

Immigration New Zealand Operational Manual

Transit visa

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N1 Objective

- a The objective of Transit Visa instructions is to ensure that only people with genuine and lawful intentions pass through New Zealand en route to other destinations.
- b This objective is achieved by scrutinising the intentions of certain foreign nationals who plan to transit New Zealand.

Effective 29/11/2010

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N1.1 Obligation of transit passenger

See previous instructions N1.1 effective 29/11/2010

See also Immigration Act 2009 s86A, 115

- a During the transit period applying to a transit passenger, the transit passenger must remain:
 - i on board the craft they came to New Zealand on; or
 - ii in an immigration control area; or
 - iii in the custody of the Police.
- b If a transit passenger fails to comply with (a), the relevant transit period immediately expires and the person:
 - i is unlawfully in New Zealand; and
 - ii does not have any rights of appeal on humanitarian grounds so long as this section applies to the person; and
 - iii is liable to be arrested and detained under Part 9 of the Immigration Act 2009; and
 - iv is liable for turnaround.

Effective 28/08/2017

N2 Requirements for a transit visa

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N2.1 Who must apply for a transit visa?

See previous instructions

N2.1 Effective 26/01/2015

N2.1 Effective 29/11/2010

See also Immigration Act 2009 s 86

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 16, sch 2

- a A person intending to travel to and be in New Zealand only as a transit passenger must, before proceeding to New Zealand, apply for and obtain a transit visa, unless they are:
 - i a New Zealand citizen or residence class visa holder; or
 - ii a person to whom a visa waiver applies under E2.1 or
 - iii the holder of a temporary entry class visa with relevant travel conditions; or
 - iv a person whose immediate or final destination after transiting New Zealand is Australia and who holds a current visa issued by the government of Australia to enter Australia; or
 - v a person to whom a transit visa waiver applies, including:
 - o a citizen of a country specified on the transit visa country waiver list (see N2.5); or
 - o a person the Minister has, by special direction, classified as a person to whom a transit visa waiver applies.
- b The Minister may, by special direction, suspend any transit visa waiver as described in (v) above.

Effective 07/04/2015

N2.5 Transit visa country waiver list

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 16, sch 2

Bahamas	Papua New Guinea
Bermuda	Paraguay
Bolivia	Peru
Colombia	Philippines
Costa Rica	Republic of Marshall Islands
Ecuador	Samoa
Federated States of Micronesia	Solomon Islands
Indonesia	Thailand
Kiribati	Tonga
Nauru	Tuvalu
Palau	Vanuatu
Panama	Venezuela

Effective 29/11/2010

N2.10 General rules for transit visas

See previous instructions N2.10 effective 29/11/2010

See also Immigration Act 2009 s 86(1), 89(1)

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg, 15, 17

- a Transit visas may be granted to applicants who:
 - i apply in the prescribed manner (see N3.10.1) for a transit visa; and
 - ii have stated a genuine intention to be in New Zealand only for the purpose of reaching a further destination; and
 - iii will be confined to a transit area during the whole of their stay in New Zealand; and
 - iv will not be in New Zealand longer than 24 hours.
- b Holders of transit visas are not entitled to apply for entry permission or any class or type of visa while in New Zealand during the transit period.

N2.10.1 Currency of transit visa

See also Immigration Act 2009 s 88

A transit visa is current for the period or until the date specified in it. The transit visa may be valid for any number of journeys to New Zealand in that period or until that date.

N2.10.5 Cancellation of transit visa

See also Immigration Act 2009 ss 66, 90

- a If there is sufficient reason, the Minister or an immigration officer may cancel a transit visa at any time.
- b If a transit visa is cancelled based on (a) above; and
 - i the person is outside New Zealand, the Minister or an immigration officer must notify the person in writing;
 - ii the person has arrived in New Zealand, the person is liable for turnaround.

N2.10.10 Expiry of transit period

See also Immigration Act 2009 s 91

- a Where the holder of a transit visa is still in New Zealand on the expiry of the transit period, an immigration officer may by his or her absolute discretion:
 - i extend the period for which the person may remain in New Zealand as a transit visa holder; or
 - ii grant the person a visa and entry permission.

Effective 28/08/2017

N3 Lodging an application for a transit visa

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N3.1 Where to lodge an application

See previous instructions:

N3.1 Effective 29/11/2010

- a Applications should be lodged at the INZ office, Visa Application Centre or the Ministry of Foreign Affairs and Trade post currently responsible for receiving applications from the geographical area or country in which the applicant currently lives. Receiving Offices can be found on the INZ website.
- b If an application is lodged at an office other than the appropriate one, the application may be referred to the appropriate office.

Effective 02/12/2013

N3.5 How an application must be lodged

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 15

- a Applications must be lodged in the prescribed manner as set out in N3.10.1.
- b Applications that are not lodged in the prescribed manner will not be accepted for processing.

Effective 29/11/2010

N3.10 Requirements for lodging an application

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 15*

See also *Immigrations (Fees) Regulations 2010*

N3.10.1 Mandatory requirements for applications lodged on an approved form

- a For the purpose of transit visa instructions, mandatory requirements for applications lodged on an approved form means the application must be made on the form *Transit Visa Application (INZ 1019)*. The form must be completed in English, in full, be signed by the applicant (unless the applicant is less than 18 years old, in which case it must be signed by a parent or guardian of the applicant) and submitted to an immigration officer, together with:
 - i the applicant's passport or certificate of identity; and
 - ii two passport-sized photographs of the applicant's head and shoulders; and
 - iii the appropriate fee; and
 - iv travel tickets to a country that the person has a right of entry to or other evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; and
 - v a confirmed travel itinerary including relevant arrival and departure times from New Zealand; and
 - vi a statement of the purpose of the journey to the country of destination; and
 - vii any other information or evidence (including photographs) that the applicant considers demonstrates that he or she is eligible to be granted a transit visa; and
 - viii the immigration officer processing the application may require the applicant to do either or both of the following before determining the application:
 - o be interviewed by an immigration officer
 - o produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application.

N3.10.5 Mandatory requirements for applications lodged otherwise than on an approved form

See also *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 regs 21, 22*

See also *Immigration (Fees) Regulations 2010*

- a Despite N3.10.1 above, a person or their adviser may request an immigration officer to consider an application for a visa not made on *Transit Visa Application (INZ 1019)* and an immigration officer may agree to the request.
- b Where an immigration officer agrees to that request, the applicant must supply the following in English and in any way appropriate to the circumstances:
 - i his or her full name; and
 - ii his or her date and place of birth; and
 - iii details of his or her passport or certificate of identity, including country of citizenship; and
 - iv details of any current or previous visa (or permit as the case may be) held by him or her; and
 - v such information and evidence that the immigration officer thinks necessary for him or her to determine the application; and
 - vi any other information that the applicant considers shows that the transit visa application should be granted.
 - vii any other information that he or she considers shows that the transit visa application should be granted.
- c The application must be completed by the applicant:
 - i acknowledging that the details supplied in support of the application are true and correct to the best of his or her knowledge; and
 - ii agreeing that if his or her circumstances change before a visa is granted, he or she will notify an immigration officer of the change in circumstances; and

- iii paying the prescribed fee (if any) for the type of visa applied for, or arranging for the payment of that fee in a manner satisfactory to the immigration officer; and
- iv signing the application (except if the application is made in an electronic format).

If the applicant is less than 18 years old, E4.50.5(c)(iv) does not apply. Instead, the application must be signed by his or her parent or guardian, except if the application is made in an electronic format or at an immigration control area (in which case the form must be signed by the parent or guardian only if the applicant is accompanied by that person).

N3.10.10 Processing of applications made otherwise than on an approved form

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 22

- a Where an immigration officer has agreed to a request to consider an application for a visa made otherwise than on an approved form, the immigration officer may at any time before a visa is granted as a result of the application:
 - i refuse to consider the application, or continue to consider the application; and
 - ii inform the applicant that if he or she wishes to pursue the application, he or she must do so using the relevant approved form.
- b If an immigration officer refuses to consider or continue to consider an application for a visa made otherwise than on an approved form then:
 - i the application will be treated as not having been made; and
 - ii the applicant must apply for the visa in the normal way; and
 - iii in the event the person pursues an application for a visa in the normal way, the mandatory requirements as set out at N3.10.1 will apply; and
 - iv any application fee will either be refunded or applied toward any visa application made by the same person.

N3.10.15 Additional requirements

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 regs 10, 21

- a Before determining an application made on an approved form or otherwise than on an approved form, the immigration officer processing the application may do one or more of the following:
 - i require the applicant to be interviewed by an immigration officer; or
 - ii require the applicant to produce further information or evidence (including photographs) that the officer thinks necessary for him or her to determine the application; or
 - iii require the applicant to undergo a medical examination or another medical examination, as the case may be; or
 - iv require the applicant to produce travel tickets to a country that the person has right of entry to or evidence of onward travel arrangements that the officer thinks necessary for him or her to determine the application; or
 - v if not already provided, require the applicant to produce his or her passport or other certificate of identity.

N3.10.20 Who may be included in an application

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010, reg 20

- a Each principal applicant must lodge a separate application.
- b The partner of a principal applicant, and dependent children less than 20 years old, may be included on an application for a transit visa if intending to travel to New Zealand together.
- c For the purpose of inclusion in an application, a partner is a person who meets the definition of partner in E4.1.20. Partners who do not meet this definition must apply for a transit visa in their own right.

- d For the purpose of lodging an application, 'children of the principal applicant' means biological or adopted children of the principal applicant and/or the principal applicant's partner (if the partner is included in the application).
- e Evidence of the relationship of each applicant to the principal applicant must be given with the application.
- f The requirements in relation to the application (including any that an immigration officer may require an applicant to meet before determining an application) must be met in relation to the principal applicant and each applicant, except that any applicant less than 18 years old is not required to sign the application.

Effective 29/11/2010

N3.15 Processing applications

See also Immigration Act 2009 s 87

See also Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 reg 15(2)

- a Before granting a transit visa, an immigration officers should sight:
 - i evidence of a fully paid airline ticket or other form of onward travel arrangement; and
 - ii a written itinerary from the travel agent or carrier, including relevant arrival and departure times; and
 - iii a written statement from the applicant of the purpose of the journey to the destination country or countries.
- b Transit visas must only be granted to a person if an immigration officer is satisfied they have a genuine intention to pass through New Zealand on the way to another destination within 24 hours of their time of arrival.
- c The Minister or an immigration officer may in his or her absolute discretion, grant a transit visa as an exception to immigration instructions.

Effective 29/11/2010

N3.20 No appeal against refusal of transit visa

See also Immigration Act 2009 s45, 192

- a The decision to grant or refuse to grant a transit visa is a matter for the discretion of the Minister of Immigration or an immigration officer.
- b No appeal lies against a decision of the Minister or an immigration officer on any matter in relation to a transit visa, whether to a court, the Tribunal, the Minister or otherwise.
- c No review proceedings may be brought in any court in respect of any decision to refuse or cancel a transit visa.

Effective 29/11/2010

N4 Group Transit Visa for Chinese Nationals

See previous instructions:

N4 Effective 29/11/2010

- a Under these instructions a group transit visa may be granted to a group of citizens of the People's Republic of China who will be transiting New Zealand together.
- b Each person within the group must meet normal transit visa requirements, as set out in N2.10 and N3.
- c Applications for group transit visas should be lodged with the appropriate receiving office in China (see E4.15).
- d Immigration officers must advise groups that:
 - i a group transit visa must be presented with the travel documents of the people named on the group transit visa form, and
 - ii a leader must:
 - o take charge of the visa, and
 - o ensure that the group stays together as a single unit when transiting New Zealand.

Note: These instructions reflect New Zealand's international trade commitments (see E9).

Effective 02/12/2013