



Immigration (Visa, Entry Permission, and Related Matters) Amendment (COVID-19—Applications and Fees) Regulations (No 2) 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 5th day of October 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 (No 2) 2020.

2 Commencement

These regulations come into force on 9 November 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)

In regulation 4, definition of **scheduled international service**, replace “section 96(4)” with “section 4”.

5 Regulation 4C amended (Certain applicants exempt from paying immigration levy)

After regulation 4C(g), insert:

- (h) a member of, or a person 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 a person to whom section 5 of that Act applies.

6 Regulation 9A amended (Suspension of ability to apply for certain visas)

(1) After regulation 9A(1)(a), insert:

- (aa) is—
 - (i) in, and intends to travel from, a COVID-19 safe travel zone; and
 - (ii) exempt from the requirement (if any) under an order made under section 11 of the COVID-19 Public Health Response Act 2020 to be isolated or quarantined on (or as soon as practicable after) arrival in New Zealand; or

(2) After regulation 9A(1), insert:

- (1A) In this regulation, a country or territory is a **COVID-19 safe travel zone** if all persons, or any class of persons, travelling from that country or territory are exempt from the requirement (if any) under an order made under section 11 of the COVID-19 Public Health Response Act 2020 for persons to be isolated or quarantined on (or as soon as practicable after) arrival in New Zealand.

- (3) In regulation 9A(3) and (4), replace “9 November 2020” with “8 February 2021”.

7 Regulation 26AABA amended (Exemptions from prescribed fees: COVID-19 immigration instructions)

Replace regulation 26AABA(2) with:

- (2) No prescribed fee is payable by, or in respect of, a person who is a member of, or a person 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 a person to whom section 5 of that Act applies.

8 Schedule 3 amended

In Schedule 3, revoke item 5.

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 9 November 2020, amend the Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (the **principal regulations**). The amendments—

- extend, for a period of 3 months ending at the close of 8 February 2021, the suspension (with limited exceptions) of the ability of all persons who are outside New Zealand to apply for a temporary entry class visa (*see regulation 6(3)*); and
- amend the principal regulations to provide that the suspension of the ability of a person to apply for a temporary entry class visa does not extend to a person who—
 - applies, and intends to travel to New Zealand, from a country with which New Zealand has entered a quarantine-free safe travel arrangement; and
 - is exempt from the requirement (if any) under an order made under section 11 of the COVID-19 Public Health Response Act 2020 to be isolated and quarantined at the border on (or as soon as practicable after) arrival in New Zealand (*see regulation 6(1) and (2)*).

In addition, the amendments—

- clarify that no prescribed fees are payable under these regulations in respect of a person who is a member of, or associated with, any scientific programme or expedition under the auspices of a Contracting Party to the Antarctic Treaty

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(within the meaning of the Antarctica Act 1960) or a person to whom section 5 of that Act applies (*see regulation 7*); and

- require the passengers or crew on any ship carrying passengers, cargo, or both between any foreign port and New Zealand to apply for and be granted a visa before arrival unless they are New Zealand citizens or are specifically deemed to hold a visa and entry permission under any of items 1 to 4, 6, or 9 to 13 of Schedule 3 of the principal regulations (or are allowed to travel under a visa waiver in accordance with a provision of the principal regulations other than Schedule 3) (*see regulation 8*); and
- correct a cross-reference in the definition of scheduled international service in regulation 4 of the principal regulations (*see regulation 4*).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 8 October 2020.

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