



## Cook Islands Immigration Regulations 2023

*[Signature]*

Sir Tom J. Marsters, KBE

King's Representative

### Order in Executive Council

At Avarua, Rarotonga this 18<sup>th</sup> day of April, 2023

Present:

### His Excellency the King's Representative in Executive Council

Pursuant to section 227 of the Cook Islands Immigration Act 2021, His Excellency the King'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 2023.

### 2 Commencement

These regulations come into force on 24 April 2023.

### 3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

**acceptable accommodation** has the meaning given in regulation 48

**acceptable standard of health** has the meaning given in regulation 70 Act means the Cook Islands Immigration Act 2021

**approved panel physician** means a medical practitioner (whether overseas or in the Cook Islands) appointed by the principal immigration officer, with the approval of the Secretary of Health, to a panel of medical practitioners authorised to conduct medical examinations or assessments for the purposes of these regulations

**certified copy** means a photocopied or scanned document that has been certified as a true copy of the original document by a person authorised to take statutory declarations in—

(a) the Cook Islands; or

(b) the country where the person who seeks to produce the copy resides

**evidence of identity document** means evidence in accordance with regulation 65

**evidence of onwards travel plan** means evidence in accordance with regulation 79

**lived continuously in the Cook Islands,—**

(a) means, in relation to a person,—

(i) that the person spent at least 9 months of every year in the Cook Islands during a period of time that is relevant to an expression of interest or application; and

(ii) the period of time occurred immediately before the expression of interest was lodged or application was made; and

(b) includes any period (which is to be treated as being in the Cook Islands) during which the person was—

(i) overseas as a result of a medical referral; or

(ii) studying at an educational institution outside the Cook Islands and their home is in the Cook Islands

**person of good character** means a person who, in the opinion of the principal immigration officer, in accordance with regulation 66, is of good character

**publicly funded health services** has the meaning given in regulation 68

**special**, in relation to a visa or permit, means a special visa or permit, or an interim visa or permit, described in Schedule 6

**student**, in relation to a permit or visa, means any of the visas or permits described in Schedule 4

**sufficient funds** means sufficient funds determined in accordance with subpart 6 of Part 4

**values or language programme** means a cultural values or Cook Islands Maori language programme approved by the Department.

- (2) 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 the 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* regulation 4 and section 38(1)(a) of the Act).

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

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

- (a) lodging an expression of interest under this regulation; and
- (b) paying the prescribed fee.

- (2) An expression of interest must be in the form approved by the principal immigration officer and must—
  - (a) state the person’s intention to become a permanent resident; and
  - (b) state that the person satisfies the criteria for the grant of permanent residence in their own right; and
  - (c) enclose an evidence of identity document for the person; and
  - (d) enclose evidence, if required by the principal immigration officer, of the person having lived continuously in the Cook Islands,—
    - (i) in the case of a person who is not a New Zealand citizen, for at least 10 years; or
    - (ii) in the case of a person who is a New Zealand citizen, for at least 5 years.
- (3) The principal immigration officer may require evidence of a matter described in subclause (2)(d) if the principal immigration officer is unable to obtain adequate evidence from immigration records about the matter.
- (4) 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**

The principal immigration officer must, within 10 working days after the due date for lodging an expression of interest under regulation 8(4), contact the person who lodged the expression of interest and, if—

- (a) the expression of interest meets the requirements in regulation 8, invite the person to apply for permanent residence; or
- (b) the expression of interest does not meet the requirements in regulation 8, inform the person of that fact.

**10 Application for grant of permanent residence in own right**

(1) A person who is invited under regulation 9(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) An application—

- (a) must be made within 25 working days after the due date for lodging an expression of interest under regulation 8(4); and
- (b) may only be made while the applicant is living in the Cook Islands.

**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 and be living in the Cook Islands 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 completed a values or language programme; and
  - (d) 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; and
  - (e) 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; and
  - (f) comply with the requirements applying to applications for visas and permits 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)(e), community service means voluntary service for a community organisation that the principal immigration officer considers is acceptable (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) All of the applications must be referred to the Minister with a recommendation, in each case, 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.
- (3) The principal immigration officer must refer each application to the Minister within 10 working days after the later of the following dates:
  - (a) the due date for lodging the application (*see* regulation 10(2));
  - (b) the date on which a complete application or further specified information is provided, if regulation 11(2) applies.
- (4) The Minister must, within 20 working days after receiving each 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.
- (5) The principal immigration officer must notify each 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 of 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 Enea;
  - (b) among those applicants whose primary place of residence at the time of their application is in the Pa Enea, 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 Enea are New Zealand citizens, ranking among those applicants must be determined by length of residence in the Pa Enea, and the applicant with the longest total period of residence in the Pa Enea 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 Enuā are not New Zealand residents, ranking among those applicants must be determined by length of residence in the Pa Enuā, and the applicant with the longest total period of residence in the Pa Enuā 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 is in the Pa Enuā together with the number of persons who are already permanent residents for the purposes of section 37(1) of the Act is less 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.
- (4) In this regulation, Rarotonga is a person's primary place of residence at the time of their application if the person spent at least 9 months living there within the immediately preceding 12 months.

**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 later of the following dates:

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- (a) the due date for lodging an application (*see* regulation 10(2));
  - (b) the date on which a complete application or further specified information is provided, if regulation 11(2) applies.
- (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 (5), 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 the spouse of a Cook Islander or permanent resident (*see* regulation 5 and section 38(1)(b) of the Act).

#### **18 Expression of interest for grant of permanent residence on spouse ground**

- (1) A person expresses an interest in becoming a permanent resident under section 38(1)(b) of the Act by—
- (a) lodging an expression of interest under this regulation; and
  - (b) paying the prescribed fee.
- (2) An expression of interest must be in the form approved by the principal immigration officer and must—
- (a) state the person’s intention to become a permanent resident; and
  - (b) state that the person satisfies the criteria for the grant of permanent residence on the spouse ground; and
  - (c) enclose an evidence of identity document for the person; and
  - (d) enclose evidence, if required by the principal immigration officer, of the person having lived continuously in the Cook Islands,—
    - (i) in the case of a person who is not a New Zealand citizen, for at least 10 years; or
    - (ii) in the case of a person who is a New Zealand citizen, for at least 5 years.
- (3) The principal immigration officer may require evidence of a matter described in subclause (2)(d) if the principal immigration officer is unable to obtain adequate evidence from immigration records about the matter.
- (4) 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.

- 19 Invitation to apply for grant of permanent residence on spouse ground**  
The principal immigration officer must, within 10 working days after the due date for lodging an expression of interest under regulation 18(4), contact the person who lodged the expression of interest and, if—
- (a) the expression of interest meets the requirements in regulation 18, invite the person to apply for permanent residence; or
  - (b) the expression of interest 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 the 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(4); 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 provide evidence acceptable to the principal immigration officer that this is the case, and that the relationship is genuine and stable; 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 that the marriage or de facto relationship is of at least 5 years' duration; and
  - (d) provide evidence acceptable to the principal immigration officer of the applicant having completed a values or language programme; and

- (e) 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 (if the prescribed fee has been paid) refer an application received under regulation 20 to the Minister within 10 working days after the later of the following dates:
  - (a) the due date for lodging an application (*see* regulation 20(2));
  - (b) if regulation 21(2) applies, the date on which a completed application form or further specified information is provided.
- (2) When the application is referred to the Minister, it must be accompanied by a recommendation by the principal immigration officer based 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 (and for this purpose, an applicant must be treated as living in the Cook Islands if their home is in the Cook Islands but they are studying overseas).

**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 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.

**27 Criteria for assessing application by eligible child**

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 a certified copy of a birth certificate showing the name or names of 1 or both of the child's parents; or
  - (ii) an original or a certified copy of adoption papers showing that the child has been legally adopted by a parent or guardian; or
  - (iii) an original or a certified copy of a parenting order that has force in the Cook Islands; and
- (g) comply with the requirements that apply to applications for visas or permits 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, at intervals of no more than 3 months, refer any completed application forms received under regulation 25 (for which the prescribed fee has been paid) to the Minister.
- (2) The principal immigration officer must also, in each case, 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.
- (5) If a large number of applications under this section are being considered or otherwise dealt with at the same time, the principal immigration officer or the Minister need not comply with the time requirements stated in this regulation but instead must refer, decide, or notify an application or applicant (as relevant) as soon as practicable in each case.

#### 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 as 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 by descent**

- (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.
- (2) The principal immigration officer must notify the applicant in writing, within 10 working days after making the decision under subclause (1), whether a certificate has been issued or the application has been declined.

#### 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—

- (a) contact the person directly and invite them to provide any information to show that their permanent residence status should not be revoked because the criteria in section 51 have not been met; or
- (b) if the person cannot reasonably be contacted directly, publish 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 at least 3 times within a period of 20 working days; 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 Visas and permits**

**35 General requirements where visa or permit waiver applies**

Any person without continuing rights who wishes to travel to, enter, or stay in the Cook Islands and is subject to a waiver under subpart 1 of this Part from obtaining a visa or permit must—

- (a) hold an acceptable evidence of identity document; and
- (b) not be a prohibited person (unless the Minister grants a waiver under the Act); and



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- (c) be a person of good character (unless the Minister grants a waiver under the Act); and
- (d) meet any health requirement imposed by the principal immigration officer (unless the Minister of Health grants a waiver of that requirement); and
- (e) have sufficient funds or sponsorship while in the Cook Islands; and
- (f) have an onwards travel plan.

Subpart 1—Visa and permit waivers

**36 Crew members of aircraft or ships**

- (1) A crew member of an aircraft or a ship that has travelled to the Cook Islands is exempt from the requirement to obtain a visa or permit if—
  - (a) the person’s stay in the Cook Islands does not exceed 72 hours; and
  - (b) the person complies with subclause (2).
- (2) The crew member must not apply for a permit or permit waiver to stay in the Cook Islands except with the prior approval of the principal immigration officer.
- (3) A person to whom subclause (1) applies must, as a condition of their exemption from obtaining a visa or permit,—
  - (a) leave the Cook Islands within 72 hours of arriving; and
  - (b) leave the Cook Islands—
    - (i) on the ship or aircraft they arrived on; or
    - (ii) on another ship or aircraft, or by other means, if approved by the principal immigration officer.

**37 Visitors to Cook Islands**

- (1) A person without continuing rights who intends to travel to, enter, and stay in the Cook Islands as a visitor for less than 90 days (for New Zealand citizens), or 31 days (for those who are not New Zealand citizens), is exempt from the requirement to obtain a visa if the purpose of their visit is 1 or more of the following:
  - (a) holidaying;
  - (b) sightseeing;
  - (c) visiting family or others;
  - (d) volunteering for no gain or reward;
  - (e) playing sport for no gain or reward;
  - (f) exploring a business or employment opportunity.
- (2) A person to whom subclause (1) applies must, as a condition of their exemption from obtaining a visa,—
  - (a) report on arrival in the Cook Islands to a designated officer; and
  - (b) complete an arrival card and be granted a visitor permit on arrival in the Cook Islands to stay in the Cook Islands; and
  - (c) obtain, and comply with all the requirements of, a visitors permit during their stay in the Cook Islands.

**38 Cruise ship passengers**

- (1) A person without continuing rights who arrives in the Cook Islands on a commercial cruise ship carrying passengers for the purpose of leisure travel is exempt from the requirement to obtain a visa or a permit if their reason for staying in the Cook Islands is that they are holidaying or sightseeing.
- (2) A person to whom subclause (1) applies must, as a condition of their exemption from obtaining a visa or permit,—
  - (a) leave the Cook Islands within 72 hours of arriving; and
  - (b) leave the Cook Islands—
    - (i) on the ship they arrived on; or
    - (ii) on another ship, an aircraft, or by other means, if approved by the principal immigration officer.

Subpart 2—Rules for granting visas and permits of different types

**39 Requirements of applicants for visas or permits**

A person who applies for a visa or a permit, or both, must—

- (a) provide, in a manner approved by the principal immigration officer,—
  - (i) original and unaltered documents required for the application or certified copies of those documents; and
  - (ii) if those documents are not in English, certified translations into English of those documents; and
  - (iii) an acceptable evidence of identity document; and
- (b) not be a prohibited person; and
- (c) have an acceptable standard of health; and
- (d) have sufficient funds or sponsorship; and
- (e) meet the criteria to qualify for the visa or permit type they are applying for.

**40 Criteria to qualify for resident visa or permit**

- (1) The criteria that must be satisfied for a person to qualify for a resident visa or permit of a type set out in the first column of Schedule 2 are set out in the relevant descriptions in the first column and the second column relating to the particular visa or permit type.
- (2) The conditions that apply on the grant of a resident visa or permit of a type set out in the first column of Schedule 2 are set out in the third column descriptions relating to that visa or permit type.

**41 Criteria to qualify for work or investor visa or permit**

- (1) The criteria that must be satisfied for a person to qualify for a work or an investor visa or permit of a type set out in the first column of Schedule 3 are set out in the relevant descriptions in the first column and the second column relating to the particular visa or permit type.
- (2) The conditions that apply on the grant of a work or an investor visa or permit of a type set out in the first column of Schedule 3 are set out in the third column descriptions relating to that visa or permit type.

**42 Criteria to qualify for international child, adult student, research, or intern visa or permit**

- (1) The criteria that must be satisfied for a person to qualify for an international child, adult student, research, or intern visa or permit of a type set out in the first column of Schedule 4 are set out in the relevant descriptions in the first column and the second column relating to the particular visa or permit type.
- (2) The conditions that apply on the grant of a student visa or permit of a type set out in the first column of Schedule 4 are set out in the third column descriptions relating to that visa or permit type.

**43 Criteria to qualify for visitor visa or permit**

- (1) The criteria that must be satisfied for a person to qualify for a visitor visa or permit of a type set out in the first column of Schedule 5 are set out in the relevant descriptions in the first column and second column relating to the particular visa or permit type.
- (2) The conditions that apply on the grant of a visitor visa or permit of a type set out in first column of Schedule 5 are set out in the third column descriptions relating to that visa or permit type.

**44 Criteria to qualify for special or interim visa or permit**

- (1) The criteria that must be satisfied for a person to qualify for a special or interim visa or permit of a type set out in the first column of Schedule 6 are set out in the relevant descriptions in the first column and second column relating to the particular visa or permit type.
- (2) The conditions that apply on the grant of a special or interim visa or permit of a type set out in the first column of Schedule 6 are set out in the third column descriptions relating to that visa or permit type.

**Part 3**

**Sponsorship and bonds**

**Subpart 1—Sponsorship**

**45 Who can be sponsor**

A natural person, a department or state-owned enterprise, an island government, other government agency, or any body that has a legal identity recognised under Cook Islands law and can be sued in its own right can be a sponsor.

**46 What sponsors must do**

A sponsor must—

- (a) make their application in English and provide all supporting documents in English; and
- (b) not owe any debt to the Department (including outstanding fines or fees); and
- (c) provide evidence to the principal immigration officer that they have sufficient funds to meet their obligations under the sponsorship arrangement; and
- (d) provide evidence to the principal immigration officer of any accommodation they are able to provide and the standard of that accommodation; and
- (e) not be insolvent or have been declared bankrupt; and
- (f) be able to maintain their sponsorship of a person for the duration of any visa or permit, or visa or permit waiver, granted to that person; and
- (g) not enter into an agreement with the person being sponsored or any other person for—
  - (i) any financial or other gain or reward (including benefits in kind) in return for agreeing to act as a sponsor; or
  - (ii) any reimbursement of any moneys paid as a result of the sponsorship; and
- (h) not have made, or be suspected by the principal immigration officer of having made, a false declaration in relation to an immigration or employment matter or process; and
- (i) pay any amounts incurred as a debt to the Crown as a consequence of the sponsorship, within 20 working days of being invoiced; and
- (j) comply with regulations 47 to 52 (as applicable).

**47 Sponsors must sign declaration**

A sponsor must sign a declaration in the form set out in Schedule 7.

**48 Required standard of accommodation provided by sponsor**

Accommodation provided by a sponsor to a person being sponsored must, at a minimum,—

- (a) satisfy the building health standards under section 13 of the Public Health Act 2004 (which sets out what is acceptable accommodation); and
- (b) include a watertight, enclosed building with operational doors and windows; and
- (c) be maintained to the extent necessary to protect the occupants from any health and safety risks that exist at the accommodation.

**49 Sponsors who are natural persons must be acceptable to principal immigration officer and satisfy other criteria**

- (1) A natural person who applies to be a sponsor must be, in the opinion of the principal immigration officer, acting in their absolute discretion, an acceptable person to act as a sponsor.

- (2) A natural person who applies to be a sponsor must—
- (a) not have acted in breach of any previous sponsorship obligation, unless the principal immigration officer considers that the previous breach should not prevent the person from acting as a sponsor in the circumstances of the particular application; and
  - (b) be a person with continuing rights, or a person who—
    - (i) is the holder of a resident, work, or investor permit that will continue in force throughout the entire period of the sponsorship; and
    - (ii) will be residing in the Cook Islands as their home during the entire period of the sponsorship; and
  - (c) not be sponsored under these regulations at the same time as they act as a sponsor under these regulations; and
  - (d) not be serving a sentence of imprisonment or other custodial sentence; and
  - (e) not be awaiting sentence after being convicted of an offence punishable by imprisonment; and
  - (f) not be unlawfully in the Cook Islands or liable for removal or deportation from the Cook Islands; and
  - (g) not be a person whose liability for removal or deportation is currently suspended.
- (3) If a sponsor is the holder of a resident, work, or investor permit that is cancelled during the period of the sponsorship, the person who is sponsored may apply to the principal immigration officer, before the expiry of the permit, to—
- (a) have the criteria of their permit changed to no longer require sponsorship; or
  - (b) be sponsored by a new sponsor.

**50 Person who applies to sponsor spouse or child**

A natural person who applies to sponsor their spouse, a dependant, or a child (whether or not they are the parent or guardian of the child) must be a person of good character and must not—

- (a) have any convictions for sexual offences or domestic violence, or related offences; or
- (b) in the case of a spouse, have sponsored another spouse within the previous 5 years.

**51 Sponsors that are government departments, state-owned enterprises, or other government agencies**

A government department, a state-owned enterprise, an island government, or other government agency that applies to act as a sponsor must have the agreement of the head or chief executive of that department, state-owned enterprise, island government, or agency (however that position is described) to the making of the application.

**52 Sponsors that are bodies corporate or unincorporated societies**

- (1) Any sponsor that is a body corporate or an unincorporated society (other than a sponsor to which regulation 51 applies) must be a body that, in the opinion of the principal immigration officer, acting in their absolute discretion, is an acceptable body to act as a sponsor.
- (2) A body referred to in subclause (1) must be recognised under Cook Islands law as a separate legal entity.
- (3) A body referred to in subclause (1) that applies to be a sponsor must—
  - (a) be registered with the Ministry of Justice; and
  - (b) if a foreign enterprise, be registered with the Business Trade and Investment Board; and
  - (c) previously have complied with Cook Islands laws, including the following:
    - (i) immigration laws;
    - (ii) laws applying to businesses;
    - (iii) taxation laws;
    - (iv) laws relating to investment;
    - (v) laws relating to health and safety;
    - (vi) employment laws; and
  - (d) not be under investigation by, or of concern to—
    - (i) the Department;
    - (ii) the Police;
    - (iii) the Ministry of Internal Affairs;
    - (iv) the Ministry of Justice;
    - (v) the Ministry of Finance and Economic Management;
    - (vi) the Business Trade and Investment Board; and
  - (e) be able to demonstrate that it—
    - (i) has sound resources, policies, and practices; and
    - (ii) enters into written employment agreements under the Employment Relations Act 2012 with employees who do not have continuing rights.

**53 Financial obligations of sponsors**

- (1) The amount of funds required for a person to be a sponsor are specified in, or calculated in accordance with, tables issued from time to time by the principal immigration officer.
- (2) The amount of funds specified may differ—
  - (a) as between Rarotonga and the Pa Enea; and
  - (b) as between different islands in the Pa Enea.

Subpart 2—Bonds

**54 Principal immigration officer may require payment of bond**

- (1) The principal immigration officer may, acting in their absolute discretion, require an applicant for a visa or permit to pay a bond.
- (2) The amount of any bond that may be required is in the absolute discretion of the principal immigration officer, but must not exceed \$10,000.

**55 Bond to be paid before visas, permits, etc, issued**

If the principal immigration officer requires an applicant to pay a bond, that bond must be paid to the Department and available to the Department before the visa or permit to which it relates is issued.

**56 Restrictions on conduct of bond payer**

- (1) The bond may be paid to the Department by the applicant or by another person.
- (2) However, if the bond is paid by another person, that person must not—
  - (a) pay the bond for the purpose of obtaining any financial or other kind of gain or reward; or
  - (b) use any mechanism to charge the person who is the subject of the bond in return for payment of the bond (whether financial or by other means).
- (3) The applicant or any other person who pays a bond must be advised (and acknowledge in writing receipt of that advice) that,—
  - (a) if the applicant does not comply with their immigration obligations, the bond may be forfeited, in whole or in part; and
  - (b) if the person is eligible to have the bond refunded, the person—
    - (i) must apply to the principal immigration officer within 12 months of the date on which the person becomes eligible for a refund; and
    - (ii) if they fail to do so, the bond may be forfeited.

**57 Actions to be taken after payment of bond**

- (1) The principal immigration officer must—
  - (a) issue a receipt to any person who pays a bond; and
  - (b) keep a record of all bonds paid to the Department and the date on which a person who paid a bond becomes eligible for a refund.
- (2) A person who pays a bond may claim a refund, in a form approved by the principal immigration officer, after the conditions of the visa or permit have been complied with.

## **Part 4 Applications**

### **Subpart 1—Form of applications**

**58 Language and format requirements for documents**

- (1) An application under these regulations, 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.
- (3) The principal immigration officer may require that any types of applications and documents be submitted in electronic form.

**59 Requirement for certified translations**

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 60; 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.

**60 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 59(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—
  - (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.

**61 Principal immigration officer may impose additional requirements**

The principal immigration officer may do 1 or more of the following:

- (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 59 and 60:



- (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.

## Subpart 2—Material change of circumstances

### **62 Obligation to notify principal immigration officer of material change in circumstances**

- (1) This regulation applies to any application made under these regulations.
- (2) The applicant must promptly notify the principal immigration officer of any material change in circumstances, described in regulation 63, that occurs—
  - (a) before the applicant is notified of the decision on the application; or
  - (b) after the applicant is notified of the decision on the application but before the permanent residence, visa, permit, or waiver that is the subject of the application is granted.
- (3) The requirement to notify the principal immigration officer of any material change in circumstances is also a condition of every visa or permit (however granted).

### **63 What is material change in circumstances**

- (1) The following changes in circumstances are material to any application made under these regulations:
  - (a) the death of any person relevant to the application, including—
    - (i) the applicant’s spouse;
    - (ii) any dependent child of the applicant;
    - (iii) any responsible parent or guardian of the applicant;
    - (iv) any sponsor, education provider, intern provider, or other person supporting the application (irrespective of the nationality or immigration status of that person):
  - (b) the separation of the applicant from their spouse, if the spouse—
    - (i) was a party to the application; or
    - (ii) was a person with continuing rights who was sponsoring or otherwise supporting the application; or
    - (iii) provided any evidence to support the application; or
    - (iv) 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; or

- (v) any sponsor of the applicant or any other person supporting the application.
- (2) The following changes in circumstances are material to any application under these regulations other than an application for permanent residence:
- (a) any change to the standard of health, including the identification or diagnosis of a condition that might pose a danger to public health or impose significant costs or demands on the Cook Islands publicly funded health services (see definition in regulation 68), 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; or
    - (v) any other party to the application:
  - (b) any change to the applicant’s health status (for example, if the applicant has become pregnant since making the application) that could reasonably affect the applicant’s ability to carry out the work that they will be entering the Cook Islands to carry out:
  - (c) any change to the applicant’s ability to maintain sufficient funds for the duration of their stay in the Cook Islands, including the ability to provide funds for, or receive funds from,—
    - (i) the applicant’s spouse; or
    - (ii) any dependent child of the applicant; or
    - (iii) any responsible parent or guardian of the applicant; or
    - (iv) any other party to the application, for example, a sponsor or an employer:
  - (d) in relation to an application for a work, investor, student, or special visa or permit, any change to the ability to maintain an onwards travel plan for the duration of the permit of—
    - (i) any person who was granted a visa or permit as a consequence of the application; or
    - (ii) any responsible parent or guardian of the applicant:
  - (e) any material change to, or withdrawal of, the applicant’s sponsorship, if the application is, or is to be, sponsored by any natural person, government department, state-owned enterprise, other government agency, body corporate, or incorporated society:
  - (f) any material change to, or withdrawal from, an employment agreement or other written agreement between the applicant and an employer, education provider, or intern provider, including —
    - (i) a decrease in the applicant’s hours of work or study; or
    - (ii) a decrease in the rate of pay for, or total amounts payable to, the applicant; or
    - (iii) a decrease in other benefits or rewards; or
    - (iv) a change of the island where the applicant undertakes the work or study that is the subject of the visa or permit.

### Subpart 3—Evidence of identity documents

#### **64 Evidence of identity document required**

- (1) A person without continuing rights who applies for a visa or permit, or a visa or permit waiver, must hold an evidence of identity document that is of sufficient quality to act as proof of their identity.
- (2) The person must hold the evidence of identity document at all times during the currency of their visa, permit, or visa or permit waiver and the document must—
  - (a) be valid for the duration of the visa, permit, or visa or permit waiver applied for; and
  - (b) remain valid for a period of 6 months after the expiry of the visa, permit, or visa or permit waiver.
- (3) An evidence of identity document must be a document of the kind set out in regulation 65.

#### **65 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.

### Subpart 4—Requirements relating to character

#### **66 Character requirements for applicants who do not have continuing rights**

- (1) A person without continuing rights who intends to travel to, enter, and stay in the Cook Islands must, in the opinion of the principal immigration officer, be of good character.
- (2) A person aged 13 years or over without continuing rights who arrives in the Cook Islands and intends to stay in the Cook Islands must make the declaration relating to their character required by their arrival card.

- (3) A person aged 12 years or under without continuing rights who arrives in the Cook Islands accompanied by a parent or guardian and intends to stay in the Cook Islands must have the declaration relating to their character required by their arrival card completed by their parent or guardian.
- (4) For the purposes of these regulations, in deciding whether a person is of good character 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) if regulation 67 applies, a police certificate supplied under that regulation.

**67 Police certificate**

- (1) A person aged 18 years or over without continuing rights who intends to travel to, enter, and stay in the Cook Islands for more than 6 months must provide the principal immigration officer with a certificate (however described) relating to the character and criminal record of that person from the police—
  - (a) in the country of which they are a citizen; and
  - (b) in each other country in which they have lived continuously for 6 months or more during the previous 5 years (including the Cook Islands, if relevant).
- (2) The principal immigration officer may exempt any person from complying with the requirement to provide a police certificate if satisfied that the person cannot practicably comply.

**Subpart 5—Health requirements**

**68 Interpretation**

In this subpart, publicly funded health services means health services funded in whole or in part by the Government of the Cook Islands, including (without limitation)—

- (a) a hospital;
- (b) a residential care facility;
- (c) high-cost pharmaceuticals;
- (d) high-cost disability services;
- (e) special education and support.

**69 Persons without continuing rights must have acceptable standard of health**

A person without continuing rights who applies to travel to, enter, or stay in the Cook Islands must have an acceptable standard of health.

**70 Meaning of acceptable standard of health**

- (1) In these regulations, a person has an acceptable standard of health if the person—
  - (a) does not have a condition listed in Part 1 of Schedule 8 and—

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- (i) does not have a condition listed in Part 2 of Schedule 8; or
  - (ii) has a condition listed in Part 2 of Schedule 8 but has been medically assessed and—
    - (A) the medical assessment concludes that subclauses (1)(c) to (e) apply to the person; or
    - (B) the principal immigration officer considers that, taking into account any insurance package held by the person, subclauses (1)(c) to (e) apply to the person; and
  - (b) does not need to be screened or quarantined to check for any infectious disease or other condition; and
  - (c) is unlikely to impose significant costs or demands on the publicly funded health services or special education services of the Cook Islands; and
  - (d) is sufficiently well to be able to safely do the things or undertake the activities that they came to the Cook Islands to do or undertake; and
  - (e) is unlikely for any other reason to be a danger to public health.
- (2) In this regulation, medically assessed means medically assessed in accordance with procedures set out in immigration policy or approved by the Secretary of Health.

**71 Declaration as to acceptable standard of health**

- (1) A person aged 13 years or over without continuing rights who arrives in the Cook Islands and intends to stay in the Cook Islands must make the declaration required by their arrival card relating to their standard of health.
- (2) A child aged 12 years or under without continuing rights who arrives in the Cook Islands accompanied by a parent or guardian and intends to stay in the Cook Islands must have the declaration required by their arrival card relating to their standard of health completed by their parent or guardian.

**72 Full health test**

- (1) A person without continuing rights who arrives in the Cook Islands and intends to stay in the Cook Islands for 6 months or more must—
  - (a) have had a full health test conducted overseas by an approved panel physician; and
  - (b) provide, or in the case of a child have their parent or guardian provide, a copy of a report by the approved panel physician on the test results.
- (2) The report must be provided to the Secretary of Health in the form, if any, approved by the Secretary of Health and the principal immigration officer.
- (3) The Secretary of Health must consider the report and advise the principal immigration officer whether, in the Secretary's opinion, the person has an acceptable standard of health.

**73 Secretary of Health may require further health information**

The Secretary of Health may require a further health check or other health information if the Secretary has reasonable grounds to believe that it is desirable in order to form an opinion under regulation 72(3).

## Subpart 6—Requirement for sufficient funds

- 74 Persons without continuing rights must have sufficient funds**
- (1) An adult without continuing rights who arrives in the Cook Islands and who intends to stay in the Cook Islands must—
- (a) have evidence of sufficient funds to support themselves, their spouse, and any dependent child while they are in the Cook Islands; or
  - (b) have a sponsor.
- (2) The amount of funds required for a person to have sufficient funds for the purposes of these regulations is specified in, or calculated in accordance with, tables issued from time to time by the principal immigration officer.
- (3) The amount of funds specified may differ—
- (a) as between Rarotonga and the Pa Enuu; and
  - (b) as between different islands in the Pa Enuu.
- 75 Only limited hours may be worked to produce sufficient funds**
- A person without continuing rights may not rely on an ability to, or an agreement that they can, work for more than 35 hours per week, for the purposes of assessing whether that person has sufficient funds.
- 76 Evidence of funds held by applicant**
- The following are evidence of the funds held by an applicant:
- (a) cash;
  - (b) traveller's cheques;
  - (c) a bank statement from a reputable bank or financial service provider showing funds in an account (whether in the Cook Islands or overseas) that the applicant has access to from the Cook Islands;
  - (d) bank drafts from a reputable bank or financial service provider showing funds in an account (whether in the Cook Islands or overseas) that the applicant has access to from the Cook Islands;
  - (e) recognised credit or debit cards in the name of the applicant;
  - (f) if the applicant has a specialist worker visa or permit, a letter of financial support from the applicant's home employer or home government.

## Subpart 7—Onwards travel plan requirement

- 77 Purposes of onwards travel plan requirement**
- The purposes of an onwards travel plan requirement for all persons without continuing rights who arrive in the Cook Islands are—
- (a) to protect the integrity of the Cook Islands immigration system; and
  - (b) to ensure that persons without continuing rights can leave the Cook Islands before the expiry of their permit or permit waiver; and
  - (c) to ensure that persons without continuing rights do not impose excessive costs on the Department or the Crown as a result of their removal or deportation.

- 78 Certain persons required to have on wards travel plan or pay bond**  
A person without continuing rights who applies for a visa or permit must have an on wards travel plan (see regulation 79) and a right to enter their next destination on that plan, or (if required by the principal immigration officer) pay a bond in the amount specified by the officer.
- 79 What constitutes evidence of on wards travel plan**  
Any of the following constitute evidence of an applicant’s on wards travel plan:
- (a) travel tickets (confirmed or open-dated) for travel from the Cook Islands to another country that the applicant has a right to enter:
  - (b) written confirmation from a reputable carrier or travel agent that on wards travel has been booked and paid for:
  - (c) a letter from the applicant’s employer, sponsor, or place of study guaranteeing that on wards travel will be arranged for the applicant (being a letter that is acceptable to the principal immigration officer, acting in their absolute discretion).

Subpart 8—Declaration to be signed by applicants

- 80 Applicant’s declaration**  
A person who applies for a residence, work, investor, student, special, or long-term visitor visa or permit must complete a declaration in the form set out in Schedule 9.

**Part 5**  
**Prescribed information requirements**

- 81 Information needed to register child born in Cook Islands to parents who are not Cook Islanders**  
If a child is born in the Cook Islands and neither parent is a Cook Islander, at least 1 of the parents must provide the following information to an immigration officer within 90 days of the birth of the child:
- (a) a copy of the child’s Cook Islands birth certificate:
  - (b) a copy of evidence that a passport has been applied for:
  - (c) evidence of the immigration status of the parents of the child at the time of the child’s birth:
  - (d) a copy of the birth parent’s evidence of identity document or, if this is not possible or practicable, one parent’s evidence of identity document:
  - (e) the parent’s telephone number in the Cook Islands:
  - (f) the parent’s email address:
  - (g) the parent’s contact address in the country in which the parent holds citizenship or is usually resident, or, if that is not possible or practicable, the contact address in another country in which the parent holds citizenship or is usually resident.

**82 Prescribed information to be supplied by carriers or persons in charge of ship arriving in Cook Islands**

For the purposes of section 108(2)(a) of the Act, the prescribed arrival information to be supplied (if known) by the carrier or person in charge of a ship no later than 48 hours before the arrival of the ship in the Cook Islands in respect of every person then known to be on board the ship (including crew and passengers) is the following:

- (a) the status of the person (that is whether the person is a passenger or a member of the crew):
- (b) the full name of the person:
- (c) the person's date of birth:
- (d) the type of travel document used by the person for booking the trip:
- (e) the travel document number, if any:
- (f) the expiry date of the travel document:
- (g) the country that issued the travel document:
- (h) the travel date:
- (i) the name and date of birth of each other person included in the travel party:
- (j) the intended date and time of arrival of the ship in the Cook Islands:
- (k) the intended place of arrival of the ship in the Cook Islands:
- (l) the name of the ship and the voyage or sailing number:
- (m) the berth number currently allocated to the passenger.

**83 Prescribed information to be supplied by carriers or persons in charge of aircraft arriving in Cook Islands**

For the purposes of section 109(2)(a) of the Act, the prescribed advance passenger and record information to be supplied by the carrier or person in charge of an aircraft no later than 76 hours before the aircraft departs from another country to the Cook Islands in respect of every person who is then known to be intending to board the aircraft is the following:

- (a) the status of the person (that is, whether the person is a passenger or a member of the crew):
- (b) the full name of the person:
- (c) the person's date of birth:
- (d) the type of travel document used by the person for booking the trip:
- (e) the person's nationality (as recorded in the travel document used for making the booking):
- (f) the travel document number, if any:
- (g) the expiry date of the travel document:
- (h) the country that issued the travel document:
- (i) the travel date:
- (j) the intended place of arrival of the aircraft in the Cook Islands:
- (k) the intended method of arrival (that is, commercial aircraft or private aircraft):



- (1) the flight number of the aircraft on which the traveller intends to travel to the Cook Islands.

**84 Prescribed information to be supplied by carriers or persons in charge of aircraft arriving in Cook Islands**

- (1) For the purposes of section 109(3)(a) of the Act, the prescribed arrival information to be supplied by the carrier or person in charge of an aircraft no later than 1 hour before the aircraft departs from another country to travel to the Cook Islands in respect of every person then known to be intending to board the aircraft (including crew and passengers) is listed in subclause (3).
- (2) For the purposes of section 109(4)(a) of the Act, the prescribed arrival information to be supplied by the carrier or person in charge of an aircraft as soon as practicable after the aircraft departs for the Cook Islands in respect of every person currently known to be on board the aircraft (including crew and passengers) is listed in subclause (3).
- (3) The prescribed arrival information referred to in subclauses (1) and (2) is the following:
  - (a) the status of the person (that is, whether the person is a passenger or a member of the crew):
  - (b) the full name of the person:
  - (c) the person's date of birth:
  - (d) the type of travel document used by the person for booking the trip:
  - (e) the person's nationality (as recorded in the travel document used for making the booking):
  - (f) the travel document number, if any:
  - (g) the expiry date of the travel document:
  - (h) the country that issued the travel document:
  - (i) the travel date and time of arrival:
  - (j) the name and date of birth of each other person included in the travel party:
  - (k) the intended place of arrival of the aircraft in the Cook Islands:
  - (l) the number of checked bags of each passenger:
  - (m) the intended date and time of arrival of the aircraft in the Cook Islands:
  - (n) the flight number of the aircraft.

**85 Information that carrier or person in charge of ship or aircraft must check is held by all passengers en route to Cook Islands**

For the purposes of section 110(a) of the Act (which requires the carrier and the person in charge of any ship or aircraft to ensure that all persons boarding the ship or aircraft have the information required by the regulations), that information is—

- (a) one of the following evidence of identity documents that is original, undamaged, and valid:
  - (i) a passport:
  - (ii) a refugee travel document:
  - (iii) a certificate of identity:

- (iv) a military identity document along with movement orders specifying that the passenger is travelling to Cook Islands in the course of duties;
- (v) a laissez-passer; and
- (b) evidence of an onwards travel plan, unless the passenger has evidence—
  - (i) of being a Cook Islander holding a passport with a Cook Islands status endorsement; or
  - (ii) of their permanent resident status in the Cook Islands endorsed in their passport; or
  - (iii) of holding a resident visa or permit (either in their passport or a written letter of grant).

**86 Form in which information by carriers and persons in charge of ship or aircraft must be provided to principal immigration officer**

Information that is required to be provided to the principal immigration officer by a carrier or person in charge of a ship or aircraft must—

- (a) be provided in a form and using the indicators from time to time required by the principal immigration officer; and
- (b) be encrypted using a mechanism from time to time required by the principal immigration officer; and
- (c) be sent by electronic mail to a person or an email address from time to time advised by the principal immigration officer.

**87 Required entry information**

On arrival in the Cook Islands, every person must provide the following information to an immigration officer or a designated officer:

- (a) the person's full name; and
- (b) the person's date of birth; and
- (c) the person's contact details (including telephone number, address and email address); and
- (d) the person's nationality (obtained from the travel document used for their travel); and
- (e) the person's travel document number (if any); and
- (f) the country that issued the person's travel document; and
- (g) the person's arrival date and departure date (for those without continuing rights); and
- (h) the name of the voyage or sailing number or flight number (as applicable) of the ship or aircraft on which the person travelled to the Cook Islands; and
- (i) the person's contact address while in the Cook Islands; and
- (j) an indication of whether the person is—
  - (i) a Cook Islander or permanent resident with an endorsement in their current valid passport; or
  - (ii) a person without continuing rights who is a resident, worker, investor, student, visitor, or special entrant.

**88 Additional information to be provided by person without continuing rights**

A person without continuing rights must on arrival in the Cook Islands also declare—

- (a) whether they have ever been convicted of a criminal offence in the Cook Islands or elsewhere and, if so, must provide details of that offence; and
- (b) whether they have ever been removed or deported from any other country, regardless of whether they are subject to a prohibition or ban on re-entry to that country; and
- (c) whether they meet any health requirement imposed by the principal immigration officer or have an acceptable standard of health (as relevant); and
- (d) whether they have sufficient funds for their stay in the Cook Islands; and
- (e) whether they have an onwards travel plan.

**89 Additional requirements of certain entrants**

A person without continuing rights who is a visitor or special entrant must, on arrival in the Cook Islands, state their intended date of departure.

**90 Departure information from certain locations**

A person who is departing from the Cook Islands from a designated place and who is a member of a class of persons that the principal immigration officer has decided must provide any of the following prescribed departure information must provide that information to an immigration officer or a designated officer:

- (a) their full name:
- (b) their date of birth:
- (c) their contact details (including telephone number, address, and email address):
- (d) their nationality (obtained from the travel document used for their travel):
- (e) their travel document number (if any):
- (f) their travel document expiry date:
- (g) the country that issued their travel document:
- (h) their travel date:
- (i) the name of the voyage or sailing number or flight number (as applicable) of the ship or aircraft on which the person intends to depart from the Cook Islands:
- (j) the purpose of their departure if the person is not a visitor to the Cook Islands.

**Part 6**

**Miscellaneous**

**91 Information to be contained in notice of administrative offence**

The information that must be contained in a notice of an administrative offence (*see* section 220 of the Act) is set out in Schedule 10.

- 92 Forms of arrival and departure card**  
The forms of arrival and departure card are those issued from time to time by the principal immigration officer.
- 93 Fees**  
The fees payable on application for a matter under the Act are set out in Schedule 11.
- 94 Warrant of commitment**  
A warrant of commitment must be in the form set out in Schedule 12.
- 95 Revocation**  
The Cook Islands Immigration Regulations 2022 are revoked.

**Schedule 1**  
**Form of oath for section 44 of the Act**

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“I, [*full name*], do solemnly and sincerely declare, that I will be faithful and bear true allegiance to His Majesty King Charles III as the Head of State of the Cook Islands, His 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

### Resident visas and permits

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>1 Resident Spouse Visa and Permit:</b></p> <p>A resident spouse is a life partner of a person with continuing rights who is in a marriage, civil union, or de facto relationship of at least 5 years duration, with that person and it is genuine and stable (and likely to endure).</p>	<p><b>1 Where to apply:</b></p> <p>A person without continuing rights may apply for a Resident Spouse Visa and Permit from onshore or offshore, but not at the border.</p> <p><b>2 Who may be included in an application:</b></p> <p>(a) an application for a Resident Investor Visa and Permit can be made at the same time as an application for a Resident Spouse Visa and Permit:</p> <p>(b) an application for a Resident Child Visa and Permit can be made at the same time as the child's parent or guardian makes an application for a Resident Spouse Visa and Permit.</p> <p><b>3 Application criteria:</b></p> <p>An applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, and health:</p> <p>(b) must meet the general requirements of evidence of sufficient funds for themselves, and if applicable, any dependent children, or must have a sponsor:</p>	<p><b>1 Conditions:</b></p> <p>The applicant must—</p> <p>(a) hold a valid evidence of identity document:</p> <p>(b) comply with Cook Islands law at all times:</p> <p>(c) notify the principal immigration officer of any material change in circumstances:</p> <p>(d) maintain sufficient funds for themselves and any dependent child or maintain sponsorship:</p> <p>(e) maintain a genuine and stable relationship with the spouse due to whom their visa and permit was granted:</p> <p>(f) comply with any relevant legislation or rules that are relevant to their permission to work in the Cook Islands, or to purchase or start a business:</p> <p>(g) if starting a business or when gaining employment for the first time,—</p> <p>(i) within two weeks of the start, enrol at their own expense in a values or</p>

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Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>2 Resident Child Visa and Permit:</b> A resident child is a child under the age of 18 years old whose parent or guardian has parental responsibility for them (within the</p>	<p>(c) must provide evidence that their relationship with their spouse is:</p> <ul style="list-style-type: none"> <li>(i) genuine; and</li> <li>(ii) stable; and</li> <li>(iii) likely to endure:</li> </ul> <p>(d) must be in a monogamous relationship (with only one person):</p> <p>(e) must pay the prescribed fee.</p>	<p>language programme offered by a government education provider or registered private school approved by Cook Islands Immigration); or</p> <p>(ii) complete the first available values or language programme without unreasonable delay or have evidence of completing of the course while holding an earlier permit.</p>
	<p><b>1 Where to apply:</b> An applicant who is not a Cook Islander may apply for a Resident Child Visa and Permit from onshore or offshore, but not at the border.</p>	<p><b>2 Special permissions:</b> The applicant—</p> <ul style="list-style-type: none"> <li>(a) may work or study in the Cook Islands (but must comply with all permit conditions related to starting a business or gaining employment):</li> <li>(b) may engage in unlimited travel, and stay in the Cook Islands, for— <ul style="list-style-type: none"> <li>(i) five years from the date of grant, where granted to the spouse of a Cook Islander or permanent resident:</li> <li>(ii) three years from the date of grant, where granted to the spouse of a resident investor.</li> </ul> </li> </ul> <p><b>1 Conditions:</b> The following conditions apply:</p> <ul style="list-style-type: none"> <li>(a) the applicant must hold a valid evidence of identity document:</li> </ul>

Type and description	Criteria to qualify	Conditions on visa and permit
meaning of section 34 of the Family Protection and Support Act 2017) and the parent or guardian is the spouse of a Cook Islander, permanent resident	<p><b>2 Who may be included in an application:</b></p> <p>An application for a Resident Child Visa and Permit can be made by a parent or guardian at the same time as the parent or guardian makes a Resident Spouse or Resident Investor Visa and Permit application.</p>	<p>(b) the applicant must comply with Cook Islands law at all times:</p>
	<p><b>3 Application criteria:</b></p> <p>An applicant must meet the following criteria:</p>	<p>(c) the applicant must notify the principal immigration officer of any material change in circumstances:</p>
	<p>(a) the applicant must meet general requirements related to translations, evidence of identity, character, and health:</p>	<p>(d) the applicant’s parent or guardian must maintain sufficient funds for themselves and the dependent child, or the dependent child must maintain sponsorship:</p>
	<p>(b) the applicant must have a parent or guardian who is approved for a Resident Spouse or Resident Investor Visa and Permit or a parent or guardian who is a Cook Islander or a permanent resident:</p>	<p>(e) the applicant’s parent or guardian must hold a Resident Spouse or Resident Investor Visa and Permit, or be a Cook Islander or permanent resident:</p>
	<p>(c) the applicant’s parent or guardian must meet the evidence of sufficient funds requirement for themselves and the dependent child, or the dependent child must have sponsorship:</p>	<p>(f) (if applicable) the parent or guardian of the applicant must maintain a genuine and stable monogamous relationship with the spouse due to whom their visa and permit was granted:</p>
	<p>(d) the applicant must be single (the dependent child cannot have a spouse of their own):</p>	<p>(g) if starting a business or when gaining employment for the first time the applicant must,—</p>
	<p>(e) the applicant must provide—</p> <p>(i) an original birth certificate showing the names of their parent or parents; or</p>	<p>(i) within two weeks of the start, enrol at their own expense in a values or language programme offered by a government education provider or registered private school approved by Cook Islands Immigration); or</p>



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Type and description	Criteria to qualify	Conditions on visa and permit
	<ul style="list-style-type: none"> <li>(ii) adoption papers showing that they have been legally adopted by their parent or guardian:</li> <li>(f) the applicant must provide evidence of their parent or guardian’s right to bring them to the Cook Islands:</li> <li>(g) the applicant must pay the prescribed fee.</li> </ul>	<ul style="list-style-type: none"> <li>(ii) must complete the first available values or language programme without unreasonable delay or have evidence of completing of the course while holding an earlier permit.</li> </ul> <p><b>Special permissions:</b> The applicant,—</p> <ul style="list-style-type: none"> <li>(a) if 19 years old or under may study in the Cook Islands in a government school or registered private school:</li> <li>(b) if over the age of 16 years may work or study in the Cook Islands (but must comply with all permit conditions related to starting a business or gaining employment):</li> <li>(c) may engage in unlimited travel, and stay, in the Cook Islands for— <ul style="list-style-type: none"> <li>(i) five years from the date of grant, where granted to the dependent child of a Cook Islander or permanent resident:</li> <li>(ii) three years from date of grant, where granted to the dependent child of a Resident Investor:</li> <li>(iii) a resident child visa and permit remains in force until its expiry date even if the holder ceases to be a child.</li> </ul> </li> </ul>

## Schedule 3

### Work and investor visas and permits

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>1 Government Worker Visa and Permit:</b></p> <p>(1) A government worker is a person without continuing rights travelling to, entering, and staying in the Cook Islands as a fixed-term employee of a Government agency or as a worker on a Government-endorsed programme or initiative who intends to reside in the Cook Islands for the duration of their employment or contract.</p> <p>(2) A government worker can be a volunteer in a Government-endorsed programme who wants to apply to reside in the Cook Islands for a duration longer than a visitor, or who is receiving some gain or reward for their volunteer services, such as accommodation or a stipend.</p>	<p><b>1 Where to apply:</b></p> <p>(a) a person without continuing rights must apply for a Government Worker Visa and Permit from offshore, unless they already hold a work class permit onshore:</p> <p>(b) no applications for a Government Worker Visa or Permit can be made at the border.</p> <p><b>2 Who may be included in an application:</b></p> <p>(a) an application for a Special Spouse Visa and Permit can be made at the same time as an application for a Government Worker Visa and Permit is made:</p> <p>(b) an application for an International Child Visa and Permit can be made at the same time as an application for a Government Worker Visa and Permit is made.</p> <p><b>3 Application criteria:</b> An applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, and health:</p> <p>(b) must meet the general requirements of maintaining sufficient funds for themselves, and if applicable, any</p>	<p><b>1 Conditions:</b></p> <p>The applicant—</p> <p>(a) must hold a valid evidence of identity document:</p> <p>(b) must comply with Cook Islands law:</p> <p>(c) must notify the principal immigration officer of any material change in circumstances:</p> <p>(d) must maintain sufficient funds for themselves and any spouse or dependent child or maintain sponsorship:</p> <p>(e) must maintain an onwards travel plan:</p> <p>(f) must undertake only the work they are contracted for.</p> <p><b>2 Special permission:</b></p> <p>The visa holder can engage in unlimited travel, and the permit provides for staying in the Cook Islands for the duration of the worker's contract for up to three years from the date of grant.</p>

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**Type and description**

**Criteria to qualify**

**Conditions on visa and permit**

- dependent children, or must have a sponsor:
- (d) must agree to sharing of information and documents between Cook Islands Immigration and the government agency that has made a job offer or endorsed the programme or initiative under which they are employed or intend to volunteer:
  - (e) must have a written—
    - (i) offer of employment or a written contract with a government agency that meets the minimum terms and conditions required by the Employment Relations Act 2012; or
    - (ii) contract that meets the minimum terms and conditions required by the Employment Relations Act 2012 with a registered business, registered private school or incorporated society that is supporting the government-endorsed programme or initiative and a letter of support from that Government agency; or
    - (iii) if the applicant is a volunteer, agreement with the government agency, or the business or incorporated

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>2 Specialist Worker Visa and Permit:</b></p> <p>A specialist worker is a person without continuing rights travelling to, entering, and staying in the Cook Islands for a defined period of time, no longer than 31 days at any one time and six months in any one year, to provide technical expert advice or specialist consultancy services, that have been contracted by the Government or a registered business or incorporated society in the Cook Islands.</p>	<p>society that is supporting the government-endorsed programme or initiative and a letter of support from that Government agency:</p> <p>(f) must pay the prescribed fee.</p> <p><b>1 Where to apply:</b> A person without continuing rights must apply for a Specialist Worker Visa and Permit from offshore.</p> <p><b>2 Who may be included in an application:</b> A Specialist Worker Visa and Permit applicant cannot include any spouse or dependent in their application.</p> <p><b>3 Application criteria:</b> An applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, health, evidence of sufficient funds, and onwards travel:</p> <p>(b) must agree to sharing of information and documents between Cook Islands Immigration and the BTIB to enable a shared decision-making process:</p> <p>(c) must have a contract with one of the following:</p> <p>(i) a Cook Islands Government agency, to provide technical expertise or specialist consulting services:</p>	<p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document:</p> <p>(b) must comply with Cook Islands law:</p> <p>(c) must notify the principal immigration officer of any material change in circumstances:</p> <p>(d) must maintain sufficient funds for themselves or maintain sponsorship:</p> <p>(e) must maintain an onwards travel plan:</p> <p>(f) must undertake only the work they are contracted for.</p> <p><b>2 Special permissions:</b></p> <p>(a) the visa holder may engage in unlimited travel to the Cook Islands for the duration of the contract for services for up to three years from the date of grant:</p> <p>(b) the permit provides for staying in the Cook Islands, for a duration of no longer than 31 days at any one time and six months in any one year, over the course of three years from the date of grant.</p>

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Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>3 International Worker Visa and Permit:</b> An international worker is a person without continuing rights, 18 years old or older, who has a written and lawful offer of employment with a registered business or incorporated society in the Cook Islands and wants to take up that offer of employment</p>	<ul style="list-style-type: none"> <li>(ii) a Cook Islands registered business or incorporated society, to provide goods or services in the Cook Islands (shared BTIB criteria):</li> <li>(iii) an overseas business working in the Cook Islands that the BTIB has approved as a foreign enterprise:</li> <li>(d) must pay the prescribed fee.</li> </ul> <p><b>1 Where to apply:</b></p> <ul style="list-style-type: none"> <li>(a) a person without continuing rights must apply for an International Worker Visa and Permit from offshore, unless they already hold a work class permit onshore:</li> <li>(b) no applications for an International Worker Visa or Permit may be made at the border.</li> </ul> <p><b>2 Who may be included in an application:</b></p> <ul style="list-style-type: none"> <li>(a) an application for a Special Spouse Visa and Permit can be made at the same time as an application for an International Worker Visa and Permit is made. This application must be made from offshore the first time it is made:</li> <li>(b) an application for an International Child Visa and Permit can be made at the same time as an application for an International Worker Visa and Permit is made. This application</li> </ul>	<p><b>1 Conditions:</b> The applicant—</p> <ul style="list-style-type: none"> <li>(a) must hold a valid evidence of identity document:</li> <li>(b) must comply with Cook Islands law:</li> <li>(c) must notify the principal immigration officer of any material change in circumstances:</li> <li>(d) must maintain sufficient funds for themselves and any spouse or dependent child or maintain sponsorship:</li> <li>(e) must maintain an onwards travel plan:</li> <li>(f) must undertake only the work they are contracted for:</li> <li>(g) must,— <ul style="list-style-type: none"> <li>(i) within two weeks of first arrival on an international worker permit, enrol (at their employer’s expense) in a values or language programme offered by a</li> </ul> </li> </ul>

**Type and description**

**Criteria to qualify**

**Conditions on visa and permit**

- must be made from offshore the first time it is made.
- 3 Application criteria:** An applicant—
- (a) must meet general requirements related to translations, evidence of identity, character, and health:
  - (b) must meet the general requirements of evidence of sufficient funds for themselves, and if applicable, their spouse and dependent children or must have a sponsor:
  - (c) must have the required evidence of an onwards travel plan or pay a bond for themselves, and if applicable, for their spouse and any dependent children:
  - (d) must have evidence of English language proficiency:
  - (e) must—
    - (i) have a written offer of employment in the Cook Islands that meets the minimum terms and conditions required by the Employment Relations Act 2012 and these regulations; and
    - (ii) have evidence that their prospective employer has—
      - (A) publicly advertised the availability of their vacant position; and

- government education provider or registered private school approved by Cook Islands Immigration):
  - (ii) must complete the first available values or language programme without unreasonable delay or have evidence of completing a course while holding an earlier permit.
- 2 Special permission:**  
 The visa holder can engage in unlimited travel, and the permit provides for staying in the Cook Islands for the duration of the worker’s contract for up to three years from the date of grant.

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Type and description	Criteria to qualify	Conditions on visa and permit
	<ul style="list-style-type: none"><li data-bbox="968 331 1241 586">(B) failed to fill the position with a suitable Cook Islander or permanent resident under the same terms and conditions as those offered to the international worker; and</li><li data-bbox="968 607 1241 813">(C) agreed to enrol them in, and allow them time off to attend, a values or language programme (unless they have already completed a programme); and</li><li data-bbox="816 829 1241 1247">(f) if the applicant has previously held an International Worker Permit, must have evidence of—<ul style="list-style-type: none"><li data-bbox="894 915 1241 1019">(i) holding a revenue division management number and having paid any required taxes and superannuation:</li><li data-bbox="894 1036 1241 1081">(ii) completing a values or language programme:</li></ul></li><li data-bbox="816 1097 1241 1247">(g) unless the applicant comes within a special skills category approved by the Minister, or is entitled to more favourable treatment under an international agreement (eg, Pacer Plus), must not have held more than</li></ul>	

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>4 Resident Investor Visa and Permit:</b> An investor is a person without continuing rights who—</p> <p>(a) is in the process of applying to the Business Trade and Investment Board (<b>BTIB</b>) to make a foreign direct investment or to be a foreign enterprise, and who has agreed to</p>	<p>two International Worker Permits immediately before the application is made, without having left the Cook Islands for a period of longer than one year (meaning that, unless the applicant has special skills or is entitled to more favourable treatment under an international agreement (eg, Pacer Plus) a stay as an international worker cannot extend for a period of more than six years without a one-year break):</p> <p>(h) must have left the Cook Islands for a period of 1 month or more during the term of each previous International Worker Permit held (meaning that at least 1 month out of every 36-month permit must have been spent offshore):</p> <p>(i) must provide a curriculum vitae or similar document setting out the applicant’s qualifications, skills, and experience for the position that they are to fill::</p> <p>(j) must pay the prescribed fee.</p> <p><b>1 Where to apply:</b> A person without continuing rights may apply for a Resident Investor Visa and Permit from on or offshore, but not at the border.</p> <p><b>2 Who may be included in an application:</b></p> <p>(a) an application for a Resident Spouse Visa and Permit can be made at the</p>	<p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document:</p> <p>(b) must comply with Cook Islands law at all times:</p>



## Cook Islands Immigration Regulations 2023

Type and description	Criteria to qualify	Conditions on visa and permit
<p>combine the BTIB and immigration application processes:</p> <p>(b) has previously made a foreign direct investment in the Cook Islands or is a foreign enterprise with the approval of the BTIB and is meeting the requirements of any related legislation, regulations, or code relevant to that enterprise,</p>	<p>same time as an application for a Residence Investor Visa and permit is made:</p> <p>(b) an application for a Resident Dependent Child Visa and Permit can be made at the same time as an application for a Resident Investor Visa and Permit is made:</p> <p><b>4 Application criteria:</b> An applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, and health:</p> <p>(b) must meet the general requirements of evidence of sufficient funds for themselves, and if applicable, their spouse and dependent children or must have sponsorship:</p> <p>(c) must have evidence of English language proficiency</p> <p>(d) must agree to sharing of information and documents between Cook Islands Immigration and the BTIB, to enable a shared decision-making process:</p> <p>(e) must have or obtain BTIB approval to register as a foreign entity or be registered as a foreign entity and be meeting all the requirements of any legislation, regulations, or codes relevant to their investment:</p> <p>(f) must, if the applicant has previously held an investor permit, have evidence of—</p>	<p>(c) must notify the principal immigration officer of any material change in circumstances:</p> <p>(d) must—</p> <p>(i) maintain sufficient funds for themselves and any spouse or dependent child or maintain sponsorship; and</p> <p>(e) must,—</p> <p>(i) within two weeks of their first arrival on an Investor Permit, at their own expense enrol in a values or language programme offered by a government education provider or registered private school approved by Cook Islands Immigration); or</p> <p>(ii) complete the first available values or language programme without unreasonable delay or have evidence of completing the course while holding an earlier permit:</p> <p>(f) must (as applicable) work in the business for which BTIB provided approval for them to make a foreign direct investment or in the business that BTIB approved as a foreign enterprise:</p>

**Type and description**

**Criteria to qualify**

- (i) holding a revenue division management number and having paid any required taxes and superannuation:
- (ii) completing a values or language programme:
- (g) must pay the prescribed fee.

**Conditions on visa and permit**

- (g) must file an annual return to the BTIB and meet the requirements of all legislation, regulations, or code obligations related to their foreign direct investment.

**2 Special permissions:**

The visa provides for unlimited travel, and the permit provides for staying in the Cook Islands for three years from the date of grant.

**Schedule 4**

**International child, adult student, research, and intern visas and permits**

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>1 International Child Visa and Permit:</b></p> <p>An international child is a person without continuing rights who is under the age of 18 years old and has accompanied their parent or guardian who has parental responsibility for them (within the meaning of section 34 of the Family Protection and Support Act 2017) to the Cook Islands</p>	<p><b>1 Where to apply:</b></p> <ul style="list-style-type: none"> <li>(a) a person without continuing rights must apply for an International Child Visa and Permit from offshore:</li> <li>(b) no applications for an International Child Visa and Permit may be made at the border.</li> </ul> <p><b>2 Who may be included in an application:</b></p> <p>An application for an International Child Visa and Permit can be made by the child’s parent or guardian at the same time as they make an application for a Government Worker or International Worker Visa and Permit application.</p> <p><b>3 Application criteria:</b> The applicant must meet the following criteria:</p> <ul style="list-style-type: none"> <li>(a) the applicant must meet general requirements related to translations, evidence of identity, character, health, and onwards travel:</li> <li>(b) the applicant’s parent or guardian must be approved for a Government Worker or International Worker Visa and Permit:</li> <li>(c) the applicant’s parent or guardian must meet the evidence of sufficient</li> </ul>	<p><b>1 Conditions:</b> The following conditions apply:</p> <ul style="list-style-type: none"> <li>(a) the applicant must hold a valid evidence of identity document:</li> <li>(b) the applicant must comply with Cook Islands law:</li> <li>(c) the applicant must notify the principal immigration officer of any material change in circumstances:</li> <li>(d) the applicant’s parent or guardian must maintain sufficient funds for themselves and the dependent child or the dependent child must maintain sponsorship:</li> <li>(e) the parent or guardian must hold a government worker or international worker visa and permit at all times.</li> </ul> <p><b>2 Special permissions:</b> If the applicant has a visa,—</p> <p>The holder can engage in unlimited travel, and the permit provides for staying in the Cook Islands, for the duration of the parent or guardian’s contract, for up to three years from the date of grant.</p>

**Type and description**

**Criteria to qualify**

**Conditions on visa and permit**

- funds requirement for themselves and the dependent student or must have sponsorship:
- (d) the applicant must agree to sharing of information and documents between Cook Islands Immigration and the Ministry of Education, and provide the Ministry of Education with all required pre-enrolment information:
  - (e) the applicant must be single (the dependent student cannot have a spouse):
  - (f) the applicant must not intend to undertake work for gain or reward for more than 20 hours a week while in the Cook Islands without the permission of the principal immigration officer:
  - (g) the applicant must provide—
    - (i) an original birth certificate showing the names of their parent or parents; or
    - (ii) adoption papers showing that they have been legally adopted by their parent or guardian:
  - (h) the applicant must provide evidence of their parents or guardian’s right to bring them to the Cook Islands:
  - (i) the applicant must pay the prescribed fee.

**Type and description**

- 2 International Adult Student Visa and Permit:**
- An international adult student is a person without continuing rights who is 18 years old or older and has a written and lawful offer of a place of study at a Cook Islands Government school or a registered private school (as defined in the Education Act 2012) who wants to take up that offer of study

**Criteria to qualify**

- 1 Where to apply:**
- (a) a person without continuing rights must apply for an International Adult Student Visa and Permit from offshore:
  - (b) no applications for an international adult student may be made at the border.
- 2 Who may be included in an application:**
- (a) an applicant for an International Adult Student Visa and Permit cannot include any spouse or dependant in their application.
- 3 Application criteria:** An applicant,—
- (a) must meet general requirements related to translations, evidence of identity, character, and health:
  - (b) must meet the general requirements of evidence of sufficient funds or must have a sponsor:
  - (c) must have the required evidence of an onwards travel plan or pay a bond:
  - (d) must have evidence of English language proficiency:
  - (e) must be a bona fide student, not intending to undertake work for gain or reward for more than 20 hours a week while in the Cook Islands without the permission of the principal immigration officer:

**Conditions on visa and permit**

- 1 Conditions:** The applicant—
- (a) must hold a valid evidence of identity document:
  - (b) must comply with Cook Islands law:
  - (c) must notify the principal immigration officer of any material change in circumstances:
  - (d) must maintain sufficient funds for themselves or maintain sponsorship:
  - (e) must maintain an onwards travel plan:
  - (f) must undertake the programme of study offered at the advised hours of study:
  - (g) must agree to allow Cook Islands Immigration to contact their study provider to confirm their offer, enrolment, attendance, and pass-rates:
  - (h) if employed, must—
    - (i) within two weeks of their employment, enrol (at their employer’s expense) in a values or language programme; or
    - (ii) complete the first available values or language programme without unreasonable delay or have evidence of completing the course while holding an earlier permit.

**Type and description****Criteria to qualify**

- (f) must have a written offer of a place of study at a Cook Islands Government school or registered private school that includes—
  - (i) the name of the Cook Islands Government school or registered private school;
  - (ii) the programme of study that the student intends to undertake;
  - (iii) the date on which the programme of study commences;
  - (iv) the minimum time needed to complete the programme of study;
  - (v) if the student intends to undertake the programme of study at part-time hours, how many hours of study this comprises;
  - (vi) dates of any vacations and holidays during the programme;
- (g) if the applicant has previously held an International Adult Student Permit with permission to work, must have evidence of—
  - (i) holding a revenue division management number and having paid any required taxes and superannuation;

**Conditions on visa and permit**

- 2 Special permissions:**
- (a) the holder of the visa can engage in unlimited travel, and the permit provides for staying in the Cook Islands, for the length of the student's offer of study, for up to one year;
  - (b) the applicant may apply to Cook Islands Immigration for permission to work for up to 20 hours a week, if they have—
    - (i) a written offer of employment in the Cook Islands that meets the minimum terms and conditions required by the Employment Relations Act 2012 and the Cook Islands Immigration Act 2021; and
    - (ii) evidence that their prospective employer has—
      - (A) publicly advertised the availability of their vacant position; and
      - (B) failed to fill the position with a suitable Cook Islander or permanent resident under the same terms and conditions as those offered to

Cook Islands Immigration Regulations 2023

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>3 International Research Visa and Permit:</b> An international researcher is a person without continuing rights who has approval to stay in the Cook Islands for up to 3 years to undertake research relating to the Cook Islands. The research must be approved and financially supported by a university or other research organisation, and the research must also be approved by the Cook Islands Research Committee.</p>	<p>(ii) completing a values or language programme:</p> <p>(h) must not have held more than five International Adult Student Permits immediately before the application is made (meaning that their stay as an International Adult Student cannot extend for a continuous period of more than 6 years):</p> <p>(i) must pay the prescribed fee.</p> <p><b>1 Where to apply:</b> A person without continuing rights must apply for an International Research Visa and Permit from offshore.</p> <p><b>2 Who may be included in an application:</b> An applicant for an International Research Visa and Permit cannot include any spouse or dependant in their application.</p> <p><b>3 Application criteria:</b> An applicant,—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, and health:</p> <p>(b) must meet the general requirements of evidence of sufficient funds or must be sponsored by an accepted university or suitable organisation:</p>	<p>the international worker:</p> <p>(C) agreed to enrol them in, and allow them time off to attend, a values or language programme offered by a government education provider or registered private school approved by Cook Islands Immigration (unless they have already completed the programme).</p> <p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document:</p> <p>(b) must comply with Cook Islands law:</p> <p>(c) must notify the principal immigration officer of any material change of circumstances:</p> <p>(d) must maintain sufficient funds for themselves or maintain sponsorship:</p> <p>(e) must only undertake the research approved by the Cook Islands Research Committee:</p> <p>(f) must agree to allow Cook Islands Immigration to contact their research sponsor to confirm research approval and sponsorship.</p>

**Type and description**

**Criteria to qualify**

- (c) must have approval from the Cook Islands Research Committee to undertake research specifically in the Cook Islands:
- (d) must be a bona fide researcher, not intending to undertake work for gain or reward while in the Cook Islands:
- (e) must agree to sharing information and documents between Cook Islands Immigration and the Cook Islands Research Committee:
- (f) if the applicant has previously held an International Adult Student Permit with permission to work, must have evidence of—
  - (i) holding a revenue division management number and having paid any required taxes and superannuation:
  - (ii) completing a values or language programme:
- (g) must not have held an international research permit immediately before the application is made (meaning that their stay as an International Researcher cannot extend for a continuous period of more than three years) without having left the Cook Islands for a continuous period of six months:
- (h) must pay the prescribed fee.

**Conditions on visa and permit**

- 2 Special permissions:**  
The holder of the visa can engage in unlimited travel, and the permit provides for staying in the Cook Islands, for the length of the research project up to three years.



**Type and description**

**4 International Intern Visa and Permit:**

An international intern is a student or trainee, 18 years old or older, seeking an educational outcome, who is engaged by an intern provider under a written agreement, sometimes without pay, in order to satisfy the requirements for a qualification in which they are enrolled or gain work experience immediately following the receipt of a qualification. An intern may also be part of a Cook Islands Government internship or internship officially supported by a government agency.

**Criteria to qualify**

**1 Where to apply:**

- (a) a person without continuing rights must apply for an International Intern Visa and Permit from offshore:
- (b) no applications for an International Intern Visa or Permit may be made at the border.

**2 Who may be included in an application:**

- (a) an applicant for an International Intern Visa and Permit cannot include any spouse or dependent in their application.

**3 Application criteria:** An applicant—

- (a) must meet general requirements related to translations, evidence of identity, character, and health:
- (b) must meet the general requirements of evidence of sufficient funds or must have a sponsor:
- (c) must have the required evidence of an onwards travel plan or pay a bond:
- (d) must have evidence of English language proficiency:
- (e) must be a bona fide intern, not intending to undertake work for gain or reward while in the Cook Islands:
- (f) must have a written offer of internship with a Cook Islands Government agency, registered

**Conditions on visa and permit**

**1 Conditions:** The applicant—

- (a) must hold a valid evidence of identity document:
- (b) must comply with Cook Islands law:
- (c) must maintain an acceptable standard of health:
- (d) must maintain sufficient funds for themselves or maintain sponsorship:
- (e) must maintain an onwards travel plan:
- (f) must undertake the internship offered, at the advised hours of work and learning, and be achieving the training, learning goals, or qualifications offered:
- (g) must agree to allow Cook Islands Immigration to contact their intern provider to confirm their offer and attendance.

**2 Special permissions:**

The holder of the visa can engage in unlimited travel, and the permit provides for staying in the Cook Islands, for the length of the student’s internship up to 1 year only.

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Type and description	Criteria to qualify	Conditions on visa and permit
	business or incorporated society that meets the requirements of the Employment Relations Act 2012:	
	<ul style="list-style-type: none"> <li>(g) must have evidence of—               <ul style="list-style-type: none"> <li>(i) enrolment in a course of study at a recognised educational institution outside the Cook Islands; or</li> <li>(ii) the completion of a qualification at a recognised educational institution related to the internship that has been completed within the past 12 months:</li> </ul> </li> <li>(h) must not have held an International Intern Visa or Permit within the past five years (meaning that staying as an international intern cannot extend over multiple internships):</li> <li>(i) must pay the prescribed fee.</li> </ul>	

## Schedule 5 Visitor visas and permits

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### Type and description

**1 New Zealand Visitor Visa and Permit:**

A New Zealand Visitor is a New Zealand citizen who holds a New Zealand passport and is travelling to, entering and staying in the Cook Islands as a bona fide visitor for no longer than 90 days.

### Criteria to qualify

**1 Where to apply:**

A New Zealander may apply for a New Zealand Visitor Permit onshore. They must apply on arrival in a designated place or to a designated officer if they have travelled under the waiver from the requirement to hold a visa for travel to the Cook Islands.

**2 Who may be included in an application:**

The parent or guardian of a child may apply for a New Zealand Visitor Permit for the child at the same time they apply for a permit for themselves.

**3 Application criteria:** The applicant—

- (a) must meet general requirements related to translations, evidence of identity, character, and health, and onwards travel:
- (b) must meet the general requirements of evidence of sufficient funds for themselves, and if applicable, any dependent children:
- (c) must be a bona fide visitor, not intending to undertake work for gain or reward, or study while in the Cook Islands:
- (d) must not have held more than one New Zealand Visitor Permit

### Conditions on visa and permit

**1 Conditions:** The applicant—

- (a) must hold a valid evidence of identity document at all times:
- (b) must comply with Cook Islands law:
- (c) must notify the principal immigration officer of any material change in circumstances:
- (d) must maintain sufficient funds for themselves, and, if applicable, for any dependent child:
- (e) must maintain an onwards travel plan.

**2 Special permissions:**

- (a) the permit provides for staying in the Cook Islands, for no longer than 90 days:
- (b) the applicant may undertake investment exploration or business exploration while visiting that does not result in the permit holder receiving any gain or reward as a direct result of undertaking that exploration:
- (c) the applicant may undertake (not deliver) short term training or certifications that do not constitute study with an organisation that

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>2 International Visitor Permit:</b></p> <p>An international visitor is a visitor who is not a New Zealand citizen and is travelling to, entering, and staying in the Cook Islands as a bona fide visitor for no longer than 31 days.</p>	<p>immediately before the application is made, without having left the Cook Islands (for a continuous period of more than six months (meaning that staying on a New Zealand visitor permit cannot extend beyond six months); and</p> <p>(e) must not have held more than one Long-Term Visitor Permit immediately before the application is made, without having left the Cook Islands for a continuous period of more than six months (meaning that staying as a visitor in the Cook Islands cannot extend beyond 12 months at any one time):</p> <p>(f) must pay the prescribed fee.</p> <p><b>1 Where to apply:</b> An international visitor may apply for an International Visitor Permit onshore. The international visitor must apply on arrival in a designated place or to a designated officer if they have travelled under the waiver from the requirement to hold a visa for travel to the Cook Islands.</p> <p><b>2 Who may be included in an application:</b> The parent or guardian of a child may apply for an International Visitor Permit for the child at the same time as they apply for a permit for themselves.</p> <p><b>3 Application criteria:</b> An applicant—</p>	<p>would otherwise be required to register as a registered private school (as defined in the Education Act 2012).</p> <p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document at all times;</p> <p>(b) must comply with Cook Islands law;</p> <p>(c) must notify the principal immigration officer of any material change in circumstances;</p> <p>(d) must maintain sufficient funds for themselves and, if applicable, for any dependent child;</p> <p>(e) must maintain an onwards travel plan:</p> <p><b>2 Special permissions:</b></p>

**Type and description****Criteria to qualify**

- (a) must meet general requirements related to translations, evidence of identity, character, health, and onwards travel:
- (b) must meet the general requirements of evidence of sufficient funds for themselves and, if applicable, any dependent children:
- (c) must be a bona fide visitor, not intending to undertake work for gain or reward or study while in the Cook Islands:
- (d) must not have held more than one International Visitor Permit immediately before the application is made, without having left the Cook Islands for a continuous period of more than six months (meaning staying in the Cook Islands on an International Visitor Permit cannot extend beyond two months):
- (e) must not have held a Long-Term Visitor Permit immediately before the application is made, without having left the Cook Islands for a continuous period of more than 6 months (meaning that staying as a visitor cannot extend beyond 8 months at any one time):
- (f) must pay the prescribed fee.

**Conditions on visa and permit**

- (a) the permit provides for staying in the Cook Islands, for no longer than 31 days:
- (b) the permit holder may undertake investment exploration or business exploration while visiting that does not result in the permit holder receiving any gain or reward as a direct result of undertaking that exploration:
- (c) the permit holder may undertake (not deliver) short term training or certifications that do not constitute study with an organisation that would otherwise be required to register as a registered private school (as defined in the Education Act 2012).

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>3 Long-term Visitor Visa and Permit:</b> A long-term visitor is a person without continuing rights who is seeking to travel to, enter, and stay in the Cook Islands for a period of no longer than six months as a—</p> <p>(a) bona fide visitor seeking an extended stay:</p> <p>(b) volunteer, seeking to offer their services to the Cook Island Government or a community organisation.</p>	<p><b>1 Where to apply:</b></p> <p>(a) a person without continuing rights may apply for a Long-Term Visitor Visa and Permit from offshore or onshore:</p> <p>(b) no applications for a Long-Term Visitor Visa or Permit may be made at the border.</p> <p><b>2 Who may be included in an application:</b> The parent or guardian of a child may apply for a Long-Term Visitor Permit for the child at the same time they apply for a permit for themselves.</p> <p><b>3 Application criteria:</b> The applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, health, and onwards travel; and</p> <p>(b) must meet the general requirements of evidence of sufficient funds for themselves and, if applicable, dependent children; and</p> <p>(c) must hold health insurance for the duration of their permit, to cover any potential health costs or emergencies; and</p> <p>(d) must be a bona fide visitor, not intending to undertake work for gain or reward or study while in the Cook Islands; and</p> <p>(e) must not extend their stay as a visitor in the Cook Islands—</p>	<p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document at all times:</p> <p>(b) must comply with Cook Islands law:</p> <p>(c) must notify the principal immigration officer of any material change in circumstances:</p> <p>(d) must maintain sufficient funds for themselves, and if applicable, for any dependent children:</p> <p>(e) must maintain an onwards travel plan.</p> <p><b>2 Special permissions:</b></p> <p>(a) the visa provides for a single trip to travel to the Cook Islands within a period of no longer than 6 months from the date of issue:</p> <p>(b) the permit provides for staying in the Cook Islands, for no longer than six months, in the case of—</p> <p>(i) a permit granted offshore, the arrival of the applicant in the Cook Islands:</p> <p>(ii) a permit granted onshore, the date that the permit was granted:</p> <p>(c) the applicant may undertake investment exploration or business exploration while visiting, that does not result in the permit holder receiving any gain or reward as a</p>

**Type and description**

**Criteria to qualify**

- (i) if a New Zealander, beyond 12 months at any one time;
- (ii) if another foreign national, beyond eight months at any one time; and
- (f) must pay the prescribed fee.

**Note: If applying to visit for longer than six months, the applicant must provide evidence of good character and have an acceptable standard of health.**

**Conditions on visa and permit**

- direct result of undertaking that exploration:
- (d) may undertake (not deliver) short term training or certifications that do not constitute study with an organisation that would otherwise be required to register as a registered private school (as defined in the Education Act 2012).

## Schedule 6 Special and interim visas and permits

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Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>1 Special Spouse Visa and Permit</b></p> <p>A special spouse is a life partner of a person without continuing rights who has a visa or permit under these regulations, and the marriage, civil union, or de facto relationship between them is genuine and stable</p>	<p><b>1 Where to apply:</b> A person without continuing rights must apply for a Special Spouse Visa and Permit from offshore.</p> <p><b>2 Who may be included in an application:</b> A Special Spouse Visa and Permit applicant cannot include any dependant in their application.</p> <p><b>3 Application criteria:</b> The applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, and health; and</p> <p>(b) must meet the requirements of evidence of sufficient funds for themselves, or have sponsorship; and</p> <p>(c) must provide evidence that their relationship with their spouse is—</p> <p style="margin-left: 20px;">(i) genuine; and</p> <p style="margin-left: 20px;">(ii) stable; and</p> <p>(d) must provide evidence that the relationship is monogamous (only with one person); and</p> <p>(e) can be granted a Special Spouse Visa and Permit only if their spouse is approved for whatever visa and</p>	<p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document at all times;</p> <p>(b) must comply with Cook Islands law;</p> <p>(c) must notify the principal immigration officer of any material change in circumstances;</p> <p>(d) must maintain sufficient funds for themselves or must maintain sponsorship;</p> <p>(e) must maintain a genuine and stable relationship with the spouse due to whom their visa and permit was granted;</p> <p>(f) must comply with any legislation or rules that might be relevant to their permission to work in the Cook Islands, including permission to purchase or start a business;</p> <p>(g) if employed, must,—</p> <p style="margin-left: 20px;">(i) within two weeks of their employment, enrol (at their employer's expense) in a values or language programme offered by a government education provider or registered private school approved by</p>



**Type and description**

**Criteria to qualify**

- permit that the spouse is applying for; and
- (f) if the applicant has previously held a Special Spouse Permit with conditions allowing work, the applicant must have evidence of—
  - (i) holding a revenue division management number and having paid any required taxes and superannuation;
  - (ii) completing a values or language programme; and
- (g) must not have held more than one Spouse Permit immediately before the application is made, without departing the Cook Islands for a period of longer than one year (meaning that staying in the Cook Islands as a spouse cannot extend for a continuous period of six years or more); and
- (h) must pay the prescribed fee.

**Conditions on visa and permit**

- Cook Islands Immigration); or
- (ii) complete the first available values or language programme without unreasonable delay or have evidence of completing the course while holding an earlier permit.

**2 Special permissions:**

- (a) the visa holder can engage in unlimited travel, and the permit provides for staying in the Cook Islands, for the duration of the spouse's contract, for up to three years from the date of grant:
- (b) the applicant may apply to Cook Islands Immigration for permission to work, under the terms and conditions of a lawful, written employment agreement, at or above the minimum wage where the employer has (and can provide evidence that they have)—
  - (i) publicly advertised the availability of their vacant position for a continuous period of 14 days; and:
  - (ii) failed to fill the position with a suitable Cook Islander or permanent resident under the same terms and conditions as

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>2 Special Entrant Visa and Permit:</b></p> <p>A special entrant is a person without continuing rights travelling to, entering and staying in the Cook Islands for a special purpose or activity, and that purpose or activity does not fit within the permissions and conditions of any other visa and permit class or type</p>	<p><b>1 Where to apply:</b></p> <p>(a) a person without continuing rights may apply for a Special Entrant Visa and Permit from offshore or onshore:</p> <p>(b) no applications can be made for a Special Entrant Visa and Permit at the border.</p> <p><b>2 Who may be included in an application:</b></p> <p>An applicant for a Special Entrant Visa and Permit cannot include any spouse or dependant in their application.</p> <p><b>3 Application criteria:</b> The applicant—</p> <p>(a) must meet general requirements related to translations, evidence of identity, character, health, and evidence of sufficient funds (which may vary depending on the length of the programme); and</p> <p>(b) must have evidence of a genuine need to travel to, enter, and stay in the Cook Islands for a purpose or activity that does not fit within the permissions and conditions of any other visa and permit class or type and meets the satisfaction of Cook Islands Immigration; and</p>	<p>those offered to the special spouse.</p> <p><b>3 Cook Islands Immigration:</b></p> <p>The applicant must have Cook Islands Immigration’s permission to work.</p> <p><b>1 Conditions:</b> The applicant—</p> <p>(a) must hold a valid evidence of identity document at all times:</p> <p>(b) must comply with Cook Islands law:</p> <p>(c) must notify the principal immigration officer of any material change in circumstances:</p> <p>(d) must maintain sufficient funds:</p> <p>(e) must maintain an onwards travel plan.</p> <p><b>2 Special permissions:</b></p> <p>(a) the visa provides for a single trip to travel to the Cook Islands within a period of no longer than six months from the date of issue:</p> <p>(b) the permit provides for stay for the length of time necessary for the applicant to fulfil the purpose or undertake the activity for which the visa and permit was granted and for no longer than 180 days per annum.</p>

Type and description	Criteria to qualify	Conditions on visa and permit
<p><b>3 Interim Permit:</b></p> <p>An Interim Permit may be issued to maintain the lawful status of a person without continuing rights in the Cook Islands. An Interim Permit is issued to a person and any dependants at the discretion of the principal immigration officer or the Minister to allow the holder to remain in the Cook Islands pending a visa or permit decision, their planned departure from the Cook Islands, or a decision on a review, or judicial review or other court hearing.</p>	<p>(c) must not have held another Special Entrant Visa or Permit immediately before any application is made in the Cook Islands; and</p> <p>(d) must pay the prescribed fee.</p> <p><b>1 Procedure for issue:</b></p> <p>A person without continuing rights cannot apply for an Interim Permit. It is only issued at the discretion of the principal immigration officer or the Minister. The person without continuing rights must be in the Cook Islands when the permit is issued.</p> <p><b>2 Who may be included:</b></p> <p>An Interim Permit may be issued to a principal applicant, their spouse, and any dependants.</p> <p><b>3 Criteria for issue of permit:</b> The person without continuing rights—</p> <p>(a) must have made an application for another type of visa, permit, or permit extension, and be awaiting a decision on that application; or</p> <p>(b) must have made reasonable arrangements to depart the Cook Islands, and granting the permit to them and, if applicable, their spouse and any dependents to help facilitate that departure is in the national interest; or</p> <p>(c) must be awaiting a decision on a review, or judicial review or other court hearing, and due to this</p>	<p><b>1 Conditions:</b> The person without continuing rights—</p> <p>(a) must hold a valid evidence of identity document at all times;</p> <p>(b) must comply with Cook Islands law;</p> <p>(c) must notify the principal immigration officer of any material change in circumstances;</p> <p>(d) must maintain sufficient funds for themselves and any dependent child or maintain sponsorship;</p> <p>(e) must comply with any relevant laws that are relevant to their permission to work in the Cook Islands or to purchase or start a business.</p> <p><b>2 Special permissions:</b> The person without continuing rights—</p> <p>(a) may work or study in the Cook Islands at the discretion of the principal immigration officer or Minister (but must comply with all permit conditions related to starting a business or gaining employment);</p> <p>(b) may stay in the Cook Islands, for as long as the pending issue, appeal, or decision remains unresolved, up to a</p>

process, the person is unable to leave the Cook Islands.

maximum of three months from the date of grant.

## Schedule 7

### Form of declaration to be signed by person applying to be sponsor

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This declaration is to be made when a person applies to be a sponsor.

- (1) I, *[full name of sponsor]*, state that:
  - (a) all the information I have provided to Cook Islands Immigration is true and correct:
  - (b) all the documents I have provided to Cook Islands Immigration are original and unaltered, or if a copy is provided instead of the original, the copy is certified in accordance with the requirements of those regulations:
  - (c) I am of good character:
  - (d) I do not owe any money to Cook Islands Immigration for any matter, including any fine or fee:
  - (e) I have sufficient funds and resources to—
    - (i) uphold my sponsorship obligations, including paying any wages, salaries, or stipends; and
    - (ii) cover any other costs associated with the sponsored person's maintenance and well-being, including accommodation, living, and health-related expenses:
  - (f) I have not entered, and will not enter, into an agreement with the sponsored person or any other person for the reimbursement of any surety for costs that may be incurred by me as a result of the sponsorship:
  - (g) I acknowledge that information and documents are being collected, and further information and documents may be requested, with good reason, to:
    - (i) decide my application and determine my eligibility to be a sponsor; and
    - (ii) detect, prevent, investigate, prosecute, and respond to offences or suspected offences against the Cook Islands Immigration Act 2021 or other Acts; and
    - (iii) support the effective governance of the Cook Islands and to support the effective operation of other government agencies; and
    - (iv) support the health and well-being of the Cook Islands and the Cook Islands' community (in particular, to manage risks to public health, and the cost of, and demands on, the publicly funded health services):

- (h) I agree that the sponsorship application information and documents can be shared with government agencies in order to support the success, safety, and security of the Cook Islands, including to manage risks to public health, and the cost of, and demands on, the publicly funded health services:
- (i) I agree that by making an application, Cook Islands Immigration can receive information, such as criminal records, health tests, and financial information from third parties. This includes information from the Ministries of Health, Justice, and Internal Affairs, the Cook Islands Customs Service, and the Cook Islands Police Service:
- (j) I agree to advise the principal immigration officer of any change to information or material change in my circumstances during and after the application process that might affect me or my sponsorship:
- (k) I acknowledge that if all the required information and documents are not provided, or the declaration is not signed, Cook Islands Immigration may be unable to decide the application. If that is the case, it will be declined:
- (l) I agree, and acknowledge that if I do not comply with my sponsorship obligations:
  - (i) I can be sued for any money that I owe; and
  - (ii) I may be prevented from undertaking any further sponsorship; and
  - (iii) I cannot ask the person I sponsored to pay me for any costs I incur.

Signature of sponsor:

Date:

Place:

*\*On own behalf (if a natural person)*

*\*On behalf of [name of Department, state-owned enterprise, island government, other government agency, body corporate, or other body having a separate legal status under Cook Islands law].*

*\*Delete whichever is inapplicable.*

**Schedule 8**  
**List of conditions incompatible with acceptable health**

r 70

**Part 1**  
**Conditions incompatible with acceptable standard of health**

A person who has 1 or more of the following conditions does not have an acceptable standard of health:

- (a) the need for an organ transplant:
- (b) a musculoskeletal disease or disorder with a high likelihood that surgery will be required during the next 5 years:
- (c) a severe, chronic, or progressive neurological disorder, including (without limitation)—
  - (i) poorly controlled epilepsy:
  - (ii) complex seizure disorder:
  - (iii) cerebrovascular disorder:
  - (iv) cerebral palsy:
  - (v) paraplegia:
  - (vi) quadriplegia:
  - (vii) poliomyelitis:
  - (viii) motor neurone disease:
  - (ix) Huntington's disease:
  - (x) muscular dystrophy:
  - (xi) prion disease:
  - (xii) relapsing or other progressive multiple sclerosis:
- (d) valve disease with a high probability of surgical or other procedural intervention in the next 5 years:
- (e) aortic aneurysm with a high probability of surgical or other procedural intervention in the next 5 years:
- (f) significant or disabling hereditary disorder, including (without limitation)—
  - (i) hereditary anaemias and coagulation disorders; or
  - (ii) primary immune deficiencies:
- (g) Gaucher's disease:
- (h) severe autoimmune disease that may require treatment with immune-suppressant medications (other than Prednisone, Methotrexate, Azathioprine, or Salazopyrin).

## **Part 2**

### **Condition requiring medical assessment**

The following conditions require medical assessment for the purposes of regulation 70(1)(a):

- (a) any form of dementia, including Alzheimer's disease:
- (b) human immunodeficiency virus (HIV):
- (c) hepatitis B:
- (d) hepatitis C:
- (e) cancer:
- (f) the need for immune suppression following an organ transplant:
- (g) a severe, chronic, or progressive renal, cardiac, respiratory, or hepatic disorder:
- (h) cardiac diseases (other than those referred to in Part 1) including (without limitation)—
  - (i) severe ischaemic heart disease:
  - (ii) cardiomyopathy:
- (i) chronic respiratory disease, including (without limitation)—
  - (i) severe or progressive restrictive (including interstitial) lung disease, or both:
  - (ii) other severe or progressive obstructive lung disease:
  - (iii) cystic fibrosis:
- (j) Parkinson's disease:
- (k) severe (71-90 decibels) hearing loss or profound bilateral sensorineural hearing loss after best possible correction at country of origin, where significant support is required, including cochlear implants:
- (l) severe vision impairment with visual acuity of 6/36 or beyond after best possible correction at country of origin, or a loss restricting the field of vision to 15-20 degrees where significant support is required:
- (m) history, diagnostic findings, or treatment for MDR-TB or XDR-TB, unless the person has been cleared by the Chief Medical Officer of Health upon review of their file or review of the applicant according to the *Cook Islands Guidelines for Tuberculosis Treatment*:
- (n) developmental disorders or cognitive impairments where significant support is required, including (without limitation) severe—
  - (i) physical disability; or
  - (ii) intellectual disability; or
  - (iii) autistic spectrum disorders; or
  - (iv) brain injury:



- (o) major psychiatric illness or addiction, including (without limitation) any psychiatric condition—
  - (i) that has required hospitalisation; or
  - (ii) where significant support is required.

**Schedule 9**  
**Form of declaration for application for visa or permit**

r 80

**This declaration is to be completed by an applicant for a visa or permit.**

I, [*full name of applicant*], state that:

- (a) all the information that I have provided is true and correct:
- (b) all the documents that I have provided are original and unaltered or, if copies of an original document, have been lawfully certified:
- (c) I do not owe any money to the Cook Islands Government (including Cook Islands Immigration):
- (d) I am not serving a ban from travel to, entry into, or staying in the Cook Islands:
- (e) I have not been removed or deported from any other country (*regardless of how that country may describe forced departure and whether or not the applicant was subsequently banned from the country*):
- (f) I am of good character:
- (g) I am not a prohibited person:
- (h) I have not been convicted of—
  - (i) any offence, in the Cook Islands or overseas for which I was sentenced to imprisonment for a term one year or more (*regardless of how that offence and conviction was described in the overseas country, and the term of sentence actually served*); or
  - (ii) more than one offence, in the Cook Islands or overseas, for which the combined terms of imprisonment were one year or more (*regardless of how those offences and convictions were described in the overseas country, and the term of sentence actually served*):
- (i) I am not intending to undertake any actions or activities that are contrary to the values of the Cook Islands, its culture, and its community:
- (j) I am not intending to undertake criminal activities, activities as a member of a gang of concern, terrorist organisation, or other United Nations sanctioned organisation, or any activities that would otherwise constitute a threat or a risk to the security, defence, or public order of the Cook Islands:
- (k) I have an acceptable standard of health and have no health conditions that might be a danger to public health or impose significant costs or demands on the health or special education services of the Cook Islands:
- (l) I agree to provide any further information or document requested by Cook Islands Immigration where the request is made with good reason:
- (m) I acknowledge that information and documents are being collected, and further information and documentation may be requested, with good reason, to:

- (i) make a decision on my application or about my eligibility for the visa or permit, or visa or permit waiver, for which I have applied; and
  - (ii) detect, prevent, investigate, prosecute, and respond to offences or suspected offences against the Cook Islands Immigration Act 2021 or other Acts; and
  - (iii) support the effective governance of the Cook Islands and to support the effective operation of other Government agencies; and
  - (iv) support the health and well-being of the Cook Islands and the Cook Islands community (in particular, to manage risks to public health, and to the cost and demand on the publicly funded health services):
- (n) I agree that the application and the associated information and documents can be shared with Government agencies in order to support the success, safety, and security of the Cook Islands, including to manage risks to public health, and the cost and demands on publicly funded health services:
- (o) I agree that the application and the associated information and documents (excluding any Police certificates and health tests) can be shared with my prospective employer, education provider, or intern provider (if applicable) if this is necessary to make a decision on my application:
- (p) I agree that by making an application, Cook Islands Immigration can receive information, such as criminal history, health tests, and financial information, from third parties. This includes information from the Ministries of Health, Justice, Finance and Economic Management, and Internal Affairs, the Cook Islands Customs Service, the Cook Islands Police Service, and international immigration and law enforcement agencies:
- (q) I agree to advise the principal immigration officer of any changes to the application information or any material changes in circumstance during the application process, and if a visa or permit, or visa or permit waiver, or both are granted, I agree to abide by all conditions that are imposed on that visa or permit or visa or permit waiver and leave the Cook Islands before it expires:
- (r) I have been advised that if all the required information and documents are not provided, or the declaration is not signed by me, Cook Islands Immigration may be unable to decide my application. If that is the case, it will be declined.

Signature of applicant:

Date:

Place:

**Schedule 10**  
**Information to be provided in notice of administrative fine**

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A notice of administrative fine must contain the following details:

- the time, place, and details of the alleged offence to which the fine relates:
- the provision that is alleged to have been contravened:
- where and how to pay the administrative fine:
- the consequences of non-payment of the administrative fine.

## Schedule 11 Fees

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<b>Matter</b>	<b>Amount (\$) (inclusive of value added tax)</b>
Fee for printing and providing forms, records, etc (per page charge)	2.00
Charge for printing forms, providing records, plus per page charge	25.00
Callout fee where Cook Islands Immigration meets outside its office (per hour, in addition to any required application fee)	50.00
Fee for registering permanent resident (child)	470.00
Fee for registering a child born in the Cook Islands to parents without continuing rights (if the application is made 90 days after the birth of the child)	470.00
Fee for endorsing Cook Islands Status in passport	30.00
Fee for endorsing new passport with visa/permit	55.00
Fee for permanent residence expression of interest	1,000.00
Fee for permanent residence application	740.00
Fee for endorsing a passport with permanent resident endorsement	55.00
Fee for resident spouse visa and permit	470.00
Fee for resident child visa and permit	470.00
Fee for investor visa and permit	960.00
Fee for government worker visa and permit	960.00
Fee for specialist worker visa and permit	260.00
Fee for international worker visa and permit	960.00
Fee for international child visa and permit	470.00
Fee for international adult student visa and permit	470.00
Fee for international research visa and permit	470.00
Fee for international intern visa and permit	960.00
Fee for considering work rights for international student, special spouse	330.00
Fee for NZ visitor – first arrival at airport – no fee required	
Fee for NZ visitor extension onshore	470.00
Fee for international visitor – for arrival at airport – no fee required	
Fee for international visitor extension onshore	470.00
Fee for long-term visitor visa and permit	470.00
Fee for special spouse visa and permit	470.00
Fee for special entrant visa and permit	960.00
Fee for processing a sponsorship application, transferring sponsorship	470.00
Fee for processing a bond, transferring a bond	55.00

<b>Matter</b>	<b>Amount (\$) (inclusive of value added tax)</b>
Fee for providing a short summary of reasons for decisions onshore	400.00
Fee for applying for a Cook Islands Immigration review of a decision	580.00
Fee for applying for a Ministerial review of a decision	655.00
Fee for Cook Islands Immigration arranging flights for departure plus any travel costs	400.00
Fee for processing "release on conditions"	1,000.00
Daily charge for "release on conditions"	55.00
Daily charge for detention	530.00
Charge where visa or permit cancelled due to failure to advise change in circumstances	1,500.00
Charge where visa or permit cancelled due to fraud	1,500.00
Charge where visa or permit cancelled due to failure to meet conditions	1,500.00

## Schedule 12 Form

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### Warrant of commitment

*Section 137(1)(b)(i) or 138(2), Cook Islands Immigration Act 2021*

To constable [name]\*, any constable\*, and to [name] being the person in charge of [description of specified premises]:

- 1 [Full name of person to be detained under the warrant], of [address and occupation, if known], must be detained in custody for the purposes of effecting their deportation or departure from the Cook Islands under Part 10 of the Act pursuant to this warrant made under section 137(1)(b)(i)\* or 140\* of the Cook Islands Immigration Act 2021.
- 2 **I order** that [name] be detained until [date (no more than 28 days from date warrant signed by Judge or 72 hours if warrant signed by Justice of the Peace)] or, if before that date:
  - (a) a court orders the person's release, the day [name of person in charge of specified premises] is made aware of that order; or
  - (b) the person is required to be delivered up to an immigration officer or a constable for the purpose of effecting their deportation or departure from the Cook Islands under Part 10 of the Cook Islands Immigration Act 2021, the first day available for a constable or immigration officer to take delivery of the person; or
  - (c) written notice is received from an immigration officer that the person is no longer liable to arrest and detention under Part 11 of the Act, the day that notice is received.
- 3 **I direct you**, the constable(s), to deliver [name] to [specified premises] and you [name], the person in charge of those premises, to receive [name] into your custody and detain them for the number of days specified, or until the date referred to, in paragraph 2.

Dated at: [place, day, month, year]

Signature:

High Court Judge (acting under section 137 of the Cook Islands Immigration Act 2021)\*

Justice of the Peace (acting under section 140 of the Cook Islands Immigration Act 2021)\*

\*Select one.

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**Clerk of the Executive Council**

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These regulations are administered by the Ministry of Foreign Affairs and Immigration.  
These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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