



BRIEFING

Information on trade and international relationships in the immigration portfolio

Date:	14 December 2017	Priority:	Medium
Security classification:	Restricted	Tracking number:	1233 17-18

Action sought		Due date
Hon Iain Lees-Galloway Minister of Immigration	Note the contents of this report. Forward to the Associate Minister of Immigration for their information.	5 February 2018
Hon Kris Faafoi Associate Minister of Immigration	Note the contents of this report.	N/A

Contact for telephone discussion (if required)			
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The following departments/agencies have been consulted
N/A

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Withdrawn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 provides background information on the key trade and international relationships in the immigration portfolio and expected upcoming engagements by Ministers or officials.

Executive summary

The immigration system has close linkages with New Zealand's trade and foreign relations objectives. Many countries value improved access to visas and improved access to our labour market for their citizens. New Zealanders (and the wider economy) value the ability to access other countries and markets through reciprocal arrangements.

People flows across borders are increasingly important for New Zealand's export interests as more firms export services internationally, either standalone or bundled with goods (such as maintenance and repair contracts for equipment that is being traded). New Zealand can also use people-to-people links as a broad tool for building strong international relationships.

The interests of the Immigration portfolio are primarily in relation to access and rights for foreign nationals in New Zealand. However these sit within a broader agenda of our trade and foreign relations aims. An outline of New Zealand's current international agenda as it relates to the Immigration Portfolio is attached as **Annex One**.

Free Trade Agreements

As the Minister of Immigration and the Minister for Workplace Relations and Safety, you are responsible for the immigration and labour-related aspects of Free Trade Agreements (FTAs). Commitments in FTAs as they relate to people movements usually focus on reducing visa barriers and facilitating entry for business people. Reciprocal arrangements can reduce the visa barriers for our exporters wanting to do business overseas. In most cases the commitments New Zealand makes are within our existing visa settings. In some cases, however, partner countries have been granted additional labour market access, such as working holiday schemes or specific quotas in certain occupations **s 9(2)(j)**

s 9(2)(j), s 6(a)

These decisions necessarily require careful balancing as granting **s 6(a), s 9(2)(j)** increased access to New Zealand's labour market or reducing visa requirements can sometimes be at tension with our domestic policy objectives. For example, the potential for increased access to our labour market for foreign workers has the potential to displace New Zealand workers or increase exploitation, while reduced visa barriers can increase immigration related risks such as security concerns or overstaying. New Zealand is currently negotiating a number of trade agreements or upgrades to existing trade agreements. **s 9(2)(j)**

s 9(2)(j)

You will have a key role in working with your Cabinet colleagues, particularly the Minister for Trade and Export Growth and Minister of Foreign Affairs to ensure that these issues are carefully considered in New Zealand's FTAs. MBIE will work closely with the Ministry of Foreign Affairs and Trade (MFAT) to ensure that you are kept up to date with developments in these negotiations and brief you on any immigration implications when the Minister of Trade and Export Growth takes papers to Cabinet, either seeking a mandate where one does not yet exist, or seeking to refresh an existing mandate.

Other international priorities

You are also jointly responsible for working holiday schemes with the Minister of Foreign Affairs. This largely relates to seeking agreement to new negotiations or to increases to the caps of existing schemes from Cabinet, or agreeing other changes to existing schemes. A list of current working holiday schemes is attached as **Annex Two**.

New Zealand also regularly receives requests from individual countries, outside of FTA negotiations, to improve visa access. These often include requests for visa waivers (including just for holders of diplomatic or official passports), longer duration visitor visas, reduced screening or facilitated border processes. MBIE works with MFAT to respond to such requests appropriately.

In addition, New Zealand is participating in the development of two United Nations (UN) global compacts; the Global Compact on Safe, Orderly and Regular Migration and the Global Compact on Refugees. Both of these are scheduled to be agreed by the end of 2018.

New Zealand also maintains a key relationship with Australia in particular, and the other three five eyes countries (Canada, the United Kingdom, and the United States), through the Migration 5 and Border 5 forums. New Zealand also actively participates in several multilateral organisations of particular relevance to the Immigration portfolio, including the Organisation for Economic Co-operation and Development (OECD), the International Labour Organization (ILO), the United Nations (UN), including with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), and the Intergovernmental Consultations on Migration and Asylum (IGC).

Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a. **Note** that New Zealand is currently involved in the following negotiations:
 - I. Upgrade of the New Zealand – China FTA
 - II. The Singapore Enhanced Partnership (SEP), and upgrade of the Singapore Closer Economic Partnership (CEP)
 - III. The Regional Comprehensive Economic Partnership (RCEP)
 - IV. The Pacific Alliance FTA
 - V. Finalising the Comprehensive Progressive Trans Pacific Partnership (CPTPP)
 - VI. The Trade in Services Agreement (TiSA)
 - VII. The Global Compact on Safe Orderly and Regular Migration

Noted

- b. **Note** that further information will be provided closer to the following upcoming developments:

- I. **January:** Refresh of New Zealand's Plan of Action to Prevent People Trafficking

- II. **February:** Global Compact on Refugees Consultations begins
- III. **February:** Global Compact on Safe Orderly and Regular Migration negotiations begin
- IV. **March:** Australia New Zealand Leadership Forum (ANZLF)
- V. **After March:** Potential launch of NZ-EU FTA

Noted

c. **Indicate** whether you would like to discuss this briefing further with officials.

Yes / No



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

14 / 14 / 2017

Hon Iain Lees-Galloway
Minister of Immigration

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Background

1. As Minister of Immigration, officials will seek decisions from you and keep you informed on aspects of New Zealand's international relationships that relate to the immigration portfolio. As people movements often have a labour market element, there is some crossover with your Workplace Relations and Safety portfolio, particularly around the prevention of migrant exploitation and human trafficking.
2. International interests in the Immigration portfolio are broad. This briefing primarily focusses on active negotiations underway on trade agreements and New Zealand's key multilateral and bi-lateral relationships as they relate to the immigration portfolio and your role as the Minister of Immigration. This includes:
 - a. FTAs
 - b. Working Holiday Schemes
 - c. Key bilateral relationships
 - d. The UN and other international organisations
3. Separate briefings have been, or will be, provided on:
 - a. Humanitarian work (Including Refugees and Asylum seekers) [1025 17-18 refers]
 - b. New Zealand's role in the Pacific, including the Recognised Seasonal Employer (RSE) scheme, Pacific Access Category (PAC) and the Samoan Quota (joint advice with MFAT is forthcoming in March 2018)
 - c. International Education [1104 17-18 refers]
 - d. Migrant exploitation (advice is forthcoming in March 2018)
 - e. The implications for migrant employees working in New Zealand for offshore firms [0778 17-18 refers]
4. Matters also frequently arise that intersect between the Immigration, Tourism and/ or broader border sector portfolios. Officials will brief you as these matters arise.

Portfolio Ministers, the Minister for Trade and Export Growth, and the Minister of Foreign Affairs have related but differentiated roles regarding international agreements

5. MFAT is the lead agency in relation to most international agreements and all FTAs. As such, portfolio Ministers work closely with the Minister of Trade and Export Growth and the Minister for Foreign Affairs who hold overarching portfolio responsibility for taking proposed negotiating mandates to Cabinet for agreement. Negotiators then work within this mandate to deliver an FTA.
6. MBIE and MFAT officials will brief you in advance of any key negotiations or Cabinet meetings that have relevance to the Immigration portfolio.
7. There will also be instances where issues outside but relevant to the Immigration portfolio arise and decisions are within the mandate of other Ministers. Officials adopt a 'no surprises' approach to keeping you informed on these matters. (This will be the case for all relevant issues and is not restricted to those which are trade-related.)

Most Free Trade Agreements can have implications for the Immigration portfolio

8. People movement issues have become an increasingly important aspect of free trade and other international agreements. This is for a number of reasons:

- a. Globally, dominant trade volumes have shifted from goods to services, particularly for developed countries. New Zealand's export profile has followed this trend. This means reducing barriers for people to enter markets to trade is just as important as reducing goods barriers like tariffs.
 - b. Increased global flow of goods from overseas means consumers have legitimate expectations about the treatment of workers that produce those goods, resulting in some partners (like the United States and European Union) making the adoption of labour rules a requirement for increased market access.
 - c. In some nations where globalisation or technological change has resulted in job displacement, foreign workers' entry to the domestic market has been blamed for causing the issue (even if this is not the case).
9. Most of New Zealand's FTAs include a chapter on movement of business people. New Zealand's existing FTAs all require us to grant entry to New Zealand for limited periods for:
- a. Transferees within multinational companies who are senior managers or specialists;
 - b. Equipment installer's and servicers; and
 - c. Business visitors.
10. Generally, these chapters start 'within current policy settings' and are amended in line with any mandate as negotiations proceed. In practice this means that any commitments begin as either:
- a. bringing an agreement in line with other existing agreements (for example extending an existing working holiday scheme from 6 months to 12 months, where 12 months is the standard model across most working holiday schemes); or
 - b. Setting a standard that is equal to or more restrictive than an existing domestic policy. There is a risk that once committed to in an agreement; New Zealand is then obligated to maintain these standards within the confines of the agreement, even if domestic policy settings are lowered at a later date.
11. s 6(a), s 9(2)(j)
12. An outline of commitments under existing FTAs is attached as Annex Three.
13. Beyond the standard obligations outlined in paragraph 9, some negotiating partners seek increased access to New Zealand's labour market. s 9(2)(j)
14. Additional immigration commitments are part of New Zealand's FTAs with China, South Korea, Thailand, and some countries within the FTA between New Zealand, Australia and the Association of South East Asian Nations (ASEAN) (Vietnam, the Philippines and Indonesia). These are often agreed as side arrangements, and given effect through instruments known as 'side letters'. s 9(2)(j)

15. In your capacity as Minister for Workplace Relations and Safety, you are also responsible for the labour chapters and obligations in FTAs. These instruments cover the application of international labour principles and rights in trade agreements as well as labour cooperation arrangements. You will be provided with further advice on this topic in the New Year.
16. While not strictly within your portfolio, New Zealand's obligations in relation to trade in services is a key part of trade agreements related to movement of people. Under these obligations, countries agree to fully open their services markets to trading partners with specific listed exceptions. Among other things, services obligations typically:
 - a. prevent the establishment of rules that limit the number of service providers or people that may be employed in a certain service sector;
 - b. require parties to meet a set of minimum standards when regulating occupations or licensed professions so that such regulations do not act as a barrier to trade; and
 - c. prevent countries from requiring services firms to have a local corporate presence.
17. The Immigration portfolio has a specific role in identifying the domestic labour market risks and benefits of proposals to grant concessions to countries in FTAs. As the Minister of Immigration you are uniquely placed to ensure that the risks and benefits to the domestic labour market are balanced with foreign policy risks and benefits in discussions with your Cabinet colleagues.
18. Officials will keep you informed on matters relating to the Immigration portfolio that form part of FTA negotiations as they arise.

New Zealand has an active and ambitious trade agenda

New Zealand is negotiating six new agreements and two upgrades of existing agreements

19. Current negotiations are at varying stages of development, and have varying degrees of relevance to the Immigration portfolio as they currently stand. The current negotiations are:
 - a. Upgrade of the New Zealand – China FTA
 - b. The Singapore Enhanced Partnership (SEP), and upgrade of the Singapore Closer Economic Partnership (CEP)
 - c. The Regional Comprehensive Economic Partnership (RCEP)
 - d. The Pacific Alliance FTA
 - e. Finalising the Comprehensive Progressive Trans Pacific Partnership (CPTPP)
 - f. The Trade in Services Agreement (TiSA)
20. Negotiations that are likely to have implications for the immigration portfolio are outlined below. The Minister of Trade and Export Growth leads the seeking of negotiating mandates from Cabinet at various stages of the negotiation. MBIE officials will ensure you are briefed in advance of this, and also work with MFAT officials to develop the relevant papers.

Upgrade of the New Zealand – China FTA:

21. Launched in November 2016, negotiations on the upgrade of the New Zealand – China FTA are ongoing. § 9(2)(j)
§ 9(2)(j)
22. Separate to FTA negotiations, in May 2017 New Zealand introduced the ability for Chinese nationals who are considered low risk to be granted five-year visas allowing multiple journeys to New Zealand. § 9(2)(j)

s 9(2)(j)

The Regional Comprehensive Economic Partnership (RCEP)

23. RCEP is a multilateral trade agreement across 16 countries:
- d. The 10 members of ASEAN—Brunei-Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam; and
 - e. The six countries with which ASEAN has free trade agreements—Australia, China, India, Japan, Korea, and New Zealand (these six countries are known as the ASEAN Free Trade Partners (AFPs)).

24. s 9(2)(j)

s 9(2)(j)

Officials will brief you if things change as negotiations progress.

Pacific Alliance FTA

25. In June 2017 the Presidents of the Pacific Alliance countries (Chile, Colombia, Mexico and Peru) announced that New Zealand, Australia, Canada and Singapore had met the criteria for associate membership and had been invited to launch trade negotiations. The first round of negotiations was in October 2017.

26. s 9(2)(j)

s 9(2)(j)

It is likely that a more detailed mandate for the negotiations will also need to be sought in the New Year.

The PACER Plus agreement has been signed, but there is ongoing work for the Immigration portfolio

27. The PACER Plus agreement was signed in June 2017. It builds on existing trade agreements: the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA) (1980) and the original PACER Agreement (2001). Eleven countries are signatories to the agreement - Australia, Cook Islands, Kiribati, Nauru, New Zealand, Niue, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Two other countries (Fiji and Papua New Guinea) declined to sign at the time but may join later.
28. The negotiations included a non-binding Labour Mobility Arrangement (LMA) which establishes a regional framework for cooperation, including through a Pacific Labour Mobility Annual Meeting (PLMAM). There is a significant focus on circular mobility¹ to ensure work experience, skills and remittances flow back to the home countries. The inaugural PLMAM, held on Tuesday 14 to Thursday 16 November 2017 in Brisbane was attended by MBIE and MFAT officials.
29. New Zealand is involved in two labour mobility pilots, one in the construction sector and one in the fisheries sector, to support Pacific labour mobility. The Canterbury Reconstruction Programme, which involves workers from Tonga, Samoa and Fiji, was recently completed. It is now being reviewed and may be expanded. The Fisheries pilot, which involves workers from Tuvalu and Kiribati, will soon begin.

¹ Circular mobility schemes such as the Recognised Seasonal Employer (RSE) scheme are temporary work visas that allow people to work in New Zealand on a seasonal basis, return home and return to work in New Zealand the following season. They meet domestic labour needs, provide income to Pacific Island communities in the form of remittances, and also contribute to Pacific aid outcomes, including by developing labour market skills, enabling investment into local businesses, and supporting climate change resilience.

There is also ongoing foundational work with the European Union and the United Kingdom

New Zealand – European Union FTA (NZ-EU FTA)

30. In October 2016, Cabinet approved a high-level exploratory scope for the NZ-EU FTA and agreed that New Zealand could launch negotiations with the EU. At this early stage, the only item of direct relevance for the Immigration portfolio within this scope was to discuss issues around the movement of business persons.
31. The EU is currently developing a negotiating mandate. Timing for the formal launch of negotiations is not certain due to the complexity of internal EU processes, and is not anticipated before March 2018.

UK/Brexit

32. As the UK progresses its exit from the European Union, opportunities for New Zealand to continue building closer relations with the UK will grow. In July 2017 a 'people-to-people' dialogue was announced during Foreign Secretary Boris Johnston's visit to New Zealand. The dialogue allows for an informal path to consider issues around two-way people flows, including secondments, exchanges, immigration and visas between New Zealand and the UK.
33. At this stage there are no specific issues or areas of concern to bring to your attention. Officials are maintaining a watching brief, and will update you should there be any developments.

Working Holiday Schemes are a common area where the Trade and Immigration portfolios interact

34. Working holiday schemes (WHSs) are international arrangements that allow young people, usually aged 18-30, to holiday in New Zealand and undertake some work and study. New Zealand currently has 44 WHSs, 14 of which are uncapped, while the rest have specific annual caps. They are generally reciprocated to allow New Zealanders to undertake some work and study in other countries.² s 6(a), s 9(2)(j)
35. WHSs can enhance people to people linkages and are generally well received by partner countries. They are particularly popular with the Tourism industry, as suppliers of both long term visitors and labour to the industry. However, working holidaymakers are not labour market tested and usually work in lower-skilled roles in industries such as tourism and horticulture. New Zealand has an unusually high level of working holiday schemes and working holidaymakers compared with partner countries.
36. Evidence suggests that WHS makers from lower-income countries have a tendency to work more here than those from higher income countries.
37. In 2016/17, 70,127 visas were granted to working holidaymakers. Table 1 below sets out the number of visas granted over the past six financial years, broken down by capped and uncapped places.

² New Zealand's working holiday schemes with the US and China are not reciprocal and do not provide access for New Zealanders to those countries. The Singapore Work Exchange scheme enables New Zealanders to apply for places under an annual global cap.

Table 1: Working holiday visas granted 2010/11 – 2016/17

	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Capped	10,732	11,167	10,617	11,544	11,010	11,323
Uncapped	32,365	37,541	44,101	49,911	54,310	58,804
Total	43,097	48,708	54,718	61,455	65,320	70,127

38. Growth in the number of working holiday makers has been mainly from the uncapped schemes. Between 2010/11 and 2016/17, visas granted to working holiday makers from the uncapped schemes increased by 76 per cent, while those granted to working holiday makers from the capped schemes increased by 14 per cent.
39. The largest numbers of working holidaymakers are from Germany, United Kingdom and France. As there is no labour market check for working holiday makers, growth in numbers does potentially raise concerns about the risk of labour market displacement. Research in recent years has not, however, been able to provide reliable evidence that this is in fact occurring. Analysis of the length of time spent working, and the amount spent by working holidaymakers from those countries indicates that they spend a lot of time as tourists, and spend more in New Zealand than they earn here.

The Minister of Immigration is jointly responsible for WHSs and decisions will soon come to you regarding new schemes

40. You are jointly responsible for WHSs with the Minister of Foreign Affairs. Cabinet generally agrees to the negotiation of any new schemes and to increases in the caps of existing schemes.
41. s 6(a), s 9(2)(j) [Redacted]
42. MFAT regularly receives requests for cap increases or new schemes. s 6(a), s 9(2)(j) [Redacted]
43. Very longstanding negotiations with Portugal for a WHS of 50 places each year have been recently completed. Officials have been advised that MFAT has sought the approval of the Minister of Foreign Affairs, who in turn has referred this submission to you for joint approval.

In addition to trade agreements, New Zealand is contributing to the Global Compact for Migration and the Global Compact for Refugees

44. New Zealand is currently engaged on the development of two global compacts:
- a. The Global Compact on Safe, Orderly and Regular Migration (the Migration Compact)
 - b. The Global Compact on Refugees (the Refugee Compact)
45. Broadly the compacts will be agreements between UN member states intended to galvanise activity, best practice and policy, taken forward for adoption by UN member States in late 2018.
46. The Migration Compact focuses on developing a state-led global approach to upholding the human rights and wellbeing of migrants and their families, and promoting inclusive economic

growth and sustainable development in societies of origin, transit and destination. Negotiations are set to begin in early 2018. This follows extensive consultation with member states over 2017.

47. New Zealand's position during the consultations was that the Migration Compact should be inclusive with broad membership, and as such should be a non-legally binding instrument, take a rights-based approach to migration and migration policies, and ensure that any outcomes are not overly burdensome for small island developing states.
48. Two MBIE officials attended the 'stocktaking' meeting Global Compact on Migration on 4-6 December 2017. The meeting aimed to consolidate the consultations that have taken place over the course of 2017 with a view to informing the 'zero draft' or first draft of the compact, expected in early 2018.
49. As indicated in weekly report dated 7 December [1353 17-18 refers], the US has withdrawn from the Migration Compact, stating that it is incompatible with US interests as they relate to sovereignty. The US has provided no indication on its approach to the Global Compact on Refugees.
50. The Minister of Foreign Affairs will seek a Cabinet mandate in early 2018 for the negotiations proper.
51. The Refugee Compact seeks to achieve a comprehensive, predictable and sustainable global response to mass movements in refugees. It will comprise two complementary parts:
 - a. the Comprehensive Refugee Response Framework, which was agreed by States in September 2016; and
 - b. a programme of action that will provide the concrete means for the Framework to be operationalised.
52. Unlike the Migration Compact, the Refugee Compact will not be formally negotiated between member states; however formal consultation will be undertaken by the UN with member states. Consultations on the Refugee Compact are scheduled to be completed by August 2018.
53. Officials will keep you informed about the progress of the Compacts.

New Zealand maintains key relations with Australia and the Migration 5/ Border 5 group of countries

Australia

54. The New Zealand - Australia relationship is based on several agreements across a variety of policy areas. Of most relevance to the immigration portfolio are:
 - a. The Single Economic Market (SEM) agenda which aims to create a seamless trans-Tasman business environment. In particular it involves regulatory and border agency cooperation and judicial cooperation. Much of the work in the Immigration portfolio in cooperating with Australia has been associated with or reported under this cooperative arrangement.
 - b. The Trans-Tasman Mutual Recognition Arrangement (TTMRA) which allows for anyone who is registered to practice an occupation in one country to practice in the other.
 - c. The Trans-Tasman Travel Arrangement, which allows for the free movement of citizens and residents of Australia and New Zealand.
 - d. New Zealand also works closely with Australia on many other aspects of our refugee policy. For example New Zealand's offers to resettle up to 150 refugees

annually who were subject to Australian offshore processing legislation (transferees) within New Zealand's Refugee Quota Programme.

55. There are a wide number of trans-Tasman engagements at both the Ministerial and Official level. As Minister for Immigration you will soon be invited to the Australia - New Zealand Leadership Forum (ANZLF), being held in March 2018. The ANZLF brings together trans-Tasman Ministers and leaders of business, government and academia to create an independent public platform for discussing the trans-Tasman relationship.

Migration 5 (M5) and the Border 5 (B5)

56. New Zealand participates in a range of conferences, high level meetings, and working groups with five-eyes countries: Australia, Canada, the US and the UK. These conferences and meetings involve varying degrees of Ministerial and official level attendance and are built around several thematic streams of work such as migration, border security and intelligence. The two of direct relevance to the Immigration portfolio are the M5 and the B5.
57. New Zealand, through Immigration New Zealand (INZ), holds the permanent Secretariat role for the M5.3 Most of the work of the M5 grouping is conducted by officials across six fora and networks:
- i. Data Sharing Working Group;
 - ii. Immigration and Refugee Health Working Group;
 - iii. Heads of Immigration Intelligence;
 - iv. Resettlement Working Group;
 - v. Returns Network; and
 - vi. Traveller Experience and Facilitation Working Group.
58. The New Zealand Customs Service leads New Zealand's work with the B5.
59. As Minister for Immigration, you will be invited to attend the annual Five Country Ministerial (FCM) meeting. Initially the FCM was focussed on homeland and border security, and as such the Minister Responsible for the GCSB and the NZSIS attended to represent New Zealand. The FCM was extended to include immigration issues in 2016, at which point an invitation was also extended to the Minister of Immigration.
60. The next Ministerial meeting is tentatively scheduled for July 2018. Officials will brief you in more detail closer to this date.

New Zealand also actively participates in several multilateral organisations of particular relevance to the Immigration portfolio

The Organisation for Economic Cooperation and Development (OECD)

61. Officials work closely with the OECD, primarily as a forum for sharing best practice in economic and social policy across a broad range of research and policy work programmes. MFAT and the Treasury both have staff seconded to the OECD in Paris. The OECD is a key forum for officials, with infrequent work conducted at the level of Ministers.

The intergovernmental consultations on migration, asylum and refugees (IGC)

62. Similar to the OECD, the IGC is primarily a forum for sharing best practice across a broad range of research and policy work programmes. It focusses on migration, refugees and

³ This was previously known as the Five Country Conference on migration (FCC) and is sometimes referred to as such.

asylum issues through working groups on particular themes. New Zealand, through INZ is currently chairing the Working Group on Integration.

63. The vast majority of work is conducted at the level of officials, and the IGC is considered a key relationship. IGC countries are also aligned to New Zealand's thinking and approach to the Global Compact on Migration, and are key partners as this agreement is negotiated.

Asia Pacific Economic Cooperation (APEC)

64. APEC, similar to the OECD is focussed on economic growth and best practice policy. APEC however has a geographical focus and a smaller number of members. APEC also has a significant focus on Ministerial level meetings, as well as a wide array of regular officials meetings. In addition to the regular series of Ministerial and official meetings, New Zealand has been announced as host country for APEC in 2021.
65. New Zealand also offers visas to APEC Business Travel Card holders. These visas allow the holder to conduct business and investment activities consistent with their APEC Business Travel Card.

Office of the United Nations High Commissioner for Refugees (UNHCR)

66. The UNHCR's mission is to lead and coordinate the worldwide protection of refugees. It does this by seeking to ensure that every refugee has a right of asylum and is supported during any period of asylum away from their home country. It also assists with returning refugees to their home countries where it is safe to do so, integrating them into their country of asylum or resettling them to a third country. UNHCR also has a key role in supporting stateless and internally displaced persons, and is leading the development of the Compact on Refugees.
67. New Zealand works with the UNHCR and the international community to provide protection and find durable solutions for the most vulnerable refugees globally. New Zealand (through INZ) participates in the Annual Tripartite Consultation on Resettlement and the Working Groups on Integrity and Integration and the Core Groups on Syria and Afghans (in Pakistan).

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process)

68. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) was established in 2002. It is a voluntary and non-binding process co-chaired by Indonesia and Australia and led at Ministerial level by the Foreign Ministers of both countries. It is primarily a forum for policy dialogue, information-sharing and capacity building on issues relating to irregular migration.
69. New Zealand was represented by the previous Minister of Immigration and senior officials from MBIE and MFAT at the Sixth Ministerial Conference in March 2016. The Conference adopted the first ever Bali Process Ministerial Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime.
70. The declaration recognises the important role that safe, legal migration pathways have, both in reducing people smuggling, but also trafficking in persons. It also encourages states to criminalise people smuggling and human trafficking activities, and tackle criminal syndicates.
71. New Zealand is highly engaged in the Bali Process, and Ministerial priorities are advanced through the Bali Process Declaration and the Bali Process Strategy. The next Ministerial Conference is tentatively scheduled for August 2018.

International Organization on Migration (IOM)

72. The IOM is a UN-related organisation and is state-led. The IOM has a global leading role in the field of migration and contributes to human mobility and the protection of migrants, in addition to undertaking operational activities related to migrants, displaced people and migration-affected communities, including in the areas of resettlement and returns, and in mainstreaming migration in development plans.

73. New Zealand is a member of the IOM and works with the organisation through the operational activities that IOM undertakes on behalf of INZ, for example facilitating health assessments and travel for the Refugee Quota Programme and through the Bali Process.

International Labour Organization (ILO)

74. The relationship with the ILO is primarily within your Workplace Relations and Safety portfolio (you received an introductory briefing on this in your capacity as Minister for Workplace Relations and Safety [1160 17-18 refers]). However there are also Immigration portfolio interests, including in the upcoming refresh and expansion of New Zealand's Plan of Action to Prevent People Trafficking, which will enable the ratification of the new ILO Protocol on Forced Labour.
75. The Plan of Action to Prevent People Trafficking was launched in 2009 when the New Zealand Government had no known experience of people trafficking. Given investigations, prosecutions and convictions since then, aspects of it are now out of date. New Zealand's understanding of, and approach to, the issue has evolved and as a result, a refresh of the Plan of Action will commence in January 2018.
76. s 9(2)(j)
77. Expansion of the Plan of Action is also important if New Zealand is to consider ratification of the 2014 ILO Protocol of the 1930 Forced Labour Convention. New Zealand voted for the adoption of this instrument and its non-binding advisory recommendation. While New Zealand's current legislation and policies are broadly compliant with the high level measures proposed in the Protocol and Recommendation, further work is needed for New Zealand to ratify the instruments. This includes developing a Plan of Action for the effective suppression of forced or compulsory labour. It is not practical to have two separate Plans.

The Pacific Immigration Directors' Conference (PIDC)

78. The PIDC is a regional organisation of directors of 19 Pacific immigration agencies that has been in existence for 20 years. It seeks to get Pacific Island countries to cooperate on issues of regional concern, and share information and best practice.
79. New Zealand (INZ lead) is the current Chair, s 9(2)(j)
80. Other focuses of the PIDC are labour mobility, good governance, and capacity building to strengthen immigration agencies in the Pacific. New Zealand (MFAT/MBIE) funds 50% of the organisation, alongside Australia.

Next Steps

81. You will be kept informed ahead of the following developments:
- a. January-March 2018
 - i. **January:** Refresh of New Zealand's Plan of Action to Prevent People Trafficking begins.
 - ii. **February:** Global Compact on Refugees Consultations begin.
 - iii. **March:** Australia New Zealand Leadership Forum (ANZLF).
 - iv. **March:** Global Compact on Migration negotiations begin.

- v. **After March:** Potential launch of NZ-EU FTA.
 - b. Exact timing uncertain but likely in early 2018
 - i. Portugal Working Holiday Scheme forwarded to you for agreement.
 - ii. Continued negotiations for the Pacific Alliance FTA.
 - iii. Continued RCEP FTA negotiations.
 - iv. Comprehensive, progressive Trans Pacific Partnership (CPTPP) FTA finalised.
82. Officials are available to discuss this report with you, should you wish.

Annexes

Annex One: A3 on international relationships

Annex Two: FTA Related Visa Categories

Annex Three: List of Working Holiday Schemes

Annex One: A3 on international relationships

Trade agreements

Current Negotiations

s 9(2)(j)

Agreements currently in force

China FTA (Being Upgraded)

- Includes a WHS as well as additional commitments around labour market access and a group transit visa.

Singapore CEP (Being upgraded)

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

ASEAN-Australia-NZ FTA

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers. Some side agreements for the Philippines, Indonesia and Viet nam.

Hong Kong, China CEP

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Malaysia FTA

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Thailand CEP

- Specific access for Thai Chefs, in addition to Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Trans-Pacific Strategic Economic Partnership (P4)

- Each party has reaffirmed its commitments under the WTO GATS relating to the movement of business people

Korea FTA

- Includes a WHS and several specific labour market access 'side letters'.

Next Steps

January-March 2018

- January:** Refresh of New Zealand's Plan of Action to Prevent People Trafficking
- February:** Global Compact on Refugees Consultations begins
- February:** Global Compact on Migration negotiations begin
- March:** Australia New Zealand Leadership Forum (ANZLF)
- After March:** Potential launch of NZ-EU FTA

Negotiations not yet started

- NZ-EU FTA
- UK/Brexit

On hold/not progressing

- Russia, Belarus Kazakhstan (RBK) FTA
- Gulf Cooperation Council (GCC) FTA
- India FTA

Recently Completed

- PACER Plus FTA

Uncertain but likely in early 2018

- Continued negotiations for the Pacific Alliance FTA
- Continued RCEP FTA negotiations
- Comprehensive, progressive Trans Pacific Partnership (CPTPP) FTA finalised

Non-Trade

Negotiations

- Global Compact on Refugees
 - Global Compact on Migration
- Officials will brief you in regards to both compacts when negotiating mandates are being sought. These are expected to go to the United Nations General Assembly for adoption in September 2018.

Key Relationships

- Australia
 - Migration 5/Border 5
- Will regularly involve Ministerial decisions and invitations to attend meetings.

Key NGOs (Some Ministerial Engagement)

- May involve Ministerial attendance, and decisions.
- APEC
 - The Bali Process
 - International Labour Organisation (ILO)
 - The Pacific Immigration Directors' Conference (PIDC)
 - Office of the United Nations High Commissioner for Refugees (UNHCR)

Key NGOs (Little Ministerial Engagement)

- Most work is conducted by officials, you will be briefed infrequently on work involving these organisations. There are few Ministerial decisions sought.
- The Organisation for Economic Cooperation and Development (OECD)
 - The Intergovernmental consultations on migration, asylum and refugees (IGC)
 - International Organization on Migration (IOM)

Other

WHSs

Working Holiday Schemes are often but not always related to trade agreements. You will be briefed on these and decisions sought as they arise.

Ad hoc

There will be unusual issues that arise from time to time that will be brought to your attention (DPRK sanctions for example).

Annex Two: List of Working Holiday Schemes

Uncapped WHSs				Capped WHSs				
Country (start date)	2014/15	2015/16	2016/17	Country (start date)	Cap	2014/15	2015/16	2016/17
Belgium (2004)	552	670	806	Argentina (2003)	1,000	997	1,001	986
Canada (1994)	2,288	2,647	3,101	Austria (2012)	100	100	100	100
Denmark (2002)	397	413	412	Brazil (2008)	300	302	303	297
Finland (2004)	269	347	435	Chile (2001)	1,000	942	941	940
France (1999)	8,527	9,544	10,211	China (2008)	1,000	1,790	964	302
Germany (2000)	13,587	14,978	15,102	Croatia (2014)	100	101	100	99
Ireland (1996)	2,004	1,654	1,847	Czech Republic (2005)	1,200	1,199	1,204	1,200
Italy (2001)	1,955	1,772	2,106	Estonia (2007)	100	103	100	97
Japan (1985)	2,319	2,611	2,663	Hong Kong (2001)	400	401	402	395
Netherlands (1998)	1,229	1,410	1,663	Hungary (2013)	100	103	101	100
Norway (2005)	67	91	93	Israel (2011)	200	200	182	192
Sweden (2001)	853	853	829	Korea (1999)	3,000	1,769	2,743	3099
UK (1992)	12,157	13,160	14,151	Latvia (2009)	100	136	123	101
US (2004)	3,707	4,160	5,385	Lithuania (2016)	100			99
Uncapped total	49,911	54,310	58,804	Luxembourg (2017)	50			28
				Malaysia (1996)	1,150	1,151	1,150	1,146
				Malta (2004)	50	5	10	8
				Mexico (2008)	200	203	196	174
				Peru (2009)	100	82	104	106
				Philippines (2014)	100	100	99	91
				Poland (2010)	100	101	100	100
				Singapore (1999)	200	232	227	234
				Slovakia (2012)	100	99	100	101
				Slovenia (2010)	100	101	100	100
				Spain (2010)	200	203	199	199
				Taiwan (2004)	600	710	33	600
				Thailand (2005)	100	100	101	100
				Turkey (2011)	100	14	26	32
				Uruguay (2003)	200	200	202	197
				Vietnam (2012)	100	100	99	100
				Capped total	12,150	11,544	11,010	11,323

Annex Three: FTA Related people movement issues

Free Trade Agreement Concessions

China FTA (Being Upgraded)

- WHS with 1,000 places each year
- Commitments provide for entry as employees for up to three years, without labour market testing and subject to specified qualifications requirements, of up to:
 - 200 entrants at any one time in each of the occupations of Traditional Chinese Medicine (TCM)
 - Practitioners (including nurses) and Chinese Chefs;
 - 150 entrants at any one time in each of the occupations of Mandarin Teaching Aides and Chinese
 - “Wushu” Martial Arts Coaches; and
 - 100 entrants at any one time in the occupation of Chinese Tour Guides.
- Entry for employees for up to three years, without labour market testing and subject to specified qualifications requirements, of up to 1000 entrants at any one time across 20 specified skilled occupations. This is capped at a maximum of 100 in an occupation at any one time.
- A commitment to create a new group transit visa for Chinese nationals.

Korea FTA (South Korea)

- WHS increase of 1,200 places (making the WHS now 3,000 places each year - the largest capped WHS).
- Provision under Korea Special Work Instructions for a 3 year work visa for people with a job offer in a list of 10 specified occupations. This is capped at no more than 50 places per occupation and no more than 200 overall places at any one time.
- Provision under Primary Sector Trainees Work Instructions for a 12 month visa for up to 50 South Korean Nationals at any one time.

ASEAN-Australia-NZ FTA (AANZFTA)

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers for the majority of member countries.
- Provision for a three year work visa for people with a job offer in certain iconic occupations from Indonesia, Vietnam and the Philippines:
 - Philippines: 100 nurses, 20 farm managers, 20 engineering professionals
 - Vietnam: 100 Vietnamese chefs, 100 engineering professionals,
 - Indonesia: 100 chefs, 20 halal slaughterers, 20 Bahasa teacher aides
- WHSs of 100 places per year for Indonesia, Vietnam and the Philippines

Hong Kong, China CEP

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Malaysia FTA

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Singapore CEP (Being upgraded)

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.

Thailand CEP

- Standard FTA provisions on access for intercorporate transferees, service suppliers and installers.
- Access for the temporary employment of Thai chefs in New Zealand with no labour market test applied.
- A WHS of 100 place per year

Trans-Pacific Strategic Economic Partnership (P4) (Brunei Darussalam, Chile, Singapore)

- Each party has reaffirmed its commitments under the WTO GATS relating to the movement of business people.