



COVERSHEET

Minister	Hon Andrew Little	Portfolio	Immigration
Title of Cabinet paper	Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023	Date to be published	3 July 2023

List of documents that have been proactively released

Date	Title	Author
May 2023	Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023	Office of the Minister of Immigration
11 May 2023	Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023 LEG-23-MIN-0050 Minute	Cabinet Office

Information redacted

Yes/ No

Any information redacted in this document is redacted in accordance with MBIE's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In Confidence

Office of the Minister of Immigration

Chair, Cabinet Legislation Committee

Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023

Proposal

This paper seeks authorisation for submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023*.

The policy

- 1 The *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023* (the amendment regulations) give effect to Cabinet policy decisions to enable digital solutions to be used to facilitate travel to New Zealand and better manage risk at the border.
- 2 On 20 February 2023, Cabinet agreed to amend the Visa Regulations to enable:
 - 2.1 applications for a visa and/or entry permission on arrival in New Zealand to be made electronically
 - 2.2 these applications to be completed in languages other than English (in the future); and
 - 2.3 the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) to mandate these applications be made electronically.

[DEV-23-MIN-0002 and CAB-23-MIN-0025].
- 3 These amendments are necessary to support the implementation of the New Zealand Traveller Declaration (NZTD), which will enable travellers to provide immigration information in a digital format. The paper Arrival Card will continue to be an option for travellers.
- 4 During the drafting process officials noted that the empowering provisions of the *Immigration Act 2009* (the Act) do not allow the Chief Executive of MBIE to mandate applications for entry permission on arrival in New Zealand be made electronically. However, consistent with Cabinet's decision, the Visa Regulations could be amended in the future to require these applications to be made electronically if appropriate.

Timing and the 28-day rule

- 5 The amendment regulations will come into force (at least) 28 days after they are notified in the Gazette, which aligns with go live of the NZTD at the border.

Compliance

- 6 The regulations comply with each of the following:
 - 6.1 the principles of the Treaty of Waitangi;
 - 6.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 6.3 the principles and guidelines set out in the Privacy Act 2020;
 - 6.4 relevant international standards and obligations; and
 - 6.5 the Legislation Design and Advisory Committee's Guidelines on Process and Content of Legislation (2021 edition).

Regulations Review Committee

- 7 There are no anticipated grounds for the Regulations Review Committee to draw the amendment regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 8 The amendment regulations were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 9 A Regulatory Impact Assessment was prepared in accordance with the necessary requirements, and submitted at the time that Cabinet approval was sought of the policy relating to the regulations [DEV-23-MIN-0002 and CAB-23-MIN-0025].

Publicity

- 10 While no specific steps will be taken to publicise the amendment regulations, the NZTD Programme, led by the New Zealand Customs Service (Customs), has developed an extensive communications and engagement strategy. This will support the implementation of the NZTD, promote the uptake of the digital declaration and ensure travellers are informed of the digital declaration prior to travel. Customs has prepared a Cabinet paper that gives an overview of the NZTD readiness for go-live, which is due to be considered by Cabinet Economic Development Committee on 31 May 2023.

Proactive release

- 11 The paper will be proactively released, subject to any redactions consistent with the Official Information Act 1982.

Consultation

- 12 This Cabinet paper was prepared by MBIE. The following agencies were consulted on the Cabinet paper and draft regulations: the New Zealand Customs Service, Statistics

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New Zealand, the Department of Internal Affairs, the Ministry for Primary Industries and the Ministries of Health, Transport, Justice and Business, Innovation and Employment (Tourism).

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that, on 20 February 2023, Cabinet agreed to amend the Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 (the Visa Regulations) to enable:
 - 1.1 applications for a visa and/or entry permission on arrival in New Zealand to be made electronically (i.e. using the New Zealand Traveller Declaration or NZTD);
 - 1.2 these applications to be completed in languages other than English; and
 - 1.3 the Chief Executive of the Ministry of Business Innovation and Employment (MBIE) to mandate these applications to be made electronically.

[DEV-23-MIN-0002 and CAB-23-MIN-0025]
- 2 note that it is not possible to give the Chief Executive of MBIE the ability to mandate applications for entry permission be made electronically (as noted in paragraph 1.3 above), and for that policy decision to be implemented the Visa Regulations could be amended in the future to require these applications to be made electronically if appropriate;
- 3 note that the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023 (the amendment regulations) will give effect to the decisions referred to in paragraphs 1.1 and 1.2 above;
- 4 agree to in the future amend the Visa Regulations to require applications for entry permission to be made electronically if appropriate, consistent with Cabinet decisions and as noted in recommendation 2;
- 5 authorise the submission of the amendment regulations to the Executive Council; and
- 6 note that the amendment regulations will come into force at least 28 days after they are notified in the Gazette.

Authorised for lodgement

Hon Michael Wood
Minister of Immigration

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