VISA PAK ISSUE 642 — 26 SEPTEMBER 2025

# IMMIGRATION NEW ZEALAND PROCESS FOR INTERNATIONAL SURROGACY

This item is an update to Visa Pak 527.

This article is a reminder of the Immigration New Zealand (INZ) process around international surrogacy cases (where it is arranged for a child to be born to a surrogate overseas).

In all cases of international surrogacy where the intention is for the child to be brought back to live in New Zealand, New Zealand law applies. Under New Zealand law, the surrogate and her partner, if she has one, are considered to be the legal parents of the child. Even if the commissioning parents are genetically related to the child or are identified on the birth certificate, they are not considered to be the legal parents of the child.

In some cases, it may not be obvious that a child has been born through an international surrogacy at the time they lodge a visa application. For example, children born through surrogacy in the United States of America (US) are issued with a US passport and often the birth certificate shows the commissioning parents as the child's parents. Under New Zealand law these documents do not create a legal parent/child as this can only be done through adoption in the New Zealand Family Court.

The child's eligibility for New Zealand residence is also governed by New Zealand law. Immigration instructions require a child to be born to, or adopted by, its parents to be eligible for residence.

Families who intend to bring a child to New Zealand following an international surrogacy arrangement need to engage with Oranga Tamariki (OT).

**Pathways for recognition as legal parents**

There are two options available under New Zealand law to be recognised as the legal parents of a child born through an international surrogacy arrangement:

- Through the Family Court Protocol (implemented on the 11 August 2023) — which enables intending parents to adopt a surrogate-born child through the New Zealand Family Court prior to the family returning to New Zealand, or
- Through an exemption granted by the Associate Minister of Immigration (AMOI) for the surrogate born child to enter New Zealand on a visitor visa. Once onshore the commissioning parents can make an adoption application to the New Zealand Family Court.

**New Zealand visas**

There is no immigration policy to facilitate the entry of children born as the result of international surrogacy arrangements, however there is an agreed process to allow the AMOI to consider a temporary entry visitor visa for such children on a case-by-case basis.

OT will contact INZ directly to facilitate the referral to the AMOI. There are guidelines which the AMOI may consider which include whether there is a genetic link between at least one of the commissioning persons and the child, and whether the commissioning persons intend to or have taken steps to secure legal parenthood in respect of the child in New Zealand. The full list of guidelines is available in the factsheet included below.

Where an exception is granted, INZ will issue a letter to the commissioning parents to include in the child's subsequent visa application outlining the AMOI's decision and what they need to submit with the application.

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**Countries where international surrogacy is illegal**

OT will not undertake any pre-court adoptive applicant assessment for people who commission an international surrogacy in a country where it is illegal. OT will not support the exemption immigration pathway for anyone commissioning a surrogacy that is unlawful in the country concerned.

New Zealanders are advised not to engage in commercial surrogacy arrangements in countries where international surrogacy is unlawful.

**Information Fact Sheet**

The attached interagency fact sheet on International Surrogacy has been created through collaboration with INZ, OT, the Department of Internal Affairs and the Ministry of Foreign Affairs and Trade. The factsheet is publicly available on the INZ website and can be provided to clients when corresponding with them on surrogacy matters.
Information Fact Sheet: International Surrogacy

There is also publicly available information on the INZ website about international surrogacy.
International surrogacy: Immigration New Zealand