



THE IMMIGRATION REGULATIONS 1991, AMENDMENT NO. 6

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 25th day of September 1995

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 150 of the Immigration Act 1987, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Immigration Regulations 1991, Amendment No. 6, and shall be read together with and deemed part of the Immigration Regulations 1991* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 30th day of October 1995.

2. Application for residence visa—(1) Regulation 4(1) of the principal regulations is hereby amended by revoking paragraph (f), and substituting the following paragraphs:

“(f) The applicant’s fully completed and acceptable medical certificate which is less than 3 months old; and

*S.R. 1991/241
Amendment No. 1: (*Revoked by S.R. 1994/106*)
Amendment No. 2: S.R. 1993/164
Amendment No. 3: S.R. 1993/327
Amendment No. 4: S.R. 1994/124
Amendment No. 5: 1995/25

“(fa) Except in the case of a pregnant woman or a child under the age of 12 years, the applicant’s fully completed and acceptable X-ray certificate which is less than 3 months old; and”.

(2) Regulation 4(1) of the principal regulations is hereby further amended by revoking paragraph (g), and substituting the following paragraph:

“(g) Except in the case of an applicant under the age of 17 years, a police or similar certificate, less than 6 months old, indicating the applicant’s record of convictions or lack of a record of convictions for the applicant’s country of citizenship and for each country in which the applicant has lived for 12 months or more during the past 10 years, except where the authorities of any such country will not generally provide such certificates; and”.

3. Application for residence permit by temporary permit holder or exempt person—(1) Regulation 9(1) of the principal regulations is hereby amended by revoking paragraph (f), and substituting the following paragraphs:

“(f) The applicant’s fully completed and acceptable medical certificate which is less than 3 months old; and

“(fa) Except in the case of a pregnant woman or a child under the age of 12 years, the applicant’s fully completed and acceptable X-ray certificate which is less than 3 months old; and”.

(2) Regulation 9(1) of the principal regulations is hereby further amended by revoking paragraph (g), and substituting the following paragraph:

“(g) Except in the case of an applicant under the age of 17 years, a police or similar certificate, less than 6 months old, indicating the applicant’s record of convictions or lack of a record of convictions for the applicant’s country of citizenship and for each country in which the applicant has lived for 12 months or more during the past 10 years, except where the authorities of any such country will not generally provide such certificates; and”.

4. Applications involving family members—(1) The principal regulations are hereby amended by revoking regulation 15 (as amended by regulation 3 of the Immigration Regulations 1991, Amendment No. 3), and substituting the following regulation:

“15. (1) If an unmarried child under 20 years of age is a dependent child of an adult applicant for—

“(a) A visitor’s visa; or

“(b) A visitor’s permit (other than a pre-cleared visitor’s permit); or

“(c) A returning resident’s visa; or

“(d) A transit visa; or

“(e) A residence visa; or

“(f) A residence permit (other than a pre-cleared residence permit),— that child may be included in the adult applicant’s application for the relevant visa or permit, and it shall not be necessary for a separate application to be made in respect of the child, or for an additional fee to be paid.

“(2) A child of 20 years of age or over (whether dependent or not) and a child of 17 years of age or over who is not dependent and who is applying

for any type of visa or permit shall make a separate application and pay the appropriate fee (if any).

“(3) Except in the case of an application for a pre-cleared permit, an applicant’s spouse may be included in the principal applicant’s application for any of the visas or permits specified in paragraphs (a) to (f) of subclause (1) of this regulation, and it shall not be necessary for a separate application to be made in respect of that spouse or for an additional fee to be paid.

“(4) In the case of an application for a visa or permit that is not specified in paragraphs (a) to (f) of subclause (1) of this regulation, a spouse and a child of any age (whether dependent or not) shall make a separate application and pay the appropriate fee (if any).”

(2) Regulation 3 of the Immigration Regulations 1991, Amendment No. 3 is hereby consequentially revoked.

5. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulation 32, and substituting the following regulations:

“32. **Fees**—(1) Subject to subclauses (2) and (3) of this regulation, and subject to any special direction, the fees set out in Column A of Part I of the Third Schedule to these regulations shall be payable in respect of the applications and matters specified in that Part.

“(2) Subject to subclause (3) of this regulation, and subject to any special direction, the fees set out in Column B of Part I of the Third Schedule to these regulations shall be payable in respect of any application or special direction specified in that Part where—

“(a) The application is lodged outside New Zealand; or

“(b) The special direction is made outside New Zealand.

“(3) The fees imposed under subclauses (1) and (2) of this regulation shall not be payable, by a citizen of any country with which New Zealand maintains a reciprocal visa fee waiver agreement, in respect of any application for, or issue of, a visa of a kind that is the subject of the agreement.

“(4) Where, on an appeal under section 63A of the Act made in accordance with regulation 25 of these regulations, the Removal Review Authority cancels the removal order, an immigration officer shall refund the appropriate fee to the appellant.

“32A. **English language fee**—(1) Subject to subclause (3) of this regulation, and subject to any special direction, the fee set out in Part II of the Third Schedule to these regulations shall be payable in respect of each person, other than the principal applicant, 16 years of age or over who—

“(a) Is included in an application for either—

“(i) A residence visa; or

“(ii) A residence permit applied for in New Zealand (other than by a person on arrival in New Zealand at a port of entry or customs airport)—

in respect of which either of the Government residence policies known as the business investor category or the general skills category applies; and

“(b) Does not meet the minimum English language standard as set by Government residence policy.

“(2) The fee imposed under subclause (1) of this regulation shall—

“(a) Be paid before the issue of the residence visa or the grant of the residence permit, as the case may be; and

“(b) Be in addition to any other fee that is payable in respect of the type of application referred to in paragraph (a) of that subclause.

“(3) The fee imposed under subclause (1) of this regulation shall be refunded to the extent specified in Part II of the Third Schedule to these regulations if the person in respect of whom the fee has been paid has met the minimum English language standard within the time specified in that Part; but if the person does not meet the standard within 1 year after the person's first arrival in New Zealand following the issue of the residence visa or the grant of the residence permit, as the case may be, no refund shall be made.

“32b. **Migrant settlement services fee**—(1) Subject to subclause (3) of this regulation, and subject to any special direction, the fee set out in Part III of the Third Schedule to these regulations shall be payable in respect of each person who is included in an application for either—

“(a) A residence visa; or

“(b) A residence permit applied for in New Zealand (other than by a person on arrival in New Zealand at a port of entry or customs airport)—

in respect of which either of the Government residence policies known as the business investor category or the general skills category applies.

“(2) The fee imposed under subclause (1) of this regulation shall—

“(a) Be paid before the issue of the residence visa or the grant of the residence permit, as the case may be; and

“(b) Be in addition to any other fee that is payable in respect of the type of application referred to in that subclause.

“(3) The total fee payable under subclause (1) of this regulation in respect of all persons included in a single application shall not exceed \$1,000.

“32c. **Goods and services tax**—The fees set out in—

“(a) Column A of Part I of the Third Schedule to these regulations; and

“(b) Parts II and III of the Third Schedule to these regulations—

are inclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.”

(2) Subclauses (1) and (2) of regulation 4 of the Immigration Regulations 1991, Amendment No. 2 are hereby consequentially revoked.

6. Third Schedule amended—The Third Schedule to the principal regulations (as substituted by regulation 2 of the Immigration Regulations 1991, Amendment No. 4) is hereby amended by revoking Part II, and substituting the Parts set out in the Schedule to these regulations.

SCHEDULE		Reg. 6
NEW PARTS II AND III INSERTED IN THIRD SCHEDULE TO PRINCIPAL REGULATIONS		
“PART II—ENGLISH LANGUAGE FEE		Reg. 32A
		\$
1. Fee payable under regulation 32A (1) ...		20,000
2. Refund under regulation 32A (3) if person in respect of whom the fee under regulation 32A (1) has been paid meets the minimum English language standard—		
(a) Within 3 months after that person’s first arrival in New Zealand following the issue of the residence visa or the grant of the residence permit		20,000
(b) Within 1 year after that person’s first arrival in New Zealand following the issue of the residence visa or the grant of the residence permit		14,000
“PART III—MIGRANT SETTLEMENT SERVICES FEE		Reg. 32B
		\$
Fee payable under regulation 32B (1) ...		250”

MARIE SHROFF,
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 30 October 1995, amend the Immigration Regulations 1991 to—

- (a) Alter the requirements for medical and police certificates; and
- (b) Alter the circumstances in which separate applications must be made by children and spouses; and
- (c) Impose an English language fee and migrant settlement services fee in certain cases.

The regulations—

- (a) Provide that in relation to an application for a residence visa or residence permit—
 - (i) All applicants (including pregnant women and children under the age of 12 years who are presently not required to provide a medical certificate) must provide a medical certificate that is less than 3 months old (as compared with the present time requirement of 2 months);
 - (ii) Any X-ray certificate must be less than 3 months old (rather than 2 months old which is the present time requirement);
 - (iii) Any police certificate, which must be less than 6 months old (as compared with the present 2 month time requirement) will now only be required from applicants aged 17 and over:

- (b) Clarify that a spouse and a child of any age (whether dependent or not) who is an applicant for a work visa or work permit or student visa or student permit must make a separate application and pay the appropriate fee (if any):
- (c) Impose an English language fee of \$20,000 in respect of each person, other than the principal applicant, 16 years of age or over who—
 - (i) Is included in an application for either a residence visa or residence permit in respect of which the business investor category or general skills category applies; and
 - (ii) Does not meet the minimum English language standard as set out in Government residence policy:
- (d) Provide that the English language fee will be refunded as follows:
 - (i) If the person meets the minimum English language standard within 3 months after the person's first arrival following the issue of the residence visa or the grant of the residence permit, a full refund is to be made:
 - (ii) If the person meets the standard within 1 year after the person's first arrival following the issue or grant of the residence visa or residence permit, \$14,000 is to be refunded:
 - (iii) If the person fails to meet the standard within 1 year after the person's first arrival following the issue of the residence visa or the grant of the residence permit, no refund is to be made:
- (e) Impose a migrant settlement services fee of \$250 in respect of each person included in an application for either a residence visa or residence permit in respect of which the business investor category or general skills category applies, but a maximum amount not exceeding \$1,000 is payable in respect of all the persons included in a single application.

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These regulations are administered in the Department of Labour.