

APPEAL TO THE RESIDENCE REVIEW BOARD



Office use only

Appeal No

(Under Section 18C of the Immigration Act 1987)

This form has been approved under Section 132(1) of the Immigration Act 1987.

IMPORTANT! PLEASE READ INFORMATION AT THE BACK OF THIS FORM

- This form must be completed in English.
- If your answers will not fit in the space provided, please continue on a separate sheet of paper.
- Making false or misleading statements constitutes an offence under Section 142 of the Immigration Act.
- This form is free, but you must pay the appeal fee. The Board cannot consider your appeal if the fee is not paid.
- Any documents supplied to the Board should be certified copies other than medical evidence which **MUST** be original.
- The Board must receive your appeal within the 42-day time limit. See information for Appellants at the back of the form for the address and other contact details.

Principal Applicant's Details

1. Your name as shown in your passport or travel document?

Family

Given

2. List any other names you are known by:

3. Your sex? Male Female

4. Your date of birth?

5. Your partnership status? Never married Married Engaged Separated Divorced
 Widowed De facto

6. Your country of birth?

7. Please list all the countries of which you are a citizen.

8. List below those members of your family who were included in your application for residence.

Full name	Relationship	Date of birth
		/ /
		/ /
		/ /
		/ /
		/ /
		/ /
		/ /

9. Your address where all mail to do with this appeal should be sent?

If in New Zealand

17. The date you arrived? / /

18. The date your permit expires or expired? / /

Paying your application fee

19. If you are paying by cheque, please make it payable to "The Residence Review Board". If your cheque is dishonoured, the Residence Review Board may not be able to consider your appeal.

I enclose: Bank cheque Personal cheque (only in NZ\$) Business cheque (only in NZ\$) Cash

Cheque number Issuing bank

If you are paying by credit card, please ensure that you complete all of the following details.

You must sign and date this section.

Please charge to my credit card (details as follows):

Accepted credit cards are (please specify type): MasterCard Visa

Name of cardholder Amount

Card number Expiry date

Signature of cardholder Date

Declaration of appellant

20. I declare I understand the notes and questions in this form, and the information I have given is true and complete. I authorise the Residence Review Board to make any enquiries it considers necessary in respect of the information provided on this form. I also consent to any organisation providing relevant information to the Residence Review Board about me if requested.

Signature of appellant Date

Signature of parent or guardian Date
(if appellant under 17 years)

THIS FORM MUST BE SIGNED BY THE APPELLANT.

Declaration of Agent or Interpreter

21. I have helped the appellant complete this appeal as his or her: agent interpreter (tick appropriate box).

I certify that the appellant understood the content of the form and answers given, and approved them before signing the declaration.

I understand that after the appellant has signed this form that it is an offence to alter or enter further information on it, or attach any further material to it, unless the person making the alteration or addition states on the form what information or material has been altered or attached, why and by whom. I understand that the maximum penalty for this offence is a fine of up to NZ\$100,000 and/or a term of imprisonment of up to 7 years.

Full name of interpreter/agent

Telephone number

Fax number

Address of interpreter/agent

Signature of interpreter/agent

Date

D	D	M	M	Y	Y	Y	Y
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We suggest you complete the checklist before you post this form to the Board.

Personal Information about Appellant

The information that you provide is collected to enable the Residence Review Board to determine your appeal. The main recipient of the information is the Residence Review Board. As a Tribunal, in terms of the Privacy Act 1993, and in relation to its judicial functions, the Residence Review Board is not obliged to release the appeal file or any part of it, including any information, documents or material received by the Residence Review Board. However, this information must by law be given to the Department of Labour to allow it to comment on your appeal if it wishes and may be shared with other Government agencies which are entitled to it under applicable legislation.

Appellants are advised that selected decisions of the Residence Review Board are published on its website at www.residencereviewboard.govt.nz. The published decisions are in a 'depersonalised' form (ie the appellant's name and other identifying information are removed).

Checklist

I have:

- answered all the relevant sections of this appeal form
- provided my full correspondence and residential address
- included a copy of the letter stating my application has been declined
- provided my adviser's name, address, telephone, and fax numbers
- provided the Residence Review Board with all the information I want it to take into account when considering my appeal
- enclosed the correct fee
- provided where applicable, certified copies of relevant documents as evidence (eg marriage/divorce/birth/adoption/death certificates, passport/s, citizenship papers)
- provided where applicable original documentation of any medical reports, references and letters of support
- read and understood the whole form
- signed and dated the Declaration by Appellant section on this form.

List any documents you have attached to this form

Information for Appellants

1. Who can appeal to the Residence Review Board?

Any person whose application for a residence visa or permit has been declined by a visa/immigration officer can appeal to the Residence Review Board (the Board), except where,

- (a) any person included in the application is a person to whom section 7(1) of the Immigration Act 1987 applies; or
- (b) an application, from a person who has been invited to apply for residence, is declined and a ground for the decision is that the officer is satisfied that the person:
 - (i) whether personally or through an agent, in expressing his or her interest in obtaining an invitation to apply for residence submitted false or misleading information, or withheld relevant information that was potentially prejudicial to the person; or
 - (ii) did not ensure that a visa officer or immigration officer was informed of any material change in circumstances between the time of expressing interest and the time of the person's application for the relevant visa or permit; or
- (c) an application for residence is lapsed.

The Board has no authority to consider an appeal in respect of the above matters.

The Board also has no authority to consider an appeal in respect of (see section 18C of the Immigration Act 1987),

- (d) any refusal or failure of the Minister of Immigration or a visa officer or an immigration officer to issue an invitation to apply for residence; or
- (e) the lapsing of an expression of interest in obtaining an invitation to apply for residence; or
- (f) the revocation of an invitation to apply for residence.

Please note that there are other restrictions on the Board's jurisdiction and authority to hear an appeal. You are encouraged to look at the Immigration Act 1987, which can be accessed through the Residence Review Board's website www.residencereviewboard.govt.nz, or contact the Residence Review Board directly on (04) 915 4200.

2. How do I lodge an appeal?

You must use this official appeal application form. If this form is not used, your appeal cannot be considered.

The form is available from Immigration New Zealand (INZ) branch offices, or New Zealand overseas diplomatic and consular offices. This form may also be downloaded from the internet at: www.residencereviewboard.govt.nz.

3. Can I include anyone?

You can include other family members in your appeal if they were also included in your application for residence. If other family members made separate applications for residence they must make separate appeals.

4. What is the fee for an appeal?

The fee for an appeal to the Residence Review Board is NZ\$700.

Fees are reviewed at various times and you may wish to contact the Residence Review Board or see their website: www.residencereviewboard.govt.nz for further details.

5. Who can fill out my appeal form?

This is a matter for you to decide. You can fill it out yourself or, if you want help, you can ask a lawyer, a licensed immigration adviser or someone exempt from the requirement of being licensed pursuant to the Immigration Advisers Licensing Act 2007. However, you, the applicant **must** sign the form. In the case of an appeal by a person under 17 years of age a responsible adult for the appellant may sign the form.

6. When must my appeal be received?

The Board must receive your appeal, on the approved form with the appropriate fee and the information, evidence and submissions you wish to provide, within 42 days after the date you received the letter telling you a visa/immigration officer has refused to issue a residence visa or grant a residence permit.

Under section 18C(4) of the Immigration Act 1987, an applicant is considered to have received a notice of refusal to issue a residence visa or permit:

- **14 days** from the date the letter from INZ was posted. If the letter was posted to an address **outside New Zealand**, the 42 days are counted from the 15th day after posting;
- **seven days** from the date the letter from INZ was posted. If the letter was posted to an address in **New Zealand**, the 42 days are counted from the eighth day after posting.

Saturdays and Sundays are counted as part of the 42 days, but the following New Zealand holidays are not counted.

Public holidays

- | | | |
|--|--|---|
| <ul style="list-style-type: none">• Christmas Day• Boxing Day• New Year's Day• Day after New Year's Day | <ul style="list-style-type: none">• Waitangi Day• Good Friday• Easter Monday• Anzac Day | <ul style="list-style-type: none">• Sovereign's Birthday• Labour Day• Provincial Anniversary Day
<small>(If appellant is in New Zealand – as observed in the province where he/she lives)</small>• Departmental holidays |
|--|--|---|

Departmental holidays

These are holidays observed by the Department of Labour usually between Christmas and New Year. A notice will be placed in each office before these holidays are taken.

The Board cannot consider your appeal if it is received after the 42-day time limit unless it is satisfied you did not receive the INZ decline letter within the period set out in section 18C(4) of the Immigration Act above.

7. What should I put in my appeal?

The Board will obtain the INZ files with all the information and documents INZ holds about your application for residence.

You should write on the appeal form all the reasons why you think your appeal should be approved (or you can attach a letter if there is not enough space on the form). **Any information, evidence and submissions that support your reasons must also be provided within the 42-day appeal period. The Board is not obliged to consider any material provided after that time (section 18F(2)(a) of the Immigration Act 1987).**

8. How will I know the Board's decision?

You will get a letter from the Board, together with the Board's written decision which explains in full the reasons for that decision.

9. Can I appeal the Board's decision?

You are entitled to only one decision on your appeal. You cannot ask the Board to reconsider its decision but you have a right of appeal to the High Court of New Zealand within 28 days after you are notified of the Board's decision (section 115 of the Immigration Act 1987).

10. Can the Board consider information that was not provided to INZ?

The Board cannot consider information or evidence provided by you which was not provided to INZ before its decision to decline your application, unless it is satisfied that:

- the information existed at the time the decision was made and would have been relevant to the making of the decision; and
- you could not, by "reasonable diligence", have provided it to INZ at the time it made its decision; and
- it is fair to consider this information or evidence (section 18F(4A) of the Immigration Act 1987).

Alternatively, if the Board considers a "particular event" has occurred after your application was declined and it materially affects your eligibility for residence, and it is fair to do so, the Board may refer your case to INZ for a new assessment (section 18F(6) of the Immigration Act 1987).

If you have additional information you should consider very carefully whether it is better to appeal or to make a new application to INZ. You may wish to seek professional advice from a lawyer or licensed immigration adviser.

11. Will I be able to stay in New Zealand while my appeal is being considered?

The Board cannot make any decision about your temporary permit. If you have a current visitor's, work, or student permit you will be able to stay in New Zealand only until your permit expires. You do not automatically get a further temporary permit when you make an appeal to the Residence Review Board. You can only get a further temporary permit while your appeal is being considered if you qualify for one under normal New Zealand temporary permit policy.

You should advise the board of your overseas address if you have to leave New Zealand before the decision on your appeal is made.

12. What happens if I give false information in my appeal?

You commit an offence under Section 142 of the Immigration Act if you make a statement in your appeal or provide information or evidence including any document that you know is false or misleading. If convicted, you could face imprisonment or be fined.

13. How can I send my appeal to the Board?

Your appeal can be sent in any one of the following ways:

- By post or courier to:
The Residence Review Board
PO Box 1809
WELLINGTON
- By facsimile to the Residence Review Board's fax number with your credit card details. You must also post the completed original appeal form, payment details and submissions to the Board's postal address.
- By delivering it in person to the Residence Review Board's street address in Wellington during office hours which are 8.30am to 5.00pm.

14. Where can I get further information?

If you need further information you can telephone or fax the Board on the numbers below.

Telephone: (64) (04) 915 4200

Fax: (64) (04) 915 6390

Website: www.residencereviewboard.govt.nz

15. What if I change my address?

You must keep the Board informed of the address to which any letter about your appeal should be sent. If you change your address after you have lodged your appeal, you must tell the Board in writing of your new address.

16. What if I decide to withdraw my appeal?

Please write and tell the Board in a letter.