

Reprint  
as at 7 May 2015



## Immigration (Certificate, Warrant, and Other Forms) Regulations 2010 (SR 2010/239)

Regulations name: amended, on 18 April 2014, by regulation 5 of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2014 (LI 2014/78).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 400 of the Immigration Act 2009, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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## Regulations

### 1 Title

These regulations are the Immigration (Certificate, Warrant, and Other Forms) Regulations 2010.

Regulation 1: amended, on 18 April 2014, by regulation 5 of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2014 (LI 2014/78).

### 2 Commencement

These regulations come into force at 2 am on 29 November 2010.

### 3 Interpretation

In these regulations, **Act** means the Immigration Act 2009.

### 4 Certificate requiring information about individual's present or past whereabouts

A certificate prepared by an immigration officer under section 274(1)(a) of the Act must be in form 1 of the Schedule.

### 5 Certificate requiring information about whether individual is or has occupied particular premises

A certificate prepared by an immigration officer under section 274(1)(b) of the Act must be in form 2 of the Schedule.

### 5A Certificate requiring surrender of documents held by third party

A certificate given by an immigration officer for the purpose in section 281A(1)(c) of the Act (for the surrender of a document by a third party) must be in form 2A of the Schedule.

Regulation 5A: inserted, on 7 May 2015, by section 111 of the Immigration Amendment Act 2015 (2015 No 48).

### 6 Warrants of commitment

- (1) A warrant of commitment issued by a District Court Judge or a High Court Judge under section 317(1)(b)(i), 318(3)(a) (in relation to an application descri-

bed in subsection (1)(a) of that section), or 323(2) of the Act must be in form 3 of the Schedule.

- (2) A warrant of commitment issued by a District Court Judge or a High Court Judge under section 318(3)(a) of the Act (in relation to an application described in subsection (1)(b) of that section) must be in form 4 of the Schedule.
- (3) A warrant of commitment issued by a District Court Judge under section 317B(3) or 317E(1)(a) of the Act must be in form 5 of the Schedule.

Regulation 6(3): inserted, on 19 June 2013, by section 18(2) of the Immigration Amendment Act 2013 (2013 No 39).

**7 Notice of cancellation of removal order made in respect of person not in New Zealand**

A notice of cancellation of a removal order to be sent under section 58(4) of the former Act to a person who has already been removed from or has left New Zealand must be in form 6 of the Schedule.

Regulation 7: inserted, on 18 April 2014, by regulation 6 of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2014 (LI 2014/78).

## Schedule Forms

rr 4, 5, 6

### Form 1

Certificate requiring information as to whereabouts of person suspected of  
being liable for deportation

r 4

*Section 274(1)(a), Immigration Act 2009*

*[The original or a copy of this certificate (depending on the manner in which the certificate is given) may be retained by the person, or the officer or employee of the department, agency, or other body, specified in section 275 of the Immigration Act 2009 for the purpose of recording the fact that any information given was in response to this certificate. The original or a copy of this certificate (depending on the manner in which the certificate is given) is also retained by the immigration officer.]*

**To** *[name of person, or officer or employee of department, agency, or other body]*

- 1 I, *[name]*, an immigration officer, certify that I have good cause to suspect that *[name]*, also known as *[name]*, may be, or may become as a result of investigations, liable for deportation.
- 2 Under section 274(3) of the Immigration Act 2009, I call on you to produce for my inspection and provide a copy of, or allow me to copy, any record or other information held by and reasonably available to you or, as the case may be, the department, agency, or body for whom you are an officer or employee that may help to establish the present whereabouts of the person named above or the person's whereabouts at any time in the past.
- 3 Section 274(4) of the Immigration Act 2009 provides that your obligation to supply the information I seek applies despite any enactment or rule of law to the contrary, and that you (and, as the case may be, the department, agency, or body for whom you are an officer or employee) are not liable in any civil or criminal proceedings for complying with my request.

Date:

Signature:

Form 2  
Certificate requiring information as to occupier of premises

r 5

*Section 274(1)(b), Immigration Act 2009*

*[The original or a copy of this certificate (depending on the manner in which the certificate is given) may be retained by the person, or the officer or employee of the department, agency, or other body, specified in section 275 of the Immigration Act 2009 for the purpose of recording the fact that any information given was in response to this certificate. The original or a copy of this certificate (depending on the manner in which the certificate is given) is also retained by the immigration officer.]*

**To** *[name of person, or officer or employee of department, agency, or other body]*

- 1 I, *[name]*, an immigration officer, certify that I have good cause to suspect that the premises at *[address]* are being occupied or have been occupied (whether for residential purposes or otherwise) by a person who may be, or may become as a result of investigations, liable for deportation.
- 2 Under section 274(3) of the Immigration Act 2009, I call on you to produce for my inspection and provide a copy of, or allow me to copy, any record or other information held by and reasonably available to you or, as the case may be, the department, agency, or body for whom you are an officer or employee that may help to establish the name of the present occupier or any of the present occupiers of the premises, or the name of the occupier or any of the occupiers of the premises at any time in the past.
- 3 Section 274(4) of the Immigration Act 2009 provides that your obligation to supply the information I seek applies despite any enactment or rule of law to the contrary, and that you (and, as the case may be, the department, agency, or body for whom you are an officer or employee) are not liable in any civil or criminal proceedings for complying with my request.

Date:

Signature:

Form 2A  
Request for surrender of document from third party

r 5A

*Section 281A, Immigration Act 2009***To** [*name of person or organisation, address*]

1 I, [*name*], an immigration officer, have good cause to suspect that you are in possession of a passport/certificate of identity/or other documentary evidence of identity\* relating to [*full name*], who is, or who I have good cause to suspect is, liable for deportation or turnaround under the Immigration Act 2009.

\*Omit as applicable.

2 If you are in possession of the above document(s), then, pursuant to section 281A of the Immigration Act 2009, I require you to surrender it/them\* by—

- giving it/them\* to me now; or
- delivering it/them\* personally to the address below within 7 days of the date of this certificate; or
- posting it/them\* by registered post to the address below within 7 days of the date of this certificate.†

\*Select one.

†**Note:** If you use registered post, you must keep evidence that you have posted the document(s).

Attention of: [*name of immigration officer*]

at: [*office*]

at: [*address*]

3 If you are in possession of the above document(s) and you do not surrender it/ them\* to me in accordance with this certificate, you are liable to prosecution and a fine under section 344(a) of the Immigration Act 2009.

\*Select one.

4 Surrendering a document in accordance with this certificate does not expose you to any legal liability. This is because, under section 281A(2) of the Immigration Act 2009, no action lies in any court in respect of the surrender of a document that you are required by this certificate to surrender.

Date:

Signature:

Name:

(Immigration officer)

Schedule form 2A: inserted, on 7 May 2015, by section 112 of the Immigration Amendment Act 2015 (2015 No 48).

Form 3  
Warrant of commitment

r 6(1)

*Section 317(1)(b)(i), 318(3)(a) (for the purpose of section 318(1)(a)), or 323(2), Immigration Act 2009*

**To** every constable/[*name*], constable\*, and to the Manager of [*specified prison*]/  
Person in charge of [*specified premises*]\*

\* Select one.

- 1 [*Full name of person to be detained under the warrant*], of [*address and occupation, if known*], was detained in custody under Part 9 of the Immigration Act 2009. An application for a warrant of commitment under section 316 of that Act has been made in relation to him or her.
- 2 **I order** that [*name*] be detained until [*date (no more than 28 days from date warrant signed)*] or, if one of the following events occurs before that date, on the date that the event occurs:
- (a) he/she\* is ordered to be released by any court; or
  - (b) he/she\* is required to be delivered up to an immigration officer or a constable under section 335(1) of the Immigration Act 2009 for the purpose of executing his/her\* deportation or effecting his/her\* departure from New Zealand; or
  - (c) written notice is received from an immigration officer that he/she\* has ceased to be liable to arrest and detention under Part 9 of the Immigration Act 2009.

\* Select one.

- 3 **I direct you**, the constable(s), to deliver [*name*] to [*specified prison or premises*] and you, the Manager/Person in charge\*, to receive [*name*] into your custody and detain him/her\* for the number of days specified, or until the date referred to, in paragraph 2.

\* Select one.

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

Signature:

District Court Judge/High Court Judge (acting under section 326 of the Immigration Act 2009)\*

\* Select one.

Schedule form 3: amended, on 3 September 2012, by regulation 4(1) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Schedule form 3: amended, on 3 September 2012, by regulation 4(2) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Reprinted as at  
7 May 2015

**Immigration (Certificate, Warrant, and Other Forms)  
Regulations 2010**

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Schedule

Schedule form 3: amended, on 3 September 2012, by regulation 4(3) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Form 4  
Warrant of commitment

r 6(2)

*Section 318(3)(a), Immigration Act 2009 (for the purpose of section 318(1)(b) of that Act)*

To every constable/[*name*], constable\*, and to the Manager of [*specified prison*]/  
Person in charge of [*specified premises*]\*

\* Select one.

- 1 [*Full name of person to be detained under the warrant*], of [*address and occupation, if known*],—
- (a) is liable for deportation in accordance with an order made under section 163 of the Immigration Act 2009 (having been certified as constituting a threat or risk to security); and
  - (b) was detained in custody under Part 9 of the Immigration Act 2009. An application for a warrant of commitment under section 316 of that Act has been made in relation to him or her.
- 2 **I order** that [*name*] be detained until [*date (no more than 28 days from date warrant signed)*] or, if one of the following events occurs before that date, on the date that the event occurs:
- (a) he/she\* is ordered to be released by any court; or
  - (b) he/she\* is required to be delivered up to an immigration officer or a constable under section 335(1) of the Immigration Act 2009 for the purpose of executing his/her\* deportation or effecting his/her\* departure from New Zealand; or
  - (c) written notice is received from an immigration officer that he/she\* has ceased to be liable to arrest and detention under Part 9 of the Immigration Act 2009.

\* Select one.

- 3 **I direct you**, the constable(s), to deliver [*name*] to [*specified prison or premises*] and you, the Manager/Person in charge\*, to receive [*name*] into your custody and detain him/her\* for the number of days specified, or until the date referred to, in paragraph 2.

\* Select one.

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

Signature:

District Court Judge/High Court Judge (acting under section 326 of the Immigration Act 2009)\*

\* Select one.

Schedule form 4: amended, on 3 September 2012, by regulation 4(4) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Schedule form 4: amended, on 3 September 2012, by regulation 4(5) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Schedule form 4: amended, on 3 September 2012, by regulation 4(6) of the Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198).

Form 5  
Warrant of commitment (mass arrival warrant)

r 6(3)

*Sections 317B(3), 317E(2)(b), Immigration Act 2009*

**To** every constable/[*name*], constable\*

\*Select one.

and

\***To** Manager(s) of [*specified prison(s)*]

\*Omit if inapplicable.

and

\***To** Person(s) in charge of [*specified premises*]

\*Omit if inapplicable.

1 [*Names or other identity information of persons to be detained under the warrant*] were detained in custody under Part 9 of the Immigration Act 2009.

An application for a mass arrival warrant under section 317A of that Act/A further application for a mass arrival warrant under section 317E(1)(a) of that Act\* has been made in relation to the persons.

\*Select one.

2 Subject to paragraph 3, **I order** that the persons referred to in paragraph 1 be detained until [*date (no more than 6 months from date warrant signed for warrant issued under section 317B of the Immigration Act 2009 and no more than 28 days from date warrant signed for warrant issued under section 317E of that Act)*].

3 In respect of any individual referred to in paragraph 1, if one of the following events occurs before [*restate the date stated in paragraph 2*] in relation to that individual, he or she must be detained only until the date that the event occurs:

- (a) he or she is ordered to be released by any court; or
- (b) he or she is required to be delivered up to an immigration officer or constable under section 335(1) of the Immigration Act 2009 for the purpose of executing his or her deportation or effecting his or her departure from New Zealand; or
- (c) written notice is received from an immigration officer that he or she has ceased to be liable to arrest and detention under Part 9 of the Immigration Act 2009.

4 **I direct you**, the constable(s), to deliver each person named or identified in the following table to the place specified in the table:

Name or other identity information of person to be detained under the warrant	Place to which person is to be delivered
[ <i>specify</i> ]	[ <i>specify</i> ]

- 5 **I direct you**, the Manager(s)/Person(s) in charge/Manager(s) and Person(s) in charge\* of the place(s) specified in paragraph 4, to receive the person(s) to be detained at that place/those places\* specified in that paragraph into your custody and detain them—
- (a) for the period specified in paragraph 2; or
  - (b) in relation to an individual to whom paragraph 3 applies, until the date of the relevant event referred to in that paragraph.

\*Select one.

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

Signature:

(District Court Judge)

Schedule form 5: inserted, on 19 June 2013, by section 18(3) of the Immigration Amendment Act 2013 (2013 No 39).

Form 6  
Notice of cancellation of removal order

r 7

*Section 58(4), Immigration Act 1987 and section 463(1)(b), Immigration Act 2009*

**To** [name of person named in removal order who is now overseas] of [overseas address]. You are notified, pursuant to section 58 of the Immigration Act 1987 and section 463(1)(b) of the Immigration Act 2009, that the removal order served personally on you on [date] is cancelled with effect on and from the date of this notice.

Date:

Signature:

(Immigration officer designated by the chief executive of the Ministry of Business, Innovation, and Employment for the purpose of making removal orders)

Schedule form 6: inserted, on 18 April 2014, by regulation 7 of the Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2014 (LI 2014/78).

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 12 August 2010.

## **Reprints notes**

### **1    *General***

This is a reprint of the Immigration (Certificate, Warrant, and Other Forms) Regulations 2010 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Immigration Amendment Act 2015 (2015 No 48): sections 111, 112

Immigration (Certificate, Warrant, and Other Forms) Amendment Regulations 2014 (LI 2014/78)

Immigration Amendment Act 2013 (2013 No 39): section 18

Immigration (Certificate and Warrant Forms) Amendment Regulations 2012 (SR 2012/198)