



Immigration (Carriers' Information Obligations) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 400 and 402 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 **Title**

These regulations are the Immigration (Carriers' Information Obligations) Regulations 2010.

2 **Commencement**

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

3 **Interpretation**

- (1) In these regulations, unless the context otherwise requires, **Act** means the Immigration Act 2009.
- (2) Any term that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

4 **Obligation in relation to information for advance passenger processing**

- (1) For the purposes of section 96(2) of the Act, a carrier, or a person in charge, of a commercial craft to whom section 96 of the Act applies must—
- (a) obtain from every person who intends to board the craft for the purpose of travelling to New Zealand the information specified in subclause (2); and
 - (b) provide that information to the chief executive.
- (2) The information is as follows:
- (a) the person's name:
 - (b) the person's date of birth:
 - (c) the person's nationality:
 - (d) the person's gender:
 - (e) the number of the person's passport or certificate of identity (if any):
 - (f) the expiry date of the person's passport or certificate of identity (if any):

- (g) the issuer of the person's certificate of identity (if any), if it is not the person's country of nationality;
- (h) the person's status as a traveller (including, but not limited to, whether the person is a member of the craft's crew, a passenger whose destination is New Zealand, or a passenger whose destination is other than New Zealand);
- (i) information identifying the craft and its intended movements.

5 Obligation in relation to documentation for persons on craft en route to or arriving in New Zealand

- (1) For the purposes of section 101 of the Act, a carrier, and a person in charge, of a craft that is en route to New Zealand or that berths, lands, or arrives in New Zealand must ensure that all persons boarding the craft have the following documentation:
 - (a) a passport or certificate of identity;
 - (b) a visa (if required) or an endorsement of a type described in section 384 of the Act.
- (2) Subclause (1)(a) does not apply to a carrier, and a person in charge, of a craft carrying a person who is exempted by regulations made under the Act from the requirement to produce a passport or certificate of identity, but only to the extent that the obligation under subclause (1)(a) relates to that person.
- (3) Subclause (1)(b) does not apply to a carrier, and a person in charge, of a commercial craft to whom section 96 of the Act applies if the carrier or person has complied with regulation 4(1).

6 Obligation to provide other information

- (1) For the purposes of section 102(2) of the Act, a carrier, or a person in charge, of a commercial craft to whom section 96 of the Act applies who holds or is able to access the information specified in subclause (2) must—
 - (a) provide that information to the chief executive; and
 - (b) ensure that the chief executive has access to that information in accordance with section 102(4)(a) of the Act.
- (2) The information is the following information about every person who intended to board the craft for the purpose of travel-

ling to New Zealand, whether or not he or she did in fact board the craft:

- (a) where the person booked the intended travel:
- (b) on what date the person booked the intended travel:
- (c) with whom, if anyone, the person intended to travel:
- (d) with whom a person has previously travelled:
- (e) whether or not the person paid for his or her own intended travel, and the manner of payment:
- (f) the person's travel movements before the intended travel:
- (g) whether the route of the person's previous travel has changed from the way that he or she originally booked the travel and, if so, in what way:
- (h) whether the person failed to undertake intended travel on a previous occasion:
- (i) whether the person has checked baggage.

7 Obligation to report failure of passengers on specified maritime craft to depart New Zealand

- (1) For the purposes of section 118(1)(c) of the Act, a carrier, and a person in charge, of a craft leaving New Zealand must report to an immigration officer immediately before the departure of the craft details of any persons specified in subclause (2) who were on board the craft when it arrived in New Zealand and who were not then on board the craft.
- (2) The persons referred to in subclause (1) are passengers of a maritime craft that—
 - (a) carries passengers or cargo or both in the ordinary course of business of the craft; and
 - (b) plies between any foreign place and New Zealand.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force at 2 am on 29 November 2010, specify information and documentation obligations for immigration purposes that carriers, and persons in charge, of a commercial craft (mainly airlines) are required to meet before allowing a person to travel to New Zealand.

These regulations largely carry over the corresponding provisions in the Immigration Act 1987 for the purposes of the Immigration Act 2009, but subject to certain minor changes. For example, the current requirement for evidence of onward travel arrangements and of sufficient funds in section 125(2)(a) of the Immigration Act 1987 has been omitted.

These regulations also prescribe passengers on a maritime craft carrying passengers or cargo or both in the ordinary course of business of the craft and plying between any foreign place and New Zealand as a class of persons for the purposes of section 118(1)(c) of the Immigration Act 2009. Accordingly, the carrier, and the person in charge, of such a craft leaving New Zealand will be required under that section to report to an immigration officer before the departure of the craft details of passengers who were on board the craft when it arrived in New Zealand and were not then on board the craft on its departure.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 August 2010.

These regulations are administered by the Department of Labour.
