

Version
as at 29 November 2010



Immigration Amendment Regulations (No 2) 2010 (SR 2010/158)

Immigration Amendment Regulations (No 2) 2010: 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 8th day of June 2010

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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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

Schedule
New Parts 5 and 6 of Schedule 1 substituted

3

Regulations

1 Title

These regulations are the Immigration Amendment Regulations (No 2) 2010.

2 Commencement

These regulations come into force on 26 July 2010.

3 Principal regulations amended

These regulations amend the Immigration Regulations 1999.

4 Student permit, etc, not required for certain courses of study or training

Regulation 26 is amended by revoking subclause (2) and substituting the following subclause:

- (2) A person to whom this regulation applies may undertake a course of study or training specified in—
- (a) Part 3 or 4 of Schedule 1, if the person is the holder of a work permit granted under a working holiday scheme; or
 - (b) Part 5 of Schedule 1, if the person is the holder of a temporary permit granted for a period of 24 months or more; or
 - (c) Part 6 of Schedule 1, if the person is the holder of a temporary permit other than a temporary permit referred to in paragraph (a) or (b).

5 Schedule 1 amended

- (1) Part 3 of Schedule 1 is amended by omitting “r 26(3)(a)” and substituting “r 26(2)(a)”.
- (2) Part 4 of Schedule 1 is amended by omitting “r 26(3)(a)” and substituting “r 26(2)(a)”.
- (3) Schedule 1 is amended by revoking Part 5 and substituting the Parts 5 and 6 set out in the Schedule of these regulations.

Schedule
New Parts 5 and 6 of Schedule 1 substituted

r 5(3)

Part 5
**Courses of study or training for holders of temporary permit
granted for 24 months or more**

r 26(2)(b)

- 1 Any training (other than an apprenticeship or a cadetship) provided by an employer as part of the normal conditions of employment offered to the holder of a work permit.
- 2 One or more courses of study or training, the total duration of those courses not being more than 3 calendar months for each 12-month period of the temporary permit.

Part 6
Courses of study or training for holders of other temporary permits

r 26(2)(c)

- 1 Any training (other than an apprenticeship or a cadetship) provided by an employer as part of the normal conditions of employment offered to the holder of a work permit.
- 2 One or more courses of study or training, the total duration of those courses not being more than 3 calendar months.
- 3 One single period of study by the holder of a visitor's permit in any of years 1 to 13 in a primary, intermediate, secondary, or composite school, the total duration of the study not being more than 3 calendar months in each calendar year. The period of study—
 - (a) is to be started and completed within a calendar year; and
 - (b) must not be in term 1 if the person held a visitor's permit and undertook a period of study in term 4 of the immediately preceding year.

Rebecca Kitteridge,
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 26 July 2010, amend the Immigration Regulations 1999 (the **principal regulations**).

The amendments will allow the holder of a temporary permit granted for 24 months or more to undertake courses of study or training without having to comply with the requirement to be a holder of a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit. The amendments will allow the holder of such a temporary permit to undertake 1 or more courses of study or training of not more than 3 calendar months' duration for each 12-month period of the temporary permit.

Currently, the holder of a temporary permit (except a work permit granted under a working holiday scheme) is restricted to any training provided by an employer or to 1 single course of study or training of not more than 3 calendar months' duration.

The amendments do not alter the existing provisions of the principal regulations that currently allow the holder of a work permit granted under a working holiday scheme to undertake 1 or more courses of study or training of not more than a total of 3 calendar months' duration or, in the case of a participant in a working holiday scheme for certain specified countries, a total of 6 calendar months' duration.

The amendments will also allow the holder of any other temporary permit to undertake 1 or more courses of study or training of not more than a total of 3 calendar months' duration without having to comply with the requirement to be a holder of a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit.

In addition, the amendments will allow the holder of a visitor's permit to undertake a single period of study in any of years 1 to 13 in a primary, intermediate, secondary, or composite school of not more than a total of 3 calendar months' duration. The period of study must be started and completed within a calendar year and must not be undertaken in term 1 if the person held a visitor's permit and undertook a period of study in term 4 of the immediately preceding year.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 10 June 2010.

Notes

1 *General*

This is a consolidation of the Immigration Amendment Regulations (No 2) 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

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