

Information for Deportation Appeal by a Resident / Permanent 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 a resident or permanent resident and 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 your dependent children are also liable for deportation, they must each complete a separate appeal form, but they are not required to pay a separate fee, provided their liability for deportation arises from the same circumstances as yours.

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 Notice of Re-activation
- Copies of any other documents or evidence you wish to submit in support of your appeal
- Evidence of your spouse/partner's children's immigration status in New Zealand (if applicable)
- Copies of your children's birth certificate, adoption certificate, and/or death certificate (if applicable)

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

Completing this form

- Complete this form in English.
- You can fill in this form electronically. If you do this, you must also print, sign, submit it to the Tribunal.
- You can also print and fill in this form by hand. If filling out by hand, please print carefully.
- 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 for you.

Please read *Guide 3 – A guide to making a deportation appeal by a resident/permanent resident* before you start completing this form. The guide will help you assess whether you are entitled to an appeal and will provide the 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/

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

Ph: 64 9 914 4299

Email: 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.

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 translation agency. A translation by a friend or family member will not be normally accepted.
Decision	The letter from Immigration New Zealand or the Minister of Immigration telling you what they decided in regards to your application.
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.
Representative	A representative must be a lawyer, a licensed immigration adviser, or a licence-exempt person. For the full list, see <i>Guide 3 – A guide to making a deportation appeal by a resident/permanent</i> .
Responsible Adult	This is either the minor appellant's parent or a person nominated by the Tribunal.

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 and a copy of the relevant pages of your passport showing your visa (whichever is applicable).
 -  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.
 -  Evidence of your spouse/partner's and children's immigration status in New Zealand (if applicable).
 -  Your children's birth certificate, adoption certificate, and/or death certificate (if applicable).
- Each person liable for deportation, including dependent children, must complete a separate appeal form. (Children do not need to pay a filing fee.)
- 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, or visit www.justice.govt.nz/tribunals/immigration/immigration-and-protection/.

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

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 RESIDENT/PERMANENT RESIDENT

NOTICE OF APPEAL

Immigration and Protection Tribunal | Rōpū Take Manene, Take Whakamaru

Immigration Act 2009

FORM 3

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 countries are you a citizen of?

List all countries List countries _____

Provide the following details from your passport or travel document:

If you hold any other valid passports or documents also add those details here

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

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 New Zealand address. Please tick 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.

Step 3. Your spouse/partner and children

A separate Notice of Appeal Form must be completed by each person included in this step accompanied by a separate fee, if relevant.

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)**

- New Zealand citizen
 New Zealand residence class visa holder
 Other: Please specify _____

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

- Yes. *Please provide their details in the next section.*
 No. *Go to Step 4.*

Please list all your children and provide their details.

You must give full details of all 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 any children adopted either into your family or out of your family.

For each dependent child (under 18) you should attach the child's birth certificate 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.

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, child by birth, legal adoption, informal adoption, legal guardianship)

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, child by birth, legal adoption, informal adoption, legal guardianship)

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, child by birth, legal adoption, informal adoption, legal guardianship)

Immigration status if in New Zealand

Country of residence Country of citizenship

Do your dependent children wish to express their views in relation to this appeal?

(Please tick to confirm)

Yes

No

Please note that your children will be able to express their views at the hearing of your appeal in due course.

Step 4. Your immigration details

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

Date of deportation liability notice (day/month/year) _____ / _____ / _____

Date you received the deportation liability notice (day/month/year) _____ / _____ / _____

Please include with your appeal a copy of your Deportation Liability Notice and a copy of the relevant pages of your passport showing your visa (whichever is applicable).

What are you appealing? (Please tick to confirm)

Please select from the list below the reason you are liable for deportation. You must tick the relevant box(es) on the right to indicate whether you want to appeal on the facts and/or on humanitarian grounds.

The period to appeal is from the date you were served with a Deportation Liability Notice unless stated otherwise.

Select the statement that applies to you	I am appealing on the facts	I am appealing on humanitarian grounds
It was determined that my visa was granted due to an administrative error . Immigration Act 2009, sections 201(1)(a)(b), 206(1)(c), and 155	<input type="checkbox"/> 28 days to appeal	<input type="checkbox"/> 28 days to appeal
It was determined that I held my visa under a false identity . Note: If you are appealing on both grounds, you must appeal in 28 days from the date you were served with a Deportation Notice. Immigration Act 2009, sections 201(1)(a)(b), 206(1)(c), and 156	<input type="checkbox"/> 28 days to appeal	<input type="checkbox"/> 28 days to appeal
It was determined that I obtained my residence class visa or entry permission through fraud, forgery, false or misleading representation, or concealment of relevant information . Immigration Act 2009, sections 201(1)(a)(b), 206(1)(c), and 158(1).	<input type="checkbox"/> 28 days to appeal	<input type="checkbox"/> 28 days to appeal
I am a former citizen of New Zealand and I was deprived of my New Zealand citizenship under section 17 of the Citizenship Act 1977 on the ground that I obtained my citizenship by fraud, false representation, or wilful concealment of relevant information. Immigration Act 2009, sections 206(1)(c) and 158(2).	N/A	<input type="checkbox"/> 28 days to appeal
It was determined that I did not meet or I materially breached the conditions of my visa. Immigration Act 2009, sections 201(1)(a), 206(1)(c), and 159.	<input type="checkbox"/> 28 days to appeal	<input type="checkbox"/> 28 days to appeal
New information relating to my character became available, and it was determined that I would not have been eligible for the visa if that information had been available at the time my visa was granted. Immigration Act 2009, sections 201(1)(a)(b), 206(1)(c), and 160.	<input type="checkbox"/> 28 days to appeal	<input type="checkbox"/> 28 days to appeal
I have been convicted of a criminal offence. Immigration Act 2009, sections 206(1)(c) and 161.	N/A	<input type="checkbox"/> 28 days to appeal

Please explain why you should not be deported.

*You must write your reasons in English or provide a certified translation in English.
Please write legibly if completing by hand.*

My exceptional humanitarian circumstances are:

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

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

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

Step 5. Do you need an interpreter

Do you require an interpreter if a hearing takes place? (Please tick to confirm)

- Yes. Please complete next question on language and dialect.
 No. Go to Step 6.

What language and dialect (if applicable) do you prefer to speak?

Language _____

Dialect _____

Step 6. Your representative's details

If you do not have a representative, you do not need to complete this step and should 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)** _____ / _____ / _____

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)** _____ / _____ / _____

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, 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.