



## **Immigration Amendment Regulations (No 2) 2010**

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 8th day of June 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 150 of the Immigration Act 1987, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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<b>New Parts 5 and 6 of Schedule 1 substituted</b>	

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## Regulations

### 1 Title

These regulations are the Immigration Amendment Regulations (No 2) 2010.

### 2 Commencement

These regulations come into force on 26 July 2010.

### 3 Principal regulations amended

These regulations amend the Immigration Regulations 1999.

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

Regulation 26 is amended by revoking subclause (2) and substituting the following subclause:

- “(2) A person to whom this regulation applies may undertake a course of study or training specified in—
- “(a) Part 3 or 4 of Schedule 1, if the person is the holder of a work permit granted under a working holiday scheme; or
  - “(b) Part 5 of Schedule 1, if the person is the holder of a temporary permit granted for a period of 24 months or more; or
  - “(c) Part 6 of Schedule 1, if the person is the holder of a temporary permit other than a temporary permit referred to in paragraph (a) or (b).”

### 5 Schedule 1 amended

- (1) Part 3 of Schedule 1 is amended by omitting “r 26(3)(a)” and substituting “r 26(2)(a)”.
- (2) Part 4 of Schedule 1 is amended by omitting “r 26(3)(a)” and substituting “r 26(2)(a)”.
- (3) Schedule 1 is amended by revoking Part 5 and substituting the Parts 5 and 6 set out in the Schedule of these regulations.

**Schedule** r 5(3)  
**New Parts 5 and 6 of Schedule 1**  
**substituted**

- Part 5** r 26(2)(b)  
Courses of study or training for holders of  
temporary permit granted for 24 months or  
more
- 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 or more courses of study or training, the total duration of those courses not being more than 3 calendar months for each 12-month period of the temporary permit.

- Part 6** r 26(2)(c)  
Courses of study or training for holders of  
other temporary permits
- 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 or more courses of study or training, the total duration of those courses not being more than 3 calendar months.
  - 3 One single period of study by the holder of a visitor's permit in any of years 1 to 13 in a primary, intermediate, secondary, or composite school, the total duration of the study not being more than 3 calendar months in each calendar year. The period of study—
    - (a) is to be started and completed within a calendar year; and
    - (b) must not be in term 1 if the person held a visitor's permit and undertook a period of study in term 4 of the immediately preceding year.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### 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 26 July 2010, amend the Immigration Regulations 1999 (the **principal regulations**).

The amendments will allow the holder of a temporary permit granted for 24 months or more to undertake courses of study or training without having to comply with the requirement to be a holder of a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit. The amendments will allow the holder of such a temporary permit to undertake 1 or more courses of study or training of not more than 3 calendar months' duration for each 12-month period of the temporary permit.

Currently, the holder of a temporary permit (except a work permit granted under a working holiday scheme) is restricted to any training provided by an employer or to 1 single course of study or training of not more than 3 calendar months' duration.

The amendments do not alter the existing provisions of the principal regulations that currently allow the holder of a work permit granted under a working holiday scheme to undertake 1 or more courses of study or training of not more than a total of 3 calendar months' duration or, in the case of a participant in a working holiday scheme for certain specified countries, a total of 6 calendar months' duration.

The amendments will also allow the holder of any other temporary permit to undertake 1 or more courses of study or training of not more than a total of 3 calendar months' duration without having to comply with the requirement to be a holder of a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit.

In addition, the amendments will allow the holder of a visitor's permit to undertake a single period of study in any of years 1 to 13 in a primary, intermediate, secondary, or composite school of not more than a total of 3 calendar months' duration. The period of study must be started and completed within a calendar year and must not be under-

