

VISA PAK ISSUE 547 — 2 JUNE 2023

IMMIGRATION NEW ZEALAND POSITION WHERE IPT HAS MADE A S216 ORDER

This advice supersedes the advice to staff, published 17 December 2020.

The Immigration and Protection Tribunal (IPT) can make an order under s216 of the Immigration Act either delaying deportation for a specified period or directing the grant of a temporary visa for a specified period.

The INZ position set out in previous advice included that INZ would not serve deportation orders during the term of the s216 order and would use its discretion to remove prohibition periods if a person subject to a s216 order leaves New Zealand within the term of the order.

This position was taken in acknowledgement of the difficulties some people faced in returning to their home countries due to the effects of Covid-19.

The travel situation has now substantially improved. INZ considers there is no longer a need to hold this position. Going forward, INZ will not:

Deport the person during the term of a s216 order delaying deportation but will return to the pre COVID-19 procedure of assessing case-by-case when a deportation order should be served

Consider removing prohibition periods if a person subject to a s216 order leaves New Zealand within the term of the order.

If a person has difficulty departing during the duration of a s216-ordered delay in deportation or s216-ordered temporary visa, that person may outline those difficulties if they make a further visa application offshore and at that time request the removal or reduction of any non-permanent prohibition period that applied on deportation. Circumstances will be considered by Compliance on a case-by-case basis in determining whether to reduce or remove any non-permanent prohibition period.

Finally, for the avoidance of doubt, INZ must give effect to the s216 orders made by the IPT either delaying deportation or granting a visa.

This applies with immediate effect.