



Cook Islands Immigration Act 2021

B. Immigration Policies – Continuing Rights

B1. Cook Islanders

See Part 3 Cook Islands Immigration Act 2021

- Every Cook Islander has the right to travel to, enter, and stay in the Cook Islands at any time. Cook Islanders do not require a visa or permit.
- No Cook Islander can be deported from the Cook Islands in any circumstances.
- Cook Islanders must have their passport endorsed by Immigration to prove their status as a Cook Islander and comply with the arrival or departure requirements set out in the Immigration Act 2021.
- If the evidence relating to a person's Cook Islander status is not clear, the person must go to the Ministry of Justice and ask them to review their claim to being a Cook Islander. If agreed, the Ministry of Justice will issue a certificate showing the person is a Cook Islander. This certificate must be provided to the Principal Immigration Officer before the Cook Islander's passport can be endorsed.

B2. Honorary Permanent Resident

See Part 4 Cook Islands Immigration Act 2021

- An honorary permanent resident is a person awarded the status by the Queen's Representative, in recognition of outstanding service. An honorary permanent resident must be given a certificate recording their status.
- Every honorary permanent resident has the right to travel to, enter, and stay in the Cook Islands at any time. Honorary Permanent Residents are not liable to deportation unless their honorary permanent residence status is first revoked.
- No Honorary Permanent Resident requires a visa or a permit. However, an Honorary Permanent Resident must have their passport endorsed with their status and comply with the arrival or departure requirements set out in the Immigration Act 2021.
- Honorary permanent residence is a privilege, granted to people in recognition that they may not intend to make the Cook Islands their permanent home. The status is not transferable to spouse or dependents of the honorary permanent resident.

B3. Permanent Resident – General criteria

See Part 5 Cook Islands Immigration Act 2021

- A permanent resident is a person who:
 - is a permanent resident by descent
 - is granted permanent residence in the absolute discretion of the Minister, or
 - has been granted permanent residence status (either in their own right, by being a spouse of a Cook Islander or permanent resident, or by being an eligible child) by the issue of a certificate by the Minister.
- Permanent residents may travel to, enter, and stay in Cook Islands at any time.

- Permanent residents are not liable to be deported from the Cook Islands unless his or her permanent residence status is first revoked.
- No permanent resident requires a visa or permit. However, a permanent resident must have their passport endorsed and comply with arrival and departure requirements set out in the Immigration Act 2021.
- If a permanent resident does not have their passport endorsed, they may be treated as a person without continuing rights.

B4. Permanent residence by descent

See section 34-36, 45-48 Cook Islands Immigration Act 2021 and Article 76A(1) or (1A) Cook Islands Constitution

- A person is a permanent resident by descent if they are entitled to it under Article 76A(1) or (1A) of the Cook Islands Constitution.

B5. Permanent residence as an independent

See sections 34, 37-40, 43-52 Cook Islands Immigration Act 2021

- At least once every 3 years, the Minister must publicly invite expressions of interest from persons who wish to apply for permanent residence in their own right (as an independent person).
- Expressions of interest for permanent residence are made using a form approved by the Principal Immigration Officer and paying a prescribed fee. Expressions of interest must be lodged within 20 days of the publication of the notice from the Minister that asks for expressions of interest.
- The total number of persons who may be permanent residents (in their own right) at any one time is limited to 500. This number does not include:
 - those people granted permanent resident because of being spouse or eligible child of a Cook Islander or a permanent resident, or
 - people granted permanent resident in the Minister's absolute discretion outside of the expression of interest process, or
 - people aged 75 years or over (although their permanent residence status continues).
- If all applications accepted for ranking added to the total number of persons who are already permanent residences number 500 or fewer, the applications must be referred to the Minister who must grant the application if the criteria are met and decline the application if the criteria are not met.
- If all applications accepted for ranking added to the total number of current permanent resident is more than 500, the Principal Immigration Officer must rank the accepted applications using the following rules:

1st preference	Primary place of residence in the Pa Enea
2nd preference	New Zealand citizens in the Pa Enea
3rd preference	New Zealand citizens longest total stay in the Pa Enea
4th preference	Non-New Zealand citizens in the Pa Enea
5th preference	Non-New Zealand citizens longest total stay in the Pa Enea
6th preference	Primary place of residence in Rarotonga
7th preference	New Zealand citizens in Rarotonga
8th preference	New Zealand citizens longest total stay in Rarotonga
9th preference	Non-New Zealand citizens in Rarotonga
10th preference	Non-New Zealand citizens longest total stay in Rarotonga

B6. Permanent Resident – Spouse

See sections 34, 38-40, 43-52 Cook Islands Immigration Act 2021

- A person may apply for permanent residence on the grounds that they are the spouse of a permanent resident or Cook Islander.
- At least once every 3 years, the Minister must publicly invite expressions of interest from persons who wish to be considered for permanent residence as a consequence of being a spouse of a Cook Islander or permanent resident.
- However, this will not occur if the Minister considers there are exceptional circumstances arising from a public health emergency, a natural disaster, or public disorder that justify not seeking expressions of interest within the relevant period.
- Where expressions of interest have not been sought due to exceptional circumstances, the Minister must invite expressions of interest as soon as practicable after the exceptional circumstances have passed.

B7. Permanent Resident Eligible Child

See sections 34, 38, 39, 41, 43, 45-52 Cook Islands Immigration Act 2021

- An eligible child for permanent residence is a child without continuing rights who is dependent on a Cook Islander or a permanent resident.
- The eligible child must be under the age of 18, be single, and have lived continuously in the Cook Islands as their primary place of residence with their parent or guardian for the past five years.
- ‘Under the age of 18’ means any person up to 17 years and 364 days old.
- The eligible child will need to provide evidence of their relationship to their Cook Islander or permanent resident parent through either a birth certificate showing either parents’ names, adoption papers, or a parenting order that has force in the Cook Islands.
- The permanent resident status will continue after the child turns 18, until they no longer meet criteria for maintaining permanent resident status (e.g. they no longer reside in the Cook Islands, etc).