

Section 61 of the Immigration Act 2009

Has your visa expired? You can request a new visa under section 61 of the Immigration Act 2009.

Once your visa has expired, you are considered to be unlawfully in New Zealand and are required to leave the country. You run the risk of being arrested and deported, and subject to a prohibition on coming back to New Zealand in future. However there are options that will allow you to regain your lawful status.

A request for a visa under section 61 is at the **absolute discretion** of Immigration New Zealand. This means you have no right to a visa – so it is in your interests to put forward the best case possible when submitting your request.

Queen City Law has a high success rate in this area. We can assess your particular circumstances and advise you on your chances of success. For example, we will ask you about the length of time you have been 'unlawful' and the reasons why, what efforts you have already undertaken to resolve the matter, your ties to New Zealand and potential contribution to society.

We can assist you by presenting your case in the best possible manner, increasing the likelihood that INZ will grant an approval. We will advise you on the type of documents you can collect to support your request, and then draft comprehensive submissions on your behalf.

However if we feel your chances are minimal we will let you know upfront and advise you on the best course of action that will allow you to return to New Zealand in future.

You may also have a right to appeal to the Immigration & Protection Tribunal to prevent deportation action. Keep in mind that this is a lengthy process (currently the Tribunal's processing times are over 12 months), and while you are waiting for a decision you will be unable to work or study.

Disclaimer: This publication is necessarily brief and general in nature. You should seek professional advice before taking any further action in relation to matters dealt with in this publication.

About the author

- Rita Worner previously worked for the NZ Government established Immigration Adviser's Authority
- Rita is an immigration and employment law specialist at Queen City Law and passionate about human rights
- Email: rita@queencitylaw.co.nz / DDI: 09 970 8821

