

VISA PAK ISSUE 457 — 17 DECEMBER 2020

IMMIGRATION NEW ZEALAND'S POSITION WHERE IPT HAS MADE A S216 ORDER

In recognition of the difficulties some people face in returning to their home countries due to the effects of COVID-19, INZ is currently exercising its discretion to remove the prohibition period, where the person would ordinarily be subject to a period of prohibition on departure, and the person departs New Zealand during a section 216-ordered delay or visa.

This applies in situations where the Immigration Protection Tribunal (IPT) has declined an appeal against deportation **and** has made an order under section 216 of the Immigration Act 2009, either for deportation to be delayed for a specified period, or for a temporary visa to be granted for a specified temporary period.

- INZ will give effect to the s216 orders made by the IPT by either delaying deportation or granting a visa.
- INZ will not serve or execute deportation orders during the term of the s216 order.
- If a person subject to such an order leaves New Zealand **within** the term of that order, **and** would ordinarily have been subject to a prohibition period on departure, INZ is using its discretion to remove that prohibition period.
- If a person subject to such an order leaves New Zealand **after** the term of the order, the prohibition period that would otherwise apply, will still apply.

In either case however, a person may still be deemed to be deported on departure. A person is deemed to be deported from New Zealand if they leave on or after the date when a deportation order may be served (even if they have not been served a deportation order, pay for their flight and leave by themselves).

As the situation regarding outward travel from New Zealand improves, case-by-case decisions will be made on whether discretion to waive the prohibition period is exercised.