

**Reprint  
as at 29 November 2010**



## **Immigration Amendment Regulations (No 2) 2008**

(SR 2008/173)

Immigration Amendment Regulations (No 2) 2008: revoked, at 2 am on 29 November 2010, pursuant to section 405(b) of the Immigration Act 2009 (2009 No 51).

Anand Satyanand, Governor-General

### **Order in Council**

At Wellington this 23rd day of June 2008

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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#### **Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Department of Labour.**

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## Regulations

- 1 Title**  
These regulations are the Immigration Amendment Regulations (No 2) 2008.
- 2 Commencement**
  - (1) Regulation 9, in so far as it relates to items 6 and 10 of Schedule 3 of the principal regulations, comes into force on 1 October 2008.
  - (2) The rest of these regulations come into force on 28 July 2008.
- 3 Principal regulations amended**  
These regulations amend the Immigration Regulations 1999.
- 4 Maximum period of currency of temporary permits**  
Regulation 23(b) is amended by omitting “3” and substituting “5”.
- 5 Visa and permit fees not payable in certain circumstances**
  - (1) Regulation 43(2) is amended by inserting—
    - (a) “or permits” after “visas”; and
    - (b) “or permit” after “visa” in each place it appears.

- (2) Regulation 43 is amended by revoking subclauses (3) and (3A) and substituting the following subclause:
- “(3) The fee imposed by item 9 of Part 1 of Schedule 3 for an application for a transit visa is not payable by a citizen of Fiji.”

**6 Certain persons entitled to fee reduction**

- (1) Regulation 43A(1) is amended by—
  - (a) omitting “item 1(e)” and substituting “item 1(g)”; and
  - (b) omitting “item 6(d)(i), 6(e)(i), or 6(g)” and substituting “item 7(d)(i), 7(e)(i), or 7(h)”.
- (2) Regulation 43A(2) is amended by—
  - (a) omitting “item 6(g)” and substituting “item 7(h)”; and
  - (b) omitting “item 6(d)(i) or 6(e)(i)” and substituting “item 7(d)(i) or 7(e)(i)”; and
  - (c) omitting “item 6(d)(i), 6(e)(i), or 6(g)” and substituting “item 7(d)(i), 7(e)(i), or 7(h)”.

**7 Migrant levy**

- (1) Regulation 45 is amended by revoking subclause (2) and substituting the following subclause:
- “(2) The amount of the migrant levy is the appropriate amount for the relevant category set out in—
  - “(a) the second column of the table in Part 2 of Schedule 3, for persons 5 years of age or older:
  - “(b) the third column of that table, for persons under 5 years of age.”
- (2) Regulation 45(3) is amended by omitting “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” and substituting “the sum of the amounts payable by the 4 oldest persons included in the application”.

**8 Exemption from migrant levy**

Regulation 45A(1) is amended by omitting “or family quota category”.

**9 Schedule 3 substituted**

Schedule 3 is revoked and Schedule 3 set out in the Schedule of these regulations is substituted.

**Schedule**  
**Schedule 3 substituted**  
**Schedule 3**  
**Fees and levies**

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**Part 1**

rr 42, 43A

**Fees**

		Fee (\$)*		
		Location of designated receiving office		
		A	B	C
Application or other matter		New Zealand	Pacific or Sydney	Any other location
1	Application for residence permit or visa—			
	(a) skilled migrant category	1,400	1,200	1,800
	(b) general (active) investor category	3,400	3,400	3,400
	(c) professional investor category	3,400	3,400	3,400
	(d) global investor category	3,400	3,400	3,400
	(e) entrepreneur category	2,600	2,600	2,600
	(f) family category	700	700	1,200
	(g) Samoan quota category	600	600	—
	(h) Pacific access category	650	650	—
	(i) refugee family support category	490	490	690
	(j) residence from work cat- egory	700	—	—
	(k) any other category	700	700	1,200
2	Expression of interest, under the skilled migrant category, in invi- tation to apply for residence—			
	(a) written paper notifica- tion	500	500	500
	(b) online notification	400	400	400
3	Expression of interest, under the general (active) investor cat- egory, in invitation to apply for residence	460	460	460

Schedule 3—*continued*

		Fee (\$)*		
		Location of designated receiving office		
		A	B	C
Application or other matter	New Zealand	Pacific or Sydney	Any other location	
4 Request, under the business investor category, for consideration of a business plan (whether a first or subsequent business plan) or of an amended business plan	750	750	750	
5 Application for returning resident's visa	140	140	140	
6 Application for granting of second or subsequent residence permit by person without current returning resident's visa	80	—	—	
7 Application for temporary permit or visa—				
(a) visitor permit or visa	130	100	130	
(b) student permit				
(i) written paper application	200	—	—	
(ii) online application	70	—	—	
(c) student visa	200	150	200	
(d) work permit—				
(i) under talent (accredited employers), talent (arts, culture, and sports), and priority occupations list work policies	240	—	—	
(ii) work partnership	280	—	—	
(iii) other	200	—	—	

**Schedule 3—continued**

		<b>Fee (\$)*</b>		
		<b>Location of designated receiving office</b>		
		<b>A</b>	<b>B</b>	<b>C</b>
<b>Application or other matter</b>		<b>New Zealand</b>	<b>Pacific or Sydney</b>	<b>Any other location</b>
(e)	work visa—			
	(i) under talent (accredited employers), talent (arts, culture, and sports), and priority occupations list work policies	240	240	240
	(ii) work partnership	280	280	280
	(iii) other	200	180	200
(f)	working holiday scheme	120	—	120
(g)	working holidaymaker extension permit	120	—	—
(h)	long-term business visa or permit	2,600	2,200	2,600
(i)	group visitor visa, per person—			
	(i) Beijing, Shanghai, Taipei only	—	—	60
	(ii) client of approved destination status travel agents (China only)	—	—	40
	(iii) Bangkok (citizens of Thailand) only	—	—	60
	(iv) other	60	60	60
8	Application for limited purpose permit or visa—			
	(a) visa for study purposes	200	150	200
	(b) further permit for study purposes	200	—	—

Schedule 3—*continued*

		Fee (\$)*		
		Location of designated receiving office		
		A	B	C
Application or other matter	New Zealand	Pacific or Sydney	Any other location	
(c) visa for the purpose of working for a recognised seasonal employer	200	180	200	
(d) further permit for the purpose of working for a recognised seasonal employer	200	-	-	
(e) other	130	100	130	
9 Application for transit visa	120	120	120	
10 Application for group transit visa, per person (citizens of China only)	60	-	60	
11 Special direction fee	140	140	140	
12 For residence permit granted under section 35A of Act	700	-	-	
13 For temporary permit granted under section 35A of Act	260	-	-	
14 Application for reconsideration under section 31 of Act of decision to decline another temporary permit	140	-	-	
15 Application for variation of conditions of permit	120	-	-	
16 Request by employer for approval in principle for granting of permit for purpose of recruitment of staff	180	-	-	
17 Confirmation of residence status under regulation 11	80	-	-	
18 Appeal to Residence Appeal Authority—				
(a) in relation to application for residence visa or permit declined under humanitarian category	700	-	-	
(b) other	700	-	-	



**Schedule 3—continued**

		<b>Fee (\$)*</b>		
		<b>Location of designated receiving office</b>		
		<b>A</b>	<b>B</b>	<b>C</b>
<b>Application or other matter</b>	<b>New Zealand</b>	<b>Pacific or Sydney</b>	<b>Any other location</b>	
19	Appeal to Removal Review Authority	700	—	—
20	Additional call-out fee, where office is opened outside ordinary opening hours in order to process application or other matter as requested	210	210	210
21	Transfer fee, where permit or visa stamp or label transferred from one passport or certificate of identity to another	80	80	80
22	Registration under Pacific access category—			
	(a) first year's registration	50	50	—
	(b) second and subsequent years' registration	20	20	—
23	Registration under refugee family support category—			
	(a) tier 1 queue registration or tier 2 ballot first year's registration	70	—	—
	(b) tier 2 ballot second and subsequent years' registration	50	—	—
24	Employer accreditation under talent (accredited employer) work policy—			
	(a) first year's accreditation	1,400	—	—
	(b) second and subsequent years' re-accreditation	400	—	—
25	Reconsideration of application from employer for accreditation	140	—	—
26	Application for recognised seasonal employer status	700	—	—

Schedule 3—*continued*

		Fee (\$)*		
		Location of designated receiving office		
		A	B	C
<b>Application or other matter</b>	<b>New Zealand</b>	<b>Pacific or Sydney</b>	<b>Any other location</b>	
27 Application for agreement to re- cruit under recognised seasonal employer policy	180	—	—	

\*Reduced by \$90 if regulation 43A applies

Part 2  
Migrant levy

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<b>Category within Government residence policy or other policy under which visa or permit issued or granted</b>	<b>Migrant levy per person (\$)</b>	<b>Migrant levy per person if under 5 years of age (\$)</b>
General (active) investor category	300	150
Professional investor category	300	150
Global investor category	300	150
Entrepreneur category	300	150
Employees of relocating business category	300	150
Skilled migrant category or general skills category	300	150
Residence from work category	300	150
Family category (excluding Samoan citizens and refugee-associated persons specified in regulation 45A)	300	150
Pacific access category	150	150
Special residence policy for Zimbabwean citizens	300	150

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 amend the Immigration Regulations 1999. The amendments made by the regulations come into force on 28 July 2008, but the amendments made by *regulation 9* that relate to items 6 and 10 of Part 1 of Schedule 3 come into force on 1 October 2008. The amendments—

- extend the maximum period of temporary work permits to 5 years:
- provide that permit fees are waived for the citizens of any country with which New Zealand has a reciprocal permit waiver agreement that applies to those permits:
- exempt the citizens of Fiji from the requirement to pay fees for an application for a transit visa and make amendments consequential on the revocation of the Immigration (Transit Visas) Regulations 2005:
- decrease fees relating to applications for some group visitor visas and transfer of a visa or permit stamp or label from one passport or certificate of identity to another:
- increase the fee for the granting of section 35A permits:
- introduce new fees relating to applications for group transit visas (citizens of China) and residence permits for former residents who return to New Zealand without returning residents' visas:
- remove references to the family quota category:
- reduce the migrant levy for children under 5 years to \$150:
- provide that the maximum total migrant levy payable in respect of persons included in a single or associated application is the sum of the amounts payable by the 4 oldest persons included in the application:
- revoke and substitute Schedule 3 to give effect to the amended fees and the changes to the migrant levy for children under 5 years:
- make minor consequential changes.

**Immigration Amendment Regulations  
(No 2) 2008**

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Reprinted as at  
29 November 2010

Issued under the authority of the Acts and Regulations Publication Act 1989.  
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## **Contents**

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## **Notes**

### **1 General**

This is a reprint of the Immigration Amendment Regulations (No 2) 2008. The reprint incorporates all the amendments to the regulations as at 29 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4     *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5**     ***List of amendments incorporated in this reprint  
(most recent first)***

Immigration Act 2009 (2009 No 51): section 405(b)

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