



# Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations 2020

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 27th day of July 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 393 and 400 to 401A of the Immigration Act 2009—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Immigration required by section 403A(1) of that Act and made in accordance with section 401A(4) of that Act.

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## **Regulations**

### **1 Title**

These regulations are the Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations 2020.

### **2 Commencement**

These regulations come into force on 10 August 2020.

### **3 Principal regulations**

These regulations amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the **principal regulations**).

### **4 Regulation 4 amended (Interpretation)**

(1) In regulation 4(1), insert in its appropriate alphabetical order:

**COVID-19 immigration instructions** means immigration instructions relating to restrictions, to minimise risks to New Zealand posed by COVID-19, on travel or entry to New Zealand

(2) In regulation 4(1), definition of **dependent child**, after “**child**”, insert “, in relation to an applicant,”.

### **5 New regulation 9A inserted (Suspension of ability to apply for certain visas)**

Before regulation 10, insert:

#### **9A Suspension of ability to apply for certain visas**

(1) The ability to apply for a temporary entry class visa is suspended for all persons who are outside New Zealand, except for any person who—

(a) is applying for the visa on the basis that the person is a spouse, partner, or dependent child of—

(i) a New Zealand citizen; or

- (ii) a person who holds a residence class visa and who, as the holder of that visa, must or may be granted entry permission under immigration instructions; or
  - (b) is a member of, or associated with, a scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty (within the meaning of the Antarctica Act 1960) or is a person to whom section 5 of the Antarctica Act 1960 applies; or
  - (c) is applying for a person who is, for the time being, accorded privileges and immunities under—
    - (i) the Vienna Convention on Diplomatic Relations in accordance with the Diplomatic Privileges and Immunities Act 1968; or
    - (ii) the Vienna Convention on Consular Relations in accordance with the Consular Privileges and Immunities Act 1971; or
  - (d) is applying for a person who is a member of the officially recognised accompanying family of a person described in paragraph (c); or
  - (e) is applying for a Recognised Seasonal Employer limited visa under immigration instructions; or
  - (f) may, by virtue of COVID-19 immigration instructions, apply for the visa if invited to do so and holds a current invitation to apply for the visa.
- (2) In this regulation, **dependent child**, in relation to a person, means a child who is totally or substantially reliant on the person or the person's spouse or partner for financial support, regardless of whether the child lives with the person or the person's spouse or partner (or both).
- (3) The period of the suspension under this regulation starts on 10 August 2020 and ends at the close of 9 November 2020.
- (4) This regulation is revoked at the close of 9 November 2020.

**6 New regulation 14A inserted (Notification of expression of interest in applying for temporary entry class visa)**

After regulation 14, insert:

**14A Notification of expression of interest in applying for temporary entry class visa**

A person must notify the person's interest in obtaining an invitation to apply for a temporary entry class visa by—

- (a) completing the approved form in English; and
- (b) giving the form and the prescribed fee to an immigration officer (either in hard copy form or in an electronic form acceptable to the officer).

**7 Regulation 20 amended (Applications involving family members)**

- (1) Replace regulation 20(4) with:

- (4) A notification of an interest in obtaining an invitation to apply for a visa may relate to—
- (a) the person expressing an interest in obtaining the invitation (the **applicant**); and
  - (b) the applicant’s spouse or partner; and
  - (c) any of the applicant’s dependent children who are less than—
    - (i) 25 years old (if the visa is a residence class visa); or
    - (ii) 20 years old (if the visa is a temporary entry class visa).

(2) In regulation 20(5), delete “or notification”.

(3) After regulation 20(5), insert:

(5A) A reference in subclause (5) to an application includes a reference to a notification.

**8 Regulation 26AA amended (Prescribed fees (not imposed elsewhere by these regulations))**

After regulation 26AA(k), insert:

- (l) a request by an employer or organisation, under COVID-19 immigration instructions, for approval in principle for a person (and any spouse, partner, or dependent child of the person) to travel to New Zealand;
- (m) a request by a person, under COVID-19 immigration instructions, for agreement to the person applying for variation of conditions imposed on their residence class visa or temporary entry class visa.

**9 New regulation 26AABA inserted (Exemptions from prescribed fees: COVID-19 immigration instructions)**

After regulation 26AAB, insert:

**26AABA Exemptions from prescribed fees: COVID-19 immigration instructions**

- (1) A prescribed fee is not payable by a person for notifying an interest in obtaining an invitation to apply for a specified visa if the notification is associated with a request, under COVID-19 immigration instructions, by an employer or organisation for approval in principle for the person (and any spouse, partner, or dependent child of the person) to travel to New Zealand.
- (2) If a person is a member of, or associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty within the meaning of the Antarctica Act 1960 or is a person to whom section 5 of that Act applies, a prescribed fee is not payable by the person for either of the following:

- (a) notifying an interest in obtaining an invitation to apply for a specified visa if the person may, by virtue of COVID-19 immigration instructions, apply for the visa if invited to do so:
- (b) requesting, under COVID-19 immigration instructions, agreement to the person applying for variation of conditions imposed on their specified visa.
- (3) This regulation has effect despite anything to the contrary in these regulations.
- (4) In this regulation, **specified visa** means a residence class visa or a temporary entry class visa.

**10 Schedule 4 amended**

- (1) In Schedule 4, item relating to residence class visa—related matters, after the item relating to Pacific Access Category (subsequent year of notification), insert:

	Notification of expression of interest in applying for residence class visa where invitation to apply required by COVID-19 immigration instructions	45	45	45
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- (2) In Schedule 4, after the item relating to limited visa, insert:

<i>Temporary entry class visa—expressions of interest</i>				
14A(b)	Notification of expression of interest in applying for temporary entry class visa where invitation to apply required by COVID-19 immigration instructions	45	45	45

- (3) In Schedule 4, item relating to other matters—applications or requests by employers and organisations, after the item relating to regulation 26AA(ia), insert:

26AA(l)	Request, under COVID-19 immigration instructions, for approval in principle for a person (and any spouse, partner, or dependent child of the person) to travel to New Zealand	380	380	380
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- (4) In Schedule 4, item relating to other matters—general, after the item relating to regulation 26AA(g), insert:

26AA(m)	Request, under COVID-19 immigration instructions, for agreement to person applying for variation of conditions imposed on residence class visa or temporary entry class visa	45	45	45
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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 10 August 2020, amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the **principal regulations**). The amendments—

- suspend, for a period of 3 months ending at the close of 9 November 2020, the ability of all persons who are outside New Zealand to apply for a temporary entry class visa, with limited exceptions (*see new regulation 9A* of the principal regulations, inserted by *regulation 5*) that cover, for example,—
  - family members of New Zealand citizens and permanent residents; and
  - persons applying for Recognised Seasonal Employer limited visas; and
  - persons who are recognised, by COVID-19 immigration instructions (*see the definition inserted by regulation 4(1)*), as having a critical purpose for travelling to and entering New Zealand and are invited to apply; and
- prescribe fees for the following notifications and requests, which are generally provided for in COVID-19 immigration instructions:
  - notification of an interest by a person in obtaining an invitation to apply for a residence class visa or a temporary entry class visa (*see new regulation 14A* of the principal regulations (inserted by *regulation 6*) and *regulation 10(1) and (2)*):
  - a request by an employer or organisation for approval in principle for a person, or any spouse, partner, or dependent child of the person, to travel to New Zealand (*see regulations 8 and 10(3)*):
  - a request by a person for agreement to the person applying for variation of conditions imposed on their residence class visa or temporary entry class visa (*see regulations 8 and 10(4)*).

In addition, the amendments—

- prescribe the manner in which a person must notify the person's interest in obtaining an invitation to apply for a temporary entry class visa (*see new regulation 14A* of the principal regulations, inserted by *regulation 6*); and
- enable the notification to relate to the person, the person's spouse or partner, and any dependent children of the person who are less than 20 years old (*see regulation 7*); and
- exempt certain persons from being required to pay the prescribed fees provided for by the amendments (*see new regulation 26AABA* of the principal regulations, inserted by *regulation 9*).

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These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Wellington, New Zealand:

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