



Queen's Representative

Order in Executive Council

2022

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to sections 227 and 229 of the Cook Islands Immigration Act 2021 and, with respect to Part 6, on the recommendation of the Minister of Immigration after being satisfied of the matters in section 229(2), His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations—

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Regulations

- 1 Title**
These regulations are the Cook Islands Immigration Regulations 2022.
- 2 Commencement**
These regulations come into force on the day after the date on which they are made.
- 3 Interpretation**
 - (1) In these regulations, unless the context otherwise requires,—
Act means the Cook Islands Immigration Act 2021
evidence of identity document has the meaning given in regulation 42
lived continuously in the Cook Islands, in relation to any person during a relevant period, means that the person spent 9 months of every year of the relevant period in the Cook Islands
 - (2) The Cook Islands is a person's **primary place of residence** at a particular time if the person spent at least 9 months living in the Cook Islands within the immediately preceding 12 months.

- (3) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

Part 1

Permanent residence

Subpart 1—Invitations for expressions of interest for permanent residence

4 Invitation for expressions of interest for permanent residence in own right

An invitation by the Minister under section 40(1) of the Act must specify—

- (a) that expressions of interest are invited from persons who wish to apply for permanent residence in their own right (*see* section 38(1)(a) of the Act); and
- (b) the number of persons who may be granted permanent residence under the invitation, determined in accordance with section 37 of the Act.

5 Invitation for expressions of interest for permanent residence as spouse

An invitation by the Minister under section 40(3) of the Act must specify that expressions of interest are invited from persons who wish to be considered for permanent residence as a consequence of being a spouse of a Cook Islander or permanent resident (*see* section 38(1)(b) of the Act).

6 Publication of notice inviting expressions of interest

An invitation by the Minister under regulation 4 or 5 must be published—

- (a) in a newspaper circulating in the Cook Islands; and
- (b) by at least 1 other method that is readily accessible by the public (for example on an Internet site maintained by or on behalf of the Department).

Subpart 2—Applications for grant of permanent residence in own right

7 Application of this subpart

This subpart applies if the Minister publishes a notice under regulation 6 inviting expressions of interest from persons for permanent residence in their own right (*see* section 38(1)(a) of the Act).

8 Expression of interest for grant of permanent residence in own right

- (1) A person may express an interest in becoming a permanent resident in their own right by—

- (a) completing a form approved for the purpose by the principal immigration officer; and
- (b) paying the prescribed fee.

- (2) The expression of interest must be lodged with the principal immigration officer within 20 working days after the date on which notice of the invitation for expressions of interest is published under regulation 6.

9 Invitation to apply for grant of permanent residence in own right

- (1) The principal immigration officer must, within 5 working days after the due date for lodging an expression of interest under regulation 8(2), contact the person who lodged the expression of interest and,—
 - (a) if the expression of interest meets the requirements in this regulation, invite the person to apply for permanent residence; or
 - (b) if the expression of interest does not meet the requirements in this regulation, inform the person of that fact.
- (2) The expression of interest must—
 - (a) contain a statement of intention to become a permanent resident;
 - (b) enclose a copy of an evidence of identity document;
 - (c) state that the person satisfies the criteria for grant of permanent residence in their own right.

10 Application for grant of permanent residence in own right

- (1) A person who is invited under regulation 9(1)(a) may apply, in accordance with this regulation, for the grant of permanent residence in the person's own right by—
 - (a) completing an application form approved by the principal immigration officer; and
 - (b) satisfying the criteria in regulation 12; and
 - (c) paying the prescribed fee.
- (2) The person must make an application within 25 working days after the due date for lodging an expression of interest under regulation 8(2).

11 Incomplete application for grant of permanent residence in own right

- (1) This regulation applies if the principal immigration officer receives an incomplete application under regulation 10.
- (2) The principal immigration officer may require the applicant to, within 10 working days after being notified that the application is incomplete, complete the application or provide further specified information.
- (3) The application lapses if the applicant fails to complete the application or provide the further specified information within the 10-working-day period.

12 Criteria for grant of permanent residence in own right

- (1) A person applying for permanent residence under regulation 10 must—
 - (a) be aged 18 years or older at the time the application is made; and
 - (b) provide evidence, acceptable to the principal immigration officer, that the person has a valid permit or is otherwise lawfully entitled to live in the Cook Islands; and

- (c) provide evidence, acceptable to the principal immigration officer, of having lived continuously in the Cook Islands,—
 - (i) in the case of an applicant who is not a New Zealand citizen, for at least 10 years; and
 - (ii) in the case of a New Zealand citizen, for at least 5 years; and
 - (d) provide evidence, acceptable to the principal immigration officer, of having completed the Kia Orana Values programme (or any similar programme offered by a government education provider or registered primary school, recommended by the Department):
 - (e) provide at least 4 statutory declarations in support of the application, including at least 1 from each of the following persons:
 - (i) an Aronga-mana in the person's village of primary residence:
 - (ii) an official from a community organisation for which the applicant has completed voluntary service:
 - (iii) a member of the Cook Islands community who is not an immediate family member or a business associate of the applicant:
 - (f) provide evidence, acceptable to the principal immigration officer, of having completed at least 312 hours of community service in the 5-year period before lodging the application for permanent residence:
 - (g) comply with the requirements in these regulations to—
 - (i) provide original or certified copies of all documents; and
 - (ii) translate documents not in English into English; and
 - (iii) provide acceptable evidence of identity; and
 - (iv) provide acceptable evidence that the person is of good character.
- (2) In subclause (1)(f), **community service** means voluntary service to a community organisation, acceptable to the chief immigration officer (for example, being an officer-holder in a church, community, or sports group, or a non-governmental organisation).

13 Acceptance of applications for purposes of regulations 14 and 15

- (1) The principal immigration officer must accept an application for the purposes of following the process in regulation 14 or 15 (as applicable) if—
- (a) the application is complete; and
 - (b) the principal immigration officer considers that the applicant satisfies the criteria in regulation 12; and
 - (c) the prescribed fee has been paid.
- (2) An application lapses if it is not accepted under subclause (1) and the principal immigration officer must notify the applicant, in writing, within 10 working days that it has lapsed.

14 All accepted applications will result in total number of permanent residents in their own right of 500 or fewer

- (1) This regulation applies if the number of applications accepted under regulation 13(1) together with the total number of persons who are already permanent residents for the purposes of section 37(1) of the Act is 500 or fewer.
- (2) Each application for permanent residence must be referred to the Minister within 10 working days after it is received by the principal immigration officer.
- (3) The Minister must, within 20 working days after receiving the application from the principal immigration officer,—
 - (a) grant the application if satisfied that the criteria in regulation 12 are satisfied; or
 - (b) decline the application if not satisfied that the criteria in regulation 12 are satisfied.
- (4) The principal immigration officer must notify the applicant, in writing, within 10 working days after the Minister's decision that their application has been granted or declined.

15 All accepted applications will result in total number of permanent residents in their own right greater than 500

- (1) This regulation applies if the number of applications accepted under regulation 13(1) together with the total number of persons who are already permanent residents for the purposes of section 37(1) of the Act is greater than 500.
- (2) The principal immigration officer must rank the applications, applying the following rules and the rules in subclause (3):
 - (a) first preference must be given to those applicants whose primary place of residence at the time of their application is in the Pa Enua;
 - (b) among those applicants whose primary place of residence at the time of their application is in the Pa Enua, preference must be given to New Zealand citizens;
 - (c) if 2 or more applicants whose primary place of residence at the time of their application is in the Pa Enua are New Zealand citizens, ranking among those applicants must be determined by length of residence in the Pa Enua, and the applicant with the longest total period of residence in the Pa Enua must receive the highest ranking;
 - (d) if 2 or more applicants whose primary place of residence at the time of their application is in the Pa Enua are not New Zealand residents, ranking among those applicants must be determined by length of residence in the Pa Enua, and the applicant with the longest total period of residence in the Pa Enua must receive the highest ranking.
- (3) If ranking is completed under subclause (2) and the total number of ranked applicants whose primary place of residence in the Pa Enua together with the number of persons who are already permanent residents for the purposes of section 37(1) of the Act is fewer than 500, ranking of those applicants whose

primary place of residence is in Rarotonga must be carried out by the principal immigration officer applying the following rules:

- (a) of those applicants whose primary place of residence at the time of their application is in Rarotonga, preference must be given to New Zealand citizens:
- (b) if 2 or more applicants whose primary place of residence at the time of their application is in Rarotonga are New Zealand citizens, ranking among those applicants must be determined by length of residence in the Cook Islands, and the applicant with the longest total period of residence in the Cook Islands must receive the highest ranking:
- (c) if 2 or more applicants whose primary place of residence at the time of their application is in Rarotonga are not New Zealand citizens, ranking among those applicants must be determined by length of residence in the Cook Islands, and the applicant with the longest total period of residence in the Cook Islands must receive the highest ranking.

16 What happens after ranking process complete

- (1) This regulation applies if an application has been ranked under regulation 15 to produce a ranking for the application (the **ranking number**).
- (2) The ranking number must have the following numbers added to it:
 - (a) the number of persons who are already permanent residents for the purposes of section 37(1) of the Act:
 - (b) the number of persons who have a ranking number that is lower than the applicant's ranking number.
- (3) After subclause (2) is applied, if the resulting number is—
 - (a) less than or equal to 500, the principal immigration officer must refer the application to the Minister with a recommendation as to whether the application should be granted, based on an assessment by the principal immigration officer as to whether the applicant satisfies the criteria in regulation 12; or
 - (b) greater than 500, the principal immigration officer must decline the application and notify the applicant in writing that the application has been declined.
- (4) The principal immigration officer must either refer or decline the application, under subclause (3), within 10 days after the application is accepted under regulation 13(1).
- (5) The Minister must, within 20 working days after receiving an application and a recommendation under subclause (3)(a),—
 - (a) grant the application if satisfied that the criteria in regulation 12 are satisfied; or
 - (b) decline the application if not satisfied that the criteria in regulation 12 are satisfied.
- (6) The principal immigration officer must notify the applicant in writing, within 10 working days after the Minister makes the decision under subclause (4), whether their application has been granted or declined.

Subpart 3—Applications for permanent residence by spouses of permanent residents or Cook Islanders

17 Application of this subpart

This subpart applies if the Minister publishes a notice under regulation 6 inviting expressions of interest from persons for permanent residence as a consequence of being a spouse of a Cook Islander or permanent resident (*see* section 38(1)(b) of the Act).

18 How to express interest for grant of permanent residence on spouse ground

- (1) A person may express an interest in becoming a permanent resident under section 38(1)(b) of the Act by—
 - (a) completing an expression of interest form approved by the principal immigration officer; and
 - (b) paying the prescribed fee.
- (2) The expression of interest must—
 - (a) contain a statement of intention to become a permanent resident; and
 - (b) enclose an evidence of identity document; and
 - (c) state that the person satisfies the criteria for the grant of permanent residence on the spouse ground.
- (3) The expression of interest must be lodged with the principal immigration officer within 20 working days after the date on which the notice of the invitation for expressions of interest is published under regulation 6.

19 Invitation to apply for grant of permanent residence on spouse ground

The principal immigration officer must, within 5 working days after the due date for lodging an expression of interest under regulation 18(3), contact the person who lodged the expression of interest and, if the expression of interest—

- (a) meets the requirements in regulation 18, invite the person to apply for permanent residence; or
- (b) does not meet the requirements in regulation 18, inform the person of that fact.

20 Application for grant of permanent residence on spouse ground

- (1) A person who is invited under regulation 19(a) may apply, in accordance with this regulation, for the grant of permanent residence as a consequence of being a spouse of a Cook Islander or permanent resident by—
 - (a) completing an application form approved by the principal immigration officer; and
 - (b) satisfying the criteria in regulation 22; and
 - (c) paying the prescribed fee.
- (2) An application—

- (a) must be made within 25 working days after the due date for lodging an expression of interest under regulation 18(3); and
- (b) may only be made while the applicant is living in the Cook Islands.

21 Incomplete application for grant of permanent residence on spouse ground

- (1) This regulation applies if the principal immigration officer receives an incomplete application for the grant of permanent residence under regulation 20.
- (2) The principal immigration officer may require the applicant to, within 10 working days after being notified that the application is incomplete, complete the application or provide further specified information.
- (3) The application lapses if the applicant fails to complete the application or provide the further specified information within the 10-working-day period.

22 Criteria for assessing applications for permanent residence on spouse ground

A person applying for permanent residence under regulation 20 must—

- (a) be married to, or in a de facto relationship with, a Cook Islander or permanent resident; and
- (b) provide evidence, acceptable to the principal immigration officer, that the person has a valid permit or is otherwise lawfully entitled to live in the Cook Islands; and
- (c) provide evidence acceptable to the principal immigration officer of having lived continuously in the Cook Islands,—
 - (i) in the case of an applicant who is not a New Zealand citizen, for at least 10 years; and
 - (ii) in the case of an applicant who is a New Zealand citizen, for at least 5 years; and
- (d) provide evidence acceptable to the principal immigration officer that—
 - (i) the applicant is married to or in a de facto relationship with a Cook Islander or permanent resident; and
 - (ii) the relationship is genuine and stable; and
- (e) provide evidence acceptable to the principal immigration officer that the marriage or de facto relationship is of at least 5 years duration; and
- (f) provide evidence acceptable to the principal immigration officer of the applicant having completed the Kia Orana Values programme (or any similar programme offered by a government education provider or registered primary school, recommended by the Department); and
- (g) comply with the requirements in these regulations to—
 - (i) provide original or certified copies of all documents; and
 - (ii) translate documents not in English into English; and
 - (iii) provide acceptable evidence of identity; and
 - (iv) provide acceptable evidence that the person is of good character.

23 Referral of application for permanent residence on spouse ground to Minister

- (1) The principal immigration officer must, within 10 working days after receiving a complete application form and the prescribed fee under regulation 20, refer the application to the Minister.
- (2) The principal immigration officer must also recommend to the Minister whether the application should be granted, basing the recommendation on an assessment by the principal immigration officer as to whether the applicant satisfies the criteria in regulation 22.
- (3) The Minister must, within 20 working days after receiving an application and a recommendation under this regulation,—
 - (a) grant the application if satisfied that the criteria in regulation 22 are satisfied; or
 - (b) decline the application if not satisfied that the criteria in regulation 22 are satisfied.
- (4) The principal immigration officer must notify the applicant in writing, within 10 working days after the Minister makes the decision under subclause (3), whether the application has been granted or declined.

Subpart 4—Applications for permanent residence by eligible children

24 Meaning of eligible child in this subpart

For the purposes of this subpart, **eligible child** means a child who is dependent on a Cook Islander or a permanent resident (*see* section 38(1)(c) of the Act).

25 Application for permanent residence as consequence of being eligible child

- (1) A person who applies for the grant of permanent residence as a consequence of being an eligible child must, in accordance with this regulation,—
 - (a) complete an application form approved by the principal immigration officer; and
 - (b) satisfy the criteria in regulation 27; and
 - (c) pay the prescribed fee.
- (2) An application may be made at any time while the applicant is living in the Cook Islands.

26 Incomplete application for grant of permanent residence as consequence of being eligible child

- (1) This regulation applies if the principal immigration officer receives an incomplete application for the grant of permanent residence under regulation 25.
- (2) The principal immigration officer may require the applicant to, within 7 working days after being notified that the application is incomplete, complete the application or provide further specified information.

- (3) The application lapses if the applicant fails to complete the application or provide the further specified information within the 7-working-day period.

27 Criteria for assessing application by eligible child

- (1) A person applying for the grant of permanent residence under regulation 25 must—
 - (a) be under the age of 18 years at the date of application; and
 - (b) provide evidence, acceptable to the principal immigration officer, that the person has a valid permit or is otherwise lawfully entitled to live in the Cook Islands; and
 - (c) be single (that is, not married or in a de facto relationship); and
 - (d) provide evidence, acceptable to the principal immigration officer, that the applicant is a dependent child of a Cook Islander or permanent resident; and
 - (e) have lived continuously in the Cook Islands for the past 5 years with a parent or guardian; and
 - (f) provide—
 - (i) an original or certified copy of a birth certificate showing the names of 1 or both of the child's parents; or
 - (ii) an original or certified copy of adoption papers showing that the child has been legally adopted by a parent or guardian; or
 - (iii) an original or certified copy of a parenting order that has force in the Cook Islands; and
 - (g) comply with the requirements in these regulations to—
 - (i) provide original or certified copies of all documents; and
 - (ii) translate documents not in English into English; and
 - (iii) provide acceptable evidence of identity.

28 Referral of application for permanent residence as consequence of being eligible child

- (1) The principal immigration officer must, within 10 working days after receiving a complete application form and the prescribed fee under regulation 25, refer the application to the Minister.
- (2) The principal immigration officer must also recommend to the Minister whether the application should be granted, basing the recommendation on an assessment by the principal immigration officer as to whether the applicant satisfies the criteria in regulation 27.
- (3) The Minister must, within 20 working days after receiving an application and a recommendation under this regulation,—
 - (a) grant the application if satisfied that the criteria in regulation 27 are satisfied; or
 - (b) decline the application if not satisfied that the criteria in regulation 27 are satisfied.

- (4) The principal immigration officer must notify the applicant, in writing, within 10 working days after the Minister makes the decision under subclause (3), whether the application has been granted or declined.

Subpart 5—Application for recognition as permanent resident by descent

29 Application for recognition as permanent resident by descent

- (1) A person may apply, at any time, to the principal immigration officer to be recognised for official purposes as a permanent resident by descent.
- (2) An applicant under this regulation must—
- (a) complete an application form approved by the principal immigration officer; and
 - (b) provide documents (for example, adoption papers) that satisfy the principal immigration officer that the applicant should be recognised as a permanent resident by descent (*see* Article 76A of the Constitution (amended by the Constitution Amendment (No. 29) Act 2021); and
 - (c) comply with the requirements in these regulations to—
 - (i) provide original or certified copies of all documents; and
 - (ii) translate documents not in English into English; and
 - (iii) provide acceptable evidence of identity.

30 Incomplete application for grant of permanent residence as consequence of being eligible child

- (1) This regulation applies if the principal immigration officer receives an incomplete application for the grant of permanent residence under regulation 29.
- (2) The principal immigration officer may require the applicant to, within 10 working days after being notified that the application is incomplete, complete the application or provide further specified information.
- (3) The application lapses if the applicant fails to complete the application or provide the further specified information within the 10-working-day period.

31 Decision on application under this subpart

- (1) The principal immigration officer must, within 10 working days after receiving a complete application or further specified information,—
- (a) if satisfied that the applicant is a permanent resident by descent, issue a certificate to that effect to the applicant; or
 - (b) if not satisfied that the applicant is a permanent resident by descent, decline the application.

Subpart 6—Other requirements regarding permanent residence

32 Form of oath for permanent residence

The form of oath that a person granted permanent residence must take under section 44 of the Act is set out in Schedule 1.

33 Endorsement of passport with permanent residence status

A person applying to have their passport endorsed to state that they are a permanent resident must—

- (a) provide documents reasonably required by the principal immigration officer to prove their permanent residence status; and
- (b) pay the prescribed fee.

34 Procedural requirements before Minister revokes permanent residence status

- (1) Before recommending to the Minister that a person's permanent residence status should be revoked under section 51 of the Act, the principal immigration officer must provide the person with a reasonable opportunity to show that the requirements for revocation in that section have not been met by—

- (a) contacting the person directly and inviting them to provide any information to show that they—
 - (i) have not been outside the Cook Islands continuously for more than 3 years; and
 - (ii) have not ceased to make their home in the Cook Islands; or
- (b) if the person cannot reasonably be contacted directly, publishing a notice of the intended revocation that names the person and invites them to provide the information described in paragraph (a).

- (2) A notice under subclause (1)(b) must be published—

- (a) in a newspaper circulating in the Cook Islands; and
- (b) by at least 1 other method that is readily accessible by the public (for example on an Internet site maintained by or on behalf of the Department).

Part 2

Form of applications and fees

35 Language requirements for documents

- (1) An application under the Act, must be in writing and—

- (a) in English; or
- (b) in another language and accompanied by a certified translation in English.

- (2) An application must be accompanied by—

- (a) the original information and documents required for that application, or certified copies of that information and those documents; and
- (b) if any of the original information and documents referred to in paragraph (a) are in a language other than English, a certified translation of that information and those documents in English.

36 Requirement for certified translation

A translation into English must—

- (a) be certified as a correct translation made by a person who—
 - (i) is familiar with both the language being translated and English; and
 - (ii) is competent in translation work; and
 - (iii) is qualified to prepare, or works for a service that is qualified to prepare, certified translations under regulation 37; and
- (b) bear the signature of the translator; and
- (c) if applicable, be on the official letterhead of the service that the translator works for.

37 Who may prepare certified translations

Translations into English may only be prepared by 1 or more of the following:

- (a) the Translation Service of the Department of Internal Affairs in New Zealand;
- (b) the Translating and Interpreting Service of the Department of Home Affairs in Australia;
- (c) any person in the Cook Islands who—
 - (i) satisfies the requirements of regulation 36(a); and
 - (ii) is approved to undertake translations into English for immigration purposes by the principal immigration officer;
- (d) an embassy or a high commission in any country that endorses the translation into English with the appropriate embassy or high commission seal;
- (e) any other private or official translation service that is—
 - (i) registered as an official translation service by the Government or other relevant agency in the country where the translation business is conducted; or
 - (ii) otherwise recognised as an official translation service for official purposes by the Government or other relevant agency in the country where the translation business is conducted.

38 Principal immigration officer may impose additional requirements regarding translations

The principal immigration officer may,—

- (a) require an applicant to provide a statutory declaration from the translator or another person that a translation provided by the applicant satisfies the requirements of regulations 36 and 37;
- (b) if the principal immigration officer has reasonable grounds to believe that a translation is inadequate or inaccurate, request that the translation be done by another translator;
- (c) if the principal immigration officer considers it necessary to do so to obtain an accurate translation, require an applicant to use a specified translation service nominated by the principal immigration officer.

39 Fees

Fees required to be paid for any matter under these regulations are set out in Schedule 2.

Part 3

Material change of circumstances

40 Obligation to notify principal immigration officer of material change in circumstances

- (1) This regulation applies to any application made under the Act.
- (2) The applicant must promptly notify the principal immigration officer of any material change in circumstances, described in regulation 41, that occurs before the applicant is notified of the decision on the application.

41 Meaning of material change in circumstances

A **material change in circumstances** is any of the following:

- (a) the death of any person relevant to the application, including—
 - (i) the applicant's spouse; or
 - (ii) any dependent child of the applicant; or
 - (iii) any responsible parent or guardian of the applicant:
- (b) the separation of the applicant from their spouse, if the spouse—
 - (i) was a party to the application; or
 - (ii) provided any evidence to support the application; or
 - (iii) assisted the application by satisfying requirements:
- (c) the arrest for a criminal offence in any country, or the conviction for an offence in any country, of—
 - (i) the applicant; or
 - (ii) the applicant's spouse; or
 - (iii) any dependent child of the applicant; or
 - (iv) any responsible parent or guardian of the applicant.

Part 4

Evidence of identity documents

42 Evidence of identity document

- (1) In these regulations, an **evidence of identity document** is a document that is of sufficient quality to act as proof of a person's identity.
- (2) An evidence of identity document must be a document of the kind set out in regulation 43.

43 Acceptable evidence of identity documents

- (1) The following are acceptable evidence of identity documents:
 - (a) a passport:

- (b) a refugee travel document:
 - (c) a certificate of identity:
 - (d) a military identity document accompanied by a movement order issued by the armed forces of another country stating that the person is travelling to the Cook Islands in the course of their military duties:
 - (e) a laissez-passer.
- (2) An evidence of identity document must be original, valid, and undamaged.

Part 5

Requirements relating to character

44 Character requirements

- (1) In deciding whether a person is of good character for the purposes of these regulations, the principal immigration officer must, to the extent practicable in the circumstances, take into account—
- (a) the general reputation of the person among those who know the person; and
 - (b) the person's attributes or characteristics; and
 - (c) a police certificate or criminal record in accordance with regulation 45.

45 Police certificate or criminal record

- (1) An applicant under these regulations who is aged 18 years or over must provide to the principal immigration officer a police certificate or criminal record (however described) relating to the character and criminal record of the applicant.
- (2) The police certificate or criminal record must be from the police or government agency responsible for justice or law enforcement—
- (a) in the country of which the applicant is a citizen; and
 - (b) in each other country in which the applicant has lived continuously for 2 months or more during the previous 5 years (including the Cook Islands, if relevant).
- (3) The principal immigration officer may exempt any person from complying with the requirement to provide a police certificate or criminal record if satisfied that the person cannot practicably comply.

Part 6

Arrivals and departures

46 Information to be provided by persons arriving in Cook Islands

A person who arrives in the Cook Islands must complete the arrival card set out in Schedule 3.

- 47 Information to be provided by persons intending to leave Cook Islands**
A person who is 15 years of age or older and who intends to leave the Cook Islands must complete the departure declaration set out in Schedule 4.

Part 7

Transitional regulations

- 48 Application of regulations under this Part**
This Part applies until the close of 6 December 2026.
- 49 Effect of commencement of Act on 1971-72 Act provisions**
- (1) This regulation applies on and from the commencement of the Cook Islands Immigration Act 2021 Commencement Order 2022.
 - (2) Section 5 of the 1971-72 Act does not apply to applications for, or the grant of, permanent residence.
 - (3) Section 5A of the 1971-72 Act does not apply to the award of honorary permanent residence status.
 - (4) To avoid doubt, section 6 of the 1971-72 Act continues to apply to immigration officers despite the commencement of section 201 of the Act.
 - (5) Sections 7 and 8 of the 1971-72 Act do not apply.
 - (6) Section 32 of the 1971-72 Act does not apply.
 - (7) In this regulation, **1971-72 Act** means the Entry, Residence and Departure Act 1971-72
- 50 Entry, Residence and Departure Fees Regulations 1976**
The following fees in the Schedule of the Entry, Residence and Departure Fees Regulations 1976 do not apply:
- (a) fees for an application for permanent residence (in Part 1, item 4 in *Fees to accompany certain applications*):
 - (b) fees for the endorsement of a passport with permanent residence status (in Part 1, item 3 in *Fees for other services provided*):
 - (c) fees for the issue for a permanent residence certificate (in Part 2, item 1 in *Fees for the issue of certain certificates*):
 - (d) fees for the issue of a duplicate certificate of permanent residence (in Part 2, item 2 in *Fees for the issue of certain certificates*):

Schedule 1
Form of oath under section 44 of Act

“I, [*full name*], do solemnly and sincerely declare, that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II as the Head of State of the Cook Islands, Her Heirs and Successors, according to law; that I will faithfully observe the Constitution and other laws of the Cook Islands; that I will always respect the customs, traditions, usages, and values of the people of the Cook Islands; that I will conscientiously fulfil my duties as a national of the Cook Islands, and that I take this obligation freely without any mental reservation or purpose of evasion. So help me God.”

Schedule 2

Fees

Item	Matter	Amount (\$) inclusive of VAT
1	Fee for expression of interest for grant of permanent residence in own right under regulation 8:	
	• in response to invitation (if any) for expressions of interest made in 2022	500
	• in response to invitation (if any) for expressions of interest made in or after 2023	1,000
2	Fee for application for grant of permanent residence in own right under regulation 10	
	• in response to invitation (if any) for expressions of interest made in 2022	500
	• in response to invitation (if any) for expressions of interest made in or after 2023	740
3	Fee for expression of interest for grant of permanent residence on spouse ground under regulation 18	
	• in response to invitation (if any) for expressions of interest made in 2022	500
	• in response to invitation (if any) for expressions of interest made in or after 2023	1,000
4	Fee for application for grant of permanent residence on spouse ground under regulation 20	
	• in response to invitation (if any) for expressions of interest made in 2022	500
	• in response to invitation (if any) for expressions of interest made in or after 2023	740
5	Fee for application for grant of permanent residence for eligible child under regulation 22	470
6	Fee for endorsing passport with permanent residence endorsement under regulation 33	55

Cook Islands Immigration Regulations 2022

12. List the countries you have been in for the last 40 days.

Biosecurity and Customs – A separate declaration must be completed by each passenger including children under 18 years old not travelling with parents(s) or guardians(s).

2. BIOSECURITY DECLARATION

Mark answers like this **X**

Are you bringing into the Cook Islands:

YES NO

Any Food: Including cooked, uncooked, fresh, preserved, packaged or dried?

☐ ☐

Animals or animal products: including meat, dairy products, fish, honey, bee products, eggs, feathers, shells, raw wool, skins, bones or insects?

☐ ☐

Plants or plant products: including fruit, vegetables, leaves, nuts, parts of plants, flowers, seeds, bulbs, fungi, cane, bamboo, wood or straw?

☐ ☐

Other Biosecurity risk items: including animal medicines, biological cultures, organisms, soil or water?

☐ ☐

Equipment used with animals, plants or water, including for Bee-keeping, fishing, water sport, or diving activities?

☐ ☐

Outdoor sport or hiking footwear, tents or any other articles that may have soiled attached?

☐ ☐

In the past 40 days outside of the Cook Islands have you visited a forest, had contact with animals not domestic cats and dogs or visited properties or plants for processing animals?

☐ ☐

3. CUSTOMS DECLARATION

YES NO

Do you know the contents of your baggage?

☐ ☐

Are you carrying into the Cook Islands:

Goods that may be prohibited or restricted, for example medicines, weapons, indecent publications, endangered species of flora or fauna, illicit drugs, or drug paraphernalia?

☐ ☐

Alcohol over the concession of 2 litres mixture/ or not of spirit, wine and liquer, or 4.5 litres of beer?

☐ ☐

Tobacco products over the concession of 200 cigarettes, or 250 grams of tobacco, or 50 cigars or a mixture of not more than 250 grams in total?

☐ ☐

Goods obtained overseas and/or purchased duty free in the Cook Islands with a total value of more than \$750, including gifts?

☐ ☐

Goods carried for business or commercial or goods carried on behalf or another person?

☐ ☐

A total of NZ\$10,000 or more in cash (includes bearer negotiable instruments and pearls) or foreign equivalent?

☐ ☐

Have you ever been convicted of a criminal or immigration offence?

☐ ☐

Are you suffering from any infectious diseases?

☐ ☐

I declare that the information I have given is true, correct and complete, and agree to abide by the conditions of my entry into the Cook Islands.


Signature:

Date:

For Official Use Only:

Schedule 4

Departure declaration



DEPARTURE DECLARATION

- All departing passengers 15 years and older **MUST** complete a separate Departure Card
- Print in CAPITAL letters. Eg: COOK ISLANDS or mark answers like this **X**
- This form **MUST** be completed in BLUE or BLACK pen **ONLY**

Flight number/Name of ship

1. Family name

2. Given or first names

3. Passport number

4. Nationality as shown on passport

5. Date of Birth

6. Sex

7. Occupation

8. Home address

Country

Contact Number

E-mail

9. Travelling with children/dependants? No Yes If yes: total

10. Status

Cook Islander Residing in the Cook Islands (go to 12)

Cook Islander Residing Overseas (go to 13)

Cook Islands Permanent Resident (go to 12)

Visitor Date of Arrival (go to 13)

Cook Islands Permit Holder (go to 11)

11. Permit Type

Work Entry Resident Investor

I am a Resident of the Cook Islands or I have been living in the Cook Islands until today

12. I have lived in the Cook Islands for:

☐ 12 months or more **OR** ☐ Less than 12 months

What is the main reason for your departure?

☐ Family ☐ Medical ☐ Seasonal Work

☐ Study ☐ Employment

Other (Specify)

How long will you be away from the Cook Islands?

☐ Less than 6 months **OR**

DAY MONTH YEAR

13. Final destination of your Trip. (Country where you will spend most of your time abroad)

14. Declaration: I hereby declare that the information given is true and correct

Signature: Date:

Official use:



DEPARTURE DECLARATION

To assist you in filling in the card correctly

READ THIS SIDE FIRST

NOTICE

The information from this card is used for Customs, Immigration, Tourism, Statistics and Social Welfare purposes. It may be used for other Government Agencies under law.

GENERAL INFORMATION

- Every person leaving the Cook Islands (excluding those under the age of 15), must complete this Departure Card for presentation to Immigration Authorities at the port of departure.
- All answers should be written in pen with BLACK or BLUE ink only. Departure cards written in red ink, pencil or other methods will not be accepted and you will need to complete a new departure card.
- Ensure you answer each question in the sectors which apply to you in ENGLISH and in CAPITAL LETTERS.
- Any eligible person who is unable to fill in their own card may ask for assistance.
- Please answer these questions in advance by filling in this form and handing it over to Immigration Officers when requested to do so.
- This is a legal document and must be filled in correctly as per Section 106 of the Cook Islands Immigration Act 2021.
- Ko te tangata katoatoa i runga ake i te Mataiti 15 e akaruke nei i te Kuki Airani ka anoano ia kotou kia akaki i teia peapa tikaanga akaruke Basileia. E ka oronga atu ei ki te aronga angaanga o te Mana Tiaki i konei i te ngai akatoanga pairere.
- Kia tataia taau pauanga kite inika Kerekere me kore tetai inika Auika. Ko tetai uatu kara inika muramura, peni rakau kare e akatika ia. Ka anoano ia koe kia akaki akaou i tetai peapa ou, o te tikaanga akaruke Basileia.
- Ka anoano ia koe kia pau i te au uianga i roto i te au tuanga te ka tano iakoe i roto i te REO PAPAA e te TAKATAKA.
- Ko tetai uatu tangata e taingauru marima mataiti, e ara atu tei kore e marama ana no te akakianga i tana uaorai peapa tikaanga akaruke Basileia, kia pati tauturu atu.
- E oake atu i teia peapa akaruke Basileia kite Mana tiaki i te ngai ka tomo atu ei ki roto i te tuanga tiaki pairere.
- E peapa teia tei akatika ia i raro ake i te ture i roto i te tuanga 106 o te Cook Islands Immigration Act 2021 e

Please help us by giving full and correct answers

PLEASE TURN OVER FOR DEPARTURE DECLARATION QUESTIONS

Clerk of the Executive Council

These regulations are administered by the Ministry of Foreign Affairs and Immigration.

These regulations were made on the _____ day of _____ 2022.
