

# Information for Deportation Appeal by a Non-Resident (form attached)



Immigration and Protection Tribunal | Rōpū Take Manene, Take Whakamaru

Immigration Act 2009

## When to use this form

Use this Notice of Appeal form if you are liable for deportation because:

- you are unlawfully in New Zealand; or
- you hold a temporary or interim visa and have been served with Deportation Liability Notice (DLN); or
- your temporary or interim visa was granted in error; or
- you held your temporary or interim visa under a false identity;
- you held a temporary or interim visa and it was determined that there was sufficient reason to deport you; or
- you are also filing a refugee and protection appeal and are eligible to lodge a humanitarian appeal at the same time

and you would like to appeal to the Immigration and Protection Tribunal (the Tribunal) against your liability for deportation.

If your spouse/partner and/or any adult children (aged 18 and over) are also liable for deportation, each of them must complete a separate appeal form and pay a separate fee.

If you have any dependent children who hold temporary or interim visa and have been served with Deportation Liability Notice (DLN), they must each complete a separate Notice of Appeal form, and depending on their circumstances, they may be required to pay a separate fee. The Tribunal will let you know if this is required.

If you have any dependent children who have NOT been served with a Deportation Liability Notice (DLN) they can be included in your appeal and they do not need to complete a separate appeal form or pay a separate fee.

## What you need with your application

To complete your application, you need to send:

- A fully completed form AND
- The fee for filing this Notice of Appeal (\$700)

You should also send, if you can:

- A copy of your Deportation Liability Notice, or Immigration New Zealand decision, expired visa or a copy of the relevant pages of your passport showing your visa (whichever is applicable)
- Copies of any other documents or evidence you wish to submit in support of your appeal
- A copy of your identification page from your passport

All accompanying documents must be provided in English or with a certified translation in English. The original and one copy of all documents need to be provided.

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## Completing the form

- Complete this form in English.
- You can fill in this form electronically. If you do this, you must also print, sign, and submit it to the Tribunal.
- You can also print and fill in this form by hand. If filling out by hand, please print carefully.
- Answer every question on the form unless the instructions tell you otherwise.
- If you are a minor appellant (under 18 years of age and not married or in a civil union), a responsible adult must sign on your behalf. If you do not have a parent present to act as responsible adult, tick the relevant box in Step 8 of this form and the Tribunal will nominate a responsible adult to act for you.

Please read *Guide 5 – A guide to lodging a deportation appeal by a non-resident* before you start completing this form. The guide will help you assess whether you are entitled to an appeal and provides information on how to lodge an appeal.

## Payment information

The fee for filing this Notice of Appeal is \$700.

To confirm how you pay the appeal fee, please visit the Ministry of Justice website:

[www.justice.govt.nz/tribunals/immigration/immigration-and-protection/make-an-appeal/forms-and-fees/](http://www.justice.govt.nz/tribunals/immigration/immigration-and-protection/make-an-appeal/forms-and-fees/)

If you need further assistance, please contact the Tribunal on:

Ph: 64 9 914 4299

Email: [IPT@justice.govt.nz](mailto:IPT@justice.govt.nz)

**Appeal fees are non-refundable.**

## Application process

You must lodge this Notice of Appeal form together with your lodgement fee and all relevant documents by email, in person, by courier or by post to the Tribunal at the address at the end of this form. The Tribunal must receive it within the time limit.

If you send a copy of this Notice of Appeal with your proof of payment by email, the Tribunal will accept it on that date but you still need to deliver or post the original of this Notice of Appeal and supporting documents to the Tribunal.

After you have lodged your appeal, the Tribunal will write to let you know that your appeal has been received.

A copy of your appeal will be sent to Immigration New Zealand who will provide any information and/or relevant parts of your immigration file to the Tribunal.

If you change your representative, or your (or your representative's) contact details change, you must notify the Tribunal immediately.

## Important Information

It is an offence under the Immigration Act 2009 to make any statement, provide information, evidence or submissions knowing that they are false or misleading in any material aspect in any appeal or matter in the nature of an appeal to the Tribunal.

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## Terms used in this form

The following contains a list of terms that are used in this application form. The definitions are provided as a guide only and should not be taken as legal advice.

Appellant	An appellant is the person who appeals a decision.
Certified Copy	A true copy, approved by someone legally allowed to approve it. If you are in New Zealand, certified copies must be approved by a lawyer, notary public, Justice of the Peace or court official.
Certified Translation	A written translation from one language into English that has been officially certified by a recognised translation agency. A translation by a friend or family member will not be accepted.
Dependent child	A dependent child means a child under 18 years of age who is not married or in a civil union and who is dependent on you (the principal appellant), whether or not the child is your child.
Minor Appellant	A minor appellant is an appellant who is under 18 years of age and not married or in a civil union.
Principal Appellant	The principal appellant is the main appellant lodging the appeal. If there are dependent children included in the appeal, the parent is the principal appellant.
Representative	A representative must be a lawyer, a licensed immigration adviser, or a licence-exempt person. For the full list, see <i>Guide 5 – A guide to lodging a deportation appeal by a non-resident</i> .
Responsible Adult	This is either the minor appellant's parent or a person nominated by the Tribunal.


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## Do a quick check


### Before sending in the form – check:

You have answered all the relevant steps in English

If you can, you should also provide:

 A copy of your Deportation Liability Notice, or Immigration New Zealand decision, expired visa or a copy of the relevant pages of your passport showing your visa (whichever is applicable)

 A copy of the Immigration New Zealand decision you are appealing

 Any relevant information you want the Tribunal to take into account when considering your appeal (in English or with a certified translation). The original and one copy of all documents should be provided.

 A copy of the identification page from your passport

Each adult person liable for deportation must complete a separate appeal form. If dependent children were issued a Deportation Liability Notice they must each complete an appeal form.

You and your representative (if you have one) have signed this form.

You have paid the fee. This fee is non-refundable.

If you need more help filling in this form, please call (64 9) 914 4299, email [ipt@justice.govt.nz](mailto:ipt@justice.govt.nz), or visit [www.justice.govt.nz/tribunals/immigration/immigration-and-protection/](http://www.justice.govt.nz/tribunals/immigration/immigration-and-protection/).

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## Send in the form

You can post the form to:

Immigration and Protection Tribunal  
DX EX 11086  
Auckland  
New Zealand

or post, courier, or deliver the form to:

Immigration and Protection Tribunal  
Level 1  
41 Federal Street  
Auckland 1010

Phone: 64 9 914 4299

Email: [ipt@justice.govt.nz](mailto:ipt@justice.govt.nz)

Website: <https://www.justice.govt.nz/tribunals/immigration/immigration-and-protection/>

If you email your form, please remember that you still need to deliver or post the original appeal form and your supporting documents to the Tribunal. The form and the fee must reach the Tribunal in time. If it does not, the Tribunal will not be able to extend time.

# DEPORTATION APPEAL BY A NON-RESIDENT

## NOTICE OF APPEAL

Immigration and Protection Tribunal | Rōpū Take Manene, Take Whakamaru

Immigration Act 2009

FORM 5

TRIB No.: \_\_\_\_\_

### Step 1. Your details

What is your full name? (As shown on your passport)

Full name Family Name/Surname

First Name

Middle Name

Title  Mr  Mrs  Ms  Miss  Dr  Other (specify) \_\_\_\_\_

Are you known by, or have you ever been known by another name? (Please tick to confirm)

Yes  No

If yes, please supply the additional names. If no, leave this blank and move on to the next question

Other names Family Name/Surname

First Name

Middle Name

Family Name/Surname

First Name

Middle Name

What is your gender? (Please tick to confirm)

Male  Female  Prefer not to disclose

Other Please tell us your gender identity \_\_\_\_\_

When were you born?

Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (day/month/year)

What country were you born in?

Country of birth \_\_\_\_\_

What countries are you a citizen of?

List all countries \_\_\_\_\_

In which countries do you have the right of residence?

List all countries \_\_\_\_\_

Passport or reference number	Expiry date (day/month/year)	Country of issue
_____	/ /	_____
_____	/ /	_____
_____	/ /	_____
_____	/ /	_____

**What date did you last arrive in New Zealand?**

Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (day/month/year)

**Please complete the last temporary visa you were granted (if applicable)**

Type of visa (eg, visitor, work, student) \_\_\_\_\_

Expiry date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (day/month/year)

**Have you ever been deported or removed from any country, including New Zealand?  
(Please tick to confirm)**

Yes. Please complete the table below.

No. Go to question on convictions.

Country	Date deported	Provide details
_____	_____ / _____ / _____	_____
_____	_____ / _____ / _____	_____
_____	_____ / _____ / _____	_____

**Have you ever been convicted of any offence in any country, including criminal, traffic and other offences? (Please tick to confirm)**

Yes. Please complete the table on the following page.

No. Go to question after table.

*If you answered yes, provide details (including for convictions which have lapsed or being expunged).*

Convicted of...	Details of the nature of the offence	Year convicted	Penalty imposed	Lapsed (yes or no)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*Continue on a separate sheet of paper if necessary and attach it to this form.*

**Are there any criminal or traffic charges against you at present or any matters or investigations of any kind outstanding, which could affect the assessment of your character now or in the future? (Please tick to confirm)**

- Yes. Please complete the table below.
- No. Go to question on working in New Zealand.

*If you answered 'yes', please provide the full details of the criminal charge or investigation below.*

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*Continue on a separate sheet of paper if necessary and attach it to this form.*

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## Step 2. Your contact details

**What is your current residential address in New Zealand? (This must be a physical New Zealand address). You must notify the Tribunal immediately if you change your address.**

Address	No.	Street	Suburb
		Town/City	Post Code

**What are your contact details? Please include country code for phone number outside New Zealand.**

**Daytime contact number** \_\_\_\_\_

**Mobile phone number** \_\_\_\_\_

**Email address** \_\_\_\_\_ *Email address*

**Where do you want us to send all documents and official notices relating to this appeal?**

**(This must be a physical address. Please tick one to confirm)**

- to your representative (details to be provided in Step 6). *Move on to Step 3 and continue.*
- to you, at the address or email address listed above
- to you, at the following address *(if you are a minor appellant and have a responsible adult, this will be the responsible adult's address for communication):*

Address	No.	Street	Suburb
		Town/City	Post Code

**Responsible adult's email address** \_\_\_\_\_

*You must notify the Tribunal immediately if you change your address.*

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## Step 3. Your spouse/partner, parents and siblings

**What is your current relationship status? (Please tick to confirm, you may tick more than one)**

- Never Married       Married       Engaged       Separated  
 Widowed       Civil Union       Partnership / Defacto       Divorced

**What is your spouse/partner's full name and address? (if applicable)**

**Full name**    Family Name/Surname                      First Name                      Middle Name  
\_\_\_\_\_

*You do not need to complete your spouse/partner's address if it is the same as yours.*

**Address**    No.                      Street                      Suburb  
\_\_\_\_\_  
Town/City                      Post Code  
\_\_\_\_\_  
Country if not New Zealand  
\_\_\_\_\_

**If your spouse/partner is in New Zealand, tick the immigration status which applies to them:  
(Please tick to confirm)**

*If your spouse/partner is liable for deportation, they must complete a separate appeal form.*

- New Zealand citizen                       Unlawfully in New Zealand (no current visa)  
 New Zealand residence class visa holder       Temporary visa (please specify type and expiry)  
 Other: Please specify

**Do you have any living parents, brothers and/or sisters? (Please tick to confirm)**

*This means all your other family members including those living in New Zealand and those in other countries.*

- Yes. *Please provide their details below.*  
 No. *Go to question on children.*



Full name Family Name/Surname First Name Middle Name

Date of birth (day/month/year) / / (Please tick to confirm)  Alive  Deceased

Gender (Please tick to confirm)  Male  Female  Other  Prefer not to disclose

Relationship \_\_\_\_\_  
(eg, parent, brother, sister)

Immigration status if in New Zealand \_\_\_\_\_

Country of residence \_\_\_\_\_ Country of citizenship \_\_\_\_\_

Full name Family Name/Surname First Name Middle Name

Date of birth (day/month/year) / / (Please tick to confirm)  Alive  Deceased

Gender (Please tick to confirm)  Male  Female  Other  Prefer not to disclose

Relationship \_\_\_\_\_  
(eg, parent, brother, sister)

Immigration status if in New Zealand \_\_\_\_\_

Country of residence \_\_\_\_\_ Country of citizenship \_\_\_\_\_

Full name Family Name/Surname First Name Middle Name

Date of birth (day/month/year) / / (Please tick to confirm)  Alive  Deceased

Gender (Please tick to confirm)  Male  Female  Other  Prefer not to disclose

Relationship \_\_\_\_\_  
(eg, parent, brother, sister)

Immigration status if in New Zealand \_\_\_\_\_

Country of residence \_\_\_\_\_ Country of citizenship \_\_\_\_\_

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## Step 4. Your children

Do you have any children? (Please tick to confirm)

Yes. Please provide their details below.

No. Go to Step 5.

**Please list all your children and provide their details.**

You must give full details below of all of your children, adult and minor, whether they were born in New Zealand or another country and whether they are alive or deceased. You must include the details of any children adopted either into your family or out of your family.

For each dependent child (under 18) you should attach the child's full birth certificate showing parentage and, where applicable, adoption papers and death certificates. You should also provide evidence of the dependent children's New Zealand Immigration status where applicable. Please provide copies, not originals.

*This is only a list of all your children. If any adult child listed here is also liable for deportation, they must complete a separate form.*

Full name	Family Name/Surname	First Name	Middle Name
Date of birth (day/month/year)	/	/	(Please tick to confirm) <input type="checkbox"/> Alive <input type="checkbox"/> Deceased
Gender (Please tick to confirm)	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Other <input type="checkbox"/> Prefer not to disclose
Relationship	_____		
<i>(eg, child by birth, legal adoption, informal adoption, legal guardianship)</i>			
Immigration status if in New Zealand	_____		
Country of residence	_____	Country of citizenship	_____
Type of Visa last held	_____		
Expiry date (day/month/year)	/	/	
Do you wish to include this child in this appeal? (Please tick to confirm)	<input type="checkbox"/> Yes. Provide their details below.		
<i>Only dependent children under 18 may be included.</i>	<input type="checkbox"/> No. Move on to the next child.		
Date of child's arrival in New Zealand (day/month/year)	/	/	

**Full name**      Family Name/Surname      First Name      Middle Name

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**Date of birth (day/month/year)**      /      /      **(Please tick to confirm)**       Alive       Deceased

**Gender (Please tick to confirm)**       Male       Female       Other       Prefer not to disclose

**Relationship** \_\_\_\_\_  
*(eg, child by birth, legal adoption, informal adoption, legal guardianship)*

**Immigration status if in New Zealand**

**Country of residence** \_\_\_\_\_ **Country of citizenship** \_\_\_\_\_

**Type of Visa last held** \_\_\_\_\_

**Expiry date (day/month/year)**      /      /

**Do you wish to include this child in this appeal? (Please tick to confirm)**  
*Only dependent children under 18 may be included.*

Yes. *Provide their details below.*

No. *Move on to the next child.*

**Date of child's arrival in New Zealand (day/month/year)**      /      /

**Full name**      Family Name/Surname      First Name      Middle Name

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**Date of birth (day/month/year)**      /      /      **(Please tick to confirm)**       Alive       Deceased

**Gender (Please tick to confirm)**       Male       Female       Other       Prefer not to disclose

**Relationship** \_\_\_\_\_  
*(eg, child by birth, legal adoption, informal adoption, legal guardianship)*

**Immigration status if in New Zealand**

**Country of residence** \_\_\_\_\_ **Country of citizenship** \_\_\_\_\_

**Type of Visa last held** \_\_\_\_\_

**Expiry date (day/month/year)**      /      /

**Do you wish to include this child in this appeal? (Please tick to confirm)**  
*Only dependent children under 18 may be included.*

Yes. *Provide their details below.*

No. *Move on to the next child.*

**Date of child's arrival in New Zealand (day/month/year)**      /      /

*Continue on a separate piece of paper if necessary and attach it to this form.*



## Step 5. Your immigration details

What is your Immigration New Zealand client number (if known)?

\_\_\_\_\_

Date of letter advising that reconsideration under s185 was unsuccessful (if applicable) (day/month/year)

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date of refusing a visa or of Deportation Liability Notice (day/month/year)

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date you received decision refusing a visa or Deportation Liability Notice (day/month/year)

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Please include with your appeal the original or certified copy of your Deportation Liability Notice, Immigration New Zealand decision, expired visa, or the relevant pages of your passport, whichever is applicable.

What is the basis and time limit for filing your appeal? (Please tick to confirm)

Select the statement that applies to you.

I am liable for deportation because:	Your appeal must be lodged
<input type="checkbox"/> I am unlawfully in New Zealand (eg, visa has expired) Immigration Act 2009, sections 154(2) and 206(1)(a)	Within 42 days after first becoming unlawfully in New Zealand
<input type="checkbox"/> I am unlawfully in New Zealand because my application for reconsideration of a decision to decline my application for a further temporary visa has been declined. Immigration Act 2009, section 154(4) and s206(1)(a)	Within 42 days after first becoming unlawfully in New Zealand or from the date you received confirmation of the decision to decline your further temporary visa application (whichever is later)
<input type="checkbox"/> It was determined that my temporary or interim visa was granted in error. Immigration Act 2009, sections 155 and 206(1)(b)	Within 28 days after the date of service of a deportation liability notice
<input type="checkbox"/> It was determined that I held my temporary or interim visa under a false identity. Immigration Act 2009, sections 156 and 206(1)(b)	Within 42 days after first becoming unlawfully in New Zealand
<input type="checkbox"/> I held a temporary or interim visa and it was determined that there was sufficient reason to deport me. Immigration Act 2009, sections 157 and 206(1)(b)	Within 28 days after the date of service of a deportation liability notice
<input type="checkbox"/> I am appealing against a decision by a refugee and protection officer and: (a) I am liable for deportation and entitled to a humanitarian appeal against liability for deportation for one of the above reasons; or (b) I would be entitled to a humanitarian appeal against liability for deportation if I become liable for deportation in the future. Immigration Act 2009, section 194(5) and (6), 195(6) and (7).	At the same time as your refugee and protection appeal. Note that the appeal period is counted from the date you were notified of the decision on your refugee and protection claim by the Refugee Status Branch: • 5 working days - if you are in prison or detention • 10 working days - if you are not in prison or detention

**Please explain why you should not be deported.**

*You must write your reasons in English or provide a certified translation in English.*

*You must provide any documents or information in support of your appeal. Please include all information you want the tribunal to take into account when considering your appeal. All supporting information must be in English or with a certified English translation.*

*Please write legibly.*

My exceptional humanitarian circumstances are:

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It would be unjust or unduly harsh to deport me because:

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It would not be contrary to the public interest to allow me to remain in New Zealand because:

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*Continue on a separate piece of paper if necessary and attach it to this form.*

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## Step 6. Your representative's details

If you do not have a representative, you do not need to complete this step. Go to Step 7.

Only a lawyer, licensed immigration adviser, or a licence-exempt person can act as a representative. Overseas advisers must also be registered with the Immigration Advisers Authority.

### What is your representative's name?

Full name  Family Name/Surname  First Name  Middle Name

Title  Mr  Mrs  Ms  Miss  Dr  Other (specify)

Organisation name (if applicable)

### What is your representative's physical address? (This must be a physical address)

Notices, documents, and information relating to this appeal may be sent to this address.

Address  No.  Street  Suburb   
 City  State (if outside NZ)   
 Country  Post code

### What is your representative's postal address?

Delivery service type  PO Box/DX number

Locality  Town / City  Post Code

### What are your representative's contact details?

Please include country code for phone number outside New Zealand.

Daytime contact number

Mobile phone number

Email address  Email address

### Declaration

I (the representative) accept the authority to act on behalf of the appellant.

I will accept service of notices, communications, and other documents on his/her behalf.

### I am a: (Please tick to confirm)

Lawyer

Licensed Immigration Adviser  Licence Number

Licence-exempt person. Please tick your ground for exemption:

Person providing immigration advice in an informal or family context only

Current member of Parliament or one of their staff

Public service employee providing immigration advice within the scope of their employment agreement

Staff of a community law centre or citizens advice bureau

### Representative's signature

Signature  Date (day/month/year)  /  /

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## Step 7. Consent to Ministry of Justice and/or New Zealand Police check

*This authorisation MUST be signed by you and every person included in the appeal aged 17 years or older.*

1. I authorise the Tribunal to seek information from the Ministry of Justice and/or the New Zealand Police about my criminal record and/or any complaints, charges or investigations. I authorise the Ministry of Justice and/or the New Zealand Police to provide this information to the Tribunal.
2. Any information provided to the Tribunal by the Ministry of Justice and/or the New Zealand Police may, for purposes of this appeal, also be provided by the Tribunal to Immigration New Zealand and the Minister of Immigration.

**Signature of appellant** \_\_\_\_\_ **Date (day/month/year)** \_\_\_\_/\_\_\_\_/\_\_\_\_

### Name & signature of dependent child 1

First name \_\_\_\_\_ Last name \_\_\_\_\_ Signature \_\_\_\_\_ Day / Month / Year \_\_\_\_\_

### Name & signature of dependent child 2

First name \_\_\_\_\_ Last name \_\_\_\_\_ Signature \_\_\_\_\_ Day / Month / Year \_\_\_\_\_

### Name & signature of dependent child 3

First name \_\_\_\_\_ Last name \_\_\_\_\_ Signature \_\_\_\_\_ Day / Month / Year \_\_\_\_\_

Continue on a separate sheet of paper if necessary and attach it to this form.

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## Step 8. Sign and date this form

### DECLARATION

*This declaration MUST be signed by all appellants aged 18 years or older.*

Knowing that it is an offence under the Immigration Act 2009 to make a declaration that is false. I declare that the answers in the form are true and correct. I authorise my representative to act on my behalf in all matters with the Tribunal and receive all correspondence and documents relating to my appeal.

**Signature of appellant** \_\_\_\_\_ **Date (day/month/year)** \_\_\_\_/\_\_\_\_/\_\_\_\_

*If you are a minor appellant, aged under 18 years, a responsible adult must sign this declaration for you.*

### Responsible adult's name & signature

**Full Name** \_\_\_\_\_

**Signature** \_\_\_\_\_ **Date (day/month/year)** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Relationship to appellant** \_\_\_\_\_

If you are a minor appellant and require a responsible adult to be nominated for you by the Immigration and Protection Tribunal, tick the box below:

I require a responsible adult to be nominated by the Tribunal.