

Cook Islands immigration act review

Immigration Act review – Proposed Regulations

Consultation

Proposals for regulations to support the new immigration system

30 October 2018

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The purpose of this document

The purpose of this detailed document is to:

1. provide the background to the Cook Islands immigration act review
2. explain the steps for making new immigration legislation and regulations
3. describe “framework” immigration legislation
4. seek feedback on the proposal for the new **regulations**.

You do not have to read this whole detailed document but, you are invited to do so. You may comment on any or all of proposal being made. All comments are welcomed.

You may also wish to review the current version of the detailed drafting instructions for the **legislation** at the same time as you review the proposals in this document. It is entitled **Immigration Act review – Drafting Instructions – October 2018**.

You may choose to read the summary powerpoint

This document is accompanied by a powerpoint presentation. The presentation summarises the proposals for the new **legislation** and the **regulations**. It is entitled **Summary of drafting instructions for Cook Islands immigration legislation and regulations**.

Background to the immigration act review

The Cook Islands *Entry, Residence and Departure Act 1971-72* (the ERD Act) is not fit for purpose. It does not provide Cook Islands Immigration with the legislative foundation it needs to effectively manage the travel, entry, stay and departure of non-Cook Islanders to the Cook Islands.

Since the ERD Act was enacted there have been major changes in the Cook Islands and in the international environment. *In the Cook Islands*, tourist numbers jumped from approximately 73,000 visitors in the year 2000 to approximately 160,000 visitors in 2016¹. The jump in visitors has led to growth in the tourism sector, construction sector and other sectors. For example, building approvals jumped from approximately 8,000 in 2012 to 22,000 in 2016². This growth, combined with decreasing rates of unemployment³ has created a shortage of workers in a number of sectors.

In the international environment, people are becoming increasingly mobile. In 1971, the estimated number of air travellers was 332 million⁴. In the year 2000, it was approximately 1.7 billion, jumping to approximately 3.8 billion air travellers in 2016⁵.

People travel nationally and internationally to visit and to work in new places and new countries. Long term worker arrivals to New Zealand jumped from approximately 17,000 in 2005 to 42,000 in 2016⁶. The changing international environment and increased movement of people requires all countries to think carefully about how they attract and facilitate the people they want and need. It also requires all countries to ensure that they manage people risks, and maintain the integrity of their borders and immigration systems.

Effectively managing the travel, entry, stay and departure of non-Cook Islanders, and choosing the people wanted and needed, is the sovereign right of the Government of the Cook Islands. It is important to the:

- **success** of the Cook Islands, as immigration supports investment and business development, and appropriate access to skilled and needed workers. Immigration helps facilitate the tourism industry
- **safety** of the Cook Islands, as immigration legislation should help prevent the travel, entry and stay of non-Cook Islanders with criminal convictions or who are not of an acceptable standard of health
- **security** of the Cook Islands, by ensuring that there are provisions to remove or deport non-Cook Islanders who do not abide by Cook Islands law, or who are considered a threat or risk to security.

¹ <http://www.mfem.gov.ck/statistics/social-statistics/tourism-and-migration>

² <http://www.mfem.gov.ck/statistics/economic-statistics/key-economic-indicators>

³ <http://www.mfem.gov.ck/statistics/economic-statistics/labour-market-indicators>

⁴ <https://data.worldbank.org/indicator/IS.AIR.PSGR?end=2016&start=1970&view=chart>

⁵ <https://data.worldbank.org/indicator/IS.AIR.PSGR?end=2016&start=1970&view=chart>

⁶ <https://figure.nz/chart/10UVRiriSxhyEP6u>

The principals, and outcome sought, for the immigration act review

In 2017, the Cook Islands **Cabinet approved** the following principles for their 2016 immigration policy, and for the development of a new immigration act:

- **balance** – between security and economic development
- **fairness** – burden placed on legitimate travel to be minimised
- **security** – checks and processes for a high level of security and penalties sufficient to deter violations
- **Implementation** – ensure legislation can be implemented
- **technology** – allow for maximum use of technology
- **clarity and openness** – readily understood by both Public officials and the Public
- **consistency with relevant international instruments and best practice.**

The overall outcome sought from this immigration act review is new immigration legislation and regulations to *manage the travel, entry, stay and departure of non-Cook Islanders to support the success, safety and security of the Cook Islands.* The objectives for the new legislation and regulations are that they are:

- *fair*
- *fit-for-purpose*
- *future-proofed.*

Steps for making new immigration legislation and regulations

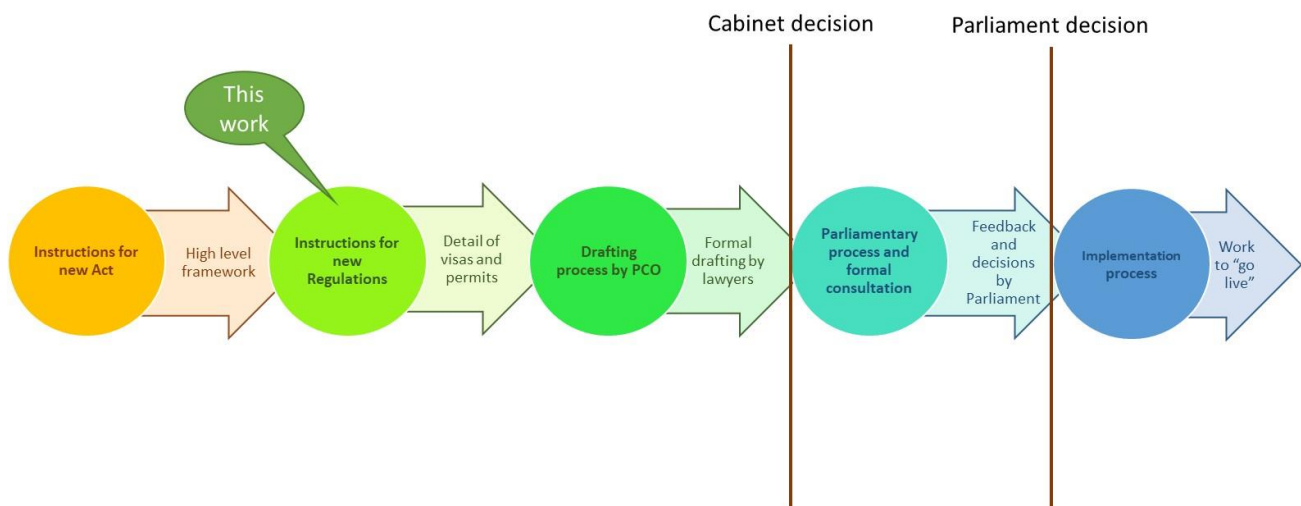
A consultant has been engaged to undertake the policy work required to develop drafting instructions for the new immigration legislation and regulation. The development of drafting instructions for new immigration *legislation* was the first step in the process to draft an Immigration Bill. Consultation was undertaken on the proposed drafting instructions in May 2018.

The second step is to develop drafting instructions for the accompanying immigration *regulations*. Then the drafting instructions can be issued to the *Parliamentary Counsel Office (PCO)*. **Proposals for the regulations are what is being consulted on in this document.**

Once the draft instructions for the legislation and regulations have been issued to PCO, the drafting process is undertaken. PCO's final draft of the legislation needs to be approved by Cabinet and introduced to Parliament. Then, with Parliament's approval, formal consultation through the Select Committee process will occur.

The new legislation and regulations will not become law until the Parliamentary process and formal consultation process has been concluded. The Immigration Bill must be passed into law by Parliament. At this time, the implementation process can begin in Cook Islands Immigration. Implementation may take some time as it will result in change for all stakeholders to the immigration system.

Picture of the steps in the process for making new immigration legislation



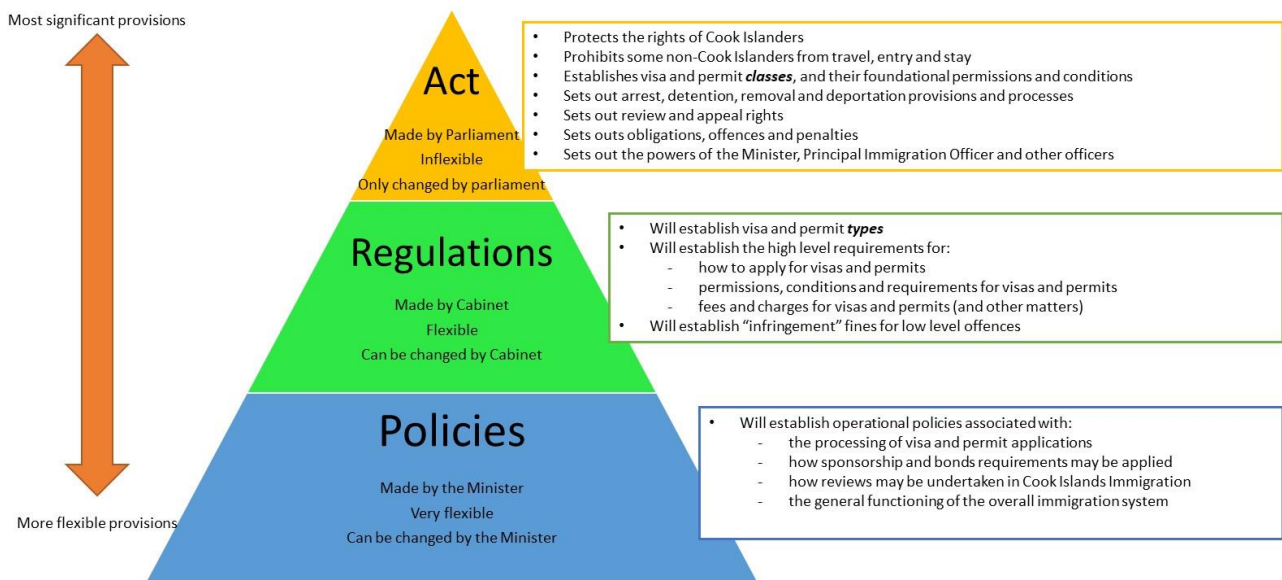
“Framework” immigration legislation supported by regulations

It is proposed that the new legislation is “framework” immigration legislation supported by regulations and immigration policies. This means the legislation will contain *important rights*, like the rights of Cook Islanders to travel to, enter and be in the Cook Islands, and the rights and entitlements of permanent residents and other Visa and Permit holders. It will also contain *important rules*, like the rules about who is prohibited from travelling to the Cook Islands and the rules and responsibilities of carriers, employers and education providers.

Along with important rights and important rules that are decided by Parliament, the new legislation will set out a framework that enables the high level criteria and conditions for permanent residence, and for Visas for travel and Permits for stay to be contained in regulations.

The proposed Regulations will be decided by Cabinet and support through operational policies decided by the Minister (on advice from the Principal Immigration Officer). This will create the flexibility needed for the new legislation and regulations to be fit for purpose when passed and into the future.

Picture of “framework” immigration legislation and regulations



How to have your say on the proposals for the new immigration regulations

Review the key proposals, and the detailed proposals that are of interest to you

This document is accompanied by a powerpoint presentation. The presentation summarises the proposals for the new *legislation* and the *regulations*. It is entitled ***Summary of drafting instructions for Cook Islands immigration legislation and regulations***.

You may choose to read the presentation to identify key areas of interest to you. For example, you may be interested in the proposals for permanent residence or the proposals for Work Visas and Permits. You can then use the contents page in this document to jump to the detailed proposals for the matters of interest.

You do not have to read this whole document but, you are invited to do so. You may comment on any or all proposal being made. All comments are welcomed.

You may also wish to review the current version of the proposed drafting instructions for the legislation at the same time as you review the proposals in this document. It is entitled ***Immigration Act review – Drafting Instructions – October 2018***.

Indicate if you would like to meet to discuss the proposals

Cook Islands Immigration available for meetings with stakeholders between **18 and 29 November 2018**.

If you or your organisation would like to meet, please email kairangi.samuela@cookislands.gov.ck and stephanie.coutts3@mbie.govt.nz no later than 5:00pm on 14 November 2018 expressing your interest and your availability. Please provide more than one date and time that you are available to meet.

Make a written submission on the proposals

You and your organisation are welcome to make a written submission on the proposals or on any other issues relating to the immigration legislation. **Please write your submission in a Microsoft Word document and send it to kairangi.samuela@cookislands.gov.ck and stephanie.coutts3@mbie.govt.nz no later than 5:00pm on 7 December 2018.**

Where possible, any feedback and comments on the proposals in your written submission should make specific reference to the relevant part, sub-heading and proposal that you are commenting on.

If there are any parts of your submission that you wish to be treated as confidential, please clearly indicate this in that part. The consultant and Cook Islands Immigration will take this into consideration. But, please do not provide unnecessary personal information or any personal information about another individual without their permission. This is important because your submission will become official information. It will be subject to the Official Information Act 2008 and it may be requested under that Act.

Note that the proposals do not represent Government policy

It should be noted that the detailed proposals do not represent the Government's policies for the new legislation or regulations. The proposals have not yet been reviewed and finally agreed by the Minister of Immigration (the Prime Minister) or Cabinet.

Final Cabinet review, feedback and agreement will occur after stakeholder feedback has been received and considered, and drafting has occurred. It is one of the next steps for the immigration act review.

Purpose of the new immigration legislation and regulations

An Act to manage the travel, entry, stay and departure of non-Cook Islanders to support the success, safety and security of the Cook Islands

Proposals for the general requirements for *all applicants*

Background to the general requirements for all applicants

The Entry, Residence and Departure Act 1971-72 (the ERD Act) prohibits non-Cook Islanders who have been convicted of an offence and sentenced to imprisonment in the past five years and who are “mentally defective or suffering from any notifiable disease as defined by the Notifiable Diseases Ordinance 1953”. It also prohibits the entry of non-Cook Islanders (who are not Permanent Residents) that cannot demonstrate that they have sufficient funds to provide for themselves while in the Cook Islands and the ability to leave the Cook Islands at their own cost when their permission to stay expires.

The proposals for the new legislation are to modernise the character and health provisions. It is also proposed to modernise the provisions for Permanent Residence and Visa and Permits. This will provide for application criteria and conditions to vary based on:

- the nature of the application being made; and/or
- whether an application is being made from off or onshore; and/or
- the length of an applicant’s intended stay; and/or
- the activities that may be undertaken (such as reside, work, study or visit); and/or
- the applicant’s country of citizenship; and/or
- the countries or regions the applicant has travel through or been in prior to their application.

The proposals for the regulations detailed below include proposals for how applicants will provide evidence of meeting the application requirements. The include proposal that all applicants:

- make all applications in English; and
- provide a certified translation of all non-English information and documents; and
- have an acceptable and valid evidence of identity document.

The proposals detailed below will also result in a set of character, health and other general requirements being imposed on all applicants (unless otherwise specified). Proposal are made to ensure that non-Cook Islanders have sufficient funds, or sponsorship. And, that those who are staying in the Cook Islands for defined periods of time have onwards travel plans or pay a bond. The proposals for sponsorship and bonds will be different to the status quo.

Sponsorship and bond obligations are currently placed on non-Cook Islanders using provisions under the Entry, Residence and Departure Act 1971-72 (ERD Act). All non-Cook Islander workers, including those working for the Cook Islands Government and those for private businesses or organisations must have an employer who is their sponsor. An employer will often lodge their prospective worker’s application with Cook Islands Immigration and pay the cost of any application fees.

Bonds are requested by Cook Islands Immigration where there is a concern that a non-Cook Islander may breach their immigration obligations or may fail to return to their home country at the end of their stay. Bonds are generally requested to cover departure costs. Under the ERD Act, bonds are payable in-full to the Crown, although there is some provision for the payee to apply to the High Court for the return of monies.

Proposals for the new legislation will modernise the provisions for sponsorship and bonds. They will enable sponsorship and bond obligations to be imposed on non-Cook Islanders and their employers, education providers, intern providers or other supporters. The new legislation will enable regulations to prescribe how the provisions for sponsorship and bonds work.

Note it is proposed that the new legislation provide that a bond must be held by Cook Islands Immigration in the Cook Islands Immigration bank account and can be used for the payment of any costs associated with the immigration-management of the non-Cook Islander who was subject to the bond.

Under the proposals for the new legislation proposes that a bond will be forfeited in full if:

- the bonded person remains in the Cook Islands after their Permit expires; and/or
- the bonded person, being unlawfully in the Cook Islands, is removed or deported; and/or
- Cook Islands Immigration is required to support the bonded person to leave the Cook Islands.

The new legislation also proposes that a bond will be forfeited in whole if the payee is eligible to have it refunded and fails to apply for the refund within 12 months of when can be refunded, even if the bonded non-Cook Islander fulfils all the conditions of the bond.

It is also proposed that the new legislation clearly state that where a bond is paid by a third party, the bonded person cannot be charged for the bond amount by that third party. The bonded person's wages cannot be withheld, nor any other mechanism used to charge the bonded person for the bond; be it through monetary or other means. The reason for this is the third party may recoup the bond twice; once from the bonded person and the second time when it is refunded from Cook Islands Immigration. Bonds are not intended to provide for money-making by a third party and allowing for this may create an incentive for a bond payment industry. Administrative arrangements will provide for the transfer of bonds.

The new legislation also proposes that all applicants be required to advise Cook Islands Immigration of any change of information or a prescribed "material change in circumstance" during the application process. A proposal is made for what is considered a material change in circumstances and for the declaration applicants must sign to declare that the information they provide to Cook Islands Immigration is true and correct. Applicants must sign their application forms.

Applicants will be required to accept Cook Islands Immigration's privacy and information sharing statement. Information sharing will support Cook Islands Immigration to work with other Government agencies to support the effective functioning of the immigration system and the Government. It will also allow Immigration to work with employers, education providers and intern providers to manage applications.

Of note, proposals for the new legislation include that where information provided on any form or in statutory declaration is not true and correct, and Permanent Residence or Visa and/or Permit is consequentially granted, it may then be cancelled on the grounds that it was obtain by fraud. The applicant (and any person who aided or abetted them) will have committed an immigration offence that is punishable by a term of imprisonment of seven years, or a fine of up to \$NZD100,000, or both.

Purpose of the proposed general requirements for all applicants

The proposals for the general requirements for all applicants have the intended purpose of:

- supporting the success, safety and security of the Cook Islands; and
- supporting the effective functioning of the immigration system and immigration decision-making; and
- reducing the cost of immigration compliance and enforcement activities.

Proposals for applications to be made in English and accompanied by translations

Proposals

It is proposed that all applications must be made in English.

It is proposed that all applications must be accompanied by a certified translation (paid for by the applicant) of any required information and documents that are not in English.

It is proposed that certified translations must:

- not be prepared by an applicant, any member of their family or any immigration lawyer or adviser supporting the application; and
- be accompanied by the original information and documents or certified copies of that information and those documents; and
- be certified as a correct translation made by a person familiar with both languages and competent in translation work; and
- bear the signature of the translator; and
- if applicable, be on the official letterhead of the translation business.

It is proposed that certified translations may be prepared by:

- the [Translation Service of the New Zealand Department of Internal Affairs](#); or
- the [Australian Translating and Interpreting Service](#); or
- reputable people within the Cook Islands who are known to translate documents accurately and to the satisfaction of Cook Islands Immigration; or
- embassies or high commissions (if the translation is endorsed with the appropriate embassy or high commission seal); or
- any other private or official translation business registered by the Government (or other responsible agency) in the country they are operating in.

It is proposed that Cook Islands Immigration may:

- require statutory declarations from an applicant attesting that the translations requirements have been met and the translations provided can be accepted as certified translations; and
- request translations be done by a different translation service where it is not satisfied by the initial translation provided by an applicant; and
- require the use of a specific translation service if it has **good reason** to believe this is necessary to support effective immigration decision-making.

Rationale for the proposals

Having all application information and documentation in English should support better immigration decision-making and a reduction in immigration compliance and enforcement activities in cases where a Visa or Permit would not have been granted if all information was used. The specific detail about what constitutes a certified translation is intended to reduce the likelihood of immigration fraud and the provision of fraudulent information, documents or translations. It is important that there are deterrents to immigration fraud.

The proposals recognise that Cook Islands Immigration does not have the financial resources to translate key information and documents to support immigration decision-making itself and nor should it be responsible for doing so.

Proposals for acceptable evidence of identity documents

Proposals

It is proposed that all non-Cook Islanders who make an application or travel to, enter and stay in the Cook Islands must hold an acceptable evidence of identity document.

It is proposed that an acceptable evidence of identity document is one of the following documents:

- a passport; or
- a refugee travel document; or
- a certificate of identity; or
- military identity document accompanied by movement orders specifying that the non-Cook Islander is travelling to Cook Islands in the course of their military duties; or
- a Laissez Passer.

It is proposed that a non-Cook Islander's acceptable evidence of identity document held must be original, undamaged and *valid*.

It is proposed that all non-Cook Islanders must have:

- an evidence of identity document that is valid for six months from the date of grant of any Permit; and
- must hold a valid evidence of identity document for the duration of their Permit or Permit waiver.

It is proposed that Cook Islands Immigration may require a non-Cook Islander in the Cook Islands to renew their evidence of identity document if it may expire while they hold a Permit or Permit waiver.

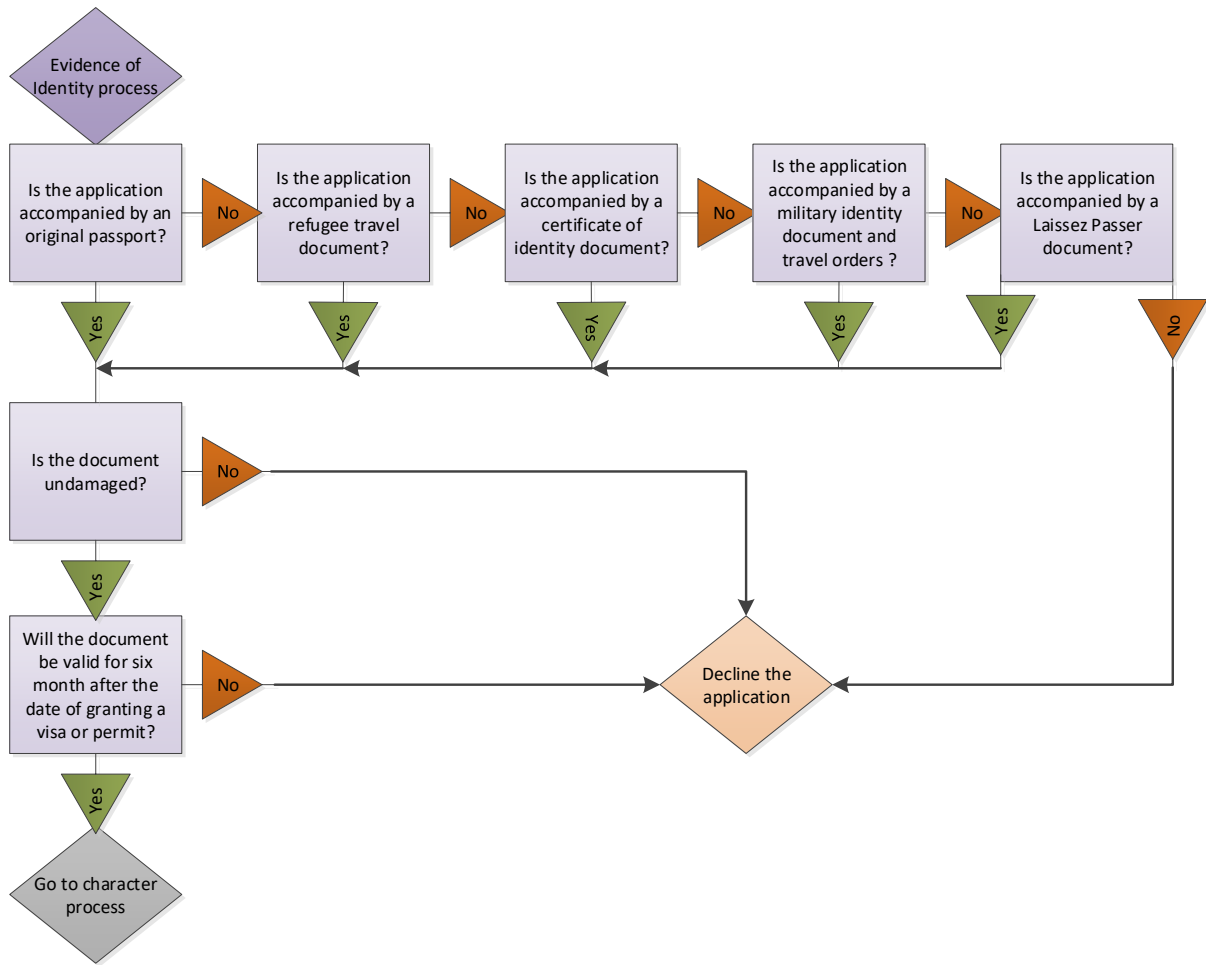
Rationale for the proposals

The proposal that all non-Cook Islanders must hold an acceptable evidence of identity document will enable them to prove their identity to an internationally accepted standard and a standard accepted by Cook Islands Immigration. This will support confidence in immigration decision-making and should support a reduction in immigration compliance and enforcement activities where a Visa or Permit would not have been granted if an applicant's identity was proven with confidence.

Holding one of the required documents will ensure that non-Cook Islanders will be able to travel to and from the Cook Islands, meeting the requirements of their transit countries and carriers. Requiring the document to be valid for the duration of any time in-country will ensure, that if issues arise, the non-Cook Islander has a document they can use to depart the Cook Islands. It is not possible to undertake international travel (especially via aircraft) without an acceptable evidence of identity document that can also be used as a travel document. The requirement to hold a valid document should also support the removal and deportation process if this process becomes necessary.

Of note, Permanent Residence applicants will be required to hold an acceptable evidence of identity document upon application. As they will not be granted a Permit (as they will be granted a Permanent Residence certificate) they will not have an obligation to maintain a valid document while in the Cook Islands. This is because they have the right to remain in the Cook Islands indefinitely.

Flow chart setting out the acceptable evidence of identity requirement



Proposals for the good character (not a prohibited person) requirement

Proposals

Note it is proposed that the new legislation require that all non-Cook Islanders seeking to travel to, enter and stay in the Cook Islands must not be a prohibited person as set out in the Act. The proposals below are for how a non-Cook Islander must provide evidence of their good character (not a prohibited person).

It is proposed that all non-Cook Islanders 16 years old or over seeking to stay in the Cook Islands for less than six months must declare their good character on the arrival card.

It is proposed that all non-Cook Islanders under the age of 16 years old seeking to stay in the Cook Islands for:

- less than six months have their parent or guardian declare their good character on the arrival card; or
- more than six months have their parent or guardian declare their good character on their application.

It is proposed that all non-Cook Islanders 16 years old or over seeking to travel to, enter and stay in the Cook Islands for six months or more - over a continuous period - are required to provide valid Police certificates covering all the states and territories, provinces and regions, and other places in:

- the non-Cook Islander's country of citizenship; and
- each country in which the non-Cook Islander has been in for six months or more in the last five years.

It is proposed that all non-Cook Islanders may be required by Cook Islands Immigration to provide further Police certificates or evidence of good character if it has **good reason** to believe this is necessary to support effective immigration decision-making.

Rationale for the proposals

The good character requirements proposed are designed to protect the safety and security of the Cook Islands and to protect the community from those non-Cook Islanders who:

- are not of good character, and have a proven propensity to commit crime or those who might be a risk or threat to security, public order or defence of the Cook Islands
- may put at risk the Cook Island's international reputation due to their participation in a terrorist organisation or terrorism, or other sanctioned organisation.

The proposals seek to balance the cost of proving good character, on non-Cook Islanders and on Cook Islands Immigration, against the risk. It is considered that the risk is greater the longer a non-Cook Islander intends to stay in the Cook Islands. For this reason, Police certificates are proposed for all applicants who intend to stay for a continuous period of six months or more.

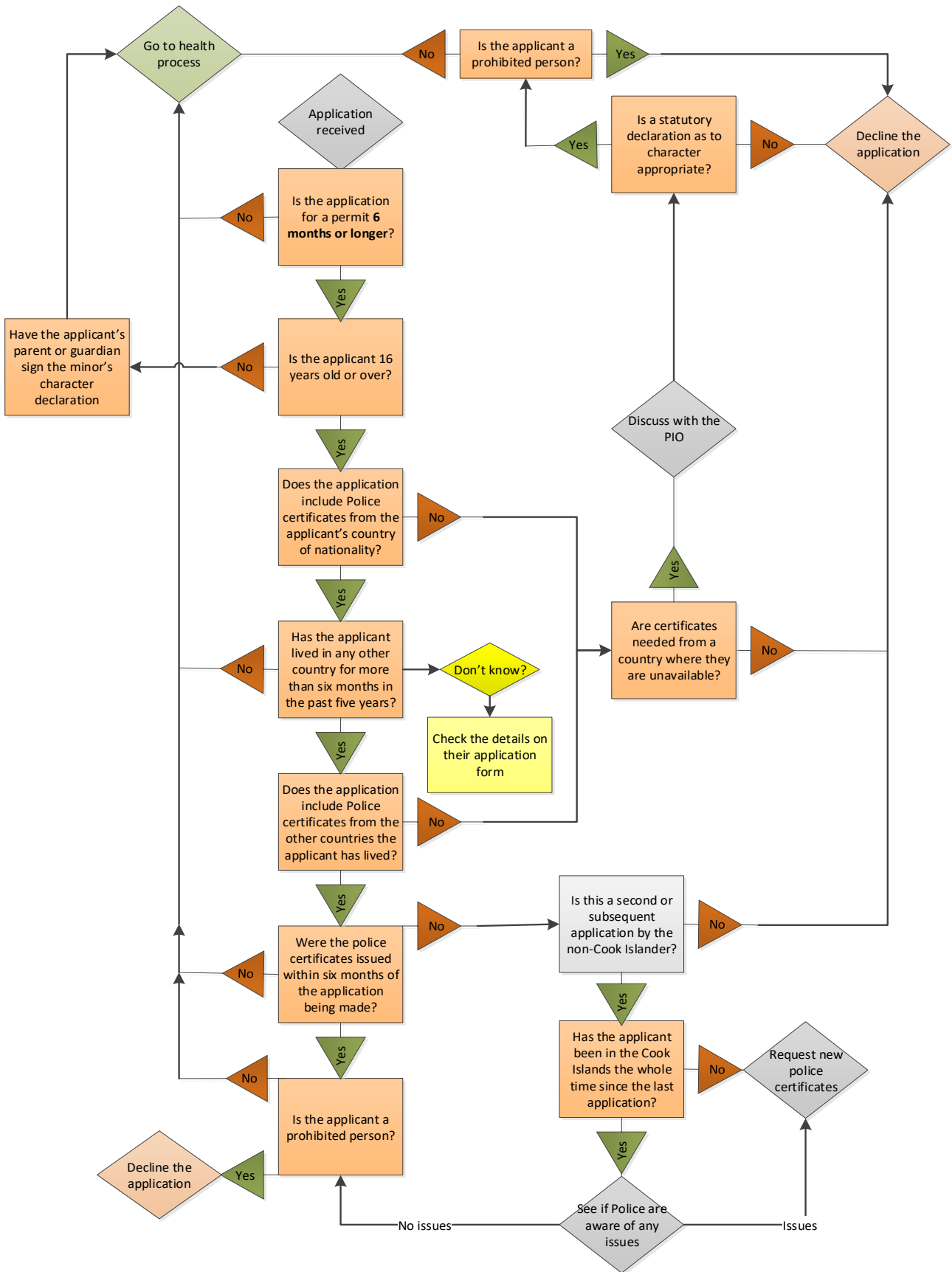
The focus on applicants seeking stay for six months or more will place the obligation to provide Police certificate on Permanent Residence and Residence, Work and Student class Visa and Permit applicants under the new legislation. The obligation will also be imposed on some Long Term visitors. It will continue the status quo where most visitors declare their good character on the arrival card. If they make a declaration about an offence on arrival, or do not make a declaration and are subsequently found to have a criminal conviction (and to be a prohibited person), they can be removed from the Cook Islands.

For non-Cook Islanders seeking an extended stay in the Cook Islands, the requirement to provide Police certificates from their home country and countries in which they have lived or been in for an extended period in the past five years closely mirrors the status quo. It should continue to be sufficient for Cook Islands Immigration to identify any risks related to the applicant. Police checks, along with international intelligence information, may provide a trigger for further investigations if there is good reason.

The age from which Police certificates must be provided recognised that minors and young people should not generally be held accountable for their actions while under the age of 18 years old but, that in the Cook Islands, a minor can be held criminally culpable from the age of 10 years old. Requesting Police certificates from 10 years of age may result in Cook Islands Immigration being criticised in relation to its obligations under the United Nations Convention on the Rights of the Child. From 16 years of age, a minor can make an oath in a Cook Islands court and will be required to take an oath if becoming a Permanent Resident. It is an age at which requesting Police certificates is more easily justified. Setting the age in the regulations will enable it to be changed if risks arising from minors' character are identified in the future.

What constitutes a valid Police certificate will be specified in immigration policy. It is a level of detail that is too detailed for regulations but is necessary to support an applicant and Cook Islands Immigration to have clarity about what Police certificates will be accepted (and how to manage the circumstances where certificates are not available).

Flow chart setting out the good character requirement



Proposals for the acceptable standard of health requirement

Proposals

Note the new legislation will prohibit non-Cook Islanders who are not an acceptable standard of health. The proposals below define what is an acceptable standard of health and how a non-Cook Islander must provide evidence of their health.

It is proposed that all non-Cook Islanders seeking to travel to, enter and stay in the Cook Islands must be an acceptable standard of health.

It is proposed that an acceptable standard of health means the non-Cook Islander is:

- unlikely to be a danger to public health; and
- unlikely to impose significant costs or demands on health or special education services; and
- able to safely and credibly undertake the functions for which they wish to come to the Cook Islands.

It is proposed that danger to public health means, “that due to the conditions in their usual country of residence, or the countries they have transited through or been to in the past six months, there is a probability that the applicant has one of the transmittable diseases listed below or another transmittable disease of concern to the Principal Immigration Officer (on advice from the Chief Medical Officer):

- hepatitis A; or
- hepatitis B; or
- hepatitis C; or
- human immunodeficiency virus (HIV) infection; or
- tuberculosis (TB); or
- syphilis.

It is proposed that significant costs or demands on Cook Islands health services means, “there is a probability that the applicant or non-Cook Islander will need publicly funded health services during their period of stay in the Cook Islands including, but not limited to:

- hospitalisation; or
- residential care; or
- high cost pharmaceuticals; or
- high cost disability services; or
- special education services and support.

It is proposed that it can be considered that the applicant will need publicly funded health services if they have one or more of the conditions listed below or another condition of concern to the Principal Immigration Officer (on advice from the Chief Medical Officer):

- HIV infection; or
- Hepatitis B-surface antigen positive and meeting criteria for anti-viral treatment in New Zealand; or
- Hepatitis C-RNA positive and meeting criteria for anti-viral treatment in New Zealand; or
- malignancies of organs, skin (such as melanoma) and haematopoietic tissue, including history of, or currently under treatment. Exceptions are:
 - treated minor skin malignancies; or

- malignancies where the interval since treatment is such that the probability of recurrence is <10 percent; or
- requirement for organ transplants; or
- requirement for immune suppression following organ transplant; or
- severe, chronic or progressive renal or hepatic disorders; or
- Musculoskeletal diseases or disorders such as osteoarthritis with a high probability of surgery in the next five years; or
- severe, chronic or progressive neurological disorders, including but not exclusive to:
 - any dementia including Alzheimer's disease; or
 - poorly controlled epilepsy; or
 - complex seizure disorder; or
 - cerebrovascular disease; or
 - cerebral palsy; or
 - paraplegia, quadriplegia; or
 - poliomyelitis; or
 - Parkinson's disease; or
 - motor neurone disease, Huntington's disease, muscular dystrophy; or
 - prion disease; or
 - relapsing and/or progressive multiple sclerosis; or
- cardiac diseases, including but not exclusive to:
 - severe ischaemic heart disease; or
 - cardiomyopathy; or
 - valve disease with a high probability of surgical and/or other procedural intervention in the next five years; or
 - aortic aneurysm with a high probability of surgical and/or other procedural intervention in the next five years; or
- chronic respiratory disease, including but not exclusive to:
 - severe and/or progressive restrictive (including interstitial) lung disease; or
 - severe and/or progressive obstructive lung disease; or
 - cystic fibrosis; or
- significant or disabling hereditary disorders, including but not exclusive to:
 - hereditary anaemias and coagulation disorders; or
 - primary immuno-deficiencies; or
- Gaucher's disease; or
- severe autoimmune disease which may require treatment with immune-suppressant medications; or
- severe (71-90 decibels) hearing loss or profound bilateral sensori-neural hearing loss after best possible correction at country of origin, where significant support is required, including cochlear implants; or

- severe vision impairment with visual acuity of 6/36 or beyond after best possible correction at country of origin, or a loss restricting the field of vision to 15-20 degrees where significant support is required; or
- severe developmental disorders or severe cognitive impairments where significant support is required, including but not exclusive to:
 - physical disability; or
 - intellectual disability; or
 - autistic spectrum disorders; or
 - brain injury; or
- major psychiatric illness and/or addiction including any psychiatric condition that has required hospitalisation and/or where significant support is required; or
- those with a history, diagnostic findings or treatment for MDR-TB or XDR-TB, unless they have been cleared by the Chief Medical Officer of Health”.

It is proposed that all non-Cook Islanders 16 years old or over seeking to stay in the Cook Islands for less than six months self-declare their acceptable standard of health on the arrival card.

It is proposed that all non-Cook Islanders under 16 years old seeking to stay in the Cook Islands for less than six months have their parent or guardian declare their acceptable standard of health on the arrival card.

It is proposed that all applicants seeking to travel to, enter and stay in the Cook Islands for greater than six months – over a continuous period - are required to provide a full health test, done by an approved panel physician specified.

It is proposed that all applicants seeking to travel to, enter and stay in the Cook Islands for greater than six months – over a continuous period - are required to provide a chest x-ray unless they:

- are from “low TB risk country” as specified in immigration policy; and
- have not been to a “high risk” country in past six months.

It is proposed that all applicants may be required by Cook Islands Immigration to provide further health information or undergo further health checks if it has **good reason** to believe this is necessary.

Rationale for the proposals

The proposed acceptable standard of health requirements are intended to:

- protect public health in the Cook Islands and ensure that non-Cook Islanders do not impose excessive costs and demands on Cook Islands’ health services
- ensure that all non-Cook Islanders that want to travel, enter and stay can safely and credibly undertake the functions for which they wish to come to the Cook Islands.

The proposed requirements for acceptable standard of health closely mirror that of New Zealand and have been consulted upon with the Ministry of Health. They will not be without controversy as they may be perceived to discriminate against non-Cook Islanders with certain health conditions or diseases. This is not the intention. The intention is to protect public health, through ensuring that the resident population in the Cook Islands is not put at risk by non-Cook Islanders that have a transmissible disease.

The proposals also recognise that the Cook Island hospital and health services are limited and are finite. The Government cannot allow the entry of non-Cook Islanders with conditions or diseases it does not have the ability to provide medical care (including pharmaceuticals) for, especially if issues were to arise with the individual’s management of their condition or disease.

A non-Cook Islander with a health condition or a disease may be at risk while in the Cook Islands if an event or issue were to occur - even if they were to have medical or travel insurance. Insurance cannot provide cover for care that is not available in the Cook Islands.

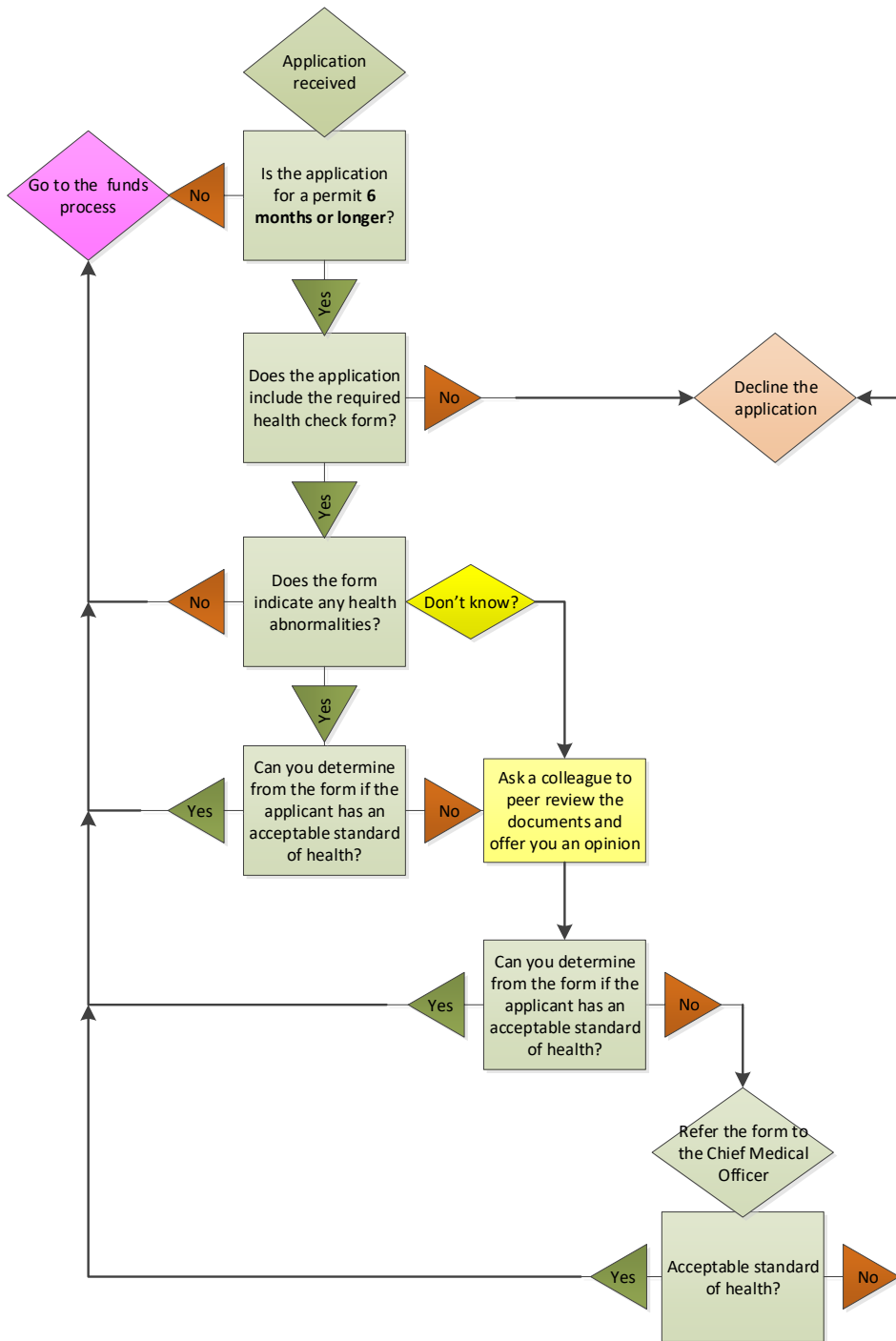
The Government also cannot allow the entry and stay of non-Cook Islander if the provision of health care to individual would result in an inability to provide timely health care for the resident population. It is reasonable for the Government to prioritise the health and wellbeing of Cook Islanders and Permanent Residents over others.

As with the good character proposals, the acceptable standard of health proposals seek to balance the cost of proving good health, on non-Cook Islanders and on Cook Islands Immigration, against the risk. It is considered that the risk is greater the longer a non-Cook Islander intends to stay in the Cook Islands. For this reason, health checks are proposed for any stay longer than six months. Additional checks are proposed where the applicant comes from a country that may be a high risk of TB. Visitors from high risk countries are not common but the Cook Islands does have migrant workers from some high-risk countries.

The approach to determining a non-Cook Islander's standard of health will maintain the status quo with most non-Cook Islanders asked to declare their health on the arrival card. If a non-Cook Islander makes a declaration on arrival, or does not make a declaration and are subsequently found not to be an acceptable standard of health, they can be removed from the Cook Islands.

What constitutes a full health check, the countries considered a low risk of TB and who will be accepted as panel physicians will be specified in policy. It is a level of detail that is considered too detailed for regulations but necessary to support an applicant and Cook Islands Immigration to have clarity about what checks will be accepted (and who can undertake those checks), to ensure completeness and to minimize the risk of fraud.

Flow chart setting out the acceptable standard of health requirement



Proposals for the sufficient funds requirement

Proposals

It is proposed that all non-Cook Islanders seeking to travel to, enter and stay in the Cook Islands must have the sufficient funds to support themselves required by the regulations or have a sponsor.

It is proposed that the sufficient fund requirement cannot be met by non-Cook Islanders agreeing to, or relying on, working hours greater than 40 hours per week.

It is proposed that there be the following sufficient funds requirements for the different Visa and Permit classes and types:

Residence Class Visas and Permits

Resident Spouse or Investor:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$230 per week; or
- signed employment agreement for 40 hours per week at minimum wage or above; or
- signed employment agreement for \$11,960 per annum or above based on a 40 hour working week.

If **no accommodation** has evidence of:

- ability to access a stipend of \$530 per week; or
- signed employment agreement for 40 hours per week at \$13.45 per hour or above; or
- signed employment agreement for \$27,560 per annum or above based on a 40 hour working week.

AND:

If applicable, has evidence of ability to access:

- acceptable accommodation for any dependent child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

Resident Child:

Parent or guardian has evidence of the sufficient funds required to provide for themselves.

Parent or guardian has evidence of an ability to access:

- **acceptable accommodation** for the child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

Work Class Visas and Permits

Government Worker or International Worker:

If **has acceptable accommodation** has evidence of:

- signed employment contract for 40 hours per week at minimum wage or above; or
- signed employment contract for \$10,920 per annum or above based on a 40 hour working week

If **no accommodation** has evidence of:

- signed employment contract for 40 hours per week at \$7.45 or above; or
- signed employment agreement for \$15,080 per annum or above based on a 40 hour working week

AND:

If applicable has evidence of:

- **acceptable accommodation** for their spouse and any dependent children; and
- an additional stipend of \$130 per week for their spouse; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

Specialist Worker:

If **has acceptable accommodation** has evidence of:

- ability to access a salary of \$185 per week, for length of stay; or
- \$740 of funds, to cover a 31 day duration of stay (or pro-rata equivalent)

If **no accommodation** has evidence of:

- ability to access a salary of \$1,235 per week, for length of stay; or
- \$4,940 of funds, to cover a 31 day duration of stay (or pro-rata equivalent)

Study Class Visas and Permits

International Minor Student:

Parent or guardian has evidence of the sufficient funds required to provide for themselves.

Parent or guardian has evidence of an ability to access:

- **acceptable accommodation** for the child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

International Adult Student or International Intern:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$210 per week, for length of stay; or
- \$10,920 of funds, to cover a 12 month duration of stay (or pro-rata equivalent)

Study Class Visas and Permits

If **no accommodation** has evidence of:

- ability to access a stipend of \$290 per week, for length of stay; or
- \$15,080 of funds to cover a 12 month duration of stay (or pro-rata equivalent)

Visitor Class Visas and Permits

New Zealand Visitor:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$330 per week, for length of Permit; or
- \$4,290 of funds, to cover a 90 day duration of stay (or pro-rata equivalent)

If **no accommodation** has evidence of:

- ability to access a stipend of \$1,380 per week, for length of Permit; or
- \$17,940 of funds, to cover a 90 day duration of stay (or pro-rata equivalent)

AND

Parent or guardian has evidence of an ability to access:

- **acceptable accommodation** for the child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

International Visitor:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$330 per week, for length of Permit; or
- \$1,320 of funds, to cover a 30 day duration of stay (or pro-rata equivalent)

If **no accommodation** has evidence of:

- ability to access a stipend of \$1,380 per week, for length of Permit; or
- \$5,520 of funds, to cover a 90 day duration of stay (or pro-rata equivalent)

AND

Parent or guardian has evidence of an ability to access:

- **acceptable accommodation** for the child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

Long-term Visitor:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$330 per week, for length of Permit; or

Visitor Class Visas and Permits

- \$5,610 of funds, to cover a 120 day duration of stay (or pro-rata equivalent)

If **no accommodation** has evidence of:

- ability to access a stipend of \$480 per week, for length of Permit; or
- \$23,460 of funds, to cover a 120 day duration of stay (or pro-rata equivalent)

AND

Parent or guardian has evidence of an ability to access:

- **acceptable accommodation** for the child; and
- an additional stipend of \$130 per week for the first dependent child; and
- an additional stipend of \$45 per week for each additional dependent child

Special Class Visas and Permits

Special Spouse:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$230 per week; or
- signed employment contract for 40 hours per week at minimum wage or above; or
- signed employment contract for \$10,920 per annum or above based on a 40 hour working week

If **no accommodation** has evidence of:

- ability to access a stipend of \$530 per week; or
- signed employment contract for 40 hours per week at \$7.45 or above; or
- signed employment agreement for \$15,080 per annum or above based on a 40 hour working week

Special Entrant:

If **has acceptable accommodation** has evidence of:

- ability to access a stipend of \$230 per week; or
- signed employment contract for 40 hours per week at minimum wage or above; or
- signed employment contract for \$10,920 per annum or above based on a 40 hour working week

If **no accommodation** has evidence of:

- ability to access a stipend of \$530 per week; or
- signed employment contract for 40 hours per week at \$7.45 or above; or
- signed employment agreement for \$15,080 per annum or above based on a 40 hour working week

It is proposed that the following is considered acceptable evidence of sufficient funds:

- cash; or
- travellers' cheques; or

- a bank statement from a reputable and known bank or financial service provider showing funds in an account the applicant will have access to in Cook Islands; or
- evidence of bank drafts from a reputable and known bank or financial service provider showing access to funds in an account the applicant will have access to in Cook Islands; or
- recognised credit or debit cards with sufficient credit available; or
- a letter of financial support from the applicant's home employer or home Government, if the applicant is travelling on a Specialist Worker Visa and Permit; or
- a sponsor that meets the requirements of the Act and regulations.

Rationale for the proposals

The proposals for sufficient funds are intended to:

- protect the standard of living in the Cook Islands by ensuring that all non-Cook Islanders can afford to support themselves while in the Cook Islands
- ensure that non-Cook Islanders do not impose excessive costs and demands on Cook Islands' social or community services.

The amount of sufficient funds required have been arrived upon through calculating an average cost of life in the Cook Islands, for a non-Cook Islander that cannot not own land and might not have support from family and community to support their living circumstances and wellbeing.

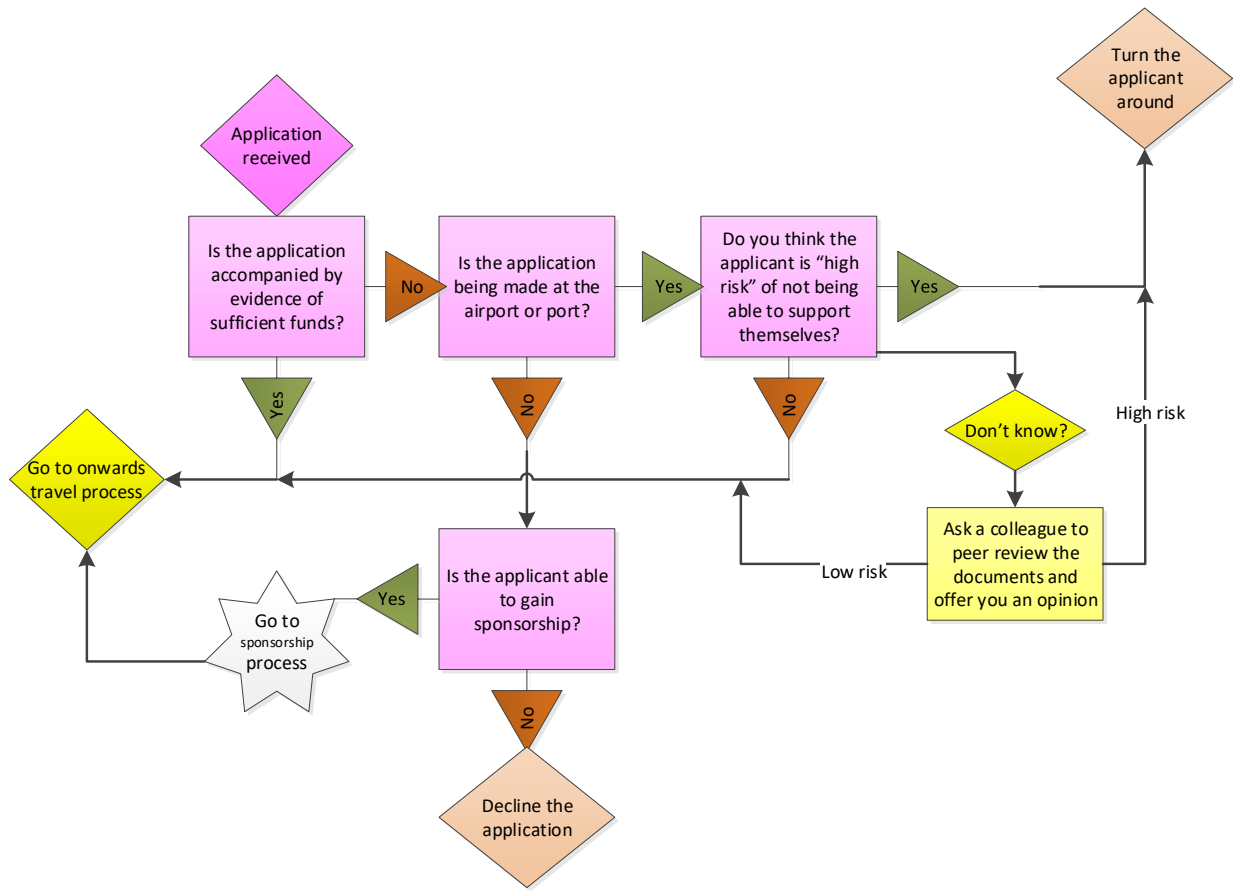
The calculations have been based on the cost of paying for accommodation and utilities, access to a mobile phone and the internet, food and transport, and sundry expenses. For visitors, an "entertainment" allowance was included. It might be possible to live in and visit the Cook Islands with less funds but that living is likely to be tenuous and may not provide any quality of life.

The maximum hours (of forty hours per week) that must be used in calculating sufficient funds is necessary to prevent exploitation of migrant workers. Placing minimum hours of work in employment contracts for employment under a salary, but no maximum hours for that salary, is known to occur. It can result in a non-Cook Islander worker working at an hourly rate below the minimum wage. Where this is the case, they will price a Cook Islander out of the role through accepting (intentionally or otherwise) an hourly rate that would not be accepted by a Cook Islander.

One significant change associated with the proposals for sufficient funds, and linked to the proposals for Visas and Permits, is that where a non-Cook Islander can demonstrate that they have sufficient funds (and meet other application requirements including onwards travel plans), they will not be required to have a formal sponsor (such as an employer who is a sponsor). This is discussed more in the proposals for Visas and Permits later in this document.

In some cases, it is also proposed that non-Cook Islanders applying for certain Residence and Work Class Visa and Permit types can be accompanied by their spouses and dependent children if they have sufficient funds to provide for these family members during their stay. The ability to maintain connections to family and have a family life while in the Cook Islands might result in an ability to attract a different type of resident or worker, with a commitment to family.

Flow chart setting out the sufficient funds requirement



Proposals for the onwards travel plans requirement

Proposals

It is proposed that Work, Study, Visitor and Special Visa and Permit applicants, and non-Cook Islanders seeking to travel to, enter and stay in the Cook Islands on a Visa and/or Permit waiver, have evidence of onwards travel plans and a right to enter their next destination or pay a bond.

It is proposed that the following is considered evidence of onwards travel plans:

- actual travel tickets (confirmed or open-dated) out of the Cook Islands to a country which the person has right of entry to; or
- written confirmation from a reputable and known carrier or travel agency that onward travel has been booked and paid for; or
- a letter guaranteeing that onward travel will be arranged from the applicant's employer that is accepted by the Principal Immigration Officer in "absolute discretion".

Rationale for the proposals

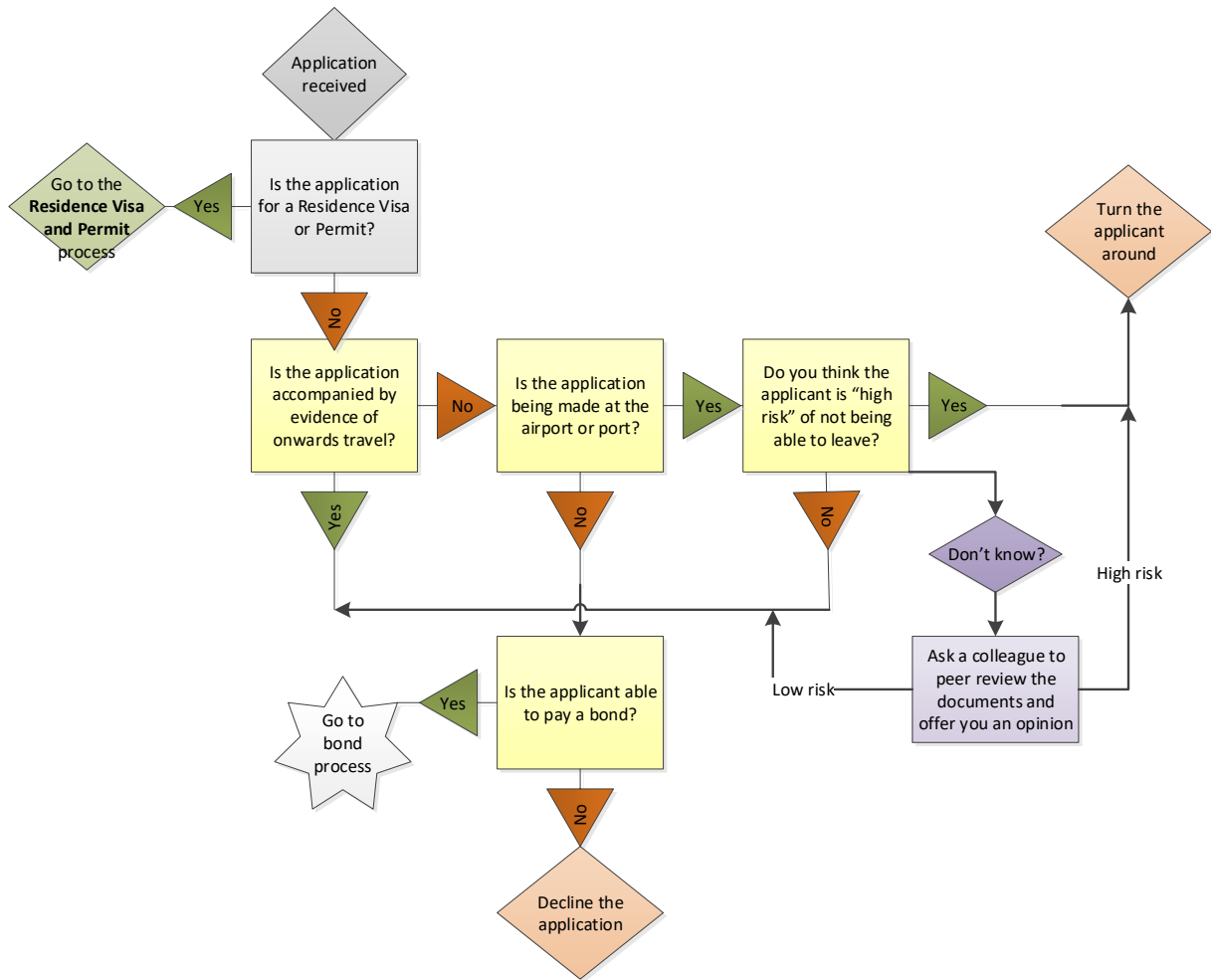
The onwards travel plans requirement for all non-Cook Islanders is in place to:

- protect the integrity of the immigration system and ensure that all non-Cook Islanders can depart the Cook Islands before the expiry of their Permit or Permit waiver
- ensure that non-Cook Islanders do not impose excessive costs and demands on Cook Islands Immigration through their removal or deportation.

The onwards travel plan requirement maintains the status quo under the ERD Act but provides greater clarity of the evidence to prove the requirement has been met. The requirement will not be imposed on Permanent Residents, who have the right to remain indefinitely in the Cook Islands. It is also not proposed as a requirement on Residence Visa and Permit class applicants. This is because it is proposed that these Permits extend for a period of at least three to five years (and are intended as a pathway to permanent residence).

International Worker Permits will also be for an extended period of time and, under the new proposal, result in a bond being required more often than under the status quo. The Principal Immigration Officer may choose to accept a guarantee from an employer as an alternative to a bond. They are given "absolute discretion" on this matter and will likely consider the track record of the employer in supporting their non-Cook Islander workers to comply with immigration obligations.

Flow chart setting out the onwards travel requirement



Proposals for sponsorship

Proposals

It is proposed that a sponsor must be a natural person, a Government agency, or a registered business or incorporated society.

It is proposed that a sponsor must provide any required accommodation to a standard that meets the requirements of section 13 of the Public Health Act 2004.

It is proposed that all sponsors must:

- provide all application and document requirements in English; and
- be of good character; and
- not owe any debt to Cook Islands Immigration, including owing an outstanding infringement fine; and
- provide evidence of sufficient funds to meet the sponsorship obligations they agree to undertake; and
- not have entered insolvency procedures or be adjudicated bankrupt; and
- provide evidence of their ability to provide any acceptable accommodation required; and
- maintain their sponsorship of a non-Cook Islander for the duration of their Permit or Permit waiver; and
- maintain their sponsorship of a non-Cook Islander they become unlawful; and
- not enter into an agreement with the non-Cook Islander for the payment of:
 - any financial or in-kind gain or reward for their sponsorship; and
 - any sureties to re-pay any costs or debits that may be incurred; and
- not have made, or have been suspected of making, a false declaration in relation to an immigration or employment matter or process; and
- pay any amounts incurred as a debt to Crown within 20 working days of being invoiced.

A sponsor who is a natural person

It is proposed that a sponsor who is a natural person must be acceptable to the Principal Immigration Officer in their “absolute discretion” and must:

- not have ever previously breached sponsorship obligations; and
- be a Cook Islander, a Permanent Resident or the holder of a Residence or Work class Permit that will endure throughout their sponsorship obligations; and
- be residing in the Cook Islands as their primary place of residence; and
- not be sponsored themselves, for any Visa or Permit for which they might hold; and
- not be serving a custodial sentence; and
- not awaiting sentencing after being convicted of a crime which carries a custodial sentence; and
- not be unlawfully in the Cook Islands or liable for removal or deportation; and
- not be a person whose liability for removal or deportation is currently suspended.

It is proposed that a sponsor who is a natural person, and wishes to sponsor a spouse or a child, must not have:

- any convictions for sexual or domestic violence, or related crimes; and

- sponsored another spouse within past five years.

A sponsor that is a Government agency

It is proposed that a sponsor who is a Government agency must have the agreement of the Secretary or head of that agency to enter into a sponsorship arrangement.

A sponsor that is a business or an organisation

It is proposed that a sponsor that is a business or incorporated society must be acceptable to the Principal Immigration Officer in their “absolute discretion” and must:

- be registered with the Ministry of Justice (and with the Business Trade and Investment Board if a foreign enterprise); and
- not have ever previously breached sponsorship obligations; and
- at all times have complied with Cook Islands law including any immigration, business, tax, investment, health and safety and employment law; and
- not be under investigation, or be of concern to the Cook Island Immigration, Police, Ministry of Internal Affairs, Ministry of Justice or Business Trade and Investment Board; and
- demonstrate they have sound human resources policies and practices, and use lawful, written employment agreements with all non-Cook Islander employees.

It is proposed that a sponsor must sign a **declaration** that states that:

- all the information they provide Cook Islands Immigration is true and correct; and
- all the documents they have provided are original and unaltered; and
- they are of good character; and
- they do not owe any monies to Cook Islands Immigration for any matter, including owing an outstanding infringement fine; and
- they have sufficient funds and resources to uphold their sponsorship obligations, including paying any wages, salaries or stipends, and covering any other costs associated with the sponsored persons’ maintenance and well-being including accommodation, living and health-related expense; and
- have not, and will not, enter into an agreement with the sponsored person for the payment of any sureties to re-pay any costs or debts that may be incurred as a result of their sponsorship of the individual; and
- acknowledges that information and documents are being collected, and further information and documentation may be requested, with good reason, to:
 - decide the application and determine their eligibility to be a sponsor; and
 - detect, prevent, investigate, prosecute and respond to offences or suspected offences against the Act or other Acts; and
 - support the effective governance of the Cook Islands and to support the effective operation of other Government agencies; and
 - support the health and well-being of the Cook Islands and the Cook Island community (in particular to manage risks to public health, and to the cost and demand of health services); and
- they agree the sponsorship application information and documentation can be shared with Government agencies in order to support the success, safety and security of the Cook Islands, including to manage risks to public health, and to cost and demand on health services; and

- they agree by making an application, Cook Islands Immigration can receive information, such as criminal, health and financial information from third parties. This includes information from the Ministries of Health, Justice and Internal Affairs, and from the Cook Islands Customs Service and Police Service; and
- they agree to advise of any change to information or material change in circumstance that might affect the applicant or their sponsorship during the application process; and
- notes that if all the required information and documentation is not provided, or the declaration is not signed Cook Islands Immigration may be unable to decide the application; and
- they agree, and acknowledge their understanding, that where sponsorship obligations are not upheld:
 - they can be pursued as a debit to the Crown if financial in nature; and
 - the sponsor may be prevented from undertaking any further sponsorship; and
 - the sponsor may not pursue the non-Cook Islander for any costs or debits they incur.

Sponsorship obligations that must be met

It is proposed that the following sponsorship obligations must be met:

Non-Cook Islander	Sponsorship obligations
<i>Sponsor of an adult</i>	<p>Sponsor must provide evidence of having themselves:</p> <ul style="list-style-type: none"> • a signed employment agreement for: <ul style="list-style-type: none"> ○ 40 hours per week at \$16.60 per hour or above; or ○ \$34,320 per annum (based on a 40 hour working week); or • evidence of the ability to access a stipend of \$660 per week. <p>A sponsor must provide:</p> <ul style="list-style-type: none"> • food and sundry items; and • clothing and shoes; and • health services; and • transport costs; and • if providing <i>accommodation</i>, also provide the sponsored person with: <ul style="list-style-type: none"> ○ a stipend of \$130 per week; or ○ employment for 40 hours per week at minimum wage or above; or ○ employment for \$11,960 per annum or above based on a 40 hour working week; or • if <i>not providing accommodation</i>, also provide the sponsored person with: <ul style="list-style-type: none"> ○ a stipend of \$480 per week; or ○ employment for 40 hours per week at \$13.45 per hour or above; or ○ employment for \$27,560 per annum or above based on a 40 hour working week
<i>Sponsor one or minors</i>	<p>Sponsor must provide evidence of having themselves:</p>

<p>Non-Cook Islander</p>	<p>Sponsorship obligations</p>
	<ul style="list-style-type: none"> • a signed employment agreement for a minimum of: <ul style="list-style-type: none"> ○ 40 hours per week at \$16.60 per hour or above; or ○ \$34,320 per annum (based on a 40 hour working week); or • evidence of the ability to access a stipend of \$660 per week. <p>A sponsor must provide:</p> <ul style="list-style-type: none"> • food and sundry items; and • clothing and shoes; and • health services; and • transport costs; and • acceptable accommodation; and • support for the minor’s compulsory education
<p><i>Sponsor of an adult and one or more minors</i></p>	<p>Sponsor must provide evidence of having themselves:</p> <ul style="list-style-type: none"> • a signed employment agreement for a minimum of: <ul style="list-style-type: none"> ○ 40 hours per week at \$17.62 per hour or above; or ○ \$36,660 per annum (based on a 40 hour working week); or • evidence of the ability to access a stipend of \$705 per week. <p>A sponsor may also be required to provide evidence of:</p> <ul style="list-style-type: none"> • food and sundry items; and • clothing and shoes; and • health services; and • transport costs; and • support for the minor’s compulsory education; and • if providing <i>accommodation</i>, also provide the sponsored adult with: <ul style="list-style-type: none"> ○ a stipend of \$130 per week; or ○ employment for 40 hours per week at minimum wage or above; or ○ employment for \$11,960 per annum or above based on a 40 hour working week; or • if <i>not providing accommodation</i>, also provide the sponsored adult with: <ul style="list-style-type: none"> ○ a stipend of \$480 per week; or ○ employment for 40 hours per week at \$13.45 per hour or above; or • employment for \$27,560 per annum or above based on a 40 hour working week

Rationale for the proposals

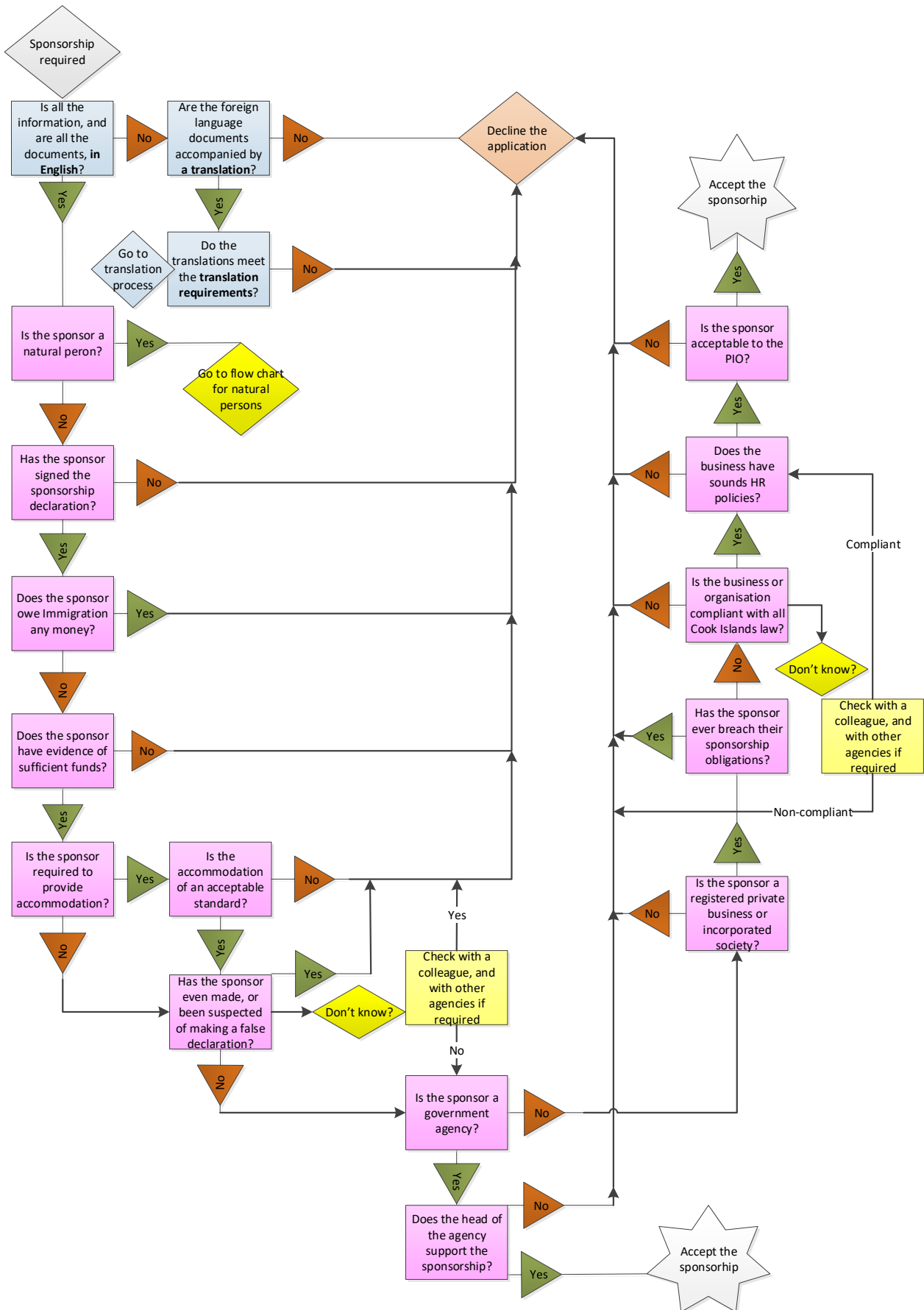
Sponsorship provides an alternative mechanism for a non-Cook Islander to meet the application criteria for sufficient funds and for Cook Islands Immigration to manage risk to the well-being of a non-Cook Islander.

It should be noted that there are risks for the sponsor in undertaking a sponsorship arrangement. A sponsor is accepting responsibility for the maintenance and well-being of another individual or individuals. This may put the sponsor a risk of a financial loss, so sponsor is not an obligation that should be entered into lightly.

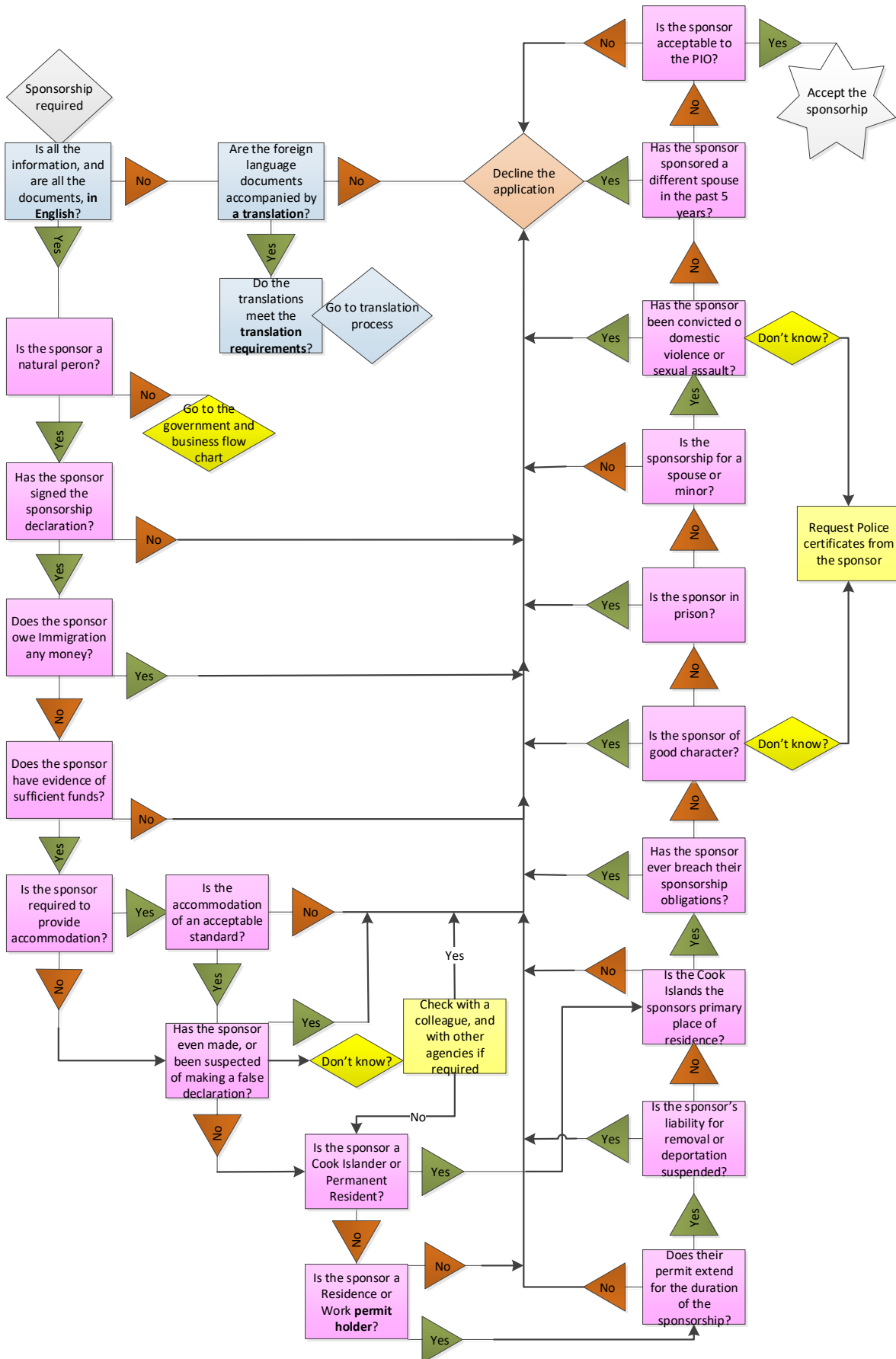
Where a sponsorship arrangement is between an employer and an employee, it should not be used as an alternative to a robust employment process. Cook Islands Immigration cannot be held responsible for a sponsor's employment decisions (including the employer's checking of their prospective employee's qualifications, skills and experience and references). It cannot be held responsible if an employer and an employee don't get along.

Enabling a sponsor to enter into sponsorship for the purposes of gain or reward, or enabling them to enter into an agreement with the non-Cook Islander they are sponsoring for the payment of any sureties to re-pay any costs that may be incurred, is contrary to the intent of sponsorship. It may lead to a sponsorship industry or an arrangement where the well-being of the non-Cook Islander is comprised due to obligations a sponsor imposes on them. There is some concern about this situation already occurring in the Cook Islands with employees who are too afraid to raise issues or concerns about their working terms and conditions or living conditions as their sponsor may withdraw sponsorship and, in effect, have the non-Cook Islander deported.

Flow chart for Government agency, business or incorporated society sponsorship



Flow chart for natural person sponsorship



Proposals for bonds

Proposals

It is proposed that a bond can be paid as evidence of meeting the onwards travel plans requirement and can be otherwise imposed as an obligation on an applicant in the “absolute discretion” of the Principal Immigration Officer.

It is proposed that a bond must be paid and accessible (meaning any transfer or cheque must be cleared) to Cook Islands Immigration before any relevant Visa or Permit is granted.

It is proposed that a person paying a bond must not:

- pay the bond for the purpose of any financial or in-kind gain or reward; and
- use any mechanism to charge the bonded person for the bond, be it through monetary or other means, to do so is an offence; and
- must agree, and understand, that where:
 - immigration obligations are not upheld the bond may be forfeited in full or in part; and
 - the person who is eligible to have the refunded fails to apply for the refund within 12 months of the time frame in which it can be refunded it may be forfeited.

It is proposed that a maximum bond per individual applicant is NZ\$10,000.

It is proposed that total amount of bond payable is at the “absolute discretion” of the Principal Immigration Officer.

It is proposed that Cook Islands Immigration receipt the amount of bond paid, to the person who pays it and that the receipt be maintained as evidence of payment.

Rationale for proposals

The primary purpose for putting bond requirements in place, is to provide an alternative the onwards travel plans requirement. It will enable a non-Cook Islander to set aside the money they might need to purchase a ticket out of the Cook Islands at the end of their stay.

Bonds are not specifically proposed as an alternative to the sufficient funds requirement as a non-Cook Islander who is able to pay a bond is likely to be able to meet that requirement. But, the regulations will enable a bond to be imposed by the Principal Immigration Officer in “absolute discretion”. This is the status quo and will continue enable Cook Islands Immigration to manage risk and to grant a Visa and Permit in some cases where it would otherwise be declined.

Proposals for material change in circumstance requirement

Proposals

It is proposed that all Permanent Residence, Visa and Permit applicants must advise Cook Islands Immigration of the following material change in circumstance during the application process:

- the death of any party relevant to their immigration application, including any spouse or dependent child, or any responsible parent or guardian, and any sponsor, employee, education or intern provider supporting their application (even where they might be a Cook Islander or Permanent Resident); and
- the separation of the applicant from their spouse where their spouse was a party to their application; was a Cook Islander or Permanent Resident and was supporting or sponsoring their application; provided any evidence to support their application; provided any application requirements such as onwards travel or sufficient funds; and
- the arrest pending any criminal charge or trial, or conviction for a criminal offence either in the Cook Islands or overseas, of them or any party relevant to their immigration application, including any spouse or dependent child, or any responsible parent; and
- any change to their standard of health, including any identification or diagnosis of a condition that might pose a danger to public health or pose significant costs or demands on Cook Islands health services by any party to the application, including any spouse or dependent child, or any responsible parent; and
- any change to the applicant's ability to maintain sufficient funds for the duration of their stay in the Cook Islands, including their ability to provide funds for, or receive funds from, any party to the application, including any spouse or dependent child, or any responsible parent or guardian; and
- for any Work, Study, Visitor or Special Visa Permit class applicant any change to the applicant's ability to maintain onwards travel plans for the duration of their Permit, including their ability to maintain onwards travel plans for any party to the application, including any spouse or dependent child, or any responsible parent; and
- any change to, or withdrawal of, sponsorship, where the application is being supported by an employer, education provider, intern provider or other person, business or incorporated society; and
- any change to, or withdrawal of, any contract or written agreement, or offer of a place by an employer, education or intern provider, including any changes to the minimum terms and conditions of the contract or agreement; hours of work or study; payment rates or amounts; stipends; other gains or rewards; or other matters.

Rationale for the proposals

The material change in circumstance requirement is being placed in the new legislation to support the effective functioning of the immigration system by:

- enabling Cook Islands Immigration to make decisions based upon the most up to date information and documentation about an applicant and their circumstances
- reducing the cost of immigration compliance and enforcement activities where a Visa or Permit would not have been granted if all information was known.

Cook Islands Immigration regularly received information and intelligence that the circumstances that may have been applicable to an applicant at the time of application have changed, but the applicant has not advised them of this. In some cases, the information may have influenced Cook Island Immigration's decision. The proposals above make clear the change in circumstances that must be reported to Cook Islands Immigration if they occur during the application process. They will support robust immigration decision-making. They may also be of benefit to applicants, especially those who are migrant workers, as the

obligations will create a dis-incentive for employers to change a prospective employee's terms and conditions once an application has been lodged. If a change in circumstance is not advised to Cook Islands Immigration, and a Visa and/or Permit is consequentially granted, it may then be cancelled.

Proposals for the declaration all applicants must sign requirement

Proposal

It is proposed that all applicants must sign a **declaration** that states that:

- all the information they have provided is true and correct; and
- all the documents they have provided are original and unaltered; and
- they do not owe any monies to the Cook Islands Government (including Cook Islands Immigration) and that they are not serving a ban from travel to, entry and stay in the Cook Islands; and
- they have not been removed or deported from any other country (regardless of how that country may term forced departure and whether or not they were subsequently banned from the country); and
- they are of good character and not a prohibited person, including that they have not been convicted of:
 - any offence, in the Cook Islands or overseas, and sentenced to a term of imprisonment of greater than one year or more regardless of how that offence and conviction was described in the overseas jurisdiction, and the term of sentence actually served; and
 - more than one offence, in the Cook Islands or overseas, for which the combined terms of imprisonment would be greater than one year or more regardless of how that offence and conviction was described in the overseas jurisdiction, and the term of sentence actually served; and
- they are not intending to undertake any actions or activities that will be contrary to the values of the Cook Islands, its culture and its community, including criminal activities, activities as member of a gang of concern or a terrorist organisation or other United Nations sanctioned organisation, or that would otherwise constitute a threat or a risk to security, defence or public order; and
- they are an acceptable standard of health and have no health conditions that might be a danger to public health or impose significant costs or demands on Cook Islands' health or special education services; and
- they agree to provide any further information or document request by Cook Islands Immigration where the request is made with good reason; and
- they acknowledge that information and documents are being collected, and further information and documentation may be requested, with good reason, to:
 - make a decision on the application, about their eligibility for Permanent Residence or for the Visa or Permit for which they have applied; and
 - detect, prevent, investigate, prosecute and respond to offences or suspected offences against the Entry, Residence or Departure Act 1971-72 or other Acts; and
 - support the effective governance of the Cook Islands and to support the effective operation of other Government agencies; and
 - support the health and well-being of the Cook Islands and the Cook Island community (in particular to manage risks to public health, and to the cost and demand of health services); and
- they agree the application information and documentation can be shared with Government agencies in order to support the success, safety and security of the Cook Islands, including to manage risks to public health, and to cost and demand on health services; and
- they agree, where applicable, their application information and documentation (excluding any Police certificates and health tests) can be shared with their prospective employer, education provider or intern provider if necessary to making a decision on their application; and

- they agree by making an immigration application, Cook Islands Immigration can receive information, such as criminal, health and financial information from third parties. This includes information from the Ministries of Health, Justice and Internal Affairs, and from the Cook Islands Customs Service and Police Service or international immigration and law enforcement agencies; and
- they agree to advise of any change to information or material change in circumstance during the application process, and if a Visa and/or Permit is granted, agrees to abide by all conditions that are imposed on that Visa or Permit and depart the Cook Islands before it expires; and
- note that if all the required information and documentation is not provided, or the declaration is not signed Cook Islands Immigration may be unable to decide their application. If this is the case, it will be declined.

Rationale for the proposal

A robust declaration by an applicant will provide a foundation for immigration decision-making and will be used to ensure that an applicant understands their immigration obligation and rights. The declaration is necessary for Cook Island Immigration to have confidence that the information and documentation associated with an application is true and correct.

The declaration will ask an applicant to confirm that they are of good character and health, and not a prohibited person. It will also ask the applicant to acknowledge the reason that their information is being collected, that information about them can be collected from others. In addition, that their information can be shared for certain purposes, in particular to support the effective governance of the Cook Islands and to support the effective operation of other Government agencies. In some cases, application information will need to be shared with law enforcement agencies, with the Ministry of Health of the Business Trade and Investment Board to enable a decision to be made.

As noted earlier, in the new legislation it is proposed that if information on any form or statutory declaration is not true and correct, and Permanent Residence or any Visa and/or Permit is consequentially granted, it may then be cancelled on the grounds that it was obtain by fraud. The applicant (and any person who aided or abetted them) will have committed an immigration offence that is punishable by a term of imprisonment of seven years, or a fine of up to \$NZD100,000, or both. It is important that there are strong deterrents to immigration fraud.

Proposals for Visa and Permit exemptions in the regulation

Background to Visa and Permit exemptions

The proposals for the new legislation, including for Visas and Permits, will change the approach to immigration applications and decision-making. Key changes include requiring non-Cook Islanders to have a Visa for travel and Permit for stay unless they are exempted from the requirements (or the requirements are waived). The proposals below are for Visa and Permit exemptions for the regulations.

Purpose of Visa and Permit exemptions

The purpose of Visa and Permit exemptions are to enable the effective functioning of the immigration system considering the risk that non-Cook Islanders present based upon their reason for traveling to, entering or staying in the Cook Islands.

Proposals for Visa and Permit exemptions

Proposals

It is proposed that all non-Cook Islanders seeking to travel to, enter and/or stay in the Cook Islands subject to a Visa and Permit exemption in the regulations must still:

- hold *acceptable evidence of identity*; and
- not be a *prohibited person* and be of good character; and
- be of an *acceptable standard of health*; and
- have *sufficient funds* to support themselves while in the Cook Islands; and
- have *onwards travel plans*.

It is proposed that the following Visa exemptions are established, with the following criteria:

Type and description	Conditions
<p><i>Transiting passenger:</i></p> <p><i>A transit passenger is a non-Cook Islander transiting through the Cook Islands, to or from Australia, New Zealand, Tahiti or the United States, who remains on the craft or within a designated place while it is in the Cook Islands and for no greater time than 48 hours.</i></p> <p><i>A transit passenger may not enter and stay in the Cook Islands or they will be unlawfully in the Cook Islands.</i></p>	<ul style="list-style-type: none"> • May not apply for a Permit while in transit • May not enter or stay in the Cook Islands • Must leave on the craft they arrived on
<p><i>Transiting crew member of a carrier or craft:</i></p> <p><i>A transiting crew member of a carrier is a non-Cook Islander travelling to the Cook Islands who remains on the craft or within a designated place while it is in the Cook Islands and for no greater time than 48 hours.</i></p>	<ul style="list-style-type: none"> • May not apply for a Permit while in transit • May not enter or stay in the Cook Islands • Must leave on the craft they arrived on

Type and description	Conditions
<p><i>A transiting crew member may not enter and stay in the Cook Islands or they will be unlawfully in the Cook Islands.</i></p>	
<p>Visitor travelling to the Cook Islands:</p> <p><i>A visitor travelling to the Cook Islands is a non-Cook Islander seeking to enter and stay in the Cook Islands, for less than six months, as a bona fide visitor, whose reason for coming is:</i></p> <ul style="list-style-type: none"> • <i>holidaying; or</i> • <i>sightseeing; or</i> • <i>family and social visits; or</i> • <i>volunteering (receiving no gain or reward); or</i> • <i>amateur sport.</i> 	<ul style="list-style-type: none"> • Must report on arrival to a designated place or a Designated Officer • Must complete an arrival card and be granted a Permit on arrival to enter and stay • Must comply with all relevant Visitor Permit requirements during stay

It is proposed that the following Permit exemptions are established, with the following criteria:

Type and description	Conditions
<p>Cruise ship passenger:</p> <p><i>A cruise ship passenger is a non-Cook Islander travelling to the Cook Islands, on a commercial cruise ship carrying passengers for the purposes of leisure travel and for no greater time than 24 hours, as a bona fide visitor, whose reason for coming is short-term:</i></p> <ul style="list-style-type: none"> • <i>holidaying; or</i> • <i>sightseeing.</i> 	<ul style="list-style-type: none"> • May stay in the Cook Islands without a Permit for a maximum period of 24 hours • Must leave on the craft they arrived on • Must leave the Cook Islands before their Permit waiver expires

Rationale for the proposals

The proposed Visa and Permit exemptions should enable Cook Islands Immigration to focus their decision-making on the applications that matter most; applications for Residence, Work and Study Visas and Permits. Non-Cook Islanders who want to reside, work or study in the Cook Islands will be looking to stay for longer periods of time. Imposing Visa requirements on these non-Cook Islanders will enable Cook Islands to seek evidence of their good character and acceptable standard of health before they arrive in the Cook Islands.

Transit passengers and the crew members of carriers and craft currently pose little risk to the Cook Islands. This is because they generally do not disembark and, where they do, they generally remain with the airport or port. These are places where they are unlikely to commit an offence. As they are not staying in the Cook Islands, they do not pose a risk to Cook Islander's ability to access health services or gain employment.

Although visitors will have Visa requirements waived, they will generally be required to apply for a Permit on arrival through submitting their arrival card. On this card they declare that they are of good character and an

acceptable standard of health on their arrival card. If they are subsequently found to have made a false declaration, they can be removed from the Cook Islands.

There were approximately 120,000 visitors to the Cook Islands between July 2017 and March 2018⁷. Immigration does not have the capacity to process and decide advance applications from this number of applicants. In addition, visitors to the Cook Islands are generally low risk. This is because most:

- will have to transit through New Zealand, Australia or the United States on their way to the Cook Islands. All these countries have robust immigration controls for foreign nationals and are not likely to support the transit of high-risk foreign nationals through their own countries
- come from countries that represent a low-risk to public health and health services in the Cook Islands. Visitors are predominately from New Zealand and Australia, the United States and Europe⁸. None of these countries are a high risk of tuberculosis and most offer a wider range of health services than the Cook Islands (although for citizens of the United States basic health services are likely to be cheaper in the Cook Islands, travel for health services has not been identified as an issue with this cohort).

Imposing Permit requirements on cruise ship passengers would have a significant impact on Cook Islands Immigration's resources given the mass arrival of these visitors and the short-term nature of their stay. Some cruise ship passengers do not even disembark the ship when in the Cook Islands.

If risks were to arise in relation to transiting non-Cook Islanders or in relation to visitors from particular countries, or of particular types, the Visa exemptions can be reconsidered. This is one advantage of providing for them in regulations. In addition, if the processing of Visa and Permit applications for other types or classes on non-Cook Islanders becomes a burden that outweighs their risk, the Visa and Permit applications for them can also be adjusted.

⁷ source: *Visitor Arrivals – 1st Quarter 2018, Cook Islands Tourism Corporation*

⁸ source: *Visitor Arrivals – 1st Quarter 2018, Cook Islands Tourism Corporation*

Proposals for the Visa and Permit types

Proposals for Residence Visas and Permits

Background to Residence Visas and Permits

The Entry, Residence and Departure Act 1971-72 (ERD Act) provides for residence Permits of up to two years and subject to any conditions that the Immigration Officer thinks fit. Residence Permits specifically reference non-Cook Islanders working for the Cook Islands Government and the spouses and dependent children of Cook Islanders.

The proposals for Residence Visas and Permits for the new legislation are different to the status quo. A Residence Visa or Permit may be subject to any conditions that are imposed by regulations or policy, but otherwise provide the holder with the right to travel (where they hold a Visa) and stay (where they hold a Permit) in the Cook Islands and work, study or visit consistent with any conditions on their Visa or Permit.

Under the proposals for the new legislation, Residence Visas and Permits may be issued for a duration set out in regulations. They are intended for non-Cook Islanders who meet the criteria to stay in the Cook Islands for a longer duration than provided for under Work or Study regulations and policies; those who may be on a pathway to Permanent Residence but who do not yet meet all the criteria or for whom there are no Permanent Residence places available within the 650 cap.

Purpose of the Residence Visa and Permit regime

The purpose of the Residence Visa and Permit regime is to *facilitate the long-term stay of*:

- the spouses and dependent children of Cook Islanders and Permanent Residents who do not immediately qualify for Permanent Residence
- investors who have made a long-term commitment to a business or organisation in the Cook Islands (and their families where they have sufficient funds to support them in the Cook Islands).

Proposals

It is proposed that all Residence Visa and Permit applicants must:

- provide all application information and document requirements in English; and
- provide acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- have any required *sufficient funds* or a sponsor; and
- meet the *criteria to qualify* for the Residence Visa and/or Permit type they are applying for.

Proposed Residence Visa and Permit types

It is proposed that there will be the following Residence Visa and Permit types:

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>Resident Spouse:</p> <p><i>A Resident Spouse is a life partner of a Cook Islander, Permanent Resident, or an Investor, who is in a marriage, civil union, or de facto relationship with that person that is genuine and stable (and likely to endure)</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander may apply for a Resident Spouse Visa and Permit from on or offshore, but not at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for a Residence Investor Visa and Permit can be made at the same time as a Resident Spouse Visa and Permit • An application for a Resident Child Visa and Permit can be made at the same time as the child’s parent or guardian makes a Resident Spouse Visa and Permit application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the general requirements of sufficient funds for themselves, and if applicable, any dependent minors or must have a sponsor • Must provide evidence that their relationship with their spouse is: <ul style="list-style-type: none"> ○ genuine; and ○ stable; and ○ likely to endure • Must pay the prescribed fee 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law at all times • Must maintain an acceptable standard of health • Must maintain sufficient funds for self and any dependent child or maintain sponsorship • Must maintain a genuine and stable relationship with the spouse due to whom their Visa and Permit was granted • Must comply with any relevant legislation, regulation or rules that are relevant to their permission to work in the Cook Islands, including relevant to their permission to purchase or start a business • If starting a business or when gaining employment for the first time must, within two weeks of the start, enrol at their own expense in the “Kia Orana Customer Service” programme (or any similar programme advised by Cook Islands Immigration) • Must complete the first available “Kia Orana Customer Service” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit <p>Special permissions:</p> <ul style="list-style-type: none"> • May work or study in the Cook Islands (but must comply with all Permit conditions related to starting a

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
		<p>business or gaining employment)</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for: <ul style="list-style-type: none"> ○ five years from date of grant where granted to the spouse of a Cook Islander or Permanent Resident ○ three years from date of grant where granted to the spouse of a Resident Investor
<p>Resident Child:</p> <p><i>A Resident Child is a minor under the age of 18 years old whose parent or guardian has parental responsibility for them (within the meaning of section 34 of the Family Protection and Support Act 2017) and is the spouse of a Cook Islander, Permanent Resident, or an Investor</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander may apply for a Residence Child Visa and Permit from on or offshore, but not at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for a Resident Child Visa and Permit can be made by a parent or guardian at the same time as the parent or guardian makes a Resident Spouse or Resident Investor Visa and Permit application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must have a parent or guardian who approved for a Resident Spouse or Resident Investor Visa and Permit or have a parent or guardian who is a Cook Islander or a Permanent Resident • Parent or guardian must meet the sufficient funds requirement for themselves and the dependent minor or the dependent minor must have sponsorship • Must be single (the dependent minor cannot have a 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law at all times • Must maintain an acceptable standard of health • Parent or guardian’s must maintain sufficient funds for themselves and the dependent child or the dependent minor must maintain sponsorship • Parent or guardian must hold a Residence Spouse or Resident Investor Visa and Permit, or be a Cook Islander or Permanent Resident • (If applicable) parent or guardian must maintain a genuine and stable relationship with the spouse due to whom their Visa and Permit was granted • If starting a business or when gaining employment for the first time must, within two weeks of the start, enrol at their own expense in the “Kia Orana Customer Service” programme (or any similar programme advised by Cook Islands Immigration) • Must complete the first available “Kia Orana Customer

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>spouse of their own)</p> <ul style="list-style-type: none"> • Must provide: <ul style="list-style-type: none"> ○ an original birth certificate showing the names of their parent or parents; or ○ adoption papers showing that the child has been legally adopted by their parent or guardian • Must provide evidence of their parent or guardian’s right to bring them to the Cook Islands • Must pay the prescribed fee 	<p>Service” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit</p> <p>Special permissions:</p> <ul style="list-style-type: none"> • If 16 years old or under may study in the Cook Islands in a Government school or registered private school • If over the age of 16 years old may work or study in the Cook Islands (but must comply with all Permit conditions related to starting a business or gaining employment) • Visa provides for unlimited travel, and Permit provides for stay, for: <ul style="list-style-type: none"> ○ five years from date of grant where granted to the dependent child of a Cook Islander or Permanent Resident ○ three years from date of grant where granted to the dependent child of a Resident Investor
<p>Investor:</p> <p><i>An investor is a non-Cook Islander who:</i></p> <ul style="list-style-type: none"> • <i>is in the process of applying to the Business Trade and Investment Board (BTIB) to make a foreign direct investment or to be a foreign enterprise, and who has agreed to combine the BTIB and immigration application process</i> 	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander may apply for a Residence Investor Visa and Permit from on or offshore, but not at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for a Resident Spouse Visa and Permit can be made at the same time as a Residence Investor Visa and Permit application is made • An application for a Resident Dependent Child Visa and Permit can be made at the same time as a Resident Investor Visa and Permit application is made 	<p>Conditions</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law at all times • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves and any spouse or dependent minor or maintain sponsorship • Must, within two weeks of first arrival on an Investor Permit, at their own expense enrol in the “Kia Orana Values” programme (or similar Government-endorsed cultural programme)

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<ul style="list-style-type: none"> <i>has previously made a foreign direct investment in the Cook Islands or is a foreign enterprise with the approval of the BTIB and is meeting the requirements of any related legislation, regulations or code relevant to that enterprise</i> 	<p>Application criteria:</p> <ul style="list-style-type: none"> Must meet general requirements related to translations, evidence of identity, character and health Must meet the general requirements of sufficient funds for themselves, and if applicable, their spouse and dependent minors or must have sponsorship Must have evidence of English language proficiency Must agree to sharing of information and documents between Cook Islands Immigration and the BTIB, to enable a shared decision-making process Must have BTIB approval to register as a foreign entity or be registered as a foreign entity and be meeting all the requirements of any legislation, regulations or codes relevant to their investment If has previously held an Investor Permit must have evidence of: <ul style="list-style-type: none"> holding a revenue division management number and having paid any required taxes and superannuation completing the “Kia Orana Customer Values” programme or similar Government-endorsed cultural programme Must pay the prescribed fee 	<ul style="list-style-type: none"> Must complete the first available “Kia Orana Values” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit Must (as applicable) work in the business for which BTIB provided approval for them to make a foreign direct investment or in the business that BTIB approved as a foreign enterprise Must file an annual return to the BTIB and meet all legislation, regulations or code obligations related to their foreign direct investment <p>Special permissions:</p> <ul style="list-style-type: none"> Visa provides for unlimited travel, and Permit provides for stay, for three years from date of grant

Rationale for the proposals

Resident Spouse

The proposal to enable a five-year Permit for the spouses of Cook Islanders and Permanent Residents is intended to give these non-Cook Islanders certainty of stay while they work towards meeting the criteria for Permanent Residence themselves. Where they have proved their character and health, and that they are in a genuine and stable relationship, there should be no need for them to re-apply for residence every two years. At the end of their five-year Permit, if they have maintained their character, health and relationship, their next application to Cook Islands Immigration should be for Permanent Residence.

The three-year Permit for the spouses of Investors is designed to align the duration that an Investor is granted permission to stay in the Cook Islands. A spouse may meet the sufficient funds requirements or be sponsored (and not work). They may be able to gain employment independently and work while in the Cook Islands. If they were to buy into or establish a business independently of their spouse, they would be required to meet the relevant BTIB criteria.

It is not proposed that employers must demonstrate that they have sought to fill positions with Cook Islanders or Permanent Residents before they employ a Resident Spouse. This is because it is anticipated that the numbers of spouses qualifying for this Visa and Permit type will not be significant. It is also anticipated that those that do qualify will be on a pathway to Permanent Residence themselves.

Resident Child

The proposal to enable a five-year Permit for the Resident Children of Cook Islanders and Permanent Residents is intended to give these non-Cook Islanders certainty of stay while their parent or guardian work towards meeting the criteria for Permanent Residence themselves (and consequently their child).

The three-year timeframe is proposed for the Resident Children of Investors is to link the time to the Investor Visa and Permit. Investors will need to be able to demonstrate that they have sufficient funds to provide for the living expenses and well-being of any dependent children (or they will require sponsorship).

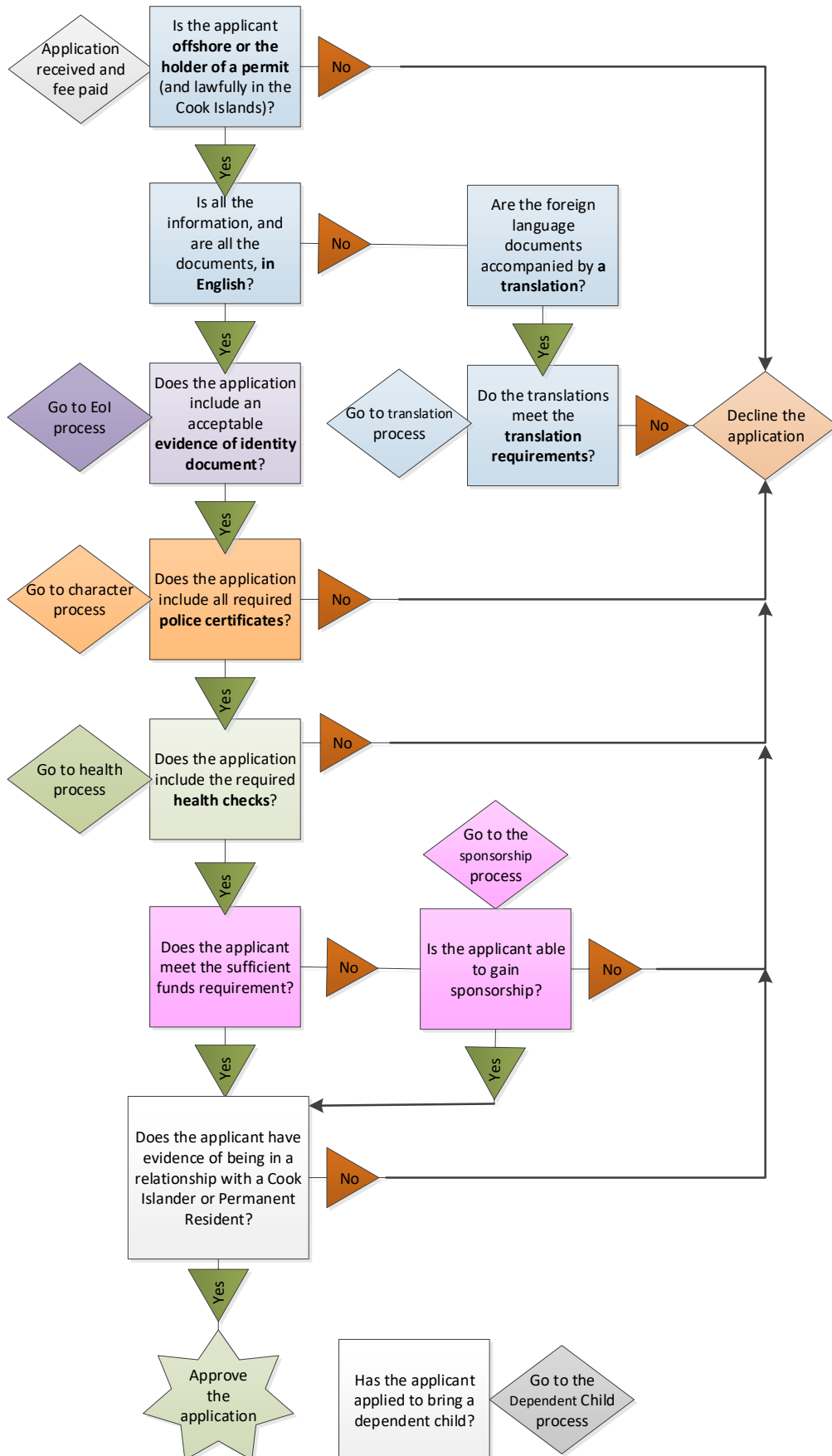
Investor

It is proposed to introduce an Investor Visa and Permit type for those people with BTIB approval to make a foreign direct investment in the Cook Islands or to set up a registered business or incorporated society as a foreign enterprise. The current regulations, rules and policies for providing entry permission for these non-Cook Islanders is confusing. They can be granted entry permission under the ERD Act by Cook Islands Immigration. They can also be granted residence and entry permission for up to three years by the BTIB under a transitional provision in Development Investment Regulations 1996 *but only with Cabinet approval*.

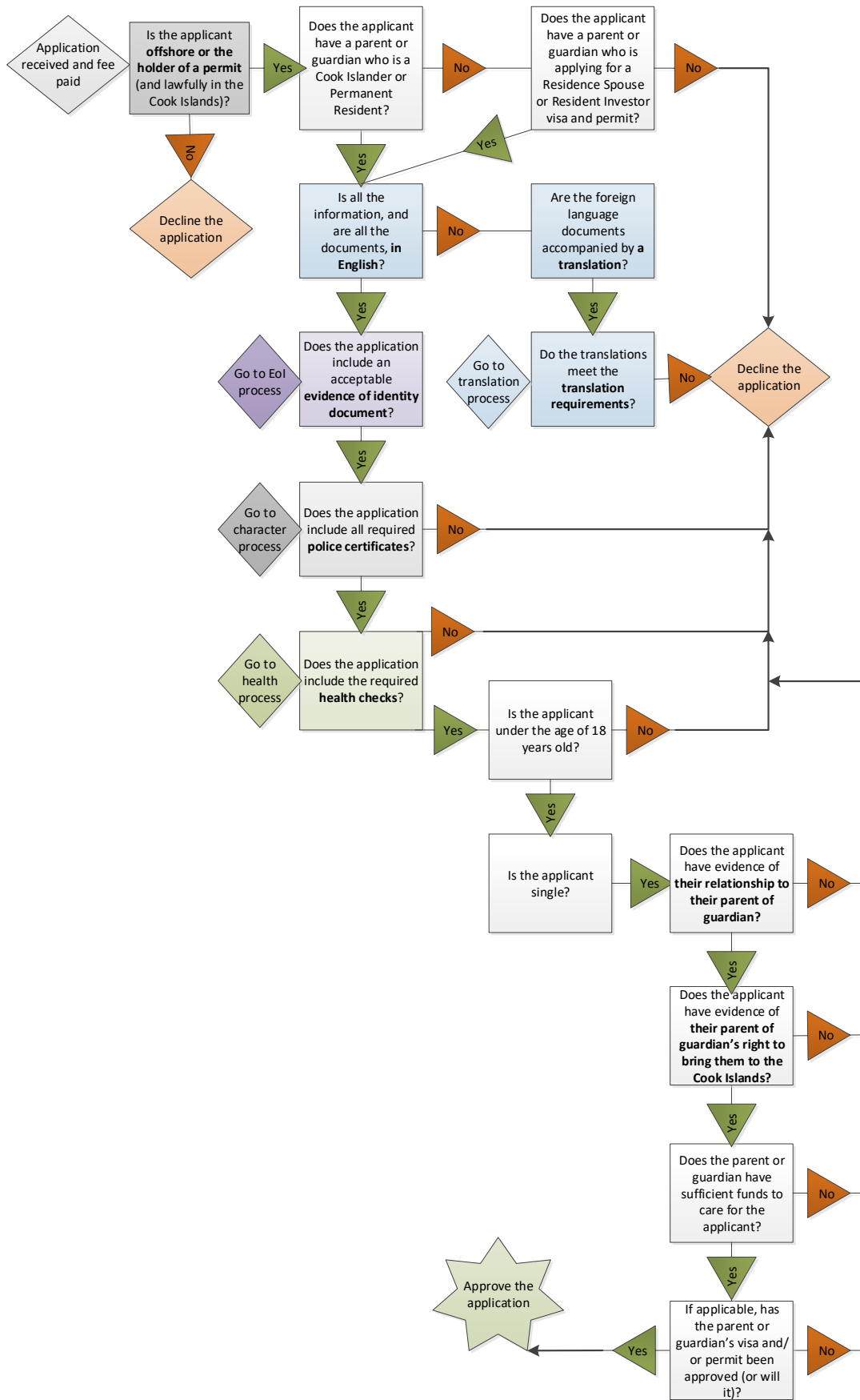
The proposals for the Investor Visa and Permit types are intended to provide a single, agreed mechanism for Cook Islands Immigration and the BTIB to work together on decisions about the stay of Investors. Cook Islands Immigration has responsibility for ensuring that these non-Cook Islanders are of good character and an acceptable standard of health. It is also responsible for ensuring that Investors have sufficient funds to support themselves while in the Cook Islands. All these matters are important in a decision enabling a non-Cook Islander's stay. BTIB is responsible for ensuring that an Investor is a fit and proper person to invest in or run a business in the Cook Islands and meets other development and investment regulations and rules. Under this proposal, there will be a shared approach to decision making.

Where a non-Cook Islander Investor is approved by Cook Islands Immigration and the BTIB, it is proposed that they are granted three-years stay consistent with the Development Investment Regulations 1996. This stay may be extended and after five years, an Investor may qualify for Permanent Residence. If this is the case, their third application to Cook Islands Immigration may be for Permanent Residence if there are places available under the 650 cap.

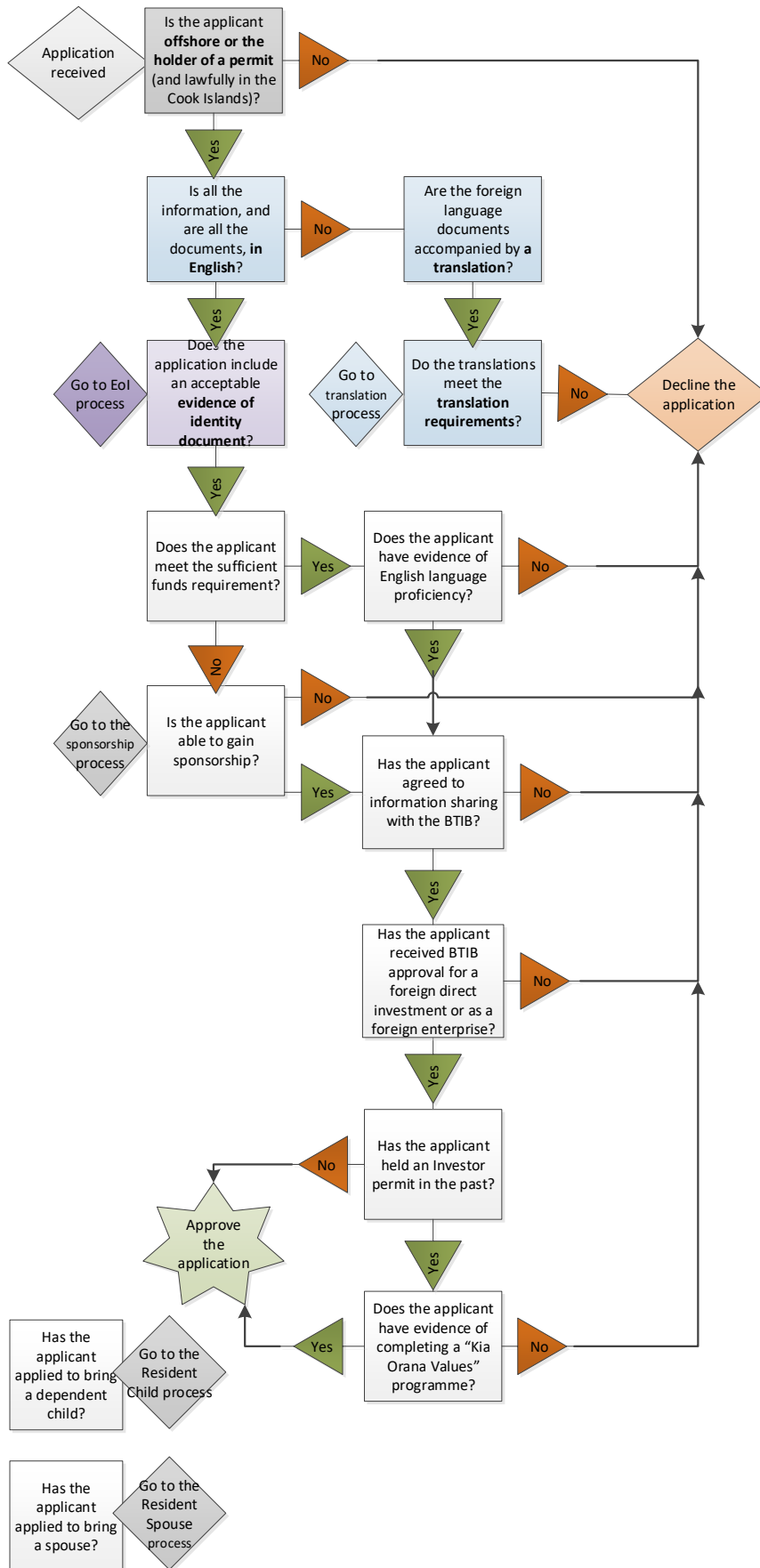
Flow chart for the proposed Residence Spouse application process



Flow chart for the proposed Resident Child Visa and Permit



Flow chart for the proposed Investor Visa and Permit



Proposals for Work Visas and Permits

Background to Work Visas and Permits

The Entry, Residence and Departure Act 1971-72 (ERD Act) provides for residence Permits for non-Cook Islanders intending to work for the Government. It does not contain any specific provisions for non-Cook Islanders who have an offer of employment with a registered business or incorporated society, or who may be working as technical experts or consultants.

Cook Islands Immigration currently manages entry permission for work based on a long-standing approach. Government workers are generally granted an annual Permit if they meet character and health requirements.

Business and organisations are generally required to “sponsor” any non-Cook Islanders that they wish to employ (using the “surety” provisions in the ERD Act). In some cases, an employer may also be Permitted “sponsor” a worker’s family to accompany them to the Cook Islands.

The employer may pay a non-Cook Islander worker’s application fees and they will be responsible for their worker’s repatriation where an employment relationship ends (or where the worker is deported for immigration or other offending). Where the employment relationship ends, the worker (and any family linked to their entry permission) must leave the Cook Islands. Non-Cook Islander workers are generally not allowed to apply for entry permission to work for a second employer without first leaving the Cook Islands.

For a non-Cook Islander to be granted entry permission for work, their potential employer must demonstrate that they have sought to fill their job vacancy with a Cook Islander. This is intended to ensure that employment opportunities are offered to Cook Islanders in the first instance. Compliance with this requirement is, however, difficult for Cook Islands Immigration to assess. Most employers will place short advertisements in the Cook Islands News to meet the requirement.

The terms and conditions under which an employer might “sponsor” a non-Cook Islander worker, and the terms and conditions of the employment relationship, appear to vary. Some contracts have been reviewed that include provisions requiring non-Cook Islander workers to pay a surety to their employer to cover the cost of their repatriation and also the cost of replacing them if the employment relationship fails. In these cases, it appears employers are docking workers to cover their risk in the employment process (without the worker having any real options to mitigate their own risk).

In some cases, the working terms and conditions offered to a non-Cook Islander are the same as those that might be offered to a Cook Islander. In other cases, it appears this is not so. The consultation process for the new legislation has identified potential issues related to:

- foreign national workers not having written employment agreements with agreed terms and conditions
- employment agreements not meeting the minimum legal requirements
- agreements without maximum hours, and the potential for excessive work under the minimum wage
- employment agreements without clear job roles and responsibilities.

The consultation process has also identified potential issues of non-Cook Islander worker exploitation. This includes employers compelling employees to work outside the business or organisation – and their job role – for their family and friends; compelling employees to work excessive hours; confiscating employees’ identity and travel documents; and confiscating employees’ debit cards or bank account books and limiting their ability to independently access their money.

In the case of technical experts or specialist consultant workers, different approaches might be taken to their entry permission depending on the non-Cook Islander’s engagement the Business Trade and Investment Board (BTIB) (as a foreign enterprise) or Cook Islands Immigration. Entry permission and permission to work may be granted where an application is made. Technical experts and specialist consultants may also enter

the Cook Islands as visitors and work while in the Cook Islands without Immigration’s knowledge. A handout on 2016/17 tourism statistics show that in the 2015/16 year 260 visitors recorded being in the Cook Islands for employment purposes. The number was 311 in 2016/17⁹.

If technical experts, specialist consultants and others, such as photographer or videographers, wedding and event planners and make up artists are earning money as a result of their activities in the Cook Islands, they are working. These activities should not be undertaken as a visitor. These activities may also be regulated by the BTIB. The non-Cook Islanders may be in breach of the Development Investment Act 2007 and its associated regulations and rules. The proposals below are designed to address this issue, as proposals cannot be made that support the breaching of Cook Islands laws.

The new legislation proposes to introduce a Work Visa and Permit class and enables different Work Visa and Permit **types** to be established through regulations. It places clear obligations on employers including to have a lawful, written employment contract with their foreign national workers. Undermining the minimum legal terms and conditions of employment and the minimum wage, undermines training and employment opportunities for Cook Islanders who are within their legal and moral rights to decline jobs in these circumstances. It also includes offences and harsh penalties to address foreign worker exploitation. The exploitation of foreign workers undermines their human rights and the good standing of the Cook Islands.

Purpose of the Work Visa and Permit regime

The purpose of the Work Visa and Permit regime is to *facilitate access to workers the Cook Islands wants and needs* while maintaining lawful standards, and working terms and conditions, for Cook Islanders.

Proposals

It is proposed that all Work Visa and Permit applicants must:

- provide all application information and document requirements in English; and
- provide acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- have any required *sufficient funds* or a sponsor; and
- have *onwards travel plans* or pay a bond; and
- meet the *criteria to qualify* for the Work Visa and Permit **type** and description they are applying for.

It is proposed that all business or incorporated societies have to be registered with the Ministry of Justice and (as applicable) with the Business Trade and Investment Board – to employ a non-Cook Islander worker.

It is proposed that any person seeking to hire a domestic worker that is not a registered business or incorporated society must:

- be acceptable the Principal Immigration Officer in their “absolute discretion”; and
- must formally sponsor their worker and meet all the sponsorship obligations; and
- meet all the requirements of an employer including having a lawful, written employment contract; and
- must ensure that they pay the required superannuation for their employee.

It is proposed that the following activities are not considered work and do not require a Work Permit:

⁹ 2016/2017 Cook Islands Visitor Arrival Statistics, Cook Islands Tourism Corporation

NOT GOVERNMENT POLICY

- being in the Cook Islands as an approved guest of the Cook Islands Tourism Association on a familiarisation visit or to promote tourism; and
- attending and participating in official conferences held by international governments, government organisations, businesses or incorporated societies hosted in the Cook Islands; and
- or religious work such as preaching, teaching religious scripture or philosophy, leading religious ceremonies, worship or prayer or ordaining new religious leaders in the Cook Islands.

Proposed Work Visa and Permit types

It is proposed that there be the following Work Visa and Permit types:

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>Government Worker:</p> <p><i>A Government Worker is a non-Cook Islander travelling to, entering and staying in the Cook Islands as a fixed-term employee of a Government agency or as a worker on a Government-endorsed programme or initiative who intends to reside in the Cook Islands for the duration of their employment or contract.</i></p> <p><i>A Government Worker can be a volunteer in a Government-endorsed programme who wants to apply to reside in the Cook Islands for a duration longer than a visitor, or who is receiving some gain or reward for their volunteer services, such as accommodation or a stipend</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for a Government Worker Visa and Permit from offshore, unless they already hold a Work class Permit onshore • No applications for a Government Worker Visa or Permit can be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for a Special Spouse Visa and Permit can be made at the same time as a Government Worker Visa and Permit application is made • An application for an International Minor Student Visa and Permit can be made at the same time as a Government Worker Visa and Permit application is made <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the general requirements of sufficient funds for themselves, and if applicable, their spouse and dependent minors or must have a sponsor • Must have the required evidence of onwards travel plans or pay a bond for themselves, and if applicable, for their spouse and any dependent minors • Must agree to sharing of information and documents between Cook Islands Immigration and the 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves and any spouse or dependent minor or maintain sponsorship • Must maintain onwards travel plans • Must undertake only the work they are contracted for <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the duration of the worker’s contract for up to three years from the date of grant

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>Government agency which has made a job offer or endorsed the programme or initiative under which they are employed or intend to volunteer</p> <ul style="list-style-type: none"> • Must have: <ul style="list-style-type: none"> ○ a written offer of employment or a written contract with a Government agency that <i>that meets the minimum terms and conditions required by the Employment Relations Act</i> <p>OR</p> <ul style="list-style-type: none"> ○ a written contract <i>that meets the minimum terms and conditions required by the Employment Relations Act</i> with a business or incorporated society that is supporting the Government-endorsed programme or initiative and a letter of support from that Government agency <p>OR, if they are a volunteer</p> <ul style="list-style-type: none"> ○ a written agreement with the Government agency, or the business or incorporated society that is supporting the Government-endorsed programme or initiative and a letter of support from that Government agency <ul style="list-style-type: none"> • Must pay the prescribed fee 	
<p>Specialist Worker: <i>A Specialist Worker is a non-Cook Islander travelling to, entering and staying in the Cook Islands for a defined period of time, no greater than 31 days at any one</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for a Specialist Worker Visa and Permit from offshore <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • A Specialist Worker Visa and Permit applicant cannot 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves or

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>time and six months in any one year, to provide technical expert advice or specialist consultancy services, that have been contracted by the Government or a registered business or incorporated society in the Cook Islands</p>	<p>include any spouse or dependent in their application</p> <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character, health, sufficient funds and onwards travel • Must agree to sharing of information and documents between Cook Islands Immigration and the BTIB to enable a shared decision-making process • Must have a contract with one of the following, a: <ul style="list-style-type: none"> ○ Cook Islands Government agency to provide technical expertise or specialist consulting services ○ Cook Islands registered business or incorporated society to provide goods or services in the Cook Islands (shared BTIB criteria) ○ overseas business working in the Cook Islands that the BTIB has approved as a foreign enterprise • Must provide a copy of their Curriculum Vitae showing their qualifications, skill and experience (shared BTIB criteria) • Must provide a copy of their overseas business' incorporation status, showing the shareholders and directors (shared BTIB criteria) • Must pay the prescribed fee 	<p>maintain sponsorship</p> <ul style="list-style-type: none"> • Must maintain onwards travel plans • Must undertake only the work they are contracted for <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel to the Cook Islands for the duration of the contract for services up to three years from the date of grant • The Permit provides for stay in the Cook Islands, for a duration of no longer than 31 days at any one time and six months in any one year, over the course of three years from the date of grant
<p>International Worker: <i>An International Worker is a</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for an International 	<p>Conditions:</p>

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p><i>non-Cook Islander, 18 years old or older, who has a written and lawful offer of employment with a registered business or incorporated society in the Cook Islands and wants to take up that offer of employment</i></p>	<p>Worker Visa and Permit from offshore, unless they already hold a Work class Permit onshore</p> <ul style="list-style-type: none"> • No applications for an International Worker Visa or Permit may be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for a Special Spouse Visa and Permit can be made at the same time as an International Worker Visa and Permit application is made; this application must be made from offshore the first time it is made • An application for an International Minor Student Visa and Permit can be made at the same time as an International Worker Visa and Permit application is made; this application must be made from offshore the first time it is made <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the general requirements of sufficient funds for themselves, and if applicable, their spouse and dependent minors or must have a sponsor • Must have the required evidence of onwards travel plans or pay a bond for themselves, and if applicable, for their spouse and any dependent minors • Must have evidence of English language proficiency • Must: <ul style="list-style-type: none"> ○ have a written offer of employment in the Cook Islands that <i>that meets the minimum terms and conditions required by the</i> 	<ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves and any spouse or dependent minor or maintain sponsorship • Must maintain onwards travel plans • Must undertake only the work they are contracted for • Must, within two weeks of first arrival on an International Worker Permit, enrol (at their employer’s expense) in the “Kia Orana Customer Service” programme (or any similar programme advised by Cook Islands Immigration) • Must complete the first available “Kia Orana Customer Service” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the duration of the worker’s contract for up to three years from the date of grant

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p><i>Employment Relations Act</i> and the Act</p> <p>AND</p> <ul style="list-style-type: none"> ○ have evidence that their prospective employer has: <ul style="list-style-type: none"> ▪ publicly advertised the availability of their vacant position; and ▪ failed to fill the position with a suitable Cook Islander or Permanent Resident under the same terms and conditions offered to the International Worker ▪ agreed to enrol them in, and allow their time off, to attend the “Kia Orana Customer Service” programme or similar Government-endorsed cultural programme (unless they have already completed the programme) <p>OR</p> <ul style="list-style-type: none"> ○ must agree to sharing of information and documents between Cook Islands Immigration and the BTIB, to enable a shared decision-making process <p>AND</p> <ul style="list-style-type: none"> ○ have an employment contract with an overseas business that the BTIB has approved to work in the Cook Islands <ul style="list-style-type: none"> ● If has previously held an International Worker Permit must have evidence of: <ul style="list-style-type: none"> ○ holding a revenue division management 	

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>number and having paid any required taxes and superannuation</p> <ul style="list-style-type: none"> ○ completing the “Kia Orana Customer Service” programme or similar Government-endorsed cultural programme ● Must not have held more than two International Worker Permits immediately prior to the application being made, without departing the Cook Islands for a period of greater than one year (meaning that stay as an International Worker cannot extend for a period of six years or more without a one year break) ● Must have departed the Cook Islands for a period of one month or more during the term of each previous International Worker Permit held (meaning that at least one month out of every 36 month Permit must have been spent offshore) ● Must pay the prescribed fee 	

Rationale for the proposals

Economic growth in the Cook Islands necessitates the need for a range of Work Visa and Permit **types**; both short and longer-term. The proposed **types** have been designed to recognise the different types of non-Cook Islander workers that the Cook Islands Government and employers might want and need while not over-complicating the Visa and Permit system. There may always be unique or exceptional cases associated with a non-Cook Islander's desire to work in the Cook Islands. These can be dealt with under the Special Visa or Permit types or using the discretionary powers of the Principal Immigration Officer or Minister. The different types have also been designed to ensure compliance with BTIB rules and support compliance with employment obligations by re-enforcing the requirement that minimum working terms and conditions are applicable to all workers.

Government Worker

The proposals for the "Government Worker" Visa and Permit **type** recognises that the Government employs non-Cook Islanders, and also contracts businesses and incorporated societies to deliver Government programmes which might require the use of non-Cook Islander employees or volunteers.

The Government Worker Visa and Permit is designed for non-Cook Islanders whom a Government agency might currently "sponsor" for entry permission. But, if the employee's minimum hourly rate or salary is sufficient formal sponsorship obligations will not be imposed. The onwards travel plan requirement will be imposed, but (as proposed above) can be met through a letter guaranteeing that onward travel will be arranged from the applicant's employer that is accepted by the Principal Immigration Officer in "absolute discretion" or the payment of a bond.

It is proposed that the Government Worker Visa provides for unlimited travel, and Permit provides for stay, for **the duration of the worker's** contract for up to **three years** from the date of grant. This means that a Visa and Permit can be granted for an appropriate time up to three years. Three years has been chosen as a maximum as it is commonly the maximum timeframe granted to non-Cook Islander fixed-term employees.

Specialist Worker

The proposals for the "Specialist Worker" Visa and Permit **type** recognises that there is no clear pathway for a technical expert or specialist consultant to work in the Cook Islands for a short duration, either as a one-off or on a contract that might require multiple visits. Many technical experts and specialist consultants will work while visitors as the current "sponsorship" arrangements may be difficult for them to negotiate and may seem inappropriate in the context of their work.

In some cases, technical experts and consultants might inadvertently be breaching the Business Development Investment Act 2007 and its associated regulations and rules. It requires foreign businesses and organisations, including individuals, to be registered as a foreign enterprise to undertake business in the Cook Islands. Cook Islands Immigration will work with the BTIB to confirm that this criterion is met for Specialist Workers.

As the Specialist Worker Permit only gives permission to stay for periods of 31 days at a time, applicants will not have to provide Police certificates or undergo a health check. They will declare their good character and acceptable standard of health on the arrival card upon each visit. Enabling them to travel and work in the Cook Islands, for periods of 31 days at a time (but for no greater than six months in any one year) means that most of these workers should only need to make a single application to Cook Islands Immigration every three years. If the non-Cook Islander needs to remain in the country for work for a duration greater than 31 days at a time or for more than six months in a year, they can apply for an International Worker Permit.

International Worker

The proposed “International Worker” Visa and Permit will be of significant interest. The proposals for the Visa and Permit seek to balance the:

- need to provide training and employment opportunities to Cook Islanders
- needs to access non-Cook Islander workers to support economic growth
- need to maintain working terms and conditions and the minimum hourly wage for all workers
- the human rights of non-Cook Islander workers and the Cook Islands’ duty of care to them.

The proposals recognise the need for compliance with the Development Investment Act 2007 and associated regulations and rules which require foreign businesses and organisations, including individuals, to be registered as a foreign enterprise to undertake business and work in the Cook Islands.

A key criterion of the International Worker Visa and Permit is that a non-Cook Islander worker must have a written, lawful employment contract that sets out the employee’s their hourly rate or salary, normal hours of work and how overtime is dealt with and paid. The working terms and conditions must not result in the non-Cook Islander working for less than the minimum wage. This is illegal.

Where a non-Cook Islander worker has an hourly rate or salary that meets the sufficient funds requirement they will not have to be formally sponsored by their employer. Sponsorship will only be required where the hourly rate or salary is lower than the sufficient funds requirement. The sufficient funds requirement is being deliberately separated from the onwards travel plan requirement.

Evidence of onwards travel plans may be a letter guaranteeing that travel will be arranged by the non-Cook Islander’s employer. Such letters will be accepted in “absolute discretion” by the Principal Immigration Officer. Discretion may be exercised more readily in the case of employers with a demonstrated track record of compliance with immigration obligations. In other cases, a bond will be required.

Where a bond is paid by a third party, the legislation proposes that the party cannot recoup the bond from the non-Cook Islander. To do so will be an offence. It is intended to prevent the third party from recouping a bond twice, from Immigration and the non-Cook Islander. It will also prevent an employer from outsourcing their employment risks to the non-Cook Islander through leveraging their immigration status. Employers should use robust employment processes and ensure the induction and training of their workers.

International Worker Visa and Permits will be granted for up to three years. The non-Cook Islander will be required to spend at least one month of the 36 months outside the Cook Islands. Where they have done so, they will be able to apply to extend their time with their current employer or apply to work for another employer for a further three years (who has evidence of attempting to recruit a Cook Islander). The maximum amount of time they will be able to spend on this Visa and Permit is six year, without leaving the Cook Islands for at least 12 months.

The six year maximum for an International Worker is intended to ensure that a non-Cook Islander does not spend so much time away from their usual country of residence that they have little incentive to return even though they will not have any permanency in the Cook Islands. Placing a six year maximum on an individual worker’s stay also creates an incentive for employers to offer training and employment opportunities to Cook Islanders.

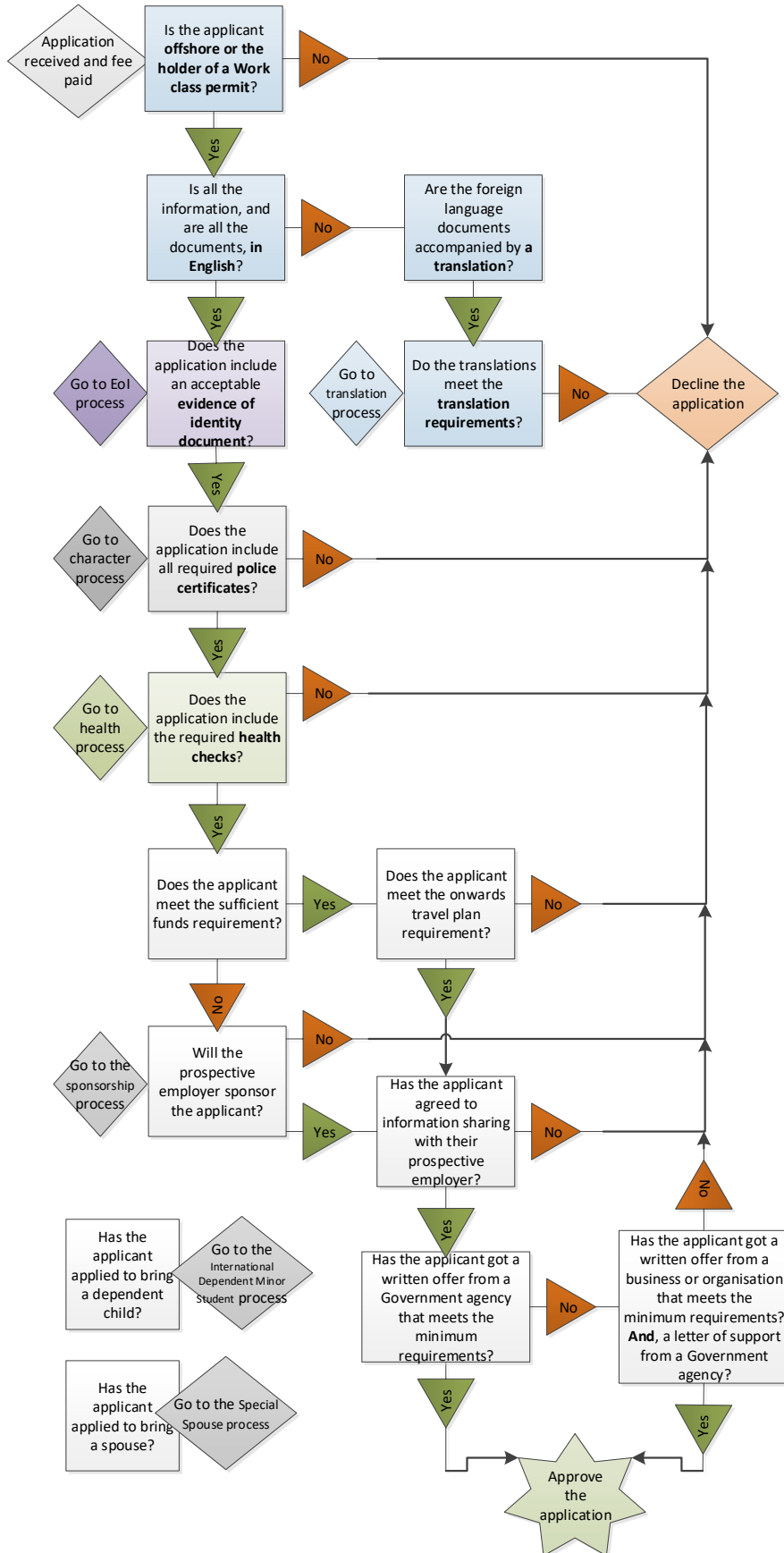
Two further, new requirements are introduced for International Workers. The first is that they have English language proficiency. This is to ensure that they can fulfil their job requirements fully and safely. This is particularly important for non-Cook Islanders that might be working in the building and construction sector or other sectors that might be dangerous. English language proficiency is also important for those working in the tourism sector to ensure tourist have a positive experience of their time in the Cook Islands.

The second new requirement is that International Workers must, within two weeks of first arrival on an International Worker Permit, enrol in the “Kia Orana Customer Service” programme (or any similar

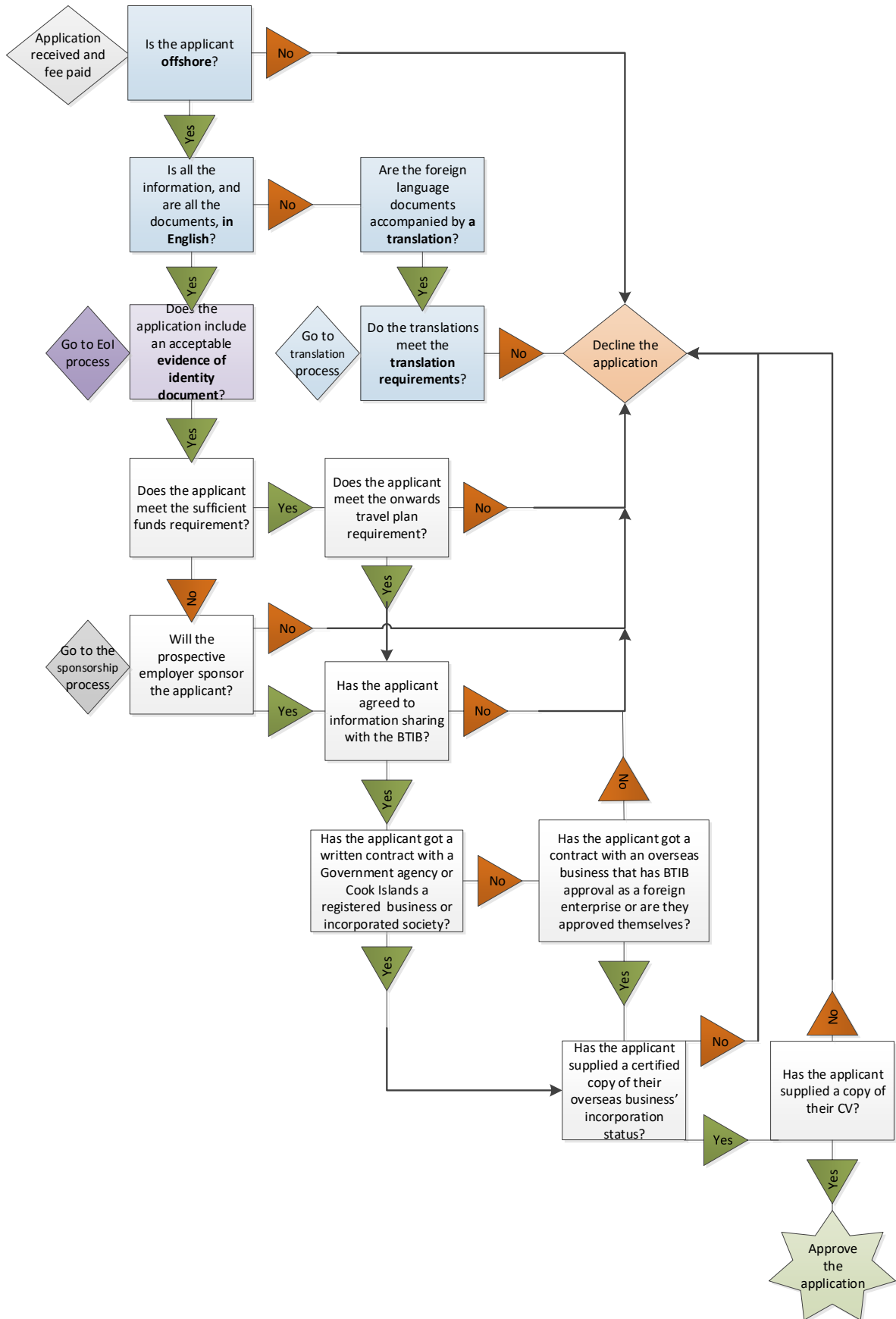
programme advised by Cook Islands Immigration) and complete the programme on the next available date and without unreasonable delay. This will support these workers to better understand the Cook Islands culture and community and adjust to the Cook Islands “way of life”. It is intended to address community concerns raised through consultation that non-Cook Islander workers do not understand the Cook Islands. It is also intended to support the tourism sector to provide an authentic “Cook Islands” experience to visitors.

The proposals will also enable an International Worker with sufficient funds (or with an employer who will agree to sponsor them) to bring their spouse and dependent children with them to the Cook Islands. The spouse may apply for a Special Spouse Visa and Permit and any children may apply for an International Minor Student Visa and Permit. Their first applications for these Visas and Permits must be made offshore. These proposals recognise that workers with families may be well suited to work in the Cook Islands but that maintenance and well-being of spouses and dependent children must be provided for.

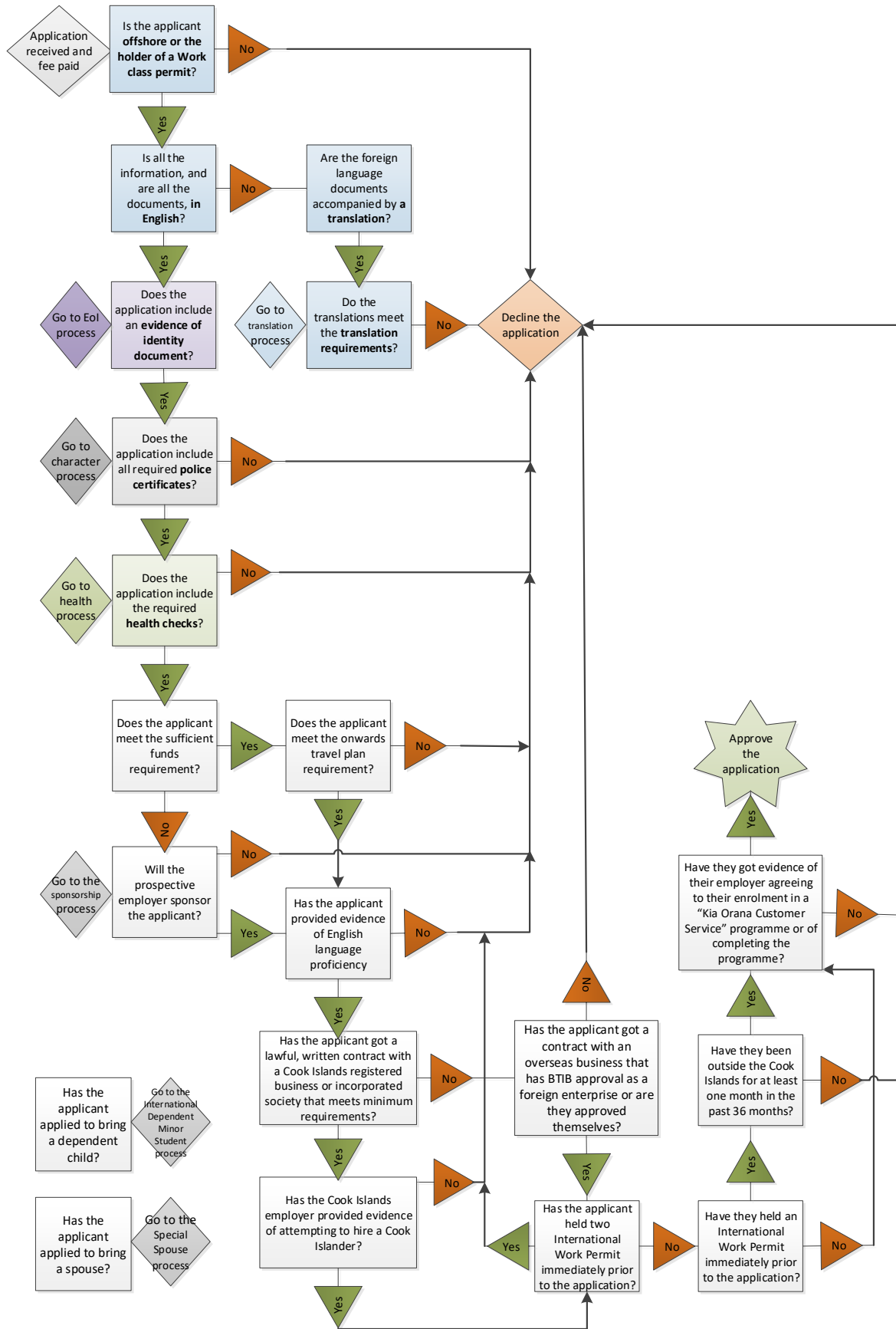
Flow chart for the proposed Government Worker Visa and Permit type



Flow chart for the proposed Specialist Worker Visa and Permit type



Flow chart for the proposed International Worker Visa and Permit type



Proposals for Study Visas and Permits

Background to the Study Visas and Permits

The Entry, Residence and Departure Act 1971-72 (ERD Act) does not contain any specific provisions for entry permission for the purposes of study; such as for a non-Cook Islander child to be enrolled in compulsory education or non-Cook Islander adults studying at the University of the South Pacific or Cook Islands Tertiary Training Institute. It also does not contain any specific provisions for internships.

The proposals for the new legislation introduce a “Study” Visa and Permit class and enables different types of Study Visas and Permits to be established through regulations. There are also proposals to define an “Intern”, an “Intern Provider” and an “Internship”. The proposed legislative definitions clarify that an Intern is a student and that an Internship must have an educational outcome; either supporting the completion of a qualification or the gaining of skill and/or experience directly linked to a qualification.

Purpose of the Study Visas and Permits

The purpose of the Study Visa and Permit regime is to recognise the rights of minors to access education and to facilitate the lawful entry and stay of students and interns.

Proposals

It is proposed that all Study Visa and Permit applicants must:

- provide all application information and document requirements in English; and
- provide acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- have any required *sufficient funds* or a sponsor; and
- have *evidence of onwards travel* or pay a bond; and
- be a *bona fide student*; and
- meet the *criteria to qualify* for the Student Visa and Permit **type** and description they are applying for.

It is proposed that a “bona fide student” is defined as a non-Cook Islander who is:

- under the aged of 18 years old, and has accompanied their parent or guardian (who has parental responsibility for them) to the Cook Islands, who wants to continue their primary or secondary education; or
- 18 years old or older, and has a written and lawful offer of a place of study at a Cook Islands Government school or a registered private school (as defined under the Education Act 2012), who wants to take up that offer of study; or
- 18 years old or older, and has a written and lawful offer of an internship with a Cook Island business or organisation, who wants to take up that offer

It is proposed that a “recognised educational institution” is defined as an institution nationally recognised or accredited by the responsible Government or Government-mandated authority in its country.

Proposed Study Visa and Permit types

It is proposed that there be the following Study Visa and Permit types:

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>International Minor Student:</p> <p><i>An International Minor Student is a non-Cook Islander who is under the age of 18 years old and has accompanied their parent or guardian who has parental responsibility for them (within the meaning of section 34 of the Family Protection and Support Act 2017) to the Cook Islands and who wishes to continue their primary or secondary education</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for an International Minor Student Visa and Permit from offshore • No applications for an International Minor Student Visa or Permit may be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An International Minor Student Visa and Permit applicant can be made by the minor’s parent or guardian at the same time as they make a Government Worker or International Worker Visa and Permit application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health, and onwards travel • Parent or guardian must be approved for a Government Worker or International Worker Visa and Permit • Parent or guardian must meet the sufficient funds requirement for themselves and the dependent student or must have sponsorship • Must agree to sharing of information and documents between Cook Islands Immigration and the Ministry of Education, and provide the Ministry of Education with all required pre-enrolment information 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Parent or guardian’s must maintain sufficient funds for themselves and the dependent child or the dependent minor must maintain sponsorship • Must maintain onwards travel plans • Parent or guardian must hold a Government Worker or International Worker Visa and Permit at all times <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the duration of the parent or guardian’s contract, for up to three years from the date of grant

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<ul style="list-style-type: none"> • Must be single (the dependent student cannot have a spouse) • Must be a bona fide student, not intending to undertake work or volunteer for gain or reward while in the Cook Islands • Must provide: <ul style="list-style-type: none"> ○ an original birth certificate showing the names of their parent or parents; or ○ adoption papers showing that the child has been legally adopted by their parent or guardian • Must provide evidence of their parent or guardian’s right to bring them to the Cook Islands • Must pay the prescribed fee 	
<p>International Adult Student:</p> <p><i>An International Adult Student is a non-Cook Islander 18 years old or older and has a written and lawful offer of a place of study at a Cook Islands Government school or a registered private school (as defined under the Education Act 2012) who wants to take up that offer of study</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for an International Adult Student Visa and Permit from offshore • No applications for an International Adult Student may be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An International Adult Student Visa and Permit applicant cannot include any spouse or dependent in their application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the general requirements of sufficient 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves or maintain sponsorship • Must maintain onwards travel plans • Must undertake the programme of study offered, at the advised hours of study, and be achieving a passing grade for the programme • Must agree to Permit Cook Islands Immigration to contact their study provider to confirm their offer,

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>funds or must have a sponsor</p> <ul style="list-style-type: none"> • Must have the required evidence of onwards travel plans or pay a bond • Must have evidence of English language proficiency • Must be a bona fide student, not intending to undertake work or volunteer for gain or reward while in the Cook Islands • Must have a written offer of a place of study at a Cook Islands Government school or registered private school that includes: <ul style="list-style-type: none"> ○ name of Cook Islands Government school or registered private school ○ programme of study that the student intends to undertake ○ the date the programme of study commences ○ minimum time to complete the programme of study ○ if student intends to undertake the programme of study at full or part-time hours, and how many hours of study this comprises ○ dates of any vacations and/or holidays during the programme • If has previously held an International Adult Student Permit with permission to work, must have evidence of: <ul style="list-style-type: none"> ○ holding a revenue division management number and having paid any required taxes and superannuation 	<p>enrolment, attendance and pass-rates</p> <ul style="list-style-type: none"> • If employed, within two weeks of their employment, enrol (at their employer’s expense) in the “Kia Orana Customer Service” programme (or any similar programme advised by Cook Islands Immigration) • Must complete the first available “Kia Orana Customer Service” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the length of the student’s offer of place up to one year • May apply to Cook Islands Immigration for permission to work up to 20 hours a week, if they have: <ul style="list-style-type: none"> ○ A written offer of employment in the Cook Islands that <i>that meets the minimum terms and conditions required by the Employment Relations Act</i> and the Act <p>AND</p> <ul style="list-style-type: none"> ○ evidence that their prospective employer has: <ul style="list-style-type: none"> ▪ publicly advertised the availability of their vacant position; and ▪ failed to fill the position with a suitable Cook Islander or Permanent Resident under the same terms and conditions offered to the International Worker ▪ agreed to enrol them in, and allow

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<ul style="list-style-type: none"> ○ completing the “Kia Orana Customer Service” programme or similar Government-endorsed cultural programme • Must not have held more than five International Adult Student Permits immediately prior to the application being made (meaning that stay as an International Adult Student cannot extend for a continuous period of more than six years) • Must pay the prescribed fee 	<p>their time off, to attend the “Kia Orana Customer Service” programme or similar Government-endorsed cultural programme (unless they have already completed the programme)</p>
<p>International Intern:</p> <p><i>An International Intern is a student or trainee, 18 years old or older, seeking an educational outcome, who is engaged by an intern provider under a written agreement, sometimes without pay, in order to satisfy the requirements for a qualification in which they are enrolled or gain work experience immediately following the receipt of a qualification. An intern may also be part of a Cook Islands Government internship or internship officially supported by a Government agency</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for an International Intern Visa and Permit from offshore • No applications for an International Intern Visa or Permit may be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An International Intern Visa and Permit applicant cannot include any spouse or dependent in their application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the general requirements of sufficient funds or must have a sponsor • Must have the required evidence of onwards travel plans or pay a bond • Must have evidence of English language proficiency • Must be a bona fide intern, not intending to undertake 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves or maintain sponsorship • Must maintain onwards travel plans • Must undertake the internship offered, at the advised hours of work and learning, and be achieving the training, learning goals or qualifications gained • Must agree to Permit Cook Islands Immigration to contact their Intern Provider to confirm their offer and attendance <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the length of the student’s internship up to one year only

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>work or volunteer for gain or reward while in the Cook Islands</p> <ul style="list-style-type: none"> • Has a written offer of internship with a Cook Islands Government agency, registered business or incorporated society that meets the requirements of the Act • Must have evidence of: <ul style="list-style-type: none"> ○ enrolment in a course of study at a recognised educational institution outside the Cook Islands; or ○ the completion of a qualification at a recognised educational institution related to the internship that has been completed within the past 12 months • Must not have held an International Inter Visa or Permit within the past five years (meaning that stay as an International Intern cannot extend over multiple internships) • Must pay the prescribed fee 	

Rationale for the proposals

The nature of immigration to the Cook Islands, both temporary and longer-term, necessitates the need for a range of Student Visa and Permit **types**. The proposed **types** have been designed to recognise the different types of non-Cook Islander that might want to study in the Cook Islands while not over-complicating the Visa and Permit system. There may always be unique or exceptional cases associated with a non-Cook Islander's desire to study in the Cook Islands. These can be dealt with under the Special Visa or Permit types or using the discretionary powers of the Principal Immigration Officer or Minister.

International Minor Student

The Cook Islands Government, and a number of registered businesses and organisations, rely on non-Cook Islander workers working in jobs that could not be filled by Cook Islanders. Under the proposals for the new legislation and regulations, in some cases, these workers **may** be able to apply to bring their spouse and/or dependent children with them while they work in the Cook Islands. This may be appropriate due to the length of time they plan to be in the Cook Islands; for example, Government workers may spend three years or more in-country.

The proposal is that Government Worker and International Worker Visa and Permit applicants may be able to include a (spouse and) a dependent child in their application. To do this, they will need to be able to demonstrate that they have sufficient funds to provide for the living expenses, wellbeing and education of their dependent child or children. They will, in effect, be the child's sponsor or be required to have a sponsor that will sponsor them and their family.

Where the principal applicant is Permitted to bring their dependent child or children to the Cook Islands, they should be granted a Visa and Permit appropriate to their circumstance. The proposed "International Minor Student" Visa and Permit will enable them to be lawfully in the Cook Islands and to attend school. The length of the Permit granted will be linked to the length of their parent or guardian.

International Adult Student

An "International Adult Student" Visa and Permit is proposed to enable non-Cook Islanders 18 years old or older, and with a written and lawful offer of a place for study at a Cook Islands Government school or a registered private school (as defined under the Education Act 2012), to take up that offer. The proposed Visa and Permit **type** will enable those non-Cook Islanders studying at the University of the South Pacific or the Cook Islands Tertiary Training Institute to be granted a permission for travel and stay that is consistent with the purpose for being in the Cook Islands.

The requirement that an offer of a place of study must be made by a Government school or a registered private school is designed to enable approved education providers to market themselves to international students. It is also designed to protect non-Cook Islanders from individuals or businesses that might seek to create low-quality private training institutes or offer low-quality courses that do not offer recognised and valued education and training outcomes.

It is proposed that International Adult Students may apply to Cook Islands Immigration for permission to work up to 20 hours a week, under the terms and conditions of a lawful, written employment agreement, at or above the minimum wage where the employer has (and can provide evidence of):

- publicly advertised the availability of their vacant position for a continuous period of 14 days
- failed to fill the position with a suitable Cook Islander or Permanent Resident.

Enabling International Adult Students to apply for permission to work may enable them to fill gaps in the tourism sector that are seasonal or part time. It may help address some of the employment challenges and costs faced by businesses and organisations who current have to recruit from overseas, without undermining Cook Islanders' ability to access job opportunities.

Limiting International Adult Students to 20 hours of work per week recognises that their primary purpose for being in the Cook Islands is to undertake a course of study. It is necessary to ensure that they retain enough time to fulfil their study commitments and pass their course. It is also necessary to prevent International Adult Student Visas and Permits being a back-door for non-Cook Islander workers.

International Intern

The proposals for an “International Intern” Visa and Permit **type** are linked to the definitions and provisions proposed for the new legislation. As noted above, they are intended to provide clarity that an Internship must have an educational outcome; either supporting the completion of a qualification or the gaining of skill and experience directly linked to a recent qualification. This is why an application requirement includes that the applicant have evidence of:

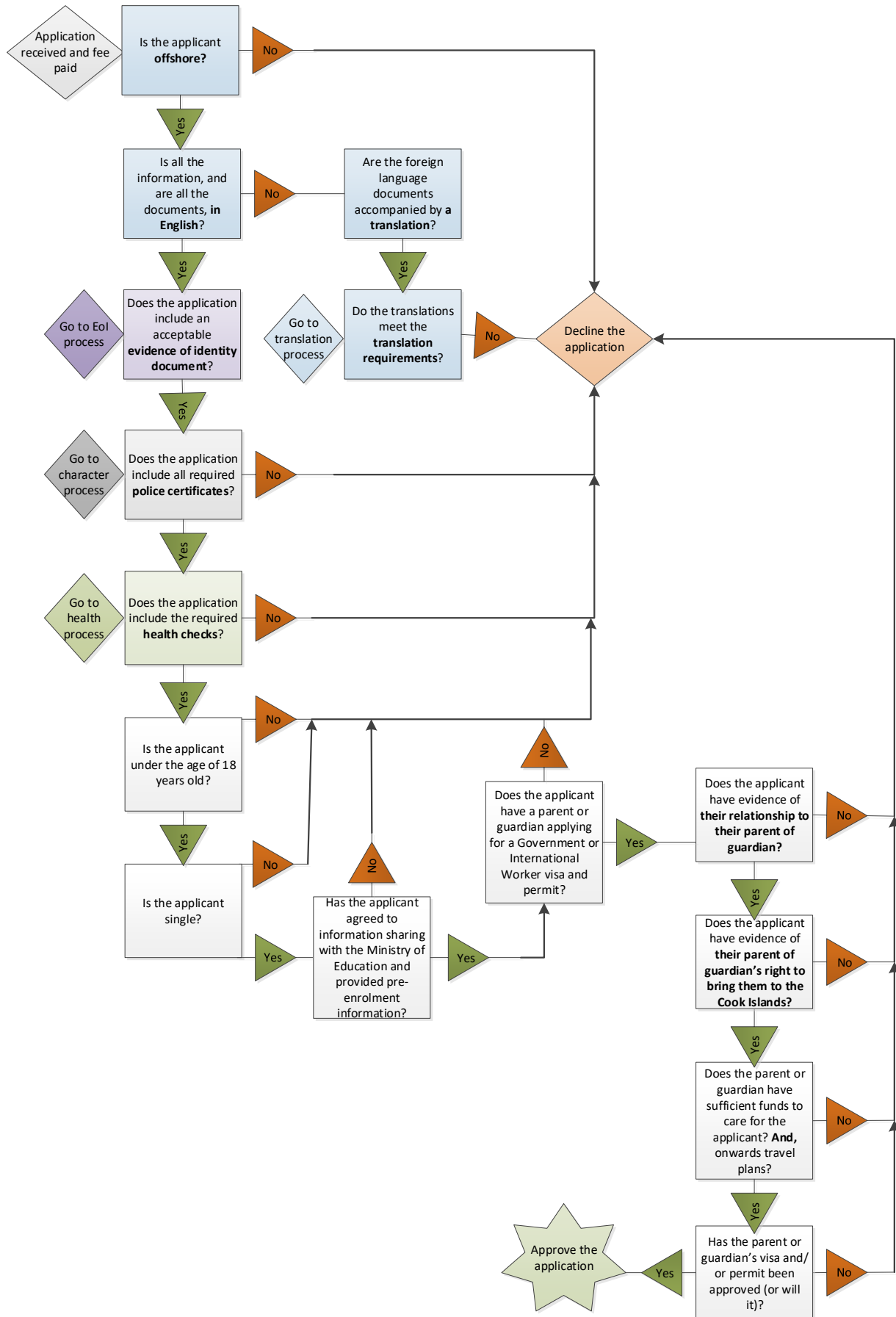
- enrolment in a course of study outside the Cook Islands; or
- the completion of a qualification related to the Internship that has been complete in the past 12 months.

An Intern’s enrolment in, or qualification, must come from a recognised education provider. This is necessary to support the credibility of Internships in the Cook Islands. It is also necessary to prevent abuse of the International Intern Visa and Permit **type**. There are many so-called “education providers” and “Intern Providers” internationally that do not offer qualifications or experiences of any recognition or value.

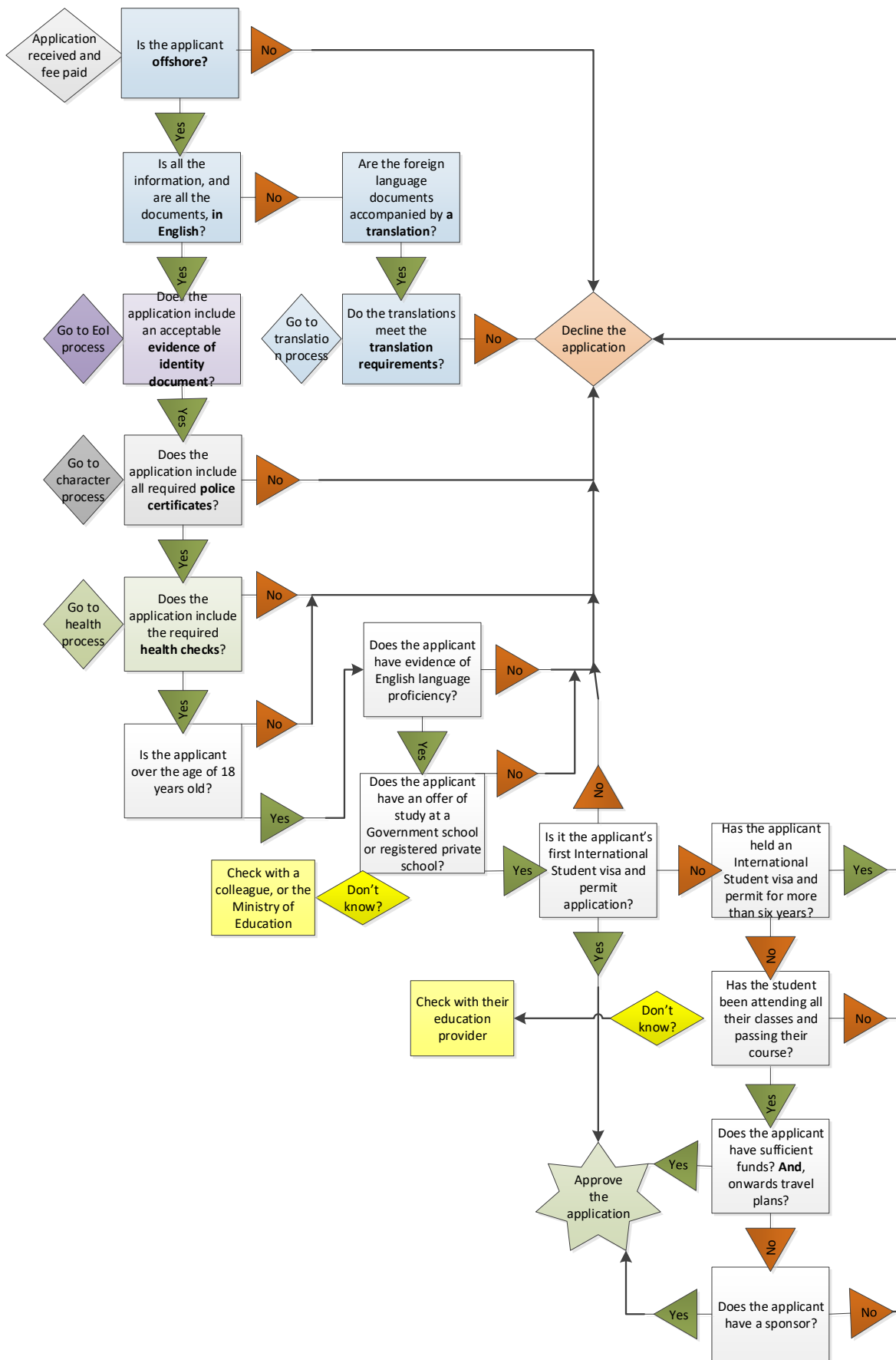
The proposals for the new legislation recognise that an Internship might include work – both unpaid or for some gain or reward - but work is not the primary reason an Internship is undertaken by an individual. This is why there are no additional work-rights attached to the Visa and Permit type. Any work undertaken must be for the Intern Provider under the terms and conditions of the Internship agreement. This is necessary to ensure that internships in the Cook Islands are not exploitative. It is also important to ensure that Internships are recognised and valuable so that they do not provide a pathway to undermine the Work Visa and Permit policy and Cook Islanders’ access to training opportunities and employment.

An English language proficiency requirement is being imposed on International Interns as they will be interning with Government agency or with registered businesses and organisations in the Cook Islands. There is a need to ensure that an Intern has the language skills to fulfil their Internship in a safe way gain and a recognised and valued educational outcome.

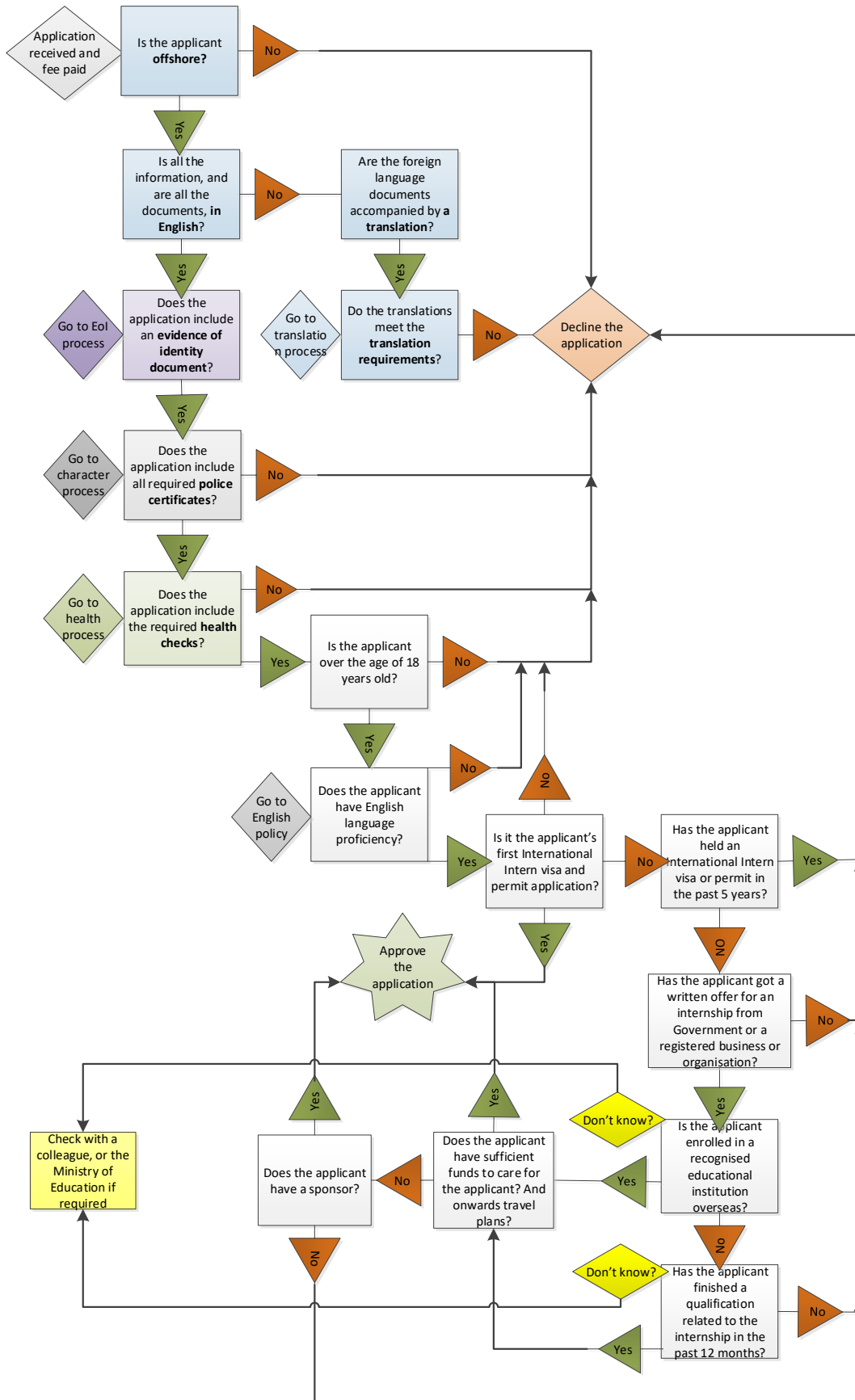
Flow chart for the proposed International Minor Student Visa and Permit



Flow chart for the proposed International Adult Student Visa and Permit



Flow chart for the proposed International Intern Visa and Permit



Proposals for Visitor Visas and Permits

Background to Visitor Visas and Permits

The Entry, Residence and Departure Act 1971-72 (ERD Act) defines a bone fide visitor as, “...any person who enters the Cook Islands solely for the purpose of holidaying or recreation, and does not engage in the practice of any profession, or occupation, business, trade or other commercial enterprise”. The ERD Act provides non-Cook Islander visitors the right to stay for up to 31 days unless they are granted a longer stay using the residence Permit provisions.

In practice, New Zealanders are granted 90 days stay and other visitors 30 days stay on arrival. Some visitors will then apply to stay longer in the Cook Islands and there is no maximum timeframe they are allowed to stay in a single visit. Some visitors remain in the Cook Islands for extended periods of time. This can result in a situation where the Cook Islands effectively becomes the place of primary residence for a visitor. This is not the intent of the ERD Act which has specific provisions for permanent residence.

The ERD Act provides that visitors who work while in the Cook Islands commit an offence. They may be fined fifty dollars. This provision is rarely applied as the cost of applying the fine would be greater than the fine itself.

Purpose of the visitor Visa and Permit regulations and policy

The purpose of the Visitor Visa and Permit regime is to *facilitate the travel, entry and short-term stay of visitors* to support the success of the tourism industry and the benefits it brings including economic benefits and the ability to share Cook Islands culture with all.

Proposals

It is proposed that Visa and Permit applicants must:

- provide all application and document requirements in English; and
- provide acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- have *sufficient funds* or a *sponsor*; and
- have *evidence of onwards travel* or pay a bond; and
- must be a *bona fide visitor*; and
- meet the *criteria to qualify* for the visitor Visa and/or Permit type and description they are applying for.

It is proposed that bona fide visitor is a non-Cook Islander whose reason for coming for such purposes as:

- holidaying; or
- sightseeing; or
- family and social visits; or
- amateur sport; or
- volunteering (free of any gain or reward).

It is proposed that the definition makes clear that bona fide visitor does not work or volunteer for any gain or reward in the Cook Islands and does not study.

Proposed Visitor Visa and Permit types

It is proposed that there be the following Visitor **Visa and Permit types**:

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>New Zealand Visitor:</p> <p><i>A New Zealand Visitor is a New Zealand citizen who holds a New Zealand passport and is travelling to, entering and staying in the Cook Islands as a bona fide visitor for no greater than 90 days</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> A New Zealander may apply for a New Zealand Visitor Permit onshore. They must apply upon arrival in a designated place or to a Designated Officer if they have travelled under the waiver from the requirement to hold a Visa for travel to the Cook Islands <p>Who may be included in an application:</p> <ul style="list-style-type: none"> The parent or guardian of a minor may apply for a New Zealand Visitor Permit for the minor at the same time they apply for a Permit for themselves <p>Application criteria:</p> <ul style="list-style-type: none"> Must meet general requirements related to translations, evidence of identity, character and health, and onwards travel Must meet the general requirements of sufficient funds for themselves, and if applicable, any dependent minors Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands Must not have held more than one New Zealand Visitor Permit immediately prior to the application being made, without having departed the Cook Islands (for a continuous period of more than six months) meaning stay on a New Zealand Visitor Permit cannot extend beyond six months 	<p>Conditions:</p> <ul style="list-style-type: none"> Must hold a valid evidence of identity document at all times Must comply with Cook Islands law Must maintain an acceptable standard of health Must maintain sufficient funds for themselves, and if applicable, for any dependent minor Must maintain onwards travel plans <p>Special permissions:</p> <ul style="list-style-type: none"> The Permit provides for stay, for no greater than 90 days May undertake investment exploration or business exploration while visiting, that does not result in the Permit holder receiving any gain or reward as a direct result of undertaking that exploration May <i>undertake</i> (not deliver) short term training or certifications that do not constitute study with an organisation that would otherwise be required to register as a <i>registered private school (as defined under the Education Act 2012)</i>

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<ul style="list-style-type: none"> • Must not have held more than one Long-term Visitor Permit immediately prior to the application being made, without having departed the Cook Islands (for a continuous period of more than six months) meaning that stay as a visitor on cannot extend beyond 12 months at any one time • Must pay the prescribed fee 	
<p>International Visitor:</p> <p><i>An International Visitor is a visitor who is not a New Zealand citizen and is travelling to, entering and staying in the Cook Islands as a bona fide visitor for no greater than 31 days</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • An international visitor may apply for an International Visitor Permit onshore. The must apply upon arrival in a designated place or to a Designated Officer if they have travelled under the waiver from the requirement to hold a Visa for travel to the Cook Islands <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • The parent or guardian of a minor may apply for an International Visitor Permit for the minor at the same time they apply for a Permit for themselves <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health, and onwards travel • Must meet the general requirements of sufficient funds for themselves, and if applicable, any dependent minors • Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands • Must not have held more than one International Visitor Permit immediately prior to the application 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document at all times • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves, and if applicable, for any dependent minor • Must maintain onwards travel plans <p>Special permissions:</p> <ul style="list-style-type: none"> • The Permit provides for stay, for no greater than 31 days • May undertake investment exploration or business exploration while visiting, that does not result in the Permit holder receiving any gain or reward as a direct result of undertaking that exploration • <i>May undertake</i> (not deliver) short term training or certifications that do not constitute study with an organisation that would otherwise be required to register as a <i>registered private school (as defined under the Education Act 2012)</i>

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>being made, without having departed the Cook Islands (for a continuous period of more than six months) meaning stay on an International Visitor Permit cannot extend beyond two months</p> <ul style="list-style-type: none"> • Must not have held a Long-term Visitor Permit immediately prior to the application being made, without having departed the Cook Islands (for a continuous period of more than six months) meaning that stay as a visitor cannot extend beyond eight months at any one time • Must pay the prescribed fee 	
<p>Long-Term Visitor:</p> <p><i>A Long-Term Visitor is a non-Cook Islander who is seeking to travel to, enter and stay in the Cook Islands for a period of no greater than six months as a:</i></p> <ul style="list-style-type: none"> • <i>bona fide visitor seeking an extended stay; or</i> • <i>a volunteer, seeking to offer their services to the Cook Island Government or a community organisation</i> 	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander may apply for a Long-Term Visitor Visa and Permit from off or onshore • No applications for a Long-term Visitor Visa or Permit may be made at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • The parent or guardian of a minor may apply for a Long-Term Visitor Permit for the minor at the same time they apply for a Permit for themselves <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health, and onwards travel • Must meet the general requirements of sufficient funds for themselves, and if applicable, dependent minors • Must hold health insurance for the duration of their 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document at all times • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for themselves, and if applicable, for any dependent minor • Must maintain onwards travel plans <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for a single trip to travel to the Cook Islands within a period of no greater than six months from the date of issue • Permit provides for stay, for no greater than six months from in the case of: <ul style="list-style-type: none"> ○ Permit granted offshore, the arrival of the applicant in the Cook Islands

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>permit, to cover any potential health costs or emergencies</p> <ul style="list-style-type: none"> • Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands • Cannot extend stay as a visitor as a: <ul style="list-style-type: none"> ○ New Zealander, beyond 12 months at any one time ○ other foreign national, beyond eight months at any one time • Must pay the prescribed fee <p>NOTE: If applying to visit for greater than six months, must provide evidence of good character and acceptable standard of health</p>	<ul style="list-style-type: none"> ○ Permit granted onshore, the date that the Permit was granted • May undertake investment exploration or business exploration while visiting, that does not result in the Permit holder receiving any gain or reward as a direct result of undertaking that exploration • May <i>undertake</i> (not deliver) short term training or certifications that do not constitute study with an organisation that would otherwise be required to register as a <i>registered private school (as defined under the Education Act 2012)</i>

Rationale for proposals

New Zealand and International visitors will be exempted from the requirement to hold a Visa for travel to the Cook Islands. This will maintain the status quo; that they effectively apply for a Permit using the arrival card at the border. Long-term visitors may apply for a Visa and Permit on or offshore. The rationale for this approach is discussed below.

It is proposed that 12 months is the maximum time a New Zealand visitor can continuously spend in the Cook Islands without departing to another country. The maximum time for other foreign national is proposed to be eight months. A Long-Term Visitor who seeks to extend their stay six months or beyond must provide evidence of health and character, and hold health insurance.

The maximum timeframes proposed are intended to address the issue under the status quo that sees non-Cook Islanders leverage the bone fide visitor provisions in the ERD Act to remain indefinitely in the Cook Islands. This is not the intent of the provisions in the ERD Act and it undermines visitor policies. The Cook Islands should not be the primary place of residence for a visitor and the proposals for Residence, Work and Study Visa and Permit types, and the Special Spouse Visa should help address the situation where the spouses and children of investors or international workers see no clear mechanism for being lawfully in the Cook with their family.

The proposals for both the new legislation and regulations make it clear that a bone fide visitor cannot work or study while in the Cook Islands. This condition of stay will be enforced as the new Visa and Permit types proposed will provide pathways for workers, for students and interns. There will also be pathways for volunteers working for Government or on government-endorsed programmes who receive some gain or reward such as accommodation and/or meals.

New Zealand Visitor

The proposals for the New Zealand Visitor Permit, in effect, carry over a special status for New Zealanders. New Zealand has a special relationship with the Cook Islands and New Zealand visitors make up the bulk of visitors. The proposal to enable New Zealanders to travel to the Cook Islands and stay for up to 90 days recognises this.

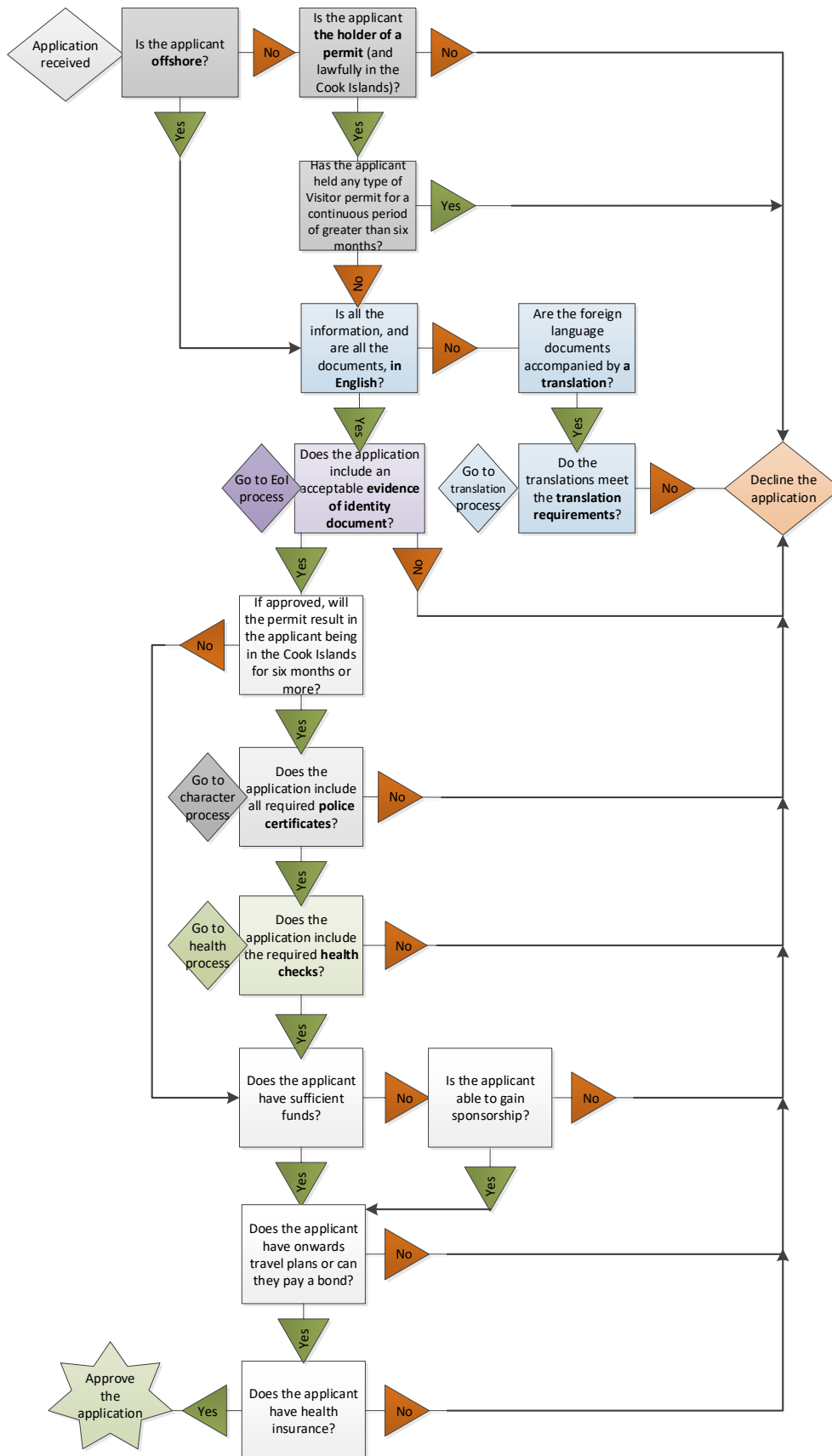
International Visitor

International Visitors from any country will be able to travel to the Cook Islands Visa free and will be granted a Permit to stay for up to 31 days. This will continue the current approach to facilitating visitors to support the tourism sector and its contribution to the economy.

Long-Term Visitor

A new Visa and Permit type is proposed, to support non-Cook Islanders who wish to visit the Cook Islands for extended periods of up to six or 12 months. During the consultation process, Cook Islands Tourism advised that it was aware of a number of regular visitors, who would travel to the Cook Islands and then seek to extend their stay to enjoy the outer islands during the peak (non-hurricane) season. This Visa and Permit type will enable them to apply for a six month visitor Visa, or to extend a New Zealand Visitor or International Visitor Permit where they can provide evidence of their good character and health, and where they have health insurance in case of where any issues arise.

Flow chart for the proposed Long-Term Visitor Visa and Permit



Proposals for Special Visas and Permits

Background to Special Visas and Permits

There is no concept of a “Special” entry permission under the Entry, Residence and Departure Act 1971-72 (ERD Act) but it does provide for the Minister of Immigration and the Principal Immigration Officer to exercise wide-ranging discretionary powers to grant entry permission and to impose conditions on non-Cook Islander. They use these powers where a non-Cook Islander is seeking to travel or stay for a purpose or activity does not fit within the usual policies that are applied. This creates flexibility in the immigration system and decision-making process.

Purpose of the Special Visa and Permit regime

The purpose of the Special Visa and Permit regime is to *support the travel, entry and stay of those with a genuine reason for being in the Cook Islands*, in particular, those:

- who are the spouses of workers that the Cook Islands wants and needs, and for whom the spouse can provide living expenses and support their wellbeing
- fulfilling a genuine purpose or undertaking an activity that does not fit within the permissions and conditions of any other Visa and Permit class or type.

Proposals

It is proposed that special Visa and Permit applicants must:

- provide all application and document requirements in English; and
- provide acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- have *sufficient funds* or a *sponsor*; and
- have *evidence of onwards travel* or pay a bond; and
- meet the *criteria to qualify* for the Special Visa and/or Permit type and description they are applying for.

Proposed Special Visa and Permit types

It is proposed that there be the following Special Visa and Permit types:

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
<p>Special Spouse:</p> <p><i>A Special Spouse is a life partner of a non-Cook Islander who is in a marriage, civil union, or de facto relationship that is genuine and stable</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for a Special Spouse Visa and Permit from offshore • No applications can be made for a Special Spouse Visa or Permit at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • A Special Spouse Visa and Permit applicant cannot include any dependent in their application <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet general requirements related to translations, evidence of identity, character and health • Must meet the requirements of sufficient funds for themselves, or have sponsorship • Must provide evidence that their relationship with their spouse is: <ul style="list-style-type: none"> ○ genuine; and ○ stable • Their spouse must be approved for whatever Visa and Permit that they are applying. Their spouse may be approved without the Special Spouse application being approved • If has previously held a Special Spouse Permit with conditions allowing work, must have evidence of: <ul style="list-style-type: none"> ○ holding a revenue division management 	<p>Conditions:</p> <ul style="list-style-type: none"> • Must hold a valid evidence of identity document at all times • Must comply with Cook Islands law • Must maintain an acceptable standard of health • Must maintain sufficient funds for self or must maintain sponsorship • Must maintain a genuine and stable relationship with the spouse due to whom their Visa and Permit was granted • Must comply with any relevant legislation, regulation or rules that might be relevant to their permission to work in the Cook Islands, including permission to purchase or start a business • If employed, within two weeks of their employment, enrol (at their employer’s expense) in the “Kia Orana Customer Service” programme (or any similar programme advised by Cook Islands Immigration) • Must complete the first available “Kia Orana Customer Service” programme without unreasonable delay or have evidence of completing of the course while holding an earlier Permit <p>Special permissions:</p> <ul style="list-style-type: none"> • Visa provides for unlimited travel, and Permit provides for stay, for the duration of the spouse’s contract, for

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<p>number and having paid any required taxes and superannuation</p> <ul style="list-style-type: none"> ○ completing the “Kia Orana Customer Service” programme or similar Government-endorsed cultural programme <ul style="list-style-type: none"> ● Must not have held more than five Special Spouse Permits immediately prior to the application being made, without departing the Cook Islands for a period of greater than one year (meaning that stay as a spouse cannot extend for a continuous period of six years or more) ● Must pay the prescribed fee 	<p>up to three years from the date of grant</p> <ul style="list-style-type: none"> ● May apply to Cook Islands Immigration for permission to work, under the terms and conditions of a lawful, written employment agreement, at or above the minimum wage where the employer has (and can provide evidence of): <ul style="list-style-type: none"> ○ publicly advertised the availability of their vacant position for a continuous period of 14 days; and ○ failed to fill the position with a suitable Cook Islander or Permanent Resident under the same terms and conditions offered to the International Adult Student ● Must have Cook Islands Immigration’s permission to work
<p>Special Entrant:</p> <p><i>A Special Entrant is a non-Cook Islander travelling to, entering and staying in the Cook Islands for a special purpose or activity, and that purpose or activity does not fit within the permissions and conditions of any other Visa and Permit class or type</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> ● A non-Cook Islander may apply for a Special Entrant Visa and Permit from off or onshore ● No applications can be made for a Special Entrant Visa or Permit at the border <p>Who may be included in an application:</p> <ul style="list-style-type: none"> ● A Special Entrant Visa and Permit applicant cannot include any spouse or dependent in their application <p>Application criteria:</p> <ul style="list-style-type: none"> ● Must meet general requirements related to translations, evidence of identity, character and health, and sufficient funds (which may vary depending on the length of the programme) 	<p>Conditions:</p> <ul style="list-style-type: none"> ● Must hold a valid evidence of identity document at all times ● Must comply with Cook Islands law ● Must maintain an acceptable standard of health ● Must maintain sufficient funds ● Must maintain onwards travel plans <p>Special permissions:</p> <ul style="list-style-type: none"> ● Visa provides for a single trip to travel to the Cook Islands within a period of no greater than six months from the date of issue ● Permit provides for stay for the length of time

Type and description	Criteria to qualify	Conditions on Visa and/or Permit
	<ul style="list-style-type: none"> • Must have evidence of a genuine need to travel to, enter and stay in the Cook Islands for a purpose or activity the does not fit within the permissions and conditions of any other Visa and Permit class or type and meets the satisfaction of Cook Islands Immigration • Must not have held another Special Entrant Visa or Permit immediately prior to any application made in the Cook Islands • Must pay the prescribed fee 	<p>necessary for the applicant to fulfil the purpose or undertake the activity for which the Visa and/or Permit was granted and for no greater than 180 days per annum</p>

Rationale for proposals

Special Spouse

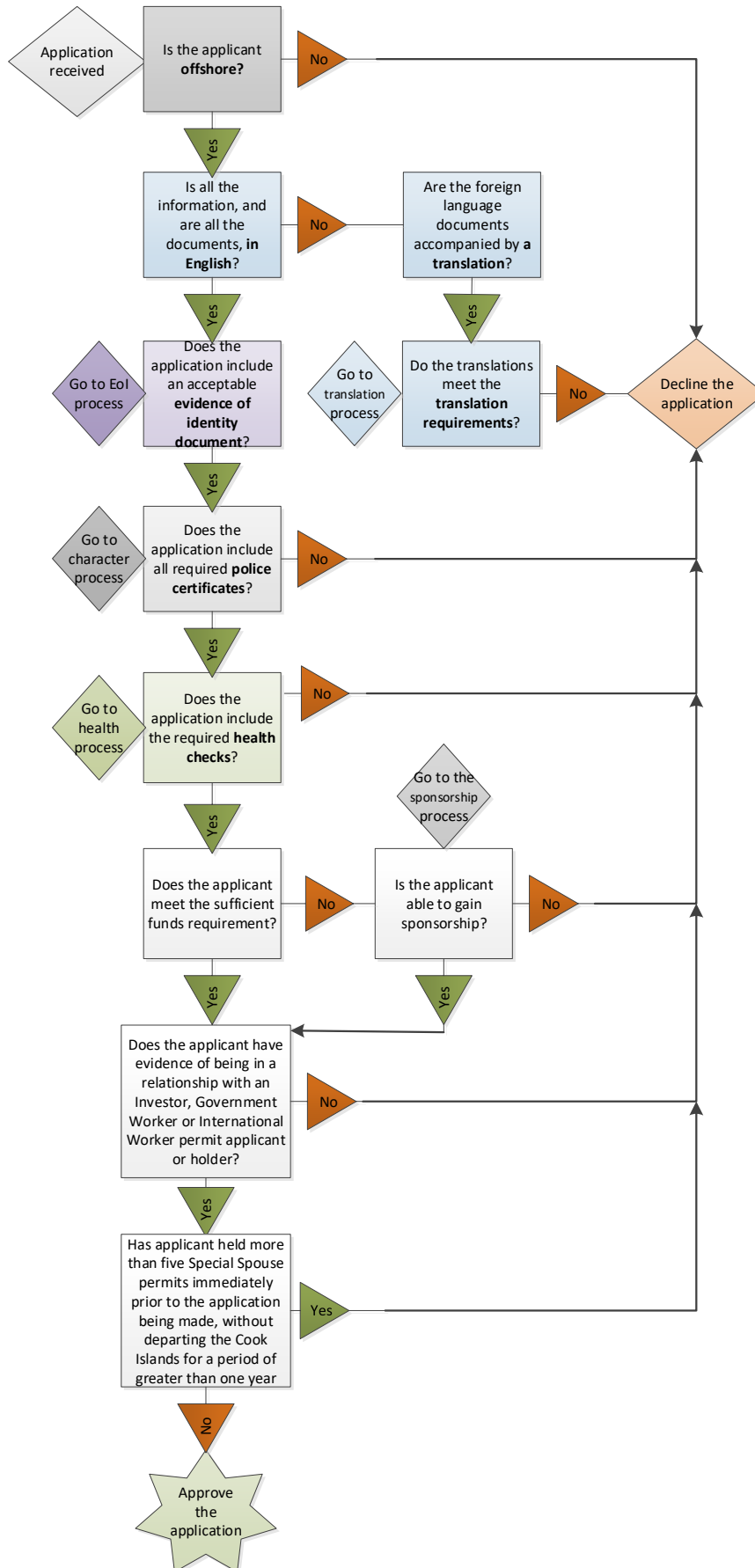
The proposed “Special Spouse” Visa and Permit type will enable the spouse of a non-Cook Islander on a Government Worker or International Worker Permit to accompany them if the application criteria are met. The Special Spouse applicant will be required to have sufficient funds or have sponsorship. The proposal effectively carries over the status quo where a spouse may accompany a worker if they have enough money to provide for themselves and their wellbeing, or they are sponsored.

The proposals for this Permit will enable a spouse to apply to work in their own right – investing in or running a business if approved by the Business Trade and Investment Board - or if their potential employer can demonstrate that they have attempted to hire a Cook Islander in the first instance. The Special Spouse will be granted stay for the same duration of their spouse.

Special Entrant

The proposal for a Special Entrant Must have evidence of a genuine need to travel to, enter and stay in the Cook Islands for a purpose or activity the does not fit within the permissions and conditions of any other Visa and Permit class or type and meets the satisfaction of Cook Islands Immigration. This Visa and Permit type is designed to continue the ability of Cook Islands Immigration to facilitate the travel and stay of those non-Cook Islanders with a genuine purpose for being in the Cook Islands that is not covered by other Visa and Permit criteria. To ensure that the Visa and Permit type is not mis-used, the proposal is that only one Special Entrant Permit can be granted. Consecutive Special Entrant Permits cannot be granted unless the non-Cook Islander first departs the Cook Islands.

Flow chart for the proposed Special Spouse Visa and Permit



Proposals for Permanent Residence

Background to Permanent Residence and the proposals

Permanent Residence is a privilege for those non-Cook Islanders who have committed to making the Cook Islands their home and who have embraced Cook Islands culture and community. The provisions for Permanent Residence were introduced in the Entry, Residence and Departure Act 1971-72 (ERD Act) and provide for 650 Permanent Residence certificates to be held at any one time. The provisions specifically recognise the need to facilitate the return of Cook Islanders from overseas with their partners and family. Spouses are excluded from the 650 number.

The ERD Act provides that a spouse of a Cook Islander can qualify for Permanent Residence after five years. The timeframe for New Zealanders is three years (or no less than one year if agreed by the Minister) or for others is 10 years (or no less than five years if agreed by the Minister). The timeframe for New Zealanders means that they may qualify more quickly, independently, than if they have a Cook Islander or Permanent Resident spouse.

Along with time spent in the Cook Islands, to qualify for Permanent Residence, a non-Cook Islander must be of good character and have made a significant positive contribution to or investment in the Cook Islands in terms of skills, expertise, community work or financial investment.

Permanent Residents have a special status that is similar to that of a Cook Islander. They are entitled to travel to, enter, and stay in the Cook Island with few limitations on those rights. Children born to Permanent Residents **in the Cook Islands** have their status protected by the Constitution. Their Permanent Residence status is the only status that cannot be revoked. The Constitution otherwise allows:

- legislation to set out the criteria for the revocation of Permanent Residence status by a Judge of the High Court. Under the new legislation, this will include those who commit a serious criminal offence in the early years of Permanent Residence, those who have ceased to make the Cook Islands their home and those who are a threat or risk to security
- the Minister of Immigration to revoke Permanent Residence status where a non-Cook Islander has been outside the Cook Islands for a continuous period of three years and ceased to make the Cook Islands their home. This provision will be retained under the new legislation.

The key reason that there is an ability to revoke Permanent Residence, and the ability is being maintained under the new legislation, is the special status and the meaning attached to it in the Cook Islands community. The intent is that it is granted to people who will comply with Cook Islands law and commit to living in the Cook Islands. And, this covers spouses as well as other Permanent Residents. Spouses are not exempt from the revocation criteria regardless of their relationship.

The proposals for the criteria and process for applying for Permanent Residence outlined below recognise the importance of maintaining the Cook Island culture and community; the “way of life”. They also recognise the need for the Permanent Residence criteria and process to be less personal and less political. This is one reason why under the new legislation the criteria and process will be set in Regulations by Cabinet, and then followed by the Minister of Immigration and Cook Islands Immigration.

The proposals below are for the matters that need to be dealt with in the regulations. This includes the:

- number of Permanent Residence certificates that may be granted and held at any one time
- oath that must be undertaken by Permanent Residents 16 years old and over
- process for applying for the grant of Permanent Residence
- criteria for the grant of Permanent Residence.

Purpose of the proposed Permanent Residence regime

The proposals for Permanent Residence are based on purpose of the regime being to:

- recognise minors born to Permanent Resident parent(s)
- to facilitate the permanent stay of non-Cook Islanders who have made a:
 - commitment to a Cook Islander or Permanent Resident, through a genuine and stable relationship
 - contribution, and have a commitment, to Cook Islands culture and to the community.

Proposed number of Permanent Residence certificates that may be granted

Proposals

Note that Permanent Residence by descent, and that granted to the spouse or dependent child of a Cook Islander or Permanent Resident, is excluded (by the new legislation) from the number of Permanent Residence certificates that can be granted and held at any one time.

It is proposed that:

- the number of Permanent Residence certificates that may be granted and held at any one time is maintained at 650; *but with a one-off exception enabling a transition to the new legislation that provides*
- a Permanent Residence application process to be undertaken upon commencement of the new legislation that enables all non-Cook Islanders who meet the qualifying criteria to *apply* within 12 months of commencement.

It is also proposed that the 650 number excludes certificates known to have been granted 75 years or more since the current year.

Rationale for proposals

In 2008, the number of 650 Permanent Residents was put in place. Until this time, there the limit was 500. At the time, the 650 number was put in place, the resident population of the Cook Islands was approximately 15,341¹⁰. Of the resident population, 91% identified as all or part Cook Islands Maori and another 5% as New Zealand and Australian. Approximately 4% of the population were non-Cook Islands Maori and not from New Zealand or Australia. Most non-Cook Islands Maori lived on Rarotonga. They would likely have been a “visible minority”, as non-European migrant workers are now.

The decision to make available 650 Permanent Residence places enabled approximately 4% of the resident population to be non-Cook Islander Maori Permanent Residents. Considering the preliminary results of the current census¹¹, maintaining 650 places would maintain the position of providing for approximately 4% of the resident population to be non-Cook Islander Maori Permanent Residents.

A one-off transitional process will provide an opportunity for the non-Cook Islanders who have made a long-term commitment to the Cook Islands, and its culture and community, to *apply* for Permanent Residence. Based on the proposed criteria for Permanent Residence (outlined below) most of these non-Cook Islanders will have had to have lived in the Cook Islands for an extended period of time and will also need to have participated in community service during that time.

¹⁰ http://www.mfem.gov.ck/images/documents/Statistics_Docs/5.Census-Surveys/4.Census-Report/2.2006_COK-population-and-dwelling-census-report.pdf

¹¹ <http://www.mfem.gov.ck/census>

A transitional process is being proposed as the non-Cook Islanders who might meet the criteria for Permanent Residence have been excluded from applying by the limitation on places and the lack of a formalised application process under the ERD Act. Depending on the number of applicants who meet the criteria for the transitional process, the proposal may result in the 650 places being “full” for some time into the future.

Excluding certificates granted 75 years or more ago will enable Cook Islands Immigration to refine its records of Permanent Residents and count the number of certificates with a focus on those who have not exceeded the life expectancy of 75 years in the Cook Islands (as at the last census)¹². Cook Island Immigration is also not automatically privy to information about Permanent Residents who pass away; either in the Cook Islands or overseas. This proposal would prevent them from having to make inquiries about Permanent Residents who are known to be older.

Proposed Permanent Residence oath for the regulations

Proposal

Note that the new legislation requires the oath to be undertaken by all Permanent Residents over the age of 16 years old, within 12 months of the grant of Permanent Residence, but residence cannot be withdrawn if no opportunity to take the oath was provided.

It is proposed that the oath must be undertaken is:

“I....., do solemnly and sincerely declare, that I will be faithful and bear true allegiance to Her Majesty the Queen Elizabeth II as the head of state of the Cook Islands, Her Heirs and Successors, according to law; that I will faithfully observe the Constitution and other laws of the Cook Islands; that I will always respect the customs, traditions, usages and values of the people of the Cook Islands, that I will conscientiously fulfil my duties as a national of the Cook Islands, and that I take this obligation freely without any mental reservation or purpose of evasion. So help me God”.

Rationale for proposal

The proposed oath is the status quo. It is not considered necessary to make changes to the oath at this time. However, providing for it in regulations will enable it to be updated where there is a change to the Head of State.

Permanent Residence application process for minors

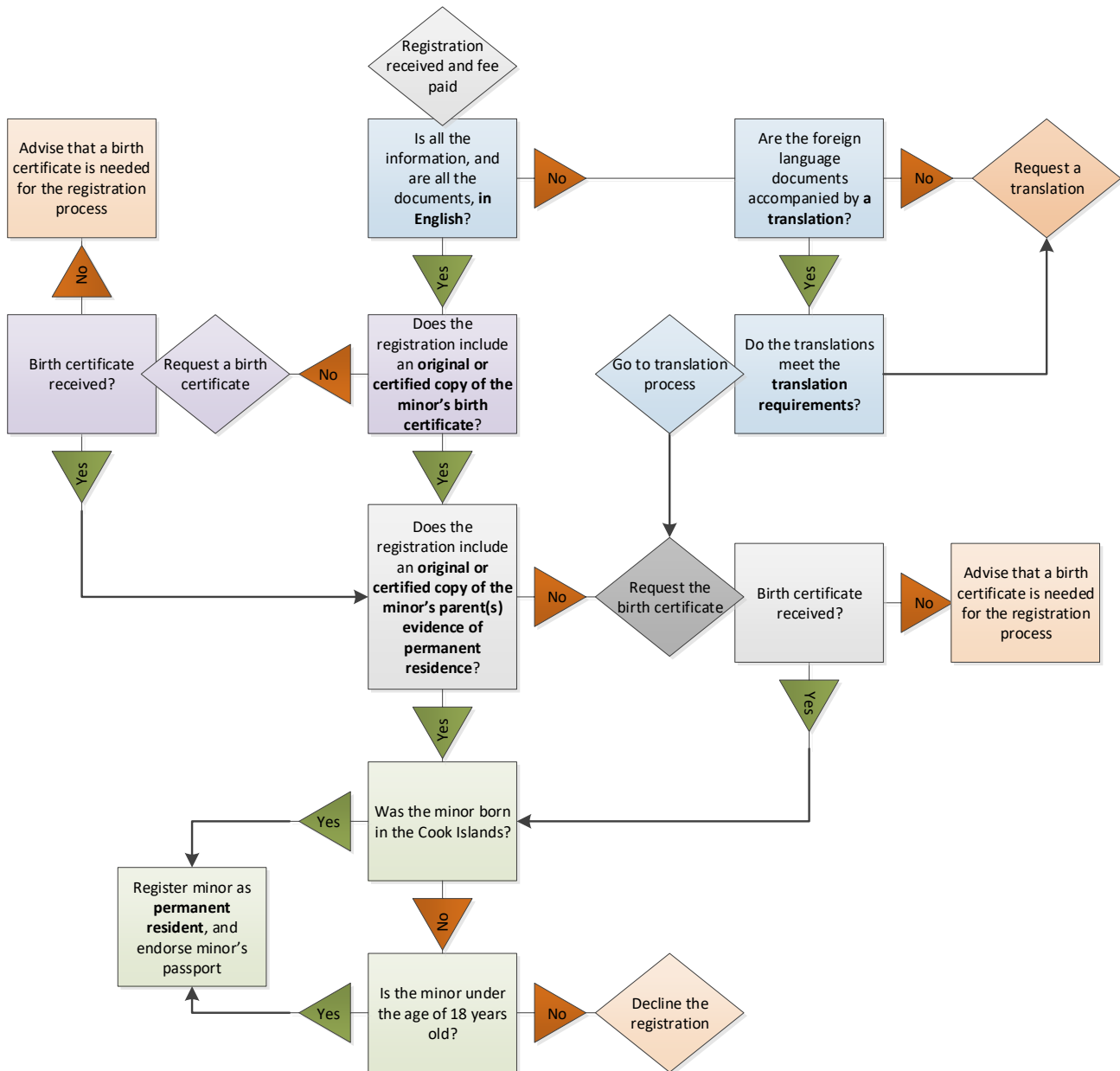
Minors born to Permanent Residents are entitled to Permanent Residence in law

Note that the registration process that is required of non-Cook Islander minors born in the Cook Islands will be used as the process for confirming the Permanent Residence of a minor in the Cook Islands to a Permanent Resident parent.

Note that the registration process that is provided to non-Cook Islander minors under the age of 18 years old and born outside the Cook Islands to a Permanent Resident parent will be used as the process for confirming the Permanent Residence.

¹² <http://www.mfem.gov.ck/statistics/census-and-surveys/cook-islands-demographic-profile>

Process for registering a minor born to a Permanent Resident



Proposed application process and criteria for Spouses and Dependent Children

Proposals

It is proposed that an application for Permanent Residence as a spouse or dependent child of a Cook Islander or Permanent Resident can be made at any time the applicant holds a genuine belief that they meet the application criteria.

It is proposed that where a spouse or dependent child applicant:

- makes a full and complete application, unless there are exceptional circumstances, the Minister for Immigration must decide the application in 28 working days; or
- fails to make a complete application, Cook Islands Immigration (on behalf of the Minister for Immigration) must request further information within seven days and then pass the application to the Minister to either:

- decline the application if the information is not received within 28 working days of the request being made; or
- decide the application within working 28 days of the further information being received.

It is proposed that all spouse and dependent child applicants must:

- provide all application information and document requirements in English; and
- must provide an acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- meet the *criteria to qualify* for the Permanent Residence type and description they are applying for.

It is proposed that there be the following criteria to qualify:

Type and description	Criteria to qualify
<p>Permanent Resident - Spouse:</p> <p><i>A Permanent Resident - Spouse is a life partner in a marriage, civil union, or a de facto relationship that is genuine and stable, and has endured for a period greater than five years</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for Permanent Residence as a spouse onshore <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for Permanent Residence as a Dependent Child must be made at the same time as the child’s parent or guardian makes an application as a spouse <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet the Visa and Permit requirements related to translations, evidence of identity, character and health • Must have lived in the Cook Islands for the past five years • Must have evidence that the Cook Islands is the couple’s primary place of residence • Must provide evidence that their relationship with their spouse is: <ul style="list-style-type: none"> ○ genuine; and ○ stable • Must provide evidence that their relationship with their spouse has endured for a minimum of five years • Must have evidence of completing the “Kia Orana Values” programme or similar Government-endorsed cultural programme • Must pay the prescribed fee
<p>Permanent Resident - Dependent Child:</p> <p><i>A Permanent Resident Dependent Child is a minor under the age of</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for Permanent Residence as a dependent child onshore <p>Who may be included in an application:</p>

Type and description	Criteria to qualify
<p><i>18 years old that:</i></p> <ul style="list-style-type: none"> • <i>has been adopted by a Cook Islander or Permanent Resident under an order made in a country outside the Cook Islands that is recognised and effective in the Cook Islands</i> • <i>is the child of the spouse of a Cook Islander or Permanent Resident for who the Cook Islander or Permanent Resident has accepted parental responsibility (within the meaning of section 34 of the Family Protection and Support Act 2017)</i> 	<ul style="list-style-type: none"> • An application for Permanent Residence as a Dependent Child must be made at the same time as the child’s parent or guardian makes an application for Permanent Residence <p>Application criteria:</p> <ul style="list-style-type: none"> • Must meet the Visa and Permit requirements related to translations, evidence of identity, character and health • Must be under the age of 18 years old • Must be single (the dependent child cannot have a spouse of their own) • Must have a parent or guardian who is applying for Permanent Residence (at the same time) or a parent or guardian who is a Cook Islander or a Permanent Resident • Must have lived in the Cook Islands for the past five years with their parent or guardian • Must provide: <ul style="list-style-type: none"> ○ an original birth certificate showing the names of their parent or parents; or ○ adoption papers showing that they child has been legally adopted by their parent or guardian • Must provide evidence of their parent or guardian’s right to bring them to the Cook Islands • Must pay the prescribed fee

Rationale for proposals

Proposed process for the spouses and dependent children of Cook Islanders or Permanent Residents

The proposed process for spouses and dependent children is based on the proposal that their Permanent Residence is not counted in the 650 number and that providing a certain process for spouses and dependent children will support Cook Islanders to return home with their families. Uncertainty about the status that their family may hold may prevent these people from returning. The reason that the proposals include dependent children is to provide for children that are not the birth children of a Cook Islander or a Permanent Resident. They may be adopted children, children from a blended family or children for whom the Cook Islander or Permanent Resident has accepted parental responsibility.

Proposed criteria the spouses and dependent children of Cook Islanders or Permanent Residents

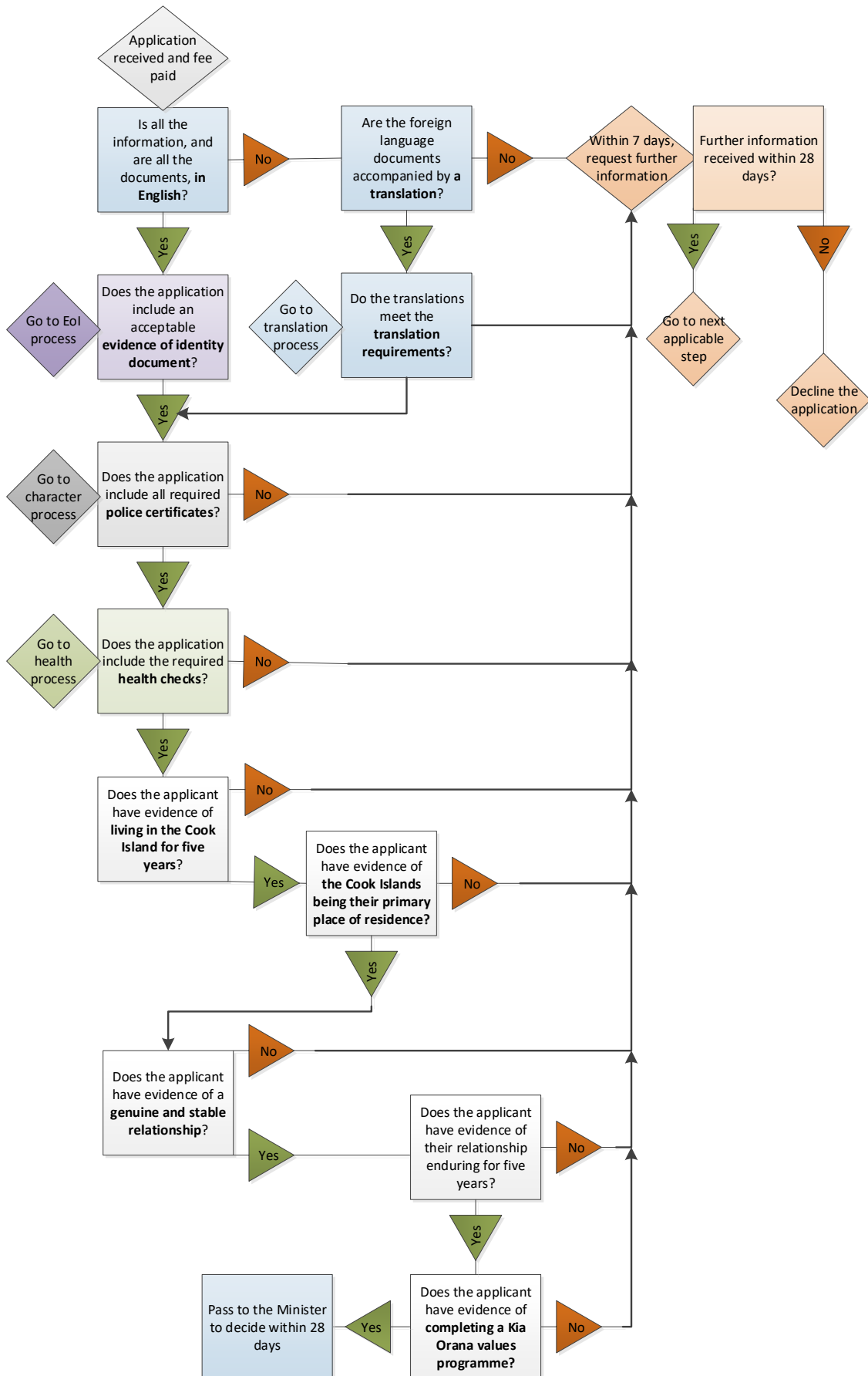
The proposed criteria for spouses and dependent children are a change from the status quo. Currently, a spouse is required to have made a “significant positive contribution to or investment in the Cook Islands in terms of skills, expertise, community work or financial investment” regardless of the commitment they may have made to their Cook Islander or Permanent Resident spouse and family. And, there is no ability for dependent children to apply for Permanent Residence at all.

Carrying over the status quo may have the consequence of some families choosing not to return the Cook Islands; especially where they are a blended family where the non-Cook Islander spouse has a child under the age of 18 years old. In addition, the spouse may be more focussed on making a family and building their family relationships in the Cook Islands than making another contribution to the wider community. It is, however, proposed that they learn about the importance of culture and community through the Kia Orana Values programme.

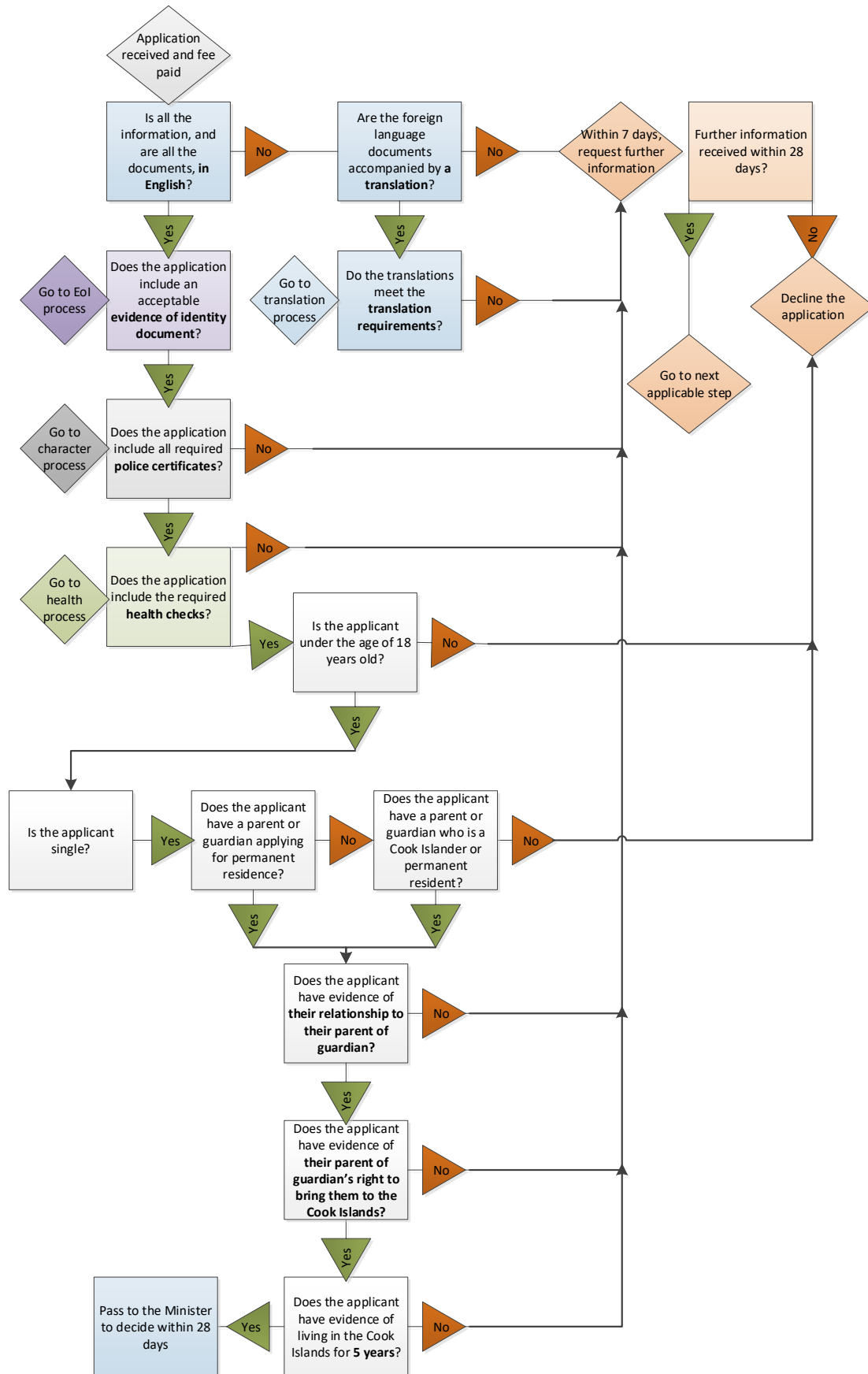
A spouse who is a New Zealand may be able to qualify for Independent Permanent Residence after three years if they meet the qualifying criteria. This will provide an incentive for New Zealand spouses to undertake their Values programme early and to participate in community work.

The application criteria will require all applicants to be of good character and not a prohibited person. They will also require all applicants to be an acceptable standard of health. These criteria are required to support the safety and security of the Cook Islands. The community should not be required to accept Permanent Residents with a propensity toward criminal behaviour, nor Permanent Residents who may place demands on health services.

Process and criteria for deciding an application for a Spouse



Process for deciding an application for a Dependent Child



Proposed application process and criteria for Independent Permanent Residence

Proposals

Note that the Act requires an application process for Independent Permanent Residence must be held at least every three years from the date of the commencement of the Act.

It is proposed that the application process for Independent Permanent Residence has multiple stages:

1. Cook Islands Immigration will review the number of Independent Permanent Residence certificates held and if the current number of certificates held is:
 - a. **greater than 650 certificates**, Cook Island Immigration will provide notice of this in the Cook Islands Gazette and in the daily newspaper, and no applications will be accepted for that application round; or
 - b. **less than 650 certificates**, Cook Islands Immigration will provide notice of the number of places available in the Cook Islands Gazette and in the daily newspaper, and will accept expressions of interest that meet the application criteria for a period of three months from the time the notice is made; and
2. In the expression of interest process, the onus is always on the applicant to provide all the required information to demonstrate character, acceptable standard of health and all other evidence required to meet the application criteria, at their own expense; and
3. Within seven days of the date three months after Cook Islands Immigration has notified that expressions of interest will be accepted, those expressions of interest will be sorted into two categories, the:
 - a. **first category** being those expressions of interest that are full and complete and contain all the required information and evidence. These expressions of interest will be counted; or
 - b. **second category** being those expressions of interest that are not full and complete, and do not contain all the required information and evidence. **These expressions will be lapsed**; and
4. If the number of full and complete expressions of interest (once decided) would result in the total number of certificates held being:
 - a. **less than 650 certificates**, Cook Islands Immigration will, within seven days, request payment of the full application fee and provide 14 days from the time of the request for the fee to be paid. Where the fee is paid, the Minister for Immigration will, within three months of the receipt of that fee (unless there are exceptional circumstances) decide the application. If the fee is not received within 14 days of it being requested, the **expression of interest will be lapsed**; or
 - b. **greater than 650 certificates**, Cook Island Immigration will, within seven days, rank the expression of interest to reduce the number to a number that, if all granted, would equal 650 certificates being held. Cook Islands Immigration will give first priority to New Zealand citizens; and
5. If the number of New Zealand citizen applicants would, if all granted, result in the total number of certificates being held being:
 - a. **less than 650 certificates**, Cook Islands Immigration will, then give **second priority to those who have spent the greatest duration residing in the Cook Islands as their place of primary residence**, working through to the expression of interest which, if granted, would result in 650 certificates being held; or
 - b. **greater than 650 certificates**, Cook Island Immigration will further rank the expressions of interest to reduce the number to a number that, if granted, would equal 650 certificates being

held, based on those **who have spent the greatest duration residing in the Cook Islands as their place of primary residence**; and

6. Once the expressions of interest have been ranked to identify those to be decided, Cook Islands Immigration will, within seven days, advise those that:
 - a. **have not been ranked to be decided**, that their expressions of interest have been lapsed. If they continue to meet the application criteria, the applicant should remain eligible to apply if places are available during the next application round; or
 - b. **have been ranked to be decided**, and request payment of the full application fee and provide 14 days from the time of the request for the fee to be paid. Where the fee is paid, the Minister for Immigration will, within three months of the receipt of that fee (unless there are exceptional circumstances), decide the application. If the fee is not received within 14 days of it being requested, the **application will be lapsed**; and
7. Applications may be lapsed if Cook Islands Immigration finds the applicant does not meet the legislative or regulated application criteria. Where this is the case, Cook Islands Immigration will advise the applicant within seven days.

It is proposed that Independent Permanent Residence applicants must:

- provide all application information and document requirements in English; and
- must provide an acceptable *evidence of identity*; and
- not be a *prohibited person*; and
- be an *acceptable standard of health*; and
- meet the *criteria to qualify* for the Permanent Residence type and description they are applying for.

It is proposed that there be the following criteria to qualify:

Type and description	Criteria to qualify
<p>Independent Permanent Resident:</p> <p><i>An Independent Permanent Resident is a non-Cook Islander who has made a commitment to the Cook Islands, to Cook Islands culture, to the community and to the success of the Cook Islands</i></p>	<p>Where to apply:</p> <ul style="list-style-type: none"> • A non-Cook Islander must apply for Independent Permanent Residence from onshore <p>Who may be included in an application:</p> <ul style="list-style-type: none"> • An application for Permanent Residence as a Dependent Child must be made at the same time as the child’s parent or guardian makes an application for Permanent Residence <p>Application criteria:</p> <ul style="list-style-type: none"> • Must be invited to apply by Cook Islands Immigration • Must meet the requirements Visa and Permit requirements related to translations, evidence of identity, character and health • Must be 18 years old or older • Must evidence that the Cook Islands is the applicant’s primary place of evidence has lived in the Cook Islands for the past <ul style="list-style-type: none"> ○ five years, if the applicant is a New Zealand citizen

Type and description	Criteria to qualify
	<ul style="list-style-type: none"> ○ 10 years if the applicant is not a New Zealand citizen ● Must have evidence of English language proficiency ● Must have evidence of Maori language ability ● Must have evidence of completing the “Kia Orana Values” programme or similar Government-endorsed cultural programme ● Must have evidence of undertaking 312 hours of community service over the past five years ● Must have four statutory declarations of support, including at least one from: <ul style="list-style-type: none"> ○ an oranga-mana in their vaka (or village of primary residence; and ○ an official from a community organisation for which the applicant has volunteered; and ○ a community member (who is not immediate family members or direct business associate of the applicant) ● Must pay the prescribed fee, including for an expression of interest and an accepted application

Rationale for proposals

Proposed application process for Independent Permanent Residence

Addressing uncertainty is a key rationale for the process proposed for Independent Permanent Residence. The Cook Islands is keen to encourage economic investment and growth. The proposals for Residence Visas and Permits (outlined elsewhere) will provide for the medium term stay of business investors and the proposals for Work Visas and Permits will provide for the short term stay of non-Cook Islander workers. However, providing a certain process to apply for Permanent Residence and stay may encourage ongoing investment and good work in the Cook Islands. It may also encourage non-Cook Islanders to make more than an economic contribution to the country.

The process for Independent Permanent Residence will enable non-Cook Islanders to apply to transition to Permanent Residents where they have made a commitment to Cook Islands culture and community, *when there are places available*. Only when there were places within the 650 number would the next steps be followed, with the onus on the potential applicants to make an application and provide evidence that they meet the application criteria.

The ranking process is necessary as it is assumed that there will often be more applicants that may meet the criteria than places available. The ranking process gives priority to New Zealanders given New Zealand’s close relationship with the Cook Islands. The second mechanism for ranking is the length of time an applicant has been in the Cook Islands.

Timeframes are proposed for the application process to support it to be undertaken in an expeditious manner. The proposals place obligations on the Minister for Immigration, Cook Islands Immigration and the applicant to take timely decisions throughout the application process. This will ensure that it is not stalled.

Proposed criteria for Independent Permanent Residence

The proposed criteria for Independent Permanent Residence draw broadly from the status quo in the ERD Act and the 2016 immigration policy. The requirement to have made a skills, expertise or financial

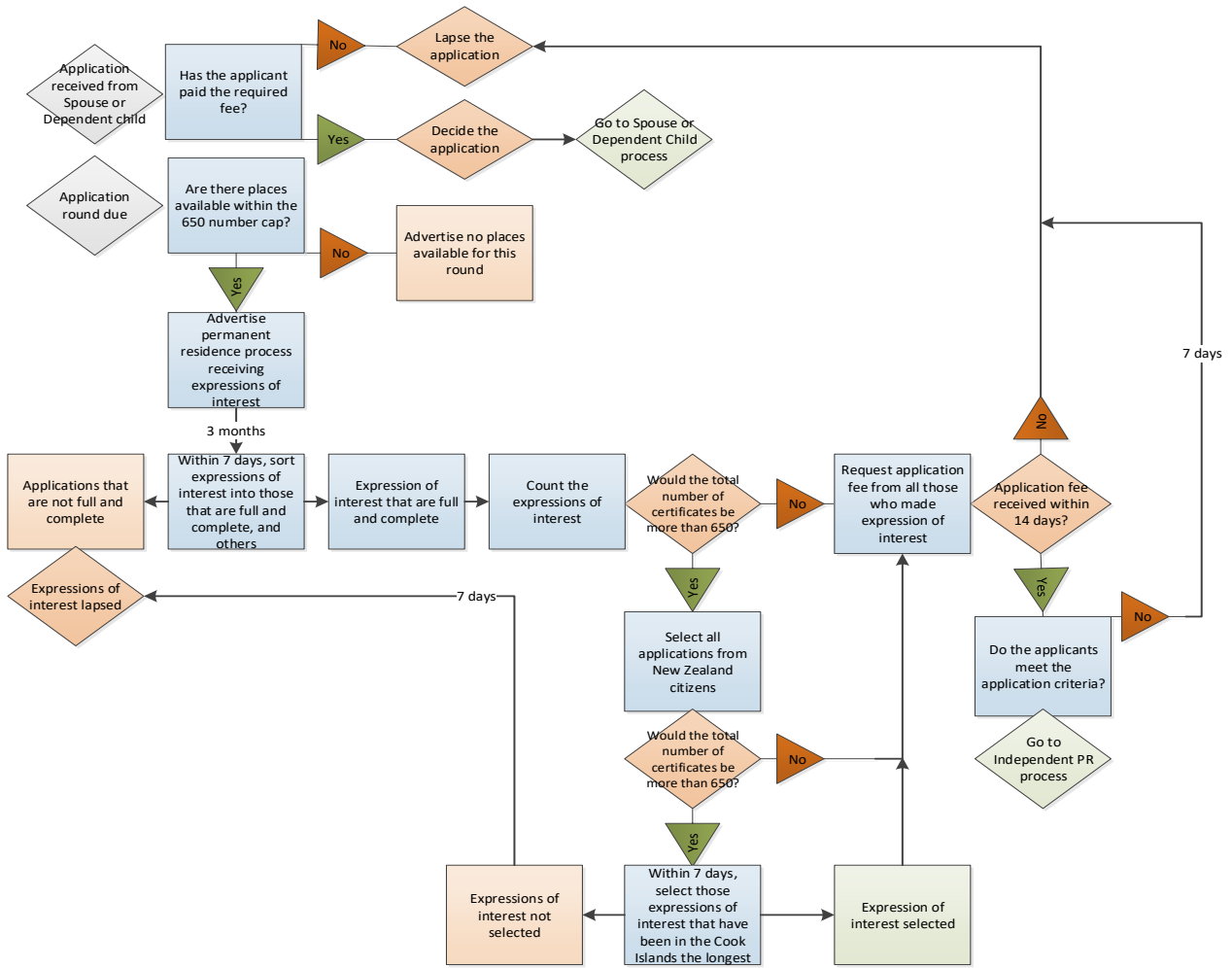
investment is not considered to be necessary, as this should have been demonstrated through the applicant's ability to have been lawfully in the Cook Islands, on a Permit, for the five or 10 year timeframe they must meet.

In addition to the timeframe, the proposals require the applicant to have evidence of English language *proficiency* and Cook Islands Maori *ability*. The language requirements will support their good settlement and should have been developed in the time they have spent in-country.

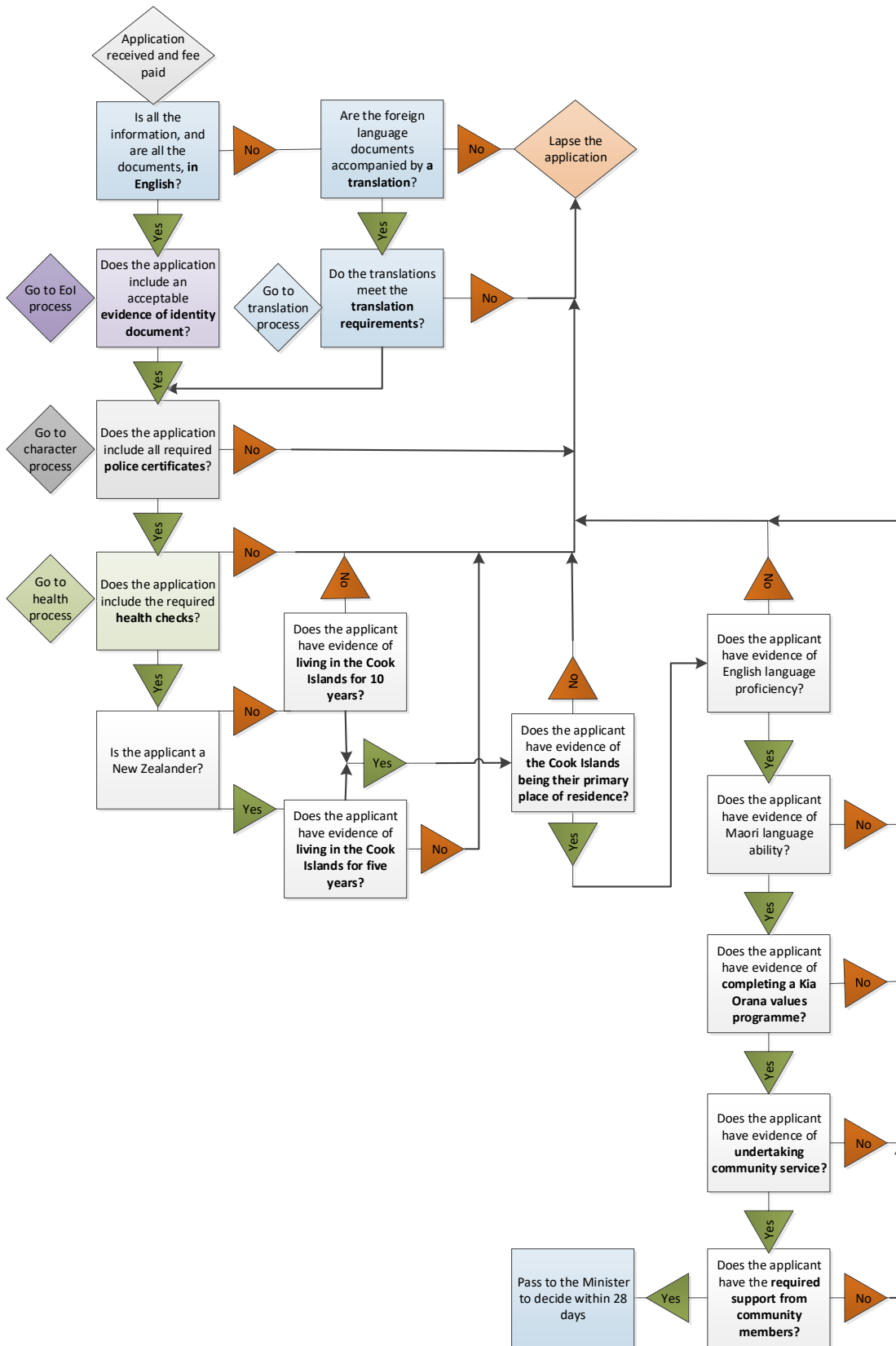
The importance of culture and community is recognised by requiring the applicant to have undertaken the Kia Orana Values programme along with community service. Undertaking community service is the mechanism by which the applicant can demonstrate that they have made a commitment to the Cook Islands and have learned about culture and community. Through this, they should be able to satisfy the requirement to gain support for their application from within the community. Their community supporters should be able to attest to the applicant's ability to be a contributing member of the community. This matter was most prominent and important to people engaged in the consultation process for the new legislation.

An applicant will be able to choose the people they ask to support them in their application, within some boundaries. They must include at least one aronga-mana from their vaka (or village) or primary residence and the other supporters must not be immediate family members or business associates. The support of the community is an important indicate of a non-Cook Islander's ability to settle in the Cook Islands.

Process for receiving applications for Independent Permanent Residence



Process for deciding applications for Independent Permanent Residence



Proposed information required to register a non-Cook Islander minor born in the Cook Islands

Background and status quo

A child born in the Cook Islands to a Permanent Resident parent becomes a Permanent Resident themselves, until the age of 16 years old. Cook Islands Immigration currently requests parent(s) register their child with it and encourage them to also register them in their country of origin to gain citizenship and a passport. It also encourages other parents to register their children with them and in their home country but, there is no obligation placed on the parent(s). Proposals for the new legislation will require that a non-Cook Islander minor born in the Cook Islands is registered with Cook Islands Immigration. The legislation will enable the information required for registration to be prescribed in regulations (as proposed below).

Purpose of the requirement to register a non-Cook Islander minor

The purpose of the requirement to register a non-Cook Islander minor born in the Cook Islands is to support the effective functioning of the immigration system, by ensuring that:

- Cook Islands Immigration has a record of all non-Cook Islanders in the Cook Islands
- the minor can be granted an appropriate immigration status or family encouraged to depart if unlawful.

Proposal

It is proposed that the following information is required from the parent or guardian of a non-Cook Islander born in the Cook Islands (within two weeks of the minor's birth):

- the minor's Cook Islands birth certificate; and
- evidence of the immigration status of the parent(s) at the time of the minor's birth; and
- the parent(s) valid evidence of identity document; and
- the parent(s) address in the Cook Islands; and
- the parent(s) telephone number in the Cook Islands; and
- the parent(s) email address; and
- the parent(s) contact information in their country of citizenship or usual Permanent Residence; and
- the required fee.

Rationale for the proposal

Cook Islands Immigration is responsible for managing the travel, entry and stay of non-Cook Islanders in the Cook Islands. To undertake its role, it requires the most accurate understanding possible of the non-Cook Islanders in the country. Those non-Cook Islanders are required to have a lawful immigration status; they must be exempted or waived from Permit requirements, or otherwise hold a Permit to stay.

The requirement that non-Cook Islander minors are registered with Cook Islands Immigration will support it to fulfil its role. Where the minor has been born to one or more Permanent Resident parent:

- this information will form the basis of the child's evidence for Permanent Residence; and
- a Permanent Residence certificate must be granted within 28 days.

Where the minor is not born to a Permanent Resident, the information will be used to register the minor's birth in Cook Islands Immigration records and to grant the minor an appropriate immigration status (based

on the proposals for the new legislation) based on the best status of their parent(s). The record will enable the minor to have its passport or other evidence of identity document endorsed once one has been obtained. The information required to register the minor will enable this to occur, and Cook Islands Immigration to be in contact with the minor's parent(s) as required.

Proposals for obligations on carriers and persons in charge of a craft

Background and status quo

An amendment to the Entry, Residence and Departure Act 1971-72 (the ERD Act) in 2017 has enable Cook Islands Immigration to require information from carriers and persons in charge of craft prior to the craft's arrival in the Cook Islands. Vessels are required to provide information 48 hours before arrival and aircraft are required to provide information an hour before then intend to depart to the Cook Islands. The information that must be provided includes all crew and passengers:

- name
- date of birth
- gender
- nationality
- passport number
- passport issuing state.

The 2017 amendments to the ERD Act were put in place to assist Cook Islands Immigration manage risk to the safety and security of the Cook Islands by preventing non-Cook Islanders who are not of good character from travelling. They are further updated in the proposals for the new legislation which will require advanced information to be provided 14 days prior to intended arrival, and then at 48 hours. An aircraft will also be required to update that information one hour before departure. The proposals for the new legislation enable the information that must be provided, and the mechanism for providing it, to be prescribed in regulations. It also enables regulations to specify the information and documents that a carrier or person in charge of a craft must check all crew and passengers hold.

The advance arrival information, and information and document checking obligations, proposed in the new legislation are broadly consistent with that of New Zealand and Australia. They also take account of the International Civil Aviation Organisation (ICAO) guidelines that suggest all states that put obligations on aircraft have a lawful authority for doing so.

Purpose of placing obligations on carriers and persons in charge of craft

The purpose of the advance arrival information, and information and document checking obligations is to enable Cook Islands Immigration to:

- advance-screen crew and passengers to manage risk to the safety and security of the Cook Islands and to the effective functioning of the immigration system
- ensure that non-Cook Islander have the information and documents they need to be granted entry to the Cook Islands upon arrival.

Proposals

Advanced Passenger Name and Record Data to be provided 14 days prior to intended arrival

It is proposed that, fourteen days prior to the date of scheduled departure, a carrier or person in charge of any craft **intending to travel to** the Cook Islands, must provide the Principal Immigration Officer the following information about **each person** (including crew and passengers) currently known to be intending to board the craft:

- status as a traveller, being crew or passenger; and
- surname and given names; and
- date of birth; and
- gender; and
- the person's contact details (including telephone number, address and email address); and
- type of travel document used for booking; and
- nationality (obtained from travel document used for booking); and
- travel document number (if any); and
- travel document expiry date; and
- travel document issuing state; and
- travel date; and
- the name, date of birth and gender of all other parties included in the booking; and
- where the person booked his or her travel; and
- on what date the person booked his or her travel; and
- if the person has advised of the intention to check baggage; and
- intended date and time of arrival in the Cook Islands; and
- intended place of arrival in the Cook Islands; and
- intended method of arrival, being commercial aircraft, private aircraft, commercial seafaring vessel, private seafaring vessel; and
- name of craft, voyage or sail number, or flight number (as applicable) of the craft upon which the traveller intends to travel to the Cook Islands.

It is proposed that the information required 14 days prior to intended departure is to be provided:

- to Cook Islands Immigration to the email address advised by the Principal Immigration Officer; and
- in .csv format; and
- with each passenger being allocated a signal row, and each information field its own cell.

Passenger Name and Record Data to be provided 48 hours prior to intended arrival

It is proposed that, forty-eight hours prior to the date of scheduled departure, a carrier or person in charge of any craft **intending to travel to** the Cook Islands, must provide the Principal Immigration Officer the following information about **each person** (including crew and passengers) currently known to be intending to board the craft:

- status as a traveller, being crew or passenger; and
- surname and given names; and
- date of birth; and
- gender; and
- the person's contact details (including telephone number, address and email address); and
- type of travel document used for booking; and

- nationality (obtained from travel document using for booking); and
- travel document number (if any); and
- travel document expiry date; and
- travel document issuing state; and
- travel date; and
- the name, date of birth and gender of all other parties included in the travel party; and
- where the person booked his or her travel; and
- on what date the person booked his or her travel; and
- if the person has checked baggage; and
- intended date and time of arrival in the Cook Islands; and
- intended place of arrival in the Cook Islands; and
- name of craft and voyage or sail number; and
- the seat or berth class or type currently allocated to the passenger; and
- the seat or berth number currently allocated to the passenger.

It is proposed that the information required 48 hours prior to intended departure is to be provided:

- to Cook Islands Immigration to the email address advised by the Principal Immigration Officer; and
- in .csv format; and
- with each passenger being allocated a signal row, and each information field its own cell.

Advance Passenger Processing information required from a carrier or person in charge of an aircraft

It is proposed that, one hour prior to scheduled departure and upon departure, a carrier or person in charge of an aircraft **intending to travel to** the Cook Islands, must provide the Principal Immigration Officer the following information about **each person** (including crew and passengers) currently known to be intending to board the craft:

- status as a traveller, being crew or passenger; and
- surname and given names; and
- date of birth; and
- gender; and
- the person's contact details (including telephone number, address and email address); and
- type of travel document used for booking; and
- nationality (obtained from travel document using for booking); and
- travel document number (if any); and
- travel document expiry date; and
- travel document issuing state; and
- travel date; and
- the name, date of birth and gender of all other parties included in the travel party; and

- where the person booked his or her travel; and
- on what date the person booked his or her travel; and
- if the person has checked baggage; and
- intended date and time of arrival in the Cook Islands; and
- intended place of arrival in the Cook Islands; and
- flight number of the craft upon which the traveller intends to travel to the Cook Islands; and
- the seat number allocated to the passenger; and
- the number of checked bags of the passenger.

It is proposed that the information required from an aircraft carrier one hour prior to intended departure is to be provided:

- to Cook Islands Immigration to the email address advised by the Principal Immigration Officer; and
- in .csv format; and
- with each passenger being allocated a signal row, and each information field its own cell.

Information that a carrier must check is held by all passengers en-route to the Cook Islands

It is proposed that a carrier or person in charge of a craft must check that the following information is held by all passengers en-route to the Cook Islands:

- one of the following evidence of identity documents which is original, undamaged and valid:
 - passport; or
 - refugee travel document; or
 - certificate of identity; or
 - military identity document along with movement orders specifying that the passenger is travelling to Cook Islands in the course of duties; or
 - Laissez Passer; and
- evidence of onwards travel plans unless the passenger has evidence:
 - of being a Cook Islander holding a New Zealand passport with a Cooks Islander endorsement; or
 - of their Permanent Resident status endorsed in their passport; or
 - holding a Residence Visa and Permit (either in their passport or a written letter of grant).

Rationale for the proposals

The information being requested about crew and passengers will enable Cook Islands Immigration to know who is intended to travel to the Cook Islands and when. It is enough information to enable Cook Islands Immigration to match and intended passenger against its own records; to ensure that they are not known to be a prohibited person. It is also enough to enable Cook Islands Immigration to match passengers against alert lists that might flag passengers as potential risks, including risks to the effective functioning of the immigration system or the safety or security of the Cook Islands.

Consultation on the new legislation has highlighted that there is concern about the impact of criminal deportees from Australia and New Zealand, and members of “Outlawed Motorbike Gangs” (OMG), seeking to travel to the Cook Islands. Where these people are Cook Islanders, their travel cannot be prevented but

knowledge of their intended arrival means that the Government can prepare for this. Where they are not Cook Islanders, Cook Islands Immigration will be able to act to prevent them boarding a craft, or to turn them around at the border upon arrival.

The information that is it proposed carriers and persons in charge of a craft check includes an original, undamaged and valid acceptable evidence of identity (travel) document. It is common place for airlines to check for this. The obligation will also be placed on sea-faring vessels. All carriers and persons in charge of craft will also be required to check passengers who are not Cook Islander, Permanent Residents and/or Residence class Visa and Permit holders have evidence of onwards travel. This will help re-enforce this obligation on non-Cook Islanders and reduce the circumstances of them travelling to the Cook Islands without an ability to leave.

For the carrier or person in charge of an aircraft, it has been assumed that in many cases, a non-Cook Islander will have booked a return flight with them. This should make checking onwards travel quite simple as it will be a check of their own system. In other cases, the carrier can check the information the passenger is carrying on provide evidence of onwards travel plans to Cook Islands Immigration.

Proposals for arrival and departure information requirements

Background and status quo

The Entry, Residence and Departure Act 1971-72 contains a series of forms in its schedules but it appears that they were not really intended for use by non-Cook Islanders upon arrival at the border. All arrivals complete an arrival card which is used for immigration, customs and biosecurity purposes.

The proposals for the new legislation will place an obligation on all people arriving and departing the Cook Islands to do so at a Designated Place and to provide the prescribed entry and departure information.

Placing entry and departure information requirements in the regulations will enable the information required to be amended from time to time as necessary. The arrival card and its entry information will also be used as a Permit application for non-Cook Islanders travelling to the Cook Islands on a Visa waiver (being all visitors to the Cook Islands).

Purpose of the arrival and departure information requirements

The purpose of the arrival and departure information requirements is to enable:

- Cook Islands Immigration to keep an up to date record of all people in the Cook Islands at any time and, in particular, a record of non-Cook Islanders
- non-Cook Islanders travelling under a Visa exemption or waiver to make an application for a Permit to stay in the Cook Islands through completing the arrival card.

Proposals

Required entry information

It is proposed that upon arrival to the Cook Islands, **all people** must provide the following information:

- surname and given names; and
- date of birth; and
- gender; and
- the person's contact details (including telephone number, address and email address); and
- nationality (obtained from travel document used for their travel); and
- travel document number (if any); and
- travel document expiry date; and
- travel document issuing state; and
- travel date; and
- name of craft, voyage or sail number, or flight number (as applicable) of the craft upon which the traveller intends to travel to the Cook Islands; and
- contact address while in the Cook Islands; and
- an indication of whether they are:
 - a Cook Islander or Permanent Resident with an endorsement in their current, valid passport; or
 - a non-Cook Islander who is a resident or worker or visitor or special entrant.

It is proposed that all non-Cook Islanders who are not Permanent Residents must declare:

- if they have ever been convicted of a criminal offence, in the Cook Islands or elsewhere, and if yes, must detail that offence; and
- if have been removed or deported from any other country, regardless of whether they are subject to a prohibition or ban on re-entry to that country; and
- that they are an acceptable standard of health; and
- that they have sufficient funds for their stay in the Cook Islands; and
- that they have onwards travel plans.

It is proposed that non-Cook Islander who is a worker or student or visitor or special entrant must:

- declare whether they intend to stay in the Cook Islands for a duration of greater than six months; and
- provide their intended date of departure.

Required departure information

It is proposed that upon departure from to the Cook Islands, **all people departing from a designated place other than the Cook Islands International Airport – Rarotonga** must provide the following information:

- surname and given names; and
- date of birth; and
- gender; and
- the person’s contact details (including telephone number, address and email address); and
- nationality (obtained from travel document used for their travel); and
- travel document number (if any); and
- travel document expiry date; and
- travel document issuing state; and
- travel date; and
- name of craft, voyage or sail number, or flight number (as applicable) of the craft upon which the traveller intends to depart the Cook Islands.

Rationale for the proposals

The information that Cook Islands Immigration intends to capture on the arrival card is broadly consistent with the status quo, but has been updated to make the Visa and Permit regime proposed in the legislation and regulations. It will help Cook Islands identify Cook Islanders and Permanent Residents, and then other Visa and Permit holders.

It is proposed that all non-Cook Islanders who are not Permanent Residents be required to declare that they are of good character and an acceptable standard of health. This will enable Cook Islands Immigration to identify those who may be prohibited people. If these non-Cook Islanders (or others) make a false declaration on the arrival card their Permit can be cancelled and they can be removed. It is also proposed that those non-Cook Islanders who are not Permanent Residents or Residence class Visa holders declare their intended length of stay and departure date. This will support Cook Islands Immigration to ensure that these people have the required Permit to stay and to test their bone fides.

The obligation to provide departure information will be on all persons who leave from any place that is not the International Airport – Rarotonga. Cook Islands Immigration already has the ability to capture departure

information from those leaving via the International Airport. It needs to be able to capture departure information from those leaving from other places in order to maintain knowledge of who is in the Cook Islands at any time.

Proposals for immigration fees and charges

Background and status quo

The fees for immigration applications and decisions are currently set out in the Entry, Residence and Departure (Amendment) Regulations 1997 (the Regulations). The Regulations were last updated in 2008, where it was noted that the Entry, Residence and Departure Act 1971-72 and its provision for the making and collection of fees and charges required review.

The Regulations currently set out fees ranging from \$10 through to \$100 for applications, monthly charges of \$20 or \$40 and a range of other fees and charges from \$5 for the issue of a Certificate of Identity and \$1,000 for the issue of a Permanent Residence certificate. The current fees and charges are not linked, in any meaningful way, to the cost of maintaining and delivering the immigration system, including decision making and compliance and enforcement activities to support the system.

The proposals for the new legislation will provide a framework for setting fees for services provided by Cook Islands Immigration and will enable non-Cook Islanders and certain others to be charged for certain actions or inactions, such as detention, removal and deportation costs. The provisions are intended to better link the cost of the immigration systems and the fees and charges imposed on those who use it.

Purpose of immigration fees and charges

The purpose of immigration fees and charges is to:

- cover the costs of maintaining the immigration system and Cook Islands Immigration, and enabling high-quality immigration decisions to be made
- incentive compliance with the immigration legislation and regulations, by providing for compliance and enforcement activities to be undertaken, and the costs of those activities to be allocated appropriately.

Proposals

It is proposed that the following fees and charges are prescribed for Cook Islands Immigration initiated services and activities, and other matters, in New Zealand dollars and inclusive of Value Added Tax (no other agency, business, organisation or person may charge an immigration fee or charge):

Matter	Amount	Notes
Fee for printing and providing forms, records, etc	\$3.50	per page, plus charge
Charge for printing forms, providing records	\$55.00	plus per page charge
Callout fee where Cook Islands Immigration meets outside its office	\$18.00	per hour, in addition to application fee
Fee for considering Cook Islander status (MoJ)	\$25.00	per hour, minimum one hour charge
Fee for endorsing a passport with Cook Islander status (MoJ)	\$25.00	per hour, minimum one hour charge
Fee for registering a permanent resident minor	\$470.00	
Fee for registering a non-Cook Islander minor	\$470.00	
Fee for endorsing a new passport with visa/permit	\$55.00	
Fee for permanent residence expression of interest	\$1,000.00	
Fee for permanent residence application	\$740.00	
Fee for endorsing a passport with permanent resident endorsement	\$55.00	
Fee for transit visa		No fee required
Fee for Resident Spouse	\$470.00	
Fee for Dependent Child	\$470.00	
Fee for Investor	\$960.00	

NOT GOVERNMENT POLICY

Matter	Amount	Notes
Fee for Government Worker	\$960.00	
Fee for Specialist Worker	\$960.00	
Fee for International Worker	\$960.00	
Fee for International Minor Student	\$470.00	
Fee for International Adult Student	\$470.00	
Fee for Internship	\$960.00	
Fee for considering work rights for International Student, Special Spouse	\$330.00	
Fee for NZ visitor - first arrival at airport		No fee proposed
Fee for NZ visitor extension onshore	\$470.00	
Fee for International visitor - for arrival at airport		No fee proposed
Fee for International visitor extension onshore	\$470.00	
Fee for Long Term visitor	\$470.00	
Fee for Special Spouse	\$470.00	
Fee for Special Entrant	\$960.00	
Fee for processing a sponsorship application, transferring sponsorship	\$470.00	
Fee for processing a bond, transferring a bond	\$55.00	
Fee for providing a short summary of reasons for decisions onshore	\$400.00	

NOT GOVERNMENT POLICY

Matter	Amount	Notes
Fee for applying for a Cook Islands Immigration review of a decision	\$580.00	
Fee for applying for a Ministerial review of a decision	\$655.00	
Fee for Cook Islands Immigration arranging flights for departure	\$400.00	plus any travel costs
Fee for processing "release on conditions"	\$1,308.00	
Daily charge for "release on conditions"	\$55.00	
Daily charge for detention	\$530.00	
Charge for Minister waiving a permanent prohibition in "absolute discretion"	\$1,000.00	
Charge for Principal Immigration Office waiving a prohibition in "absolute discretion"	\$875.00	
Charge for Minister granting a visa or permit waiver in "absolute discretion"	\$1,000.00	
Charge for Minister granting a visa or permit in "absolute discretion"	\$1,000.00	
Charge where visa or permit cancelled due to failure to advise change in circumstances	\$5,755.00	
Charge where visa or permit cancelled due to fraud	\$5,755.00	
Charge where visa or permit cancelled due to failure to meet conditions	\$5,755.00	
Charge where visa or permit cancelled where sponsorship is withdrawn	\$5,755.00	

It is proposed that the following fees and charges are prescribed for Ministry of Justice services and activities, and other matters, in New Zealand dollars and inclusive of Value Added Tax:

Matter	Amount	Notes
Fee for considering Cook Islander status (MoJ)	\$25.00	per hour, minimum one hour charge

NOT GOVERNMENT POLICY

Matter	Amount	Notes
Fee for endorsing a passport with Cook Islander status (MoJ)	\$25.00	per hour, minimum one hour charge
Fee for applying to appeal to a Judge of the High Court	\$655.00	
Fee for applying for leave to appeal to appeal a Judge of the Appeal Court	\$330.00	
Fee for an appeal to appeal a Judge of the Appeal Court	\$575.00	

Rationale for the proposals

Cook Islands Immigration provides a service to non-Cook Islanders seeking to travel, enter and stay in the Cook Islands, and to employers, education providers, intern providers and others when deciding immigration applications. It provides a service to the Cook Islands in managing the travel, enter and stay of Cook Islanders in compliance with the immigration legislation and regulations. If Immigration does not act where the legislation or regulations are breached, this undermines the integrity of the immigration system.

The proposed fees and charges represent an initial view of the costs incurred by Cook Islands Immigration in delivering services. They have been arrived at by setting an hourly rate of \$26.60 for the delivery of immigration services. The hourly rate takes account of the full cost of maintaining and delivering the immigration system, including the cost of maintain the immigration office and its facilities and the cost of immigration staff and support staff, including their salaries, training and development.

Estimates have been made about the time it takes Cook Islands Immigration to undertake certain activities, make immigration decisions and undertake compliance and enforcement activities. The hour rate has been combined with the estimated timeframes to arrive at the proposed fees. Broadly, there is a lower fee proposed for less complex immigration decisions, such as those related to the spouses and dependent children of Cook Islanders and Permanent Residents and a higher fee for more complex decisions such as those involving engagement with other government agencies or with employers. Making these more complex decisions takes time.

The proposed fees for Permanent Residence consider the proposed application process as well as the decision-making process. Cook Islands Immigration will incur the cost of running the application process and will need to check each applicant against the Permanent Residence criteria before referring an application to the Minister for a decision.

In most cases, the fees for applications will be less or equal to those paid under the current Regulations. Fees for Permanent Residence will increase a small amount but represent a reasonable estimate of the cost of processing these applications.

The charges for compliance matters represent a fair estimate of the cost of Cook Islands Immigration undertaking compliance and enforcement activities. It is considered reasonable to charge these costs to the non-Cook Islander who has created the cost through their non-compliance with the immigration legislation and regulations. Although these charges may appear high, they are easily avoided by the person doing the right thing, and complying with the obligations. In an ideal scenario, there would be no need for Cook Islands Immigration to undertake compliance and enforcement activities; however this is not currently the case.

Enabling the fees and charges to be set in regulations will enable Cook Islands Immigration to develop a better understanding of the time and cost of immigration decision making and immigration activities under the new legislation and regulations, and to propose updates to the fees and charges if necessary. As it better understands cost of maintaining and delivering the immigration system, it will be able to recommend a better fees and charges framework.

Immigration policies to support legislation and regulations

Policies for Police certificates

General validity of Police certificates

All Police certificates must be less than six months old from the date of their issue at the time an application is lodged. If Police certificates become a year old from the date of their issue before a decision on an application is made, and the applicant has been:

- in the Cook Islands for the whole period from the date of the application to that date, the certificates are still considered be valid; or
- outside of the Cook Islands for any time during which the application was being decided, Cook Islands Immigration may request further, up-to-date Police certificates.

Cook Islands Immigration may request:

- character information from the Cook Islands Police where relying on a Police certificate greater than six months old; and
- the applicant provides further, up-to-date Police certificates from the Cook Islands or overseas if there is **good reason** to believe this is necessary.

Police certificates submitted with a previous application

Police certificates submitted with a previous application, greater than six months old, can be used for a new application as long as the applicant has been in the Cook Islands for the whole period from the date the last application decision was made.

Cook Islands Immigration may request:

- character information from the Cook Islands Police where relying on a Police certificate greater than six months old; and
- the applicant provides further, up-to-date Police certificates from the Cook Islands or overseas if there is **good reason** to believe this is necessary.

Policy where Police certificates are unavailable

Police certificates will be considered to be unavailable where they are required from a country:

- that does not issue Police certificates to individuals; and
- for which no instructions in respect of how to obtain a certificate are available on the Immigration New Zealand website at www.immigration.govt.nz/Policecertificate.

Police certificates will also be considered to be unavailable where Cook Islands Immigration has official, Government information indicating that:

- conditions in the relevant country are such that the country's Governmental infrastructure is no longer functioning; or
- there are circumstances beyond the applicant's control which prevent them obtaining the required certificates.

NOTE: Circumstances beyond the applicant's control do not include the circumstance that the applicant is unwilling to apply to obtain a certificate, is unable to obtain a certificate within a particular timeframe (as the onus is always on the applicant to manage their immigration status and applications in a timely manner)

or cannot afford to pay the costs associated with applying for a certificate.

Where Police certificates are unavailable, the Principal Immigration Officer may, in “absolute discretion” otherwise accept a separate statutory declaration that:

- detail the applicant's attempts to obtain a Police certificate; and
- state whether the applicant has been convicted, or found guilty of, or charged with offences against the law of that country for which the certificate is unavailable; and
- provides other information confirming the applicant's good character.

Policies to support the acceptable standard of health requirement

What is included in full health test

A full health test for the purposes of determining an acceptable standard of health must follow:

- the full health test required by Immigration New Zealand; and
- health examination from form [INZ 1007](#).

The information that must be gathered includes:

- applicant’s declaration; and
- personal details; and
- a photograph of the applicant, sign as a true representation by the physician; and
- medical history; and
- physical examination; and
- urinalysis and blood tests; and
- findings; and
- physician’s declaration.

Further detail on the full health test is at Appendix A.

Countries considered “low TB risk country”

The current countries considered to be a “low TB risk country” are:

- American Samoa
- Andorra
- Antigua and Barbuda
- Australia
- Austria
- Barbados
- Belgium
- Bermuda
- British Virgin Islands
- Canada
- Cayman Islands
- Costa Rica
- Cuba
- Cyprus
- Chile
- Cook Islands
- Czech Republic
- Denmark
- Dominica
- Finland
- France
- Germany
- Greece
- Grenada
- Iceland
- Ireland
- Israel (including Occupied Palestinian Territory and East Jerusalem)
- Italy
- Jamaica
- Jordan
- Libya
- Liechtenstein
- Luxembourg

- Malta
- Monaco
- Montserrat
- Netherlands Antilles
- Netherlands
- New Zealand
- Norway
- Oman
- Puerto Rico
- Saint Kitts and Nevis
- Saint Lucia
- San Marino
- Slovakia
- Slovenia
- Sweden
- Switzerland
- Trinidad and Tobago
- Turks and Caicos
- United Kingdom
- United States of America
- United States
- Virgin Islands
- Vatican City

Approved panel physician list

The physicians considered to be approved panel physicians are those:

- undertaking immigration medical clearances at the Rarotonga Hospital (under the approval of the Chief Medical Officer)
- listed by Immigration New Zealand at <https://www.immigration.govt.nz/new-zealand-Visas/apply-for-a-Visa/tools-and-information/tools/panel-physicians>
- listed by the Australian Department of Home Affairs at <https://www.homeaffairs.gov.au/busi/Pane/Pane-1>

Policies for evidence of English proficiency for immigration policy

The following evidence of English proficiency is required:

- evidence of an English-speaking background; or
- evidence of successful English language testing; or
- other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of English.

Evidence of an English-speaking background

Evidence of an English-speaking background is documentation showing:

- completion of all primary education and at least 3 years of secondary education at schools using English as the language of instruction; or
- completion of at least 5 years of secondary education at schools using English as the language of instruction; or
- completion of a course of at least 3 years' duration leading to the award of a tertiary qualification at institutions using English as the language of instruction.

Evidence of successful English language testing

The following is acceptable evidence of English language testing:

Test	Minimum score required
International English Language Testing System (IELTS) - General or Academic Module	Overall score of 4.0 or more
Test of English as a Foreign Language Internet-based Test (TOEFL iBT)	Overall score of 31 or more
Pearson Test of English Academic (PTE Academic)	Overall score of 29 or more
B2 First (First Certificate in English) or B2 First for Schools (First Certificate in English)	Overall score of 142 or more
Occupational English Test (OET)	Grade D or higher in all four skills (Listening, Reading, Writing and Speaking)

Other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of English

Other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of English but are not limited to:

- the country in which the applicant currently resides; and/or
- the country(ies) in which the applicant has previously resided; and/or
- the duration of residence in each country; and/or
- whether the applicant speaks any language other than English; and/or

- whether members of the applicant's family speak English; and/or
- whether members of the applicant's family speak any language other than English; and/or
- the nature of the applicant's current or previous employment (if any) and whether it required or was likely to have required skill in English language; and/or
- the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to have required skill in English language.

Cook Islands Immigration may interview an applicant to determine whether they are able to:

- read English; and
- understand and respond to questions in English; and
- maintain an English language conversation about themselves, their family or their background, or their work or study.

Policies for evidence of Cook Island Maori ability for immigration policy

The following evidence of Cook Island Maori ability is required:

- evidence of a Cook Islands Maori speaking background; or
- other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of English.

Evidence of a Cook Islands Maori-speaking background

Evidence of a Cook Islands Maori-speaking background is documentation showing:

- completion of all primary education and at least 3 years of secondary education at schools using Maori as part of the language of instruction; or
- completion of at least 5 years of secondary education at schools using Maori as part as the language of instruction; or
- completion of a course of at least 3 years' duration leading to the award of a tertiary qualification at institutions using Maori as the language of instruction.

Other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of Cook Islands Maori

Other circumstances acceptable to Cook Islands Immigration that indicate an applicant meets the minimum standard of Maori but are not limited to:

- the country in which the applicant currently resides; and/or
- the country(ies) in which the applicant has previously resided; and/or
- the duration of residence in the Cook Islands; and/or
- whether members of the applicant's family speak Maori; and/or
- the nature of the applicant's current or previous employment (if any) and whether it required or was likely to have required skill in Maori; and/or
- the nature of the applicant's qualifications (if any) and whether the obtaining of those qualifications was likely to have required skill in Maori; and/or
- the completion of a course in Cook Islands Maori language studies.

Cook Islands Immigration may interview an applicant to determine whether they are able to:

- read any basic Maori; and
- understand and respond to questions in basic Maori; and
- maintain a basic Maori language conversation.

Policies for evidence of a genuine and stable relationship

The following evidence of a genuine and stable relationship is required, being evidence that the relationship:

- existed, with the couple generally physically located in the same place, for a minimum of:
 - 12 months prior to an application being made for Residence Visa and Permit applications; or
 - five years prior to application being made for Permanent Residence applications; and
- has been entered into with the intention of being maintained on a long-term and exclusive basis; and
- is likely to endure.

Evidence the relationship has existed prior to an application being made

Evidence of the length of a relationship can include:

- marriage or civil union certificates; and/or
- joint home loan that is dated prior to the required time period; and/or
- joint rental agreement dated prior to the required time period; and/or
- travel movement records showing a history of joint travel and a history of time spent in the Cook Islands together; and/or
- joint bank accounts, that show transactions over the required time-period; or and/or
- joint loans or hire purchases, that show transactions over the required time-period; and/or
- official mail (such as utility bills, rates bills, bank statements or other official statements) addressed to the couple together at the same place and time; and/or
- date stamped photos or videos, including those from social media platforms that show a date; and/or
- social media conversations, text, emails, letters and cards; and/or
- statutory declarations from friends, family and employers; and/or
- any other evidence accepted by Cook Islands Immigration.

Evidence the relationship has been entered into with the intention of being maintained on a long-term and exclusive basis

Evidence that the relationship will be maintained on a long-term and exclusive basis can include:

- marriage or civil union certificates; and/or
- joint home loan; and/or
- joint rental agreement; and/or
- joint bank accounts; and/or
- evidence that the couple support each other financially and share financial responsibilities; and/or
- joint loans or hire purchases, that show transactions over the required time-period; and/or
- evidence that the couple owns assets together; and/or
- statutory declarations that others (such as your family, friends, employer, church community or other community) recognise your relationship; and/or
- any other evidence accepted by Cook Islands Immigration.

Evidence the relationship is likely to endure

Evidence that the relationship is likely to endure can include:

- marriage or civil union certificates; and/or
- birth certificates of any children the couple have had together; and/or
- evidence that the couple support each other financially and share financial responsibilities; and/or
- evidence of membership of the same church community, sporting community, club or community; and/or
- evidence the couple spend leisure time together; and/or
- statutory declarations that others (such as your family, friends, employer, church community or other community) recognise your relationship; and/or
- any other evidence accepted by Cook Islands Immigration.

NOTE: If the information on any statutory declaration made is not true and correct, and any Visa and/or Permit is consequentially granted, it may then be cancelled on the grounds that it was obtain by fraud. The applicant (and any person who aided or abetted them) will have committed an offence that is punishable under the Act by a term of imprisonment of seven years, or a fine of up to \$NZD100,000, or both.

Policy for evidence of a parent or guardian's right to bring a minor to the Cook Islands

Evidence of a parent or guardian's right to bring a minor to the Cook Islands can include:

- the minor's birth certificate, showing the names of both parents, accompanied by a certified copy of the death certificate of the other parent; or
- legal documents showing that the parent or guardian:
 - has custody of the minor and the sole right to determine the place of residence of the minor, without rights of visitation by the other parent; or
 - has been granted permission from a court to remove the minor from its country of residence; or
- legal documents showing that the parent or guardian has custody of the minor and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in the Cook Islands if the application is approved.

Policies for evidence of advertising a job vacancy to fill with a Cook Islander or Permanent Resident

Any employer, business or organising seeking to fill a job vacancy with a non-Cook Islander needs to demonstrate that:

- it is a *specialist role* that is being contracted for defined period of time, no greater than 31 days at any one time; or
- it is a role for which the skill and experience required cannot be gained through on-the-job training; or
- they have made genuine attempts to advertise and fill the vacancy with a Cook Islander or Permanent Resident.

Evidence of the need to fill a *specialist role*

A specialist being contracted for a defined period of time will meet the requirements of a *Specialist Worker* Visa and Permit (and should make an application for such).

A role for which the skill and experience required cannot be gained through on-the-job training

What constitutes a role for which the skill and experience cannot be gained on-the-job is in the “absolute discretion” of the Principal Immigration Officer.

At minimum, a role for which the skill and experience cannot be gained on-the-job includes a role which:

- requires professional registration in the Cook Islands or in New Zealand; or
- requires specialist, technical or management expertise obtained through:
 - the completion of recognised relevant qualifications; or
 - the completion of recognised relevant qualifications and/or work experience; or
- is at a level 1 or 2 on the [Australian and New Zealand Standard Classification of Occupations](#) (ANZSCO) (see ANZSCO Version 1.2 - Structure); or
- is not recognised on the Australian and New Zealand Standard Classification of Occupations.

Evidence of genuine attempts to advertise and fill the vacancy with a Cook Islander or Permanent Resident

What constitutes a genuine attempt to fill vacancy with a Cook Islander or Permanent Resident is in the “absolute discretion” of the Principal Immigration Officer.

At minimum, a genuine attempt to fill vacancy with a Cook Islander or Permanent Resident must include evidence of:

- evidence of advertising the vacancy, with the same terms and conditions that would be offered to a Cook Islander, including advertising with the:
 - job title; and
 - qualifications, or skill and experience required; and
 - place or places of work; and
 - hours of work (either daily or weekly); and
 - hourly rate or salary range; and
- regular public advertising over a 14 day period; and

- the employer, business or organisation had a written, legal employment contract available upon request to any potential applicant; and
- the employer, business or organisation having a mechanism for evaluating the applicants and using that mechanism.

Evidence of having a written, legal employment contract available

An employer, business or organisation can provide evidence of having a written, legal employment contract available upon request by:

- advertising this matter; and
- providing a copy of the contract to Cook Islands Immigration on the date that the vacancy is advertised.

Evidence of having a mechanism for evaluating the applicants and using that mechanism

An employer, business or organisation can provide evidence of having for evaluating the applicants and using that mechanism by providing a:

- copy of the evaluation framework or tool to Cook Island Immigration
- statutory declaration advising Cook Islands Immigration of:
 - the number of applicants for the position
 - whether the applicants were Cook Islanders, Permanent Residents or foreign nationals
 - the reasons for not engaging any Cook Islander or Permanent Resident applicant (without providing personal details).

NOTE: It is an offence to make any statement, or provide any information, evidence or submission, or produce any document knowing that it is false or misleading, or fails to comply in any way with a person's responsibilities as set out in the Act. If an employer, business or organisation makes a false declaration, they will have committed an offence that is punishable under the Act by a term of imprisonment of seven years, or a fine of up to \$NZD 100,000, or both.

Policy for evidence of the Cook Islands being the primary place of residence

The following evidence of can be provided as evidence of the Cook Island's being a person's primary place of residence, being evidence of:

- travel history showing the person has spent at least 243 days or more in the Cook Islands calendar year except where outside the Cook Islands:
 - completing their National Certificate of Educational achievement
 - with the support of the Government on an approved scholarship, internship, secondment or other officially recognised programme; and/or
 - on official duty travel or official travel related to the person employment in the Cook Islands; and/or
- owning or leasing, and living in a property in the Cook Islands with their personal belongings; and/or
- the moving of their personal and household belongings to the Cook Islands, including the payment of or exemption from any customs duties; and/or
- time and wage records showing the person has worked in the Cook Islands; and/or
- bank transactions showing that the person has been actively managing and using their finances in the Cook Islands; and/or
- being *resident* for tax purposes and of having paid tax in the Cook Islands; and/or
- school attendance records; and/or
- written logs from a community organisation, showing the applicant's participation through signing in and out of venues, activities, events, or the likes; and/or
- photographs, videos, social media posts or other media articles; and/or
- statutory declarations from members of the community or organisations; and/or

The more official, and more detailed the documents provided in evidence, the more satisfactory the evidence.

The following is not evidence, of itself, of the Cook Islands being a primary place of residence:

- owning or leasing a property, furnished or otherwise; and
- owning some or all of a business in the Cook Islands; and
- maintaining status as a foreign enterprise; and
- maintaining a bank account, with funds of any amount; and
- visiting the Cook Islands, however regularly.

Policy for evidence of undertaking community service over the past five years

Community service means voluntary work, undertaken freely and actively, with the intent to help the Cook Islands and the community through supporting:

- human rights; and/or
- faith communities; and/or
- health; and/or
- education; and/or
- sports and recreation; and/or
- social services; and/or
- arts and culture; and/or
- emergency services; and/or
- the environment and conservation; and/or
- animal welfare; and/or
- community support development.

The following evidence of *actively* undertaking community service is acceptable:

- written logs from the community organisation, showing the applicant's participation through signing in and out of venues, activities, events, or the likes; and/or
- diary annotations or other written evidence of the date and times of the applicant's participation; and/or
- photographs, videos, social media posts or other media articles; and/or
- statutory declarations from members of the community or organisations in which the applicant has undertaken volunteer work; and/or
- certificates or awards granted to the applicant by the community or the organisations in which the applicant has undertaken volunteer work.

The more official, and more detailed the documents provided in evidence, the more satisfactory the evidence.

The following is not evidence of *actively* undertaking community service:

- regular attendance at church as part of daily or otherwise regular worship; and
- participation in community sport as a member of a team, that does not include any additional contribution to the benefit of the team; and
- participation in art or cultural classes; and
- garden or conservation work on the individual's private property, or that of their friends or family.

Appendix A: Information to be collected on a full health test

Applicant's declaration

The applicant's declaration must be signed and dated by the applicant, in front of the examining physician.

A parent or guardian must sign the declaration for any minor under the age of 16 years old.

I declare that the information that I have provided in terms of my medical history and during my immigration health examinations is true, complete and correct.

I understand that:

- my personal details and health information are being collected to enable Cook Islands Immigration to determine whether or not I am an acceptable stand of health; and
- if I have provided any false or misleading information as part of my immigration health examination:
 - my application(s) may be declined; and/or
 - any Visa or Permit I am granted may be cancelled I may become liable for deportation; and
 - I will have committed an offence and may be fined and/or imprisoned; and
- I must inform Cook Islands Immigration of any change of circumstance that may affect the decision on my application due to my health circumstances; and
- Cook Islands Immigration will retain my personal information for use in assessing my health in the future as necessary; and
- my personal information may be shared with:
 - other Government agencies as Permitted under the [insert title of new Act]; and
 - another physician or radiologist where there is a need for a second opinion or in case of a complaint against my examining physician or radiologist; and
- I am responsible for the fees for this medical examination including laboratory tests; and
- If applicable, myself and my child will undergo, at my expense, any further medical examination(s) that may be required in respect of the immigration application.

Signature:

Date: DD / MM / YYYY

Personal details

NOTE: All details must match those in the applicant's evidence of identity document

Title:

Family name:

Given name:

Gender: Male / Female

Date of birth: DD / MM / YYYY

Country of birth:

Contact address:

Personal email address:

Personal telephone number:

Medical history

NOTE: All details must be completed by the applicant in conjunction with the examining physician (and not before the medical appointment)

1. Have you ever been diagnosed with Tuberculosis (TB)? Have you ever had to take treatment for TB? No / Yes Give details
2. Have you ever been in close contact at home with a person known to have TB? No / Yes Give details
3. Have you ever had prolonged medical treatment and/or repeated hospital admissions for **any** reason? No / Yes Give details
4. Do you suffer, or have you ever suffered, from a psychological or psychiatric disorder (including major depression, bipolar disorder or schizophrenia)? No / Yes Give details
5. Have you ever had an abnormal or reactive HIV blood test? No / Yes Give details
6. Have you ever had an abnormal or reactive Hepatitis B or Hepatitis C blood test? No / Yes Give details
7. Do you have or have you had cancer or malignancy in the last 5 years? No / Yes Give details
8. Do you have diabetes? No / Yes Give details
9. Do you have a heart condition including coronary disease, hypertension, valve or congenital disease? No / Yes Give details
10. Do you have a blood condition (including thalassemia)? No / Yes Give details
11. Do you have bladder or kidney problems? No Yes Give details
12. Do you have an ongoing physical or intellectual disability affecting your current or future ability to function independently or be able to work full-time (including autism or developmental delay)? No / Yes Give details
13. Do you have an addiction to drugs or alcohol? No / Yes Give details
14. Are you taking any prescribed pills or medication (excluding oral contraceptives, over-the counter medication and natural supplements)? No / Yes Give details of duration, dose, quantity and frequency
15. Do you have a hereditary or autoimmune condition? No / Yes Give details
16. Do you have a neurological condition, including having had a stroke or multiple sclerosis? No / Yes Give details
17. Do you have any significant family health history? No / Yes Give details
18. Are you pregnant? What is the expected date of delivery? No / Yes Give details
19. Physician's comments (if any): [Insert here]

Physical examination

NOTE: Where abnormalities are indicated, the examining physician must provide all the relevant details in the space provided and attach any existing specialist reports.

All attached sheets must be initialled by the examining physician.

1. Date of examination DD / MM / YYYY

- Children under five years of age should have urinalysis if clinically indicated, for example, a history of kidney disease or recent tonsillitis.
- Females must not undergo urinalysis during their period (menstruation).
- Repeat/follow up microscopy if positive.

Urinalysis results

Date of test/retest	Protein	Glucose	Blood

Blood test

NOTE: For Hepatitis B, C and HIV testing, please ensure that pre and post-test counselling are carried out in accordance with local arrangements. These are the standard required blood tests for all applicants 15 years of age and over or where clinically indicated. Please attach all results/

Date blood tests undertaken: DD / MM / YYYY

HBA1c Normal Abnormal Give details

Serum creatinine Normal Abnormal Give details

Hepatitis B surface antigen (Hep B sAg): Non-reactive / Reactive*: Give details

**Request hepatitis B e antigen, alphafetoprotein and liver function tests.*

Hepatitis C antibody test: Non-reactive / Reactive*: Give details

**Request HCVRNA*

HIV: Non-reactive / Reactive*: Give details

**Repeat with Western Blot or local equivalent for confirming HIV.*

Syphilis test (VDRL or RPR): Non-reactive / Reactive: Give details

Full blood count: Normal / Abnormal: Give details

Findings of either no significant history or abnormal findings, or significant history or abnormal findings

NOTE: For the examining physician to complete

No significant history or abnormal findings present / Significant history or abnormal findings present

Please list significant history or abnormal findings and make any general comments.

Physician's declaration

NOTE: This declaration must be signed and dated by the examining physician responsible for this examination. This declaration must be signed after the examining physician has sighted and considered all medical test results. Please read carefully before signing. Please write name and other details below.

I certify that this person has been examined by me or staff under my supervision and their identification has been confirmed.

I certify that the statements my staff and I have made in answer to all the questions are true, correct and complete to the best of my knowledge.

I certify that all tests, investigations and reports I have considered are signed by me and securely attached.

Signature of examining physician

Date: DD / MM / YYYY

Full name:

Place of examination (city/state and country):

Postal address:

Daytime telephone number:

Email address: