

# FINAL 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 camper** includes those living and/or travelling using a tent (or other temporary structure), caravan, car, campervan or other motor vehicle. This is noted to exclude: NZ citizens and residents living in cars in their region of inhabitation

**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 causing substantiated economic loss; and
  - (d) New Zealanders will continue to be trained for the occupation
- (2) 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 for at least 3/4 of their specified region visa duration, after which, the holder may accept other work opportunities in their field outside of their 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 within the last 12 months of the current visa, where if approved, a holder may remain in New Zealand for a further 3 years, without the requirement of living outside 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 6 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) Migrant workers will be automatically enrolled the appropriate union, but may opt out at any time, and they must be informed of this right
- (3) All employment contracts must clearly display a list of all the employees' rights and entitlements

## **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
- (4) A Capital Gains tax shall be introduced, at a rate of 2.5% on all foreign investment on residential land

## **11 Refugee Quota**

- (1) The annual refugee quota shall be increased to 1,000, with an independent panel established to recommend a timeline for future increases and investigate future infrastructure development with the goal of having annual capacity for 3000 by 2025

## **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, with an extra \$100 per child upon arrival, including unborn children

# **Part 4 Foreign Affairs and Defence**

## **13 Asylum Seekers**

- (1) An annual quota of 50 shall be introduced for spontaneous refugees accepted into New Zealand
- (a) This is distinct from the quota refugees accepted under 11.1
- (2) All asylum seekers held in detention centres shall be provided with a standard of living consistent with that provided to all international human rights conventions regarding refugees that are signed by New Zealand

## **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 30%
  - (a) 2/3 of this levy shall provide funds for Immigration New Zealand
  - (b) 1/3 of this levy shall provide funds for the New Zealand Defence Force for maritime patrolling and rescue

## **16 Pacific Development**

- (1) At least 15% of NZ's Pacific development cooperation aid expenditure shall be directed towards tourism-affiliated industries of the recipient countries
  - (a) The implementation of this portion of aid and effectiveness thereof shall be assessed against relative growth in both the contribution of the aforementioned industries and of similar NZ industries by way of collateral revenue from provision of travel connections, to their respective gross domestic products

## **17 Years of Neglect**

- (1) Where practical, our international representation shall pursue discretionarily adequate means of retribution (such as economic sanctions) against governments and regimes that are determined to have initiated demonstrably neglectful policy actions upon their citizens for a time period of at least nine consecutive years.
  - (a) These measures shall be applied where likely to establish precedent of similar measures to limit the likelihood of such an occurrence in New Zealand again

# **Part 5 Tourism, Conservation and Sustainability**

## **18 Tourism Levy**

- (1) Every traveller who on or after 1 January 2019 departs New Zealand is liable to pay a conservation levy of \$25;
  - (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 \$25, apportioned to the various local authorities in proportion to their relative intake of tourists;
  - (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) an Australian citizen; or
  - (c) a citizen of a South Pacific island; or
  - (d) a holder of a residence class visa; or
  - (e) a traveller under 2 years of age; or
  - (f) a traveller in transit; or
  - (g) 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
- (h) a traveller who will be in New Zealand for less than 7 days

## **19 Freedom Camping**

- (1) Freedom camping is forbidden on all public land except specified 'freedom camping zones' as specified by local authorities or the public owner of the land (e.g. DOC)
- (2) Both regional and national authorities must undertake in advertising campaigns to educate tourists on sustainable and safe freedom camping
- (3) Real time software shall be developed and introduced in order to provide campsite availability information

## **20 Emission Reduction**

- (1) The net greenhouse gas emissions of all tourism-related businesses must be reduced to net zero by 2050 in the same spirit as the Zero Carbon Bill
- (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 go towards the Department of Conservation, and to be determined based on profit
- (4) Tourism-related businesses to which the obligations set out in 18.1 and 18.2 apply include firms in the following categories where taxable profits exceed \$200,000 per annum:
  - (a) Accommodation providers; and
  - (b) Tour providers
- (5) Airlines shall be required to meet the carbon reduction goals of the IATA (International Air Transport Association)
- (6) 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 Ministry of Environment, 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
- (7) The government shall report to Parliament within a year from commencement on equivalent measures in other industries