



Immigration (Certificate and Warrant Forms) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 400 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Immigration (Certificate and Warrant Forms) Regulations 2010.

2 Commencement

These regulations come into force at 2 am on 29 November 2010.

3 Interpretation

In these regulations, **Act** means the Immigration Act 2009.

4 Certificate requiring information about individual's present or past whereabouts

A certificate prepared by an immigration officer under section 274(1)(a) of the Act must be in form 1 of the Schedule.

5 Certificate requiring information about whether individual is or has occupied particular premises

A certificate prepared by an immigration officer under section 274(1)(b) of the Act must be in form 2 of the Schedule.

6 Warrants of commitment

- (1) A warrant of commitment issued by a District Court Judge or a High Court Judge under section 317(1)(b)(i), 318(3)(a) (in relation to an application described in subsection (1)(a) of that section), or 323(2) of the Act must be in form 3 of the Schedule.
 - (2) A warrant of commitment issued by a District Court Judge or a High Court Judge under section 318(3)(a) of the Act (in relation to an application described in subsection (1)(b) of that section) must be in form 4 of the Schedule.
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Schedule

rr 4, 5, 6

Forms**Form 1**

r 4

Certificate requiring information as to
whereabouts of person suspected of being liable
for deportation

Section 274(1)(a), Immigration Act 2009

[The original or a copy of this certificate (depending on the manner in which the certificate is given) may be retained by the person, or the officer or employee of the department, agency, or other body, specified in section 275 of the Immigration Act 2009 for the purpose of recording the fact that any information given was in response to this certificate. The original or a copy of this certificate (depending on the manner in which the certificate is given) is also retained by the immigration officer.]

To *[name of person, or officer or employee of department, agency, or other body]*

- 1 I, *[name]*, an immigration officer, certify that I have good cause to suspect that *[name]*, also known as *[name]*, may be, or may become as a result of investigations, liable for deportation.
- 2 Under section 274(3) of the Immigration Act 2009, I call on you to produce for my inspection and provide a copy of, or allow me to copy, any record or other information held by and reasonably available to you or, as the case may be, the department, agency, or body for whom you are an officer or employee that may help to establish the present whereabouts of the person named above or the person's whereabouts at any time in the past.
- 3 Section 274(4) of the Immigration Act 2009 provides that your obligation to supply the information I seek applies despite any enactment or rule of law to the contrary, and that you (and, as the case may be, the department, agency, or body for whom you are an officer or employee) are not liable in any civil or criminal proceedings for complying with my request.

Form 1—*continued*

Date:

Signature:

Form 2

r 5

Certificate requiring information as to occupier
of premises*Section 274(1)(b), Immigration Act 2009*

[The original or a copy of this certificate (depending on the manner in which the certificate is given) may be retained by the person, or the officer or employee of the department, agency, or other body, specified in section 275 of the Immigration Act 2009 for the purpose of recording the fact that any information given was in response to this certificate. The original or a copy of this certificate (depending on the manner in which the certificate is given) is also retained by the immigration officer.]

To *[name of person, or officer or employee of department, agency, or other body]*

- 1 I, *[name]*, an immigration officer, 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 may be, or may become as a result of investigations, liable for deportation.
- 2 Under section 274(3) of the Immigration Act 2009, I call on you to produce for my inspection and provide a copy of, or allow me to copy, any record or other information held by and reasonably available to you or, as the case may be, the department, agency, or body for whom you are an officer or employee that may help 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.
- 3 Section 274(4) of the Immigration Act 2009 provides that your obligation to supply the information I seek applies despite any enactment or rule of law to the contrary, and that you (and, as the case may be, the department, agency, or body for whom you are an officer or employee) are not liable in any civil or criminal proceedings for complying with my request.

Date:

Signature:

Form 3

r 6(1)

Warrant of commitment

*Section 317(1)(b)(i), 318(3)(a) (for the purpose of section
318(1)(a)), or 323(2), Immigration Act 2009*

To every constable/[*name*], constable*, and to the Manager of [*specified prison*]/Person in charge of [*specified premises*]*

* Select one.

- 1 [*Full name of person to be detained under the warrant*], of [*address and occupation, if known*], was detained in custody under Part 9 of the Immigration Act 2009 and brought before me pursuant to section 316 of that Act.
- 2 **I order** that [*name*] be detained for [*number of days (no more than 28)*] or, if one of the following events occurs before the expiry of the [*number of days*], on the date that the event occurs:
 - (a) he/she* is ordered to be released by any court; or
 - (b) he/she* is required to be delivered up to a constable under section 335(1) of the Immigration Act 2009 for the purpose of executing his/her* deportation or effecting his/her* departure from New Zealand; or
 - (c) written notice is received from an immigration officer that he/she* has ceased to be liable to arrest and detention under Part 9 of the Immigration Act 2009.

* Select one.

- 3 **I direct you**, the constable(s), to deliver [*name*] to [*specified prison or premises*] and you, the Manager/Person in charge*, to receive [*name*] into your custody and detain him/her* for the number of days specified, or until the date referred to, in paragraph 2.

* Select one.

Dated at: [*place, day, month, year*]

Signature:

District Court Judge/High Court Judge (acting under section 326 of the Immigration Act 2009)*

* Select one.

Form 4

r 6(2)

Warrant of commitment

*Section 318(3)(a), Immigration Act 2009 (for the purpose of
section 318(1)(b) of that Act)*

To every constable/[*name*], constable*, and to the Manager of [*specified prison*]/Person in charge of [*specified premises*]*

* Select one.

- 1 [*Full name of person to be detained under the warrant*], of [*address and occupation, if known*],—
- (a) is liable for deportation in accordance with an order made under section 163 of the Immigration Act 2009 (having been certified as constituting a threat or risk to security); and
 - (b) was detained in custody under Part 9 of the Immigration Act 2009 and brought before me pursuant to section 316 of that Act.
- 2 **I order** that [*name*] be detained for [*number of days (no more than 28)*] or, if one of the following events occurs before the expiry of the [*number of days*], on the date that the event occurs:
- (a) he/she* is ordered to be released by any court; or
 - (b) he/she* is required to be delivered up to a constable under section 335(1) of the Immigration Act 2009 for the purpose of executing his/her* deportation or effecting his/her* departure from New Zealand; or
 - (c) written notice is received from an immigration officer that he/she* has ceased to be liable to arrest and detention under Part 9 of the Immigration Act 2009.

* Select one.

- 3 **I direct you**, the constable(s), to deliver [*name*] to [*specified prison or premises*] and you, the Manager/Person in charge*, to receive [*name*] into your custody and detain him/her* for the number of days specified, or until the date referred to, in paragraph 2.

* Select one.

Form 4—*continued*

Dated at: [*place, day, month, year*]

Signature:

District Court Judge/High Court Judge (acting under section 326
of the Immigration Act 2009)*

* Select one.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

These regulations are the Immigration (Certificate and Warrant Forms) Regulations 2010. The regulations come into force at 2 am on 29 November 2010. The regulations prescribe the forms to be used for the following purposes under the Immigration Act 2009 (the Act):

- the certificate prepared by an immigration officer under section 274(1)(a) of the Act (authorising the officer to obtain information about the present or past whereabouts of a person that the officer has good cause to suspect is a person who may be, or may become as a result of investigations, liable for deportation under the Act):
- the certificate prepared by an immigration officer under section 274(1)(b) of the Act (authorising the officer to obtain information about the present or past occupiers of premises that the officer has good cause to suspect are being, or have been, occupied by a person who may be, or may become as a result of investigations, liable for deportation under the Act):
- the warrant of commitment that a District Court Judge or a High Court Judge may issue under section 317(1)(b)(i), 318(3)(a) (in relation to an application described in subsection (1)(a) of that section), or 323(2) of the Act:

- the warrant of commitment that a District Court Judge or a High Court Judge may issue under section 318(3)(a) of the Act (in relation to an application described in subsection (1)(b) of that section).
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Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 August 2010.
These regulations are administered by the Department of Labour.
