



ANALYSIS

Title	
1. Short Title and commencement	2. Temporary permit to remain in New Zealand

1979, No. 135

An Act to amend the Immigration Act 1964

[12 December 1979]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Immigration Amendment Act 1979, and shall be read together with and deemed part of the Immigration Act 1964 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2. Temporary permit to remain in New Zealand—(1) The principal Act is hereby amended by inserting, after section 14A (as inserted by section 4 of the Immigration Amendment Act 1978), the following section:

“14B. (1) This section applies to every person to whom this Part applies who has entered New Zealand, whether before or after the commencement of the Immigration Amendment Act 1979, pursuant to a permit granted under section 14 of this Act, if that permit—

“(a) Has been or is subsequently held by any Court to be invalid, whether because of some irregularity in form or procedure or of some other mistake of law or fact or for any other reason; or

“(b) Is invalid for the same reason as any other permit that was granted under that section and that has been held by any Court to be invalid, whether because of some irregularity in form or procedure or of some other mistake of law or fact or for any other reason.

“(2) This section also applies to every person to whom, at the time when he entered New Zealand, whether before or after the commencement of the Immigration Amendment Act 1979, this Part of this Act did not apply by virtue of any of paragraphs (e) to (i) of section 3, or of any exemption granted under section 19, of this Act, if, subsequent to his entry into New Zealand, he has ceased or ceases to be a person to whom any of those provisions or any such exemption applies.

“(3) This section also applies to every person to whom, at the time when he entered New Zealand, whether before or after the commencement of the Immigration Amendment Act 1979, this Part of this Act applied, and who entered New Zealand without a permit granted under section 14 or section 15 of this Act otherwise than in circumstances that constituted an offence against subsection (5) (a) of the said section 15.

“(4) Any person to whom this section applies may apply in writing to the Minister for a permit authorising that person to remain in New Zealand temporarily, and, on any such application, the Minister shall grant to the applicant a permit in the prescribed form authorising him to remain in New Zealand for such period as the Minister may specify in the permit.

“(5) The provisions of subsections (2), (2A), (2B), (4), (6), and (7), of section 14 of this Act shall apply, with any necessary modifications, to and in respect of every permit issued under this section as if it were a temporary permit issued under that section.

“(6) Every person to whom this section applies commits an offence against this Act who remains in New Zealand—

“(a) For more than 28 days after being notified in writing by the Minister that this section applies to that person, in any case where this section applies to that person immediately upon the commencement of the Immigration Amendment Act 1979; or

“(b) For more than 14 days after being so notified, in any other case,—

without having applied to the Minister for a permit under this section.

“(7) Every person to whom a permit is granted under this section who—

“(a) Remains in New Zealand after the expiry of the period for which the permit was granted; or

“(b) Having been granted an extension of that period, remains in New Zealand after the expiry of the extended period,—

without having applied for and been granted an extension or further extension of that period, commits an offence against this Act, whether or not he knows that the period or extended period has expired, and whether or not he knows that no application for an extension or further extension has been made on his behalf or granted.”

(2) Section 19A of the principal Act (as inserted by section 4 of the Immigration Amendment Act 1977) is hereby consequentially amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph:

“(b) Holds a permit under section 14 or section 14B of this Act, but is not authorised under subsection (2A) of the said section 14 to seek or obtain employment.”

(3) Section 33A of the principal Act (as inserted by section 5 of the Immigration Amendment Act 1968) is hereby consequentially amended—

(a) By inserting in subsection (1) (b), after the words “to enter”, the words “or remain temporarily in”:

(b) By inserting in subsection (5), after the words “to enter”, the words “or remain temporarily in”.

(4) Section 34 (2) of the principal Act is hereby consequentially amended by repealing paragraph (d), and substituting the following paragraphs:

“(d) That he is a person to whom section 14B of this Act applies; or

“(da) He was the holder of a permit granted under section 14 or section 14B of this Act that has expired or has been revoked; or”.