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**New Zealand
and
United States of America**

Agreement between the Government of New Zealand and the Government of the United States of America for the sharing of visa and immigration information. Wellington, 4 May 2017 and 5 May 2017

Entry into force: *2 October 2017 by notification, in accordance with article 14*

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**Nouvelle-Zélande
et
États-Unis d'Amérique**

Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement des États-Unis d'Amérique concernant l'échange de renseignements sur les visas et l'immigration. Wellington, 4 mai 2017 et 5 mai 2017

Entrée en vigueur : *2 octobre 2017 par notification, conformément à l'article 14*

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Agreement

between

the Government of New Zealand

and

the Government of the United States of America

for the Sharing of Visa and Immigration Information

PREAMBLE:

The Government of New Zealand and the Government of the United States of America (hereinafter referred to individually as "New Zealand", "the United States", and "Party" or collectively as "the Parties");

NOTING the importance of a new approach to migration that takes into account the global patterns of both *regular and irregular migration* and the increasingly sophisticated methods for identity fraud and abuse of the Parties' immigration laws;

RECOGNIZING that border security and border management are significantly enhanced by cooperation and collaboration;

RECOGNIZING that New Zealand and the United States agreed to biometric exchange for law enforcement purposes under the Agreement

on Enhancing Cooperation in Preventing and Combating Crime done at Washington on March 20, 2013 ("PCC Agreement");

EMPHASIZING that it is critically important to have timely access to current and accurate information to inform inadmissibility assessments or other immigration-related determinations that are vital to the common security of New Zealand and the United States;

CONSIDERING that the effective administration and enforcement of the immigration laws of New Zealand and the United States are important to protect the health and safety of their populations, to maintain the security of their societies, and to promote international justice and security by denying access to their territories to persons who are criminals or security risks; and

CONVINCED that greater cooperation through the exchange of information can make the Parties' actions in achieving these objectives more effective;

HAVE AGREED as follows:

ARTICLE 1
DEFINITIONS

For purposes of this Agreement,

- A. **"National of a Third Country"** means a person who is neither a citizen of New Zealand nor a citizen or national of the United States.
- B. **"Information"** means data collected, maintained, or generated on Nationals of a Third Country seeking authorization to travel to, work in,

or live in New Zealand or the United States, and other immigration-related data about Nationals of a Third Country, including data pertaining to visa, admissibility, or immigration compliance actions and/or decisions rendered in accordance with or relevant to the immigration laws of the respective Parties. In circumstances described in Articles 2(C) and 2(D) of this Agreement, Information also includes such data that pertain to Nationals, including citizens, of a Party. Information may include Personal Data, statistical data, or both.

- C. **“Personal Data”** means any Information, biographic, biometric or both, relating to an identified or identifiable natural person (the “data subject”).

ARTICLE 2

SCOPE AND PURPOSE

- A. The scope of this Agreement is to specify the terms, relationships, responsibilities, and conditions for the regular sharing of Information as defined in Article 1(B) of this Agreement between the Parties and pursuant to the purpose identified in Article 2(B) of this Agreement.
- B. The purpose of this Agreement is to assist in the effective administration and enforcement of the respective immigration laws of the Parties by:
- (i) Using Information in order to administer or enforce the respective immigration laws of the Parties;
 - (ii) Furthering the prevention, detection, or investigation of acts that would constitute a crime under the laws of either Party; and

- (iii) Facilitating a Party's determination of eligibility for a visa, admission, or other immigration benefit, or of whether there are grounds for removal.
- C. A Party to this Agreement shall only provide Information about its Nationals under an implementing arrangement to this Agreement and when such Information is relevant and necessary to support an identifiable immigration decision in the receiving country, and the sharing of such Information is compatible with domestic law and policy.
- D. A Party to this Agreement shall only provide Information about a National of the other Party under an implementing arrangement to this Agreement and in response to a specific immigration matter in the receiving country to which the individual is directly tied, where the sharing of such Information is compatible with domestic law and policy.
- E. This Agreement shall not affect any existing agreements or arrangements between the two Parties, including the PCC Agreement. No provision in this Agreement shall be interpreted in a manner that would restrict practices relating to the sharing of Information that are already in place between the two Parties. Where a request for data falls within the scope of both the PCC Agreement and this Agreement, the Parties may provide Information under the terms of either agreement.
- F. This Agreement shall not give rise to rights, privileges or benefits on the part of any other party, private or public, including to obtain, suppress, or exclude any evidence or to impede the sharing of Personal Data. Rights existing independently of this Agreement are not affected.