

APPEAL TO THE RESIDENCE REVIEW BOARD



Office use only

Appeal No

(Under Section 18C of the Immigration Act 1987)
This form has been approved under Section 132(1) of the Immigration Act 1987.

IMPORTANT! PLEASE READ INFORMATION AT THE BACK OF THIS FORM

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

Principal Applicant's Details

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

Family:
Given:

2. List any other names you are known by?

3. Your sex? Male Female

4. Your date of birth? / /
day month year

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

6. Your country of Birth?

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

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

Names	Relationship	Date of Birth

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

10. Your current residential address? (If different to Question 9)

11. Your current: Telephone number: Fax number:
Email address:

12. The reference number at the top of the letter stating your application for a residence visa or permit has been declined.

13. The date of the letter stating your application has been declined?

 / /
day month year

Please include a copy of the letter stating your application has been declined.

Personal Information about Appellant

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

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

Checklist

Have you:

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

List any documents you have attached to this form:

Information for Appellants

1. Who can appeal to the Residence Review Board?

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

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

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

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

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

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

2. How do I lodge an appeal?

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

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

3. Can I include anyone?

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

4. What is the fee for an appeal?

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

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

5. Who can fill out my appeal form?

This is a matter for you to decide. You can fill it out yourself or, if you want help, you can ask a lawyer, an immigration consultant, or someone else that you trust. However, you, the appellant must sign the form. In the case of an appeal by a person under 17 years of age a responsible adult for the appellant may sign the form.

6. When must my appeal be received?

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

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

- **14 days** from the date the letter from the NZIS was posted - if posted to an address **outside New Zealand**. The 42 days are counted from the 15th day after posting;
- **7 days** from the date the letter from the NZIS was posted - if posted to an address **in New Zealand**. The 42 days are counted from the 8th day after posting.

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

Public holidays:

- | | | |
|----------------------------|-----------------|--|
| • Christmas Day | • Waitangi Day | • Sovereign's Birthday |
| • Boxing Day | • Good Friday | • Labour Day |
| • New Year's Day | • Easter Monday | • Provincial Anniversary Day
(If appellant is in New Zealand - as observed
in the province where he/she lives) |
| • Day after New Year's Day | • Anzac Day | • Departmental holidays |

Departmental holidays:

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

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

7. What should I put in my appeal?

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

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

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

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

9. Can I appeal the Board's decision?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Where can I get further information?

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

Telephone: (64) (04) 915 4200
Fax: (64) (04) 915 6390
Website: www.residence-review-board.govt.nz

15. What if I change my address?

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

16. What if I decide to withdraw my appeal?

Please write and tell the Board in a letter.

