Reprint

as at 1 October 2008

Immigration Regulations 1999

(SR 1999/284)

PURSUANT to section 150 of the Immigration Act 1987, His Excellency the Governor-General, acting by and with the advice and 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 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.

These regulations are administered in the Department of Labour.

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1 Short Title and commencement

(1) These regulations may be cited as the Immigration Regulations 1999.

(2) These regulations come into force on 1 October 1999.

2 Interpretation

In these regulations, unless the context otherwise requires,—

The Act means the Immigration Act 1987

Appropriate fee means the fee (if any) prescribed in respect of the relevant application or appeal in Schedule 3 of these regulations.

Expressions defined in the Act have the meanings so defined.

Part 1
Applications for visas, permits, etc

Applications generally

3 Applications generally

(1) Every application under this Part is to be made on a form approved for the relevant purpose under section 132 of the Act and obtainable free of charge (except as otherwise provided under regulation 3A).

(2) The applicant must ensure that the form is completed in English to the extent necessary for the application being made, and must sign the application.

(3) Where the principal applicant or only applicant is a person under the age of 17 years, the application must also be signed by a parent or guardian of that applicant.

(4) Except as provided in regulation 20 (which relates to applications involving family members), an application under this Part of these regulations must relate to 1 person only.

(5) Where an application includes more than 1 person, the requirements of these regulations are to be read as applying to each such person, except that any dependent child under the age of 17 years who is included in the application need not sign the application.

(6) Where more than 1 person is included in an application, the application must be accompanied by documentary evidence of the relationship of each such person to the principal applicant.

(7) The Minister may, by special direction, waive any requirement specified in this Part.

Subclause (1) was amended, as from 21 June 2001, by regulation 3 Immigration Amendment Regulations (No 2) 2001 (SR 2001/94) by inserting the words "(except as otherwise provided under regulation 3A)".

3A Applications made otherwise than on approved form

(1) Despite regulation 3—

(a) a person may request an immigration officer or a visa officer to consider an application for a visa or a permit made otherwise than on an approved form; and

(b) the immigration officer or visa officer may if he or she thinks fit agree to the request.

(2) If the visa officer or immigration officer agrees to the request, regulations 3 to 17 do not apply, and the application for the visa or permit is to be made by the applicant supplying, by any appropriate means, the following information:

(a) the applicant's name:

(b) the applicant's date of birth:

(c) details of the applicant's passport or other travel document, including country of citizenship:

(d) details of any current or previous visa or permit (if any) held by the applicant:

(e) details of the type of visa or permit applied for:

(ea) in the case of an application for a temporary or limited purpose visa or permit, such information and evidence as is required by a visa officer or immigration officer to be tendered with the application in order to determine whether the relevant visa or permit should be issued or granted:

(f) where required, details of funds for maintenance while in New Zealand or details of sponsorship:

(g) where required, details of travel tickets or evidence of onward travel arrangements from New Zealand:

(h) such other information as the applicant considers demonstrates that the applicant should be granted the visa or permit applied for.

(3) An application under subclause (2) must be completed by the applicant—

(a) acknowledging that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and

(b) agreeing that if the applicant's circumstances change before any visa or permit is issued or granted the applicant will notify a visa officer or immigration officer of that change in circumstances; and

(c) paying the prescribed fee (if any) for the type of visa or permit applied for, or arranging for its payment in a manner satisfactory to the visa officer or immigration officer.

(4) The visa officer or immigration officer processing the application may, before determining the application, require the applicant to—

(a) supply any information or evidence that the officer thinks necessary to help in determining the application (including supply by way of the physical production of documents):

(b) undergo a medical examination if necessary:

(c) appear before an immigration officer for an interview.

(5) Without limiting the means by which communication or information for the purposes of this regulation may be made or supplied, an applicant or visa officer or immigration officer may communicate or supply information by writing, by telephone, by facsimile, by any electronic means, or in person.

(6) Except as provided in regulation 20 (which relates to applications involving family members), an application under this regulation must relate to 1 person only.

(7) A person may make a request or an application for a visa or permit under this regulation on behalf of any other person, in which case the references in this regulation to an applicant are, where appropriate, to be read as references to the applicant's agent.

(8) Despite a request under subclause (1) being agreed to, a visa officer or immigration officer may, at any time before a visa or permit is issued or granted, refuse to consider the application and direct that if the person to whom the application relates wishes to pursue an application for a visa or permit, they must complete an approved form. Where this happens,—

(a) the application under this regulation is to be treated as not having been made; and

(b) this regulation no longer applies, and regulations 3 to 17 then apply to any application for a visa or permit by that person; and

(c) any application fee paid must be refunded or applied towards an application by the person for a visa or permit made on an approved form.

Regulation 3A was inserted, as from 21 June 2001, by regulation 4 Immigration Amendment Regulations (No 2) 2001 (SR 2001/94).

Subclause (2)(ea) was inserted, as from 28 June 2004, by regulation 3 Immigration Amendment Regulations 2004 (SR 2004/156).

Visas

4 Application for residence visa

(1) An application for a residence visa under section 14B(1) of the Act must be tendered to a visa officer together with—

(a) The applicant's valid passport or travel document, or, if this is unavailable, a birth certificate or other identity document; and

(b) Two passport-sized photographs of the applicant; and

(c) An original or certified copy of the full birth certificate of the applicant, or, if this is unobtainable, an original or certified copy of an identity card; and

(d) The appropriate fee (if any); and

(e) Such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government residence policy under which the application is being put forward; and

(f) The applicant's fully completed and acceptable medical certificate, which must be less than 3 months old; and

(g) Except in the case of a pregnant woman or a child under the age of 11 years, the applicant's fully completed and acceptable X-ray certificate, which must be less than 3 months old; and

(h) Except in the case of an applicant under the age of 17 years, a police or similar certificate, less than 6 months old, indicating the applicant's record of convictions or

lack of a record of convictions for the applicant's country of citizenship and for each country in which the applicant has lived for 12 months or more during the past 10 years, except where the authorities of any such country will not generally provide such certificates; and

(i) Such other information, evidence, and submissions as the applicant considers demonstrate fully that the applicant is eligible to be issued with a residence visa in terms of the applicable Government residence policy.

(2) The visa officer processing the application may, before determining the application,—

(a) Require the applicant to appear before a visa officer for an interview:

(b) Require the applicant to produce such other photographs, documents, evidence, and information as the officer thinks necessary to help in determining the application:

(c) Require the applicant to undergo a further medical examination.

Subclause (1)(g) was amended, as from 4 April 2005, by regulation 3 Immigration Amendment Regulations (No 3) 2004 (SR 2004/326) by substituting the expression "11 years" for the expression "12 years".

5 Application for returning resident's visa

(1) An application for a returning resident's visa under section 14C(1) of the Act must be tendered to a visa officer together with—

(a) The applicant's valid passport or certificate of identity; and

(b) Evidence that the applicant holds or has held (or is deemed by section 44 of the Act to hold or have held) a residence permit; and

(c) The appropriate fee (if any).

(2) The visa officer processing the application may, before determining the application, require the applicant to produce such photographs, documents, and information as the officer thinks necessary to help in determining whether the applicant is entitled to, or may be issued with, a returning resident's visa.

(3) An application to have a current returning resident's visa transferred from an expired travel document onto a valid travel document must be made to a visa officer or immigration officer, and be accompanied by the appropriate fee (if any). Such an application need not be made on a form approved under section 132 of the Act.

6 Application for temporary visa

(1) An application for a temporary visa under section 14D(1) of the Act (other than an application to which regulation 6A applies) must be tendered to a visa officer together with—

(a) The applicant's valid passport or travel document, or, where this is unavailable, a birth certificate or other identity document; and

(b) One passport-sized photograph of the applicant; and

(ba) such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government immigration policy under which the application is being put forward; and

(c) The appropriate fee (if any); and

(d) Evidence of funds for maintenance in New Zealand, or evidence of sponsorship; and

(e) Such other information, evidence, or submissions as the applicant considers demonstrate that the applicant should be issued with a temporary visa.

(2) The visa officer processing the application may, before determining the application, require the applicant—

(a) To produce such other photographs, documents, and information as the officer thinks necessary to help in determining the application:

(b) To produce such travel tickets or evidence of onward travel arrangements as the officer thinks necessary to help in determining the application:

(c) To undergo such medical examination as the officer may require:

(d) To appear before a visa officer for an interview.

Regulation 6(1): amended, on 1 October 2008, by regulation 4 of the Immigration Amendment Regulations (No 3) 2008 (SR 2008/302).

Subclause (1)(ba) was inserted, as from 28 June 2004, by regulation 4 Immigration Amendment Regulations 2004 (SR 2004/156).

6A Applications for temporary visa under China working holiday scheme

(1) An application for a temporary visa under section 14D of the Act made by a citizen of China under the China working holiday scheme must—

(a) be tendered online; and

(b) use the appropriate electronic form provided on the Internet site of the Department of Labour.

(2) A form provided under subclause (1)(b) must require the applicant to state—

(a) the applicant's name; and

(b) the applicant's date of birth; and

(c) details of the applicant's passport or other travel document, including confirmation that the applicant is a citizen of China; and

(d) details of any current or any previous visa or permit held by the applicant; and

(e) any information required to determine whether the visa should be issued.

(3) An application under subclause (2) must be completed by the applicant—

(a) acknowledging that the details supplied in support of the application are true and correct to the best of the applicant's knowledge; and

(b) agreeing that if the applicant's circumstances change before any visa is issued the applicant will notify a visa officer or immigration officer of that change in circumstances; and

(c) paying the prescribed fee (if any) for the visa applied for, or arranging for its payment in a manner satisfactory to the visa officer or immigration officer.

(4) The visa officer or immigration officer processing 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 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.

Regulation 6A: inserted, on 1 October 2008, by regulation 5 of the Immigration Amendment Regulations (No 3) 2008 (SR 2008/302).

7 Application for limited purpose visa

(1) An application for a limited purpose visa under section 14DA(1) of the Act must be tendered to a visa officer together with—

(a) The applicant's valid passport or travel document, or, if this is unavailable, a birth certificate or other identity document; and

(b) One passport-sized photograph of the applicant; and

(ba) such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government immigration policy under which the application is being put forward; and

(c) The appropriate fee (if any); and

(d) Evidence of funds for maintenance in New Zealand, or evidence of sponsorship; and

(e) Evidence or information about the nature, duration, and timing of the express purpose for which the applicant seeks to be in New Zealand; and

(f) Such other information, evidence, or submissions as the applicant considers demonstrate that the applicant should be issued with a limited purpose visa.

(2) The visa officer processing the application may, before determining the application, require the applicant—

(a) To produce such other photographs, documents, and information as the officer thinks necessary to help in determining the application:

(b) To produce such travel tickets or evidence of onward travel arrangements as the officer thinks necessary to help in determining the application:
(c) To undergo such medical examination as the officer may require:
(d) To appear before a visa officer for an interview.

Subclause (1)(ba) was inserted, as from 28 June 2004, by regulation 5 Immigration Amendment Regulations 2004 (SR 2004/156).

8 Application for transit visa

(1) An application for a transit visa under section 14E(1) of the Act must be tendered to a visa officer together with—
(a) The applicant's valid passport or travel document; and
(b) One passport-sized photograph of the applicant; and
(c) The appropriate fee (if any); and
(d) Travel tickets or evidence of onward travel arrangements relevant to the journey or journeys to which the application relates; and
(e) A confirmed travel itinerary, including relevant arrival and departure times; and
(f) A statement of the purpose of the journey to the country of destination; and
(g) Such other documentation as the applicant considers demonstrates that the applicant is a bona fide transit passenger.

(2) The visa officer processing the application may, before determining the application, require the applicant—
(a) To produce such other photographs, documents, and information as the officer thinks necessary to help in determining the application:
(b) To appear before a visa officer for an interview.

Expression of interest in residence

This heading was inserted, as from 8 December 2003, by regulation 3 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

8A Notification of expression of interest in applying for residence

(1) A person who is of a class or category of person that may apply for a residence visa or residence permit only if invited to do so by the Minister or a visa officer or an immigration officer must notify his or her interest in obtaining such an invitation by tendering to a visa officer or immigration officer (as appropriate)—

(a) the completed approved form; and

(b) the appropriate fee (if any).

(2) The completed approval form may be tendered either physically or in an electronic form acceptable to the visa officer or immigration officer.

(3) The Minister may, by special direction, waive any requirement of this regulation.

Regulation 8A was inserted, as from 8 December 2003, by regulation 3 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

Permits

9 Application for residence permit by visa holder or holder of refugee travel document

(1) An application for a residence permit under section 17(1)(a) or section 18(a) or (b) of the Act must be made on an arrival card in a form approved under section 132 of the Act.

(2) The application must be tendered to an immigration officer at a Customs place (or, if for any reason that is not practicable, to an immigration officer at an office of the Department of Labour) together with—

(a) The applicant's valid passport or certificate of identity or, as the case may be, the applicant's refugee travel document; and

(b) Where appropriate, the applicant's current residence visa or returning resident's visa.

10 Application for residence permit by temporary permit holder or exempt person

(1) An a application for a residence permit under section 13(2) or section 17(1)(b) of the Act must be tendered to an immigra-

tion officer at an office of the Department of Labour together with—

(a) The applicant's valid passport or certificate of identity or, if this is unavailable, evidence of the applicant's current permit or exempt status, as the case may require; and

(b) Two passport-sized photographs of the applicant; and

(c) An original or certified copy of the full birth certificate of the applicant, or, if this is unobtainable, an original or certified copy of an identity card; and

(d) The appropriate fee (if any); and

(e) Such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government residence policy under which the application is being put forward; and

(f) The applicant's fully completed and acceptable medical certificate, which must be less than 3 months old; and

(g) Except in the case of a pregnant woman or a child under the age of 11 years, the applicant's fully completed and acceptable X-ray certificate, which must be less than 3 months old; and

(h) Except in the case of an applicant under the age of 17 years, a police or similar certificate, less than 6 months old, indicating the applicant's record of convictions or lack of a record of convictions for the applicant's country of citizenship and for each country in which the applicant has lived for 12 months or more during the past 10 years, except where the authorities of any such country will not generally provide such certificates; and

(i) Such other information, evidence, and submissions as the applicant considers demonstrate fully that the applicant is eligible to be granted a residence permit in terms of the applicable Government residence policy.

(2) The immigration officer processing the application may, before determining the application, require the applicant—

(a) To appear before an immigration officer for an interview:

(b) To produce such other photographs, documents, evidence, and information as the officer thinks necessary to help in determining the application:

(c) To undergo a further medical examination.

Subclause (1)(g) was amended, as from 4 April 2005, by regulation 4 Immigration Amendment Regulations (No 3) 2004 (SR 2004/326) by substituting the expression "11 years" for the expression "12 years".

11 Application for confirmation of resident status by person to whom section 44 of Act applies

(1) An application for an endorsement of a person's resident status under section 44(1) of the Act must be tendered to an immigration officer at an office of the Department of Labour together with—

(a) The applicant's valid passport or certificate of identity; and

(b) Any previous or expired passport or certificate of identity that may help to establish that the provisions of section 44(1) of the Act apply to the applicant; and

(c) The appropriate fee (if any).

(2) The immigration officer processing the application may require the applicant to produce such documents and information as the officer thinks necessary to help in determining whether the applicant is entitled to an endorsement under section 44 of the Act.

12 Application for temporary permit at border by visa holder or person exempt from requirement to obtain visa

(1) An application for a temporary permit under section 25(1)(a) or (b) of the Act must be made on an arrival card in a form approved under section 132 of the Act.

(2) The application must be tendered to an immigration officer at a Customs place together with the applicant's valid passport or certificate of identity, and, where appropriate, the applicant's current temporary visa.

(3) The immigration officer processing the application may, before determining the application, require the applicant to produce such travel tickets or evidence of onward travel arrangements, and such evidence of funds for maintenance or of spon-

sorship, as the officer thinks necessary to help in determining the application.

13 Application for temporary permit by exempt person, or person whose residence permit has been revoked, or person already holding temporary permit

(1) An application for a temporary permit under section 13(2), section 25(1)(c) or (d), section 29(1), or section 30(1) of the Act by a person who is in New Zealand (other than on arrival in New Zealand at a Customs place) must be tendered to an immigration officer at an office of the Department of Labour together with—

- (a) The applicant's valid passport or certificate of identity or, if the passport or certificate is unavailable, evidence of the applicant's current permit or exempt status; and
- (aa) such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government immigration policy under which the application is being put forward; and
- (b) The appropriate fee (if any); and
- (c) Evidence of funds for maintenance in New Zealand, or evidence of sponsorship; and
- (d) Travel tickets, or evidence of onward travel arrangements, from New Zealand; and
- (e) Such other information, evidence, or submissions as the applicant considers demonstrate that the applicant should be granted a temporary permit.

(2) The immigration officer processing the application may, before determining the application, require the applicant—

- (a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application:
- (b) In the case of an applicant for a work permit or a student permit, to undergo such medical examination as the officer may require:
- (c) To appear before an immigration officer for an interview.

Subclause (1)(aa) was inserted, as from 28 June 2004, by regulation 6 Immigration Amendment Regulations 2004 (SR 2004/156).

14 Application for limited purpose permit at border by visa holder

(1) An application for a limited purpose permit under section 34B(1)(a) of the Act must be made on an arrival card in a form approved under section 132 of the Act.

(2) The application must be tendered to an immigration officer at a Customs place together with the applicant's valid passport or certificate of identity and current limited purpose visa.

(3) The immigration officer processing the application may, before determining the application, require the applicant to produce such travel tickets or evidence of onward travel arrangements, and such evidence of funds for maintenance or of sponsorship, as the officer thinks necessary to help in determining the application.

15 Application for limited purpose permit by person already holding limited purpose permit

(1) An application for a limited purpose permit under section 34B(1)(b) of the Act by a person who is in New Zealand (other than on arrival in New Zealand at a Customs place) must be tendered to an immigration officer at an office of the Department of Labour together with—

(a) The applicant's valid passport or certificate of identity or, if the passport or certificate is unavailable, evidence of the applicant's current limited purpose permit; and

(aa) such information and evidence as is required by the approved application form to be tendered in order to demonstrate that the applicant fits the category or categories of Government immigration policy under which the application is being put forward; and

(b) The appropriate fee (if any); and

(c) Evidence of funds for maintenance in New Zealand, or evidence of sponsorship; and

(d) Travel tickets, or evidence of onward travel arrangements from New Zealand; and

(e) Evidence or information about the nature, duration, and timing of the express purpose for which the original permit was granted and why that purpose has not been achieved in the time allowed; and

(f) Such other information, evidence, or submissions as the applicant considers demonstrates that further time is required, and its duration, to achieve the express purpose for which the limited purpose permit was originally granted.

(2) The immigration officer processing the application may, before determining the application, require the applicant—

(a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application:

(b) In the case of an application for a limited purpose permit for the purpose of study, to undergo such medical examination as the officer may require:

(c) To appear before an immigration officer for an interview.

Subclause (1)(aa) was inserted, as from 28 June 2004, by regulation 7 Immigration Amendment Regulations 2004 (SR 2004/156).

Pre-cleared permits

16 Application for pre-cleared temporary permit by temporary visa holder or person exempt from requirement to hold visa

(1) An application for a pre-cleared temporary permit under section 25(1)(e) of the Act must be tendered at the point of departure of the pre-clearance flight together with—

(a) The applicant's valid passport or certificate of identity; and

(b) Where appropriate, the applicant's temporary visa.

(2) The immigration officer processing the application may, before determining the application, require the applicant to produce—

(a) Such travel tickets or evidence of onward travel arrangements; and

(b) Such other documents and information,—

as the officer thinks necessary to help in determining the application.

17 Application for pre-cleared residence permit by holder of residence visa, returning resident's visa, or refugee travel document, or by person exempt from requirement to hold visa

An application for a pre-cleared residence permit under section 17(1)(c) or section 18(c) of the Act must be tendered at the point of departure of the pre-clearance flight together with—

(a) The applicant's valid passport or certificate of identity or, as the case may be, the applicant's refugee travel document; and

(b) Where appropriate, the applicant's current residence visa or returning resident's visa.

Other applications

18 Application for visa or permit not otherwise provided for

Where any application for a visa or a permit is made otherwise than in a situation provided for in any of regulations 4 to 17, the Minister may, by special direction, require that the application be made in accordance with whichever of those regulations appears to the Minister to be most appropriate, and that regulation then applies in respect of the application accordingly.

19 Application for reconsideration of decision to decline another temporary permit

(1) An application under section 31(1) of the Act for reconsideration of a decision to decline an application under section 29 or section 30 of the Act for another temporary permit must be tendered to an immigration officer at an office of the Department of Labour together with—

(a) The applicant's valid passport or certificate of identity; and

(b) The appropriate application fee (if any).

(2) The application must set out in full the matters which the applicant wishes to be taken into consideration.

(3) The immigration officer considering the application (or, if appropriate, the Minister) may, before determining the application, require the applicant to produce such documents and information as the officer or Minister thinks necessary to help in determining the application.

Applications involving family members

20 Applications involving family members

(1) A child who is not married or in a civil union and who is a dependent child of an adult applicant for a visa or permit may be included in the adult's application, without need for a separate application to be made or additional fee paid, if—

(a) the child is under 25 years of age and the adult is applying for—

(i) a residence visa; or

(ii) a residence permit (other than a pre-cleared residence permit); or

(b) the child is under 20 years of age and the adult is applying for—

(i) a returning resident's visa; or

(ii) a visitor's visa; or

(iii) a visitor's permit (other than a pre-cleared visitor's permit); or

(iv) a transit visa; or

(v) a limited purpose visa; or

(vi) a further limited purpose permit.

(2) Except in the case of an application for a pre-cleared permit, an applicant's spouse or partner may be included in the principal applicant's application for any of the visas or permits specified in subclause (1)(a) or (b), and it is not necessary for a separate application to be made in respect of that spouse or partner or for an additional fee to be paid.

(3) Except as provided in subclauses (1) and (2), a spouse or partner and a child of any age (whether dependent or not) must make a separate application for a visa or permit appropriate to their own needs and pay the appropriate fee (if any).

(4) For the purposes of this regulation—

(a) a dependent child is a child who is totally or substantially reliant on the adult applicant or the adult applicant's spouse or partner for financial support, whether living with them or not:

(b) **partner**, in relation to an applicant, means the civil union partner or de facto partner of the applicant.

Regulation 20 was substituted, as from 1 October 2001, by regulation 3 Immigration Amendment Regulations (No 4) 2001 (SR 2001/237).

Subclause (1) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting "A child who is not married or in a civil union and" for the words "An unmarried person".

Subclause (2) was amended, as from 29 September 2003, by regulation 3(1)(a) Immigration Amendment Regulations (No 3) 2003 (SR 2003/211) by omitting the words "spouse or de facto".

Subclause (2) was amended, as from 29 September 2003, by regulation 3(1)(b) Immigration Amendment Regulations (No 3) 2003 (SR 2003/211) by substituting the word "partner" for the words "spouse or partner".

Subclause (2) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting "spouse or partner" for the word "partner" in both places where they appear.

Subclause (3) was amended, as from 29 September 2003, by regulation 3(1)(c) Immigration Amendment Regulations (No 3) 2003 (SR 2003/211) by omitting the words "spouse or de facto".

Subclause (3) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting "spouse or partner" for the word "partner".

Subclause (4)(a) was amended, as from 29 September 2003, by regulation 3(1)(d) Immigration Amendment Regulations (No 3) 2003 (SR 2003/211) by omitting the words "spouse or de facto".

Subclause (4)(a) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting "spouse or partner" for the word "partner".

Subclause (4)(b) was substituted, as from 29 September 2003, by regulation 3(2) Immigration Amendment Regulations (No 3) 2003 (SR 2003/211).

Subclause (4)(b) was substituted, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3).

Part 2
General

Conditions and currency of temporary permits

21 Conditions of visitors' permits, work permits, and non-study limited purpose permits

Subject to any special direction to the contrary, every visitor's permit, every work permit, and every limited purpose permit that is not a limited purpose permit granted for the purpose of study is subject to the following conditions:

(a) That, at all times during the currency of the permit, the holder has sufficient funds available for the holder's maintenance in New Zealand during the currency of the permit, or a current approved undertaking relating to maintenance or accommodation supplied by a sponsor in terms of section 28 of the Act; and

(b) That, at all times during the currency of the permit, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of—

  (i) A fully-paid travel ticket to any such country; or

  (ii) Sufficient funds held in New Zealand by or on behalf of or in trust for the holder to purchase any such ticket; or

  (iii) A current approved undertaking relating to repatriation supplied by a sponsor in terms of section 28 of the Act.

22 Conditions of student permits, and limited purpose permits for study purposes

Subject to any special direction to the contrary, every student permit and every limited purpose permit granted for the purpose of study is subject to the following conditions:

(a) That, at all times during the currency of the permit, the holder has the means to maintain himself or herself in New Zealand during the currency of the permit, in the form of—

  (i) Funds held in New Zealand by or on behalf of or in trust for the holder; or

(ii) An acceptable form of financial undertaking by a third party supplied to a visa officer before arrival in New Zealand; or

(iii) A current approved undertaking relating to maintenance or accommodation supplied by a sponsor in terms of section 28 of the Act; or

(iv) Financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and

(b) That, at all times during the currency of the permit, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of—

(i) A fully-paid travel ticket to any such country; or

(ii) Sufficient funds held in New Zealand by or on behalf of or in trust for the holder (being funds additional to any sum required under paragraph (a)) to purchase any such ticket; or

(iii) An acceptable form of financial undertaking by a third party supplied to a visa officer before arrival in New Zealand; or

(iv) A current approved undertaking relating to repatriation supplied by a sponsor in terms of section 28 of the Act; or

(v) Financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and

(c) That the holder attends the place of study or training endorsed on the permit by an immigration officer (or, if no such endorsement is made, the place endorsed on the visa by a visa officer); and

(d) That the holder makes satisfactory progress, as determined by the Ministry of Education or other relevant national or governing body, in the course of study or training endorsed on the permit by an immigration officer (or, if no such endorsement is made, the course endorsed on the visa by a visa officer); and

(e) That the holder pays all or any fees that may be fixed from time to time and that are payable by the holder in respect of the course of study or training undertaken or to be undertaken.

23 Maximum period of currency of temporary permits

Subject to any special direction to the contrary, a temporary permit may not be granted for a period exceeding—

(a) In the case of a visitor's permit, 12 months:

(b) In the case of a work permit, 5 years:

(c) In the case of a student permit, 4 years.

Regulation 23(b): amended, on 28 July 2008, by regulation 4 of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Exemptions

24 Persons exempt from requirement to obtain visa

The classes of persons specified in Part 1 of Schedule 1 are exempt from the requirement to obtain a visa of a type and in the circumstances specified in respect of those persons.

25 Persons exempt from requirement to hold permit

The classes of persons specified in Part 2 of Schedule 1 are exempt from the requirement to hold a permit of a type and in the circumstances specified in respect of those persons.

26 Student permit, etc, not required for certain courses of study or training

(1) A person who undertakes a course of study or training specified in Part 3 of Schedule 1 is not required by reason only of undertaking that course of study or training to hold a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit that would authorise the person to undertake the course of study or training.

(2) Despite subclause (1), the holder of a limited purpose permit may not undertake a course of study or training unless authorised by the terms or conditions or purpose of his or her limited purpose permit.

27 Visiting forces exempt from passport requirement

(1) A member of the armed forces of any country, or a member of the crew of any craft used for the transporting to New Zealand of members of the armed forces of any country, is exempt from the requirement to produce a passport or certificate of identity pursuant to section 126(1)(b) or section 126(2)(b) of the Act if—

(a) Members of that armed force are in New Zealand at the request or with the consent of the Government of New Zealand; and

(b) That member's presence in New Zealand is in the ordinary course of that member's duty or employment.

(2) The carrier and the person in charge of any craft carrying a person who is exempted by subclause (1) from the requirement to produce a passport or certificate of identity are exempt from the responsibility under section 125(2)(a) of the Act to ensure that any such person holds a passport or certificate of identity.

28 Exemptions from need for arrival and departure cards

The following persons are exempt from the requirement to surrender an arrival card pursuant to section 126(1)(a) of the Act and the requirement to surrender a departure card pursuant to section 126(2)(a) of the Act:

(a) Members of the armed forces of any country, and members of the crew of any craft used for the transporting to New Zealand of members of the armed forces of any country, who—

(i) Are, under section 11(1)(b) of the Act, temporarily exempt from the requirement to hold a permit; and

(ii) Arrive in New Zealand in a craft that is set aside for or being used by the armed forces of any country:

(b) Passengers and members of the crew of any seagoing vessel who are, under section 11(1)(c) of the Act, temporarily exempt from the requirement to hold a permit:

(c) Members of the crew of any commercial aircraft who are, under section 11(1)(e) of the Act, temporarily exempt from the requirement to hold a permit.

Part 3
Appeals

Appeals to Residence Appeal Authority

29 Appeal to Residence Appeal Authority

(1) Every appeal to the Residence Appeal Authority under section 18C of the Act against a decision of an immigration officer or visa officer to refuse to grant an application for a residence visa or a residence permit must be made on a form approved for the purpose under section 132 of the Act and obtainable free of charge, which form must be signed by the appellant.

(2) The appellant must ensure that, within 42 days after the date on which the appellant was notified under the Act of the refusal, the appeal form and the appropriate fee (in New Zealand currency) are received by the Residence Appeal Authority at its Wellington address (being PO Box 1809, Wellington) or are filed at its street address.

(3) The appellant must ensure that the appeal form is accompanied by—

(a) A full and complete statement of the grounds and circumstances on which the appeal is based; and

(b) The address at which any communication relating to the appeal may be notified to the appellant; and

(c) Such information, evidence, and submissions as the appellant considers demonstrate fully why the appellant's appeal should be allowed.

(4) Unless the principal appellant otherwise specifies in the notice of appeal, an appeal against a refusal to grant an application for a residence visa or residence permit that related to more than 1 person is to be treated as an appeal by all persons included in that application, and only 1 fee is payable in respect of the appeal.

30 Appeal to Removal Review Authority on humanitarian grounds

(1) Every appeal to the Removal Review Authority under section 47(1) of the Act against the requirement to leave New Zealand must be made on a form approved for the purpose under sec-

tion 132 of the Act and obtainable free of charge, which form must be signed by the appellant.

(2) The appellant must ensure that the appeal form and the appropriate fee are received by the Removal Review Authority at its Wellington address (being PO Box 1674, Wellington), or are filed at its street address—

(a) Within 42 days after the day on which the person became unlawfully within New Zealand; or

(b) Within 42 days after the day on which the person received notification under section 31 of the Act of confirmation of the decision to decline to issue a permit, in the case of a person who, while still lawfully in New Zealand, had lodged an application under section 31 for reconsideration of a decision to decline another temporary permit; or

(c) Within 42 days after the day on which the person is served with a notice under section 70(3)(b) of the Act; or

(d) In the case of a person to whom section 70(3)(a) of the Act applies, before 1 October 2000.

(3) The appellant must ensure that the appeal form is accompanied by—

(a) A full and complete statement of all of the grounds and circumstances on which the appeal is based; and

(b) The address in New Zealand at which any communication relating to the appeal may be notified to the appellant, and, if different, the address in New Zealand at which the appellant is physically residing; and

(c) Such other information, evidence, and submissions as the appellant considers demonstrate fully why there are exceptional circumstances of a humanitarian nature surrounding the appellant's situation which would make it unjust or unduly harsh for the person to be removed from New Zealand, and why it would not in all the circumstances be contrary to the public interest to allow the appeal.

(4) Any dependent child of the appellant may also be named and included in the appeal and, unless the principal appellant otherwise specifies in the notice of appeal, the appeal is then to be

treated as an appeal also by any such dependent child, and only 1 fee is payable in respect of the appeal.

(5) Where any 2 persons who are married or in a civil union or de facto relationship appeal to the Removal Review Authority, only 1 fee is payable in respect of both appeals if they are received by the Authority together (and regardless of whether or not either appeal also names and includes any dependent children).

Subclause (5) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting "civil union or de facto relationship" for the words "relationship in the nature of marriage (which may include same sex couples),".

Part 4
Cases involving security concerns

31 Methods of notification

(1) Notification under regulations 32, 34, and 35 for the purposes of Part 4A of the Act is to be by way of personal service, or by registered post (which includes a system of recorded delivery including by courier), or by facsimile copy sent to the relevant office.

(2) In the case of notification by facsimile copy, the notification is to be treated as having been made as soon as the machine sending the facsimile copy prints a report indicating that the transmission has been received by the machine at the relevant office intended to receive the facsimile copy.

(3) In any case where notification occurs by registered post, the provisions of section 146(6) of the Act apply. Where notification is received by a system of recorded delivery, notification is to be treated as having been made at the time at which notification was recorded as being received.

32 Notification by chief executive of preliminary decision of Minister to rely on security risk certificate

(1) Notification by the chief executive of the Department of Labour for the purposes of section 114G(4)(c) of the Act is to be made to the relevant Secretary or Registrar of the Authority, Tribunal, District Court, or High Court, as the case may require.

(2) The notification must be made by the chief executive immediately on receipt of written notice of the preliminary decision of the Minister to rely on the security risk certificate.

(3) The notification must be made in a form approved for the purpose under section 132 of the Act, and must be accompanied by a copy of the notice of the preliminary decision to rely on the certificate signed by the Minister.

33 Application for review of security risk certificate

(1) Every application under section 114I(1) or section 114I(2) of the Act to the Inspector-General of Intelligence and Security for the review of a security risk certificate issued by the Director of Security must be made on a form approved for the purpose under section 132 of the Act and obtainable free of charge.

(2) The form must be completed and signed by the person seeking the review or by their representative.

(3) In the case of a person seeking review who is inside New Zealand, the person must, within 5 days of service upon them of the Ministerial notice of the preliminary decision to rely on the security risk certificate, ensure that the completed review application form (or a facsimile copy) is received by the Inspector-General at the Office of the Inspector-General of Intelligence and Security, Department of the Prime Minister and Cabinet, Executive Wing, Parliament Buildings, Wellington.

(4) In the case of a person seeking review who is outside New Zealand, the person must, within 28 days of service upon them of the Ministerial notice of the preliminary decision to rely on the security risk certificate, ensure that the completed review application form (or a facsimile copy) is received by the Inspector-General at the Office of the Inspector-General of Intelligence and Security, Department of the Prime Minister and Cabinet, Executive Wing, Parliament Buildings, Wellington.

(5) The person seeking review must ensure that the review application form is accompanied by the following information:

(a) The address (including any facsimile number) to which communications relating to the review may be notified to the person:

(b) An indication as to whether the person wishes to present any information, evidence, or submissions in support of the application for review:

(c) An indication as to whether the person wishes to exercise their right pursuant to section 19(4) of the Inspector-General of Intelligence and Security Act 1996 to be heard.

34 Notification by chief executive of final decision of Minister to rely on security risk certificate

(1) Notification by the chief executive of the Department of Labour for the purposes of section 114K(3)(a) of the Act is to be made to the relevant Secretary or Registrar of the Authority, Tribunal, District Court, or High Court, as the case may require.

(2) The notification must be made in a form approved for the purpose under section 132 of the Act, and must be accompanied by a copy of the direction to rely on the certificate signed by the Minister.

35 Notification of failure to confirm certificate on review, or of withdrawal of certificate or Minister's notice

(1) Notification by the chief executive of the Department of Labour for the purposes of section 114L(2)(d) of the Act is to be made to the relevant Secretary or Registrar of the Authority, Tribunal, District Court, or High Court, as the case may require.

(2) The notification must be made by the chief executive immediately on receipt of notice of the relevant decision, or, in the case of a failure by the Minister to make a decision within the required time limit, at the end of the time specified.

(3) The notification must be made in a form approved for the purpose under section 132 of the Act, and must be accompanied by a copy of the relevant decision, or, in any case where the Minister has failed to make a decision within the required time limit, a statement to that effect.

Part 5
Forms

36 Certificate where immigration officer requires information

(1) A certificate by an immigration officer under section 64(1)(a) of the Act (indicating that the officer has good cause to suspect that a particular person is in New Zealand unlawfully) must be in form 1 in Schedule 2.

(2) A certificate by an immigration officer under section 64(1)(b) of the Act (indicating that the officer has good cause to suspect that any particular premises are being occupied or have been occupied by a person who is in New Zealand unlawfully) must be in form 2 in Schedule 2.

37 Request by immigration officer for surrender of documents held by third party

(1) A request by an immigration officer under section 66 of the Act for the surrender of a document by a third party must be made in form 3 in Schedule 2.

(2) The form must be signed by the immigration officer and served personally on the person to whom it is addressed or on a representative of the body corporate to which it is addressed.

38 Removal order

A removal order made under section 54 of the Act must be in form 4 in Schedule 2.

39 Notice of cancellation of removal order made in respect of person not in New Zealand

A notice of cancellation of a removal order to be sent under section 58(4) of the Act, to a person who has already been removed from or has left New Zealand, must be in form 5 in Schedule 2.

40 Warrants of commitment

(1) A warrant of commitment issued by a District Court Judge under section 60 of the Act must be in form 6 in Schedule 2.

(2) A warrant of commitment issued by a District Court Judge under section 79 of the Act must be in form 7 in Schedule 2.

(3) A warrant of commitment issued by a District Court Judge under section 99 of the Act must be in form 8 in Schedule 2.

(4) A warrant of commitment issued by a District Court Judge under section 114O(1)(b) of the Act must be in form 9 in Schedule 2.

(5) A warrant of commitment issued by a Registrar or Deputy Registrar under section 128 of the Act must be in form 10 in Schedule 2.

(6) A warrant of commitment issued by a District Court Judge under section 128B of the Act must be in form 11 in Schedule 2.

Part 6
Miscellaneous provisions

41 Duties of persons arriving where no immigration officer present

A person who arrives in New Zealand at a place at which no immigration officer is present must report to an immigration officer at a Customs place within 72 hours after arriving in New Zealand, and must comply with the responsibilities specified in section 126(1)(a) and (b) of the Act.

42 Fees

(1) Subject to this regulation and to any special direction, the fees set out in Part 1 of Schedule 3 are payable in respect of the applications and matters set out in that Part.

(2) The fees set out in column A of Part 1 of Schedule 3 are payable in respect of applications, appeals, and other matters tendered, lodged, or requested in New Zealand by or in respect of an applicant, appellant, or other relevant person who is physically present in New Zealand at the time of the application, appeal, or other matter in respect of which the fee is payable.

(3) The fees set out in column B of Part 1 of Schedule 3 are payable in respect of applications, appeals, and other matters (not being applications, appeals, or other matters to which sub-

clause (2) applies) for which the designated receiving office is located in the Pacific (ie, in Apia, Honiara, Niue, Nuku'alofa, Port Moresby, Port Vila, Rarotonga, Suva, or Tarawa) or Sydney (at whatever location the application, appeal, or other matter originated).

(4) The fees set out in column C of Part 1 of Schedule 3 are payable in respect of applications, appeals, and other matters (not being applications, appeals, or other matters to which subclause (2) applies) for which the designated receiving office is located in any location other than those referred to in subclause (3).

(5)

(6) In this regulation and in Schedule 3, **designated receiving office**, in relation to any application or other matter, means the office specified as such in immigration policy published under section 13A of the Act for the type of application or other matter concerned having regard to the country of citizenship of the applicant or person concerned.

Subclause (3) was amended, as from 30 July 2007, by regulation 4 Immigration Amendment Regulations (No 3) 2007 (SR 2007/179) by substituting "the Pacific (ie, in Apia, Honiara, Niue, Nuku'alofa, Port Moresby, Port Vila, Rarotonga, Suva, or Tarawa) or Sydney" for "Sydney, Apia, Nuku'alofa, or Suva".

Subclause (4) was substituted, as from 1 July 2003, by regulation 3 Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

Subclause (5) was revoked, as from 1 July 2003, by regulation 3 Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

43 Visa and permit fees not payable in certain circumstances

(1) The fees imposed by regulation 42 in respect of applications for permits made and processed in New Zealand are not payable in the case of a permit granted to a person on their arrival in New Zealand at a Customs place.

(2) The fees imposed by regulation 42 in respect of visas or permits are not payable by a citizen of any country with which New Zealand maintains a reciprocal visa or permit fee waiver agreement in respect of any application for, or issue of, a visa or permit of a kind that is the subject of the agreement.

(3) The fee imposed by item 9 of Part 1 of Schedule 3 for an application for a transit visa is not payable by a citizen of Fiji.

(3A) *[Revoked]*

(4) The fees imposed by regulation 42 in respect of applications for permits and visas are not payable in the case of applications under, or applications associated with applications under, the work to residence (skilled migrant category) policy.

Regulation 43(2): amended, on 28 July 2008, by regulation 5(1)(a) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 43(2): amended, on 28 July 2008, by regulation 5(1)(b) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 43(3): substituted, on 28 July 2008, by regulation 5(2) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Subclause (3) was inserted, as from 1 July 2003, by regulation 4 Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

Subclause (3) was substituted, as from 30 July 2007, by regulation 5 Immigration Amendment Regulations (No 3) 2007 (SR 2007/179).

Regulation 43(3A): revoked, on 28 July 2008, by regulation 5(2) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Subclause (3A) was inserted, as from 30 July 2007, by regulation 5 Immigration Amendment Regulations (No 3) 2007 (SR 2007/179).

Subclause (4) was inserted, as from 8 December 2003, by regulation 4 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

43A Certain persons entitled to fee reduction

(1) The fee for any application for a residence permit or visa specified in item 1 of Part 1 of Schedule 3 (other than in item 1(g)) is reduced by $90 in the following cases:

(a) an application by a citizen of Samoa:

(b) an application under the Government Residence Policy for Victims of Domestic Violence:

(c) an application by a person who, on a previous application made on or after 1 July 2003, has already paid the fee specified in item 7(d)(i), 7(e)(i), or 7(h) of Part 1 of Schedule 3.

(2) The fee for any application for a long-term business visa or permit specified in item 7(h) of Part 1 of Schedule 3, or for a work visa or work permit of a kind specified in item 7(d)(i) or 7(e)(i) of Part 1 of Schedule 3, is reduced by $90 in the following cases:

(a) an application by a citizen of Samoa:

(b) a subsequent application by a person who, on a previous application made on or after 1 July 2003, has already

paid the fee specified in item 7(d)(i), 7(e)(i), or 7(h) of Part 1 of Schedule 3.

(3) A person is not entitled to a fee reduction of more than $90 on any single application to which subclause (1) or subclause (2) applies.

Regulation 43A was inserted, as from 1 July 2003, by regulation 5 Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

Regulation 43A(1): amended, on 28 July 2008, by regulation 6(1)(a) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 43A(1)(c): amended, on 28 July 2008, by regulation 6(1)(b) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Subclause (1)(c) was amended, as from 30 July 2007, by regulation 6(1) Immigration Amendment Regulations (No 3) 2007 (SR 2007/179) by substituting "item 6(d)(i), 6(e)(i), or 6(g)" for "item 3(d)(i) or 3(e)(i) or 3(g)".

Regulation 43A(2): amended, on 28 July 2008, by regulation 6(2)(a) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 43A(2): amended, on 28 July 2008, by regulation 6(2)(b) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Subclause (2) was amended, as from 30 July 2007, by regulation 6(2)(a) Immigration Amendment Regulations (No 3) 2007 (SR 2007/179) by substituting "6(g)" for "3(g)".

Subclause (2) was amended, as from 30 July 2007, by regulation 6(2)(b) Immigration Amendment Regulations (No 3) 2007 (SR 2007/179) by substituting "item 6(d)(i) or 6(e)(i)" for "item 3(d)(i) or 3(e)(i)".

Regulation 43A(2)(b): amended, on 28 July 2008, by regulation 6(2)(c) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Subclause (2)(b) was amended, as from 30 July 2007, by regulation 6(2)(c) Immigration Amendment Regulations (No 3) 2007 (SR 2007/179) by substituting "item 6(d)(i), 6(e)(i), or 6(g)" for "item 3(d)(i) or 3(e)(i) or 3(g)".

44 Settlement information fee

(A1) Nothing in this regulation applies to a person who is issued with a residence visa or granted a resident permit in response to an application for the relevant visa or permit that is made on or after 1 July 2003.

(1) Subject to this regulation and to any special direction, a settlement information fee of $90 is payable in respect of each person who—

(a) Is issued with a residence visa or is granted a residence permit applied for in New Zealand (other than on arrival in New Zealand at a Customs place); and

(b) Was the only applicant or the principal applicant included in the application for the visa or permit.

(2) A person issued with a residence visa or granted a residence permit is not required to pay the settlement information fee if—

(a) The visa or permit was issued or granted as a result of a determination that the person is a refugee, or the spouse of a refugee, within the meaning of the Refugee Convention; or

(aa) the permit was granted under the domestic violence policy; or

(b) The person is a citizen of Samoa.

(3) The settlement information fee must be paid before the issue of the relevant residence visa or grant of the relevant residence permit, and is in addition to any other amount payable in respect of an application for a residence visa or residence permit or the issue or grant of such a visa or permit.

(4) The settlement information fee is payable in respect of, and is to be determined as at the date of, the issue of a residence visa or grant of a residence permit, regardless of when the application for the visa or permit was made.

Subclause (A1) was inserted, as from 1 July 2003, by regulation 6(1) Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

Subclause (1) was amended, as from 2 April 2002, by regulation 3 Immigration Amendment Regulations 2002 (SR 2002/72) by substituting the expression "item 14" for the expression "item 13".

Subclause (1) was amended, as from 1 July 2003, by regulation 6(2) Immigration Amendment Regulations (No 2) 2003 (SR 2003/119) by substituting the words "of $90" for the words "(as set out in item 14 in Part 1 of Schedule 3)".

Subclause (2)(aa) was inserted, as from 1 October 2001, by regulation 3 Immigration Amendment Regulations (No 3) 2001 (SR 2001/222).

45 Migrant levy

(1) Except as provided in regulation 45A, a migrant levy is payable in respect of each person who, whether as a principal applicant or otherwise,—

(a) is issued with a residence visa under any of the categories of Government residence policy set out in the first column of the table in Part 2 of Schedule 3; or

(b) is, under any of those categories, granted a residence permit applied for in New Zealand (other than on arrival in New Zealand at a Customs place); or

(c)

(2) The amount of the migrant levy is the appropriate amount for the relevant category set out in—

(a) the second column of the table in Part 2 of Schedule 3, for persons 5 years of age or older:

(b) the third column of that table, for persons under 5 years of age.

(3) The maximum total migrant levy payable in respect of all persons who are included in a single or associated application for the relevant visa or permit is the sum of the amounts payable by the 4 oldest persons included in the application.

(4) The migrant levy—

(a) must be paid before the issue of the relevant visa or grant of the relevant permit; and

(b) is payable in respect of, and is to be determined as at the date of, the issue of the visa or grant of the permit, regardless of when the application for the visa or permit was made; and

(c) is in addition to any other amount payable in respect of an application for the relevant visa or permit, or the issue or grant of the visa or permit.

(5) This regulation is subject to any special direction.

Regulation 45 was substituted, as from 1 July 2000, by regulation 3 Immigration Amendment Regulations 2000 (SR 2000/91).

Regulation 45 was substituted, as from 8 December 2003, by regulation 5 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

Subclauses (1)(c) and (2)(b) were revoked, as from 30 July 2007, by regulation 7 Immigration Amendment Regulations (No 3) 2007 (SR 2007/179).

Regulation 45(2): substituted, on 28 July 2008, by regulation 7(1) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 45(3): amended, on 28 July 2008, by regulation 7(2) of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

45A Exemption from migrant levy

(1) Persons who are issued or granted a residence visa or residence permit under the family category of Government resi-

dence policy are exempt from the requirement to pay a migrant levy under regulation 45 if—

(a) they are citizens of Samoa; or

(b) the visa or permit is issued or granted on the basis of the person's relationship with another person granted residence under the special policy for refugees.

(2) Persons who have paid the migrant levy in respect of a temporary visa or temporary permit issued or granted as a consequence of a decision made under the work to residence (skilled migrant category) policy are exempt from the requirement to pay a further migrant levy under regulation 45 in respect of any issue of a residence visa or grant of a residence permit that is associated under the policy with that temporary visa or temporary permit.

Regulation 45A was substituted, as from 8 December 2003, by regulation 5 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

Regulation 45A(1): amended, on 28 July 2008, by regulation 8 of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Regulation 45A was inserted, as from 1 July 2000, by regulation 3 Immigration Amendment Regulations 2000 (SR 2000/91).

Regulation 45A was amended, as from 2 April 2002, by regulation 4 Immigration Amendment Regulations 2002 (SR 2002/72) by inserting the words "or family quota category" after the words "family category".

46 Goods and services tax

The fees and levies imposed by these regulations are inclusive of the goods and services tax (if any) payable in respect of those fees and levies under the Goods and Services Tax Act 1985.

47 Imposition of bonds

(1) Where, in accordance with section 14D(5) of the Act, an immigration or a visa officer determines that as a precondition to the issue of a visitor's visa a bond is to be paid in accordance with section 148B of the Act, then, depending upon the region within which is located the country of citizenship of the applicant for the visa, the bond payable is that set out in Schedule 4.

(2) No bond may be imposed in respect of a dependent child of an adult applicant for a visitor's visa who is included in that adult

applicant's application. For the purposes of this subclause a **dependent child** is a child under 20 years of age who is not married or in a civil union and who is dependent on the adult applicant.

Subclause (2) was substituted, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3).

48 Payment of bonds

(1) The payment of a bond must be accompanied by the form approved for the purpose under section 132 of the Act, duly completed and signed by the person paying the bond.

(2) A bond must be paid in New Zealand dollars.

(3) Any bond imposed must be paid before the issue of the relevant visitor's visa, and is payable in addition to any other amount payable in respect of an application for a visitor's visa or the issue of such a visa.

49 Refund of bond

(1) An application for the refund of a bond in accordance with section 148B(8) of the Act must be made in writing and tendered to a visa officer or immigration officer, and must include the name and passport number of the person to whom the bond relates and be signed by the person who paid the bond. The application may direct that the refund of a bond or any part of it be paid to a third person.

(2) The refund of any bond or part of a bond will be paid in New Zealand dollars.

Revocations, transitional matters, and savings

50 Revocations

The regulations set out in Schedule 5 are revoked.

51 Persons in New Zealand unlawfully as at 1 October 1999

(1) A notice under section 70(3)(b) of the Act, notifying a person that the person is obliged to leave New Zealand or appeal to the Removal Review Authority under section 47(1) of the Act within 42 days, must be in form 12 in Schedule 2.

(2) An appeal to the Removal Review Authority under section 70(3)(b)(i) must be made on a form approved for the purpose under section 132 of the Act and obtainable free of charge, which form must be signed by the appellant.

(3) The appellant must ensure that, within 42 days of the date on which the notice under section 70(3)(b) of the Act was served on the appellant, the appeal form and the appropriate fee are received by the Removal Review Authority at its Wellington address (being PO Box 1674, Wellington) or are filed at its street address.

(4) The appellant must ensure that the appeal form is accompanied by—

(a) A full and complete statement of all of the grounds and circumstances on which the appeal is based; and

(b) The address in New Zealand at which any communication relating to the appeal may be notified to the appellant, and, if different, the address in New Zealand at which the appellant is physically residing; and

(c) Such information, evidence, and submissions as the appellant considers demonstrate fully why there are exceptional circumstances of a humanitarian nature surrounding the appellant's situation which would make it unjust or unduly harsh for the appellant to be removed from New Zealand, and why it would not in all the circumstances be contrary to the public interest to allow the appeal.

(5) Any dependent child of the appellant may also be named and included in the appeal, in which case, unless the principal appellant otherwise specifies in the appeal,—

(a) The appeal will also be treated as an appeal by the dependent child; and

(b) Only 1 fee is payable in respect of the appeal.

(6) Where any 2 persons who are married to each other or in a civil union or de facto relationship appeal to the Removal Review Authority, only 1 fee is payable in respect of both appeals if they are received by the Authority together (and regardless of whether or not either appeal also names and includes any dependent children).

Subclause (6) was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words "civil union or de facto relationship" for the words "relationship in the nature of marriage (which may include same sex couples)".

52 Savings in respect of persons appealing against removal order served before 1 October 1999

Despite the revocation by regulation 49 of these regulations of the Immigration Regulations 1991, regulations 25, 26, and 32(4) of those regulations (which relate to appeals to the Removal Review Authority and the refund of fees in the case of a successful appeal) continue to apply for the purposes of any right of appeal that section 69 of the Act allows to be exercised under the former sections 63A and 63B of the Act.

Schedule 1
Exemptions

1

Reg 24

Persons exempt from requirement to obtain visa

A. Persons exempt from requirement to obtain temporary visa or residence visa:

1

Persons who are exempt under the Act or under these regulations from the requirement to hold a permit.

2

Persons who hold a current permanent residence visa (including a resident return visa) issued by the Government of the Commonwealth of Australia.

Part 1 clause A.2 was substituted, as from 12 October 2006, by regulation 4 Immigration Amendment Regulations (No 2) 2006 (SR 2006/286).

B. Persons exempt from requirement to obtain temporary visa:

1

Citizens of the countries specified in subparagraph (i) or subparagraph (ii) below where—

1—*continued*

(a) Any such person is seeking a visitor's permit current for no longer than the period specified in the appropriate subparagraph; and

(b) The purpose of the visit is not for medical consultation or treatment:

(i) *Six months:* British citizens and other British passport holders who produce evidence of the right to reside permanently in the United Kingdom:

(ii) *Three months:* Citizens of—

Andorra, Principality of
Argentina
Austria
Bahrain
Belgium
Brazil
Brunei
Bulgaria
Canada
Chile
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan

1—*continued*

Korea, Republic of
Kuwait
Latvia
Liechtenstein
Lithuania
Luxembourg
Malaysia
Malta
Mexico
Monaco
Netherlands
Norway
Oman
Poland
Portugal (having the right of permanent residence in Portugal)
Qatar
Romania
San Marino, Republic of
Saudi Arabia
Singapore
Slovak Republic
Slovenia
South Africa, Republic of
Spain
Sweden
Switzerland
United Arab Emirates
United States of America (including Nationals of USA)
Uruguay
Vatican City, State of the

1—*continued*

Part 1 clause B.1(b)(ii) was amended, as from 1 March 2000, by regulation 2 Immigration Amendment Regulations (No 6) 1999 (SR 1999/397) by inserting the items "Andorra, Principality of"; "Hungary"; "San Marino, Republic of"; "Slovenia"; "Vatican City, State of the"; and "Zimbabwe".

Part 1 clause B.1(b)(ii) was amended, as from 1 December 2000, by regulation 3 Immigration Amendment Regulations (No 2) 2000 (SR 2000/219) by inserting the item "Mexico".

Part 1 clause B.1(b)(ii) was amended, as from 1 January 2001, by regulation 3 Immigration Amendment Regulations (No 3) 2000 (SR 2000/259) by omitting the items "Czech Republic" and "Thailand".

Part 1 clause B.1(b)(ii) was amended, as from 1 January 2003, by regulation 3 Immigration Amendment Regulations (No 2) 2002 (SR 2002/417) by inserting the item "Czech Republic".

Part 1 clause B.1(b)(ii) was amended, as from 21 February 2003, by regulation 3 Immigration Amendment Regulations 2003 (SR 2003/13) by omitting the item "Zimbabwe".

Part 1 clause B.1(b)(ii) was amended, as from 8 December 2003, by regulation 6 Immigration Amendment Regulations (No 4) 2003 (SR 2003/348) by omitting the items "Kiribati", "Nauru" and "Tuvalu".

Part 1 clause B.1(b)(ii) was amended, as from 30 July 2004, by regulation 3 Immigration Amendment Regulations (No 2) 2004 (SR 2004/223) by substituting the item "Israel (other than persons travelling to New Zealand in any official Israeli Government capacity)" for the item "Israel".

Part 1 clause B.1(b)(ii) was amended, as from 1 April 2005, by regulation 3 Immigration Amendment Regulations 2005 (SR 2005/63) by inserting the items "Cyprus", "Estonia", "Latvia", "Lithuania", "Poland", and "Slovak Republic"..

Part 1 Clause B.1(b)(ii) was amended, as from 30 July 2007, by regulation 4 Immigration Amendment Regulations (No 2) 2007 (SR 2007/169) by inserting the items "Bulgaria" and "Romania".

Part 1 Clause B.1(b)(ii)(1) was amended, as from 8 July 2005, by regulation 3 Immigration Amendment Regulations 2005 (SR 2005/204) by substituting the item "Israel" for the item "Israel (other than persons travelling to New Zealand in any official Israeli Government capacity)".

2

Residents of Hong Kong travelling on Hong Kong Special Administrative Region or British National (Overseas) passports where—

(a) Any such person is seeking a visitor's permit current for no longer than 3 months; and

(b) The purpose of the visit is not for medical consultation or treatment.

1—*continued*

3

Persons travelling on a United Nations laissez-passer who are seeking a visitor's permit current for no longer than 3 months, being a laissez-passer issued by the Secretariat of the United Nations pursuant to either—

(a) the United Nations Convention on the Privileges and Immunities of the United Nations, done at New York on 13 February 1946; or

(b) the United Nations Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations, done at New York on 21 November 1947.

Part 1 clause B 3 was inserted, as from 1 October 2001, by regulation 4 Immigration Amendment Regulations (No 3) 2001 (SR 2001/222).

2

Reg 25

Persons exempt from requirement to hold permit

Citizens of the Commonwealth of Australia.

3

Reg 26

Courses of study or training for which no student permit, etc, required

1

Any training (other than an apprenticeship or a cadetship) provided by an employer as part of the normal conditions of employment offered to the holder of a work permit.

2

One single course of study or training of not more than 3 calendar months' duration.

Schedule 2
Forms

Form 1

Reg 36(1)

Certificate requiring information as to whereabouts of person suspected of being in New Zealand unlawfully

Section 64(1)(a), Immigration Act 1987

(This certificate is to be completed in duplicate. The original may be retained by the officer or employee of the department of State or other body specified in the first column of the First Schedule of the Immigration Act 1987 for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is retained by the immigration officer.)

TO: .....
[*Name of department or other body*]

I, ...,
[*Name*]

an immigration officer, holding warrant of designation No ....., issued by the chief executive of the Department of Labour, certify that I have good cause to suspect that .....,
[*Name*]

also known as .....
.....,

is in New Zealand unlawfully.

In terms of section 64(3) of the Immigration Act 1987, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organisation that tends to establish the present whereabouts of the person named above or that person's whereabouts at any time in the past.

Section 64(5) of the Immigration Act 1987 provides that your obligation to provide the information I seek applies notwithstanding any enactment or rule of law to the contrary, and that no person is liable in any civil or criminal proceedings in respect of anything done in compliance with section 64(3).

Signature of immigration officer: .....

Date: .....

Form 2

Reg 36(2)

Certificate requiring information as to occupier of premises

Section 64(1)(b), Immigration Act 1987

(This certificate is to be completed in duplicate. The original may be retained by the officer or employee of the department of State or other body specified in the first column of the First Schedule of the Immigration Act 1987 for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is retained by the Immigration officer.)

TO: .....

[*Name of department or other body*]

I, ...,

[*Name*]

an immigration officer holding warrant of designation No ....., issued by the chief executive of the Department of Labour, certify that I have good cause to suspect that the premises at .....

.....

[*Address*]

are being occupied or have been occupied (whether for residential purposes or otherwise) by a person who is in New Zealand unlawfully.

In terms of section 64(3) of the Immigration Act 1987, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organisation that tends to establish the name of the present occupier or any of the present occupiers of the premises, or the name of the occupier or any of the occupiers of the premises at any time in the past.

Section 64(5) of the Immigration Act 1987 provides that your obligation to provide the information I seek applies notwithstanding any enactment or rule of law to the contrary, and that no person is liable in any civil or criminal proceedings in respect of anything done in compliance with section 64(3).

Signature of immigration officer: .....

Date: .....

Form 3

Reg 37(1)

Request for surrender of document from third party

Section 66(1), Immigration Act 1987

TO: .....
[*Name or organisation*]

Of: .....
[*Address*]

I have good cause to suspect that you are in possession of a passport or certificate of identity relating to .....,
[*Name*]

who I have good cause to suspect is in New Zealand unlawfully and is liable to be removed from New Zealand under Part 2 of the Immigration Act 1987.

If you are in possession of the above document, then pursuant to section 66(1) of The Immigration Act 1987 I require you to surrender it to me by either delivering it personally or posting it to the following address within 7 days:

.....
[*Office*]

.....
[*Street and number or PO Box*]

.....
[*Town*]

If you are the holder of the above document and you do not surrender that document to me in accordance with this request you are liable to prosecution and fine under the Immigration Act 1987.

Surrendering the document in accordance with this request does not expose you to any legal liability because, under section 66(3) of the Immigration Act 1987, no action may be brought in any court in respect of your surrender of the above document despite anything in any other Act or rule of law.

Signed: .....
Immigration officer

Name: .....

Date: .....

Form 4

Reg 38

Removal order

Section 54, Immigration Act 1987

TO: .....

[*Full name*]

*AND TO: the following dependent children under 17 years of age:

(1) ..... (4) .....

(2) ..... (5) .....

(3) ..... (6) .....

[* *Delete if not applicable*]

Acting pursuant to Section 54 of the Immigration Act 1987, I, ...

.....

[*Full name*]

an immigration officer, designated by the chief executive of the Department of Labour for the purpose of making removal orders, am satisfied that YOU (and the named dependent child/children*) ARE IN NEW ZEALAND UNLAWFULLY on the grounds that—

(a) You are not a New Zealand citizen; and

(b) You do not hold a permit to be in New Zealand; and

(c) You are not exempt under the Immigration Act 1987 from the requirement to hold a permit;—

AND THAT YOU ARE LIABLE TO BE REMOVED FROM NEW ZEALAND under Part II of the Immigration Act 1987 on the grounds that—

*(a) You have been in New Zealand unlawfully for a period of longer than 42 consecutive days and you do not have an appeal pending before the Removal Review Authority or a court; or

*(b) You have been in New Zealand unlawfully for a period of longer than 42 consecutive days since the day on which you received notification under section 31 of the Immigration Act 1987 of confirmation of a decision to decline to grant you a permit and you do not have an appeal pending before the Removal Review Authority or a court; or

*(c) You have had an appeal to the Removal Review Authority or the Courts declined and you are still in New Zealand 7 days after that decision was notified to you; or

*(d) You are in New Zealand unlawfully by reason of the expiry of a limited purpose permit; or

*(e) You are in New Zealand while a previously executed removal order is still in force in respect of you; or

*(f) You are in New Zealand unlawfully by reason of the expiry of a temporary permit granted for purposes associated with the Mutual Assistance in Criminal Matters Act 1992 (section 63 of the Immigration Act 1987); or

Form 4—*continued*

*(g) You are a person in respect of whom a security risk certificate has been confirmed (section 114K(4)(b) of the Immigration Act 1987).

[**Delete those not applicable*]

SINCE YOU (AND THE NAMED DEPENDENT CHILD/CHILDREN*) HAVE NOT RESPONDED VOLUNTARILY TO THE OBLIGATION TO LEAVE NEW ZEALAND CONTAINED IN SECTION 45 OF THE IMMIGRATION ACT 1987, YOUR REMOVAL WILL NOW BE EFFECTED BY THE STATE.

THIS REMOVAL ORDER AUTHORISES ANY MEMBER OF THE POLICE TO TAKE YOU (AND THE NAMED DEPENDENT CHILD/CHILDREN*) INTO CUSTODY AND PLACE YOU (AND HIM/HER/THEM*) ON BOARD ANY CRAFT THAT IS LEAVING NEW ZEALAND, FOR THE PURPOSE OF EFFECTING YOUR (AND HIS/HER/THEIR) REMOVAL FROM NEW ZEALAND IN ACCORDANCE WITH SECTION 59 OF THE IMMIGRATION ACT 1987.

THIS REMOVAL ORDER REMAINS IN FORCE FOR 5 YEARS (UNLESS YOU ARE UNDER 17 YEARS OF AGE, IN WHICH CASE IT REMAINS IN FORCE UNTIL YOU ARE REMOVED FROM NEW ZEALAND).

Dated this ..... day of ....., ...

Signed: .....
Immigration officer designated by the
chief executive of the Department of
Labour for the purpose of making removal orders.

NOTE: You have the right to contact a solicitor or counsel or other adviser (or, if you are under 17 years of age and not married or in a civil union, a responsible adult).

This removal order served on .....
[*Name*]

by personal service on .....
[*Date*]

at .....
[*Place*]

Signed: .....
Immigration officer

Form 4 was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by omitting the word "unmarried" where it first appeared.

Form 4 was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by substituting the words "(or, if you are under 17 years of age and not married or in a civil union, a responsible adult)"

Form 4—*continued*

for the words "(or, if you are under 17 years of age and unmarried, a responsible adult)".

Form 5

Reg 39

Notice of cancellation of removal order

Section 58(4), Immigration Act 1987

TO: .....
[*Name of person named in removal order who is now overseas*]

of .....
[*Overseas address*]

You are notified, pursuant to section 58 of the Immigration Act 1987, that the removal order served personally on you on .....
[*Date*]

is cancelled with effect on and from the date of this notice.

Signed: .....
Immigration officer designated by the chief executive of the Department of Labour for the purpose of making removal orders.

Date: .....

Form 6

Reg 40(1)

Warrant of commitment

Section 60, Immigration Act 1987

To every member of the Police (*or* To ....., member of the Police),
[*Full name*]
and to .....
[*The person in charge of any specified premises or the Manager of any specified prison*]
..... (in this warrant called the subject), of
[*Name*]
.....
[*Address and occupation, if known*]
was arrested under Part II of the Immigration Act 1987 and brought before me pursuant to section 60 of that Act.

I HEREBY ORDER that the subject be detained for a period of ..... days, unless earlier ordered to be released by any court, or unless earlier required to be delivered up by any member of the Police for the purpose of executing a removal order or for the purpose of any court appearance, and I DIRECT YOU, the said member(s) of the Police, to deliver the subject to
..... ,
[*Specified premises or prison*]
and you, the said .....,
[*Person in charge or Manager*]
to receive the subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

Dated at ..... this ..... day of ..... , ...

.....
District Court Judge

Subject brought before me on—
..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

Form 6 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting "*prison*" for "*penal institution*" in both

Form 6—*continued*

places where they appear. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 6 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting "*Manager*" for "*Superintendent*" in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 7

Reg 40(2)

Warrant of commitment

Section 79, Immigration Act 1987

To every member of the Police (*or* To ....., member of the
[*Full name*]
Police), and to the Manager of .....
[*Specified prison*]
..... (in this warrant called the subject), of
[*Name*]
.....
[*Address and occupation, if known*]
was arrested under Part III of the Immigration Act 1987 and brought before me pursuant to section 79 of that Act.

I HEREBY ORDER that the subject be detained until ordered to be released by any court, or until required to be delivered up by any member of the Police in accordance with section 85 of the Immigration Act 1987 for deportation, and I DIRECT YOU, the said member(s) of the Police, to deliver the subject to ..... and you, the said Manager, to receive the
[*Specified prison*]
subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

Dated at ..... this ..... day of ..... , ...

.....
District Court Judge

Form 7 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*prison*" for the words "*penal institution*" in both places where they appear.

Form 7 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager" for the word "Superintendent" in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 8

Reg 40(3)

Warrant of commitment

Section 99, Immigration Act 1987

To every member of the Police (*or* To ....., member of the Police),
[*Full name*]
and to the Manager of .....
[*Specified prison*]
..... (in this warrant called the subject), of
[*Name*]
.....
[*Address and occupation, if known*]
was arrested under Part IV of the Immigration Act 1987 and brought before me pursuant to section 99 of that Act.

I HEREBY ORDER that the subject be detained until ordered to be released by the Deportation Review Tribunal or by any court, or until required to be delivered up by any member of the Police in accordance with section 108 of the Immigration Act 1987 for deportation or for the purpose of any court appearance, and I DIRECT YOU, the said member(s) of the Police, to deliver the subject to ..... ,
[*Specified premises or prison*]
and you, the said Manager, to receive the subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

If within 28 days the subject has not been deported from New Zealand, the subject must be brought before a District Court Judge to consider whether this warrant should be extended by periods of up to 7 days.

Dated at ..... this ..... day of ..... , ...

.....
District Court Judge

Subject brought before me on—
..... and ordered to be further detained until .....
[*Date*]
Signature: .....
District Court Judge

..... and ordered to be further detained until .....
[*Date*]
Signature: .....
District Court Judge

..... and ordered to be further detained until .....
[*Date*]
Signature: .....
District Court Judge

Form 8 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*prison*" for the words "*penal institution*" in both places where they appear. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 8—*continued*

Form 8 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager" for the word "Superintendent" in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 9

Reg 40(4)

Warrant of commitment

Section 114O(1)(b), Immigration Act 1987

To every member of the Police (*or* To ....., member of the
[*Full name*]
Police), and to the Manager of .....
[*Specified prison*]
..... (in this warrant called the subject), a citizen of
[*Name*]
....., was detained pursuant to section 114G(5) of the
[*Country, if known*]
Immigration Act 1987, and is to be detained for more than 48 hours.

I DIRECT YOU, the said member(s) of the Police, to deliver the subject to ..... and you, the said ..... to receive
[*Specified prison*] [*Manager*]
the subject into your custody and detain the subject until required by a member of the Police to deliver up the person in accordance with the provisions of the Immigration Act 1987 relating to the execution of a removal order or a deportation order, or unless earlier notified in writing by an immigration officer or member of the Police that the subject should be released in accordance with section 114O(3) of the Immigration Act 1987.

Signature: ..... Date: .....
District Court Judge

District Court at .....
[*Place*]

Form 9 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*prison*" for the words "*penal institution*" in both places where they appear. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 9 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager" for the word "Superintendent". *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 9 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*Manager*" for the word "*Superintendent*". *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 10

Reg 40(5)

Warrant of commitment

Sections 128(7) and (13B) and 128A(3), Immigration Act 1987

To every member of the Police (*or* To ..... , member of the
[*Full name*]
Police), and to .....
[*The person in charge of any specified approved premises or the Manager of any specified prison*]
..... (in this warrant called the subject), a citizen of
[*Name*]
..... , was detained pursuant to section 128 of the
[*Country, if known*]
Immigration Act 1987, and is to be detained for more than 48 hours.

I DIRECT YOU, the said member(s) of the Police, to deliver the subject to ..... , and you, the said
[*Specified premises or prison*]
..... , to receive the subject into your
[*Person in charge or Manager*]
custody and detain the subject for an initial period of 28 days (subject to any extension under section 128(13B) of the Act and to any recalculation required by section 128A(2) of the Act) unless sooner required by a member of the Police to deliver up the subject in accordance with section 128(11) of the Immigration Act 1987 to be placed on a craft that is leaving New Zealand, or unless the subject is ordered by a District Court Judge to be sooner released pursuant to section 128A(4) of that Act, or until notified in writing by an immigration officer that the subject may be released in accordance with section 128(14) of that Act.

Signature: ..... Date: .....
Registrar (*or* Deputy Registrar)
District Court
.....
[*Place*]

EXTENSION OF WARRANT pursuant to section 128(13B) or section 128A(3) of the Immigration Act 1987 where appropriate, by reason of extension to warrant being sought to allow removal from New Zealand or by reason of duration of review proceedings:

Subject brought before me on—
..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

Form 10 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*prison*" for the words "*penal*

Form 10—*continued*

institution". *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 10 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*Manager*" for the word "*Superintendent*" in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 11

Reg 40(6)

Warrant of commitment

Section 128B (6), Immigration Act 1987

To every member of the Police (*or* To ....., member
[*Full name*]
of the Police), and to .....
[*The person in charge of any specified approved premises or the Manager of any specified prison*]
..... (in this warrant called the subject), a citizen of
[*Name*]
..... , was detained pursuant to section 128B of the
[*Country, if known*]
Immigration Act 1987, and is to be detained for more than 48 hours.

I DIRECT YOU, the said member(s) of the Police, to deliver the subject to
..... ,
[*Specified premises or prison*]
and you, the said .....
[*Person in charge or Manager*]
to receive the subject into your custody and detain the subject for an initial period of 28 days (subject to any extension under section 128B(10) of the Act) or under notified in writing by an immigration officer that the subject may be released in accordance with section 128B(5)(a) of the Immigration Act 1987, or until the expiry of 48 hours after section 128B of that Act ceases to apply to the subject pursuant to paragraph (b) or paragraph (c) of subsection (5) of that section.

Dated at ..... this ..... day of ..... , ...

.....
District Court Judge

Subject brought before me on—
..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

..... and warrant extended for a further ..... days
[*Date*]
until .....
Signature: .....
District Court Judge

Form 11 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*prison*" for the words "*penal*

Form 11—*continued*

institution" in both places where they appear. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 11 was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "*Manager*" for the word "*Superintendent*" in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 12

Reg 51(1)

Notice of unlawful status in New Zealand

Section 70(3)(b), Immigration Act 1987

TO: .....
[*Full name*]

*AND TO: the following dependent children under 17 years of age:

(1) ..... (4) .....
(2) ..... (5) .....
(3) ..... (6) .....

[**Delete if not applicable*]

Acting pursuant to section 70(3)(b) of the Immigration Act 1987, I,
..... ,
[*Full name*]

an immigration officer, am satisfied that YOU (and the named dependent child/children) WERE IN NEW ZEALAND UNLAWFULLY IMMEDIATELY BEFORE 1 OCTOBER 1999, THAT NO REMOVAL ORDER WAS IN FORCE IN RESPECT OF YOU (or the named dependent child/children) AT THAT TIME AND THAT YOU ARE STILL IN NEW ZEALAND UNLAWFULLY on the grounds that—

(a) You are not a New Zealand citizen; and
(b) You do not hold a permit to be in New Zealand; and
(c) You are not exempt under the Immigration Act 1987 from the requirement to hold a permit.

I THEREFORE GIVE YOU NOTICE THAT YOU ARE OBLIGED TO LEAVE NEW ZEALAND WITHIN 42 DAYS AFTER THE DATE OF SERVICE OF THIS NOTICE, OR INSTEAD TO APPEAL TO THE REMOVAL REVIEW AUTHORITY UNDER SECTION 47(1) OF THE IMMIGRATION ACT 1987 (which relates to exceptional circumstances of a humanitarian nature). IF YOU WISH TO APPEAL YOU MUST DO SO WITHIN 42 DAYS AFTER THE SERVICE OF THIS NOTICE ON YOU.

IF YOU DO NOT EITHER LEAVE NEW ZEALAND OR APPEAL WITHIN 42 DAYS AFTER SERVICE OF THIS NOTICE ON YOU, OR IF YOUR APPEAL IS UNSUCCESSFUL, WITHIN 7 DAYS OF THAT APPEAL DECISION BEING NOTIFIED TO YOU, AN IMMIGRATION OFFICER MAY, AFTER THAT TIME, MAKE AND SERVE A REMOVAL ORDER ON YOU UNDER SECTION 54 OF THE IMMIGRATION ACT 1987. That removal order will authorise any member of the Police to take you (and the named dependent child/children) into custody and place you (and him/her/them) on board any craft for the purpose of effecting your (and his/her/their) removal from New Zealand in accordance with section 59 of the Immigration Act 1987.

Form 12—*continued*

AS AN ADDITIONAL CONSEQUENCE OF A REMOVAL ORDER BEING MADE AND SERVED ON YOU, AND YOU BEING REMOVED FROM NEW ZEALAND, IF YOU ARE 17 YEARS OF AGE OR MORE YOU WILL NOT BE ALLOWED TO COME BACK TO NEW ZEALAND FOR A PERIOD OF 5 YEARS. If you leave voluntarily you will be able to apply to come back at any time.

If your appeal to the Removal Review Authority is unsuccessful, unless you further appeal, you will have 7 days after the date on which you receive notification of the Removal Review Authority's decision in which to leave New Zealand voluntarily before an immigration officer may make and serve a removal order and you may be removed from New Zealand.

Dated: .....

Signed: .....
Immigration Officer

This notice (or copy) served on .....
[*Name*]

by personal service on .....
[*Date*]

at .....
[*Place*]

Signed: .....
Immigration officer

ADVICE FOR PERSON NAMED IN NOTICE OF UNLAWFUL STATUS IN NEW ZEALAND

You may, within 42 days after the service of this notice on you, appeal to the Removal Review Authority if you think there are exceptional circumstances of a humanitarian nature that mean you should be allowed to remain in New Zealand. An appeal form is available free of charge from any branch office of the New Zealand Immigration Service.

You have the right to ask a lawyer or other adviser (or, in the case of children, a responsible adult) to help you. If you do not know any lawyers, you could look in the Yellow Pages of the telephone directory under the heading "Barristers and Solicitors", or you could ask your nearest Law Society for a list of local lawyers.

Form 12 was amended, as from 26 April 2005, by section 12 Relationships (Statutory References) Act 2005 (2005 No 3) by omitting the word "unmarried".

Schedule 3
Fees and levies

Schedule 3: substituted, on 28 July 2008, by regulation 9 of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Part 1 was substituted, as from 30 July 2007, by regulation 8 Immigration Amendment Regulations (No 3) 2007 (SR 2007/179).

Part 1 was substituted, as from 1 July 2003, by regulation 7 Immigration Amendment Regulations (No 2) 2003 (SR 2003/119).

Part 1 item 1(a) was substituted, as from 8 December 2003, by regulation 7(1) Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

Part 1 item 1(a) was substituted, as from 28 November 2005, by regulation 3(1) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Schedule 3 Part 1 item 1 paragraph (b): substituted, on 26 November 2007, by regulation 4(1) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Schedule 3 Part 1 item 1 paragraph (ba): inserted, on 26 November 2007, by regulation 4(1) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Schedule 3 Part 1 item 1 paragraph (bb): inserted, on 26 November 2007, by regulation 4(1) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Part 1 item 1(c) was substituted, as from 28 November 2005, by regulation 3(2) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 1(e) was amended, as from 1 September 2004, by regulation 4 Immigration Amendment Regulations (No 2) 2004 (SR 2004/223) by inserting in column A the expression "600".

Part 1 item 1A was inserted, as from 8 December 2003, by regulation 7(2) Immigration Amendment Regulations (No 4) 2003 (SR 2003/348).

Part 1 item 1A was substituted, as from 4 July 2005, by regulation 3(2) Immigration Amendment Regulations (No 2) 2005 (SR 2005/135).

Part 1 item 1A was substituted, as from 28 November 2005, by regulation 3(3) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 1B and item 1C were inserted, as from 4 July 2005, by regulation 3(2) Immigration Amendment Regulations (No 2) 2005 (SR 2005/135).

Schedule 3 Part 1 item 3: amended, on 26 November 2007, by regulation 4(2) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Part 1 item 3(a) was substituted, as from 28 November 2005, by regulation 3(4) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 3(b) was substituted, as from 28 February 2006, by regulation 3(5) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 3(c) was substituted, as from 24 March 2003, by regulation 4 Immigration Amendment Regulations 2003 (SR 2003/13).

Part 1 item 3(d)(ii) was substituted, as from 28 November 2005, by regulation 3(6) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 3(e)(ii) was substituted, as from 28 November 2005, by regulation 3(7) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Item 3(f) of Part 1 was amended, as from 6 April 2001, by regulation 3 Immigration Amendment Regulations 2001 (SR 2001/56) by inserting in column A the expression "90".

Part 1 item 3(g) was substituted, as from 28 November 2005, by regulation 3(8) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 3(h)(ia) was inserted, as from 28 November 2005, by regulation 3(9) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 3(h)(iii) was substituted, as from 24 July 2006, by regulation 4(1) Immigration Amendment Regulations 2006 (SR 2006/148).

Part 1 item 4(b) and (c) was substituted, as from 24 July 2006, by regulation 4(2) Immigration Amendment Regulations 2006 (SR 2006/148).

Part 1 item 5 was substituted, as from 28 November 2005, by regulation 3(10) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Schedule 3 Part 1 item 6 paragraph (fa): inserted, on 26 November 2007, by regulation 4(3) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Part 1 item 6A was inserted, as from 28 November 2005, by regulation 3(11) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Schedule 3 Part 1 item 7 paragraph (ba): inserted, on 26 November 2007, by regulation 4(4) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Schedule 3 Part 1 item 7 paragraph (bb): inserted, on 26 November 2007, by regulation 4(4) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Item 9A of Part 1 was inserted, as from 1 March 2000, by regulation 2(1) Immigration Amendment Regulations (No 5) 1999 (SR 1999/362).

Schedule 3 Part 1 item 13: amended, on 26 November 2007, by regulation 4(5) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Part 1 items 10 and 14 were omitted, as from 28 November 2005, by regulation 3(12) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Item 11(a) of Part 1 was substituted, as from 11 November 1999, by regulation 2(2) Immigration Amendment Regulations (No 5) 1999 (SR 1999/362).

Part 1 items 15 and 16 were substituted, as from 28 November 2005, by regulation 3(13) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 item 20(a) was substituted, as from 28 November 2005, by regulation 3(14) Immigration Amendment Regulations (No 4) 2005 (SR 2005/270).

Part 1 items 22 and 23 were inserted, as from 15 March 2007, by regulation 4 Immigration Amendment Regulations 2007 (SR 2007/12).

Schedule 3 Part 1 item 24: amended, on 26 November 2007, by regulation 4(6) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Schedule 3 Part 1 item 25: substituted, on 26 November 2007, by regulation 4(7) of the Immigration Amendment Regulations (No 4) 2007 (SR 2007/316).

Part 2 was substituted, as from 1 July 2000, by regulation 4 Immigration Amendment Regulations 2000 (SR 2000/91).

Schedule 3 was substituted, as from 2 April 2002, by regulation 5 Immigration Amendment Regulations 2002 (SR 2002/72).

Part 2 heading to the first column was amended, as from 8 December 2003, by regulation 7(3)(a) Immigration Amendment Regulations (No 4) 2003 (SR 2003/348) by inserting the words "or other policy" after the words "residence policy".

Part 2 heading to the third column was amended, as from 8 December 2003, by regulation 7(3)(b) Immigration Amendment Regulations (No 4) 2003 (SR 2003/348) by inserting the words "or associated" after the word "single".

Part 2 first column was amended, as from 8 December 2003, by regulation 7(3)(c) Immigration Amendment Regulations (No 4) 2003 (SR 2003/348) by substituting the words "General skills category or skilled migrant category" for the words "General skills category".

Part 2 was substituted, as from 1 July 2004, by regulation 8 Immigration Amendment Regulations 2004 (SR 2004/156).

Schedule 3 part 2 Business investor policy: revoked, on 20 March 2008, by regulation 4 of the Immigration Amendment Regulations 2008 (SR 2008/16).

Schedule 3 part 2 General (active) investor category: inserted, on 20 March 2008, by regulation 4 of the Immigration Amendment Regulations 2008 (SR 2008/16).

Schedule 3 part 2 Professional investor category: inserted, on 20 March 2008, by regulation 4 of the Immigration Amendment Regulations 2008 (SR 2008/16).

Schedule 3 part 2 Global investor category: inserted, on 20 March 2008, by regulation 4 of the Immigration Amendment Regulations 2008 (SR 2008/16).

Part 2 was amended, as from 4 July 2005, by regulation 3(3) Immigration Amendment Regulations (No 2) 2005 (SR 2005/135) by inserting the item "Special residence policy for Zimbabwean citizens ... ... 300 ... ... 300".

Part 1

rr 42, 43A

Fees

		Fee ($)*		
		Location of designated receiving office		
		A	B	C
Application or other matter		**New Zealand**	**Pacific or Sydney**	**Any other location**
1	Application for residence permit or visa—			
	(a) skilled migrant category	1,400	1,200	1,800
	(b) general (active) investor category	3,400	3,400	3,400

Part 1—*continued*

		Fee ($)*		
		Location of designated receiving office		
		A	B	C
Application or other matter		**New Zealand**	**Pacific or Sydney**	**Any other location**
	(c) professional investor category	3,400	3,400	3,400
	(d) global investor category	3,400	3,400	3,400
	(e) entrepreneur category	2,600	2,600	2,600
	(f) family category	700	700	1,200
	(g) Samoan quota category	600	600	–
	(h) Pacific access category	650	650	–
	(i) refugee family support category	490	490	690
	(j) residence from work category	700	–	–
	(k) any other category	700	700	1,200
2	Expression of interest, under the skilled migrant category, in invitation to apply for residence—			
	(a) written paper notification	500	500	500
	(b) online notification	400	400	400
3	Expression of interest, under the general (active) investor category, in invitation to apply for residence	460	460	460
4	Request, under the business investor category, for consideration of a business plan (whether a first or subsequent business plan) or of an amended business plan	750	750	750
5	Application for returning resident's visa	140	140	140
6	Application for granting of second or subsequent residence permit by person without current returning resident's visa	80	–	–
7	Application for temporary permit or visa—			

Part 1—*continued*

Application or other matter			Fee ($)* Location of designated receiving office A New Zealand	B Pacific or Sydney	C Any other location
(a)	visitor permit or visa		130	100	130
(b)	student permit				
	(i)	written paper application	200	–	–
	(ii)	online application	70	–	–
(c)	student visa		200	150	200
(d)	work permit—				
	(i)	under talent (accredited employers), talent (arts, culture, and sports), and priority occupations list work policies	240	–	–
	(ii)	work partnership	280	–	–
	(iii)	other	200	–	–

Part 1—*continued*

Application or other matter			Fee ($)* Location of designated receiving office A New Zealand	B Pacific or Sydney	C Any other location
(e)	work visa—				
	(i)	under talent (accredited employers), talent (arts, culture, and sports), and priority occupations list work policies	240	240	240
	(ii)	work partnership	280	280	280
	(iii)	other	200	180	200
(f)	working holiday scheme		120	–	120
(g)	working holidaymaker extension permit		120	–	–
(h)	long-term business visa or permit		2,600	2,200	2,600
(i)	group visitor visa, per person—				
	(i)	Beijing, Shanghai, Taipei only	–	–	60
	(ii)	client of approved destination status travel agents (China only)	–	–	40
	(iii)	Bangkok (citizens of Thailand) only	–	–	60
	(iv)	other	60	60	60
8	Application for limited purpose permit or visa—				
(a)	visa for study purposes		200	150	200
(b)	further permit for study purposes		200	–	–

Part 1—*continued*

			Fee ($)*		
			Location of designated receiving office		
			A	B	C
Application or other matter			**New Zealand**	**Pacific or Sydney**	**Any other location**
	(c)	visa for the purpose of working for a recognised seasonal employer	200	180	200
	(d)	further permit for the purpose of working for a recognised seasonal employer	200	-	-
	(e)	other	130	100	130
9	Application for transit visa		120	120	120
10	Application for group transit visa, per person (citizens of China only)		60	–	60
11	Special direction fee		140	140	140
12	For residence permit granted under section 35A of Act		700	–	–
13	For temporary permit granted under section 35A of Act		260	–	–
14	Application for reconsideration under section 31 of Act of decision to decline another temporary permit		140	–	–
15	Application for variation of conditions of permit		120	–	–
16	Request by employer for approval in principle for granting of permit for purpose of recruitment of staff		180	–	–
17	Confirmation of residence status under regulation 11		80	–	–
18	Appeal to Residence Appeal Authority—				
	(a)	in relation to application for residence visa or permit declined under humanitarian category	700	–	–
	(b)	other	700	–	–

Part 1—*continued*

		Fee ($)*		
		Location of designated receiving office		
		A	B	C
	Application or other matter	**New Zealand**	**Pacific or Sydney**	**Any other location**
19	Appeal to Removal Review Authority	700	–	–
20	Additional call-out fee, where office is opened outside ordinary opening hours in order to process application or other matter as requested	210	210	210
21	Transfer fee, where permit or visa stamp or label transferred from one passport or certificate of identity to another	80	80	80
22	Registration under Pacific access category—			
	(a) first year's registration	50	50	–
	(b) second and subsequent years' registration	20	20	–
23	Registration under refugee family support category—			
	(a) tier 1 queue registration or tier 2 ballot first year's registration	70	–	–
	(b) tier 2 ballot second and subsequent years' registration	50	–	–
24	Employer accreditation under talent (accredited employer) work policy—			
	(a) first year's accreditation	1,400	–	–
	(b) second and subsequent years' re-accreditation	400	–	–
25	Reconsideration of application from employer for accreditation	140	–	–
26	Application for recognised seasonal employer status	700	–	–

Part 1—*continued*

		Fee ($)*		
		Location of designated receiving office		
		A	B	C
	Application or other matter	**New Zealand**	**Pacific or Sydney**	**Any other location**
27	Application for agreement to recruit under recognised seasonal employer policy	180	–	–

*Reduced by $90 if regulation 43A applies

Schedule 3 Part 1 item 6: inserted, on 1 October 2008, by regulation 9 of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Schedule 3 Part 1 item 10: inserted, on 1 October 2008, by regulation 9 of the Immigration Amendment Regulations (No 2) 2008 (SR 2008/173).

Part 2

r 45

Migrant levy

Category within Government residence policy or other policy under which visa or permit issued or granted	**Migrant levy per person ($)**	**Migrant levy per person if under 5 years of age ($)**
General (active) investor category	300	150
Professional investor category	300	150
Global investor category	300	150
Entrepreneur category	300	150
Employees of relocating business category	300	150
Skilled migrant category or general skills category	300	150
Residence from work category	300	150
Family category (excluding Samoan citizens and refugee-associated persons specified in regulation 45A)	300	150
Pacific access category	150	150
Special residence policy for Zimbabwean citizens	300	150

Schedule 4
Bonds

Reg 47(1)

Region Within Which is Located Country of Citizenship of Visa Applicant	Bond $
Pacific[1]	2,000
Asia (excluding India and Pakistan, but including Japan, Indonesia, the Philippines, and Papua New Guinea)	3,000
The Americas, the Caribbean, and Iceland	4,000
Western Europe, Eastern Europe, Middle East, India, Pakistan, Africa	5,000

Schedule 5
Regulations revoked

Reg 49

Title	Statutory Regulations Serial Number
Immigration Regulations 1991	1991/241
Immigration Regulations 1991, Amendment No 2	1993/164
Immigration Regulations 1991, Amendment No 3	1993/327
Immigration Regulations 1991, Amendment No 4	1994/124

[1] The Pacific area includes American Samoa, Australia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Federated States of Micronesia, Palau, Saipan, Samoa, Solomon Islands, and Tonga, but does not include Hawaii, Indonesia, Japan, Papua New Guinea, or the Philippines.

Title	Statutory Regulations Serial Number
Immigration Regulations 1991, Amendment No 5	1995/25
Immigration Regulations 1991, Amendment No 6	1995/203
Immigration Regulations 1991, Amendment No 8	1996/372
Immigration Amendment Regulations 1997	1997/118
Immigration Amendment Regulations 1998	1998/111
Immigration Amendment Regulations (No 2) 1998	1998/165
Immigration Amendment Regulations (No 3) 1998	1998/259
Immigration Amendment Regulations 1999	1999/65
Immigration Amendment Regulations (No 2) 1999	1999/140
Immigration Amendment Regulations (No 3) 1999	1999/171
Immigration Amendment Regulations (No 4) 1999	1999/213

MARIE SHROFF,
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 1 October 1999, revoke and replace the Immigration Regulations 1991 and the various amendments to those regulations.

The main purpose of the substantive changes incorporated in the new regulations is to cater for the amendments to the Immigration Act 1987 enacted in the Immigration Amendment Act 1999. Due to the relatively widespread nature of these changes, the opportunity has been taken to consolidate them with the existing 1991 regulations into a new set of Immigration Regulations.

Substantive changes to the existing regulations are made in the following areas:

(a) *Limited purpose visas and permits*: Provision is made for applications for limited purpose visas and permits in *regulations 7, 14, and 15,* and *regulations 21, 22, and 26* deal with conditions of limited purpose permits.

(b) *New removal provisions*: The former provisions relating to appeals are rewritten to reflect and incorporate references to the new removal regime (*regulation 30*), and appropriate forms for this regime are now prescribed in *Schedule 2* of the regulations. Special provision is made for persons unlawfully in New Zealand as at 1 October 1999, when the Immigration Amendment Act 1999 comes into force (*regulation 51*). A savings provision preserves the current removal appeal procedures in respect of persons served with a removal order before 1 October 1999 (*regulation 52*).

(c) *Bonds: Regulations 47 to 49 and Schedule 4* prescribe matters in relation to bonds. Different levels of bond are prescribed in relation to visa applicants having regard to the general location of their country of citizenship, reflecting the differing costs of repatriation to different areas.

(d) *Fees*: The regulations contain a new schedule of fees in *Schedule 3*. In addition to the inclusion of fees concerning limited purpose visas and permits, a number of new fees have been added (such as urgency, call-out, and transfer fees) and a number of existing fees are now differentiated according to immigration policy categories of visa or permit and, more notably, according to the location of the office that has responsibility for receiving the relevant application or matter. When compared with existing fee levels, fees will be lower for matters

to be processed in New Zealand or the Pacific (Sydney, Apia, Nuku'alofa, and Suva), approximately the same for matters to be processed in London or The Hague, and slightly higher for matters to be processed at an office in any other location.

Apart from the matters referred to above, provisions of the existing regulations have been consolidated in these new regulations with little change apart from renumbering, cross-references, matters of style, and minor changes of detail.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in the *Gazette*: 26 August 1999.

Contents

1 General
2 About this eprint
3 List of amendments incorporated in this eprint (most recent first)

Notes

1 General

This is an eprint of the Immigration Regulations 1999. It incorporates all the amendments to the Immigration Regulations 1999 as at 1 October 2008. 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 are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

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

Immigration Amendment Regulations (No 3) 2008 (SR 2008/302)
Immigration Amendment Regulations (No 2) 2008 (SR 2008/173)
Immigration Amendment Regulations 2008 (SR 2008/16)
Immigration Amendment Regulations (No 4) 2007 (SR 2007/316)