

IMMIGRATION (MIGRANT LEVY) AMENDMENT BILL

EXPLANATORY NOTE

General Policy Statement

THIS Bill makes provision for the levying and collection of a migrant levy from migrants approved for permanent residence in New Zealand.

The provisions contained in the Bill provide a flexible mechanism for the future funding of programmes seen as desirable to assist the settlement of new migrants in New Zealand. By providing for the collection of a contribution to the funding of these programmes, the Bill will enable them to be provided without their costs falling entirely upon the taxpayer.

The Bill provides for the levy to be used as a source of funds for the purchase of services through the Immigrant Resettlement and Research Fund, which was established in 1990 by amendment to the Immigration Act 1987. The proceeds of the levy are to be expended for the purchase of:

- programmes intended to assist the successful settlement of migrants, and
 - research into migrant settlement issues and the impacts of immigration.
- This will facilitate the continued provision of the settlement services which have since 1994/95 been funded from a settlement services fee levied on targeted category migrants. The Bill reflects Government's acceptance of the view of the Regulations Review Committee, that the collection of such a general contribution to the costs of settlement services should be directly mandated by Parliament rather than imposed solely under a general provision to impose fees by regulation. The Bill will provide a clear legislative mandate for the collection, from migrants, of a contribution towards the funding of these services.

Clause By Clause Analysis

Clause 1 is the Short Title and commencement clause. The Bill will come into force on the day on which it receives the Royal assent.

Clause 2 amends section 149A of the Immigration Act 1987, which establishes the Immigrant Resettlement and Research Fund, to remove the particular reference to language skills in the purposes for which the fund is to be implied.

Clause 3 provides for the imposition of a migrant levy on persons who apply for or are granted residence permits.

The purpose of the levy is to fund, or contribute to the funding of, the provision of programmes intended to assist the successful settlement of migrants and the

carrying out of research into settlement issues and the impacts of immigration, whether through the Immigrant Resettlement and Research Fund or through other funds or programmes with a similar purpose.

Regulations will specify the categories or classes of migrant who are liable to pay the levy, and different levies may be imposed in respect of different categories or classes of migrant.

Clause 4 amends section 150 of the Act, which sets out regulation-making powers, to provide for the prescribing of matters in relation to the migrant levy.

Clause 5 provides that the fees specified in regulations 32A and 32B of the Immigration Regulations 1991 are deemed to have been validly imposed. Those fees are the English language fee (revoked in December 1996) and the migrant settlement services fee.

Hon Max Bradford

IMMIGRATION (MIGRANT LEVY) AMENDMENT

ANALYSIS

Title	3. Migrant levy
1. Short Title and commencement	4. Regulations
2. Immigrant Resettlement and Research Fund	5. Validation

A BILL INTITULED

An Act to amend the Immigration Act 1987 to provide for a migrant levy

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title and commencement**—(1) This Act may be cited as the Immigration (Migrant Levy) Amendment Act 1998, and is part of the Immigration Act 1987* (“the principal Act”).
- (2) This Act comes into force on the day on which it receives the Royal assent.
- 10 **2. Immigrant Resettlement and Research Fund**—Section 149A (3) (a) of the principal Act is amended by omitting the words “, particularly those programmes that have an emphasis on the development of language skills”.
- 15 **3. Migrant levy**—The principal Act is amended by inserting, after section 149A, the following section:
- “149B. (1) Any regulations made under section 150 may provide for the imposition and collection of a migrant levy on persons who are issued with a residence visa or are granted a residence permit.
- 20 “(2) The purpose of the levy is to fund, or contribute to the funding of,—

*R. S. Vol. 33, p. 163

“(a) The provision of programmes intended to assist the successful settlement of migrants or categories of migrants; and

“(b) The carrying out of research into settlement issues and the impacts of immigration,—

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whether through the Immigration Resettlement and Research Fund established under section 149A or through any other fund or programme having a similar purpose.

“(3) Regulations made for the purposes of this section may—

“(a) Specify the categories or classes of migrant who are liable to pay the migrant levy:

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“(b) Prescribe the amount or method of calculation of the levy:

“(c) Prescribe different amounts or methods of calculation of the levy in respect of different categories or classes of migrant:

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“(d) Provide for exemptions from or refunds of the levy, in whole or in part, in any class of case:

“(e) Provide for the manner of collection of the levy, including provision for the relevant amount of levy to be deposited with the chief executive of the Department of Labour pending the grant of a residence permit.

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“(4) A person who has paid the migrant levy in respect of the issuing of a residence visa may not also be required to pay the levy in respect of a residence permit granted on the basis of that visa.”

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4. Regulations—Section 150 of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

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“(ba) Prescribing matters in respect of the migrant levy referred to in **section 149B**.”

5. Validation—The fees specified from time to time by regulation 32A (as in force before its revocation by regulation 2 (1) of the Immigration Regulations 1991, Amendment No. 8) and regulation 32B of the Immigration Regulations 1991 are deemed to be, and always to have been, validly imposed.

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