



## COVERSHEET

<b>Minister</b>	Hon Kelvin Davis Hon Iain Lees-Galloway	<b>Portfolio</b>	Tourism Immigration
<b>Title of Cabinet paper</b>	Suite of papers pertaining to the legislation and regulations required to implement the Electronic Travel Authority and the International Visitor Conservation and Tourism Levy	<b>Date to be published</b>	9 July 2019

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
21 May 2019	Cabinet paper: Immigration (International Visitor Conservation and Tourism Levy) Amendment Bill – approval to introduce	<i>Offices of the Minister of Tourism and the Minister of Immigration</i>
21 May 2019	Cabinet minute – Immigration (International Visitor Conservation and Tourism Levy) Amendment Bill – approval to introduce LEG-19-MIN-0067	<i>Cabinet Office</i>
29 May 2019	Cabinet paper: 2519 18-19– Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2019 (and annex)	<i>Offices of the Minister of Tourism and the Minister of Immigration</i>
10 June 2019	Cabinet minute: Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2019 LEG-19-MIN-0079	<i>Cabinet Office</i>

### Information redacted

**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.



# Cabinet Legislation Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Immigration (Visa Entry Permission and Related Matters) Amendment Regulations 2019

**Portfolios**                      **Tourism / Immigration**

On 11 June 2019, the Cabinet Legislation Committee:

- 1        **noted** that on 12 September 2018, the Cabinet Economic Development Committee (DEV) agreed to introduce an electronic travel authority (ETA), and on 20 February 2019 agreed to further detailed policy proposals [DEV-18-MIN-0191 and DEV-19-MIN-0023]
- 2        **noted** that on 12 September 2018 DEV also agreed to introduce an international visitor conservation and tourism levy (IVL) [DEV-18-MIN-0194];
- 3        **noted** that on 20 February 2019, DEV also agreed to remove the requirement for cash payments of prescribed fees in certain offices, but to retain the ability to accept cash in exceptional circumstances by way of special direction by the Minister of Immigration [DEV-19-MIN-0023];
- 4        **noted** that on 5 September 2018, DEV agreed to exempt applicants for visas under the Victims of Domestic Violence policies from liability to pay the Immigration Levy, but that this was inadvertently omitted from prior amendments to regulations [DEV-18-MIN-0178];
- 5        **noted** the Minister of Tourism has approved some minor policy decisions in relation to the IVL, and now all applicants for temporary entry class visas will be liable to pay the IVL (a change from visitor visas or short term entry visas);
- 6        **noted** the Minister of Immigration has taken a number of minor policy decisions in relation to the ETA arising out of the software build and drafting process, including to:
  - 6.1      require all requestors to provide details of their booking references (if applicable) and intended dates of travel (if known);
  - 6.2      expand the number of ETA types from two (Traveller and Crew) to three (Traveller, Transit and Crew);
  - 6.3      expand the decision that requests for Traveller ETAs must be accompanied by a photograph if the requestor uses a channel that has the technical capacity to enable one to be captured, to cover requests for all ETA types;
  - 6.4      expand the definition of positioning cruise crew to include individuals who fly into and out of New Zealand and work on cruise ships within New Zealand waters;

- 6.5 add two questions to the ETA form, namely whether the requestor has previously travelled to New Zealand or applied for a visa, to assist in resolution of identity;
- 7 **noted** that the ETA fees will apply to requests made in advance of 1 October 2019, when it becomes mandatory to hold an ETA to travel visa waiver;
- 8 **noted** that the people who intend to transit New Zealand and who, upon arrival in the transit area decide they would like to visit New Zealand will be able to enter New Zealand without requesting a Traveller ETA or paying the IVL;
- 9 **noted** that on 20 February 2019, DEV agreed that Immigration New Zealand would be able to require an individual to travel to New Zealand on their primary identity document [DEV-19-MIN-0023 paragraph 3.23];
- 10 **agreed to recommend** that Cabinet rescind the decision in paragraph 9 above; and instead
- 11 **noted** that, INZ must be satisfied of the requestor's identity in order for the requestor to travel on a document (including in reliance on an ETA);
- 12 **noted** that, following consideration of both the adequacy of the resourcing model for ETA delivery and operation, and the incentive to apply immediately before travel which could be generated by an urgent fee, an urgent fee will not be progressed at this time;
- 13 **noted** that on 20 February 2019, DEV:
- 13.1 directed officials to:
- 13.1.1 develop the details of marine advance passenger information and processing, including the timing and content of information about passengers and crew to New Zealand border agencies; and
- 13.1.2 establish transitional provisions to support the operation of the ETA where electronic systems or agreements with carriers are not in place;
- 13.2 invited the Minister of Immigration to seek Cabinet agreement to the outcomes of this policy development and to seek amendments to the Immigration (Carriers' Information Obligations) Regulations 2010 in mid-2019 [DEV-19-MIN-0023];
- 14 **noted** that further work has identified that changes are not required;
- 15 **agreed** to cancel the further report to Cabinet set out in paragraph 13.2 above;
- 16 **noted** that the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2019 will give effect to the decisions referred to in paragraphs 1, 2, 3 and 4;
- 17 **authorised** the submission to the Executive Council of the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2019 [PCO 22001/16.0];

- 18 **noted** that a waiver of the 28-day rule has been sought so that the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2019 can come into force on 1 July 2019 on the grounds that:
- 18.1 1 July has been widely communicated as the commencement date for the IVL, and delaying, even if only by one day, would cause confusion;
- 18.2 the Minister of Tourism and the Minister of Immigration consider the objectives of the 28-day rule have been met by that communication;
- 18.3 it will not be mandatory for certain visa-waiver travellers to hold an ETA to travel to New Zealand until 1 October 2019.

Vivien Meek  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon David Parker  
Hon Stuart Nash  
Hon Iain Lees-Galloway (Chair)  
Hon Jenny Salesa  
Hon Tracey Martin  
Hon Julie Ann Genter  
Hon Eugenie Sage  
Hon Ruth Dyson (Senior Government Whip)

**Hard-copy distribution:**

Minister of Tourism  
Minister of Immigration

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG