.92	\$135.60 - \$154.60	Combined	\$86.32	\$226.92	\$140.60	Combined	\$86.32	\$74.92	-\$11.40
Persona 7: Single traveller (visitor: tourist/business), visa required, Pacific				Persona 8: Family group of four travellers (visitor), visa required, Pacific				Persona 9: Single traveller (visitor – tourist or business), Australian resident			
Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase
Visa fee	\$116-\$135	\$150	\$15-\$34	Visa fee	\$116-135	\$150	\$15-\$34	Visa fee	n/a	n/a	n/a
Immigration levy	\$14	\$21	\$7	Immigration levy	\$14	\$21	\$7	Immigration levy	n/a	n/a	n/a
BCL	\$21.58	\$18.73	-\$2.85	BCL	\$86.32	\$74.92	-\$11.40	BCL	\$21.58	\$18.73	-\$2.85
ETR fee	n/a	n/a	n/a	ETR fee	n/a	n/a	n/a	ETR fee	n/a	\$8	\$8
IVL	n/a	n/a	n/a	IVL	n/a	n/a	n/a	IVL	n/a	n/a	n/a
Combined	\$151.58 - \$170.58	\$189.73	\$19.15-\$38.15	Combined	\$216.32 - \$235.32	\$245.92	\$10.60 - \$29.60	Combined	\$21.58	\$26.73	\$5.15
Persona 10: Family group of four travellers (visitor), Australian residents				Persona 11: Individual visiting NZ on cruise vessel, deemed visa, not Australian				Persona 12: Family group visiting NZ on cruise vessel, deemed visa, not Australian			
Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase	Charge type	Current	Proposed	Increase
Visa fee	n/a	n/a	n/a	Visa fee	n/a	n/a	n/a	Visa fee	n/a	n/a	n/a
Immigration levy	n/a	n/a	n/a	Immigration levy	n/a	n/a	n/a	Immigration levy	n/a	n/a	n/a
BCL	\$86.32	\$74.92	-\$11.40	BCL	\$26.23	\$22.82	-\$3.41	BCL	\$104.92	\$91.28	-\$13.64
ETR fee	n/a	\$32	\$32	ETR fee	n/a	\$8	\$8	ETR fee	n/a	\$32	\$32
IVL	n/a	n/a	n/a	IVL	n/a	\$30	\$30	IVL	n/a	\$120	\$120
Combined	\$86.32	\$106.92	\$20.60	Combined	\$26.23	\$60.82	\$34.59	Combined	\$104.92	\$243.28	\$138.36

Notes:

- Offshore visa application fees, ETR fee and IVL are GST zero-rated (based on services being provided off-shore). BCL rates shown above are GST inclusive.
- Visa fees shown are for visas applied offshore, with rates for personas 7 and 8 reflecting the lower rate for applications made from the Pacific. The lower rate in ranges reflects the current on-line discount, which is proposed to be removed.
- Current BCL rates (GST inclusive) are \$8.57 for an arriving traveller other than an arriving cruise ship traveller and \$3.37 for a departing traveller other than a departing cruise ship traveller under the [Customs and Excise \(Border Processing Levy\) Order 2015](#), and \$9.64 for a traveller other than a cruise ship traveller under the [Biosecurity \(Border Processing Levy\) Order 2015](#) (rates effective until 30 June 2018). For a traveller on a cruise ship the rates are \$8.63, \$3.57 and \$14.03 respectively.
- BCL rates (GST inclusive) effective from 1 July 2018 are \$7.39 for an arriving traveller other than an arriving cruise ship traveller and \$2.94 for a departing traveller other than a departing cruise ship traveller as per updated rates under the [Notification of Rates of Levy Under the Customs and Excise \(Border Processing Levy\) Order 2015](#), and \$8.40 for a traveller other than a cruise ship traveller under the [Notification of Rates of Levy Under the Biosecurity \(Border Processing Levy\) Order 2015](#). For a traveller on a cruise ship the rates are \$11.96, \$4.72 and \$6.14 respectively.
- BCL rates do not reflect the inclusion of INZ border clearance costs (proposal being consulted on in the Immigration Fee and Levy review).
- ETR and IVL rates show indicative level of charge pending Ministerial / Cabinet decisions. For illustrative purposes the lower rate of \$8 for the ETR and the mid-point rate of \$30 for the IVL have been used.
- Family group visa fees and Immigration levy rates are for a family of four (two adults and two dependent children aged under 18 years old) eligible to apply for all four travellers under one visa application.
- BCL, ETR fee and IVL for Family group of four travellers are calculated based on four payments of each levy and fee.