



# Immigration Amendment Regulations 2010

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 22nd day of February 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 150 of the Immigration Act 1987, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## **Regulations**

### **1 Title**

These regulations are the Immigration Amendment Regulations 2010.

### **2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### **3 Principal regulations amended**

These regulations amend the Immigration Regulations 1999.

### **4 Application for temporary visa**

Regulation 6(1) is amended by inserting “or 6B” after “regulation 6A”.

### **5 New regulations 6A and 6B substituted**

Regulation 6A is revoked and the following regulations are substituted:

#### **“6A Application for temporary visa under certain working holiday schemes**

“(1) This regulation applies to the following applications for a temporary visa under section 14D of the Act:

“(a) an application made under the China working holiday scheme:

“(b) an application made under the Taiwan working holiday scheme:

“(c) an application made under the Argentina working holiday scheme:

“(d) an application made under the Chile working holiday scheme.

- “(2) An application must be—
- “(a) tendered online; and
  - “(b) in the appropriate electronic form provided on the Internet site of the Department of Labour.
- “(3) The form must require the applicant to—
- “(a) state the applicant’s name; and
  - “(b) state the applicant’s date of birth; and
  - “(c) state the details of the applicant’s passport or other travel document, including confirmation that the applicant is, as the case may be,—
    - “(i) a citizen of China; or
    - “(ii) a person who holds a Taiwan passport and has household registration under the laws of Taiwan; or
    - “(iii) a citizen of Argentina; or
    - “(iv) a citizen of Chile; and
  - “(d) state any information required to determine whether the visa should be issued; and
  - “(e) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
  - “(f) agree that, if the applicant’s circumstances change before any visa is issued, the applicant will notify a visa officer or an immigration officer of that change in circumstances.
- “(4) The applicant must pay the prescribed fee (if any) for the visa applied for, or arrange for its payment in a manner satisfactory to the visa officer or immigration officer.
- “(5) The visa officer or immigration officer who processes the application may, before determining the application, require the applicant to do 1 or more of the following:
- “(a) produce the applicant’s valid passport or other travel document;
  - “(b) produce any evidence or information required by the visa officer or immigration officer to be tendered in order to determine whether the visa should be issued (including the physical production of documents);
  - “(c) produce details and evidence of funds for maintenance while in New Zealand or details of sponsorship;

- “(d) produce details of travel tickets or evidence of onward travel arrangements from New Zealand:
- “(e) appear before an immigration officer for an interview.

**“6B Application for temporary visa under Silver Fern Job Search policy**

- “(1) An application for a temporary visa under section 14D of the Act under the Silver Fern Job Search policy must be—
  - “(a) tendered online; and
  - “(b) in the appropriate electronic form provided on the Internet site of the Department of Labour.
- “(2) The form must require the applicant to—
  - “(a) state the applicant’s name; and
  - “(b) state the applicant’s date of birth; and
  - “(c) state the details of the applicant’s passport or other travel document; and
  - “(d) state any information required to determine whether the visa should be issued; and
  - “(e) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
  - “(f) agree that, if the applicant’s circumstances change before any visa is issued, the applicant will notify a visa officer or an immigration officer of that change in circumstances.
- “(3) The applicant must pay the prescribed fee (if any) for the visa applied for.
- “(4) The visa officer or immigration officer who processes the application may, before determining the application, require the applicant to do 1 or more of the following:
  - “(a) produce the applicant’s valid passport or other travel document:
  - “(b) produce any evidence or information required by the visa officer or immigration officer to be tendered in order to determine whether the visa should be issued (including the physical production of documents):
  - “(c) produce details and evidence of funds for maintenance while in New Zealand or details of sponsorship:

- “(d) produce details of travel tickets or evidence of onward travel arrangements from New Zealand:
- “(e) appear before an immigration officer for an interview.”

**6 Application for temporary permit by exempt person, or person whose residence permit has been revoked, or person already holding temporary permit**

Regulation 13 is amended by adding the following subclause:

- “(3) Despite subclause (1), an application to which that subclause applies made under the Taiwan working holiday scheme, the Argentina working holiday scheme, or the Chile working holiday scheme must be tendered in accordance with regulation 13A.”

**7 New regulation 13A**

The following regulation is inserted after regulation 13:

**“13A Application for temporary permit by certain persons under certain working holiday schemes**

- “(1) This regulation applies to an application for a temporary permit under section 13(2), 25(1)(c) or (d), 29(1), or 30(1) of the Act—
  - “(a) made under one of the following schemes:
    - “(i) the Taiwan working holiday scheme:
    - “(ii) the Argentina working holiday scheme:
    - “(iii) the Chile working holiday scheme; and
  - “(b) made by a person who is in New Zealand (other than on arrival in New Zealand at a Customs place).
- “(2) An application must be—
  - “(a) tendered online; and
  - “(b) in the appropriate electronic form provided on the Internet site of the Department of Labour.
- “(3) The form must require the applicant to—
  - “(a) state the applicant’s name; and
  - “(b) state the applicant’s date of birth; and
  - “(c) state the details of the applicant’s passport or other travel document, including confirmation that the applicant is, as the case may be,—

- “(i) a person who holds a Taiwan passport and has household registration under the laws of Taiwan; or
  - “(ii) a citizen of Argentina; or
  - “(iii) a citizen of Chile; and
  - “(d) state any information required to determine whether the permit should be granted; and
  - “(e) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
  - “(f) agree that, if the applicant’s circumstances change before any permit is granted, the applicant will notify an immigration officer of that change in circumstances.
- “(4) The applicant must pay the prescribed fee (if any) for the permit applied for, or arrange for its payment in a manner satisfactory to the immigration officer.
- “(5) The immigration officer who processes the application may, before determining the application, require the applicant to do 1 or more of the following:
- “(a) produce the applicant’s valid passport or other travel document;
  - “(b) produce any evidence or information required by the immigration officer to be tendered in order to determine whether the permit should be granted (including the physical production of documents);
  - “(c) produce details and evidence of funds for maintenance while in New Zealand or details of sponsorship;
  - “(d) produce details of travel tickets or evidence of onward travel arrangements from New Zealand;
  - “(e) appear before an immigration officer for an interview.”

## **8 Maximum period of currency of temporary permits**

Regulation 23 is amended by adding the following subclause as subclause (2):

- “(2) Despite subclause (1)(a), a visitor’s permit granted under the temporary retirement category may be granted for a period not exceeding 24 months.”

**9 Schedule 3 amended**

- (1) Clause 1 of Part 1 of Schedule 3 is amended by inserting the following item after item (j):
- |                                 |       |       |       |
|---------------------------------|-------|-------|-------|
| (ja) parent retirement category | 2,600 | 2,600 | 2,600 |
|---------------------------------|-------|-------|-------|
- (2) Clause 7 of Part 1 of Schedule 3 is amended by adding the following item after item (i):
- |                                   |       |       |       |
|-----------------------------------|-------|-------|-------|
| (j) temporary retirement category | 2,600 | 2,600 | 2,600 |
|-----------------------------------|-------|-------|-------|
- (3) Part 2 of Schedule 3 is amended by inserting the following item after the item relating to Family category (excluding Samoan citizens and refugee-associated persons specified in regulation 45A):
- |                            |  |     |     |
|----------------------------|--|-----|-----|
| Parent retirement category |  | 300 | 150 |
|----------------------------|--|-----|-----|

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Immigration Regulations 1999 (the **principal regulations**).

*New regulation 6A* (as inserted by *regulation 5*) requires applications for temporary visas under working holiday schemes relating to China, Taiwan, Argentina, and Chile to be tendered online. Currently, this requirement applies only to applications for temporary visas under the working holiday scheme relating to China. *New regulation 6B* (also inserted by *regulation 5*) imposes the same requirement on applications for temporary visas under the Silver Fern Job Search policy (which relates to enabling people with recognised qualifications to seek skilled employment in New Zealand).

*New regulation 13A* (as inserted by *regulation 7*) requires certain applications for temporary permits under the Taiwan, Argentina, and Chile working holiday schemes to be tendered online. Regulation 13

of the principal regulations is consequentially amended to provide an exception to the normal procedure (tendering of an application at an office of the Department of Labour).

*Regulation 8* amends regulation 23 of the principal regulations (which relates to limits on the period of time for which a temporary permit may be granted). The amendment provides an exception to the limit in the case of a visitor's permit granted under the temporary retirement category, allowing a permit to be granted for up to 24 months.

*Regulation 9* amends Schedule 3 of the principal regulations to set the fee for applications under the parent retirement and temporary retirement categories (\$2,600 no matter where the application is received) and to set the migrant levy for visas or permits issued under the parent retirement category.

These regulations come into force 28 days after the date of their notification in the *Gazette*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 February 2010.

These regulations are administered by the Department of Labour.

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