

## This presentation...

This presentation includes:

- background to the immigration act review
- information on the process for putting the new legislation and regulations in place
- information on the proposed structure of the new immigration legislation and regulations
- information on ***how to have your say and provide feedback***
- a summary of the key proposals for the new legislation
- a summary of the key proposals for the new regulations – on slide shaded in blue

# **Background to the immigration act review**

## Background to the immigration act review

The Cook Islands *Entry, Residence and Departure Act 1971-72* (the ERD Act) is not fit for purpose

Since the ERD Act was enacted there have been major changes in the Cook Islands and in the international environment:

- ***In the Cook Islands***, tourist numbers jumped from approximately 73,000 visitors in the year 2000 to approximately 160,000 visitors in 2016. The jump in visitors has led to growth in the tourism sector, construction sector and other sectors
- ***In the international environment***, people are becoming increasingly mobile. In 1971, the estimated number of air travellers was 332 million. In the year 2000, it was approximately 1.7 billion, jumping to approximately 3.8 billion air travellers in 2016

## Background to the immigration act review...cont...

New immigration legislation and regulations are needed to support the travel, entry, stay and departure of non-Cook Islanders

Immigration is important to the:

- **success** of the Cook Islands, as immigration supports investment and business development, and appropriate access to skilled and needed workers. Immigration helps facilitate the tourism industry
- **safety** of the Cook Islands, as immigration legislation should help prevent the travel, entry and stay of non-Cook Islanders with criminal convictions or who are not of an acceptable standard of health
- **security** of the Cook Islands, by ensuring that there are provisions to remove or deport non-Cook Islanders who do not abide by Cook Islands law, or who are considered a threat or risk to security

## Background to the immigration act review...cont...

In 2017, the Cook Islands **Cabinet approved** the following principles for the development of a new immigration act:

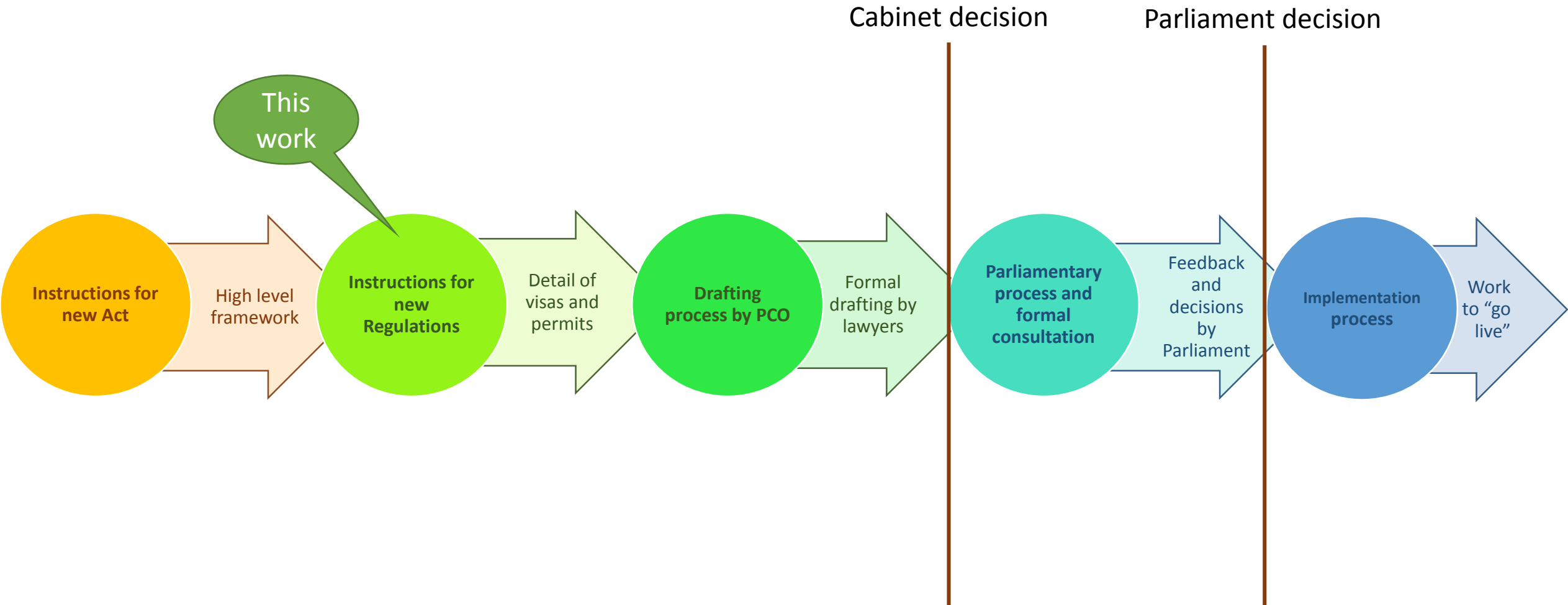
- **balance** – between security and economic development
- **fairness** – burden placed on legitimate travel to be minimised
- **security** – checks and processes for a high level of security and penalties sufficient to deter violations
- **Implementation** – ensure legislation can be implemented
- **technology** – allow for maximum use of technology
- **clarity and openness** – readily understood by both Public officials and the Public
- **consistency with relevant international instruments and best practice**

The objectives for the new legislation and regulations are that they are:

- *fair*
- *fit-for-purpose*
- *future-proofed*

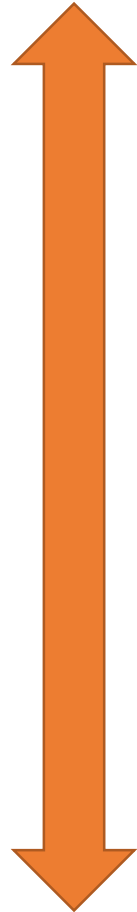
## **Process and structure for the new legislation and regulations**

# Steps in the process for putting the new immigration legislation and regulations in place

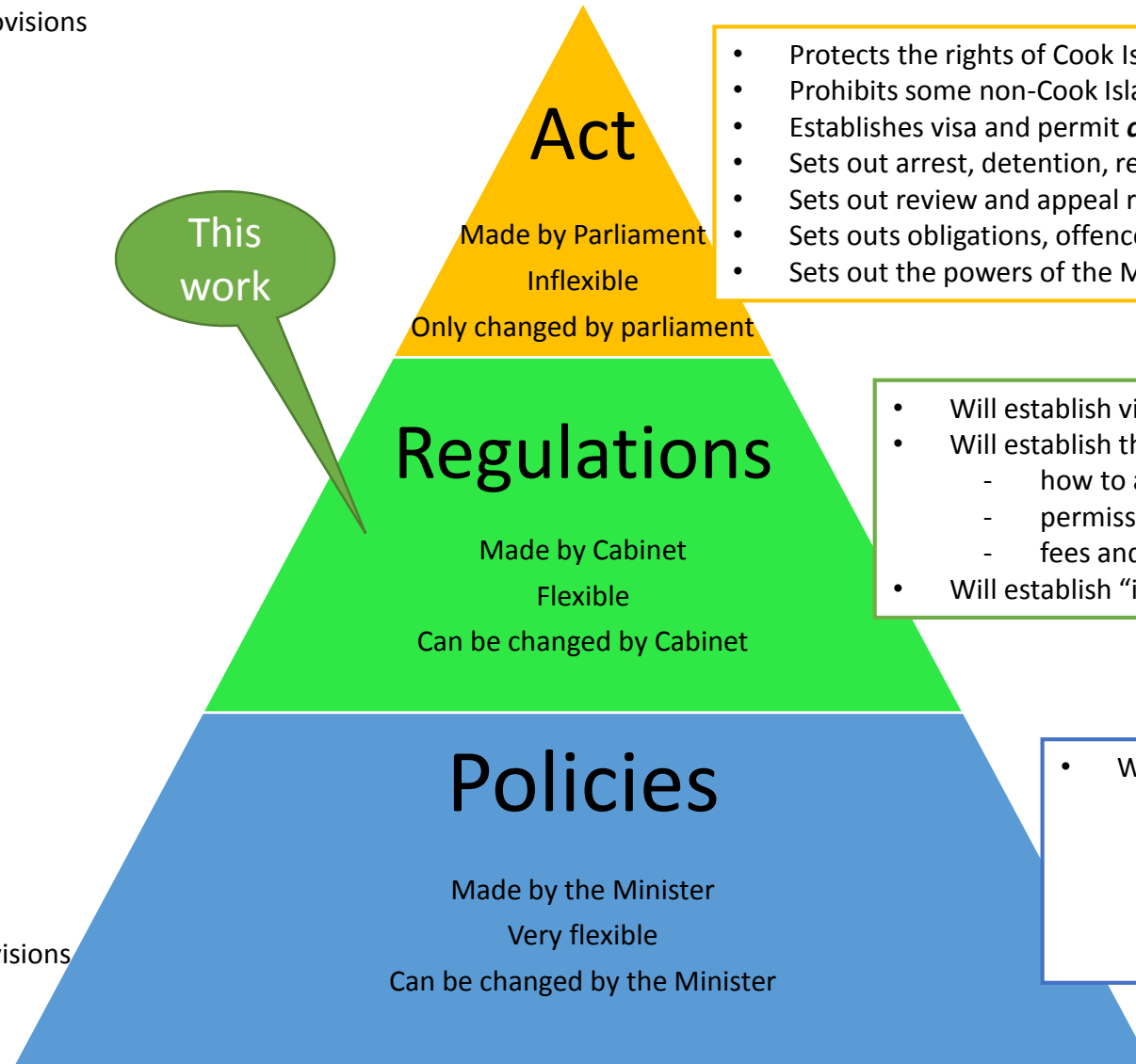


# The structure of the new legislation and regulations - “framework” immigration legislation

Most significant provisions



More flexible provisions



- Protects the rights of Cook Islanders
- Prohibits some non-Cook Islanders from travel, entry and stay
- Establishes visa and permit **classes**, and their foundational permissions and conditions
- Sets out arrest, detention, removal and deportation provisions and processes
- Sets out review and appeal rights
- Sets out obligations, offences and penalties
- Sets out the powers of the Minister, Principal Immigration Officer and other officers

- Will establish visa and permit **types**
- Will establish the high level requirements for:
  - how to apply for visas and permits
  - permissions, conditions and requirements for visas and permits
  - fees and charges for visas and permits (and other matters)
- Will establish “infringement” fines for low level offences

- Will establish operational policies associated with:
  - the processing of visa and permit applications
  - how sponsorship and bonds requirements may be applied
  - how reviews may be undertaken in Cook Islands Immigration
  - the general functioning of the overall immigration system



## **How to have your say on the proposals**

## How to have your say on the proposals for the new legislation and regulations

Read through this presentation. It is accompanied by two detailed documents:

1. *Immigration Act review – Drafting Instructions – October 2018*
2. *Immigration Act review – Proposed Regulations – Consultation – October 2018*

**The first document** has the proposals for the new **legislation**. This is the second time they have been provided publically

**The second document** has the proposals for the new **regulations**. This is the first time they have been consulted on

Both documents have tables of contents and clear headings. Read as much or as little as interest you

If you want to **have a say and provide feedback**, you can:

- email your feedback to [kairangi.samuela@cookislands.gov.ck](mailto:kairangi.samuela@cookislands.gov.ck) and [stephanie.coutts3@mbie.govt.nz](mailto:stephanie.coutts3@mbie.govt.nz)
- email and ask for a meeting time. Meetings will be held between 18 and 29 November 2009

**Please write your submission and send it to [kairangi.samuela@cookislands.gov.ck](mailto:kairangi.samuela@cookislands.gov.ck) and [stephanie.coutts3@mbie.govt.nz](mailto:stephanie.coutts3@mbie.govt.nz) no later than 5:00pm on 7 December 2018.**

## **The proposals ARE NOT GOVERNMENT POLICY**

- The proposals in this presentation and the accompanying documents are not Government policy
- The proposals have not yet been reviewed and agreed by the Minister or Cabinet
- Cabinet review, feedback and agreement will occur after stakeholder feedback has been received and considered
- Feedback is being sought before Cabinet decisions are sought
- Seeking Cabinet decisions is one of the next steps for the immigration act review

## **The purpose of the new legislation and regulations**

***An Act to manage the travel, entry, stay and departure of non-Cook Islanders to support the success, safety and security of the Cook Islands***

## **Key proposals for the new legislation and regulations**

# Four, high level classes of people

## Cook Islanders

- Rights are protected – can travel, enter and stay without restriction
- Can have their passport endorsed where their status is proven
- Need to report upon arrival and departure, but cannot have their movements restricted by Cook Islands Immigration

Largely outside the scope of Immigration

## Honorary Permanent Residents

- Have honorary status granted by the Queen’s Representative, and cannot apply for that status
- Rights are protected – can travel, enter and stay without restriction and can only be liable for removal or deportation if a threat or risk to security
- Can have their passport endorsed where status proven where their status is proven or granted
- Need to report upon arrival and departure, but cannot have their movement restricted by Cook Islands Immigration

Largely outside the scope of Immigration

## Permanent Residents

- Must meet the requirements set out in the Act and the Regulations to become a permanent resident
- Rights are protected – can travel, enter and stay without restriction and can only be liable for removal or deportation if *granted* residence and:
  - they do not meet the requirement to reside in the Cook Islands (set out in the Act)
  - in their first ten years, they commit a criminal offence and are sentenced to imprisonment for one year or more
  - they become a threat to security, defence, or public order, a terrorist, or subject to United Nations sanctions
- Can have their passport endorsed where their status is proven or granted
- Need to report upon arrival and departure, but cannot otherwise have their movement restricted by Cook Islands Immigration

Limited involvement with Immigration

## Others

- Certain non-Cook Islanders are prohibited
- Must meet the requirements set out in the Act, Regulations and policies to be granted a visa or permit, unless they are exempt
- Can travel, enter and stay consistently with the conditions and requirements of their visa and permit
- Can become liable for removal or deportation if they fail to comply with their conditions and requirements
- Need to report upon arrival and departure

Focus of Immigration control

## What is “absolute discretion”? It’s a concept that appears a lot

“Absolute discretion” means that:

- the matter or decision may not be applied for

### **AND**

- if a person purports to apply for the matter or decision, there is no obligation on the decision maker to:
  - consider the purported application; or
  - inquire into the circumstances of the person or any other person; or
  - make any further inquiries in respect of any information provided by, or in respect of, the person or any other person

### **AND**

- whether the purported application is considered or not the decision maker is not obliged to give reasons for any decision relating to the purported application, other than the reason that this section applies



## **Who is a Cook Islander?**

## Who is a “Cook Islander” for immigration purposes?

**“Cook Islander” means a person *belonging to a part of the Polynesian race indigenous to the Cook Islands and includes any person descended from a Cook Islander***

- Cook Islanders have the right to travel to, enter and stay in the Cook Islands at any time
- Cook Islanders need to prove their status to access their right, so it can be granted
- Status can be proven to the Registrar of the High Court (Land Division) through:
  - the person’s birth certificates, and the birth certificate of their Cook Island parent/s, grandparent/s or great-grandparents
  - evidence of completed adoption that would be recognised under Cook Island law
  - a recognised genealogy accepted by the High Court (Land Division)
  - a recognised genealogy accepted by a traditional chief of Mangaia, Mitiaro, Pukapuka or Palmeston
  - of other evidence, in the Registrar’s “absolute discretion”

**Who is prohibited from the Cook Islands?**

## Which non-Cook Islanders are prohibited from travel, entry and stay?

### Serious issues

A “serious” prohibition can only be **waived by the Minister** (in “absolute discretion”). The Minister’s power to waive a prohibition is **non-delegable** in this circumstance

Serious offending includes on *reasonable grounds* being believed to be:

- likely to undertake an action or actions, or engage in an activity or activities, that will be contrary to the values of the Cook Islands
- likely to commit an offence in the Cook Islands
- a member of a gang of concern
- a threat to security, defence or public order
- a member of a terrorist organisation
- subject to immigration related sanctions imposed by the United Nations

### Other issues

Other prohibitions can only be **waived by the Principal Immigration Officer** (in “absolute discretion”). The Principal Immigration Officer’s power to waive a prohibition is **delegable** in this circumstance

**Minor offending includes:**

- holding a debt to the Crown
- are serving a ban from entry
- being convicted of any offence and sentenced to a term of imprisonment of greater than one year
- have been convicted of more than one offence for which the combined imprisonment would be greater than one year
- are not an acceptable standard of health

# Minors

## Treatment of minors

- A minor born to a Cook Islander parent is a Cook Islander
- A minor born to a permanent resident **in the Cook Islands** (or outside the Cook Islands due to a medical referral) is a permanent resident
- A minor born to a permanent resident **outside the Cook Island:**
  - *may* be registered with Cook Islands Immigration and granted permanent residence
  - *must* be registered before the age of 18 years old
- Other non-Cook Islander minors born **in the Cook Islands** have **the most beneficial status of their recorded parent or guardian**
- A non-Cook Islander minor born **in the Cook Islands** to parents unlawfully in the Cook Islands will also be unlawfully in the Cook Islands

# Permanent Residence

## Proposals for Permanent Residence for the legislation

Permanent Residence cannot be granted to prohibited people (unless the Minister decides there are exceptional circumstances)

Provisions for Honorary Permanent Residence (granted by the Queen's Representative) are retained as per the status quo

Permanent Residence can be gained by:

- by **descent** where a minor is born in the Cook Islands to a Permanent Resident parent (as per the status quo in the Constitution)
- by descent on **application** made before 18 years of age where a minor is born outside the Cook Islands to a Permanent Resident
- on **application** in all other cases

Permanent Residents over the age of 16 years old are required to take an oath committing to the Cook Islands

Permanent Residents gain the entitlement to travel to, enter and stay in the Cook Islands without restriction

Use regulations to set the:

- number of Permanent Residence certificates that can be held at any one time (excluding spouses and dependent children)
- the process for making applications for spouses, dependent children and independent applicants
- criteria for gaining Permanent Residence
- Minister to make decisions on consistently with the regulations and their criteria (unless there are exceptional circumstances)



## Proposals for Permanent Residence for the legislation, cont...Can permanent residency be revoked?

Permanent Residence **gained by descent by being born in the Cook Islands** cannot be revoked (as per the status quo in the Constitution)

Permanent Residence **gained by grant** (not descent by being born in the Cook Islands) can be revoked where:

- it was gained by fraud
- where the person has been outside the Cook Islands for a continuous period of three years and cease to make the Cook Islands their home
- with the agreement of a Judge of the High Court, where the person has ceased to make the Cook Islands their home
- within the first 10 years of the grant, where the person is convicted of a criminal offence and sentenced more than one year in prison
- they are, on reasonable grounds believed to:
  - be a threat to security, defence or public order
  - have engaged in, or claimed responsibility for, an act of terrorism outside the Cook Islands
  - have been involved in terrorism
  - be, or become, subject to immigration related sanctions imposed by the United Nations

## Proposals for Permanent Residence for the regulations

The number of Permanent Residence certificates that can be granted is maintained at 650 BUT:

- certificates granted 75 years prior are excluded from the number
- there is a one-off transitional application process to grant certificates to those who meet new criteria

**NOTE:** 650 certificates equals approximately 4% of the total Cook Islands resident population

New processes and criteria are put in place for spouses, dependent children and independent applicants

All applicants must :

- provide all application materials in English
- provide an acceptable evidence of identity document
- be of good character, and not be a prohibited person
- be of an acceptable standard of health

Spouses and dependent children may make an application when they meet the criteria, and that application must be decided in 28 days

Application processes are held every three years for independent applicants, if there is room within the 650 certificate cap

## Proposals for Permanent Residence for the regulations, cont...Criteria for spouses

*A Permanent Resident - Spouse is a life partner in a marriage, civil union, or a de facto relationship that is genuine and stable, and has endured for a period greater than five years*

### Where to apply:

- A non-Cook Islander **must apply** for permanent residence as a spouse **onshore**

### Who may be included in an application:

- An application for permanent residence as a Dependent Child

### Key application criteria:

- Must have **lived in the Cook Islands for the past five years**
- Must have evidence that the Cook Islands is the couple's **primary place of residence**
- Must provide evidence that their relationship with their spouse is:
  - genuine; and
  - stable
- Must provide evidence that their relationship with their spouse has endured for a minimum of five years
- Must have evidence of completing the "Kia Orana Values" programme
- Must pay the prescribed fee

## Proposals for Permanent Residence for the regulations, cont...Criteria for dependent children

***A Permanent Resident - Dependent Child*** is a minor under the age of 18 years old that:

- *has been adopted by a Cook Islander or Permanent Resident under an order made in a country outside the Cook Islands that is recognised and effective in the Cook Islands*
- *is the child of the spouse of a Cook Islander or Permanent Resident for who the Cook Islander or Permanent Resident has accepted parental responsibility (within the meaning of section 34 of the Family Protection and Support Act 2017)*

### **Where to apply:**

- A non-Cook Islander **must apply** for permanent residence as a dependent child **onshore**

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

- The child's parent or guardian (as a Permanent Resident – Spouse)

### **Key application criteria:**

- Must be under the age of 18 years old and single
- Must have a parent or guardian who is:
  - applying for permanent residence (at the same time); or
  - a Cook Islander or a permanent resident
- Must have **lived in the Cook Islands for the past five years with their parent or guardian**
- Must provide:
  - an original birth certificate showing the names of their parent or parents; or
  - adoption papers showing that they child has been legally adopted by their parent or guardian
- Must provide evidence of their parent or guardian's right to bring them to the Cook Islands
- Must pay the prescribed fee

## Proposals for Permanent Residence for the regulations, cont...Criteria for independent applicants

*An Independent Permanent Resident is a non-Cook Islander who has made a commitment to the Cook Islands, to Cook Islands culture, to the community and to the success of the Cook Islands*

### **Where to apply:**

- A non-Cook Islander **must apply** for Independent Permanent Residence **from onshore**

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

- An application for Permanent Residence as a Spouse or Dependent Child

### **Key application criteria:**

- Must be 18 years old or older
- Must evidence that the Cook Islands is the applicant's primary place of residence
- Must have lived in the Cook Islands for the past :
  - five years, if the applicant is a New Zealand citizen; or
  - 10 years if the applicant is not a New Zealand citizen
- Must have evidence of English language proficiency and Maori language ability
- Must have evidence of completing the "Kia Orana Values" programme
- Must have **evidence of undertaking 312 hours of community service** over the past five years
- Must have four statutory declarations of **support, including from an aronga-mana in their vaka**
- Must pay the prescribed fee

## **Visas and permits**

# Visas for travel and permits to stay in the Cook Islands

All non-Cook Islanders must have...

a VISA for travel

All non-Cook Islanders must have...

a PERMIT for stay

A non-Cook Islander can be **exempted** from a visa or permit:

- in the legislation
- via regulations

The Minister can also **waive** visa and permit requirements for **individuals** in special or exceptional circumstances

## Proposals for visa and permit exemptions in the legislation

- the **Head of State** (the Queen)
  - the **Heads of State of other countries or nations visiting the Cook Islands for official purposes** associated with their role
  - the **official representatives and party to any Head of State** visiting for official purposes fulfilling their role support the Head of State
  - any person entitled to **diplomatic privileges and immunities** under Part 1 or Part 2 of the Diplomatic Privileges Immunities Act 1968
  - any person entitled to **consular privileges and immunities** under the Consular Privileges Immunities Act 1968
  - any person entitled to **privileges and immunities under the New Zealand Representative Act 1979-80**
  - any **Judge of the High Court or of the Land Appellate Court or of the Land Court**
  - **any member of a visiting force** (including members of the civilian component of a visiting force) or crew members of any military craft transporting such people to Cook Islands who will be in the Cook Islands
    - at the request or with consent of the Government of the Cook Islands
- AND
- in the ordinary course of the member's duty or employment



## Proposals for visas (for travel) exemptions in the regulations

### ***Transiting passenger:***

*A transit passenger is a non-Cook Islander transiting through the Cook Islands, to or from Australia, New Zealand, Tahiti or the United States, who remains on the craft or within a designated place while it is in the Cook Islands and for no greater time than 48 hours.*

- May not apply for a Permit while in transit
- May not enter or stay in the Cook Islands
- Must leave on the craft they arrived on

### ***Transiting crew member of a carrier or craft:***

*A transiting crew member of a carrier is a non-Cook Islander travelling to the Cook Islands who remains on the craft or within a designated place while it is in the Cook Islands and for no greater time than 48 hours.*

- May not apply for a Permit while in transit
- May not enter or stay in the Cook Islands
- Must leave on the craft they arrived on

### ***Visitor travelling to the Cook Islands:***

*A visitor travelling to the Cook Islands is a non-Cook Islander seeking to enter and stay in the Cook Islands, for less than 6 months, whose reason for coming is:*

- *holidaying; or*
- *sightseeing; or*
- *family and social visits; or*
- *volunteering (receiving no gain or reward); or*
- *amateur sport.*

- Must report on arrival to a designated place or a Designated Officer
- Must complete an arrival card and be granted a Permit on arrival to enter and stay
- Must comply with all relevant Visitor Permit requirements during stay

## Proposals for permits (for stay) exemptions in the regulations

### ***Cruise ship passenger:***

*A cruise ship passenger is a non-Cook Islander travelling to the Cook Islands, on a commercial cruise ship carrying passengers for the purposes of leisure travel and for no greater time than 24 hours, as a bona fide visitor, whose reason for coming is short-term:*

- *holidaying; or*
- *sightseeing.*

- May stay in the Cook Islands without a Permit for a maximum of 24 hours
- Must leave on the craft they arrived on
- Must leave the Cook Islands before their Permit waiver expires

## What visa and permit *classes* are established in the legislation?

### VISA for travel

The following visa **classes** are established in law:

- *Transit*
- *Residence*
- *Work*
- *Study*
- *Visit*
- *Special*

### What's new for visas?

- Currently there are no visas for travel to the Cook Islands
- Anyone can travel, even if they might not be allowed to enter
- There is no ability to make non-Cook Islanders apply offshore

### PERMITS for stay

The following visa classes are established in law:

- *Residence with entitlement to work and study*
- *Work with the entitlement to work*
- *Study with the entitlement to study, and work only if permitted*
- *Visit*
- *Special will provide entitlement to undertake special/specific activities*

### What's new for permits?

- Now there is only permanent residence, entry permission and visitors
- Non-Cook Islands are generally granted “entry permission”
- There are currently no “residence”, “work”, “study” or “special” permits

## Proposals for criteria that ALL APPLICANTS must comply with, to be in the regulations

Some application requirements will be placed on ALL APPLICANTS, including Permanent Residence applicants. They include:

- they make all applications in English; and
- all non-English information and documents are accompanied by a certified translation; and
- they have an acceptable and valid evidence of identity document; and
- they are not a prohibited person, and are of good character
- they are an acceptable standard of health
- the required fee is paid

All visa and permit applicants (not Permanent Residence applicants) will need to provide they have **sufficient funds, or** sponsorship

All Work, Study, Visitor and Special visa and permit applicant will have to prove they have **onwards travel plans, or** pay a bond

## **Proposals for RESIDENCE visa and permits**

## Proposals for Residence visa and permits in the regulations – Resident Spouse visa and permit type

### **Resident Spouse: Where to apply:**

*A Resident Spouse is a life partner of a Cook Islander, Permanent Resident, or an Investor, who is in a marriage, civil union, or de facto relationship with that person that is genuine and stable (and likely to endure)*

- Apply from on or offshore

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

- An application can be made at the same time as a:
  - Resident Investor visa and permit
  - Resident Dependent Child visa and permit

### **Key application criteria:**

- Must provide evidence that their relationship with their spouse is:
  - genuine; and
  - stable; and
  - likely to endure

### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds
- Must maintain a genuine and stable relationship with the spouse
- Must comply with any relevant legislation, regulation or rules relevant to work (such as those required by BTIB)
- If employed must enrol in, and complete, the first available “Kia Orana Customer Service” programme

### **Special permissions:**

- Visa provides for unlimited travel, and permit provides for stay, for:
  - 5 years where granted to the spouse of a Cook Islander or Permanent Resident
  - 3 years from date of grant where granted to the spouse of a Resident Investor

## Proposals for Residence visa and permits in the regulations – Dependent Child visa and permit type

<p><b>Resident Child:</b></p> <p><i>A Resident Child is a minor under the age of 18 years old whose parent or guardian has parental responsibility for them (within the meaning of section 34 of the Family Protection and Support Act 2017) and is the spouse of a Cook Islander, Permanent Resident, or an Investor</i></p>	<p><b>Where to apply:</b></p> <ul style="list-style-type: none"><li>• Apply from on or offshore</li></ul> <p><b>Who may be included in an application:</b></p> <ul style="list-style-type: none"><li>• An application can be made at the same time as a:<ul style="list-style-type: none"><li>○ Residence Spouse visa and permit</li><li>○ Resident Investor visa and permit</li></ul></li></ul> <p><b>Key application criteria:</b></p> <ul style="list-style-type: none"><li>• Must have a parent or guardian who is applying</li><li>• Parent or guardian must meet the sufficient funds</li><li>• Must be under the age of 18 years old and single</li><li>• Must provide:<ul style="list-style-type: none"><li>○ an original birth certificate showing the names of their parent or parents; or</li><li>○ adoption papers showing that they child has been legally adopted by their parent or guardian</li></ul></li><li>• Must provide evidence of their parent or guardian’s right to bring them to the Cook Islands</li></ul>	<p><b>Conditions:</b></p> <ul style="list-style-type: none"><li>• Must hold a valid evidence of identity document at all times</li><li>• Must comply with Cook Islands law</li><li>• Must maintain an acceptable standard of health</li><li>• Must maintain sufficient funds</li><li>• Parent must maintain a genuine and stable relationship</li><li>• Parent must maintain lawful immigration status</li></ul> <p><b>Special permissions:</b></p> <ul style="list-style-type: none"><li>• Visa provides for unlimited travel, and permit provides for stay, for:<ul style="list-style-type: none"><li>○ 5 years where granted to the spouse of a Cook Islander or Permanent Resident</li><li>○ 3 years from date of grant where granted to the spouse of a Resident Investor</li></ul></li></ul>
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## Proposals for Residence visa and permits in the regulations – Investor visa and permit type

<b>Investor:</b>	<b>Where to apply:</b>	<b>Conditions</b>
<i>An investor is a non-Cook Islander who is in the process of applying, or has applied, to the Business Trade and Investment Board (BTIB) to make a foreign direct investment or to be a foreign enterprise, and who has agreed to combine the BTIB and immigration application process</i>	<ul style="list-style-type: none"><li>• Apply from on or offshore</li></ul> <p><b>Who may be included in an application:</b></p> <ul style="list-style-type: none"><li>• An application can be made at the same time as a:<ul style="list-style-type: none"><li>○ Resident Spouse visa and permit</li><li>○ Resident Child visa and permit</li></ul></li></ul> <p><b>Key application criteria:</b></p> <ul style="list-style-type: none"><li>• Must have evidence of English language proficiency</li><li>• Must agree to sharing of information and documents with BTIB</li><li>• Must have BTIB approval</li><li>• If has previously held an Investor permit must have evidence of:<ul style="list-style-type: none"><li>• having a RMD number</li><li>• completing the “Kia Orana Values” programme</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Must continue to hold a valid evidence of identity document</li><li>• Must comply with Cook Islands law</li><li>• Must maintain an acceptable standard of health</li><li>• Must maintain sufficient funds</li><li>• Must maintain the business, or work in the business, for which they have BTIB approval</li><li>• Must comply with any relevant legislation, regulation or rules relevant their business or work</li><li>• If employed must enrol in, and complete, the first available “Kia Orana Values” programme</li></ul> <p><b>Special permissions:</b></p> <ul style="list-style-type: none"><li>• Visa provides for unlimited travel, and permit provides for stay, for 3 years from date of grant</li></ul>



## **Proposals for WORK visa and permits**

## Proposals for Work visa and permits in the regulations – Government Worker visa and permit type

<p><b>Government Worker:</b></p> <p><i>A Government Worker is a non-Cook Islander travelling to, entering and staying in the Cook Islands as a fixed-term employee of a Government agency or as a contracted worker on a Government-endorsed programme or initiative who intends to reside in the Cook Islands for the duration of their employment or contract</i></p>	<p><b>Where to apply:</b></p> <ul style="list-style-type: none"><li>• must apply offshore, unless already hold a Work class permit onshore</li></ul> <p><b>Who may be included in an application:</b></p> <ul style="list-style-type: none"><li>• An application can be made at the same time as a:<ul style="list-style-type: none"><li>○ Special Spouse visa and permit</li><li>○ International Minor Student visa and permit</li></ul></li></ul> <p><b>Application criteria:</b></p> <ul style="list-style-type: none"><li>• Must agree to sharing of information and documents with their Government employer or Government endorsed business or organisation</li><li>• Must have written offer of employment or contract with a Government agency or Government endorsed business or organisation, <b>or</b> a volunteer agreement</li></ul>	<p><b>Conditions:</b></p> <ul style="list-style-type: none"><li>• Must hold a valid evidence of identity document at all times</li><li>• Must comply with Cook Islands law</li><li>• Must maintain an acceptable standard of health</li><li>• Must maintain sufficient funds</li><li>• Must maintain onwards travel plans</li><li>• Must undertake only the work they are contracted for</li></ul> <p><b>Special permissions:</b></p> <ul style="list-style-type: none"><li>• Visa provides for unlimited travel, and permit provides for stay, for the duration of the worker’s contract for up to three years from the date of grant</li></ul>
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## Proposals for Work visa and permits in the regulations – Specialist Worker visa and permit type

### **Specialist Worker: Where to apply:**

*A Specialist Worker is a non-Cook Islander travelling to, entering and staying in the Cook Islands for a defined period of time, no greater 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*

- Must apply for a Specialist Worker visa and permit from offshore

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

- No one

### **Application criteria:**

- Must agree to sharing of information and documents with BTIB
- Must have a contract with a:
  - Government agency
  - Cook Islands registered business or organisation
  - overseas business with BTIB approval (if required)
- Must have a copy of their Curriculum Vitae
- Must have a copy of their overseas business' incorporation status

### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds for themselves
- Must maintain onwards travel plans
- Must undertake only the work they are contracted for

### **Special permissions:**

- Visa provides for unlimited travel to the Cook Islands for the duration of the contract for services up to three years from the date of grant
- The permit provides for stay in the Cook Islands, for a duration of no longer than 31 days at any one time, over the course of three years from the date of grant

## Proposals for Work visa and permits in the regulations – International Worker

<p><b><i>International Worker:</i></b></p> <p><i>An International Worker is a non-Cook Islander, 18 years old or older, who has a written and lawful offer of employment with a registered business or organisation in the Cook Islands and wants to take up that offer of employment</i></p>	<p><b>Where to apply:</b></p> <ul style="list-style-type: none"><li>• Must apply offshore, unless already hold a Work class permit onshore</li></ul> <p><b>Who may be included in an application:</b></p> <ul style="list-style-type: none"><li>• An application can be made at the same time as a:<ul style="list-style-type: none"><li>○ Special Spouse visa and permit</li><li>○ International Minor Student visa and permit</li></ul></li></ul> <p><b>Key application criteria:</b></p> <ul style="list-style-type: none"><li>• Must have evidence of English language proficiency</li><li>• Must:<ul style="list-style-type: none"><li>○ have a written offer of employment AND evidence that their prospective employer has attempted to employ a Cook Islander; or</li><li>○ agree to sharing of information with BTIB and have a contract with a foreign enterprise that has BTIB approval</li></ul></li><li>• If has previously held a permit must have evidence of:<ul style="list-style-type: none"><li>• having a RMD number</li><li>• completing the “Kia Orana Values” programme</li></ul></li><li>• Must not have held more than two International Worker permits immediately prior to the application</li></ul>	<p><b>Conditions:</b></p> <ul style="list-style-type: none"><li>• Must hold a valid evidence of identity document at all times</li><li>• Must comply with Cook Islands law</li><li>• Must maintain an acceptable standard of health</li><li>• Must maintain sufficient funds</li><li>• Must maintain onwards travel plans</li><li>• Must undertake only the work they are contracted for</li><li>• Must, within two weeks of first arrival on an International Worker permit, enrol in, and complete the first available, “Kia Orana Customer Service” programme</li></ul> <p><b>Special permissions:</b></p> <ul style="list-style-type: none"><li>• Visa provides for unlimited travel, and permit provides for stay, for the duration of the worker’s contract for up to three years from the date of grant</li></ul>
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## **Proposals for STUDY visa and permits**

## Proposals for Study visa and permits in the regulations – International Minor Student

**International Minor Student:**  
*An International Minor Student is a non-Cook Islander 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 and who wishes to continue their primary or secondary education*

### Where to apply:

- Must apply from offshore

### Who may be included in an application:

- An application can be made at the same time as a:
  - Government Worker visa and permit
  - International Worker visa and permit

### Key application criteria:

- Parent or guardian must be approved for a visa and permit
- Must agree to information sharing with the Ministry of Education
- Must be single (the dependent student cannot have a spouse)
- Must provide:
  - an original birth certificate showing the names of their parent or parents; or
  - adoption papers showing that their child has been legally adopted by their parent or guardian
- Must provide evidence of their parent or guardian's right to bring them to the Cook Islands

### Conditions:

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Parent or guardian must maintain sufficient funds
- Must maintain onwards travel plans
- Parent or guardian must hold a permit at all times

### Special permissions:

- Visa provides for unlimited travel, and permit provides for stay, for the duration of the parent or guardian's contract, for up to three years. Not permitted to apply for work rights at any time

## Proposals for Study visa and permits in the regulations – International Adult Student

**International Adult Student:**  
*An International Adult Student is a non-Cook Islander 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 under the Education Act 2012) who wants to take up that offer of study*

### Where to apply:

- Must apply from offshore

### Who may be included in an application:

- No one

### Application criteria:

- Must be a bona fide student
- Must have evidence of English language proficiency
- Must have a written offer of a place of study at a Cook Islands Government school or registered private school
- If has previously held a permit with work rights, must have evidence of:
  - having a RMD number
  - completing the “Kia Orana Customer Service” programme
- Must not have held more than five International Student permits immediately prior to the application being made

### Conditions:

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds
- Must maintain onwards travel plans
- Must undertake the programme of study offered
- Must agree to permit Cook Islands Immigration to contact their study provider to confirm their offer, enrolment, attendance and pass-rates
- If employed must complete a Kia Orana Customer Service” programme)

### Special permissions:

- Visa provides for unlimited travel, and permit provides for stay, for the length of the student’s offer of place up to one year
- May apply to Cook Islands Immigration for permission to work up to 20 hours a week for an employer that has evidence of attempting to recruit a Cook Islander

## Proposals for Study visa and permits in the regulations – International Intern

<p><b>International Intern:</b></p> <p><i>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</i></p>	<p><b>Where to apply:</b></p> <ul style="list-style-type: none"><li>• Must apply from offshore</li></ul> <p><b>Who may be included in an application:</b></p> <ul style="list-style-type: none"><li>• No one</li></ul> <p><b>Key application criteria:</b></p> <ul style="list-style-type: none"><li>• Must have evidence of English language proficiency</li><li>• Must be a bona fide intern</li><li>• Has a written offer of internship</li><li>• <b>Must have evidence of:</b><ul style="list-style-type: none"><li>○ enrolment in a course of study at a recognised educational institution outside the Cook Islands; or</li><li>○ 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>• Must not have held an International Inter visa or permit within the past five years</li></ul>	<p><b>Conditions:</b></p> <ul style="list-style-type: none"><li>• Must hold a valid evidence of identity document at all times</li><li>• Must comply with Cook Islands law</li><li>• Must maintain an acceptable standard of health</li><li>• Must maintain sufficient funds</li><li>• Must maintain onwards travel plans</li><li>• Must undertake the internship offered, at the advised hours of work and learning, and be achieving the training, learning goals or qualifications gained</li><li>• Must agree to permit Cook Islands Immigration to contact their Intern Provider to confirm their offer and attendance</li></ul> <p><b>Special permissions:</b></p> <ul style="list-style-type: none"><li>• Visa provides for unlimited travel, and permit provides for stay, for the length of the student’s internship up to one year</li></ul>
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## **Proposals for VISITOR visa and permits**

## Proposals for VISITOR visa and permits in the regulations – New Zealand Visitor

### ***New Zealand Visitor:***

*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 greater than 90 days*

#### **Where to apply:**

- Onshore (as travel is visa-free)

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

- The parent or guardian of a minor may apply for a New Zealand Visitor permit for the minor at the same time they apply for a permit for themselves

#### **Key application criteria:**

- Must meet general requirements related to translations, evidence Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands
- Must not have held more than one New Zealand Visitor Permit immediately prior to the application being made, without having departed the Cook Islands (for a continuous period of more than six months)

#### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds
- Must maintain onwards travel plans

#### **Special permissions:**

- The permit provides for stay, for no greater than 90 days
- 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
- 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 under the Education Act 2012)

## Proposals for VISITOR visa and permits in the regulations – International Visitor

### **International Visitor:**

*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 greater than 31 days*

#### **Where to apply:**

- Onshore (as travel is visa-free)

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

- The parent or guardian of a minor may apply for an International Visitor permit for the minor at the same time they apply for a permit for themselves

#### **Key application criteria:**

- Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands
- Must not have held more than three International Visitor permits immediately prior to the application being made, without departing the Cook Islands (meaning that stay as an International visitor cannot extend for a continuous period of more than six months)

#### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds for themselves, and if applicable, for any dependent minor
- Must maintain onwards travel plans

#### **Special permissions:**

- The permit provides for stay, for no greater than 31 days
- 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
- 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 under the Education Act 2012)

## Proposals for VISITOR visa and permits in the regulations – Long-Term Visitor

### **Long-Term Visitor: Where to apply:**

*A Long-Term Visitor is a non-Cook Islander who is seeking to travel to, enter and stay in the Cook Islands for a period of no greater than six months as a:*

- *bona fide visitor seeking an extended stay; or*
- *a volunteer, seeking to offer their services to the Cook Island Government or a community organisation*

- may apply from off or onshore, but not at the border on arrival

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

- The parent or guardian of a minor may apply for a Long-Term Visitor permit for the minor at the same time they apply for a permit for themselves

### **Key application criteria:**

- Must hold health insurance for the duration of their permit, to cover any potential health costs or emergencies
- Must be a bona fide visitor, not intending to undertake work, volunteer for gain or reward, or study while in the Cook Islands
- Cannot extend stay as a visitor as a:
  - New Zealander, beyond 12 months at any one time
  - other foreign national, beyond eight months at any one time

**NOTE:** If applying to extend a visit greater than six months, must provide evidence of good character and acceptable standard of health

### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds for themselves, and if applicable, for any dependent minor
- Must maintain onwards travel plans

### **Special permissions:**

- Visa provides for a single trip to travel to the Cook Islands within a period of no greater than six months from the date of issue
- Permit provides for stay, for no greater than six months
- 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
- 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 under the Education Act 2012)

## **Proposals for SPECIAL visa and permits**

## Proposals for SPECIAL visa and permits in the regulations – Special Spouse

### **Special Spouse:**

*A Special Spouse is a life partner of a non-Cook Islander who is in a marriage, civil union, or de facto relationship that is genuine and stable*

#### **Where to apply:**

- Must apply from offshore

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

- No one

#### **Key application criteria:**

- Must provide evidence that their relationship is:
  - genuine; and
  - stable
- Their spouse must be approved for a permit
- If has previously held a permit with work rights, must have evidence of:
  - having a RMD number
  - completing the “Kia Orana Customer Service” programme
- Must not have held more than five Special Spouse permits immediately prior to the application being made

#### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds p
- Must maintain a genuine and stable relationship
- Must comply with any relevant legislation, regulation or rules relevant to work
- If employed must, enrol in, and complete the first available, “Kia Orana Customer Service” programme

#### **Special permissions:**

- Visa provides for unlimited travel, and permit provides for stay, for:
  - the duration of the spouse’s contract, for up to 3 years where granted to the spouse of a Government Worker
  - the duration of the spouse’s contract, for up to 1 year where granted to the spouse of an International Worker
- May apply to Cook Islands Immigration for permission to work for an employer that has evidence of attempting to recruit a Cook Islander

## Proposals for SPECIAL visa and permits in the regulations – Special Entrant

### **Special Entrant: Where to apply:**

*A Special Entrant is a non-Cook Islander 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*

- May apply off or onshore

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

- No one

### **Key application criteria:**

- Must have evidence of a genuine need to travel to, enter and stay in the Cook Islands for a purpose or activity the 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
- Must not have held another Special Entrant visa or permit immediately prior to any application made in the Cook Islands

### **Conditions:**

- Must hold a valid evidence of identity document at all times
- Must comply with Cook Islands law
- Must maintain an acceptable standard of health
- Must maintain sufficient funds
- Must maintain onwards travel plans

### **Special permissions:**

- Visa provides for a single trip to travel to the Cook Islands within a period of no greater than six months from the date of issue
- 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/or permit was granted and for no greater than 180 days from the date of grant

## **Removal and deportation proposals**




When can a non-Cook Islander be removed or deported?

***Cook Islanders, and Permanent Residents by descent having been born in the Cook Islands, cannot be removed or deported***

## **A non-Cook Islander who is not a permanent resident can be removed if they:**

- hold a transit visa and the transit period has expired
- fail to present themselves at a designated place or to a Designated Officer without delay upon arrival
- fail to provide the prescribed entry information
- are refused a permit upon arrival, or their permit is cancelled on arrival
- were granted a permit in administrative error, that permit is cancelled and no further permit granted
- have had their Honorary Permanent Residence or Permanent Residence status cancelled by a Judge of the High Court
- are in the Cook Islands unlawfully (for reasons other than travelling to and staying in the Cook Islands under a false identity)
- are in the Cook Islands unlawfully due to travelling to and residing in the Cook Islands under a false identity (and have been convicted)
- have travelled to the Cook Islands and/or are in the Cook Islands as a result of fraud (and have been convicted)
- are convicted of any offence punishable by imprisonment or any immigration offence as set out in the Act



See  
page 25  
for PR

## **A non-Cook Islander can not a permanent resident be deported if they:**

- have breached the conditions of their visa, permit, waiver or exemption
- have had their sponsorship withdrawn
- concealed relevant information or did not advise of a material change in circumstances in during the application process
- are on reasonable grounds believed to be likely to undertake an action or actions contrary to the values of the Cook Islands
- are in the Cook Islands unlawfully under a false identity or as a result of fraud (and have not been convicted of a relevant offence)
- have travelled to the Cook Islands and/or are in the Cook Islands as a result of fraud (and have not been convicted of a relevant offence)
- have had their Permanent Residence status cancelled by the Minister
- are on reasonable grounds believed to be likely to commit an offence in the Cook Islands that is punishable by imprisonment
- are on reasonable grounds believed to be a member of a gang of concern
- is on reasonable grounds believed to be a threat or a risk to security



## When can a non-Cook Islander liable for removal or deportation be detained?

A non-Cook Islander is liable for removal or deportation can be detained. The must be detained there is reasonable grounds to believe they:

- will commit an offence
- area threat to security, defences or public order, is a terrorist or subject to sanctions

Initial detention, without a warrant, can be for 96 hours

Ongoing detention must be authorised by a Judge of a High Court for periods no longer than 28 days at a time

There will be an ability to release a non-Cook Islander on the conditions that they:

- reside at a specified place
- report to a specified place at specified times
- provide a guarantor who is responsible for ensuring the person complies with any requirements
- attend any required interview
- undertake any other action to facilitate departure

Detention may be in a prison, police station or other detention facility or other facility

## **Review and appeal proposals**

## What reviews and appeals will be provided?

Certain decisions will be **reviewable** by a second Immigration Officer/the Principal Immigration Officer where a request is made within seven days

Reviewable decisions include decisions to:

- decline a work permit or study permit of a non-Cook Islander in the Cook Islands
- issue a deportation order for a breach of conditions, the withdrawal of sponsorship, concealment of information or a change in circumstances

Certain decisions will be **reviewable** by the Minister including a decision to decline a Residence visa or permit

Certain decisions can be **appealed**, with leave sought within 14 days of the decision, to a Judge of the High Court, including:

- the decline of a Permanent Residence
- removal or deportation liability for identity fraud or other fraud (where the person has not been convicted of that fraud)
- the cancellation of Permanent Residence by the Minister after residing outside the Cook Islands for more than three years
- the person is on reasonable grounds believed to be likely to commit an offence, or is a threat or risk to security

## **Employers, education providers and intern providers**

## Obligations on employers, education providers and intern providers

Every employer, education provider and intern provider must:

- take reasonable steps to ensure that a non-Cook Islander is entitled to work or study
- only employ or enrol (outside of compulsory education) those with entitlement
- make wage and time, or attendance, records available
- support their worker or student to comply with any visa and permit conditions

No employer, education provider and intern provider may:

- use their role or status to coerce, threaten or deceive, or otherwise exploit a non-Cook Islander
- hold or withhold any details or documents, or other materials or monies, or other things that belong to a non-Cook Islander
- use any details or documents, or other materials or monies, or other things that belong to a non-Cook Islander to influence them

Penalties for exploitation will be:

- \$500,000
- imprisonment for a term not exceeding 20 years
- both.



## Obligations on employers and intern providers

Every employer and intern provider must have a written agreement with a non-Cook Islander that includes

- the date their agreement commences and expires
- the names of the employee and employer, or intern and intern provide
- a description of the work to be performed
- the normal hours of work
- the employee's revenue management division number
- provisions for payment of wages or salary, annual leave, public holidays and sick leave
- procedures for resolution of disputes

## **Fees and charges**

## Proposed key fees and charges

<b>Matter</b>	<b>Amount</b>	<b>Notes</b>
<i>Fee for considering Cook Islander status (MoJ)</i>	\$25.00	per hour, minimum one hour charge
<i>Fee for endorsing a passport with Cook Islander status (MoJ)</i>	\$25.00	per hour, minimum one hour charge
<i>Fee for registering a permanent resident minor</i>	\$470.00	
<i>Fee for registering a non-Cook Islander minor</i>	\$470.00	
<i>Fee for permanent residence expression of interest</i>	\$1,000.00	
<i>Fee for permanent residence application</i>	\$740.00	
<i>Fee for endorsing a passport with permanent resident endorsement</i>	\$55.00	

## Proposed key fees and charges...cont...

<b>Matter</b>	<b>Amount</b>
<i>Fee for Resident Spouse and Resident Child</i>	\$470.00
<i>Fee for all Work Visa and Permit types</i>	\$1,000.00
<i>Fee for International Minor Student</i>	\$470.00
<i>Fee for International Adult Student</i>	\$470.00
<i>Fee for Internship</i>	\$1,000.00
<i>Fee for considering work rights for International Student, Special Spouse</i>	\$330.00
<i>Fee for visitor extensions onshore and the Long-term visitor</i>	\$470.00
<i>Fee for Special Spouse</i>	\$470.00
<i>Fee for Special Entrant</i>	\$1,000.00

## Proposed compliance charges...cont...

<b>Matter</b>	<b>Amount</b>
<i>Fee for processing "release on conditions"</i>	\$1,300.00
<i>Daily charge for "release on conditions"</i>	\$55.00
<i>Daily charge for detention</i>	\$530.00
<i>Charge where visa or permit cancelled due to failure to advise change in circumstances</i>	\$5,755.00
<i>Charge where visa or permit cancelled due to fraud</i>	\$5,755.00
<i>Charge where visa or permit cancelled due to failure to meet conditions</i>	\$5,755.00
<i>Charge where visa or permit cancelled where sponsorship is withdrawn</i>	\$5,755.00

**REMINDER: How to have your say on the proposals**

## How to have your say on the proposals for the new legislation and regulations

Read through this presentation. It is accompanied by two detailed documents:

1. *Immigration Act review – Drafting Instructions – October 2018*
2. *Immigration Act review – Proposed Regulations – Consultation – October 2018*

**The first document** has the proposals for the new **legislation**. This is the second time they have been consulted on

**The second document** has the proposals for the new **regulations**. This is the first time they have been consulted on.

Both documents have tables of contents and clear heading. Read as much or as little as interest you

If you want to **have a say and provide feedback**, you can:

- email your feedback to [kairangi.samuela@cookislands.gov.ck](mailto:kairangi.samuela@cookislands.gov.ck) and [stephanie.coutts3@mbie.govt.nz](mailto:stephanie.coutts3@mbie.govt.nz)
- email and ask for a meeting time by 14 November 2014. Meetings will be held between 18 and 29 November 2018
- write your submission by 5pm on 7 December and email it to Kairangi and Stephanie

**REMINDER: The proposals are not yet government policy**



## **The proposals ARE NOT GOVERNMENT POLICY**

- The proposals in this presentation and the accompanying documents are not Government policy
- The proposals have not yet been reviewed and agreed by the Minister or Cabinet
- Cabinet review, feedback and agreement will occur after stakeholder feedback has been received and considered
- Feedback is being sought before Cabinet decisions are sought
- Seeking Cabinet decisions is one of the next steps for the immigration act review