



## ANALYSIS

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1992, No. 88

**An Act to amend the Immigration Act 1987**

[25 September 1992]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Immigration Amendment Act 1992, and shall be read together with and deemed part of the Immigration Act 1987 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1993.

**2. Certain persons not eligible for exemption or permit**—Section 7 (3) (a) of the principal Act is hereby amended by inserting, after subparagraph (ii), the following subparagraph:

“(iia) If it is granted for the sole purpose of enabling that person—

“(A) To be in New Zealand for the purposes of giving or providing evidence or assistance pursuant to a request made pursuant to section 12 of the Mutual Assistance in Criminal Matters Act 1992; or

“(B) To be transported through New Zealand pursuant to section 42 of that Act; or”.

**3. Temporary permits granted for purposes of Mutual Assistance in Criminal Matters Act 1992**—(1) The principal

Act is hereby amended by inserting, after section 27, the following section:

“27A. (1) This section applies to—

“(a) A temporary permit that is granted pursuant to section 7 (3) (a) (iia) of this Act:

“(b) A temporary permit—

“(i) That is granted to a person who, but for the fact that a certificate has been issued under section 13 or section 42 (5) of the Mutual Assistance in Criminal Matters Act 1992 in respect of that person, would not have been eligible, under the policy of the Government relating to the granting of temporary permits, for the grant of a temporary permit; and

“(ii) That is granted for the sole purpose of enabling that person—

“(A) To be in New Zealand for the purposes of giving or providing evidence or assistance pursuant to a request made pursuant to section 12 of the Mutual Assistance in Criminal Matters Act 1992; or

“(B) To be transported through New Zealand pursuant to section 42 of that Act.

“(2) A temporary permit to which this section applies may be granted subject to the condition that the holder of the permit has no right to apply for another temporary permit (of whatever type) or a residence permit.”

(2) Section 17 of the principal Act (as substituted by section 9 of the Immigration Amendment Act 1991) is hereby consequentially amended by adding to subsection (1) (b) the words “(other than a temporary permit that is subject to the condition specified in section 27A (2) of this Act)”.

(3) Section 25 of the principal Act (as substituted by section 14 of the Immigration Amendment Act 1991) is hereby consequentially amended by adding to subsection (1) (c) the words “(other than a temporary permit that is subject to the condition specified in section 27A (2) of this Act)”.

(4) Section 27 (7) of the principal Act is hereby consequentially amended by inserting, after the word “section”, the words “, but not including the condition specified in section 27A (2) of this Act”.

(5) Section 29 (1) of the principal Act is hereby consequentially amended by inserting, after the words “temporary permit” where they first appear, the words “(other than a temporary permit that is subject to the condition specified in section 27A (2) of this Act)”.

(6) Section 30 (1) of the principal Act is hereby consequentially amended by omitting the words “(of whatever type)”, and substituting the words “(of whatever type, other than a temporary permit that is subject to the condition specified in section 27A (2) of this Act)”.

**4. Revocation of temporary permit granted for purposes of Mutual Assistance in Criminal Matters Act 1992**—The principal Act is hereby amended by inserting, after section 33, the following section:

“33A. (1) Where, pursuant to section 13 (2) or section 42 (6) of the Mutual Assistance in Criminal Matters Act 1992, the Attorney-General cancels a certificate issued under section 13 (1) or section 42 (5) of that Act in respect of a person who is the holder of a temporary permit to which section 27A of this Act applies, the Attorney-General shall forthwith notify the Minister of the cancellation of that certificate.

“(2) Where the Minister receives notification, under subsection (1) of this section, in respect of any person who is the holder of a temporary permit, the Minister may, by notice in writing served on the holder of that permit, revoke that permit.

“(3) Any notice given under subsection (2) of this section shall be served by personal service only.

“(4) A notice given under subsection (2) of this section shall—

“(a) Give the reasons for the revocation of the permit; and

“(b) Specify a date by which the holder of the permit is required to leave New Zealand.

“(5) The date required to be specified by subsection (4) of this section shall not be earlier than 7 days after the date on which the notice is served on the holder of the permit, and the revocation shall become effective on the date so specified.

“(6) Nothing in this section shall apply in respect of any permit that is deemed, by section 41 of this Act, to have expired.”

**5. Removal orders where temporary permit granted for purposes of Mutual Assistance in Criminal Matters Act 1992**—The principal Act is hereby amended by inserting, after section 54, the following section:

“54A. Notwithstanding anything in this Act, where a person is in New Zealand unlawfully by reason of the expiry of a temporary permit that was granted to that person subject to the condition specified in section 27A (2) of this Act,—

“(a) In relation to any removal order made in respect of that person,—

“(i) Section 51 (1) (c) of this Act shall be read as if for the expression ‘42 days’ there were substituted the expression ‘7 days’:

“(ii) Section 51 (1) (d) of this Act shall not apply:

“(iii) Section 51 (1) (e) of this Act shall be read as if for the expression ‘, or to appeal, within 42 days’ there were substituted the expression ‘within 7 days’:

“(iv) Section 52 (1) (a) of this Act shall be read as if for the expression ‘42 days’ there were substituted the expression ‘7 days’:

“(v) Section 52 (1) (b) of this Act shall be read as if the words ‘, or such shorter period after that date as the Removal Review Authority may determine on an appeal under section 63B of this Act’ were omitted:

“(vi) Section 52 (1) (c) of this Act shall be read as if the expressions ‘or section 63A or section 63B’ and ‘or section 115A’ were omitted:

“(vii) Sections 61 (e), 62 (3) (b), and 63A to 63E of this Act shall not apply:

“(viii) Section 64 (1) (a) of this Act shall be read as if for the expression ‘42-day period’ there were substituted the expression ‘7-day period’:

“(ix) Section 64 (1) (b) of this Act shall not apply:

“(x) Section 64 (3) (c) of this Act shall be read as if for the expression ‘42-day period’ there were substituted the expression ‘7-day period’:

“(xi) Section 64 (3) of this Act shall be read as if for paragraph (d) there were substituted the following paragraph:

“(d) The person named in the order has not, within that 7-day period, left New Zealand; and’:

“(xii) Section 66 (1) (a) (i) of this Act shall be read as if for the expression ‘42 days’ there were substituted the expression ‘7 days’:

“(xiii) Section 66 (1) (a) of this Act shall be read as if for subparagraphs (ii) to (iv) there were substituted the following subparagraph:

“(ii) Until a District Court Judge has endorsed the removal order under section 64 of this Act; or’:

“(b) In relation to a warrant of commitment issued under section 55 of this Act in respect of that person,

section 56 (1) of this Act shall be read as if the expression 'or section 63E' were omitted."

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This Act is administered in the Department of Labour.

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