

**Reprint  
as at 29 November 2010**



## **Immigration Amendment Regulations 2010**

(SR 2010/30)

Immigration Amendment Regulations 2010: revoked, at 2 am on 29 November 2010, pursuant to section 405(b) of the Immigration Act 2009 (2009 No 51).

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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Department of Labour.**

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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):



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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## **Notes**

### **1 *General***

This is a reprint of the Immigration Amendment Regulations 2010. The reprint incorporates all the amendments to the regulations as at 29 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Immigration Act 2009 (2009 No 51): section 405(b)

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