

COVID-19: Changes to the Immigration Act 2009

The Immigration Act 2009 is predicated on managing individual applications, and its limited emergency provisions do not cover the unprecedented issues created by COVID-19. Amendments designed to provide more flexibility in responding promptly to issues affecting large groups of people came into force today, 15 May 2020.

The amendments will enable the immigration system to be more flexible and responsive in addressing issues created by COVID-19. In a press release dated 4 May 2020, Minister of Immigration, Hon Iain Lees-Galloway stated:

"The Bill will enable the government to amend visa conditions for groups of people, extend visas for groups of people for varying periods of time (enabling processing to be staggered), stop people overseas from making visa applications while it is not possible to travel to New Zealand due to border restrictions, and provide the ability to refuse entry to people who are deemed to hold a visa."

The Bill created media and public interest due to the significant powers bestowed on the Minister of Immigration, given the limited associated safeguards. The amendments have created eight time-limited powers, as follows.

1. The power to impose, vary or cancel conditions for classes of temporary entry class visa holders.
2. The power to vary or cancel conditions for classes of resident visa class holders.

3. The power to extend the expiry dates of visas for classes of people.
4. The power to grant visas to individuals and classes of people in the absence of an application.
5. The power to waive any regulatory requirements for certain classes of application.
6. The power to waive the requirement to obtain a transit visa in an individual case.
7. The power to suspend the ability to make applications for visas or submit Expressions of Interest in applying for visas by classes of people.
8. The power to revoke the entry permission of a person who has been deemed by Regulations to hold a visa and to have been granted entry permission.

These powers will remain in place for one year from the date they are entered into force, at which point they will be automatically revoked.

In most instances, amendments that affect classes of visa holders or people will be published in the Gazette and on the Ministry of Business, Innovation and Employment's website with an explanation of the effect of the special direction. In an emergency situation it is important to check frequently for updates.

This legislation will mean you cannot apply for a visa while you are overseas and border restrictions are in place.

Want to know more?

If you would like further information or have any queries or concerns, please do not hesitate to contact Anderson Lloyd's specialist [employment](#) team.