

**Reprint**  
**as at 29 November 2010**

**Immigration Amendment Act 1991**

Public Act 1991 No 113  
Date of assent 7 November 1991

Immigration Amendment Act 1991: repealed, at 2 am on 29 November 2010,  
pursuant to section 404 of the Immigration Act 2009 (2009 No 51).

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**Note**

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

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

**This Act is administered in the Department of Labour**

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**An Act to amend the Immigration Act 1987 in order to strengthen and more clearly define the legal framework for the operation of Government immigration policy, and, in particular, to—**

- (a) Provide for independent review of certain immigration decisions; and**
- (b) Ensure a high level of compliance with immigration laws; and**
- (c) Ensure that persons who do not comply with immigration procedures and rules are not advantaged in comparison with persons who do so comply**

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

**1 Short Title and commencement**

- (1) This Act may be cited as the Immigration Amendment Act 1991, and shall be read together with and deemed part of the

Immigration Act 1987 (hereinafter referred to as the principal Act).

- (2) Except as provided in subsection (3) of this section, this Act shall come into force on the 18th day of November 1991.
- (3) Section 14E(1) of the principal Act, as enacted by section 8 of this Act, shall come into force on the 1st day of March 1992.

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**Part 1**  
**Amendments to Part 1 of principal**  
**Act—exemptions, visas, and permits**

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**17 Grant of permits**

- (1) *This subsection repealed section 35(4) of the principal Act.*
- (2) The Immigration Amendment Act (No 2) 1989 is hereby consequentially repealed.

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*Transitional provision***22 Applications for permits and visas lodged before commencement of Act**

Every application for a permit or visa made before the commencement of this Act shall be considered and determined in accordance with the provisions of the principal Act that were in force immediately before the commencement of this Act, and no appeal shall lie to the Residence Appeal Authority under section 18C of the principal Act in respect of any refusal to grant the permit or visa applied for.

**Part 2**  
**Amendments to Part 2 of principal**  
**Act—persons in New Zealand unlawfully**

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**31 New headings and sections substituted**

This section repealed sections 63 to 66 of the principal Act and inserted new sections 63 to 63E and 64 to 66, under the heading “Appeals Against Removal Orders”.

*Transitional provisions*

**32 Existing removal warrants, and completion of proceedings on applications for removal warrants**

(1) Nothing in section 64 or in section 66(1)(a)(iii) of the principal Act (as enacted by section 31 of this Act) requires any removal warrant that—

(a) Has been issued by a District Court before the date of commencement of this Act; or

(b) Is issued by a District Court after that date pursuant to subsection (2) of this section,—

to be endorsed by a District Court Judge before it may be executed.

- (2) Where any application for a removal warrant made to a District Court before the date of commencement of this Act has not been determined before that date,—
- (a) The District Court shall, unless the application is sooner withdrawn, determine the application under the provisions of the principal Act as if this Act had not been passed; and
  - (b) Where the District Court determines to issue a removal warrant in any such proceedings, that warrant shall be treated for the purposes of the principal Act as if it were a removal order issued by a duly qualified immigration officer under section 50 of that Act (as enacted by section 23 of this Act) on the date the warrant was issued by the District Court, and, except as provided in subsection (1) of this section, the provisions of the principal Act shall apply accordingly.

### **33 Persons in New Zealand unlawfully**

- (1) This section applies to every person who was in New Zealand unlawfully immediately before the commencement of this Act other than—
- (a) A person in respect of whom a deportation order is in force; or
  - (b) A person in respect of whom a removal warrant or a removal order has been in force for a period exceeding 42 days; or
  - (c) A person who, being a person in respect of whom a removal warrant or a removal order is in force, has appealed—
    - (i) To the Minister to cancel the warrant under section 63 of the principal Act (as in force before the commencement of this Act); or
    - (ii) To the Removal Review Authority to cancel the order under section 63A or section 63B of the principal Act (as enacted by section 31 of this Act).
- (2) Any person to whom this section applies may apply to the Minister for a permit in such manner as the Minister may approve,

and the Minister shall consider and determine any such application.

- (3) No person may make under this section—
  - (a) More than one application for a temporary permit; or
  - (b) More than one application for a residence permit.
- (4) Where a person applies for a residence permit under this section no appeal shall lie to the Residence Appeal Authority under section 18C of the principal Act in respect of any refusal to grant the residence permit applied for.
- (5) No person may make an application under this section on or after 1 October 2000.

Subsection (5) was inserted, as from 1 October 1999, by section 62(2) Immigration Amendment Act 1999 (1999 No 16).

Section 62(1) of that Act proposed to amend subsection (4), as from 1 October 1999, by substituting the word “Appeal” for the word “Repeal”.

#### **34 Appeals to Minister to cancel removal warrant**

Where a District Court has, before the commencement of this Act, issued a removal warrant in respect of any person,—

- (a) The person may, notwithstanding the repeal of section 63 of the principal Act by section 31 of this Act, exercise any right conferred by the said section 63 to appeal to the Minister to cancel the warrant; and
- (b) The Minister shall consider any appeal made in accordance with the said section 63 (whether made after the commencement of this Act pursuant to paragraph (a) of this subsection, or made under the said section 63 before the commencement of this Act and not yet determined by the Minister) in accordance with the provisions of that section as in force before its repeal; and
- (c) No appeal shall lie to the Removal Review Authority under section 63A or section 63B of the principal Act for cancellation of the removal warrant or for any reduction in the period for which the removal warrant is to remain in force.

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**Part 3**  
**Other amendments**

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**50 Amendments to Legal Aid Act 1969 and Legal Services  
Act 1991**  
*[Repealed]*

Section 50 was repealed, as from 1 February 2001, by section 127(1)(b) and section 128 Legal Services Act 2000 (2000 No 42).

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**Schedule 1** Section 23(2)  
**Consequential amendments to principal Act**

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**Schedule 2** Section 49  
**New Schedule 3a inserted in principal Act**

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**Schedule 3** Section 49  
**New Schedule 3b inserted in principal Act**

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**Notes****1 General**

This is an eprint of the Immigration Amendment Act 1991. The eprint incorporates all the amendments to the Act as at 2 am on 29 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint (most recent first)**

Immigration Act 2009 (2009 No 51): section 404

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