



# Immigration Amendment Regulations (No 4) 2003

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 1st day of December 2003

Present:

The Right Hon Helen Clark presiding in Council

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

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### Regulations

#### 1 Title

- (1) These regulations are the Immigration Amendment Regulations (No 4) 2003.

- (2) In these regulations, the Immigration Regulations 1999<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1999/284

## 2 Commencement

These regulations come into force on 8 December 2003.

## 3 New heading and regulation inserted

The principal regulations are amended by inserting, after regulation 8, the following heading and regulation:

*“Expression of interest in residence*

### “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.”

## 4 Visa and permit fees not payable in certain circumstances

Regulation 43 of the principal regulations is amended by adding the following subclause:

- “(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.”

## 5 New regulations substituted

The principal regulations are amended by revoking regulations 45 and 45A, and substituting the following regulations:

**“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) is, as a consequence of a decision made under the work to residence (skilled migrant category) policy,—
    - “(i) issued with a temporary visa; or
    - “(ii) granted a temporary permit applied for in New Zealand (other than on arrival in New Zealand at a Customs place).
- “(2) The amount of the migrant levy is—
- “(a) in the case of residence visas or residence permits, the appropriate amount for the relevant category set out in the second column of the table in Part 2 of Schedule 3:
  - “(b) in the case 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, the amount specified in relation to the skilled migrant category in the second column of that table.
- “(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 appropriate amount, for the category under which the visa is issued or the permit is granted, set out in the third column of the table in Part 2 of Schedule 3.
- “(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.

**“45A Exemption from migrant levy**

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

**6 Persons exempt from requirement to obtain temporary visa**

Part 1 of Schedule 1 of the principal regulations is amended by omitting from clause B.1(b)(ii) the items “Kiribati”, “Nauru”, and “Tuvalu”.

**7 Fees**

- (1) Part 1 of Schedule 3 of the principal regulations is amended by omitting item 1(a), and substituting the following item:
- |     |                          |     |     |       |
|-----|--------------------------|-----|-----|-------|
| (a) | skilled migrant category | 660 | 660 | 1,360 |
|-----|--------------------------|-----|-----|-------|
- (2) Part 1 of Schedule 3 of the principal regulations is amended by inserting, after item 1, the following item:
- |      |  |     |     |     |
|------|--|-----|-----|-----|
| 1A   | Expression of interest in invitation to apply for residence— |     |     |     |
| (a)  | notified on or before 31 January 2004                        | 315 | 315 | 315 |
| (b)  | notified after 31 January 2004—                              |     |     |     |
| (i)  | written paper notification                                   | 465 | 465 | 465 |
| (ii) | online notification  | 315 | 315 | 315 |
- (3) Part 2 of Schedule 3 of the principal regulations is amended—

- (a) by inserting in the heading of the first column, after the words “**residence policy**”, the words “**or other policy**”:
- (b) by inserting in the heading of the third column, after the word “**single**”, the words “**or associated**”:
- (c) by omitting from the first column the words “General skills category”, and substituting the words “General skills category or skilled migrant category”.

Diane Morcom,  
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 8 December 2003, amend the Immigration Regulations 1999 to—

- prescribe the manner in which expressions of interest in obtaining an invitation to apply for residence are to be made:
  - prescribe the fees for those expressions of interest:
  - exempt from the requirement to pay application fees for temporary visas or temporary permits persons applying for visas or permits under the new work to residence (skilled migrant category) policy (including family members of those persons):
  - remove Kiribati, Nauru, and Tuvalu from the list of countries whose citizens are exempt from the requirement to obtain a temporary visa for visits to New Zealand not exceeding 3 months:
  - require persons granted permits or visas under the new work to residence (skilled migrant category) policy to pay the migrant levy (and consequentially exempt them from having to pay the levy again if they are subsequently granted residence).
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**Immigration Amendment Regulations  
(No 4) 2003**

2003/348

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These regulations are administered in the Department of Labour.

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