Immigration New Zealand Operational Manual

Transit visa

Issue Date: 20 August 2020
CONTENTS

N1 Objective ......................................................................................................................................... 3
N2 Requirements for a transit visa ........................................................................................................... 6
N3 Lodging an application for a transit visa ............................................................................................. 12
N4 Group Transit Visa for Chinese Nationals .......................................................................................... 21
**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*
IN THIS SECTION

N1.1 Obligation of transit passenger.......................................................... 5
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
IN THIS SECTION

N2.1 Who must apply for a transit visa ................................................................. 8
N2.5 Transit visa country waiver list ................................................................. 9
N2.10 General rules for transit visas ............................................................... 10
N2.1 Who must apply for a transit visa

See previous instructions:
N2.1 Effective 19/03/2020
N2.1 Effective 01/02/2019
N2.1 Effective 07/04/2015
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, reg 23B, sch 1, sch 2

a  A person intending to travel to and be in New Zealand as a transit passenger must apply for and obtain a transit visa before proceeding to New Zealand, unless they are:
   i  a New Zealand citizen or residence class visa holder; or
   ii the holder of a temporary entry class visa with relevant travel conditions; or
   iii a person to whom a visa waiver applies under and they hold a transit or traveller ETA; or
   iv  a person whose immediate or final destination after transiting through New Zealand is Australia and he or she holds a current visa issued by the government of Australia to enter Australia and they hold a transit ETA; or
   v  a person who is a citizen of a country listed under N2.5 Transit visa waiver country list and they hold a transit ETA; or
   vi  a person the Minister has, by special direction, classified as a person to whom a transit visa waiver applies; or
   vii  a person travelling from Australia and holds a transit ETA.

b  The Minister may, by special direction, suspend any transit visa waiver described in (a)(v) or (vi) above.

Effective 20/06/2020
### N2.5 Transit visa country waiver list

See previous instructions:  
N2.5 Effective 29/11/2010

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

<table>
<thead>
<tr>
<th>Country</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahamas</td>
<td>Papua New Guinea</td>
</tr>
<tr>
<td>Bermuda</td>
<td>Paraguay</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Peru</td>
</tr>
<tr>
<td>Colombia</td>
<td>Philippines</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Republic of Marshall Islands</td>
</tr>
<tr>
<td>Ecuador</td>
<td>Samoa</td>
</tr>
<tr>
<td>Federated States of Micronesia</td>
<td>Solomon Islands</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Thailand</td>
</tr>
<tr>
<td>Kiribati</td>
<td>Tonga</td>
</tr>
<tr>
<td>Nauru</td>
<td>Tuvalu</td>
</tr>
<tr>
<td>Palau</td>
<td>Vanuatu</td>
</tr>
<tr>
<td>Panama</td>
<td>Venezuela</td>
</tr>
</tbody>
</table>

Effective 20/06/2020
N2.10 General rules for transit visas

See previous instructions:
N2.10 Effective 31/03/2020
N2.10 Effective 19/03/2020
N2.10 Effective 28/06/2018
N2.10 Effective 28/08/2017
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.
N2.10.15 Restrictions on the grant of transit visas to certain groups as designated by the United Nations Security Council


a In accordance with United Nations sanctions, no person who is a designated individual or specified entity may enter New Zealand or transit through New Zealand, meaning that no such person may be granted a visa. This restriction is in place for the following people:

i designated individuals from the Democratic People’s Republic of Korea (DPRK), and:
  o their immediate family members; and
  o an individual (whether or not a DPRK national) acting on the behalf or under the direction of a designated individual; and
  o an individual (whether or not a DPRK national) assisting in the evasion or violation of the measures set out in the UN resolutions listed in section 3 of the United Nations Sanctions (Democratic People’s Republic of Korea) Regulations 2017

ii designated individuals and specified entities from Al-Qaida and Taliban

iii designated individuals from Iran

iv designated individuals from Lebanon

v designated individuals from the Democratic Republic of Congo

vi designated individuals from Sudan

vii designated individuals from Somalia

viii designated individuals from Eritrea

ix designated individuals from Libya

x designated individuals from Mali

xi designated individuals from Guinea-Bissau

xii designated individuals from Central African Republic

xiii designated individuals from Yemen

xiv designated individuals from South Sudan.

b Immigration officers must contact the Ministry of Foreign Affairs and Trade when processing any immigration application from a person to whom (a) above applies.

c A visa may only be granted to a person to whom (a) above applies on the advice of the Secretary of Foreign Affairs and Trade.

Note: For the purposes of these instructions, a designated individual and a specified entity is someone who is named on a list of such persons held by INZ and updated from time to time.

Effective 20/06/2020
N3 Lodging an application for a transit visa
IN THIS SECTION

N3.1 Where to lodge an application.......................................................................................................... 14
N3.5 How an application must be lodged .................................................................................................. 15
N3.10 Requirements for lodging an application........................................................................................ 16
N3.15 Processing applications................................................................................................................... 19
N3.20 No appeal against refusal of transit visa........................................................................................ 20
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 Immigration (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.

b  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 [DEFINITION]. 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 then 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 officer 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