



# **Immigration (Education) Charge Regulations 1993**

**Statutory Rules 1993 No. 30 as amended**

made under the

*Immigration (Education) Charge Act 1992*

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**1 Name of Regulations** [see Note 1]

These Regulations are the *Immigration (Education) Charge Regulations 1993*.

**2 Commencement**

These Regulations commence on 1 March 1993.

**3 Interpretation**

- (1) In these Regulations, unless the contrary intention appears:

*Migration Act* means the *Migration Act 1958*.

*religious institution* means a body of persons (whether incorporated or unincorporated) the income of which is exempt from income tax under paragraph 23 (e) of the *Income Tax Assessment Act 1936*.

*religious position* means a position:

- (a) the duties of which are primarily religious; or
- (b) the performance of duties of which require religious training.

*the Act* means the *Immigration (Education) Charge Act 1992*.

- (2) In these Regulations, unless the contrary intention appears, an expression defined for the purposes of the Migration Regulations has the same meaning as in those Regulations.

**5 Exempt visas**

- (1) For the purposes of the definition of *exempt visa* in subsection 3 (2) of the Act, the following visas are prescribed:

- (a) visas, as mentioned in the Migration Regulations, of the following classes and subclasses:
  - (i) Adoption (Migrant) (Class AA);
  - (ia) Business Skills (Residence) (Class BH);
  - (ib) Interdependent (Migrant) (Class BI);

- (ii) Parent (Migrant) (Class AX);
  - (iii) Preferential Relative (Migrant) (Class AY);
  - (iv) Return (Residence) (Class BB);
  - (v) Territorial Asylum (Residence) (Class BE);
  - (vi) Subclass 805 (Skilled);
  - (vii) Subclass 806 (Family);
  - (viii) Subclass 808 (Confirmatory (Residence));
  - (ix) Subclass 814 (Interdependency);
  - (ixa) Subclass 832 (Close Ties);
  - (x) Subclass 866 (Protection);
  - (b) Transitional (Permanent) visas the applications for which are constituted by applications made before 1 September 1994 for entry permits specified in subregulation (2);
  - (c) visas specified in subregulations (3) and (4).
- (2) For the purposes of paragraph (1) (b), the following entry permits, as mentioned in the Migration (1993) Regulations, are specified:
- (a) a Group 1.2 (permanent resident (after entry)) entry permit of any of the following classes:
    - (i) Class 800 (territorial asylum);
    - (ii) Class 805 (skilled occupation);
    - (iii) Class 806 (family and other close ties (after entry));
    - (iv) Class 808 (confirmatory);
    - (v) Class 810 (refugee (permanent));
    - (vi) Class 812 (December 1989 (permanent));
    - (vii) Class 814 (interdependency (permanent));
    - (viii) Class 815 (PRC (permanent));
    - (ix) Class 816 (special (permanent));
    - (x) Class 817 (protection (permanent));
    - (xi) Class 818 (highly qualified on-shore (permanent));
  - (b) a permanent entry permit for which application was made at an Entry Control Point by presentation of a travel-only visa in accordance with paragraph 2.28 (1) (b) of those Regulations.

- (3) For the purposes of paragraph (1) (c), the following visas, as mentioned in the Migration (1993) Regulations, are specified:
- (a) a Group 1.1 (migrant) visa of any of the following classes:
    - (i) Class 102 (adoption);
    - (ii) Class 103 (parent);
    - (iii) Class 104 (preferential family);
  - (b) a Class 431 (restricted passport) visa, if the application for the Group 1.1 visa constituting the Class 431 visa application is for a visa of a class specified in paragraph (a);
  - (c) a Group 1.4 (resident return (permanent entry)) visa.
- (4) For the purposes of paragraph (1) (c) the following visas are specified:
- (a) an Employer Nomination (Migrant) (Class AN) visa, as mentioned in the Migration Regulations, applied for, in relation to a religious position, by:
    - (i) a person (a *religious worker*):
      - (A) who is nominated by a religious institution; and
      - (B) who satisfies the primary criteria set out in Part 121 of Schedule 2 to the Migration Regulations; and
      - (C) to whose application subregulation (5) applies; or
    - (ii) a person who:
      - (A) is a member of the family unit of a religious worker; and
      - (B) satisfies the secondary criteria set out in Part 121 of Schedule 2 to the Migration Regulations; and
      - (C) made a combined application with that religious worker;
  - (b) a Transitional (Permanent) visa, as mentioned in the Migration Reform (Transitional Provisions) Regulations, the application for which is constituted by an application made before 1 September 1994 for a Class 121 (employer nomination) visa, in relation to a religious position, by:

- (i) a person (a *religious worker*):
    - (A) who is nominated by a religious institution; and
    - (B) who satisfies the criteria for the grant to the person, as a primary person, of a Class 121 visa under the Migration (1993) Regulations; and
    - (C) to whose application subregulation (5) applies; or
  - (ii) a person who:
    - (A) is a member of the family unit of a religious worker; and
    - (B) satisfies the criteria for the grant to the person, as a secondary person, of a Class 121 visa under the Migration (1993) Regulations; and
    - (C) made a combined application with that religious worker.
- (5) This subregulation applies to an application if:
- (a) the application is lodged on or after 1 November 1995; or
  - (b) the application was lodged before 1 November 1995 but:
    - (i) that application is not finally determined, within the meaning of subsection 5 (9) of the Migration Act, immediately before that date; and
    - (ii) English Education Charge in respect of the application has not been paid.

## **6 Prescribed amounts — section 6 of the Act**

For the purposes of section 6 of the Act:

- (a) the amount prescribed in respect of an application made before 1 October 1993:
  - (i) for a Transitional (Permanent) visa the application for which is constituted, by operation of regulation 22 or 23 of the Migration Reform (Transitional Provisions) Regulations, by an application for an entry permit of a class provided for by the Migration



(1993) Regulations that is specified in Part 1 of the Schedule; or

- (ii) for a visa of a class provided for by those Regulations that is specified in Part 1 of the Schedule;

is the amount set out in that Part in relation to that class and the circumstances of application; and

- (b) the amount prescribed in respect of an application made during the period from 1 October 1993 to 31 August 1994 (inclusive):
  - (i) for a Transitional (Permanent) visa the application for which is constituted, by operation of regulation 22 or 23 of the Migration Reform (Transitional Provisions) Regulations, by an application for an entry permit of a class provided for by the Migration (1993) Regulations; or
  - (ii) for a visa of a class provided for by those Regulations;

is the amount set out in Part 2 of the Schedule in relation to that class and the circumstances of application; and

- (c) the amount prescribed in respect of an application made during the period from 1 September 1994 to 31 October 1995 (inclusive) for a visa of a class provided for by the Migration Regulations is the amount set out in Part 3 of the Schedule in relation to that class and the circumstances of application; and
- (d) the amount prescribed in respect of an application made during the period from 1 November 1995 to 30 June 1996 (inclusive) for a visa of a class provided for by the Migration Regulations is the amount set out in Part 4 of the Schedule in relation to that class and the circumstances of application; and
- (e) the amount prescribed in respect of an application made on or after 1 July 1996 for a visa of a class provided for by the Migration regulations is the amount set out in Part 5 of the Schedule in relation to that class and the circumstances of application.

## **Schedule                    Amounts of English Education Charge**

(regulation 6)

### **Part 1                    Visas and entry permits applied for before 1 October 1993**

<b>Column 1 Item no.</b>	<b>Column 2 Class of visa or entry permit applied for and circumstances of application</b>	<b>Column 3 Amount \$</b>
101	Class 105 (concessional family) (applicant applying either as a primary person or as a secondary person)	1,020
102	Class 126 (independent entrant):	
	(a) applicant applying as a primary person	2,040
	(b) applicant applying as a secondary person	1,020

### **Part 2                    Visas and entry permits applied for during the period from 1 October 1993 to 31 August 1994 (inclusive)**

<b>Column 1 Item no.</b>	<b>Column 2 Class of visa or entry permit applied for and circumstances of application</b>	<b>Column 3 Amount \$</b>
201	Class 105 (concessional family) (applicant applying either as a primary person or as a secondary person)	2,040

Column 1 Item no.	Column 2 Class of visa or entry permit applied for and circumstances of application	Column 3 Amount \$
202	Class 120 (labour agreement):	
	(a) applicant applying as a primary person	4,080
	(b) applicant applying as a secondary person	2,040
203	Class 121 (employer nomination):	
	(a) applicant applying as a primary person	4,080
	(b) applicant applying as a secondary person	2,040
204	Class 124 (distinguished talent (Australian support)) (applicant applying either as a primary person or as a secondary person)	2,040
205	Class 125 (distinguished talent and special service (independent)) (applicant applying either as a primary person or as a secondary person)	2,040
206	Class 126 (independent entrant) (applicant applying either as a primary person or as a secondary person)	2,040
207	Class 127 (business skills):	
	(a) applicant applying as a primary person	4,080
	(b) applicant applying as a secondary person	2,040
208	Class 128 (business skills (senior executive)):	
	(a) applicant applying as a primary person	4,080
	(b) applicant applying as a secondary person	2,040
209	Class 129 (State/Territory sponsored business skills):	
	(a) applicant applying as a primary person	4,080
	(b) applicant applying as a secondary person	2,040

Column 1 Item no.	Column 2 Class of visa or entry permit applied for and circumstances of application	Column 3 Amount \$
210	Class 130 (State/Territory sponsored business skills (senior executive)): (a) applicant applying as a primary person (b) applicant applying as a secondary person	4,080 2,040
211	Class 150 (former citizen) (applicant applying either as a primary person or as a secondary person)	2,040
212	Class 151 (former resident) (applicant applying either as a primary person or as a secondary person)	2,040
213	Class 152 (family reunion (NZ citizen)) (applicant applying either as a primary person or as a secondary person)	2,040

**Part 3 Visas applied for during the period from  
 1 September 1994 to  
 31 October 1995 (inclusive)**

Column 1 Item no.	Column 2 Class of visa applied for and circumstances of application	Column 3 Amount \$
301	Business Skills (Migrant) (Class AD): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,080 2,040
302	Concessional Family (Migrant) (Class AJ) (applicant satisfying primary of secondary criteria)	2,040

Column 1 Item no.	Column 2 Class of visa applied for and circumstances of application	Column 3 Amount \$
303	Distinguished Talent (Migrant) (Class AL) (applicant satisfying primary or secondary criteria)	2,040
304	Employer Nomination (Migrant) (Class AN):	
	(a) applicant satisfying primary criteria	4,080
	(b) applicant satisfying secondary criteria	2,040
305	Family of N Z Citizen (Migrant) (Class AP) (applicant satisfying primary or secondary criteria)	2,040
306	Former Citizen (Migrant) (Class AQ) (applicant satisfying primary or secondary criteria)	2,040
307	Former Resident (Migrant) (Class AR) (applicant satisfying primary or secondary criteria)	2,040
308	Independent (Migrant) (Class AT) (applicant satisfying primary or secondary criteria)	2,040
309	Labour Agreement (Migrant) (Class AU):	
	(a) applicant satisfying primary criteria	4,080
	(b) applicant satisfying secondary criteria	2,040

**Part 4                      Visas applied for from 1 November 1995  
to 30 June 1996 (inclusive)**

Column 1 Item no.	Column 2 Class of visa applied for and circumstances of application	Column 3 Amount \$
401	Business Skills (Migrant) (Class AD):	
	(a) applicant satisfying primary criteria	4,415
	(b) applicant satisfying secondary criteria	2,205

<b>Column 1 Item no.</b>	<b>Column 2 Class of visa applied for and circumstances of application</b>	<b>Column 3 Amount \$</b>
402	Concessional family (Migrant) (Class AJ) (applicant satisfying primary or secondary criteria)	2,205
403	Distinguished Talent (Migrant) (Class AL) (applicant satisfying primary or secondary criteria)	2,205
404	Employer Nomination (Migrant) (Class AN): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,415 2,205
405	Family of N Z Citizen (Migrant) (Class AP) (applicant satisfying primary or secondary criteria)	2,205
406	Former Citizen (Migrant) (Class AQ) (applicant satisfying primary or secondary criteria)	2,205
407	Former Resident (Migrant) (Class AR) (applicant satisfying primary or secondary criteria)	2,205
408	Independent (Migrant) (Class AT) (applicant satisfying primary or secondary criteria)	2,205
409	Labour Agreement (Migrant) (Class AU): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,415 2,205

## **Part 5 Visas applied for on or after 1 July 1996**

<b>Column 1 Item no.</b>	<b>Column 2 Class of visa applied for and circumstances of application</b>	<b>Column 3 Amount \$</b>
501	Business Skills (Migrant) (Class AD): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,405 2,200

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Column 1 Item no.	Column 2 Class of visa applied for and circumstances of application	Column 3 Amount \$
502	Concessional Family (Migrant) (Class AJ) (applicant satisfying primary or secondary criteria)	2,200
503	Distinguished Talent (Migrant) (Class AL) (applicant satisfying primary or secondary criteria)	2,200
504	Employer Nomination (Migrant) (Class AN): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,405 2,200
505	Family of NZ Citizen (Migrant) (Class AP) (applicant satisfying primary or secondary criteria)	2,200
506	Former Citizen (Migrant) (Class AQ) (applicant satisfying primary or secondary criteria)	2,200
507	Former Resident (Migrant) (Class AR) (applicant satisfying primary or secondary criteria)	2,200
508	Independent (Migrant) (Class AT) (applicant satisfying primary or secondary criteria)	2,200
509	Labour Agreement (Migrant) (Class AU): (a) applicant satisfying primary criteria (b) applicant satisfying secondary criteria	4,405 2,200

**Table of Statutory Rules**

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**Notes to the *Immigration (Education) Charge Regulations 1993*****Note 1**

The *Immigration (Education) Charge Regulations 1993* (in force under the *Immigration (Education) Charge Act 1992*) as shown in this compilation comprise Statutory Rules 1993 No. 30 amended as indicated in the Tables below.

**Table of Statutory Rules**

<b>Year and number</b>	<b>Date of notification in Gazette</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1993 No. 30	12 Feb 1993	1 Mar 1993	
1993 No. 254	30 Sept 1993	1 Oct 1993	R. 4
1994 No. 12	4 Feb 1994	1 Mar 1994	—
1994 No. 263	28 July 1994	1 Sept 1994	—
1995 No. 39	14 Mar 1995	R. 3.1: 3 Apr 1995 Remainder: 1 Sept 1994	—
1995 No. 118	6 June 1995	3 July 1995	—
1995 No. 265	12 Sept 1995	1 Nov 1995	—
1995 No. 304	26 Oct 1995	1 Nov 1995	—
1996 No. 107	20 June 1996	1 July 1996	—
1996 No. 213	30 Sept 1996	1 Oct 1996 (a)	—
2000 No. 63	4 May 2000	1 July 2000	—

(a) Statutory Rules 1996 No. 213 were disallowed by the Senate on 7 November 1996.



**Table of Amendments****Table of Amendments**

ad. = added or inserted substituted      am. = amended      rep. = repealed      rs. = repealed and

<b>Provision affected</b>	<b>How affected</b>
R. 1 .....	rs. 2000 No. 63
R. 3 .....	am. 1994 No. 263; 1995 No. 265
R. 4 .....	am. 1994 No. 12 rep. 1994 No. 263
R. 5 .....	rs. 1994 No. 263 am. 1995 Nos. 39, 118 and 265; 2000 No. 63
R. 6 .....	rs. 1994 No. 263; 1995 No. 304 am. 1996 No. 107
Schedule .....	am. 1993 No. 254 rs. 1994 No. 263 am. 1995 No. 265 rs. 1995 No. 304 am. 1996 No. 107