



Social Security (Residential Requirement— Christchurch Response Visa) Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 421 of the Social Security Act 2018 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Social Security (Residential Requirement—Christchurch Response Visa) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 3 June 2019.

3 Principal regulations

These regulations amend the Social Security Regulations 2018 (the **principal regulations**).

4 Regulation 5 amended (Guide to Part 2)

Replace regulation 5(a) with:

- (a) subpart 1 (regulations 6, 7, and 7A) deals with a beneficiary's absence from or presence in New Zealand, the treatment of persons who have had income tax deducted or withheld from earnings from employment overseas, and circumstances in which certain holders of, or people who would have been eligible for, a Christchurch response visa are taken to meet the residential requirement:

5 New regulation 7A inserted (Circumstances in which certain holders of, or people who would have been eligible for, Christchurch response visa are taken to meet residential requirement)

After regulation 7, insert:

7A Circumstances in which certain holders of, or people who would have been eligible for, Christchurch response visa are taken to meet residential requirement

- (1) A person to whom this regulation applies is taken to meet the residential requirement for a benefit.
- (2) This regulation applies to a person who, on or after 3 June 2019,—
 - (a) is not a New Zealand citizen, but holds a residence class visa that is a Christchurch response visa under the Immigration Act 2009; and
 - (b) is ordinarily resident in New Zealand when the person first applies for the benefit; and
 - (c) has not resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a resident.
- (3) This regulation also applies to a person who, on or after 3 June 2019,—
 - (a) is a New Zealand citizen or holds a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; and

- (b) would have been eligible for a Christchurch response visa if the person was not a New Zealand citizen or did not hold a residence class visa (other than a Christchurch response visa) under the Immigration Act 2009; and
 - (c) is ordinarily resident in New Zealand when the person first applies for the benefit; and
 - (d) has not resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a citizen or resident.
- (4) In this regulation, **Christchurch response visa** means a permanent resident visa of a kind described in the following immigration instructions:
- (a) RV2.16 (Permanent resident visas for residents affected by terrorist attacks on 15 March 2019); and
 - (b) S4.30 (Christchurch Response (2019) Category).
- (5) In this regulation, **immigration instructions** has the same meaning as in section 4 of the Immigration Act 2009, and a reference in subclause (4) to a specified immigration instruction—
- (a) is one to it as at 3 June 2019 and as published by the chief executive of the department responsible for the administration of that Act; and
 - (b) includes a reference to any later immigration instruction that, with or without modification, replaces, or that corresponds to, it.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 3 June 2019, amend the Social Security Regulations 2018 (the **principal regulations**). *New regulation 7A* specifies circumstances in which certain holders of, or people who (if they were not already citizens or residents) would have been eligible for, a Christchurch response visa are taken to meet the residential requirement for a benefit. A Christchurch response visa is a special permanent resident visa for, and for immediate families of, people present during the terrorist attacks in Christchurch on 15 March 2019. *New regulation 7A* relieves those holders, or people who (if they were not already citizens or residents) would have been eligible, from the otherwise applicable requirement (*see* section 16(2)(a)(i) of the Social Security Act 2018) that they have resided continuously in New Zealand for a period of at least 2 years at any one time after becoming a citizen or resident.

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Christchurch Response Visa)
Amendment Regulations 2019**

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