



## COVERSHEET

<b>Minister</b>	Hon Erica Stanford	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 4) 2024	<b>Date to be published</b>	15 October 2024

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
12 September 2024	Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 4) 2024	Office of the Minister of Immigration
19 September 2024	LEG-24-MIN-0188	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 (No 4) 2024**

**Proposal**

- 1 This paper seeks authorisation for submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 4) 2024*.

**Policy**

- 2 Since October 2019, air passengers who hold passports from visa waiver countries, crew of commercial aircraft, and all cruise ship passengers and crew have been required to hold a New Zealand Electronic Travel Authority (NZeTA) before travel to New Zealand. When the NZeTA was introduced, Cabinet agreed that, subject to its agreement, the requirement to hold an NZeTA could be extended to further groups of people in the future [DEV-18-MIN-0191].
- 3 The NZeTA provides Immigration New Zealand (INZ) with advance notice of intending visa-free travellers, which helps manage immigration risk and keeps our borders secure, while also facilitating genuine travellers in line with international best practice.
- 4 In March 2023, Cabinet directed the Ministry of Business, Innovation and Employment (MBIE) to consult on adding cargo ship crew and passengers, crew of foreign ships authorised by the Minister of Transport to carry coastal cargo, and private aircraft crew to the classes of person required to hold an NZeTA before travel to New Zealand [DEV-23-MIN-0023]. This work was paused in mid-2023, following consultation with stakeholders.
- 5 In July 2024, MBIE reported back on the outcome of consultation and, on 29 July 2024, Cabinet agreed to amend the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010* (the Visa Regulations) to require cargo ship crew and passengers (including those on foreign ships authorised by the Minister of Transport to carry coastal cargo) to hold an NZeTA before travel to New Zealand [ECO-24-MIN-0131, confirmed by CAB-24-MIN-0277].

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- 6 Cabinet also made the following policy decisions, which require changes to the Visa Regulations:
- 6.1 that cargo ship crew and passengers are deemed to hold a visa and entry permission on arrival in New Zealand if they hold an NZeTA or are exempt from the requirement to do so;
  - 6.2 that the existing NZeTA policy framework apply to cargo ship crew and passengers, as follows:
    - 6.2.1 maritime or aircraft crew are not required to pay the International Visitor Conservation and Tourism Levy (IVL) when they request a Crew NZeTA;
    - 6.2.2 a request for a Traveller NZeTA must be accompanied by payment of the IVL;
    - 6.2.3 crew flying to New Zealand to join a vessel or craft they are working on can travel to New Zealand on their Crew NZeTA and apply for a visa and entry permission on arrival (rather than applying for a visitor visa prior to travel);
  - 6.3 that any photos of customers' heads submitted with NZeTA requests must be of acceptable quality.

### **Timing and 28-day rule**

- 7 The requirement for cargo ship crew and passengers, including those crew of foreign ships authorised by the Minister of Transport, to hold an NZeTA before travel to New Zealand will come into force on 1 April 2025. Cargo ship crew and passengers will be able to apply for an NZeTA on 3 February 2025. The amendment relating to the NZeTA photo requirement will come into effect on 24 October 2024, 28 days after notification in the New Zealand Gazette.

### **Compliance**

- 8 The amendment regulations comply with each of the following:
- 8.1 the principles of the Treaty of Waitangi;
  - 8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 8.3 the principles and guidelines set out in the Privacy Act 2020;
  - 8.4 relevant international standards and obligations;
  - 8.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 9 Section 403A of the Immigration Act 2009 requires that the amendment regulations be made only on the recommendation of the Minister of Immigration. I recommend that the amendment regulations be made and therefore this requirement has been met.

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### **Regulations Review Committee**

- 10 I do not consider that there are any 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 Office**

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

### **Impact analysis**

- 12 A Regulatory Impact Assessment (RIS) was prepared at the time that Cabinet policy decisions were made [ECO-24-MIN-0131 and CAB-24-MIN-0277].
- 13 The MBIE Regulatory Impact Assessment Panel considered the RIS and assessed it as meeting the RIS quality criteria. The RIS has been published on the MBIE website.
- 14 A Climate Implications of Policy Assessment did not apply to this proposal, as the threshold for significance was not met.

### **Publicity**

- 15 MBIE has communicated the changes to affected stakeholders.

### **Proactive Release**

- 16 I intend to proactively release this paper and its associated Minute in full, with no redactions.

### **Consultation**

- 17 The following agencies were consulted on the Cabinet paper during its development: the Ministries of Transport, Foreign Affairs and Trade, and Health, the Ministry for Primary Industries, the Department of Internal Affairs, the Treasury, and the New Zealand Customs Service.

### **Recommendations**

I recommend that the Cabinet Legislation Committee:

- 1 note that, on 24 July 2024, the Cabinet Economic Policy Committee agreed to the following policy decisions [ECO-24-MIN-0131 and CAB-24-MIN-0277]:
- 1.1 to make the following classes of person visa waiver for travel to New Zealand on the condition they hold a valid NZeTA:
- 1.1.1 cargo ship passengers and crew; and
- 1.1.2 crew of foreign ship authorised by the Minister of Transport under section 198(2) of the Maritime Transport Act 1994 to carry coastal cargo;

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- 1.2 that the classes of person specified above are deemed to hold a visa and entry permission on arrival in New Zealand if they hold an NZeTA or are exempt from the requirement to do so;
- 1.3 that the existing NZeTA policy framework apply to the classes of person above, as follows:
  - 1.3.1 maritime or aircraft crew are not required to pay the International Visitor Conservation and Tourism Levy (IVL) when they request a Crew NZeTA;
  - 1.3.2 a request for a Traveller NZeTA must be accompanied by payment of the IVL;
  - 1.3.3 crew flying to New Zealand to join a vessel or craft they are working on can travel to New Zealand on their Crew NZeTA and apply for a visa and entry permission on arrival (rather than applying for a visitor visa prior to travel);
- 1.4 that any photos of customers' heads submitted with NZeTA requests be of acceptable quality;
- 2 note that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 4) 2024* (the Amendment Regulations) will give effect to the decisions referred to in paragraphs 1.1 to 1.4 above;
- 3 note that timing for the Amendment Regulations coming into force is as follows:
  - 3.1 NZeTA photos will be required to be of acceptable quality on 24 October 2024;
  - 3.2 cargo ship crew and passengers will be able to apply for an NZeTA on 3 February 2025; and
  - 3.3 requirement for cargo ship crew and passengers, including those crew of foreign ships authorised by the Minister of Transport to carry coastal cargo, to hold an NZeTA before travel to New Zealand - on 1 April 2025;
- 4 note that section 403A of the Immigration Act 2009 requires that the amendment regulations be made only on the recommendation of the Minister of Immigration, and I recommend that they be made; and
- 5 authorise the submission to the Executive Council of *the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 4) 2024*.

Authorised for lodgement

Hon Erica Stanford  
Minister of Immigration

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