



## THE IMMIGRATION REGULATIONS 1987

PAUL REEVES, Governor-General

### ORDER IN COUNCIL

At Wellington this 28th day of September 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 150 of the Immigration Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Immigration Regulations 1987.

(2) These regulations shall come into force on the 1st day of November 1987.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Immigration Act 1987:

“Appropriate application fee” means the fee (if any) prescribed in respect of the relevant application in the Third Schedule to these regulations.

Expressions defined in the Act have the meaning so defined.

PART I

APPLICATIONS FOR VISAS, PERMITS, ETC.

**3. Applications generally**—(1) Every application under this Part of these regulations shall be made on a form approved for the relevant purpose by the Minister and obtainable free of charge.

(2) Except as provided in regulation 15 of these regulations (which relates to dependent children), any application under this Part of these regulations shall relate to 1 person only.

(3) The Minister may, by special direction, waive any requirement specified in this Part of these regulations.

*Residence Visas and Permits*

**4. Application for residence visa**—(1) An application for a residence visa under section 17 (1) of the Act shall be tendered to a visa officer together with—

- (a) One passport-sized photograph of the applicant; and  
(b) The appropriate application fee.

(2) The visa officer processing the application may, before determining the application, require the applicant—

- (a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application; and
- (b) To undergo such medical examination as the officer may require; and
- (c) To appear before a visa officer for an interview.

(3) Where an application for a residence visa is based on the applicant's desire to reside in New Zealand in order to establish a business or invest funds in New Zealand business, the visa officer processing the application shall, before determining the application, seek specialist advice as to the commercial status and experience of the applicant.

**5. Application for returning resident's visa**—(1) An application for a returning resident's visa under section 18 (1) of the Act shall be tendered to a visa officer together with—

- (a) The applicant's current passport or certificate of identity; and
- (b) Evidence that the applicant holds or has held (or is deemed by section 44 of the Act to hold or have held) a residence permit; and
- (c) The appropriate application fee.

(2) The visa officer processing the application may, before determining the application, require the applicant to produce such photographs, documents, and information as the officer thinks necessary to help in determining whether the applicant is entitled to, or may be issued with, a returning resident's visa.

**6. Application for residence permit by visa holder or holder of refugee travel document**—(1) An application for a residence permit under section 17 (2) or section 18 (4) or section 18 (6) of the Act shall be made on an arrival card in a form approved by the Minister.

(2) The application shall be tendered to an immigration officer at a port of entry or customs airport (or, where for any reason that is not practicable, at an office of the Department of Labour) together with—

- (a) The applicant's current passport or certificate of identity or, as the case may be, the applicant's refugee travel document; and
- (b) Where appropriate, the applicant's residence visa or returning resident's visa.

**7. Application for residence permit by temporary permit holder or exempt person**—(1) An application for a residence permit under section 13 (2) or section 17 (3) of the Act shall be tendered to an immigration officer at an office of the Department of Labour together with—

- (a) The applicant's current passport or certificate of identity or, if the passport or certificate is not available, evidence of the applicant's current permit or exempt status, as the case may require; and
- (b) One passport-sized photograph of the applicant; and
- (c) The appropriate application fee.

(2) The immigration officer processing the application may, before determining the application, require the applicant—

- (a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application;
- (b) To undergo such medical examination as the officer may require;
- (c) To appear before an immigration officer for an interview.

(3) Where an application for a residence permit is based on the applicant's desire to reside in New Zealand in order to establish a business or invest funds in New Zealand business, the immigration officer processing the application shall, before determining the application, seek specialist advice as to the commercial status and experience of the applicant.

**8. Application for confirmation of resident status by person to whom section 44 of Act applies**—(1) An application for an endorsement of a person's resident status under section 44 (1) of the Act shall be tendered to an immigration officer at an office of the Department of Labour together with—

- (a) The applicant's current passport or certificate of identity; and
- (b) Any previous or expired passport or certificate of identity that may help to establish that the provisions of section 44 (1) of the Act apply to the applicant.

(2) The immigration officer processing the application may require the applicant to produce such documents and information as the officer thinks necessary to help in determining whether the applicant is entitled to an endorsement under section 44 of the Act.

#### *Temporary Visas and Permits*

**9. Application for temporary visa**—(1) An application for a temporary visa under section 25 (1) of the Act shall be tendered to a visa officer together with the appropriate application fee (if any).

(2) The visa officer processing the application may, before determining the application, require the applicant—

- (a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application:
- (b) To produce such travel tickets or evidence of onward travel arrangements, and such evidence of funds for maintenance or of sponsorship, as the officer thinks necessary to help in determining the application:
- (c) In the case of an applicant for a work visa or a student visa, to undergo such medical examination as the officer may require:
- (d) To appear before a visa officer for an interview.

**10. Application for temporary permit by visa holder or person exempt from requirement to obtain visa**—(1) An application for a temporary permit under section 25 (2) or section 25 (3) of the Act shall be made on an arrival card in a form approved by the Minister.

(2) The application shall be tendered to an immigration officer at a port of entry or customs airport together with the applicant's current passport or certificate of identity, and, where appropriate, the applicant's temporary visa.

(3) The immigration officer processing the application may, before determining the application, require the applicant to produce such travel tickets or evidence of onward travel arrangements, and such evidence of funds for maintenance or of sponsorship, as the officer thinks necessary to help in determining the application.

**11. Application for temporary permit by exempt person, or person whose residence permit has been revoked, or person already holding temporary permit**—(1) An application for a temporary permit

made under section 13 (2) or section 25 (4) or section 29 (1) or section 30 (1) of the Act by a person who is in New Zealand (other than on arrival in New Zealand at a port of entry or customs airport, and other than by a person to whom section 42 of the Act applies) shall be tendered to an immigration officer at an office of the Department of Labour together with—

(a) The applicant's current passport or certificate of identity or, if the passport or certificate is not available, evidence of the applicant's current permit or exempt status; and

(b) The appropriate application fee.

(2) The immigration officer processing the application may, before determining the application, require the applicant—

(a) To produce such photographs, documents, and information as the officer thinks necessary to help in determining the application:

(b) To produce such travel tickets or evidence of onward travel arrangements, and such evidence of funds for maintenance or of sponsorship, as the officer thinks necessary to help in determining the application:

(c) In the case of an applicant for a work permit or a student permit, to undergo such medical examination as the officer may require:

(d) To appear before an immigration officer for an interview.

**12. Application for temporary permit by person in New Zealand at commencement of Act to whom section 42 of Act applies—**(1) An application for a temporary permit under section 42 (5) of the Act shall be tendered to an immigration officer at an office of the Department of Labour not later than the 9th day of February 1988.

(2) The immigration officer processing the application may require the applicant to produce such photographs, documents, and information as the officer thinks necessary to help in determining whether the person is entitled to a permit.

#### *Other Applications*

**13. Application for visa or permit not otherwise provided for—**Where any application for a visa or a permit is made otherwise than in a situation provided for in any of regulations 4 to 12 of these regulations, the Minister may, by special direction, require that the application be made in accordance with whichever of those regulations appears to the Minister to be most appropriate, and that regulation shall apply in respect of the application accordingly.

**14. Application for reconsideration of decision to decline another temporary permit—**(1) An application under section 31 (1) of the Act for reconsideration of a decision to decline an application under section 29 or section 30 of the Act for another temporary permit shall be tendered to an immigration officer at an office of the Department of Labour, together with—

(a) The applicant's current passport or certificate of identity; and

(b) The appropriate application fee.

(2) The application shall set out in full the matters which the applicant wishes to be taken into consideration.

(3) The immigration officer considering the application (or, where appropriate, the Minister) may, before determining the application, require

the applicant to produce such documents and information as the officer or Minister thinks necessary to help in determining the application.

*Applications in Respect of Unmarried Children under 17 Years of Age*

**15. Applications in respect of unmarried children under 17 years of age**—(1) Where an unmarried child under 17 years of age is—

(a) A dependent child of an adult applicant for—

- (i) A visitor's visa; or
- (ii) A visitor's permit; or
- (iii) A returning resident's visa; and

(b) Named in that adult applicant's passport or certificate of identity,—that child may be included in the adult applicant's application for the relevant visa or permit, and it shall not be necessary for a separate application to be made in respect of the child.

(2) Where an unmarried child under 17 years of age is not included in an adult applicant's application for a visa or a permit, any application for a visa or a permit for that child shall—

(a) Be signed on behalf of the child by a parent or guardian of the child; or

(b) Where that is not practicable, be signed by any other adult and accompanied by a statement that specifies—

- (i) The name, address, and occupation of the adult; and
- (ii) The relationship (if any) of the adult to the child; and
- (iii) The reason the application has not been signed by a parent or guardian of the child.

(3) An application for reconsideration of a decision to decline another temporary permit in respect of an unmarried child under 17 years of age may be made and signed on behalf of the child by—

(a) An adult applicant whose passport or certificate of identity names that child, or a parent or guardian of the child; or

(b) Where it is not practicable for any such adult applicant, parent, or guardian to make and sign the application, any other adult.

PART II

GENERAL

*Conditions and Currency of Temporary Permits*

**16. Conditions of visitors' permits and work permits**—Subject to any special direction to the contrary, every visitor's permit and every work permit shall be subject to the following conditions:

(a) That, at all times during the currency of the permit, the holder has sufficient funds available for the holder's maintenance in New Zealand during the currency of the permit, or a current approved undertaking relating to maintenance or accommodation supplied by a sponsor in terms of section 28 of the Act; and

(b) That, at all times during the currency of the permit, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of—

- (i) A fully-paid travel ticket to any such country; or
- (ii) Sufficient funds held in New Zealand by or on behalf of or in trust for the holder to purchase any such ticket; or
- (iii) A current approved undertaking relating to repatriation supplied by a sponsor in terms of section 28 of the Act.

**17. Conditions of student permits**—Subject to any special direction to the contrary, every student permit shall be subject to the following conditions:

- (a) That, at all times during the currency of the permit, the holder has the means to maintain himself or herself in New Zealand during the currency of the permit, in the form of—
  - (i) Funds held in New Zealand by or on behalf of or in trust for the holder; or
  - (ii) An acceptable form of financial undertaking by a third party supplied to a visa officer before arrival in New Zealand; or
  - (iii) A current approved undertaking relating to maintenance or accommodation supplied by a sponsor in terms of section 28 of the Act; or
  - (iv) Financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and
- (b) That, at all times during the currency of the permit, the holder has the means to travel to a country to which the holder has a right of entry, such means to be in the form of—
  - (i) A fully-paid travel ticket to any such country; or
  - (ii) Sufficient funds held in New Zealand by or on behalf of or in trust for the holder (being funds additional to any sum required under paragraph (a) of this regulation) to purchase any such ticket; or
  - (iii) An acceptable form of financial undertaking by a third party supplied to a visa officer before arrival in New Zealand; or
  - (iv) A current approved undertaking relating to repatriation supplied by a sponsor in terms of section 28 of the Act; or
  - (v) Financial assistance available to the holder under any multilateral or bilateral aid programme administered in New Zealand by a Government department or statutory body; and
- (c) That the holder attends the place of study or training endorsed on the permit by an immigration officer (or, where no such endorsement is made, the place endorsed on the visa by a visa officer); and
- (d) That the holder makes satisfactory progress, as determined by the Department of Education or other relevant national or governing body, in the course of study or training endorsed on the permit by an immigration officer (or, where no such endorsement is made, the course endorsed on the visa by a visa officer); and
- (e) That the holder pays all or any fees that may be fixed from time to time and that are payable by the holder in respect of the course of study or training undertaken or to be undertaken.

**18. Maximum period of currency of temporary permits**—Subject to any special direction to the contrary, a temporary permit shall not be granted for a period exceeding—

- (a) In the case of a visitor's permit, 12 months;
- (b) In the case of a work permit, 3 years;
- (c) In the case of a student permit, 4 years.

*Exemptions*

**19. Persons exempt from requirement to obtain visa**—The classes of persons specified in Part I of the First Schedule to these regulations are exempt from the requirement to obtain a visa of a type and in the circumstances specified in respect of those persons.

**20. Persons exempt from requirement to hold permit**—The classes of persons specified in Part II of the First Schedule to these regulations are exempt from the requirement to hold a permit of a type and in the circumstances specified in respect of those persons.

**21. Student permit, etc., not required for certain courses of study or training**—A person who undertakes a course of study or training specified in Part III of the First Schedule to these regulations is not required by reason only of undertaking that course of study or training to hold a student permit or a residence permit, or to obtain any variation of the conditions of the person's temporary permit that would authorise the person to undertake the course of study or training.

**22. Visiting forces exempt from passport requirement**—(1) A member of the armed forces of any country, or a member of the crew of any craft used for the transporting to New Zealand of members of the armed forces of any country, is exempt from the requirement to produce a passport or certificate of identity pursuant to section 126 (1) (b) or section 126 (2) (b) of the Act if—

- (a) Members of that armed force are in New Zealand at the request or with the consent of the Government of New Zealand; and
- (b) That member's presence in New Zealand is in the ordinary course of that member's duty or employment.

(2) The carrier and the person in charge of any craft carrying a person who is exempted by subclause (1) of this regulation from the requirement to produce a passport or certificate of identity are exempt from the responsibility under section 125 (2) (a) of the Act to ensure that any such person holds a passport or certificate of identity.

*Forms*

**23. Certificate where immigration officer requires information**—(1) A certificate by an immigration officer under section 45 (1) (a) of the Act (indicating that the officer has good cause to suspect that a particular person is in New Zealand unlawfully) shall be in form 1 in the Second Schedule to these regulations.

(2) A certificate by an immigration officer under section 45 (1) (b) of the Act (indicating that the officer has good cause to suspect that any particular premises are being occupied or have been occupied by a person who is in New Zealand unlawfully) shall be in form 2 in the Second Schedule to these regulations.

**24. Application for removal warrant**—An application for a removal warrant under section 50 (1) of the Act shall be in form 3 in the Second Schedule to these regulations.

**25. Notice of withdrawal of application for removal warrant**—(1) A notice of the withdrawal of an application for a removal warrant under

section 50 (4) of the Act shall be in form 4 in the Second Schedule to these regulations.

(2) Any such notice of withdrawal shall not require to be notified to the person named in the application for a removal warrant, or to that person's responsible adult, where the application for the removal warrant has not been served on that person or adult.

**26. Removal warrant**—A removal warrant issued under section 52 of the Act shall be in form 5 in the Second Schedule to these regulations.

**27. Warrants of commitment**—(1) A warrant of commitment issued by a District Court Judge under section 55 of the Act shall be in form 6 in the Second Schedule to these regulations.

(2) A warrant of commitment issued by a District Court Judge under section 79 of the Act shall be in form 7 in the Second Schedule to these regulations.

(3) A warrant of commitment issued by a District Court Judge under section 99 of the Act shall be in form 8 in the Second Schedule to these regulations.

(4) A warrant of commitment issued by a Registrar or Deputy Registrar under section 128 of the Act shall be in form 9 in the Second Schedule to these regulations.

#### *Fees*

**28. Fees**—(1) Subject to subclause (2) of this regulation, and subject to any special direction, the fees set out in the second column of Part I of the Third Schedule to these regulations shall be payable in respect of the applications and matters set out in the first column of that Part.

(2) The classes of persons specified in Part II of the Third Schedule to these regulations shall be exempt from the requirement to pay the fees specified in relation to those persons.

(3) It is hereby declared that the fees set out in the Third Schedule to these regulations are exclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.

#### *Revocations*

**29. Revocations**—The regulations and notices set out in the Fourth Schedule to these regulations are hereby revoked.

SCHEDULES

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FIRST SCHEDULE

EXEMPTIONS

Reg. 19

PART I

PERSONS EXEMPT FROM REQUIREMENT TO OBTAIN VISA

- A. *Persons exempt from requirement to obtain temporary visa or residence visa:*
1. Persons who are exempt under the Act or under these regulations from the requirement to hold a permit.
  2. Persons who hold a current resident return visa issued by the Government of Australia.
- B. *Persons exempt from requirement to obtain temporary visa:*  
 Citizens of the countries specified in subparagraphs (i) to (iii) below where—
- (a) Any such person is seeking a visitor's permit current for no longer than the period specified in the appropriate subparagraph; and
  - (b) The purpose of the visit is not for medical consultation or treatment:
    - (i) *One month:* citizens of France who are resident in Tahiti or New Caledonia;
    - (ii) *Three months:* citizens of—
      - Austria
      - Belgium
      - Canada
      - Denmark
      - Finland
      - France (resident in metropolitan France only)
      - Germany (Federal Republic of)
      - Greece
      - Iceland
      - Indonesia
      - Ireland
      - Italy
      - Japan
      - Kiribati
      - Liechtenstein
      - Luxembourg
      - Malaysia
      - Malta
      - Monaco
      - Nauru
      - Netherlands
      - Norway
      - Portugal (having the right of permanent residence in Portugal)
      - Singapore
      - Spain
      - Sweden
      - Switzerland
      - Thailand

FIRST SCHEDULE—*continued*

Tuvalu

United States of America (not including Nationals of USA);

- (iii) *Six months*: British citizens and other British passport holders who produce evidence of the right to reside permanently in the United Kingdom.
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## PART II

Reg. 20

PERSONS EXEMPT FROM REQUIREMENT TO HOLD PERMIT

Citizens of the Commonwealth of Australia.

## PART III

COURSES OF STUDY OR TRAINING FOR WHICH NO STUDENT  
PERMIT, ETC., REQUIRED

Any training (other than an apprenticeship or cadetship) provided by an employer as part of the normal conditions of employment offered to the holder of a work permit.

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SECOND SCHEDULE

FORMS

Reg. 23 (1)

Form 1

CERTIFICATE REQUIRING INFORMATION AS TO WHEREABOUTS OF PERSON SUSPECTED OF BEING IN NEW ZEALAND UNLAWFULLY

Section 45 (1) (a), Immigration Act 1987

(This certificate is to be completed in duplicate. The original may be retained by the officer or employee of the department of State or other body specified in the first column of the First Schedule to the Immigration Act 1987 for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is retained by the immigration officer.)

TO ..... [name of department or other body]

I, ..... [name]

an Immigration Officer, holding warrant of designation No. ...., issued by the Secretary of Labour, certify that I have good cause to suspect that ..... [name]

also known as ..... is in New Zealand unlawfully.

In terms of section 45 (3) of the Immigration Act 1987, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organisation which tends to establish the present whereabouts of the person named above or that person's whereabouts at any time in the past.

Section 45 (5) of the Immigration Act 1987 provides that your obligation to provide the information I seek applies notwithstanding any enactment or rule of law to the contrary, and that no person shall be liable in any civil or criminal proceedings in respect of anything done in compliance with section 45 (3).

Signature ..... Date .....

SECOND SCHEDULE—continued

Form 2

CERTIFICATE REQUIRING INFORMATION AS TO OCCUPIER OF PREMISES

Section 45 (1) (b), Immigration Act 1987

Reg. 23 (2)

(This certificate is to be completed in duplicate. The original may be retained by the officer or employee of the department of State or other body specified in the first column of the First Schedule to the Immigration Act 1987 for the purposes of recording the fact that any information given was in response to this certificate. The duplicate copy is retained by the immigration officer.)

TO .....  
[name of department or other body]

I, .....  
[name]

an Immigration Officer, holding warrant of designation No. ....,  
issued by the Secretary of Labour, certify that I have good cause to suspect  
that the premises at .....

.....  
[address]

are being occupied or have been occupied (whether for residential purposes or otherwise) by a person who is in New Zealand unlawfully.

In terms of section 45 (3) of the Immigration Act 1987, I call on you to produce for my inspection and allow me to copy any record or other information held by and reasonably available to your organisation which tends to establish the name of the present occupier or any of the present occupiers of the premises, or the name of the occupier or any of the occupiers of the premises at any time in the past.

Section 45 (5) of the Immigration Act 1987 provides that your obligation to provide the information I seek applies notwithstanding any enactment or rule of law to the contrary, and that no person shall be liable in any civil or criminal proceedings in respect of anything done in compliance with section 45 (3).

Signature ..... Date .....

SECOND SCHEDULE—continued

Form 3

APPLICATION FOR REMOVAL WARRANT

Section 50 (1), Immigration Act 1987

Reg. 24

The Registrar  
District Court

.....  
[Place]

I, .....

[name]

an Immigration officer, holding warrant of designation No. ....  
issued by the Secretary of Labour

OR

Member of the Police No. .... acting in accordance with section  
139 of the Immigration Act 1987

[strike out that which does not apply]

believe on reasonable grounds that .....

[name]

also known as .....

and the following dependent child or children .....

.....

.....

is/are in New Zealand unlawfully.

I hereby apply for a removal warrant in the name(s) of the person(s)  
named above.

Signature ..... Date .....

Hearing date and time .....

Place of hearing .....

.....

Signature ..... Date .....

Registrar, District Court

.....

[Place]

SECOND SCHEDULE—*continued*Form 3—*continued*ADVICE FOR PERSON NAMED IN APPLICATION FOR  
REMOVAL WARRANT

1. It is important that you note very carefully the date, time, and place of hearing written on the front of this form. You have a right to be present at the hearing and to have the court listen to what you wish to say. To satisfy the court that you are NOT unlawfully in New Zealand you should be able to show that:

you are a New Zealand citizen; OR

you hold a current permit to be in New Zealand; OR

you qualify for an exemption from the requirement to hold a permit (see sections 11, 12, 42, and 43 of the Immigration Act 1987 for information about exemptions).

2. You may choose not to attend the hearing. If you do not attend, the hearing could go ahead without the court listening to what you wish to say and the court may issue a removal warrant in your absence.

3. If you are under 17 years old, an immigration officer will arrange for an adult to help you. If you are over 17 and would like to have help from another adult you may tell an immigration officer and you may name the person you think would be best. An immigration officer will be able to give you information about who may act as this “responsible adult” for you, and what that adult can do to help you.

4. As well as having help from a responsible adult you have the right to ask a lawyer to help you. If you do not know any lawyers, you could look in the Yellow Pages of the Telephone Directory under the heading “Barristers and Solicitors” or you could ask your nearest Law Society for a list of local lawyers.

5. If you want to ask a lawyer to help you but you think you will not have enough money to pay the lawyer you can apply to the court for legal aid. You should do this as soon as you can. You do NOT have to wait until the date of the hearing. Apply at the public office of the District Court. The Registrar will answer any questions you have about legal aid.

SECOND SCHEDULE—continued

Form 4

NOTICE OF WITHDRAWAL OF APPLICATION FOR REMOVAL WARRANT

Reg. 25

Section 50 (4), Immigration Act 1987

Take notice that the application for a removal warrant in the name(s) of the following person(s)

.....  
.....

made by .....

[name and designation]

on ....., and due for hearing

[date]

on ..... at .....

[date]

[place]

is hereby withdrawn.

The application for a removal warrant was served on .....

[name(s)]

on .....

OR

The application for a removal warrant has not been served.

[Strike out that which does not apply]

Signature .....

Date .....

[Immigration Officer

or

Member of the Police]

To the Registrar of the District Court at .....

To .....

[person(s) named in application, or,  
where applicable, the responsible adult]

\*Duplicate copy of this notice served on .....

[name]

by .....

[specify method of service]

on .....

[date]

Signature .....

[Immigration Officer

or

Member of the Police]

\*Service not required if application for removal warrant was not served.

SECOND SCHEDULE—continued

Form 5

REMOVAL WARRANT

Section 52, Immigration Act 1987

Reg. 26

To .....  
[person named in warrant]

This warrant is issued in respect of you, .....,  
[name]

also known as ....., a citizen of .....  
[name of country if known]

and in respect of the following, being your unmarried dependent child or children under 17 years of age:

[name] .....

[name] .....

[name] .....

On the ..... day of ..... 19...., this Court was satisfied that you [and the said dependent child/children] were in New Zealand unlawfully, and hereby authorises—

- (a) Any member of the Police, subject to section 66 of the Immigration Act 1987, to take you [and the said dependent child/children] into custody and place you [and him/her/them] on board any craft for the purpose of effecting your [and his/her/their] removal from New Zealand, in accordance with section 67 or section 68 or section 69 of the Immigration Act 1987; and
- (b) Any member of the Police who has reasonable grounds for believing that you [or the said dependent child/children] are in any building or premises, to enter that building or those premises at any reasonable time for the purpose of serving or executing this warrant.

.....  
District Court Judge

.....  
This warrant [or copy] served on .....  
by personal service on .....  
.....  
[date]

Signature .....  
[Immigration Officer  
or  
Member of the Police]

SECOND SCHEDULE—*continued*Form 5—*continued*

## ADVICE FOR PERSON NAMED IN WARRANT

After this warrant has been served on you, within 21 days you may if you wish do either or both of the following things:

1. Appeal to the High Court against the issue of this warrant [see section 115 of the Immigration Act 1987].
2. Appeal to the Minister of Immigration to have this warrant cancelled on the ground that:
  - (a) There are exceptional circumstances of a humanitarian nature which would make it unjust or unduly harsh for you to be removed from New Zealand or to be prevented from returning to New Zealand for the full period of 5 years; and
  - (b) It would not be contrary to the public interest to allow you to remain in New Zealand, or to allow you to return to New Zealand within the period of 5 years.

[See section 63 of the Immigration Act 1987.]

If you have a responsible adult who helped you before and during the hearing of your case in the District Court, that adult may help you in your appeal(s). You also have the right to ask a lawyer to help you.

It is important for you to know that you may leave New Zealand at any time if you wish to make your own arrangements. You need to remember that when you leave New Zealand you will not be allowed to return to New Zealand for a period of 5 years, unless the Minister of Immigration agrees. If you are less than 17 years old you may apply to be allowed to return at any time.

While you are still in New Zealand there are some important things you need to know.

1. An immigration officer can require you to hand over your passport and tickets or cash to pay for tickets. That is to let the officer make bookings for you to travel.
2. An immigration officer can ask a Court to issue an order which will require you to live at an agreed address and to report regularly to an office of the Department of Labour or a Police Station.
3. If the Court issues an order and you fail to live at the agreed address or to report regularly, as set out in the order, you can be arrested by a member of the Police and brought before a District Court Judge. The Judge will decide whether you should continue to be held in custody, and you will be given the chance to ask a family member or friend or lawyer for help.
4. You may be taken into custody by a member of the Police for a brief period before you leave New Zealand, to make sure that you catch the aeroplane or boat you are to leave on.

SECOND SCHEDULE—continued

Form 6

WARRANT OF COMMITMENT

Section 55, Immigration Act 1987

Reg. 27 (1)

To every member of the Police (or To ..... [full name] ....., member of the

Police), and to .....

[the person in charge of any specified premises or the Superintendent of any specified penal institution].

..... (hereinafter called the subject), of.....

[Name]

[address and occupation if known]

was arrested under Part II of the Immigration Act 1987 and brought before me pursuant to section 55 of that Act.

I HEREBY ORDER that the subject be detained until ordered to be released by any Court, or until required to be delivered up by any member of the Police in accordance with section 67 of the Immigration Act 1987 or for the purpose of any court appearance, and I DIRECT YOU, the said member(s) of the Police, to deliver the subject to

....., and you, the said .....

[specified premises or penal institution]

[person in charge or Superintendent]

to receive the subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

Dated at ..... this ..... day of ..... 19....

.....  
District Court Judge

Subject brought before me on—

..... and ordered to be further detained until .....

[date]

Signature .....

District Court Judge

..... and ordered to be further detained until .....

[date]

Signature .....

District Court Judge

..... and ordered to be further detained until .....

[date]

Signature .....

District Court Judge

SECOND SCHEDULE—continued

Form 7

WARRANT OF COMMITMENT

Reg. 27 (2)

Section 79, Immigration Act 1987

To every member of the Police (or To ....., member of the  
[full name]

Police), and to the Superintendent of .....  
[specified penal institution]

..... (hereinafter called the subject), of ....., .....  
[Name] [address and occupation if known]

was arrested under Part III of the Immigration Act 1987 and brought  
before me pursuant to section 79 of that Act.

I HEREBY ORDER that the subject be detained until ordered to be  
released by any Court, or until required to be delivered up by any member  
of the Police in accordance with section 85 of the Immigration Act 1987,  
and I DIRECT YOU, the said member(s) of the Police, to deliver the subject  
to ..... and you, the said  
[specified penal institution]

Superintendent, to receive the subject into your custody and detain the  
subject until so ordered to be released or required to be delivered up.

Dated at ..... this ..... day of ..... 19....

.....  
District Court Judge

SECOND SCHEDULE—continued

Form 8

WARRANT OF COMMITMENT

Section 99, Immigration Act 1987

Reg. 27 (3)

To every member of the Police (or To....., member of the Police), and to the Superintendent of .....

[full name]

..... (hereinafter called the subject), of.....

[specified penal institution]

[Name] ..... [address and occupation, if known]

was arrested under Part IV of the Immigration Act 1987 and brought before me pursuant to section 99 of that Act.

I HEREBY ORDER that the subject be detained until ordered to be released by the Deportation Review Tribunal or by any Court, or until required to be delivered up by any member of the Police in accordance with section 108 of the Immigration Act 1987 or for the purpose of any court appearance, and I DIRECT YOU, the said member(s) of the Police, to deliver the subject to .....

[specified penal institution]

and you, the said Superintendent, to receive the subject into your custody and detain the subject until so ordered to be released or required to be delivered up.

Dated at ..... this ..... day of ..... 19....

.....  
District Court Judge

Subject brought before me on—

..... and ordered to be further detained until.....  
[date] Signature .....

District Court Judge

..... and ordered to be further detained until.....  
[date] Signature .....

District Court Judge

..... and ordered to be further detained until.....  
[date] Signature .....

District Court Judge

SECOND SCHEDULE—continued

Form 9

WARRANT OF COMMITMENT

Reg. 27 (4)

Section 128 (7), Immigration Act 1987

To every member of the Police (or To....., member of  
[full name]

the Police), and to .....  
[the person in charge of any specified premises or the  
Superintendent of any specified penal institution].

..... (hereinafter called the subject), a citizen of  
[Name]

..... was detained pursuant to section 128 of the  
[country if known]

Immigration Act 1987, and is to be detained for more than 48 hours.

I DIRECT YOU, the said member(s) of the Police, to deliver the subject  
to ..... , and you, the said  
[specified premises or penal institution]

....., to receive the subject into your  
[person in charge or Superintendent]

custody and detain the subject for a period of 28 days unless sooner  
required by a member of the Police to deliver up the subject in accordance  
with section 128 (11) of the Immigration Act 1987, or until notified in  
writing by an immigration officer that the subject may be released in  
accordance with section 128 (13) of that Act.

Signature .....

Date .....

Registrar (or Deputy Registrar)

District Court

.....  
[Place]

## THIRD SCHEDULE

Reg. 28

## FEES

## PART I—FEES

	Fee \$
1. Applications in respect of which fee payable at time of application:	
(a) Residence visa—	
(i) Requiring commercial assessment under regulation 4 (3)	800
(ii) Other	200
(b) Returning resident's visa	20
(c) Residence permit applied for in New Zealand*—	
(i) Requiring commercial assessment under regulation 7 (3)	800
(ii) Other	200
(d) Student visa	200
(e) Student permit applied for in New Zealand*	100
(f) Work visa	80
(g) Work permit applied for in New Zealand*	80
(h) Visitor permit applied for in New Zealand*	20
(i) Application under section 31 of the Act for reconsideration of decision to decline another temporary permit	100
(j) Application for a special direction to vary the conditions of a temporary permit	100
(k) Application for a special direction to grant a permit or apply any exemption to a person to whom any of the provisions of section 7 (1) of the Act applies	100
2. Issue of residence visa	100
3. Grant of residence permit applied for in New Zealand*	100

\*Other than by a person on arrival in New Zealand at a port of entry or customs airport

## PART II—EXEMPTIONS FROM FEES

1. *Spouses and dependent children*—(1) No fee specified in any of clauses 1 to 3 of Part I of this Schedule, other than a fee specified in paragraph (a) (i) or paragraph (c) (i) of clause 1 of that Part, shall be payable in respect of any application by, or issue of a visa or grant of a permit to, any spouse or dependent child (being an unmarried child under the age of 17 years) of a principal applicant where—
  - (a) The application of any such spouse or dependent child for the relevant visa, permit, or other matter is submitted together with that of the principal applicant; and
  - (b) The applications are made in respect of the same class (residence or temporary) of visa or permit, or in respect of the same matter; and
  - (c) Any such spouse or dependent child is to accompany the principal applicant to (if appropriate) and within New Zealand.
- (2) For the purposes of subclause (1) of this clause, the term “principal applicant” means,—
  - (a) In respect of a dependent child, an adult of whom the child is a dependent, whether or not the child is a child of that person;
  - (b) As between spouses, the spouse whom the spouses determine to be the principal applicant.

THIRD SCHEDULE—*continued*

2. *Transitional exemptions*—Fees shall not be payable under these regulations in respect of the following applications:
    - (a) Any application for a temporary permit made pursuant to section 42 (5) of the Act:
    - (b) The first application for a student permit made on or after the 1st day of November 1987 by any person who holds a permit that is deemed by section 44 (5) of the Act to be a student permit:
    - (c) The first application for a work permit made on or after the 1st day of November 1987 and before the 1st day of November 1988 by any person who holds a permit that is deemed by section 44 (5) of the Act to be a work permit.
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## FOURTH SCHEDULE

## REVOCATIONS

Reg. 29

## Part I—Regulations Revoked

Title	Statutory Regulations Serial Number or Gazette reference
The Immigration Restriction Regulations 1930	Gaz. 1930, Vol. 1, p. 78 (Reprinted with Amendments Nos. 1-5: S.R. 1949/44)
The Immigration Restriction Regulations 1930, Amendment No. 1	1939/19
The Immigration Restriction Regulations 1930, Amendment No. 2	1939/57
The Immigration Restriction Regulations 1930, Amendment No. 5	1948/104
The Immigration Restriction Regulations 1930, Amendment No. 7	1952/27
The Immigration Restriction Regulations 1930, Amendment No. 8	1962/22
The Immigration Restriction Regulations 1930, Amendment No. 9	1964/67
The Immigration (Diseases) Order 1965	1965/3
The Immigration (Deportation) Regulations 1978	1978/13
The Immigration Amendment Act Commencement Order 1978	1978/287
The Immigration (Permits) Regulations 1979	1979/279
The Immigration (Arrival and Departure) Regulations 1986	1986/307

*Part II—Notices Revoked*

Title	Gazette reference
The Exemption from Entry Permit Requirements Notice 1973	1973, Vol. I p. 413
The Exemptions from Entry Permit Requirements Notice 1978	1978, Vol. I, p. 10
The Exemptions from Immigration Entry Permit Requirements Notice 1978	1978, Vol. II, p. 1928

C. J. HILL,  
Acting for Clerk of the Executive Council.

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## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations revoke and replace all existing Immigration regulations. They deal with 5 main matters:

- Applications for visas, permits, and other matters:
- Conditions and maximum periods of currency of temporary permits:
- Visa and permit exemptions, and certain other exemptions:
- Forms for removal warrants, warrants of commitment, etc.:
- Fees in respect of applications and other matters.

The regulations come into force on 1 November 1987.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 October 1987.

These regulations are administered in the Department of Labour.