

MOCK BILL

1 Title

This Act is the Immigration, Refugee and Tourism Act 2018

2 Commencement

This Act comes into force on 1 January 2019

Part 1 Preliminary provisions

3 Purpose

The purpose of this Act is to address the place of non-residents and non-citizens in New Zealand

4 Interpretation

(1) In this Act, unless the context otherwise requires,

Asylum seeker means a person who has arrived in New Zealand by illegitimate means, seeking recognition as a refugee or protected person

Freedom camp means to camp other than at a camping ground using a tent (or other temporary structure), caravan, car, campervan or other motor vehicle

International visitor means any non-New Zealand citizen coming to New Zealand

Quota refugee means a person recognised as a refugee by the United Nations High Commissioner for Refugees prior to arrival in New Zealand, welcomed under the national Refugee Quota Programme

Recognised Educational Institution means either a university, polytechnic, institute of technology or wananga, or a private training establishment registered with the New Zealand Qualifications Authority

Refugee means a person who has been forced to flee their own country to escape conflict, persecution or violence, and who has been granted refugee status under the 1951 Refugee Convention

Spontaneous refugee means an asylum seeker who has been granted refugee status, having made their claim upon arrival or entry into New Zealand

5 Act binds the Crown

This Act binds the Crown

Part 2

Immigration and the Workforce

6 Skills Shortage Lists

- (1) Any addition to a skills shortage list must be demonstrably justified. This includes confirmation that:
 - (a) The occupation requires qualifications/skills that are unattainable within 1 year of training; and
 - (b) The shortage affects a majority of employers in the given industry; and
 - (c) The shortage is not due to current employment terms failing to attract or retain employees; and
 - (d) The shortage is causing substantiated economic loss; and
 - (e) New Zealanders will continue to be trained for the occupation
- (2) A cap shall be introduced for each shortage list:
 - (a) 40 occupations for the Immediate Skills Shortage List; and
 - (b) 20 occupations for the Long Term Skill Shortage List; and
 - (c) 40 occupations for the Canterbury Skills Shortage List
- (3) The Immediate Skills Shortage List shall be more strictly regionalised, meaning that any work visa granted for an occupation will entitle its holder to live and work only in the specified region

7 Essential Skills Visa

- (1) The maximum duration of stay for an Essential Skills worker is 3 years
- (2) An Essential Skills Visa may be re-approved after a period of 12 months, during which the holder has lived outside New Zealand
- (3) The partners and children of Essential Skills workers must qualify for a visa in their own right if they wish to migrate to or remain in New Zealand

8 Post-Study Work Visas

- (1) In order to qualify for a three-year post-study work visa, an international graduate must:
 - (a) Have achieved a level 7 or above (New Zealand Qualification Framework) qualification; and
 - (b) Have studied at Recognised Educational Institution for at least two years

9 Migrant Worker Exploitation

- (1) The requirement that post-study work visas be sponsored by an employer shall be removed
- (2) Trade union membership shall be compulsory for all migrant workers

Part 3

Immigrants and Refugees in the Community

10 Overseas Investment

- (1) Residential property shall be added to the definition of 'sensitive land' in the Overseas Investment Act 2005
- (2) A person who is 'ordinarily resident in New Zealand' is defined as someone who:
 - (a) Is a New Zealand citizen; or
 - (b) All of:
 - (i) Holds a permanent resident's visa; and
 - (ii) Has been resident in New Zealand for at least 1 year; and
 - (iii) Has been in New Zealand for at least 183 days in the past year.

Anyone who does not meet these criteria is to be defined as an 'overseas person' and is subject to the limitations that entail

- (3) An overseas person is only eligible to buy sensitive residential land if they establish:
 - (a) They are committed to remaining in New Zealand indefinitely; or
 - (b) They have plans for the development and on-selling of the residential land, in a measure that will increase its housing capacity

11 Refugee Quota

- (1) The annual refugee quota shall be increased to 1,500

12 Refugee Integration and Support

- (1) Every quota or spontaneous refugee is eligible to apply for the Refugee Support Benefit
- (2) The maximum duration of the Refugee Support Benefit shall be 3 years
- (3) The minimum gross weekly rate of the Refugee Support Benefit shall be:
 - (a) \$500 for unmarried individuals over the age of 21;
 - (b) \$800 for de facto or married couples (total); and
 - (c) \$900 for families with one or more children (total)

Part 4

Foreign Affairs and Defence

13 Asylum Seekers

- (1) An annual quota of 200 shall be introduced for spontaneous refugees accepted into New Zealand
 - (a) This is distinct from the quota refugees accepted under 11.1
- (2) The maximum detention period of an asylum seeker is 3 months, irrespective of the size of the group in which an asylum seeker arrives

14 Deportation Liability

- (1) The Immigration and Protection Tribunal must allow an appeal against liability for deportation on humanitarian grounds only where it is satisfied that there are exceptional circumstances of a humanitarian nature that would make it unjust or unduly harsh for the appellant to be deported from New Zealand, whether-
 - (a) Terminal, mental or otherwise serious illness; or
 - (b) Disability; or
 - (c) Conflict, natural disaster or the risk of persecution in their return country; or
 - (d) Family separation upon their deportation; or
 - (e) They have lived in New Zealand for over 5 years

15 Border Security

- (1) The immigration levy shall be increased by 20%
 - (a) The purpose of this levy increase is to provide funds for Immigration New Zealand

Part 5 Tourism, Conservation and Sustainability

16 Tourism Levy

- (1) Every traveller who on or after 1 January 2019 departs New Zealand is liable to pay a conservation levy of \$15;
 - (a) The purpose of the conservation levy is to provide funds for Predator Free 2050 Limited
- (2) Every traveller who on or after 1 January 2019 departs New Zealand is liable to pay a tourism facilities levy of \$5;
 - (a) The purpose of the tourism facilities levy is to provide funds for tourism facility maintenance and development
- (3) A traveller is exempt from the conservation levy and the tourism facilities levy if they are:
 - (a) a New Zealand citizen; or
 - (b) a holder of a residence class visa; or
 - (c) a traveller under 2 years of age; or
 - (d) a traveller in transit; or
 - (e) a traveller who departs New Zealand otherwise than as a passenger, including:
 - (i) commercial passenger airline and ship crew; and
 - (ii) mercantile crew; and
 - (iii) military crew

17 Freedom Camping

- (1) Freedom camping is forbidden on all public land

18 Emission Reduction

- (1) The net greenhouse gas emissions of all tourism-related businesses must be reduced by 30% by 2030, compared to 2005 levels
- (2) All tourism-related businesses are obligated to submit a biennial report, detailing their emission reduction progress

- (3) Any tourism-related business that fails to fulfil the obligations set out in 18.1 and 18.2 is subject to an annually recurring fine, to be determined based on its revenue
- (4) Tourism-related businesses to which the obligations set out in 18.1 and 18.2 apply include:
 - (a) Airlines; and
 - (b) Accommodation providers; and
 - (c) Tour providers
- (5) Every passenger on an incoming or outgoing commercial flight, on or after 1 January 2019, is liable to pay an aviation emissions levy
 - (a) The rate of this levy will be determined by the Civil Aviation Authority of New Zealand, taking into account the carbon dioxide emissions of the flight by which a passenger arrives in or leaves New Zealand
 - (b) The purpose of the aviation emissions levy is to provide funds for SCION

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