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1971-72, No. 2

An Act to control the entry into, residence in, and departure from the Cook Islands

(20 March 1972)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

PART I - PRELIMINARY

1. Short Title - This Act may be cited as the Entry, Residence and Departure Act 1971-72.

2. Interpretation - In this Act, unless the context otherwise requires -

"Adult" means any person who has attained the age of eighteen years or who, being under that age, is or has been lawfully married:

"Aircraft" includes every description of machine used for flights overseas by air, however propelled, but does not include any aircraft, engaged solely or principally in the performance of military functions, of the armed forces of any State:

"Bona fide visitor" means any person who enters the Cook Islands solely for the purposes of holiday or recreation and who does not, whilst he is in the Cook Islands and without the prior conditional or unconditional written consent of the Principal Immigration Officer (which may be withdrawn at any time by the Principal Immigration Officer), engage on his own behalf or on behalf of any other person or any body corporate, in the practice of any profession, or in any occupation, business, trade or other commercial enterprise:

"Child" means any person, who, not being an adult, has not attained the age of fifteen years:

"Cook Islander" means a person belonging to the part of the Polynesian race indigenous to the Cook Islands; and includes any person descended from a Cook Islander:

"Departure permit" means a permit to depart from the Cook Islands duly issued and in full force and effect under this Act:

"Entry permit" means a permit to enter the Cook Islands duly issued and in full force and effect under this Act:

"Gazette" means the Cook Islands Gazette:

"Illegal immigrant" means any person who enters or has entered the Cook Islands contrary to this Act:

"Illegal resident" means any person who is physically present in the Cook Islands contrary to this Act:

"Immigration Officer" means an Immigration Officer duly appointed and holding office under this Act, and includes a Principal Immigration Officer:

"Minister" means the Minister responsible for immigration:

"Notify" means to communicate or to instruct orally, or by telephone, or by radio, or by telegram, or by letter, or by any written notice or document, and "notification" shall have a corresponding meaning:

"Officer in command" means any person having the charge or command of any aircraft or ship, but does not include the pilot of any ship:

"Overseas" means outside the Cook Islands, and "overseas place" means any place outside the Cook Islands:

"Passport" means a document which -

- (a) is issued by or on behalf of the Government of any country;
- (b) purports to establish the identity and nationality of the holder;
- (c) relates to the person in whose possession it is;
- (d) is still in force; and
- (e) has attached thereto a photograph of the person to whom it relates:

"Permanent resident" means any person who has been granted a certificate conferring on him the status of a permanent resident pursuant to section 5 of this Act:

"Permit" means an entry permit, or a residence permit:

"Person" does not include a body corporate:

"Principal Immigration Officer" means the Principal Immigration Officer duly appointed and holding office under this Act:

"Residence permit" means a permit to reside in the Cook Islands duly issued and in full force and effect under this Act:

"Ship" includes every description of vessel used for voyages overseas by sea, however propelled, but does not include any ship, engaged solely or principally in the performance of military or naval functions, of the armed forces of any State:

"Young person" means any person who is neither an adult nor a child.

3. Total exemptions - None of the provisions herein-after contained in this Act (except those of section 27 and Part VII of this Act) shall apply to any of the following, namely:-

- (a) Any Judge of the High Court, or of the Land Appellate Court or of the Land Court;
- (b) Any member of the armed forces of the Crown who enters the Cook Islands, is in the Cook Islands or leaves the Cook Islands in the performance of his duties as such a member;
- (c) Any person entitled to diplomatic privileges and diplomatic immunities under Part I or Part II of the Diplomatic Privileges and Immunities Act 1968;
- (d) The spouse, child (born in or out of lawful wedlock) or other dependent of any person referred to in paragraphs (a) to (c) inclusive of this section who:
 - (i) Enters the Cook Islands in the company of such person; or
 - (ii) Enters the Cook Islands whilst such person is in the Cook Islands; or
 - (iii) Is in the Cook Islands whilst such person is in the Cook Islands; or
 - (iv) Leaves the Cook Islands in the company of such person; or
 - (v) Leaves the Cook Islands whilst such person is in the Cook Islands; or
 - (vi) Is in the Cook Islands during a period of thirty-one clear days after the date of the departure from the Cook Islands of such person; or
 - (vii) Leaves the Cook Islands during a period of thirty-one clear days after the date of the departure from the Cook Islands of such person.

4. Further exemptions - None of the provisions contained in Part III or in Part IV or in section 29 or section 30 of this Act shall apply to any of the following, namely:-

- (a) Any Cook Islander;
- (b) Any permanent resident;
- (c) Any child (born in or out of lawful wedlock) of a permanent resident.

5. Permanent residents - (1) The Minister may, in his discretion, on the application of any person who -

- (a) Is of or over the age of 18 years;
- (b) Has made his home in the Cook Islands;
- (c) Is of good character and standing; and

- (d) (i) Being a New Zealand citizen, has resided continuously in the Cook Islands for a period of three years, or such shorter period (being not less than one year) as the Minister may accept, immediately preceding the date of his application (which period shall be deemed not to have been interrupted by a reasonable period or periods of absence from the Cook Islands for holiday or business purposes); or
- (ii) Not being a New Zealand citizen, has resided continuously in the Cook Islands for a period of ten years, or such shorter period (being not less than five years) as the Minister may accept, immediately preceding the date of his application (which period shall be deemed not to have been interrupted by a reasonable period or periods of absence from the Cook Islands for holiday or business purposes) -

grant to such person a certificate in the form or to the effect of the form numbered 1 in the Schedule to this Act conferring on him the status of a permanent resident.

(2) The Minister may cancel any certificate granted by him pursuant to subsection (1) hereof if the person to whom the certificate relates is absent from the Cook Islands continuously for a period exceeding three years in circumstances indicating that the person has ceased to make his home in the Cook Islands.

(3) Any person who uses any certificate granted pursuant to subsection (1) hereof knowing that that certificate has been cancelled pursuant to subsection (2) hereof for the purpose of assisting any person to enter or reside in the Cook Islands commits an offence and shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred dollars.

PART II - ADMINISTRATION

6. Appointment of Immigration Officers - (1) There shall, from time to time, be appointed, under the Public Service Act 1969 and for the purposes of this Act, a Principal Immigration Officer and such other Immigration Officers as may be considered necessary for the proper carrying out of the provisions of this Act.

(2) Any Immigration Officer appointed pursuant to subsection (1) of this section may hold office in conjunction with or in addition to any other office in the Public Service.

(3) Should the Principal Immigration Officer be, as a result of sickness, absence from the Cook Islands or any other cause which to the Minister appears sufficient, incapable of carrying out his duties and functions under this Act, the Minister may, by writing under his hand, appoint some other Immigration Officer to exercise all the rights, perform all the duties and carry out all the functions, under this Act, of the Principal Immigration Officer, and such other Immigration Officer shall, during the subsistence of his appointment, be deemed to be the Principal Immigration Officer.

(4) Any appointment, made pursuant to subsection (3) of this section, may at any time be revoked, by writing under his hand, by the Minister.

(5) Any writing under the hand of the Minister referred to in subsection (3) or subsection (4) of this section, or any copy of such writing certified by the Minister to be a true copy of the original thereof, shall be sufficient evidence of the matters to which the writing relates.

(6) Notwithstanding anything elsewhere in this section contained, no constable shall be capable of holding office as an Immigration Officer.

7. Responsibilities of Immigration Officers - (1) Subject to the provisions of this Act:

(a) The Principal Immigration Officer shall, subject to the control and directions of the Minister, be responsible for the due administration of this Act and for the control and supervision of other Immigration Officers:

(b) Subject to subsection (2) of this section, an Immigration Officer, shall carry out such duties and perform such functions as may, from time to time, be specified by the Principal Immigration Officer.

(2) In the carrying out of his duties and the performance of his functions under this Act, an Immigration Officer shall comply with all lawful directions given to him by the Minister, and an Immigration Officer, other than the Principal Immigration Officer, shall comply with all lawful directions given to him by the Principal Immigration Officer which are not inconsistent with any lawful directions given to such Immigration Officer by the Minister.

8. Power of Minister to delegate - (1) The Minister may, from time to time, by writing under his hand, delegate to the Principal Immigration Officer all or any of the duties, powers or functions under this Act of the Minister and may, from time to time and in like manner, revoke, vary or amend any such delegation:

Provided that the Minister shall not delegate to the Principal Immigration Officer any of the duties, powers or functions conferred upon the Minister by section 5 of this Act.

(2) Any writing under the hand of the Minister referred to in subsection (1) of this section shall be sufficient evidence of the matters to which it relates.

PART III - ENTRY INTO THE COOK ISLANDS

9. Unlawful entry - (1) Subject to any exceptions elsewhere specifically mentioned in this Act, no person shall be entitled lawfully to enter the Cook Islands if:

(a) On his arrival in the Cook Islands he, or some other person acting on his behalf, is unable to satisfy an Immigration Officer:

(i) That he will be able effectually to leave the Cook Islands at no cost to the Government of the Cook Islands; and

(ii) That, being an adult or young person, he has or will have reasonable means for supporting himself in the Cook Islands and any other person in the Cook Islands lawfully dependent on him, or, being a child, that he will, whilst in the Cook Islands, be in the proper care, custody or control of some adult; or

(b) On his arrival in the Cook Islands he is, in the opinion of the Director of Health:

(i) Mentally defective; or

(ii) Suffering from any notifiable disease as defined by the Notifiable Diseases Ordinance 1953; or

(c) At any time during the period of five years immediately prior to his arrival in the Cook Islands:

(i) He has been convicted in the Cook Islands for an offence punishable by imprisonment for a term of more than one year; or

(ii) He has been convicted in any overseas place for an offence involving some act or omission which, had the act or omission occurred in the Cook Islands, would have constituted an offence punishable, in the Cook Islands, by imprisonment for a term of more than one year; or

(iii) Having been convicted for an offence mentioned in sub-paragraph (i) or sub-paragraph (ii) of this paragraph (c) hereof and, for such offence, having been sentenced to a term of imprisonment or detention, he has been released from such imprisonment or detention; or

(d) He has been deported from the Cook Islands or any other country whether before or after the commencement of this Act; or

(e) Being an adult or young person he is not, on his arrival in the Cook Islands, in possession of an entry permit or residence permit duly issued to him or, being a child, neither he nor some person on his behalf, is, on his arrival in the Cook Islands, in possession of an entry permit or residence permit duly issued to him or in relation to him.

(2) A person shall not, for the purposes of this Act, be deemed an illegal immigrant or an illegal resident if:

- (a) He having arrived at the Cook Islands in any ship, he has not actually disembarked or been removed from such ship on to the soil of the Cook Islands; or
- (b) He having arrived at the Cook Islands in any aircraft:
 - (i) He has not actually disembarked or been removed from such aircraft on to the soil of the Cook Islands; or
 - (ii) He having so disembarked or been so removed, he does not leave the confines of the airport and departs from the Cook Islands, in such aircraft, within a period of twenty-four hours from the point of time when such aircraft arrived in the Cook Islands or within such longer period which may, from time to time, be specified by an Immigration Officer.

10. Distressed persons - Nothing in section 9 of this Act shall apply to any person who enters the Cook Islands:

- (a) Consequent upon the wreck of any ship or aircraft of which he was a member of the crew or a passenger; or
- (b) Consequent upon any damage to or defect in any ship or aircraft of which he is a member of the crew or a passenger; or
- (c) Consequent upon any lack of water, other necessary stores or necessary fuel aboard any ship or aircraft of which he is a member of the crew or a passenger; or
- (d) Consequent upon any serious physical injury to him or any serious breakdown in his mental or physical health which, in the circumstances, reasonably warrants his entry into the Cook Islands; or
- (e) In any other circumstances which, on humanitarian grounds, in the opinion of the Principal Immigration Officer, reasonably warrants his entry into the Cook Islands.

11. Crews of ships and aircraft - Nothing in section 9 of this Act shall apply to the entry into the Cook Islands of any bona fide member of the crew of any commercial ship or commercial aircraft which arrives at or in the Cook Islands from any overseas place.

12. Entry permits not required in certain cases - (1) Nothing contained in paragraphs (c) or (e) of subsection (1) of section 9 of this Act shall apply to:

- (a) Any person in the service of the Government of New Zealand or of the Government of the Cook Islands who enters the Cook Islands for the purposes, wholly or principally, of carrying out some official duty or performing some official function; or
- (b) Any Barrister or Solicitor of the Supreme Court of New Zealand practising in New Zealand who enters the Cook Islands for the purposes, wholly or principally, of appearing in the Cook Islands as an advocate before some Court, tribunal or other body having judicial functions in some cause or matter set down for hearing by such Court, tribunal or body;
- (c) Any bona fide visitor to the Cook Islands.

(2) Where any bona fide visitor to the Cook Islands seeks to enter the Cook Islands pursuant to the provisions of subsection (1) of this section, an Immigration Officer may, in his discretion, refuse to allow such visitor to disembark from the ship or aircraft in which the visitor arrived in the Cook Islands or refuse to allow such visitor to be at large in the Cook Islands unless such visitor first complies with any one or more of the conditions (conveniently modified) which may, with reference to the grant of an entry permit, be imposed by the provisions of paragraphs (c) to (f) inclusive of subsection (3) of section 14 of this Act.

13. Persons authorised to issue entry permits - (1) The Minister may from time to time issue entry permits in accordance with this Act.

(2) The Minister may, from time to time and pursuant to this subsection, by writing under his hand conditionally or unconditionally authorise any representative in any overseas place of the Government of New Zealand or of the Government of the Cook Islands to issue, on behalf of the Minister, entry permits and may, from time to time and in like manner, cancel, vary or amend any such authority.

(3) In the exercise of any such authority, the person to whom it is given shall act in accordance with all directions, general or special, from time to time given to him in writing by the Minister.

(4) Any authority or directions given pursuant to subsection (2) or subsection (3) of this section may be given to any specified person or persons, or to persons of a specified class, or to the holder for the time being of a particular office, or to the holders for the time being of any specified class of particular offices.

14. No person entitled as of right to an entry permit - (1) No person shall, as of right, be entitled to the grant to him of an entry permit.

(2) An entry permit may be granted either unconditionally or subject to such conditions as the person granting it may deem fit to impose.

(3) Without restricting the provisions of subsection (2) of this section, an entry permit may be granted subject to any one or more of the following conditions:-

- (a) That the permit holder shall arrive in the Cook Islands before a specified date;
- (b) That the permit holder shall leave the Cook Islands before a specified date;
- (c) The production to an Immigration Officer of a passport;
- (d) That there be deposited, by or on behalf of the permit holder, with an Immigration Officer before or immediately upon the permit holder's arrival in the Cook Islands, a specified sum of money, as security for the due performance by or on behalf of the permit holder of his obligations under the entry permit and this Act;
- (e) That there be deposited, by or on behalf of the permit holder, with an Immigration Officer immediately upon the permit holder's arrival in the Cook Islands, a travel ticket or travel tickets to an overseas place which, on leaving the Cook Islands, the permit holder will be lawfully entitled to enter;
- (f) That the permit holder, or some person on his behalf, shall enter into a bond, in favour of Her Majesty the Queen and in a form approved and in a sum of money fixed by the person granting the entry permit, and with a surety or two sureties approved by the person granting the permit, or, at the election of such person, without any surety adequately to secure the due performance by or on behalf of the permit holder of his obligations under the entry permit and this Act.

15. Applications for entry permits - (1) Every application for an entry permit shall be made by the applicant in the form, or to the effect of the form numbered 2 in the Schedule to this Act, or, where the applicant is a child not accompanied by a parent by some person having the lawful custody, care or control of the child, in the form, or to the effect of the form, numbered 3 in the Schedule to this Act.

(2) Where an entry permit is granted outside the Cook Islands, the person issuing the permit may affix a true copy of the application for the permit, (duly certified by him to be a true copy), to the permit, and such copy shall have the same effect in law as the original of such application.

16. Form of entry permit - Every entry permit shall be in the form, or to the effect of the form numbered 4 in the Schedule to this Act, and shall:

- (a) Contain each and every condition subject to which it is issued; and

- (b) Specify the date and place upon and at which it was issued; and
- (c) Be signed by the person issuing the same.

PART IV - RESIDENCE IN THE COOK ISLANDS

17. Lawful residents - The following persons only shall be entitled lawfully to reside in the Cook Islands, namely:

- (a) Any person to whom the provisions of section 3 or of section 4 of this Act apply;
- (b) Any person in possession of an entry permit or a residence permit duly granted to him;
- (c) Any child in whose behalf some other person in the Cook Islands is in possession of an entry permit or a residence permit duly granted in respect of such child;
- (d) Any person referred to in section 19, section 20, section 21, section 22 or section 23 of this Act who is residing in the Cook Islands in accordance with the provisions of such section.

18. Expiry of entry permit - Every entry permit shall expire and become of none effect on the expiration of a period of thirty-one clear days from the date of the permit holder's entry into the Cook Islands or upon the sooner arrival of any date, mentioned in paragraph (b) of subsection (3) of section 14 of this Act, which may be specified in the entry permit.

19. Distressed persons - Where any person mentioned in section 10 of this Act has lawfully entered the Cook Islands he shall, unless he be granted a residence permit, leave the Cook Islands on or before the expiration of a period of time, to be specified in a notification to be given to him by the Principal Immigration Officer, which, in the circumstances, constitutes a reasonable period.

20. Crews of ships and aircraft - Where any person mentioned in section 11 of this Act has lawfully entered the Cook Islands he shall, unless he be granted a residence permit, leave the Cook Islands in the ship or aircraft in which he arrived in the Cook Islands on its voyage from the Cook Islands next following the point of time when he entered the Cook Islands or, if in the circumstances it is unreasonable to require him so to leave the Cook Islands, then on or before the expiration of a period of time, to be specified in a notification to be given to him by the Principal Immigration Officer, which, in the circumstances, constitutes a reasonable period.

21. Government servants - Where any person mentioned in paragraph (a) of section 12 of this Act has lawfully entered the Cook Islands, he shall, unless he be granted a residence permit, leave the Cook Islands prior to the expiration of a period of ninety days from and including the date upon which he arrived in the Cook Islands or, if in the circumstances it is

unreasonable to require him so to leave the Cook Islands, then on or before the expiration of a period of time, after such period of ninety days, to be specified in a notification to be given to him by the Principal Immigration Officer, which, in the circumstances, constitutes a reasonable period.

22. Barristers and solicitors - (1) Where any Barrister or Solicitor mentioned in paragraph (b) of section 12 of this Act has lawfully entered the Cook Islands, he shall, unless he be granted a residence permit, leave the Cook Islands prior to the expiration of a period of fourteen days from and including the date upon which the hearing of the cause or matter in which he appeared as an advocate concluded or, if in the circumstances it is unreasonable to require him so to leave the Cook Islands, then on or before the expiration of a period of time, after such period of fourteen days, to be specified in a notification to be given to him by the Principal Immigration Officer, which, in the circumstances, constitutes a reasonable period.

(2) For the purposes of subsection (1) of this section a hearing shall be deemed to have concluded if:

(a) The hearing has been concluded although no judgment or decision in the cause or matter has been given; or

(b) The hearing has been adjourned to a specified date not within a period of twenty-eight days immediately following the adjournment; or

(c) The hearing has been adjourned sine die.

(3) Notwithstanding anything hereinbefore in this section contained, the High Court or the Land Court may, if it thinks that it is in the interests of justice that any such Barrister or Solicitor should remain in the Cook Islands

in respect of any such Barrister or Solicitor, from time to time and at any time, make an order authorising such Barrister or Solicitor to remain in the Cook Islands until the arrival of a date to be specified in the order and, on the making and during the subsistence of the effect of any such order, the Barrister or Solicitor shall be entitled to remain in the Cook Islands accordingly.

(4) Any order made pursuant to subsection (3) of this section may, on the application of the Principal Immigration Officer or of the Barrister or Solicitor concerned, be cancelled, varied or amended by the Court which made the order.

23. Bona fide visitors - Every bona fide visitor who enters the Cook Islands shall, unless he be granted a residence permit, leave the Cook Islands prior to the expiration of a period of thirty-one days from and including the date upon which he entered the Cook Islands or, if in the circumstances it is unreasonable to require him so to leave the Cook Islands then on or before the expiration of a period of time, after such period of thirty-one days, to be specified in a notification to be given to him by the Principal Immigration Officer, which, in the circumstances, constitutes a reasonable period.

24. Residence permits - (1) Any adult or young person may apply in the form, or to the effect of the form numbered 5 in the Schedule to this Act for a residence permit to be granted to him and to any of his children accompanying him.

(2) Any person who has the custody, care or control of a child who is not accompanied by a parent may apply in the form, or to the effect of the form numbered 6 in the Schedule to this Act for a residence permit to be granted to such child.

(3) A residence permit may be granted by the Minister in accordance with the provisions of this Act.

(4) No person shall, as of right, be entitled to the grant to him of a residence permit.

(5) A residence permit shall state the date upon which it shall expire, but otherwise may be granted either unconditionally or subject to such conditions as the person granting it may deem fit to impose.

(6) Without restricting the provisions of subsection (5) of this section, a residence permit may be granted subject to any one or more of the conditions which, in relation to the grant of an entry permit, may, (with all suitable modifications), be imposed by the provisions of paragraphs (b) to (f) inclusive of subsection (3) of section 14 of this Act.

(7) Every residence permit shall be in the form or to the effect of the form numbered 7 in the Schedule to this Act and shall:

(a) Contain each and every condition subject to which it is issued; and

(b) Specify the date on which it is to expire; and

(c) Specify the date upon which it was issued; and

(d) Be signed by the person issuing the same.

(8) Notwithstanding anything contained in section 21 of this Act or in subsections (1), (2), (3), or (5) of this section:

(a) Where, at the date of the coming into force of this Act, any person is employed in the Cook Islands pursuant to the Public Service Act 1969 or where, at any time after such date, any person commences to be so employed then, unless the period, or the balance of the period, of such person's employment pursuant to the Public Service Act 1969 is less, or is expected to be less, than ninety days, the Minister shall, without any undue delay, issue to or in favour of such person, a suitable residence permit:

(b) Where, pursuant to paragraph (a) of this subsection, the Minister has issued, or is under a duty to issue, a residence permit to or in favour of any person, the Minister shall, without any undue delay, issue a suitable residence permit to or in favour of:

(i) Any spouse of such person who may then or who may thereafter be residing, in the Cook Islands, with such person:

- (ii) Any child of such person who may then or who may thereafter be residing, in the Cook Islands, with such person, if such child be not an adult.

PART V - SPECIAL PROVISIONS RELATING TO SHIPS AND AIRCRAFT

25. Bonds - (1) On the arrival of any ship or aircraft at or in the Cook Islands, the Principal Immigration Officer may, by notice in writing delivered to the officer in command of the ship or aircraft, require the officer in command to execute in favour of Her Majesty the Queen and in such form as the Principal Immigration Officer may stipulate, a bond, with a surety approved by the Principal Immigration Officer or, at the election of the Principal Immigration Officer, without any surety, in such sum, not exceeding five thousand dollars, as the Principal Immigration Officer may determine, conditioned for the due departure from the Cook Islands of the ship or aircraft and its crew and of its passengers (except such members of the crew and such passengers as may lawfully be entitled to remain in the Cook Islands on the departure of such ship or aircraft from the Cook Islands) when the ship or aircraft duly commences its voyage from the Cook Islands.

(2) Where the Principal Immigration Officer has delivered, pursuant to subsection (1) of this section, a notice in writing to the officer in command of any ship or aircraft then, until the Principal Immigration Officer shall have in writing notified the officer in command that the required bond has been executed to the satisfaction of the Principal Immigration Officer, the officer in command shall not, without in each case acquiring the prior written consent of an Immigration Officer allow any person, other than a person to whom the provisions of section 3 or of section 4 of this Act applies, to leave the ship or aircraft and shall not, without acquiring such prior written consent, himself leave the ship or aircraft.

(3) Any consent referred to in subsection (2) hereof may be given either unconditionally or subject to such conditions as the Immigration Officer may deem fit to impose.

26. Suspected illegal immigrants, etc. - (1) Where an Immigration Officer has reason to believe that there is on board any ship or aircraft any adult or young person who, if he were to enter the Cook Islands, would be an illegal immigrant or whose presence in the Cook Islands would be detrimental to the peace, order or good government of the Cook Islands, he may, by a notice in writing delivered to the adult or young person prohibit such adult or young person from entering the Cook Islands:

Provided that any such notice shall expire on the elapse of a period of twenty-four hours after the delivery of the notice and shall not thereafter be capable of being renewed by another such notice or otherwise.

(2) On the delivery of any such notice the adult or young person to whom it is delivered shall not, prior to the expiry thereof, enter the Cook Islands without the prior written consent of an Immigration Officer, which consent may be given unconditionally or subject to such conditions as the Immigration Officer may deem fit to impose.

(3) Where, pursuant to subsection (1) of this section, an Immigration Officer has delivered a notice he shall, as soon as possible after such service, notify the Minister, and if he be not the Principal Immigration Officer, the Principal Immigration Officer that he has delivered the notice.

27. Inspection of crews, passengers, ships and aircraft, etc. - (1) Subject to the provisions of the Cook Islands Quarantine Ordinance 1952 and for the purposes of ensuring compliance with all or any of the provisions of this Act, an Immigration Officer shall forthwith board every ship or aircraft which arrives at the Cook Islands from an overseas place, and no person, except the pilot of a ship shall go on board any such ship or aircraft, without the prior permission of an Immigration Officer, until the Immigration Officer has boarded the same, except as may be reasonably necessary to ensure or to attempt to ensure the safety of the ship or aircraft or any of its crew or passengers.

(2) The restrictions imposed by subsection (1) of this section shall not apply to any of the following persons acting in the exercise of their powers or functions under any enactment, namely:-

- (a) Any officer of Customs:
- (b) The Port Health Officer and his assistants:
- (c) A member of the Police:
- (d) A Quarantine Inspector of the Department of Agriculture.

(3) Where any Immigration Officer boards any ship or aircraft pursuant to subsection (1) of this section, the officer in command thereof shall, on being requested so to do by the Immigration Officer, deliver to the Immigration Officer a list of the names of the crew of the ship or aircraft and a list of the names of the passengers aboard such ship or aircraft and, on a like request, shall to the best of his knowledge, information, belief and ability truly answer such questions as may, with reference to such crew and such passengers, be put to him by the Immigration Officer, and, on a like request, shall make suitable arrangements on board the ship or aircraft to the reasonable satisfaction of the Immigration Officer for the examination, by the Immigration Officer or by the Medical Officer, of any one or more of such crew or passengers.

(4) An Immigration Officer may, on board any ship or on board any aircraft or at the airport at which any aircraft has landed, put all such questions as he deems necessary for the purposes of this Act to any member of the crew thereof or to any passenger on the ship or on or from any aircraft, and any person to whom any such questions are so put shall, to the best of his knowledge, information, belief and ability truly answer such questions.

(5) An Immigration Officer may, in or without the company of any constable, search and inspect the whole or any part or parts of any ship or aircraft, and the officer in command of the ship or aircraft shall give the Immigration Officer all such assistance as the Immigration Officer shall reasonably require in the making of the search and inspection.

(6) An Immigration Officer may require any member of the crew of any ship or aircraft or any passenger on or from any ship or aircraft to be examined by a Medical Officer, and such member of the crew or such passenger shall duly submit himself to such examination.

(7) Until an Immigration Officer shall have notified the officer in command of any ship or aircraft that the Immigration Officer has, in relation to the ship or aircraft and its crew and passengers, duly fulfilled all the Immigration Officer's functions under this section of this Act, no member of the crew of such ship or aircraft and no passenger on or from such ship or aircraft shall leave such ship or such aircraft or the confines of the airport at which such aircraft has landed without the prior consent of the Immigration Officer, which consent may be given either unconditionally or subject to such conditions which the Immigration Officer may deem fit to impose.

(8) In order to prevent any person unlawfully leaving any ship, aircraft or the confines of any airport contrary to the foregoing provisions of this section, an Immigration Officer, or a constable, or the officer in command of the ship or aircraft, or any member of the crew of the ship or aircraft who may be nominated by an Immigration Officer, constable, or such officer in command, shall have full power and authority to prevent any person from so leaving the ship, aircraft or the confines of any airport and for that purpose may use such reasonable force and reasonable means of restraint as, in the circumstances, may be necessary.

28. Stowaways, etc. - (1) If the officer in command of any ship or aircraft has reasonable grounds to believe that any person on board the ship or aircraft is a stowaway or is otherwise unlawfully on board the ship or aircraft, or has, on board the ship or aircraft done some act or made some omission which, if it had been done in the Cook Islands would constitute a criminal offence contrary to the Crimes Act 1969 or is a fugitive from justice, then such officer in command shall, on or before the arrival of such ship or aircraft at the Cook Islands, arrest such person.

(2) Where an officer in command has, pursuant to subsection (1) of this section, arrested any person, he shall, as soon as possible after the arrival of the ship or aircraft in the Cook Islands, deliver such person into the custody of an Immigration Officer or of a constable to the intent that such person shall thereafter be dealt with in any lawful manner.

PART VI - DEPORTATION FROM THE COOK ISLANDS

29. Removal by Minister - (1) The Minister may make an order in the form or to the effect of the form numbered 8 in the Schedule to this Act directing that any person who is an illegal resident shall, on the expiry of fourteen days or such longer period as the Minister may specify from the date of service of the order on such person or on the completion of any sentence of imprisonment which he may be serving, be removed from and remain out of the Cook Islands either indefinitely or for a period to be specified in the order.

(2) An order made under this section shall be carried into effect in such manner as the Minister may direct.

(3) A person against whom an order under this section is made may, if the Minister so directs, while awaiting removal and while being conveyed to the place of departure, be kept in prison or in police custody, and while so kept shall be deemed to be in lawful custody.

(4) An order made, and any directions given, by the Minister under this section may at any time be varied or revoked by the Minister.

30. Deportation order - (1) The Minister may, by order in the form or to the effect of the form numbered 9 in the Schedule to this Act signed by him and served on any person physically present in the Cook Islands, stating one or more of the grounds set out in this subsection, order the person to leave the Cook Islands within a period to be stated in the order, if the Minister is of the opinion that the person -

- (a) Is disaffected, disloyal or likely to be a danger to the peace, order or good government of the Cook Islands; or
- (b) Is without sufficient lawful means of support for himself or any of his dependents; or
- (c) Has been convicted in the Cook Islands of an offence punishable by imprisonment for one year or more, and has not received a free pardon; or
- (d) Is residing in the Cook Islands under or by virtue of an entry permit or residence permit that was issued as a consequence of some fraud, wilful misrepresentation or other dishonest conduct on the part of such person or on the part of any other person; or
- (e) Has committed a breach of some condition set forth in his entry permit or residence permit; or
- (f) Is of bad character or dissolute habits.

(2) No order shall be made under this section in respect of any person unless:

- (a) Where such person is an adult or young person, who is not subject to some physical or mental disability which reasonably prevents him from opposing the order, he is given a reasonable opportunity of showing cause why the order should not be made;
- (b) Where such person is an adult or young person, who is subject to some such disability, or is a child, some fit and proper person, to be nominated by the Minister, is given a reasonable opportunity of showing cause why the order should not be made.

(3) No residence permit shall, notwithstanding anything elsewhere contained in this Act, be granted in favour of any person in respect of whom an order under this section is subsisting.

(4) An order made under this section shall be carried into effect in such manner as the Minister may direct.

(5) A person against whom an order under this section is made may, if the Minister so directs, while awaiting removal and while being conveyed to the place of departure, be kept in prison or in police custody, and while so kept shall be deemed to be in lawful custody.

(6) No person who is deported from the Cook Islands pursuant to an order made under this section in respect of him shall, without the prior written consent of the Minister, and notwithstanding anything else contained in this Act, be allowed to enter the Cook Islands prior to the expiration of a period of five years from the date upon which, pursuant to the order, he was deported from the Cook Islands.

(7) An order made, and any directions given, by the Minister under this section may at any time be varied or revoked by the Minister.

(8) Any order or direction made or given under this section by the Minister shall be subject to appeal to the High Court, and on appeal the High Court may confirm, revoke, or vary the order or direction.

31. Deportation costs - (1) In this section "Crown debtor" means and includes any one or more of the following, namely:

- (a) Any person in respect of whom a subsisting order has been made under section 29 or section 30 of this Act:
- (b) In the case of an illegal immigrant who, whilst resident in the Cook Islands after his unlawful entry into the Cook Islands, has not been granted a residence permit:
- (c) (i) The officer in command of the ship or aircraft in which the immigrant arrived in the Cook Islands:
 - (ii) Every owner of any such ship or aircraft:
 - (iii) Every charterer of any such ship or aircraft:
 - (iv) Every person who, pursuant to this Act or otherwise, has, as principal or surety, entered into any bond, deed or other instrument whereunder he is liable to Her Majesty the Queen to pay all or any of the deportation costs payable in respect of the immigrant:
- (v) Every person who, pursuant to this Act or otherwise, has duly deposited with any other person acting on behalf of Her Majesty the Queen any sum of money as security for the due performance by the immigrant of all or any of the immigrant's obligations under this Act:
- (vi) Every person who knowingly and wilfully has allowed the immigrant to enter the Cook Islands contrary to this Act:

(d) In the case of an illegal resident (whether or not such resident be also an illegal immigrant):

- (i) Every person who, pursuant to this Act or otherwise, has, as principal or surety, entered into any bond, deed or other instrument whereunder he is liable to Her Majesty the Queen to pay all or any of the deportation costs payable in respect of such resident:
- (ii) Every person who, pursuant to this Act or otherwise, has duly deposited with any other person acting on behalf of Her Majesty the Queen any sum of money as security for the due performance by such resident of all any of the immigrant's obligations under this Act.

(2) In this section "deportation costs" means all costs and disbursements relating to:

- (a) The maintenance in the Cook Islands of any person in respect of whom there is a subsisting order under section 29 or section 30 of this Act whether such costs and disbursements be incurred before or after the making of such order:
- (b) The provision of any medical treatment in the Cook Islands for any such person, whether such costs and disbursements be incurred before or after the making of such order:
- (c) The payment of the fare of any such person, on his deportation from the Cook Islands, to any overseas place.

(3) Where, in relation to any illegal immigrant or illegal resident any deportation costs have been paid or will be paid out of the public revenues of the Cook Islands, then any person who is, in respect of such person, a Crown debtor shall be liable to pay such deportation costs to Her Majesty the Queen, and where two or more Crown debtors are so liable, their liability shall be joint and several:

Provided that any Crown debtor referred to in subparagraph (iv) or subparagraph (v) of paragraph (b) of subsection (1) of this section, or in subparagraph (i) or subparagraph (ii) of paragraph (c) of subsection (1) of this section shall not pursuant to the provisions of such paragraphs respectively be liable to pay, in respect of such deportation costs, more than the amount mentioned in the relevant bond, deed or other instrument or more than the sum deposited by him as security (as the case may require).

(4) Any deportation costs which, pursuant to subsection (3) of this Act, any Crown debtor is liable to pay may be recovered by action in the High Court commenced, on behalf of Her Majesty the Queen, by the Financial Secretary of the Cook Islands or by the Principal Immigration Officer.

(5) On hearing any action commenced pursuant to subsection (4) of this section, the High Court may, if it finds that any defendant is liable to pay the whole or any part of the sum claimed, nonetheless give judgment against the defendant in a lesser sum, or relieve the defendant entirely from liability to pay if, in the circumstances of the case and having regard to the conduct of such defendant, the High Court, in its absolute discretion, considers that it is fair and just so to do.

(6) Where any Crown debtor referred to in subparagraph (v) of paragraph (b) of subsection (1) of this section or in subparagraph (ii) of paragraph (c) of subsection (1) of this section has deposited any sum of money as security for the due performance mentioned in such subparagraphs respectively, then the Financial Secretary of the Cook Islands, by writing under his hand, may forfeit to the Crown the whole or such part of such sum as he deems necessary to defray any deportation costs incurred or to be incurred by Her Majesty the Queen in relation to the illegal immigrant or the illegal resident concerned.

(7) Where any money has been forfeited pursuant to subsection (6) of this section, the person who originally deposited the same may, prior to the expiration of a period of two years from the date of the forfeiture thereof, apply to the High Court for an order that the whole or some part of the amount so forfeited be repaid to such person, and on the hearing of such application the High Court may, in its absolute discretion, order that the application be granted, in whole or in part, if, in the circumstances of the case and having regard to the conduct of the applicant, it considers that it is fair and just so to do.

PART VII - DECLARATIONS

32. Declarations required from persons entering or leaving the Cook Islands - (1) Except with the authority of the Minister, no adult or young person shall enter the Cook Islands from any place outside the Cook Islands unless and until he has made and delivered to an Immigration Officer a declaration in the form, or to the effect of the form numbered 10 in the Schedule to this Act, and no child shall so enter the Cook Islands unless and until a declaration in the said form has been made and delivered as aforesaid on his behalf by an accompanying adult or young person.

(2) Except with the authority of the Minister, no adult or young person shall leave the Cook Islands for any place outside the Cook Islands unless and until he has made and delivered to an Immigration Officer a declaration in the form, or to the effect of the form numbered 11 in the Schedule to this Act and no child shall so leave the Cook Islands unless and until a declaration in the said form has been made and delivered as aforesaid on his behalf by an accompanying adult.

(3) Subsections (1) and (2) of this section shall not apply to a person entering or leaving the Cook Islands as the master or captain or member of the crew of the ship or aircraft in which he enters or leaves.

(4) Any person who enters the Cook Islands from any place outside the Cook Islands as the master or captain or a member of the crew of any ship or aircraft may thereupon, or at any time thereafter, whether before or after he has landed from that ship, be required by an Immigration Officer or a constable to make and deliver to that officer or constable a declaration in the form or to the effect of the form numbered 12 in the Schedule to this Act.

- Act who -
- (5) Every person commits an offence against this Act who -
 - (a) Being required by this section to make and deliver a declaration before entering or leaving the Cook Islands, lands in the Cook Islands or, as the case may be, goes on board any ship or aircraft for the purpose of leaving the Cook Islands without having made and delivered such a declaration; or
 - (b) Being required by an Immigration Officer or a constable to make and deliver a declaration pursuant to this section, refuses or fails to make and deliver a declaration accordingly; or
 - (c) Makes any declaration under this section which is in any respect wilfully false or misleading.

PART VIII - DEPARTURE FROM THE COOK ISLANDS

33. Departure permits - (1) No person who is a Cook Islander or a permanent resident or a child of a permanent resident shall depart or attempt to depart from the Cook Islands to any place outside the Cook Islands unless he is in possession of a departure permit issued to him by the Minister.

(2) Any person who acts in contravention of subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

34. Granting of departure permits - (1) Every application for a departure permit shall in the case of an adult or young person or child accompanied by a parent be in the form, or to the effect of the form numbered 13 in the Schedule to this Act, and in the case of a child not accompanied by a parent shall be in the form, or to the effect of the form numbered 14 in the Schedule to this Act.

(2) A departure permit shall be issued to an applicant if the Minister is reasonably satisfied that the applicant -

- (a) (i) Has available sufficient money for his needs during his intended absence from the Cook Islands; or
- (ii) Has arranged accommodation and employment at the place at which he intends to reside during his intended absence from the Cook Islands;
- (b) Has the approval of a doctor of the Department of Health to depart from the Cook Islands;
- (c) Has made, according to his means, reasonable and proper provision for the maintenance and support during his intended absence from the Cook Islands of all his dependants who will, after his departure from the Cook Islands, be remaining in the Cook Islands.

(3) Every departure permit shall be in the form or to the effect of the form numbered 15 in the Schedule to this Act.

35. Duration of departure permit - A departure permit shall be valid for a period of six weeks from the date of its issue and for one departure only from the Cook Islands.

36. Cancellation of departure permit - A departure permit may be cancelled by the Minister and become of none effect prior to the departure from the Cook Islands of the person to whom it was issued if the Minister has reason to believe the departure permit was obtained dishonestly or in consequence of any false representation or in consequence of any statement that is false in any material particular.

37. Certificate of identity - The Minister may on the application of any person issue to that person a certificate of identity in the form or to the effect of the form numbered 16 in the Schedule to this Act.

PART IX - OFFENCES

38. False statements in relation to permits - Any person who obtains or attempts to obtain by means of any statement or representation, in writing or otherwise, which he knows or, in the circumstances, ought to know, is false in a material particular, made by him to any other person, the issue of a permit to him or to any other person, commits an offence against this Act and, on conviction shall be liable to a fine not exceeding one hundred dollars.

39. False representation as to status - Any person who knowingly and wilfully falsely represents to the Minister, or to an Immigration Officer, or to any constable or, whilst he is on board any ship or aircraft, to the officer in command of that ship or aircraft that he is a person to whom the provisions of section 3 or of section 4 of this Act apply, commits an offence against this Act and, on conviction, shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding twenty-eight days.

40. Bona fide visitor - Any person who, having entered the Cook Islands in the capacity of a bona fide visitor, engages in the Cook Islands on his own behalf or on behalf of some other person or any body corporate, in the practise of any profession, or in any occupation, business, trade, or other commercial enterprise, commits an offence against this Act and, on conviction, shall be liable to a fine not exceeding fifty dollars.

41. Illegal immigrants - Any person who enters the Cook Islands contrary to this Act commits an offence against this Act and, on conviction, shall be liable to a fine not exceeding one hundred dollars.

42. Illegal residents - Any person who is resident in the Cook Islands contrary to this Act commits an offence against this Act and, on conviction, shall be liable to a fine not exceeding fifty dollars:

Provided that, during the course of one particular continuous period of residence in the Cook Islands by any person, that person shall not be liable to be convicted more than once for an offence contrary to this section.

43. Sections not to apply - Nothing in section 41 or section 42 of this Act shall apply to any person who is brought into the Cook Islands pursuant to subsection (2) of section 28 of this Act.

44. Unlawfully allowing or assisting persons to enter the Cook Islands - (1) Every person commits an offence against this Act who, knowingly and wilfully, allows or assists any other person:

- (a) To enter or to attempt to enter the Cook Islands contrary to this Act; or
- (b) To board or attempt to board, or to remain on board or attempt to remain on board any ship or aircraft contrary to this Act.

(2) Any person convicted of an offence contrary to this section shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars.

45. Officers in command - The officer in command of any ship or aircraft who, without lawful excuse or other reasonable justification for so doing, fails to perform any duty imposed upon him by this Act commits an offence against this Act and, on conviction, shall be liable to a fine not exceeding fifty dollars.

46. Miscellaneous offences - (1) Every person commits an offence against this Act who:

- (a) Uses or attempts, to use or relies upon or attempts to rely upon any permit not issued to him or in relation to him; or
- (b) Upon being called upon so to do by an Immigration Officer, fails to surrender to the Immigration Officer any permit in his possession or which ought to be in his possession, which has ceased to be of any force or effect; or
- (c) Wilfully makes any alteration to any permit or wilfully detaches from any permit anything lawfully attached to a permit; or
- (d) Wilfully destroys or wilfully mutilates any permit; or
- (e) Wilfully obstructs, hinders or resists any other person in the execution of any power or authority conferred upon that person by this Act; or
- (f) Fails to perform any duty or fails to comply with any condition imposed upon him by or pursuant to this Act where such failure is not an offence contrary to any of the foregoing provisions of this Part of this Act; or
- (g) Knowingly and wilfully does, omits, causes, permits or suffers to be done any act, matter or thing contrary to this Act where such doing, omitting, causing, permitting or suffering is not an offence contrary to any of the foregoing provisions of this Part of this Act.

(2) Every person convicted of an offence contrary to section (1) of this section shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding fifty dollars.

47. Children - Notwithstanding anything elsewhere in this Act contained:

- (a) No person under the age of twelve years shall be charged with or convicted of any offence against this Act;
- (b) No person who is of twelve years or more in age shall be charged with or convicted of any offence against this Act committed, or alleged to have been committed, by him whilst he was under the age of twelve years;
- (c) No person under the age of fifteen years shall be prosecuted for any offence contrary to this Act without the prior written consent of the Minister.

48. Immigration Officers - (1) Notwithstanding anything hereinbefore in this Part of this Act contained:

- (a) No Immigration Officer shall be charged with any offence contrary to this Act in respect of any alleged breach of his duty, in his official capacity, under this Act without the prior written consent of the Minister; and
 - (b) When an Immigration Officer is charged, pursuant to paragraph (a) of this subsection, with an offence, it shall be a good defence to the charge if the High Court is satisfied that the act or omission referred to in and forming the basis of the charge was done or omitted by him in good faith.
- (2) Where an Immigration Officer is convicted of any offence contrary to this Act and it is proved to the satisfaction of the Court that the offence was committed with some dishonest intention on his part then, notwithstanding anything hereinbefore in this Part of this Act contained, he shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months and he shall not, without the prior consent of a Judge of the High Court, thereafter be capable of being or continuing to be an Immigration Officer.

49. Special powers of Minister - (1) The Minister in his absolute discretion may, from time to time and at any time and with the prior consent of the Executive Council, by writing under his hand exempt any person or group or class of persons from all or any of the provisions of this Act and may, from time to time and without such consent by writing under his hand revoke any such exemption.

(2) Any such consent may be given either unconditionally or subject to such conditions which, in his absolute discretion, the Minister may think fit to impose.

50. Application of moneys - All fines and other moneys paid collected or recovered pursuant to this Act on behalf of Her Majesty the Queen shall form part of the revenues of the Cook Islands and shall be paid into the Cook Islands Government Account.

51. Regulations - (1) The High Commissioner may from time to time by Order in Executive Council make all such regulations as may, in his opinion, be deemed necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in Session and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the commencement of the next ensuing session.

52. Exemption from liability - (1) No person authorised by this Act to issue or to cancel a permit shall be personally liable in any civil action or civil cause for any refusal by him to issue a permit or for cancelling any permit.

(2) Without prejudice to subsection (1) of this section, neither the Minister, nor any Immigration Officer, nor any constable, nor any officer in command of any ship or aircraft shall be liable in any civil action or civil cause for anything done by him or omission made by him in the exercise or performance or in the purported exercise or performance of any right, duty or function conferred or imposed upon him by this Act, unless it be proved to the satisfaction of the High Court that the act was done or the omission was made either unreasonably and wantonly and maliciously or in a grossly negligent manner, and in no case shall any such action or cause be commenced against the Minister, or any Immigration Officer, or any constable or any such officer in command after the expiration of a period of one year from the date of the occurrence of the act or omission concerned.

53. Exemption certificates - (1) Where it appears to any person who, under this Act, is empowered to issue an entry permit, that any other person is entitled to enter the Cook Islands without being in possession of an entry permit or residence permit such person may, by writing under his hand, issue to or in favour of such other person a certificate that such other person is so exempt and such certificate shall, for a period of three months from and including the date of the issue thereof, be sufficient evidence that such other person is so entitled.

(2) Every such certificate shall be in the form or to the effect of the form numbered 17 in the Schedule to this Act.

54. Repeal - The Cook Islands Entry and Departure Ordinance 1965 is hereby repealed.

SCHEDULE

(s.5)

FORM NO. 1

Imm. 1.

CERTIFICATE OF PERMANENT RESIDENCY

PURSUANT to section 5 of the Entry, Residence and Departure Act 1971, I, _____, Minister of Immigration, HEREBY CERTIFY that _____ of _____ is a permanent resident of the Cook Islands within the meaning of the Entry, Residence and Departure Act 1971.

DATED at _____ this _____ day of _____ 19..

Minister of Immigration

This certificate may be cancelled by the Minister of Immigration if the person to whom it relates is absent from the Cook Islands continuously for a period exceeding three years in circumstances indicating that he has ceased to make his home in the Cook Islands.

A permanent resident is not subject to the provisions of the Entry, Residence and Departure Act 1971 relating to the requirements of entry and residence permits.

SCHEDULE - continued

(s.15)

FORM.2

Imm.2.

APPLICATION FOR A PERMIT TO ENTER THE COOK ISLANDS

NOTE: This form is to be completed by each person who has the age of 15 years or, who being under that age, is or has been lawfully married.

- (1) Full name _____
- (2) Sex _____ (3) Nationality _____
- (4) Date of birth _____ (5) Country of birth _____
- (6) Marital status _____ (7) Occupation _____
- (8) Race _____
(Polynesian, European, Asiatic, etc).
- (9) Supply details of children accompanying applicant
Name _____ Sex _____ Date of birth _____
- (10) Purpose in coming to the Cook Islands. _____
- (11) Have you suffered from any infectious, contagious or mental disease during the past twelve months. If so supply details. _____
- (12) Have you been convicted of any criminal offence during the past five years which carries a penalty of twelve months imprisonment or more. If so supply details. _____
- (13) Have you previously visited the Cook Islands, if so, when. _____
- (14) Intended address in the Cook Islands. _____
- (15) What is your intended length of visit to the Cook Islands. _____
- (16) What amount of money will be available for your maintenance in the Cook Islands. _____
- (17) Do you hold a return or onward ticket. _____
- (18) Present address _____

SCHEDULE - continued

I _____ the above mentioned do state and declare that I have completed the form honestly, truthfully and in accordance with the best of my knowledge, information and belief and that if I be granted a permit to enter the Cook Islands I will, whilst in the Cook Islands observe all the laws of the Cook Islands and in particular, the provisions of the Entry, Residence and Departure Act 1971.

Dated at _____ this _____ day of _____ 19

Signed by the above named
applicant _____

Witness to the signature
of the applicant

Signature _____
Name: _____
Address: _____
Occupation: _____

SCHEDULE - continued

(s.15)

FORM NO.3

Imm. 3

APPLICATION FOR ENTRY PERMIT (CHILD)

NOTE: This form is to be completed on behalf of each person who has not attained the age of 15 years if such person is not or has not been lawfully married, by some person having the lawful custody, care or control of the child. This form need not be completed if the child is accompanied by a parent who has submitted an application in Form 2.

PART IParticulars relating to the applicant

- (1) Full name _____
- (2) Sex _____ (3) Age _____ years
- (4) Present address _____
- (5) What is your relationship to the child _____

PART IIParticulars relating to the child

- (1) Child's full name _____
- (2) Sex _____ (3) Date of birth _____
- (4) Present address _____
- (5) In whose lawful custody, care and control is the child.

- (6) What is the child's present state of health.
- (7) From what infectious and contagious diseases has the child suffered during the past twelve months _____

- (8) Where was the child born:
Town _____ Country _____
- (9) What is the child's (a) Nationality _____
(b) Citizenship _____
- (10) What is child's race. _____
(European, Polynesian, Asiatic, etc.)
- (11) Give details of each and every visit made by the child to the Cook Islands. _____

SCHEDULE - continued

- (12) Give details of each person in whose custody, care or control the child will be whilst the child is in the Cook Islands.

- (13) What amount of money will be available for the child in the Cook Islands to cover the child's maintenance and repatriation and who will be making such money available. _____
- (14) State full address where child will reside in the Cook Islands. _____
- (15) Has the child any relations in the Cook Islands. _____
- (16) What is the purpose of the child's intended visit. _____
- (17) Any other information. _____

I, the above-mentioned _____
as applicant on behalf of the above-mentioned child do state and declare that I have completed this form honestly, truthfully and in accordance with the best of my knowledge, information and belief and that, if an entry permit be granted, to or in respect of the child, to enter the Cook Islands, that to the best of my knowledge, information and belief, the child will, during the child's residence in the Cook Islands, be at all times in the custody, care or control of some respectable and responsible person and will be properly cared for and maintained.

Dated at _____ this _____ day of _____ 19

Signed by the applicant _____

Witness to the signature
of the applicant

Signature _____
Name: _____
Address: _____
Occupation: _____

SCHEDULE - continued

(s.16)

FORM NO.4

Imm. 4

ENTRY PERMITTO WHOM IT MAY CONCERN

Name This is to certify that _____

Address of _____ has/have the permission of the Minister of Immigration, issued pursuant to the Entry, Residence and Departure Act 1971, to enter the Cook Islands subject to the following conditions.

Arrival * (1) That *he/she/they shall arrive in the Cook Islands before _____ (date)

Expiry of Permit * (2) That *he/she/they shall leave the Cook Islands before _____ (date)

Passport Required * (3) That on arrival *he/she/they *is/are in possession of current passport(s).

Deposit required * (4) That there be deposited, by or on behalf of the permit holder(s), with an Immigration Officer, before or immediately upon arrival in the Cook Islands, the sum of \$ _____ as security for the due performance by or on behalf of the permit holder(s) of *his/her/their obligations under this permit and the Act.

Return tickets to be deposited * (5) That there be deposited, by or on behalf of the permit holder(s), with the Immigration Officer immediately on the permit holders arrival in the Cook Islands, a travel ticket or travel tickets to an overseas place which, on leaving the Cook Islands, the permit holder(s) will be lawfully entitled to enter.

Bond to be entered into. * (6) That the permit holder(s), or some other person on his behalf, shall enter into a bond in favour of Her Majesty the Queen in the sum of \$ _____ and with a surety or two sureties approved by me to secure the due performance by or on behalf of the permit holder(s) of *his/her/their obligations under this permit and the act.

SCHEDULE - continuedOther
conditions

* (7) That

DATED at _____ this _____ day of

(Signature of Issuing authority)

* Delete or complete as applicable

SCHEDULE - continued

(s.24)

FORM NO.5

Imm. 5.

APPLICATION FOR A RESIDENCE PERMIT

NOTE: This form is to be completed by each person who has attained the age of 15 years or who, being under the age, is or has been lawfully married.

- (1) Full name _____
- (2) Sex _____ (3) Nationality _____
and
Citizenship _____
- (4) Date of Birth _____ (5) Country of birth _____
- (6) Marital status _____ (7) Occupation _____
- (8) Race _____
(Polynesian, European, Asiatic, etc.)

(9) Supply details of children

<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>

- (10) Purpose in coming to the Cook Islands _____
- (11) Have you suffered from any infectious, contagious or mental disease during the past twelve months. If so supply details.

- (12) Have you been convicted of any criminal offence during the past five years which carries a penalty of twelve months imprisonment or more. If so supply details. _____
- (13) Have you previously visited the Cook Islands, if so, when. _____
- (14) Intended address in the Cook Islands. _____
- (15) What is your intended length of residence in the Cook Islands. _____
- (16) What amount of money will be available for your maintenance in the Cook Islands. _____
- (17) Do you hold a return or onward ticket. _____

SCHEDULE - continued

- (12) Give details of each person in whose custody, care or control the child will be whilst in the Cook Islands.

- (13) What amount of money will be available for the child in the Cook Islands to cover the child's maintenance and repatriation and who will be making such money available.

- (14) State full address where child will reside in the Cook Islands. _____
- (15) Has the child any relations in the Cook Islands. _____
- (16) What is the purpose of residence in the Cook Islands.

- (17) Give any additional information in support of the application. _____

I, the above mentioned _____
as applicant on behalf of the above mentioned child do state and declare that I have completed this form honestly, truthfully and in accordance with the best of my knowledge, information and belief and that, if a residence permit be granted, to or in respect of the child's residence in the Cook Islands that to the best of my knowledge, information and belief, the child will, during the child's residence in the Cook Islands, be at all times in the custody, care or control of some respectable and responsible person, and will be properly cared for and maintained.

Dated at _____ this _____ day of _____ 19

SCHEDULE continued

Signed by the above-named _____
applicant.

Witness to the signature of
applicant.

Signature _____
Name _____
Address _____
Occupation _____

SCHEDULE - continued

(s.24)

FORM NO.7

Imm. 7.

RESIDENCE PERMITTO WHOM IT MAY CONCERN

Name This is to certify that _____
Address of _____ has/have the permission of
the Minister of Immigration, issued pursuant to
the Entry, Residence and Departure Act 1971, to
reside in the Cook Islands subject to the
following conditions.

Arrival * (1) That *he/she/they shall arrive in the
Cook Islands before _____ (date)

Expiry of * (2) That *he/she/they shall leave the
Permit Cook Islands before _____ (date)

Passport * (3) That on arrival *he/she/they *is/are
required in possession of current passport(s).

Deposit * (4) That there be deposited, by or on
required behalf of the permit holder(s), with
an Immigration Officer, before or
immediately upon arrival in the Cook
Islands, the sum of \$ _____ as
security for the due performance by
or on behalf of the permit holder(s)
of *his/her/their obligations under
this permit and the Act.

Return tickets * (5) That there be deposited, by or on
to be deposited behalf of the permit holder(s), with
with Immigration the Immigration Officer immediately
Officer. on the permit holder(s) arrival in
the Cook Islands, a travel ticket or
travel tickets to an overseas place
which, on leaving the Cook Islands,
the permit holder(s) will be lawfully
entitled to enter.

Bond to be * (6) That the permit holder(s), or some
entered into. other person on his behalf, shall enter
into a bond in favour of Her Majesty
the Queen in the sum of \$ _____ and
with a surety or two sureties approved
by me to secure the due performance by
or on behalf of the permit holder(s)
of *his/her/their obligations under
this permit and the Act.

Other conditions * (7) That

DATED at _____ this _____ day of _____ 19

(Signature of Issuing authority)

: Delete or complete as applicable.

SCHEDULE - continued

(s.29)

FORM NO.8REMOVAL ORDER

PURSUANT to section 29 of the Entry, Residence and Departure
Act 1971, I, _____, Minister of Immigration,
hereby order that _____, being an illegal
resident, *on the expiration of fourteen days*(_____ days)
from the date of the service of this order on the said _____
_____(on the completion of the sentence of imprisonment
the said _____ is serving) be removed from and remain out
of the Cook Islands* indefinitely* (for a period of _____)
THIS order shall be carried into effect _____

* AND I further direct that the said _____
while awaiting removal and while being conveyed to the place
of departure be kept in prison *(in police custody).

DATED at _____ this _____ day of _____ 1971

Minister of Immigration

This order may be varied or revoked by the Minister of Immigration
at any time.

* Complete or delete as required.

SCHEDULE - continued

(s.30)

FORM NO.9

Imm. 9.

DEPORTATION ORDER

PURSUANT to section 30 of the Entry, Residence and Departure Act 1971, I, _____ Minister of Immigration HEREBY ORDER _____ to leave the Cook Islands within _____ from the date hereof UPON THE GROUNDS that the said _____ is:

AND that the said _____ * (being an adult or young person, who is not subject to some physical or mental disability which reasonably prevented him from opposing this order, has been given a reasonable opportunity of showing cause why the order should not have been made) *(being an adult or young person, who is subject to some physical or mental disability which reasonably prevented him from opposing this order *(being a child) some fit and proper person nominated by the Minister, namely, _____ has been given a reasonable opportunity of showing cause why the order should not have been made).

THIS order shall be carried into effect _____

AND I further direct that the said _____ while awaiting removal and while being conveyed to the place of departure be kept in prison *(police custody)

DATED at _____ this _____ day of _____ 19

 Minister of Immigration

This order may be varied or revoked by the Minister of Immigration at any time.

* Complete or delete as required.

SCHEDULE - continued

(s.32)

FORM NO.10

Imm. 10.

DECLARATION BY PERSON ARRIVING IN COOK ISLANDS

1. My surname or family name is _____
My christian or given names are _____
2. My nationality is (if British state country of citizenship): _____
3. My passport or other travel document number is: _____
4. Please mark the box that refers to you thus: ✓
C.I. resident other than Born in N.Z. of Cook
Maori Islands Parents
Cook Islands Maori Any other person
5. If staying permanently, or coming to work, state intended occupation in the Cook Islands _____
Please mark the box that refers to you thus: ✓
6. Male 7. Never married Widowed
Female Married Divorced or legally separated
8. Date of birth ____/____/____ 9. Country of birth: _____
day month year
10. My usual occupation is (if retired please state "retired"): _____
11. Country in which I last stayed for 12 months or more was: _____
(If Australia, Canada, or United States, give also State or Province)
12. Country in which I next intend to stay for 12 months or more is _____
13. I am coming to the Cook Islands:
(a) For a temporary visit of _____ years _____ months _____ days or:
(b) As a Cook Islands resident returning after an absence of _____ years _____ months _____ days or:
(c) To stay or settle permanently

SCHEDULE - continued

14. Main purpose of my temporary visit or stopover is _____ OR _____ If C.I. resident returning Main purpose of my trip away was _____
- | | | | |
|--|--------------------------|-------------------------|--------------------------|
| Performing in arts, sports entertainment | <input type="checkbox"/> | Work or working holiday | <input type="checkbox"/> |
| Holiday, vacation (non working) | <input type="checkbox"/> | Formal education | <input type="checkbox"/> |
| Business (private or official) | <input type="checkbox"/> | Stop over | <input type="checkbox"/> |
| Visit friends or relatives | <input type="checkbox"/> | Other (specify) | _____ |

15. Name of ship or flight No. _____

16. Main overseas destination: _____

Signature: _____ Date: ____/____/____

(Is signature that of a person accompanying child under 15 years: Yes/No)

SCHEDULE - continuedFORM NO. 11DECLARATION BY PERSON DEPARTING FROM COOK ISLANDS

- My surname or family name is _____
My Christian or given names are _____
- My nationality is (if British state country of citizenship): _____ 3. My passport or other travel document number is: _____
- Please mark the box that refer to you thus: ✓
C.I. resident other than Maori Born in N.Z. of Cook Islands Parents
Cook Islands Maori Any other person
- Please mark the box that refers to you thus: ✓
Male 6. Never married Widowed
Female Married Divorced or legally separated
- Date of birth ____/____/____ 8. Country of birth: _____
day month year
- My usual occupation is (if retired please state "retired"): _____
- Country in which I last stayed for 12 months or more was: _____
- Country in which I next intend to stay for 12 months or more is: _____
- I am leaving the Cook Islands:
(a) After a temporary visit of: _____ years
_____ months _____ days or:-
(b) As a C.I. resident departing temporarily for a period of _____ years _____ months _____ days or:
(c) As a C.I. resident departing permanently

SCHEDULE - continued

13. Main purpose of my temporary visit or stopover was OR If C.I. resident departing temporarily - Main purpose of my trip is

- | | |
|--|--|
| Performing in arts, sports, entertainment <input type="checkbox"/> | Work or working holiday <input type="checkbox"/> |
| Holiday, vacation (non-working) <input type="checkbox"/> | Formal education <input type="checkbox"/> |
| Business (private or official) <input type="checkbox"/> | Stop over <input type="checkbox"/> |
| Visit friends or relatives <input type="checkbox"/> | Other (specify) _____ |

14. Name of ship or flight No. _____

15. Main overseas destination: _____

Signature: _____ Date: ____/____/____

(Is signature that of a person accompanying child or under 15 years: Yes/No)

SCHEDULE - continued

FORM NO. 12

DECLARATION BY MASTER OR CAPTAIN OR CREW

- (1) My full name is _____
- (2) The name of the vessel on which I am engaged is _____
- (3) The post held on vessel by me is _____
- (4) The date of arrival of vessel was _____
- (5) The expected date of departure of vessel is _____

DATED at _____ this _____ day of _____ 19

Signature

SCHEDULE - continued

Imm.13

FORM NO. 13APPLICATION FOR DEPARTURE PERMIT

NOTE: This form is to be completed by each person wishing to leave the Cook Islands who is a Cook Islander or Permanent Resident and who has attained the age of fifteen years or being under that age is or has been lawfully married.

- (1) Full name _____
- (2) Sex _____ (3) Marital status _____
- (4) Date of birth _____ (5) Occupation _____
- *(6) Details of children
- | (Name) | (Age) | (Sex) | (Where living) |
|--------|-------|-------|----------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
- (7) Purpose of your journey _____
- *(8) Is your *wife/husband and children accompanying you overseas _____
- *(9) What arrangements have you made for the maintenance and care of your *wife/husband and children during your absence _____
- *(10) Will your *wife/husband and children be joining you at some later date. If so when _____
- (11) What is the amount of money you will have in your possession on arrival at your destination _____

SCHEDULE - continued

(12) What arrangements have you made for accommodation at your destination. _____

(13) What arrangements have you made, if any, for employment at your destination. _____

DATED at _____ this _____ day of _____ 19

Signature of applicant.

Witness to the signature
of the applicant:

Signature _____

Name: _____

Address: _____

Occupation: _____

* Delete or complete as applicable.

SCHEDULE - continued

Imm.14

FORM NO. 14APPLICATION FOR DEPARTURE PERMIT (CHILD)

NOTE: This form is to be completed by a parent or guardian on behalf of each child wishing to leave the Cook Islands who is a Cook Islander or a child of a Permanent Resident and who is not being accompanied by the parent.

PART IParticulars relating to the applicant

- (1) Full name _____
 (2) Sex _____ (3) Age _____ years
 (4) Present address _____
 (5) What is your relationship to the child _____

PART IIParticulars relating to the child

- (1) Child's full name _____
 (2) Sex _____ (3) Date of birth _____
 (4) Present address _____
 (5) Purpose of journey _____
 (6) What arrangements have been made for the care of the child on arrival at his/her destination. _____

DATED at _____ this _____ day of _____ 19

 Signature of Applicant

Witness to the Signature
 of the applicant

Signature _____
 Name: _____
 Address: _____
 Occupation: _____

SCHEDULE - continued

Imm.15

FORM NO. 15DEPARTURE PERMIT

PURSUANT to sections 33 and 34 of the Entry, Residence and Departure Act 1971, I, _____, Minister of Immigration being reasonably satisfied that _____

_____ of _____

- (a) *Has/Have sufficient money for *his/her/their needs during *his/her/their intended absence from the Cook Islands; or *has/have arranged accommodation and employment at the place at which *he/she/they intend(s) to reside during *his/her/their intended absence from the Cook Islands:
 (b) *Has/Have the approval of a doctor of the Department of Health to depart from the Cook Islands:
 (c) *Has/Have made, according to *his/her/their means, reasonable and proper provision for the maintenance and support during *his/her/their intended absence from the Cook Islands at all *his/her/their dependants who will, after *his/her/their departure from the Cook Islands, be remaining in the Cook Islands:

HEREBY ISSUE to the said _____ a permit to depart from the Cook Islands.

This permit is valid for a period of six weeks from the date hereof and for one departure only from the Cook Islands.

DATED at _____ this _____ day of _____ 19

 Minister of Immigration

*Delete as applicable.

SCHEDULE - continuedFORM NO. 16CERTIFICATE OF IDENTITY

ISSUED pursuant to section 37 of the Entry, Residence and Departure Act 1971.

Description

Full Name: _____

Date of Birth: _____

Occupation: _____

Nationality: _____

Birthplace: _____

Signature: _____

(Photograph)

DATED at Rarotonga this _____ day of _____ 197

 Minister of Immigration

SCHEDULE - continued

Imm.17

FORM NO. 17EXEMPTION CERTIFICATE

PURSUANT to Section 53 of the Entry, Residence and Departure Act 1971, I, _____, being and person empowered to issue an entry permit, HEREBY CERTIFY that _____ of _____ is entitled to enter the Cook Islands without being in possession of an entry permit or residence permit.

This certificate shall, for the period of 3 months from and including the date hereof, be sufficient evidence that the said _____ is so entitled to enter the Cook Islands.

DATED at _____ this _____ day of _____ 19

 This Act is administered by the Principal Immigration Officer



ANALYSIS

1	Title	1
2	Commencement	1
3	Principal Act amended	1
4	Section 9 amended	1
5	New sections 9A and 9B inserted	2
6	New section 16A inserted	3
7	New Part 5A inserted	3
8	New section 31A inserted	5
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An Act to amend the Entry, Residence and Departure Act 1971-72 to—

- (a) provide that a notice not to permit entry can be issued in respect of certain individuals; and
- (b) require officers in command of ships and aircraft to provide information about all people on board before arriving in the Cook Islands; and
- (c) provide for the sharing of information with certain overseas agencies.

(8th December 2017)

The Parliament of the Cook Islands enacts as follows—

- 1 **Title**
This Act is the Entry, Residence and Departure Amendment Act 2017.
- 2 **Commencement**
This Act comes into force on the day after the date on which it receives the assent of the Queen's Representative.
- 3 **Principal Act amended**
This Act amends the Entry, Residence and Departure Act 1971-72.
- 4 **Section 9 amended**
Section 9(1) is amended by inserting the following paragraph after paragraph (b):

“(ba) the person is subject to a notice issued by the Minister under section 9A and in force; or”.

5 New sections 9A and 9B inserted

The following sections are inserted after section 9:

“9A Notice not to permit entry

“(1) The Minister may issue a notice under this section in respect of any person outside the Cook Islands who the Minister has reason to believe is intending to travel to the Cook Islands and—

“(a) is likely to commit an offence in the Cook Islands that is punishable by imprisonment; or

“(b) is, or is likely to be, a threat or risk to the security of the Cook Islands, or to public order or the public interest.

“(2) A notice issued under this section in respect of a person must—

“(a) state the date on which the notice is issued; and

“(b) state the date on which the notice expires, which must be 2 years after its date of issue; and

“(c) contain sufficient information to accurately identify the person, including (to the extent practicable) the following:

“(i) the person’s full name;

“(ii) the person’s date of birth;

“(iii) the person’s gender;

“(iv) the person’s nationality;

“(v) the number of the person’s passport or certificate of identity.

“(3) A person in respect of whom a notice under this section applies—

“(a) may not lawfully enter the Cook Islands; and

“(b) must be denied entry into the Cook Islands.

“(4) A notice under this section may be given in electronic or paper form, and may be given to any person or organisation that the Minister considers has a role in ensuring that the person does not enter the Cook Islands.

“(5) A notice under this section—

“(a) remains in force until the expiry date stated in it; and

“(b) is not invalid just because some of the information about the person is incorrect or incomplete, provided the information is sufficient to accurately identify the person to whom it is intended to apply.

“9B Officers in charge to prevent person from entering Cook Islands

“(6) If the officer in charge of a ship receives a notice that is in force under section 9A about a passenger who is travelling, or is intending to travel, to the Cook Islands on the ship, the officer in charge must ensure that the person does not leave the ship at any time while the ship is in the Cook Islands.

“(7) If the officer in charge of an aircraft receives a notice that is in force under section 9A about a passenger who is travelling, or is intending to travel, to the Cook Islands on the aircraft, the officer in charge must,—

“(a) if the person has not yet boarded the aircraft, prevent the person from doing so; or

- “(b) if the person is on board the aircraft, prevent the person from disembarking in the Cook Islands, or allow the person to disembark only in accordance with the directions of an immigration officer.
- “(8) In subclause (1), **Cook Islands** has the same meaning as in section 4(1) of the Customs Revenue and Border Protection Act 2012.”

6 New section 16A inserted

The following section is inserted after section 16:

“16A Information about people on board to be provided to Minister

- “(1) The officer in charge of a ship that is en route to the Cook Islands must, at least 48 hours before the estimated time of arrival in the Cook Islands, provide or make available to the Minister the information listed in subsection (3) about every person on board.
- “(2) The officer in charge of an aircraft that is intending to fly to the Cook Islands must, at least 1 hour before the scheduled departure time of the aircraft, provide or make available to the Minister the information listed in subsection (3) about every person who intends to board the aircraft for the purpose of travelling to the Cook Islands.
- “(3) The information required is as follows:
- “(a) the person’s name:
 - “(b) the person’s date of birth:
 - “(c) the person’s gender:
 - “(d) the person’s nationality:
 - “(e) the number of the person’s passport or certificate of identity:
 - “(f) the expiry date of the passport or certificate of identity:
 - “(g) the state or organisation that issued the person’s passport or certificate of identity.
- “(4) The information listed in subsection (3) must be as given in the person’s passport or certificate of identity.”

7 New Part 5A inserted

The following Part is inserted after section 28:

“Part 5A

“Disclosure of information to overseas agencies”

“28A Definitions used in this Part

“In this Part,—

“**overseas crime agency** means an overseas agency, body, or person whose functions include the prevention, detection, investigation, prosecution, or punishment of immigration or other offences

“**specified information** means any of the following:

- “(a) airline passenger and crew lists:
- “(b) craft movements (which may include passenger and crew lists):
- “(c) past travel movements of specified people:
- “(d) previous convictions of specified people:
- “(e) general history of specified people (which may include associates and networks):
- “(f) modus operandi of specified people:

- “(g) known currency and other financial transactions of relevant interest, including involvement in money laundering:
- “(h) intelligence analysis assessments and reports:
- “(i) details of communications interceptions:
- “(j) personal identification details (which may include photographs, biometric information, distinguishing features, and details of identity or travel documents):
- “(k) names and details of immigration personnel and transport personnel:
- “(l) details of known or suspected involvement of people in illicit activities:
- “(m) details of any visa held by a person.

“28B Disclosure to agencies processing international passengers or engaged in border security

- “(1) The Principal Immigration Officer may, in accordance with an agreement made under this section, disclose any specified information to an overseas agency, body, or person whose functions include—
 - “(a) the processing of international passengers; or
 - “(b) border security.
- “(2) The Principal Immigration Officer must not enter into an agreement under this section unless satisfied that it is justified—
 - “(a) to help prevent, identify, or respond to violations of Cook Island law; or
 - “(b) in the case of an agreement with an international agency or body, to help prevent, identify, or respond to the kinds of actions that the agency or body has a function of preventing, identifying, or responding to; or
 - “(c) in any other case, to help prevent, identify, or respond to violations of the law of the state concerned.
- “(3) An agreement under this section must be in writing and state—
 - “(a) criteria for the disclosure of information; and
 - “(b) the use the agency, body, or person may make of the information; and
 - “(c) either—
 - “(i) that the agency, body, or person must not disclose it to any other agency, body, or person; or
 - “(ii) the other agencies, bodies, or persons to which the agency, body, or person may disclose it, and the extent to which and any conditions to which the agency, body, or person may do so.
- “(4) The agreement may state the form and method by which the information may be disclosed.
- “(5) Any agreement under this section may be varied.

“28C Disclosure to overseas crime agencies

- “(1) The Principal Immigration Officer may disclose specified information to an overseas crime agency—
 - “(a) in accordance with an agreement with the overseas crime agency made under section 28B; or

- “(b) if the disclosure complies with the requirements of this section.
- “(2) The Principal Immigration Officer must not disclose information under section (1)(b) unless satisfied that it is justified—
 - “(a) to help prevent, identify, or respond to violations of Cook Island law; or
 - “(b) in the case of an agreement with an international overseas crime agency, to help prevent, identify, or respond to the kinds of actions that the agency has a function of preventing, identifying, or responding to; or
 - “(c) in any other case, to help prevent, identify, or respond to violations of the law of the state concerned.
- “(3) Every disclosure under section (1)(b) must be made subject to conditions stating—
 - “(a) the use the overseas crime agency may make of it; and
 - “(b) either—
 - “(i) that the overseas crime agency must not disclose it to any other agency, body, or person; or
 - “(ii) the other agencies, bodies, or persons to which the overseas crime agency may disclose it, and the extent to which and conditions subject to which the agency, body, or person may do so.
- “(4) The Principal Immigration Officer must make and keep a record of—
 - “(a) any information disclosed under section (1)(b); and
 - “(b) the overseas crime agency to which it was disclosed; and
 - “(c) the conditions subject to which it was disclosed.

“28D Disclosure under this Part not to affect other disclosures

- “(1) Nothing in this Part prevents or limits any disclosure of information that may be required or authorised by or under law, or by or under any treaty, agreement, or arrangement concluded by the Government of the Cook Islands.
- “(2) To avoid doubt, nothing in this Part affects any right, duty, or power of the Principal Immigration Officer to disclose information to the Cook Islands police or the Cook Islands public service.”

8 New section 31A inserted

The following section is inserted after section 31:

“31A Deportation of person subject to section 9A notice

- “(1) This section applies to a person in respect of whom a notice under section 9A not to permit entry (a **section 9A notice**) is in force.
- “(2) Nothing in section 26 or 30 applies to a person to whom this section applies.
- “(3) If any person to whom this section applies is found in the Cook Islands, any police officer may arrest the person and detain him or her in prison or police custody pending deportation.
- “(4) The person must be deported from the Cook Islands as soon as practicable.”

- “(5) The cost of deportation is payable out of the public revenues of the Cook Islands, but is recoverable as a debt due to the Crown from any or all of the following, at the discretion of the Minister:
- “(a) the person who is deported:
 - “(b) any person who, knowing that the person was subject to a section 9A notice, allowed the person to enter the Cook Islands:
 - “(c) any person who, knowing that the person was subject to a section 9A notice, enabled or helped the person to enter or remain in the Cook Islands.
- “(6) A person deported from the Cook Islands under this section is not permitted to enter the Cook Islands for 5 years following the date of deportation, except with the written permission of the Minister.”

9 Transitional provisions

Section 16A of the principal Act (as inserted by this Act) does not apply to the officer in charge of any ship or aircraft that intends to arrive in the Cook Islands on the date that section 16A comes into force.

10 Consequential repeal

The Undesirable Immigrants Exclusion Act 1919 No 44 (NZ) is repealed.

This Act is administered by the Ministry of Foreign Affairs and Immigration
Printed under the authority of the Cook Islands Parliament—2017.
