



## BRIEFING

### Special direction to waive the fees and levies for individuals invited to apply under the COVID-19 Support instructions

|                                 |               |                         |               |
|---------------------------------|---------------|-------------------------|---------------|
| <b>Date:</b>                    | 3 April 2020  | <b>Priority:</b>        | Medium        |
| <b>Security classification:</b> | In Confidence | <b>Tracking number:</b> | BR 2876 19-20 |

| Action sought                                     |                            |              |
|---------------------------------------------------|----------------------------|--------------|
|                                                   | Action sought              | Deadline     |
| Hon Iain Lees-Galloway<br>Minister of Immigration | Sign the special direction | 3 April 2020 |

| Contact for telephone discussion (if required) |                                                  |           |           |             |
|------------------------------------------------|--------------------------------------------------|-----------|-----------|-------------|
| Name                                           | Position                                         | Telephone |           | 1st contact |
| Alejandra Mercado                              | Manager, Operational Policy, Enablement          | s 9(2)(a) | s 9(2)(a) | ✓           |
| Nicola Wright                                  | Business Analyst, Operational Policy, Enablement |           |           |             |

| The following departments/agencies have been consulted |
|--------------------------------------------------------|
|                                                        |

Minister's office to complete:

☐ Approved

☐ Declined

☐ Noted

☐ Needs change

☐ Seen

☐ Overtaken by Events

☐ See Minister's Notes

☐ Withdrawn

Comments

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### Purpose

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This briefing seeks your agreement to waive the fee, immigration levy and international visitor, tourism and conservation levy (IVL) (as applicable) for those invited to apply for a visitor visa, Second or Subsequent Resident Visa (SSRV) or a variation of conditions (VOC), under the COVID-19 Support immigration instructions.

### Background and proposed special direction

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On 30 March 2020, you certified immigration instructions which gave effect to a new process to manage requests from people seeking an exception to the border restrictions. This process allows those who may have an exceptional reason to travel to New Zealand but who are currently restricted from entering New Zealand, to submit a request for consideration. After initially processing these requests, eligible individuals will be invited to apply for a visitor visa, SSRV or a VOC.

On 30 March, you agreed to waive by special direction the application fee, immigration levy, or the IVL (where required) for people invited to apply for a visitor visa or variation of conditions [BR 2827 19-20].

Where an Australian citizen or permanent resident who is ordinarily resident in New Zealand, submits a request for consideration before travelling (instead of requesting an exception with Border officers at the airport) and are invited to apply for a SSRV, officials also recommend waiving the fees and levies.

Australian citizens and permanent residents are encouraged to use the request process so immigration officers can assess if they are ordinarily resident in New Zealand. However, as they are normally exempt from making an application prior to travel, we recommend waiving the associated fee and levy.

Waiving the fees and levies is proposed due to the following:

- The exceptional circumstances of those invited to apply.
- The limitations of receiving payment details from applicants offshore via email due to security risk
- Those invited to vary the conditions of their current visa have already paid the prescribed fee and levies.

## Recommended action

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The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that on 30 March 2020, immigration instructions were certified which give effect to a new process to manage requests from people seeking an exception to the border restrictions under agreed criteria

*Noted*

- b **Agree** to the waiver of any applicable fee, immigration levy and/or IVL for those invited to apply under the COVID-19 Support instructions by signing the attached special direction

*Agree/Discuss*



Stephen Dunstan  
**General Manager**  
Enablement  
Ministry of Business, Innovation and Employment

Hon Iain Lees-Galloway  
**Minister of Immigration**

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# Immigration Act 2009

## SPECIAL DIRECTION

- A. Pursuant to section 378 of the Immigration Act 2009 and regulation 34 of the Immigration (Visa, Entry Permission, and Related Matters) Regulation 2010 ("the Regulations"), I waive by special direction the requirements application requirements in paragraph B, concerning any person who has been invited to apply for a:
- a. a Visitor Visa or Variation of Conditions for a critical purpose under the COVID-19 Restricted Temporary Entry instructions; or
  - b. a Second or Subsequent Resident Visa if they are Australian citizens or permanent residents who are ordinarily resident in New Zealand
- B. I waive, by special direction the following requirements under the Regulations:
- a. reg 5(2)(e)(i) - Pay the prescribed fee (residence class)
  - b. reg 5(2)(e)(ii) - Pay the immigration levy (residence class)
  - c. reg 10(2)(f)(i) - Pay the prescribed fee (temporary entry class)
  - d. reg 10(2)(f)(ii) - Pay the immigration levy (temporary entry class)
  - e. reg 10(2)(f)(iii) - Pay the international visitor conservation and tourism levy

Dated this 3<sup>rd</sup> day of April 2020

Hon IAIN LEES-GALLOWAY Minister of Immigration

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Hon Iain Lees-Galloway

**Minister of Immigration**