



## Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2015

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 16th day of November 2015

Present:

His Excellency the Governor-General in Council

Pursuant to sections 400 to 402 of the Immigration Act 2009, 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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## Regulations

### 1 Title

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2015.

### 2 Commencement

These regulations come into force on 7 December 2015.

### 3 Principal regulations

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

### 4 New regulation 4AA inserted (Transitional, savings, and related provisions)

After regulation 4, insert:

#### 4AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

### 5 Regulation 4 amended (Interpretation)

In regulation 4(1), insert in its appropriate alphabetical order:

**immigration levy** means the levy imposed under regulation 4B

### 6 New regulations 4B and 4C inserted

After regulation 4A, insert:

#### 4B Immigration levy

- (1) An immigration levy is imposed on the applicants in the categories listed in the first column of Schedule 6.
- (2) The immigration levy payable by an applicant within a category listed in the first column of Schedule 6 is the amount specified for that category in the second column of Schedule 6.
- (3) Subclause (2) is subject to subclauses (4) and (5).
- (4) If an application relates to more than 1 person and is not an application for a group visitor visa, only the principal applicant is liable to pay the immigration levy.
- (5) Subclause (2) does not apply to an applicant who is exempt from the obligation to pay an immigration levy—
  - (a) by a special direction; or
  - (b) under regulation 4C.
- (6) An immigration levy is in addition to all other amounts payable by the applicant in respect of his or her application.
- (7) In subclause (4), **principal applicant** means a person who is—
  - (a) declared to be the principal applicant on the relevant application form; or
  - (b) defined as the principal applicant in the relevant immigration instructions.

**4C Certain applicants exempt from paying immigration levy**

An applicant is exempt from paying the immigration levy imposed under regulation 4B if the applicant is—

- (a) a person for whom the requirement to hold a visa permitting travel to New Zealand is waived under regulation 18; or
- (b) a person described in Schedule 5; or
- (c) a citizen of any country with which New Zealand maintains a reciprocal fee-waiver agreement in respect of the prescribed fee; or
- (d) a claimant, refugee, or protected person; or
- (e) applying for a resident visa on the basis of his or her relationship with a refugee or protected person; or
- (f) applying for a visa under—
  - (i) the Special Category for Victims of People Trafficking immigration instructions; or
  - (ii) the Special Category for Victims of Domestic Violence immigration instructions; or
  - (iii) the Skilled Migrant Category Job Search immigration instructions; or
- (g) a citizen of Samoa applying for a resident visa.

**7 Regulation 5 amended (Application requirements)**

- (1) Replace regulation 5(1)(c) with:

(c) an application for a residence class visa that is made online under regulation 23AA or 23A, in which case regulation 23AA or 23A applies (as the case may be).

- (2) Revoke regulation 5(2)(d)(iia).
- (3) In regulation 5(2)(d)(v), after “document (or a certified copy)”, insert “; and”.
- (4) After regulation 5(2)(d), insert:

(e) accompanied by—

- (i) the prescribed fee; and
- (ii) the immigration levy payable by the applicant (if any).

**8 Regulation 6 amended (Application requirements for holder or former holder of resident visa)**

In regulation 6(1), replace “(except applications that are made online, in which case regulation 23A applies instead)” with “(except applications that are made online under regulation 23AA or 23A)”.

**9 Regulation 9 amended (Notification of expression of interest in applying for residence class visa)**

- (1) Replace regulation 9(a) with:
  - (a) completing the approved form in English; and
- (2) In regulation 9(b), replace “physically” with “in hard copy form”.

**10 Regulation 10 amended (Application requirements other than at immigration control area)**

- (1) Replace regulation 10(1) with:
  - (1) This regulation applies to all applications for a temporary entry class visa made anywhere other than at an immigration control area, except the following:
    - (a) applications for a temporary entry class visa made online under regulation 23AA or 23A;
    - (b) applications by or on behalf of diplomatic or consular officials made under regulation 13.
- (2) Revoke regulation 10(2)(e)(ia).
- (3) In regulation 10(2)(e)(iv), after “instructions”, insert “; and”.
- (4) After regulation 10(2)(e), insert:
  - (f) be accompanied by—
    - (i) the prescribed fee; and
    - (ii) the immigration levy payable by the applicant (if any).

**11 Regulation 12 revoked (Applications that must be made online)**

Revoke regulation 12.

**12 Regulation 15 amended (Application requirements)**

In regulation 15(1AA), replace “, in which case regulation 23A applies instead” with “under regulation 23AA or 23A”.

**13 Regulation 20 amended (Applications involving family members)**

Replace regulation 20(5)(c)(ii) with:

- (ii) if the application is not an application for a group visitor visa or a group transit visa, only 1 fee is required for the application; and

**14 Regulation 21 amended (Applications made without using approved form)**

- (1) After regulation 21(3)(ba), insert:
  - (bb) paying the immigration levy that is payable by the applicant (if any), or arranging for its payment in a manner acceptable to the immigration officer processing the application (unless the application is made at an im-

migration control area, in which case no immigration levy is payable);  
and

- (2) Replace regulation 21(7)(c)(ii) with:
- (ii) if the application is not an application for a group visitor visa or a group transit visa, only 1 fee is required for the application; and

**15 Regulation 22 amended (Immigration officer may refuse to consider or continue considering application made under regulation 21)**

- (1) In regulation 22(2)(c), after “paragraph (b)”, insert “; and”.
- (2) After regulation 22(2)(c), insert:
- (d) any immigration levy paid by the applicant in relation to the application under regulation 21 must be refunded or applied towards any application made in accordance with paragraph (b).

**16 New regulation 23AA inserted (Chief executive may require certain visa applications to be made online)**

After regulation 23, insert:

**23AA Chief executive may require certain visa applications to be made online**

- (1) The chief executive may require certain visa applications to be made online.
- (2) If the chief executive requires certain visa applications to be made online, a list of those applications must be made publicly available on an Internet site maintained by or on behalf of the Department.
- (3) Subclauses (4) to (6) apply in respect of an application that the chief executive requires to be made online.
- (4) The application must be made—
- (a) online on an Internet site maintained by or on behalf of the Department; and
- (b) using the electronic form provided on the site for the purpose.
- (5) Without limiting subclause (4)(b), the applicant must—
- (a) complete the electronic form in English and include—
- (i) his or her full name; and
- (ii) his or her date of birth; and
- (iii) the details of his or her passport or other certificate of identity and, if applicable, confirm that he or she has the appropriate status for the visa category under which the application is being made; and
- (b) produce the information and evidence required by the relevant immigration instructions to demonstrate that the applicant fits the category or categories under which the application is being made; and

- (c) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and
  - (d) agree that, if the applicant's circumstances change before any visa is granted, the applicant will notify an immigration officer of the change in circumstances; and
  - (e) pay the prescribed fee or arrange for its payment in a manner acceptable to the immigration officer processing the application; and
  - (f) pay the immigration levy that is payable (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application.
- (6) The immigration officer processing the application may require the applicant to do 1 or more of the following before determining the application:
- (a) be interviewed by an immigration officer;
  - (b) produce his or her passport or other certificate of identity;
  - (c) produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application;
  - (d) produce travel tickets to a country that the applicant has right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application;
  - (e) produce evidence of the applicant's funds for maintenance while in New Zealand or evidence of the applicant's sponsorship that the officer thinks necessary for him or her to determine the application.

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

- (1) In regulation 23A(4)(i), after "application", insert "; and".
- (2) After regulation 23A(4)(i), insert:
  - (j) pay the immigration levy that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to the immigration officer processing the application.

**18 Regulation 26AAB amended (Exemptions from or reductions in prescribed fees)**

- (1) In the heading to regulation 26AAB, delete "**or reductions in**".
- (2) Revoke regulation 26AAB(4) to (6).

**19 Regulations 26 to 28A replaced**

Replace regulations 26 to 28A with:

**26 Prescribed fees and immigration levy inclusive of GST**

The prescribed fees and immigration levy imposed by these regulations are inclusive of goods and services tax.

**20 Regulation 32 amended (Application for confirmation of immigration status)**

- (1) In regulation 32(3), delete “at an office of the Department”.
- (2) Replace regulation 32(3A) with:
- (3A) However, subclause (3) does not apply to an application that is made online under regulation 23AA or 23A.

**21 Regulation 33 amended (Application for endorsement of New Zealand citizenship in foreign passport)**

Replace regulation 33(1AA) with:

- (1AA) This regulation applies to an application for endorsement of New Zealand citizenship in a foreign passport unless the application is made online under regulation 23AA or 23A.

**22 New Schedule 1AA inserted**

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

**23 Schedule 4 replaced**

Replace Schedule 4 with the Schedule 4 set out in Schedule 2 of these regulations.

**24 Schedule 5 amended**

- (1) Replace the Schedule 5 heading with:

**Schedule 5****People exempt from paying prescribed fees and immigration levy**

- (2) In the Schedule 5 heading, replace “r 26AAB(1)(b)” with “rr 4C, 26AAB(1)(b)”.

**25 New Schedule 6 inserted**

After Schedule 5, insert the Schedule 6 set out in Schedule 3 of these regulations.



## Schedule 1

### New Schedule 1AA inserted

r 22

### Schedule 1AA

#### Application, savings, and transitional provisions relating to amendments made to these regulations after 1 December 2015

r 4AA

#### Part 1

#### Provisions relating to Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2015

##### 1 Interpretation

In clause 2,—

**amendment regulations** means the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2015

**relevant person** has the meaning given to it by section 399(7) of the Act.

##### 2 Transitional provision

Regulations 26 to 28, as in force immediately before the commencement of the amendment regulations, continue to apply in respect of a relevant person who under section 399(8)(b) of the Act would have been liable to pay the migrant levy.

## Schedule 2

### Schedule 4 replaced

r 23

### Schedule 4

#### Fees

r 4A

Regulation under which fee prescribed	Matter for which fee prescribed	Fee (NZ\$)		
		New Zealand	Pacific	Rest of world
<i>Residence class visa</i>				
5(1) and (2)(e)(i)	Residence class visa application— Skilled Migrant Category	1,890	1,620	2,505
	Residence class visa application— Investor Plus (Investor 1 Category)	4,280	4,165	4,165

Regulation under which fee prescribed	Matter for which fee prescribed	Fee (NZ\$)		
		New Zealand	Pacific	Rest of world
	Residence class visa application— Investor (Investor 2 Category)	4,280	4,165	4,165
	Residence class visa application— Entrepreneur Residence Category	3,340	3,340	3,340
	Residence class visa application— Residence from Work Category	970	-	-
	Residence class visa application— Family Category	970	970	1,670
	Residence class visa application—Parent Retirement Category	3,340	3,340	3,340
	Residence class visa application— Samoan Quota scheme	740	720	-
	Residence class visa application—Pacific Access Category	805	785	-
	Residence class visa application— Refugee Family Support Category	605	595	835
	Residence class visa application—any other residence category	970	970	1,670
	<i>Residence class visa—application by holder or former holder of resident visa</i>			
6(1)(a) and 2(d)(iia)	Permanent resident visa application by person holding resident visa	190	190	190
6(1)(b) and 2(d)(iia)	Permanent resident visa application by person who previously held resident visa	190	190	190
6(1)(c) and 2(d)(iia)	Resident visa application by person who previously held resident visa	190	190	190
6(1)(c) and 2(d)(iia)	Variation of travel conditions of visa by person holding resident visa	190	190	190
	<i>Residence class visa—related matters</i>			
9(b)	Notification of expression of interest in applying for residence class visa— Skilled Migrant Category (hard copy)	680	680	680
	Notification of expression of interest in applying for residence class visa— Skilled Migrant Category (online)	530	530	530
	Notification of expression of interest in applying for residence class visa— Investor 2 Category	620	620	620
	Notification of expression of interest in applying for residence class visa—Parent Category (hard copy)	440	440	440
	Notification of expression of interest in applying for residence class visa—Parent Category (online)	345	345	345
	Notification of expression of interest in applying for residence class visa— Pacific Access Category (first year of notification)	75	75	75

Regulation under which fee prescribed	Matter for which fee prescribed	Fee (NZ\$)		
		New Zealand	Pacific	Rest of world
	Notification of expression of interest in applying for residence class visa—Pacific Access Category (subsequent year of notification)	30	30	30
<i>Temporary visa—visitor visa</i>				
10(1) and (2)(f)(i)	Temporary visa application—visitor visa (hard copy)	151	116	151
10(1)(a), 23A(1)(c) and (4)(i)	Temporary visa application—visitor visa (online)	151	116	151
10(1) and (2)(f)(i)	Temporary visa application—Retirement Category visitor visa	3,340	3,340	3,340
	Temporary visa application—group visitor visa per person (made offshore only): approved destination status (China)	-	-	40
	Temporary visa application—group visitor visa per person: other	70	70	70
<i>Temporary visa—student visa</i>				
10(1) and (2)(f)(i)	Temporary visa application—student visa (hard copy)	260	205	280
10(1)(a), 23A(1)(c) and 4(i)	Temporary visa application—student visa (online)	233	178	253
10(1) and (2)(f)(i)	Temporary visa application—student visa (submitted by education provider)	100	-	-
<i>Temporary visa—work visa</i>				
10(1)(a), 23AA(1) and (5)(e)	Temporary visa application—work visa under Silver Fern Job Search immigration instructions	260	260	260
10(1) and (2)(f)(i)	Temporary visa application—work visa under Work Partnership/Work to Residence (Talent (Arts, Culture, and Sports), Talent (Employer Accreditation), or Talent (Long-term Skills Shortage List)) (hard copy)	375	375	375
10(1)(a), 23A(1)(c) and (4)(i)	Temporary visa application—work visa under Work Partnership/Work to Residence (Talent (Arts, Culture, and Sports), Talent (Employer Accreditation), or Talent (Long-term Skills Shortage List)) (online)	355	355	355
10(1) and (2)(f)(i)	Temporary visa application—Entrepreneur Work Visa	3,340	2,820	3,340
10(1)(a), 23AA(1) and (5)(e)	Temporary visa application—work visa under working holiday scheme (online)	170	-	170

Regulation under which fee prescribed	Matter for which fee prescribed	Fee (NZ\$)		
		New Zealand	Pacific	Rest of world
10(1) and (2)(f)(i)	Temporary visa application—work visa under working holiday scheme (hard copy)	170	-	170
	Temporary visa application—work visa under working holidaymaker extension	170	-	170
	Temporary visa application—work visa under any other category of immigration instruction (hard copy)	280	240	280
10(1)(a), 23A(1)(c) and (4)(i)	Temporary visa application—work visa under any other category of immigration instruction (online)	260	220	260
<i>Temporary visa—related matters</i>				
14(1)(c)(iii)	Application for reconsideration of decision to decline further temporary visa	195	-	-
<i>Limited visa</i>				
10(1) and (2)(f)(i)	Temporary entry class visa application—limited visa: limited student visa	260	205	280
	Temporary entry class visa application—limited visa: limited visa for recognised seasonal employer	280	240	280
	Temporary entry class visa application—limited visa: any other category	170	135	170
<i>Transit visa</i>				
15(1AA) and (1)(d)(iia)	Transit visa application	145	145	145
	Transit visa application—group Chinese nationals per person	85	-	85
<i>Other matters—applications or requests by employers and organisations</i>				
26AA(d)	Request under immigration instructions by employer for approval in principle to recruit overseas workers	400	-	-
26AA(da)	Request under immigration instructions by employer for approval in principle to recruit overseas workers under foreign crew of fishing vessels instructions	5,115	-	-
26AA(e)	Request under immigration instructions for supplementary seasonal employment approval in principle	260	-	-
26AA(j)	Recognised Seasonal Employer status	870	-	-
26AA(k)	Agreement to recruit under Recognised Seasonal Employer work immigration instructions	230	-	-
26AA(daa)	Labour hire company accreditation (Essential Skills Category immigration instructions)—first year of accreditation	1,775	-	-
	Labour hire company accreditation (Essential Skills Category immigration	500	-	-

Regulation under which fee prescribed	Matter for which fee prescribed	Fee (NZ\$)		
		New Zealand	Pacific	Rest of world
	instructions)—subsequent year of accreditation			
26AA(dab)	Reconsideration of application from labour hire company for accreditation (Essential Skills Category immigration instructions)	195	-	-
26AA(h)	Employer accreditation (under talent work immigration instructions)—first year of accreditation	1,775	-	-
	Employer accreditation (under talent work immigration instructions)—subsequent year accreditation	500	-	-
26AA(i)	Reconsideration of application from employer for talent employer accreditation	195	-	-
26AA(ia)	Entertainment industry accreditation (under specific purpose or events immigration instructions)—first year of accreditation	1,775	-	-
	Entertainment industry accreditation (under specific purpose or events immigration instructions)—subsequent year accreditation	500	-	-
<i>Other matters—general</i>				
26AA(a)	Request for special direction	195	195	195
26AA(b)	Residence class visa granted under section 61 of Act	870	-	-
	Temporary entry class visa granted under section 61 of Act	365	-	-
26AA(c)	Application for variation of conditions imposed on any type of temporary entry class visa	170	170	170
26AA(f)	Call-out fee where office is opened outside normal working hours in order to process immigration matter	290	290	290
26AA(g)	Registration under Refugee Family Support Category	90	-	-
32(1)(a) and (3)(d)	Confirmation of immigration status	110	110	110
32(1)(b) and (3)(d)	Transfer fee where visa stamp or label transferred from one passport or certificate of identity to another	110	110	110
33(1AA) and (1)(e)(ia)	First endorsement of New Zealand citizenship in foreign passport	135	135	135
33(1AA) and (2)(e)(ia)	Second or subsequent endorsement of New Zealand citizenship in foreign passport	85	85	85

### Schedule 3

#### New Schedule 6 inserted

r 25

#### Schedule 6

##### Immigration levy

r 4B

Category of applicant	Levy (NZ\$)
Applicant for group visitor visa	10
Applicant for visitor visa: any other category	14
Applicant for student visa	17
Applicant for work visa	38
Applicant for limited visa: limited visa for recognised seasonal employer	10
Applicant for limited visa: limited student visa	17
Applicant for limited visa: any other category	14
Applicant for resident visa—Skilled Migrant Category	580
Applicant for resident visa—Investor Plus (Investor 1 Category)	580
Applicant for resident visa—Investor (Investor 2 Category)	580
Applicant for resident visa—Entrepreneur Residence Category	580
Applicant for resident visa—Residence from Work Category	580
Applicant for resident visa—Employees of Relocating Business Category	580
Applicant for resident visa—Family Category	280
Applicant for resident visa—Pacific Access Category	280
Applicant for resident visa—Parent Retirement Category	280
Applicant for resident visa—Pitcairn Islanders	280

Michael Webster,  
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 7 December 2015, amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the **principal regulations**).

The current migrant levy in regulation 26 of the principal regulations is replaced with a new immigration levy (*new regulations 4B and 4C*) that is payable by applicants at the time of making an application for a temporary visa, limited visa, or residence class visa (other than a permanent resident visa or subsequent resident visa). The immigration levy payable by these categories of applicants is set out in a *new Schedule*

6. In the case of a group visitor visa or a group transit visa, the immigration levy is payable by each person to whom the application relates.

Currently, regulation 12 of the principal regulations specifies the types of visa applications that must be made online. Regulation 12 is revoked and *new regulation 23AA* allows the chief executive to specify any visa applications that must be made online. A list of all visa applications required to be made online must be made publicly available on an Internet site maintained by or on behalf of the Department.

The fees payable for specified immigration applications are set out in Schedule 4 of the principal regulations. That schedule is replaced by a *new Schedule 4* that revises the fees and fee levels.

Regulation 26AAB of the principal regulations currently applies a reduction of \$92 to some visa application fees. That reduction is removed.

These regulations also amend regulation 32 of the principal regulations so that an off-shore applicant applying for confirmation of his or her immigration status is not required to submit the application to an office of the Department. The application could be submitted to an immigration officer at a Visa Application Centre.

### Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 2 September 2015 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—

- <http://www.mbie.govt.nz/publications-research/publications>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 19 November 2015.

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