



Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 16th day of March 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 400 to 402 of the Immigration Act 2009—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Immigration made under section 403A(1) of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 23N amended (When ETA ceases to be valid)	2
5 Regulation 34 amended (Minister may waive regulation requirements by special direction)	2
6 Schedule 3 amended	2

Regulations

1 Title

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2020.

2 Commencement

These regulations come into force on 18 March 2020.

3 Principal regulations

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

4 Regulation 23N amended (When ETA ceases to be valid)

After regulation 23N(1)(v), insert:

- (vi) is a person to whom a special direction issued by the Minister under section 69(2)(b) or (d) of the Act applies (which enables the suspension of a waiver of the requirement to hold a visa permitting travel to New Zealand).

5 Regulation 34 amended (Minister may waive regulation requirements by special direction)

- (1) In the heading to regulation 34, after “**waive**”, insert “**or vary certain**”.
- (2) After regulation 34(1), insert:
 - (1A) The Minister may, by special direction, extend the time under regulation 29(2) for a person to report to an immigration officer at an immigration control area.
- (3) In regulation 34(3), replace “subclause (1) is” with “subclauses (1) and (1A) are”.

6 Schedule 3 amended

In Schedule 3, replace items 1 and 2 (relating to cruise ship passengers and cruise ship crew) with:

1	Cruise ship passengers travelling on board the ship if—	Temporary visa	Until the earlier of—
	(a) pratique has been granted to the ship (<i>see</i> section 107 of the Health Act 1956); and		(a) the day and time the ship is given clearance to leave its last port of entry in New Zealand for that voyage; and
	(b) the passengers—		(b) the expiry of 28 days (calculated on and from the day the ship arrives at its first port of entry in New Zealand on that voyage)
	(i) have arrived in New Zealand; and		
	(ii) hold an ETA or are exempted by regulation 23E(a)		

	from the requirement to hold one		
2	Cruise ship crew travelling in the ordinary course of business of the ship if—	Temporary visa	Until the earlier of—
(a)	pratique has been granted to the ship (<i>see</i> section 107 of the Health Act 1956); and		(a) the day and time the ship is given clearance to leave its last port of entry in New Zealand for that voyage; and
(b)	the crew—		(b) the expiry of 28 days (calculated on and from the day the ship arrives at its first port of entry in New Zealand on that voyage)
	(i) have arrived in New Zealand; and		
	(ii) hold an ETA or are exempted by regulation 23E(a) from the requirement to hold one		

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 18 March 2020, amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010.

The amendment to regulation 23N clarifies that if the Minister has suspended a waiver of the requirement to hold a visa to travel to New Zealand in respect of a person, then that person's electronic travel authority (ETA) ceases to be valid.

The amendment to regulation 34 gives the Minister the power to issue a special direction extending the time by which a person who has not been granted a visa or entry permission, and who arrives at New Zealand at a place other than an immigration control area, must report to an immigration officer at an immigration control area. The time limit in regulation 29 is within 72 hours, but that period may sometimes need to be extended, for example, if a ship has arrived in New Zealand waters and is liable to quarantine or has been quarantined.

The amendment to Schedule 3 has the effect of inserting extra wording into 2 items that relate to cruise ship passengers and crew. Schedule 3 describes people who are deemed to hold a visa and to have been granted entry permission to New Zealand. The new wording is contained in *new paragraph (a)* of each item, which provides that the deemed entry permission and visa only apply to passengers and crew on board a cruise ship that has been granted pratique under the Health Act 1956. Pratique

is permission granted to a ship to berth at a wharf or other landing place and is given when the relevant medical officer of health or health protection officer is satisfied that no quarantinable disease exists on board.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 March 2020.

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