

**Reprint
as at 29 November 2012**



Immigration (Transitional Provisions) Regulations 2010

(SR 2010/381)

Immigration (Transitional Provisions) Regulations 2010: expired and deemed to be revoked, at 2 am on 29 November 2012, by regulation 3.

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of October 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 472 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2

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.

3	Expiry	2
4	Interpretation	2
5	Removal orders, deportation orders, and revocation of visas and permits under Immigration Act 1987	3
6	Removal orders under Immigration Act 1987	3
7	Records of Department and visas granted and permits issued under 1987 Act	3
	Schedule	3
	Recording of visas granted and permits issued under 1987 Act	

Regulations

- 1 Title**
 These regulations are the Immigration (Transitional Provisions) Regulations 2010.
- 2 Commencement**
 These regulations come into force at 2 am on 29 November 2010.
- 3 Expiry**
 These regulations, unless revoked earlier, continue in force until 2 am on 29 November 2012, and then expire and are deemed to be revoked.
- 4 Interpretation**
- (1) In these regulations,—
1987 Act means the Immigration Act 1987
2009 Act means the Immigration Act 2009.
- (2) Unless the context requires another meaning, a term used in these regulations and defined in the 1987 Act or the 2009 Act has the same meaning as in those Acts.

5 Removal orders, deportation orders, and revocation of visas and permits under Immigration Act 1987

For the purposes of section 432 of the 2009 Act, the Immigration Regulations 1999 continue to apply, despite their revocation by section 405 of the 2009 Act.

6 Removal orders under Immigration Act 1987

For the purposes of section 463 of the 2009 Act, regulations 38 and 39 and forms 4 and 5 of Schedule 2 of the Immigration Regulations 1999 continue to apply, despite their revocation by section 405 of the 2009 Act.

7 Records of Department and visas granted and permits issued under 1987 Act

- (1) Visas granted and permits issued under the 1987 Act in accordance with Part 12 of the 2009 Act and described in the first column of the Schedule may be entered and retained in the Department's records in the manner described in the second column of that schedule.
- (2) To avoid doubt, the 1987 Act continues to apply to a visa or permit to which subclause (1) applies in every other respect.
- (3) In this regulation, **Department's records** means the records (whether electronic or physical) of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of the 2009 Act.

Schedule

r 7(1)

Recording of visas granted and permits issued under 1987 Act

**Visa issued or permit granted
under 1987 Act in accordance with
Part 12 of 2009 Act**

Entry in records under 2009 Act

Holder outside New Zealand

**Visa issued or permit granted
under 1987 Act in accordance with
Part 12 of 2009 Act**Returning resident's visa of limited
durationReturning resident's visa of limited
duration that specifies requirements
are to be imposed under section 18A
of the 1987 Act on grant of permitReturning resident's visa of indefinite
duration*Holder inside New Zealand*

Residence permit

Residence permit subject to require-
ments imposed under section 18A of
the 1987 Act**Entry in records under 2009 Act**

Resident visa—

- (a) allowing travel to New Zealand for an unlimited number of journeys within the period or until the date specified in the returning resident's visa issued under the 1987 Act; and
- (b) allowing the holder to enter New Zealand; and
- (c) allowing the holder to stay in New Zealand

Resident visa—

- (a) allowing travel to New Zealand for an unlimited number of journeys within the period or until the date specified in the returning resident's visa issued under the 1987 Act; and
- (b) allowing the holder to enter New Zealand; and
- (c) allowing stay in New Zealand subject to conditions equivalent to the requirements specified in the returning resident's visa issued under the 1987 Act

Permanent resident visa

Resident visa allowing stay in New
ZealandResident visa allowing stay in New
Zealand subject to conditions equivalent
to the requirements imposed under sec-
tion 18A of the 1987 Act

**Visa issued or permit granted
under 1987 Act in accordance with
Part 12 of 2009 Act**

Residence permit and returning resi-
dent's visa of limited duration

Residence permit subject to require-
ments imposed under section 18A of
the 1987 Act and returning resident's
visa of limited duration

Residence permit and returning resi-
dent's visa of indefinite duration

Entry in records under 2009 Act

Resident visa—

- (a) allowing stay in New Zealand;
and
- (b) allowing travel to New Zealand
for an unlimited number of jour-
neys within the period or until
the date specified in the return-
ing resident's visa issued under
the 1987 Act; and
- (c) allowing entry to New Zealand
within the period or until the date
specified in the returning resi-
dent's visa issued under the 1987
Act

Resident visa—

- (a) allowing stay in New Zealand;
and
- (b) subject to conditions equiva-
lent to the requirements imposed
under section 18A of the 1987
Act; and
- (c) allowing travel to New Zealand
for an unlimited number of jour-
neys within the period or until
the date specified in the return-
ing resident's visa issued under
the 1987 Act; and
- (d) allowing entry to New Zealand
within the period or until the date
specified in the returning resi-
dent's visa issued under the 1987
Act

Permanent resident visa

**Visa issued or permit granted
under 1987 Act in accordance with
Part 12 of 2009 Act**

Visitor's permit only

Entry in records under 2009 Act

Temporary visa—

- (a) allowing stay in New Zealand for the period or until the date specified in the visitor's permit granted under the 1987 Act; and
- (b) subject to the condition that the holder does not work in New Zealand (including the territorial sea or the exclusive economic zone of New Zealand) or study, unless the conditions of the visitor's permit granted under the 1987 Act provided otherwise; and
- (c) subject to conditions equivalent to the conditions of the visitor's permit granted under the 1987 Act

Student permit only

Temporary visa—

- (a) allowing stay in New Zealand for the period or until the date specified in the student permit granted under the 1987 Act; and
- (b) allowing the holder to study; and
- (c) subject to conditions equivalent to the conditions of the student permit granted under the 1987 Act

Work permit only

Temporary visa—

- (a) allowing stay in New Zealand for the period or until the date specified in the work permit granted under the 1987 Act; and
- (b) allowing the holder to work in New Zealand (including the territorial sea or the exclusive economic zone of New Zealand); and
- (c) subject to conditions equivalent to the conditions of the work permit granted under the 1987 Act

Limited purpose permit only

Limited visa—

- (a) allowing stay in New Zealand only for the period or until the date specified in the limited pur-

**Visa issued or permit granted
under 1987 Act in accordance with
Part 12 of 2009 Act**

Entry in records under 2009 Act

- pose permit granted under the 1987 Act; and
- (b) only for the purpose for which the limited purpose permit granted under the 1987 Act was granted; and
 - (c) subject to conditions equivalent to the conditions of the limited purpose permit granted under the 1987 Act

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 are for the purpose of assisting in ensuring an orderly transition from the provisions of the Immigration Act 1987 (the **1987 Act**) to the provisions of the Immigration Act 2009 (the **2009 Act**) and provide for matters that were not foreseen at the time that the transitional and savings provisions of the 2009 Act were enacted. The regulations come into force at 2 am on 29 November 2010 (which is the same date and time as most of the 2009 Act comes into force) and expire at 2 am on 29 November 2012.

Regulation 5 relates to removal orders, deportation orders, and revocation of visas and permits under the 1987 Act. Despite the repeal of the 1987 Act by section 404 of the 2009 Act, section 432(1) of the 2009 Act continues to apply the 1987 Act to people who are subject to a removal order or a deportation order under that Act or whose visa or permit has been revoked by the Minister of Immigration under that Act.

However, section 405 of the 2009 Act revokes the Immigration Regulations 1999, which, in relation to various applications, forms, etc, apply to these people. Accordingly, for the purposes of section 432 of the 2009 Act, *regulation 5* continues the Immigration Regulations 1999, despite their revocation by section 405 of the 2009 Act.

Regulation 6 relates to removal orders under the 1987 Act. Section 463 of the 2009 Act authorises particular immigration officers to make a removal order under section 54 of the 1987 Act if the making of the order is necessary for the purposes of completing a matter to which Part 12 of the 2009 Act applies, and to cancel a removal order under section 58 of the 1987 Act if the cancelling of the order is necessary for the purposes of completing a matter to which Part 12 of the 2009 Act applies.

However, section 405 of the 2009 Act revokes the Immigration Regulations 1999, which prescribe the form in which a removal order and a notice of cancellation of a removal order must be made. Accordingly, *regulation 6* continues regulations 38 and 39 and forms 4 and 5 of Schedule 2 of the Immigration Regulations 1999, despite their revocation by section 405 of the 2009 Act.

Regulation 7 deals with the keeping of records of permits that are issued and visas that are granted under the 1987 Act, but issued or granted in accordance with the transitional arrangements in Part 12 of the 2009 Act. The Department of Labour's system for recording visas is not technically able to differentiate between permits issued and visas granted under the 1987 Act and visas granted under the 2009 Act. Accordingly, *regulation 7* authorises the Department to record the 1987 Act permits and visas in the manner set out in the *Schedule* while continuing to apply the 1987 Act to the permits and visas in every other respect.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Immigration (Transitional Provisions) Regulations 2010. The reprint incorporates all the amendments to the regulations as at 29 November 2012, 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 (Transitional Provisions) Regulations 2010 (SR 2010/381): regulation 3
