



## COVERSHEET

<b>Minister</b>	Hon Michael Wood	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	<i>Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022</i>	<b>Date to be published</b>	23 September 2022

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
August 2022	<i>Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022</i>	<i>Office of the Minister of Immigration</i>
11 August 2022	<i>LEG-22-MIN-0132</i>	<i>Cabinet Office</i>

### Information redacted

YES /  NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of constitutional conventions.

## IN-CONFIDENCE

Office of the Minister of Immigration  
Cabinet Legislation Committee

### Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022

#### Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022* (the Amendment Regulations).

#### Policy

- 2 The Amendment Regulations give effect to Cabinet policy decisions on the new Active Investor Plus visa category.
- 3 On 16 August 2021, Cabinet agreed to a new Active Investor Plus visa category to replace the existing Investor 1 and 2 visa categories [DEV-21-MIN-0162 confirmed by CAB-21-MIN-0318]. On 9 May 2022, Cabinet subsequently agreed to enhancements to the Active Investor Plus visa to more effectively target investors who will make more active and upfront investments in New Zealand [DEV-22-MIN-0098 confirmed by CAB-22-MIN-0162].
- 4 Cabinet also agreed that the fee and levy rates set for Investor 1 and 2 visa categories would apply to the new Active Investor Plus category and that the existing Investor 1 and 2 visa categories would close one week following announcement of the new visa [DEV-21-MIN-0162 as confirmed by CAB-21-MIN-0318].
- 5 The Active Investor Plus visa category was announced on 20 July and will open for applications on 19 September 2022. Changes to immigration instructions closed the Investor 1 and 2 categories to new applications on 27 July.
- 6 I am proposing that Schedules 4 and 6 of the *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2022* be amended to:
  - 6.1 prescribe the fee and immigration levy rates to be charged for visa applications made under the new Active Investor Plus category; and
  - 6.2 remove redundant references to the Investor 1 and 2 visa categories following their closure.

7 Recent amendments to the principal regulations, which came into force on 31 July 2022, prescribe new immigration fee and levy rates that bring fees and levies closer to an appropriate level of cost recovery.<sup>1</sup> The Amendment Regulations will apply the reviewed fee and levy rates for Investor visa categories to the Active Investor Plus visa, as follows:<sup>2</sup>

**Table One: Active Investor Plus visa fee and levy rates**

	<b>Band A New Zealand</b>	<b>Band B Pacific</b>	<b>Band C Rest of World</b>
Fee	4,750	4,630	4,630
Levy	3,150	3,150	3,150
<b>Total</b>	<b>7,900</b>	<b>7,780</b>	<b>7,780</b>

### **Timing and 28-day rule**

8 I recommend the Amendment Regulations come into force on 19 September 2022, when the Active Investor Plus visa category opens for applications.

### **Compliance**

9 The proposed regulations comply with each of the following:

- 9.1 the principles of the Treaty of Waitangi
- 9.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
- 9.3 the principles and guidelines set out in the Privacy Act 2020
- 9.4 relevant international standards and obligations
- 9.5 the Legislation Design and Advisory Committee’s Guidelines on Process and Content of Legislation.

### **Regulations Review Committee**

10 There are no anticipated grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House under Standing Order 327.

### **Certification by Parliamentary Counsel**

11 The Amendment Regulations were certified by the Parliamentary Counsel Office (PCO) as being in order, for submission to Cabinet.

<sup>1</sup> These amendments are made under the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 2) 2022*

<sup>2</sup> Officials have identified that the differential in rates between applications made in and outside of New Zealand was introduced in a fees review that came into effect at the end of November 2010. It is likely that the differential reflected the impact of the 1 October 2010 increase in GST rates. The difference has not, however, been regularised in subsequent reviews. Constitutional conventions

## Impact Analysis

- 12 The Treasury's Regulatory Impact Analysis team has determined that the regulatory changes required to support creation of the Active Investor Plus visa is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

## Publicity

- 13 The Amendment Regulations will be gazetted on 18 August 2022. Immigration New Zealand's website will be updated to reflect the fee for the Active Investor Plus visa category.

## Proactive release

- 14 I intend to proactively release this paper and its associated minute, with any appropriate redaction where information would have been withheld under the Official Information Act 1982.

## Consultation

- 15 This Cabinet paper was prepared by the Ministry of Business, Innovation and Employment. New Zealand Trade and Enterprise was consulted during the development of the policy.

## Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that, on 11 August 2021, Cabinet Economic Development Committee agreed:
  - 1.1 to create a new Active Investor Plus visa category for experienced, high-value investors;
  - 1.2 that the existing Investor 1 and 2 categories would be closed one week following announcement of the new visa; and
  - 1.3 that the fee and levy charges for existing Investor visa categories would apply to the new Active Investor Plus category in the interim, and that these charges would be reviewed as part of the immigration funding review currently underway [DEV-21-MIN-0162 as confirmed by CAB-21-MIN-0318];
- 2 note that, on 4 May 2022, Cabinet Economic Development Committee agreed to some enhancements to the Active Investor Plus visa category to encourage more active and upfront investments in New Zealand [DEV-22-MIN-0098 confirmed by CAB-22-MIN-0162];
- 3 note that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022* will give effect to the decisions referred to in recommendation 1 above;
- 4 authorise the submission to the Executive Council of the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022*;
- 5 note that the *Immigration (Visa, Entry Permission, and Related Matters) Amendment Regulations (No 3) 2022* will come into force on 19 September 2022.

**I N C O N F I D E N C E**

Authorised for lodgement

Hon Michael Wood  
Minister of Immigration