



# Cook Islands Immigration Act 2021

## C. Immigration Policies – Visas and Permits

### *Definitions*

- “Visa” is used to refer to the basic permission to travel to the Cook Islands and also the permission for work, study and residence. It must be applied for offshore
- “Permit” is used to describe a permission granted after entry to stay and undertake an activity they were granted a visa for (i.e., work, study, reside, etc). It is issued on arrival into the Cook Islands.

### **C1. Assessment applicable to all applications**

*See Part 7 Cook Islands Immigration Act 2021*

- A visa may be issued on application entitling a person to enter Cook Islands on a temporary basis. A permit entitles a person to stay.
- The classes of visa and permit are visit, resident, work, study and special.
- Permit conditions apply from the time a permit is granted, and while the holder remains in the Cook Islands. Breach of conditions may result in permit cancellation, and other compliance action. Breach of conditions of a previous permit is a consideration in processing any new visa application.

### **C2. Evidence of Identity process**

*See section 4 Cook Islands Immigration Act 2021*

- A person who applies for a visa or permit must show a proof of their identity. These may include:
  - passports
  - refugee travel documents
  - certificates of identity
  - military identity documents accompanied by a movement order issued by the Armed Forces of another country stating that the person is travelling to the Cook Islands in the course of their military duties
  - laissez-passer.

### **C3. Translation process**

- Applications must be in writing and completed in English. Applications in any other language must be accompanied by a certified translation in English.
- Requiring English language applications means that they can be understood by decision-makers. To ensure the integrity of the process, the translation can only be done by a certified translator.

#### C4. Material change in circumstances

- An applicant must promptly notify the Principal Immigration Officer of any material change in circumstances before the applicant is notified of the decision, or before the permanent residence, visa or permit is granted.
- The requirement to notify of any material change in circumstances applies to applicants but is also a condition of every visa or permit granted.
- It means that people's circumstances must align with the type of permanent residence, visa or permit they apply for.

#### C5. Character requirements

*See sections 57 and 72 Cook Islands Immigration Act 2021*

- A person without continuing rights who intends to travel, enter, and stay in the Cook Islands must be of good character.
- A person aged 13 years or over without continuing rights who intends to stay in the Cook Islands must make the declaration relating to their character required by their arrival card. A person aged 12 years or under without continuing rights must have the declaration on their arrival card completed by their parent or guardian.
- To decide if a person is a good character, the Principal Immigration Officer must consider the reputation, attributes, characteristics, and criminal record of the applicant.
- A person 18 years or over without continuing rights who intends to travel to, enter, and stay in the Cook Islands for more than 6 months must provide a certificate relating to their character and criminal record from the Police of the country in which the person is a citizen, and in each other country they lived in for more than 6 months in the past 5 years.

#### C6. Health requirements

*See sections 57 and 72 Cook Islands Immigration Act 2021*

- All applicants for visas and permits must have an acceptable standard of health for the intended length of stay in the Cook Islands.
- An acceptable standard of health means that the person:
  - is unlikely to be a danger to public health
  - is unlikely to impose costs or demands on publicly funded health services, and
  - is able to undertake the work or study relevant to the visa they applied for.
- **Publicly funded health services** means health services funded in whole or in part by the Government of the Cook Islands, and may include a hospital stay, residential care facility, high cost pharmaceuticals, high cost disability services and special education.

#### C7. Sufficient funds requirements

*See section 72 Cook Islands Immigration Act 2021*

- A person without continuing rights who arrives in the Cook Islands and intends to stay must have sufficient funds to support themselves, their spouse and any dependent child while they are in the Cook Islands (or have a sponsor).
- This requirement is to ensure that people do not become a burden on the State or incentivised to undertake illegal work to finance their stay.

#### C8. Onwards travel requirements

*See section 72 Cook Islands Immigration Act 2021*

- A person without continuing rights who applies for a work, study, visitor or special visa or permit must have an onward travel plan and a right to enter their next destination on that plan.

- If the applicant is unable to show a travel plan, a bond may be imposed in the amount required by the Principal Immigration Officer.

## **C9. English language proficiency**

*See section 72 Cook Islands Immigration Act 2021*

- Types of visas and permits that require applicants to be proficient in the English language are permanent resident, resident investor, international worker, adult student, and international intern.
- Applicants need to speak or read English in the Cook Islands to:
  - protect themselves
  - understand laws (particularly labour laws) and sign contracts
  - find their way around and travel
  - get help and support.
  - conduct basic communications
  - obtain official documents (e.g. drivers licence, bank documents, etc).

## **C10. Genuine and stable relationship**

*See section 72 Cook Islands Immigration Act 2021*

- Applicants who apply for a visa or permit based on their relationship to another person must show that they have a genuine and stable relationship with that person.
- Generally, this will mean that the couple have been living together for a minimum of five years.

## **C11. Sponsorship**

*See sections 79-81 Cook Islands Immigration Act 2021*

- The Cook Islands allows sponsorship of specified types of permits, such as work visas and permits, and visitor permits.
- Different sponsorship obligations may be imposed:
  - on different classes of applicants, persons granted visas, and permits, and holders of visas and permits
  - in respect of different visa and permit classes and types
  - in respect of different parts of the Cook Islands where applicants or other persons are intending to stay.
- Sponsors must sign a declaration that they will protect the applicant financially and be responsible for them while they are in the Cook Islands.

## **C12. Bonds process**

*See sections 79, 80, 82-84 Cook Islands Immigration Act 2021 and Ministry of Finance and Economic Management Act 1995-96*

- Before granting a visa or permit the Principal Immigration Officer may require a bond to be paid. A bond is a payment that is intended to manage the risk of a person staying in Cook Islands after their visa or permit expires.
- The amount of any bond that may be required is in the absolute discretion of the Principal Immigration Officer but must not exceed \$10,000.

## **C13. Extension of permit process**

*See Part 8 Cook Islands Immigration Act 2021*

- Existing permits can be extended with conditions to ensure compliance with immigration criteria.
- Resident Spouse or child permits can be extended if they continue to meet the criteria.

- Investor permits can be extended as long as they continue to meet BTIB investment criteria.
- Government, Specialist and International Worker permits can be extended once within the Cook Islands if working for the same employer. If working for a new employer, the person must apply for a work visa from offshore.
- Adult Study permits can be extended onshore up to five times, allowing a stay of not more than 6 years.
- Child Study permits are linked to their parent/guardian's permit and cannot be extended without their parents being onshore.
- Visitor visas and permits can be extended onshore, with various periods of stay allowed, depending on whether the person holds a New Zealand, International or Long Term visitor permit.
- Special Spouse permits must not have held more than one Special Spouse Permit immediately prior to the application being made, without departing the Cook Islands for a period greater than one year.
- Research Permits, International Intern and Special Entrant permits cannot be extended.

#### **C14. Change of permit process**

*See Part 8 and sections 79-81 Cook Islands Immigration Act 2021*

- A person can change from one visa or permit type to another, provided they make a new application and meet the criteria of the new permit. New application fees apply and the term of the permit would restart aligned with the new permit.
- To change employer or role, the applicant must apply for a new work visa and permit with their new contract for employment, and any new sponsor must be approved through the standard process.

#### **C15. Visitor Visas and Permits on Arrival**

*See sections 99, 100 and 103 Cook Islands Immigration Act 2021*

- Persons without continuing rights who seek to enter for the purpose of tourism, visiting family/friends or short business visits may travel to the Cook Islands without obtaining a visa in advance.
- If they meet the criteria on arrival, they may be granted the permit to stay for up to either 31 or 90 days (for international and New Zealand visitors respectively).
- Visa and permit conditions for visitors preclude employment.

#### **C16. Long term Visitor Visas and Permits**

*See sections 99, 100 and 103 Cook Islands Immigration Act 2021*

- Travellers who are seeking to travel or enter the Cook Islands for the purposes of tourism, visiting family/friends, or volunteering for a government or community organisation, for longer than 90 days must apply for a visa in advance.
- A long term visitor permit may be applied for onshore by someone who is already holding a New Zealand visitor or international visitor permit.
- Permit conditions generally preclude employment, business operations, and study.
- Long term visitor visas allow a stay for no greater than 6 months.

#### **C17. International Worker Visas and Permits**

*See sections 95, 96 and 103 Cook Islands Immigration Act 2021*

- International Worker visas and permits are issued to person without continuing rights, 18 years old or older, who have a written and lawful offer of employment with a registered business or incorporated society in the Cook Islands.
- In many cases the local employer or sponsor will assist in the application process.

- An international worker visa allows for unlimited travel and the permit allows a stay for up to 3 years.

## **C18. Specialist Work Visas and Permits**

*See sections 95, 96 and 103 Cook Islands Immigration Act 2021*

- Specialist work visas and permits are issued to persons without continuing rights who travel to, enter and stay in the Cook Islands for a defined period of time to provide technical expert advice or specialist consultancy services, who have been contracted by the Government or a registered business or incorporated society in the Cook Islands.
- The visa and permit will be matched to the contract for work and can only be issued to an individual, therefore it is not transferable to another person within the company.
- The visa will allow for up to three years travel to the Cook Islands. The period of work permitted in the Cook Islands, however, can only be 31 days at any one time within that travel period.

## **C19. Government Work Visas and Permits**

*See sections 95, 96 and 103 Cook Islands Immigration Act 2021*

- A government worker visa is issued to person without continuing rights who is travelling to, entering and staying in the Cook Islands as a fixed-term employee of a government agency or as a worker on a government-endorsed programme who intends to reside in the Cook Islands for the duration of their contract.
- A government worker can be a volunteer in a government-endorsed programme who wants to apply to reside in the Cook Islands for a duration longer than a visitor, or who is receiving some gain or reward for their volunteer services, such as accommodation or a stipend.
- A government worker visa allows for unlimited travel and the permit allows a stay for up to 3 years.

## **C20. International Child Visas and Permits**

*See sections 97, 98 and 103 Cook Islands Immigration Act 2021*

- International child visas and permits are issued to persons without continuing rights who are under 18 years old and have accompanied their parent or guardian to the Cook Islands. The permit allows holders to continue their primary or secondary education.
- The International child visas and permits cannot include a spouse or dependents.
- The permit allows a stay of up to three years, matched to the length of the parent's permit.

## **C21. International Adult Student Visas and Permits**

*See sections 97, 98 and 103 Cook Islands Immigration Act 2021*

- International adult student visas and permits are issued to person without continuing rights 18 years or older who have been officially invited by a school or other genuine educational organisation to undertake studies or academic research, or to attend school.
- The International adult student visas and permits cannot include a spouse or their dependents.
- Applications must only be made offshore and cannot be made at the border.
- The permit allows a stay of up to one year, but can be extended up to five times, no more than six years in total.

## **C22. International Intern**

*See sections 97, 98 and 103 Cook Islands Immigration Act 2021*

- An International Intern is a student or trainee, 18 years old or older who is engaged by a provider, sometimes without pay, to satisfy the requirements for a qualification in which they are enrolled or gain work experience following receipt of a qualification.

- Intern visas and permits cannot include the applicant's spouse or their dependents.
- Applications must only be made offshore and cannot be made at the border.
- The permit allows a stay of up to one year and may not be extended.

### **C23. International Research Visas and Permits**

*See sections 97, 98 and 103 Cook Islands Immigration Act 2021*

- The International Researcher visas and permits enable persons without continuing rights to undertake genuine research projects in the Cook Islands and be supported by a party based offshore (e.g. a university or agency).
- The researcher visa and permit allows a person to stay for up to 3 years studying their chosen field, as long as they remain financially supported, and their research is approved by the Cook Islands Research Committee.

### **C24. Resident Spouse Visas and Permits**

*See sections 90, 93, 94 Cook Islands Immigration Act 2021*

- Resident spouse visas and permits are issued to persons without continuing rights who are in a genuine and stable relationship of at least 5 years with a Cook Islander, permanent resident, or investor.
- A resident visa and permit in this instance is different from an application for permanent residency.
- A resident spouse permit is valid for 3 years for partners of investors and 5 years for partners of Cook Islanders and permanent residents. It can be renewed.

### **C25. Resident Child Visas and Permits**

*See sections 90, 93, 94 Cook Islands Immigration Act 2021*

- Resident child visas and permits are issued to person without continuing rights who are dependent children of permanent residents, investors or spouses of Cook Islanders
- A resident child is a child under the age of 18 years old whose parent or guardian has responsibility for them (under section 34 [Family Protection and Support Act 2017](#))
- A resident visa or permit in this instance is different from permanent residency.
- A resident child permit is valid for 3 years for children of investors and 5 years for children of spouses of Cook Islanders and permanent residents. It can be renewed.

### **C26. Investor Visas and Permits**

*See sections 90, 93, 94 Cook Islands Immigration Act 2021*

- Investor visas and permits are issued to person without continuing rights who have approval to invest in the Cook Islands. The Investor permit allows a stay of up to three years.
- An Investor application is processed in conjunction with the Business Trade and Investment Board (BTIB) and can be made while the applicant is:
  - applying to BTIB to make a foreign direct investment or be a foreign enterprise, or
  - has an ongoing foreign direct investment in the Cook Islands, or is a foreign enterprise, with the approval of the BTIB.
- Investor permits are allocated to an individual, not a company. They cannot be transferred to another person within a BTIB approved company.
- Regardless of whether the person has BTIB approval to invest in the Cook Islands, they must meet immigration criteria as an individual. The permit must not be approved if the immigration criteria are not met.

- A person who is interested in investing in the Cook Islands may travel and stay in the Cook Islands as a visitor and explore their investment options under a visitor permit before they make a Resident Investor application.

## **C27. Special spouse**

*See sections 90, 101, 102 Cook Islands Immigration Act 2021*

- A special spouse is a life partner of a person without continuing rights who is in a genuine and stable marriage or de facto relationship with a Government or International Worker permit holder.
- The applicant can only be granted a Special Spouse Visa and Permit if their spouse is approved for whatever visa and permit the spouse is applying for.
- The permit is valid for up to three years, matched to the spouse's permit eligibility.

## **C28. Special Entrant**

*See sections 90, 101, 102 Cook Islands Immigration Act 2021*

- A Special Entrant is a person without continuing rights 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.
- A person without continuing rights may apply for a Special Entrant Visa and Permit from offshore or onshore.
- The Special Entrant permit is valid for as long as it takes to achieve the special purpose, up to 180 days per year.

## **C29. Interim Permit**

*See sections 90, 101, 102 Cook Islands Immigration Act 2021*

- The interim permit can be issued to maintain a person without continuing rights' lawful status in the Cook Islands. It cannot be applied for.
- An interim permit is issued to a person without continuing rights, and any dependent(s), by the Principal Immigration Officer when:
  - the person holds a permit which expires soon but has lodged a further valid permit application which is still undecided, or
  - the person onshore is reviewing a decision or attending a court hearing and will become unlawful if the review is not decided before their permit expires, or
  - the person is awaiting deportation and their travel cannot be arranged quickly.
- The interim permit allows the person to stay in the Cook Islands pending the decision. The permit may allow work if the previous permit allowed work, or at the discretion of the Principal Immigration Officer.
- An interim permit should not be granted if the person and their dependent(s) may become a burden on the state and should be cancelled if they do.
- An interim permit should only be issued for a short time to allow for pending issue or appeal to be resolved, up to a maximum of 3 months.