



Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 15th day of May 2023

Present:

Her Excellency the Administrator of the Government in Council

These regulations are made under sections 400 and 402 of the Immigration Act 2009 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2023.

2 Commencement

These regulations come into force on 21 June 2023.

3 Principal regulations

These regulations amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

4 Regulation 7 amended (Applications at immigration control area for second or subsequent resident visa)

Replace regulation 7(2) with:

- (1) This regulation applies to an application for a resident visa by a person who previously held a resident visa unless the application is made online under regulation 23AA or 23A.
- (2) The application may be made at an immigration control area.

5 Regulation 8 amended (Applications at immigration control area or port by Australian citizens and permanent residents for resident visa)

Replace regulation 8(1) with:

- (1AA) This regulation applies to an application for a resident visa by a citizen of Australia or a person who holds a current permanent residence visa (including a resident return visa) issued by the Government of Australia unless the application is made online under regulation 23AA or 23A.
- (1) The application may be made at an immigration control area or at a port.

6 Regulation 11 amended (Application requirements at immigration control area)

- (1) Before regulation 11(1), insert:

- (1AA) This regulation applies to an application for a temporary entry class visa made at an immigration control area unless the application is made online under regulation 23AA or 23A.

- (2) In regulation 11(1), replace “An application for a temporary entry class visa made at an immigration control area” with “The application”.

7 Regulation 23AA amended (Chief executive may require certain visa applications to be made online)

- (1) Replace regulation 23AA(3) with:
- (3) This regulation applies in respect of an application that the chief executive requires to be made online.

- (2) Replace regulation 23AA(4) with:

- (4) The application must be made—
- (a) by means of one of the following that is made available and maintained by or on behalf of the Department for that purpose:
- (i) an Internet site; or
- (ii) a software application that is designed to be used on a mobile device; and
- (b) using an electronic form provided on the Internet site or the software application for the purpose.

- (3) In regulation 23AA(5)(a), after “English”, insert “(except as provided in subclause (5D)(b))”.

- (4) In regulation 23AA(5)(h), after “agree”, insert “(except as provided in subclause (5D)(c))”.

- (5) In regulation 23AA(5)(i), after “fee”, insert “(if any)”.

- (6) After regulation 23AA(5B), insert:

- (5C) If an application to which a regulation specified in the first column of the following table would otherwise apply is required to be made online, the applicant must comply with the requirement specified in the second column opposite that regulation in order to complete the making of the application:

Regulation	Requirement
7	Give the applicant’s passport or certificate of identity to an immigration officer.
8, 11	Either—
	(a) give the applicant’s passport or certificate of identity to an immigration officer; or
	(b) give the applicant’s passport to an automated electronic system.

- (5D) For an application to which regulation 7, 8, or 11 would apply if the application were not made online,—

- (a) the application must relate to only 1 person; and
- (b) the application may be completed in English or any other language enabled by the electronic form referred to in subclause (4)(b); and

- (c) subclause (5)(h) does not apply.

8 Regulation 23A amended (Applications that may be made online)

- (1) Replace regulation 23A(1) to (3) with:
- (1) The following applications may be made online if electronic forms have been provided for the purpose on an Internet site or a software application referred to in subclause (3):
- (a) an application for a residence class visa to which regulation 5 would otherwise apply:
 - (b) an application by a holder, or former holder, of a resident visa to which regulation 6 would otherwise apply:
 - (c) an application at an immigration control area for a second or subsequent resident visa to which regulation 7 would otherwise apply:
 - (d) an application at an immigration control area or a port by an Australian citizen or permanent resident for a resident visa to which regulation 8 would otherwise apply:
 - (e) an application for a temporary entry class visa to which regulation 10 would otherwise apply:
 - (f) an application for a temporary entry class visa made at an immigration control area to which regulation 11 would otherwise apply:
 - (g) an application for a transit visa to which regulation 15 would otherwise apply:
 - (h) an application for confirmation of a person's immigration status to which regulation 32 would otherwise apply:
 - (i) an application for endorsement of New Zealand citizenship in a foreign passport to which regulation 33 would otherwise apply.
- (2) This regulation applies to an application made online in accordance with subclause (1).
- (3) The application must be made—
- (a) by means of one of the following that is made available and maintained by or on behalf of the Department for that purpose:
 - (i) an Internet site; or
 - (ii) a software application that is designed to be used on a mobile device; and
 - (b) using an electronic form provided on the Internet site or the software application for the purpose.
- (2) In regulation 23A(4)(a), after “English”, insert “(except as provided in subclause (4A)(b))”.

- (3) In regulation 23A(4)(h), after “agree”, insert “(except as provided in subclause (4AA)(c))”.
- (4) In regulation 23A(4)(i), after “fee”, insert “(if any)”.
- (5) After regulation 23A(4), insert:
- (4AA) For an application to which regulation 7, 8, or 11 would apply if the application were not made online,—
- (a) the application must relate to only 1 person; and
 - (b) the application may be completed in English or any other language enabled by the electronic form referred to in subclause (3)(b); and
 - (c) subclause (4)(h) does not apply.

- (6) After regulation 23A(4B), insert:

- (4C) A person making an application that, if not made online, would be made under a regulation specified in the first column of the following table must comply with the requirement specified in the second column opposite that regulation in order to complete the making of the application:

Regulation	Requirement
7	Give the applicant’s passport or certificate of identity to an immigration officer.
8, 11	Either— <ol style="list-style-type: none"> (a) give the applicant’s passport or certificate of identity to an immigration officer; or (b) give the applicant’s passport to an automated electronic system.

9 Regulation 24 amended (Application requirements)

Before regulation 24(1), insert:

- (1AA) This regulation applies to an application for entry permission unless the application is made online under regulation 24A.

10 New regulation 24A inserted (Application may be made online)

After regulation 24, insert:

24A Application may be made online

- (1) An application at an immigration control area for entry permission may be made online if electronic forms have been provided for the purpose on an Internet site or a software application referred to in subclause (4).
- (2) This regulation applies to an application made in accordance with subclause (1).
- (3) The application must relate to only 1 person.
- (4) The application must be made—

- (a) by means of one of the following that is made available and maintained by or on behalf of the Department for that purpose:
 - (i) an Internet site; or
 - (ii) a software application that is designed to be used on a mobile device; and
 - (b) using an electronic form provided on the Internet site or the software application for the purpose.
- (5) Without limiting subclause (4)(b), the electronic form must require the applicant to—
- (a) state the applicant's full name; and
 - (b) state the applicant's date and place of birth; and
 - (c) state the details of the applicant's passport or certificate of identity; and
 - (d) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant's knowledge.
- (6) In order to complete the making of the application, the applicant must—
- (a) give the applicant's passport or certificate of identity and evidence of any visa that the applicant holds to an immigration officer; or
 - (b) give the applicant's passport and evidence of any visa that the applicant holds to an automated electronic system.
- (7) An immigration officer or automated electronic system processing the application may, in order for the application to be determined, require the applicant to—
- (a) be interviewed by an immigration officer;
 - (b) produce further information or evidence (including photographs) that the officer thinks necessary in order to determine the application;
 - (c) undergo a medical examination or another medical examination, as the case may be.
- (8) An application under this regulation may be completed in English or any other language enabled by the electronic form referred to in subclause (4)(b).

11 Regulation 28C amended (Exemption from obligation to present to immigration officer when arriving in New Zealand at immigration control area)

After regulation 28C(d), insert:

- (da) a person who complies with a requirement in regulation 23AA(5C), 23A(4C), or 24A(6)(b) to give their passport to an automated electronic system, unless the automated electronic system indicates that the person must present himself or herself to an immigration officer:

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 21 June 2023, amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the **principal regulations**).

Regulations 7, 8, 11, and 23A of the principal regulations are amended to provide that—

- the following visa applications may be made online:
 - an application at an immigration control area for a second or subsequent resident visa to which regulation 7 of the principal regulations would otherwise apply:
 - an application at an immigration control area or a port by an Australian citizen or permanent resident for a resident visa to which regulation 8 of the principal regulations would otherwise apply:
 - an application for a temporary entry class visa made at an immigration control area to which regulation 11 of the principal regulations would otherwise apply:
- the applications may be made in English or any other language enabled by the electronic form provided for the purpose:
- the applicant must provide their passport or certificate of identity to an immigration officer, or their passport to an automated electronic system, in order to complete the making of the application.

Regulation 23AA of the principal regulations is amended. That regulation provides for the chief executive of the Ministry of Business, Innovation, and Employment (**MBIE**) to require certain visa applications to be made online. The amendments provide that if the chief executive in future makes it a requirement for applications to which regulation 7, 8, or 11 of the principal regulations applies to be made online,—

- the applications may be made in English or any other language enabled by the electronic form provided for the purpose; and
- the applicant must provide their passport or certificate of identity to an immigration officer or their passport to an automated electronic system in order to complete the making of the application.

Regulations 23AA and 23A of the principal regulations are amended to provide that when an application for a visa may or must be made online it may be done by means of a software application that is designed to be used on a mobile device. The software application must be one made available and maintained by or on behalf of MBIE.

This is in addition to the method already provided for in regulations 23AA and 23A of using an Internet site made available and maintained by or on behalf of MBIE.

New regulation 24A is inserted into the principal regulations. It provides that an application at an immigration control area for entry permission may be made online by means of an Internet site, or software application that is designed to be used on a mobile device, that is made available and maintained by MBIE. The online application may be made in English or any other language enabled by the electronic form provided for the purpose. The applicant must provide their passport or certificate of identity and evidence of any visa to an immigration officer, or their passport and evidence of any visa to an automated electronic system, in order to complete the making of the application.

Regulation 28C of the principal regulations is amended. Regulation 28C provides an exemption for certain persons who arrive in New Zealand at an immigration control area from presenting themselves to an immigration officer. This includes an exemption for persons who are making an application under regulation 8, 11, or 24 of the principal regulations and who present their passport to an automated electronic system when they are in the immigration control area. The effect of the amendment is to preserve the same exemption for persons who are making an online application to which regulation 8, 11, or 24 of the principal regulations would otherwise apply.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 8 February 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.mbie.govt.nz/dmsdocument/26449-regulatory-impact-statement-amending-the-visa-regulations-to-enable-benefits-of-new-zealand-traveller-declaration-proactiverelease-pdf>
- <https://www.treasury.govt.nz/publications/risa/regulatory-impact-statement-amending-visa-regulations-enable-benefits-nztd>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 18 May 2023.

These regulations are administered by the Ministry of Business, Innovation, and Employment.