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## **STATUS OF CHILDREN BORN IN NEW ZEALAND AND APPLYING FOR TRAVEL CONDITIONS**

Children born in New Zealand after 1 January 2006 will only hold New Zealand citizenship if at least one parent is either a New Zealand citizen or residence class visa holder. Children who are born to parents holding temporary entry class visas will also be deemed to hold a temporary visa, as provided by section 374 of the Immigration Act 2009 which is reflected in immigration instructions at A17.5. The child is deemed to hold the most favourable immigration status of either of the child's parents at the time the child is born.

These children are deemed by law to be holders of a temporary visa without travel conditions i.e. they do not have to apply for a visa unless they need to be in New Zealand for longer than their deemed visa allows.

It is not possible to attach travel conditions to the deemed visa even by way of an application for a Variation of Travel Conditions. The deemed temporary visa is created by operation of law and extinguished by operation of law (s373 – the deemed visa applies until either the child leaves New Zealand or they are accorded a different immigration status under the Act).

In regards to raising an AMS record for such children it is helpful if the parent(s) lodge an INZ 1137 *Request for Statement of Immigration Status of a person born in New Zealand on or after 1 January 2006*. This set out under A17.5.1. If the parents wish to take the child out of New Zealand; they will need to apply for a visitor visa which can then be approved with multiple entry conditions.