



10 March 2021

K.D. Thwaites

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Ref: DOIA 2021-1422

Dear K.D.Thwaites

I refer to your email of 2 February 2021 to the Ministry of Business, Innovation and Employment (the Ministry), requesting under the Official Information Act 1982 (the Act):

*"Section E2.1(k) of the Immigration New Zealand operational manual states that, in addition to British citizens, any British passport holder (e.g. the holder of a British National (Overseas) passport) who can produce evidence of the right to reside permanently in the United Kingdom is waived of the requirement to hold a visa permitting travel to New Zealand (if seeking a Visitor Visa current for not more than six months, and if the purposes of the visit does not include medical consultation or treatment). However, such people are required to hold an Electronic Travel Authority unless exempt, pursuant to E12.*

*I would like to point out that, currently, it is only possible for British citizens to request a traveller ETA. A British passport holder who is not a British citizen (e.g. a British National (Overseas), British Overseas citizen, British Overseas Territories citizen, British protected person or British subject) is not able to request a traveller ETA: if the questions "Are you an Australian permanent resident" and "Are you travelling to New Zealand on a cruise ship" are answered in the negative and the question "Will you be staying in New Zealand" answered in the affirmative, the message "You are not eligible for an NZeTA. Apply for a Visitor Visa" is displayed. This is despite the fact that it is entirely possible for such people to hold right of abode in the United Kingdom or indefinite leave to remain in the United Kingdom, and such people therefore meet the definition of a British passport holder who can produce evidence of the right to reside permanently in the United Kingdom, and therefore ought to be able to request a traveller ETA.*

*Effectively, the Electronic Travel Authority system therefore does not permit a non-citizen British passport holder, who can produce evidence of the right to reside permanently in the United Kingdom, to travel visa waiver to New Zealand. This is contrary to the provisions of E2.1(k). This can potentially be resolved by the Electronic Travel Authority system asking an additional question of non-citizen British passport holders: "Do you have the right to reside permanently in the United Kingdom", and allowing them to request a traveller ETA if the question is answered in the affirmative.*

*I would like to point out this discrepancy to Immigration New Zealand, and request under the Official Information Act why such a discrepancy exists. While the Official Information Act may not be designed to be used in this manner, I can not find a more appropriate manner of contact for this, as INZ's complaints form only allows one to complain about this if they are directly affected by this discrepancy, which I am not".*



## Our response

The NZeTA system has been designed to allow those travellers who may travel visa waiver to New Zealand to request an NZeTA. We do not consider there is any discrepancy between the operation of the NZeTA system, and the entitlements of the various types of British nationality to travel to New Zealand in accordance with immigration policy.

The web form and the mobile app do not include a question for United Kingdom (UK) passport holders about their right to reside permanently in the United Kingdom but the system will allow those travellers whose passport nationality is British National Overseas (GBN) or British Subject (GBS) to submit a request for and be granted an NZeTA to travel to New Zealand.

British National Overseas (GBN) passport holders are able to request an NZeTA, and may be granted a three-month visitor visa on arrival in New Zealand (as residents of Hong Kong).

Our information is that the majority of UK passport holders with GBS nationality have the right of abode in the United Kingdom. Our process is to confirm the right of abode endorsement when the traveller checks in for their flight and arrives in New Zealand. We know that a minority of UK passport holders with GBS nationality do not have the right of abode in the UK. These people must apply for a visitor visa, as their right of abode will be checked during the check-in process and at the border. This limitation is described in the list of visa waiver countries and territories on the INZ website:

[www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/general-information/visa-waiver-countries](http://www.immigration.govt.nz/new-zealand-visas/apply-for-a-visa/tools-and-information/general-information/visa-waiver-countries)

For travellers whose passport nationality is recorded as British Overseas Citizen (GBO) British Overseas Territory Citizen (GBD) or British protected person (GBP), the system will not allow them to apply for an NZeTA, as they do not have any automatic right of abode in the United Kingdom, and therefore may not travel visa waiver.

I trust this satisfies your query. If you wish to discuss this response, please email [INZOIAs@mbie.govt.nz](mailto:INZOIAs@mbie.govt.nz).

You have the right, under section 28 of the Act, to ask the Ombudsman to review any decisions made under this request.

Yours sincerely



Stephen Dunstan  
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Immigration New Zealand  
Ministry of Business, Innovation and Employment