



Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of June 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 400 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 after consultation in accordance with section 399B(1) of that Act.

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Regulations

1 Title

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations 2021.

2 Commencement

- (1) Regulations 1 to 3 come into force on the day after the date of their notification in the *Gazette*.
- (2) Regulation 4 comes into force on 5 August 2021.
- (3) Regulations 5 to 8 come into force on 15 July 2021.
- (4) Regulation 9 comes into force on 1 July 2021.

3 Principal regulations

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

4 Regulation 9A amended (Suspension of ability to apply for certain visas)

In regulation 9A(3) and (4), replace “6 August 2021” with “6 February 2022”.

5 Regulation 14 amended (Applications for reconsideration of decision to decline further temporary visa)

- (1) Before regulation 14(1), insert:
 - (1AAA) Subclause (1) applies to a reconsideration application, unless the reconsideration application is made online under subclauses (2) to (4).
 - (1AAB) Subclauses (5) and (6) apply to any reconsideration application made under this regulation.
- (2) In regulation 14(1), replace “An application for reconsideration of a decision to decline a further temporary visa” with “A reconsideration application”.
- (3) In regulation 14(1)(c)(ii), replace “for reconsidering the declined application to which this application relates” with “for determining the reconsideration application”.
- (4) In regulation 14(1)(c)(iii), delete “for the application”.
- (5) Replace regulation 14(2) with:
 - (2) A reconsideration application may be made online if an electronic form has been provided for the purpose on an Internet site maintained by or on behalf of the Department.
 - (3) A reconsideration application made online must be made—
 - (a) 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.

- (4) Without limiting subclause (3)(b), the electronic form must require the applicant to—
 - (a) complete the form in English; and
 - (b) provide a full explanation of the matters that the applicant wishes to be taken into consideration by the immigration officer or the Minister responsible for determining the reconsideration application; and
 - (c) pay the prescribed fee.
- (5) The immigration officer or Minister responsible for determining a reconsideration application may require the applicant to produce further information or evidence (including photographs) that the immigration officer or Minister thinks necessary to determine the application.
- (6) If an applicant is required to produce information or evidence under subclause (5), that information or evidence must be produced in the manner (if any) specified by the immigration officer or Minister.
- (7) In this regulation, **reconsideration application** means an application for reconsideration of a decision to decline a further temporary visa.

6 Regulation 23AA amended (Chief executive may require certain visa applications to be made online)

Replace regulation 23AA(4) to (6) with:

- (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 electronic form must require the applicant to—
 - (a) complete the form in English; and
 - (b) state the applicant's full name; and
 - (c) state the applicant's date and place of birth; and
 - (d) state the details of the applicant's passport or certificate of identity; and
 - (e) if applicable, upload a photograph of the applicant's head and shoulders that complies with the standards specified for the purpose by the Department; and
 - (f) produce the information and evidence required by immigration instructions to demonstrate that the applicant fits the category under which the applicant is applying; and
 - (g) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and

- (h) agree that, if the applicant's circumstances change before any visa is granted, or before the application is determined, the applicant will notify an immigration officer of the change; and
 - (i) pay the prescribed fee or arrange for its payment in a manner acceptable to an immigration officer; and
 - (j) pay the immigration levy that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to an immigration officer; and
 - (k) pay the IVL that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to an immigration officer.
- (6) An immigration officer or automated electronic system processing the application may, in order for the application to be determined, require the applicant to—
- (a) be interviewed by an immigration officer;
 - (b) produce the applicant's passport or other certificate of identity;
 - (c) produce further information or evidence, including—
 - (i) photographs;
 - (ii) travel tickets to a country that the applicant has right of entry to, or other evidence of the applicant's onward travel arrangements;
 - (iii) evidence of the applicant's funds for maintenance while in New Zealand, or evidence of sponsorship of the applicant.
- (7) If an applicant is required to produce information or evidence under subclause (6)(b) or (c), that information or evidence must be produced in the manner (if any) specified by the immigration officer or automated electronic system.

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

Replace regulation 23A(3) to (5) with:

- (3) 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.
- (4) Without limiting subclause (3)(b), the electronic form must require the applicant to—
 - (a) complete the form in English; and
 - (b) state the applicant's full name; and
 - (c) state the applicant's date and place of birth; and
 - (d) state the details of the applicant's passport or certificate of identity; and
 - (e) if applicable, upload a photograph of the applicant's head and shoulders that complies with the standards specified for the purpose by the Depart-

- ment (unless the form relates to an application referred to in subclause (1)(e) or (f)); and
- (f) produce the information and evidence required by immigration instructions to demonstrate that the applicant fits the category under which the applicant is applying; and
 - (g) acknowledge that the details supplied in support of the application are true and correct to the best of the applicant’s knowledge; and
 - (h) agree that, if the applicant’s circumstances change before any visa is granted, or before the application is determined, the applicant will notify an immigration officer of the change; and
 - (i) pay the prescribed fee or arrange for its payment in a manner acceptable to an immigration officer; and
 - (j) pay the immigration levy that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to an immigration officer; and
 - (k) pay the IVL that is payable by the applicant (if any), or arrange for its payment in a manner acceptable to an immigration officer.
- (5) An immigration officer or automated electronic system processing the application may, in order for the application to be determined, require the applicant to—
- (a) be interviewed by an immigration officer;
 - (b) produce the applicant’s passport or other certificate of identity;
 - (c) produce further information or evidence, including—
 - (i) photographs;
 - (ii) travel tickets to a country that the applicant has right of entry to, or other evidence of the applicant’s onward travel arrangements;
 - (iii) evidence of the applicant’s funds for maintenance while in New Zealand, or evidence of sponsorship of the applicant.
- (6) If an applicant is required to produce information or evidence under subclause (5)(b) or (c), that information or evidence must be produced in the manner (if any) specified by the immigration officer or automated electronic system.

8 Schedule 4 amended

- (1) In Schedule 4, item relating to Temporary visa application—work visa under Silver Fern Job Search immigration instructions, first column, replace “5(e)” with “5(i)”.
- (2) In Schedule 4, item relating to Temporary visa application—work visa under working holiday scheme, first column, replace “5(e)” with “5(i)”.

9 Schedule 5 amended

- (1) In Schedule 5, clause 9, replace “Domestic” with “Family”.
- (2) In Schedule 5, after clause 9, insert:
 - 10 A person who is applying for a visa under the Migrant Exploitation Protection Visa immigration instructions.
 - 11 A person who is applying for a visa on the basis of being the spouse, the partner, or a dependent child of a person who holds or is applying for a visa under the Migrant Exploitation Protection Visa immigration instructions.

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

Regulation 4 comes into force on 5 August 2021. It amends regulation 9A of the principal regulations. Regulation 9A suspends the ability of certain people outside New Zealand to apply for visas. The effect of the amendment is to extend this suspension for a further 6 months, from 6 August 2021 to 6 February 2022.

Regulations 5 to 8 come into force on 15 July 2021. Those amendments relate to online applications.

Regulation 5 amends regulation 14 of the principal regulations. Regulation 14 relates to applications for reconsideration of a decision to decline a further temporary visa. The amendment enables those applications to be made online and sets out the requirements to be met by the applicant.

Regulation 6 amends regulation 23AA of the principal regulations. Regulation 23AA relates to applications that the chief executive requires to be made online. The amendments align the requirements for those online applications with the requirements for online applications generally, as provided for in regulation 23A.

Regulation 7 amends regulation 23A of the principal regulations. Regulation 23A sets out the requirements for online applications. Currently, immigration officers process and determine online applications, and may require further information or evidence from applicants in order for an application to be determined. The effect of the amendments is to enable automated electronic systems to carry out those functions. *New subclause (6)* introduces a new requirement that further information or evidence required by an immigration officer or automated electronic system in order to determine an application is to be provided in the manner specified by the immigration officer or automated electronic system.

Regulation 8 amends Schedule 4, consequential on the amendments to regulation 23AA.

Regulation 9 comes into force on 1 July 2021. It amends Schedule 5 of the principal regulations, which lists people who are exempt from paying prescribed fees and levies. Clause 9 exempts a person who is applying for a visa under the Special Category for Victims of Domestic Violence immigration instructions. The name of these instructions has changed to Special Category for Victims of Family Violence. The amendment to clause 9 reflects this change. *New clauses 10 and 11* exempt the following people from paying prescribed fees and levies:

- a person who is applying for a visa under the Migrant Exploitation Protection Visa immigration instructions;
- a person who is applying for a visa on the basis of being the spouse, the partner, or a dependent child of a person who holds or is applying for a visa under the Migrant Exploitation Protection Visa immigration instructions.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 June 2021.

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