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Arrest and detention ^[1]

If you are travelling or living in a foreign country you must comply with its laws and regulations. Being a New Zealand citizen does not lead to any special treatment.

Local laws may differ from those in New Zealand, with much harsher penalties in some countries than for similar offences committed in New Zealand. Prison conditions may be much worse than in New Zealand.

The New Zealand Government and its officials cannot intervene in the justice system and law courts of other countries, or resolve immigration violation decisions.

New Zealand does not have any prisoner exchange agreements and cannot accept the transfer of New Zealanders from overseas prisons.

The New Zealand government does not pay for the return of New Zealanders once they have served a custodial sentence and are released from an overseas prison.

What can you do if arrested?

- if you need help to find a lawyer or contact family, ask the authorities to contact the nearest New Zealand Embassy, High Commission or Consulate (you have the right under international law to this, but it is up to you to claim it). The New Zealand Embassy, High Commission or Consulate can also assist you if you need help arranging for family to transfer funds to you.
- do not sign any statement or document without seeking legal advice, especially if it is in a language you do not understand.

If you are arrested, a New Zealand consular officer can:

- provide a list of local English-speaking lawyers for you to select a legal representative and/or provide information about local legal aid
- inform your next-of-kin or other relatives/friends of your arrest and seek any financial assistance from them, if you request this
- arrange for the transfer of funds from family or friends for payment of bail or other legal expenses
- depending on the location of the court, attend a final court hearing as an observer.

What can you do if imprisoned?

- become familiar with the prison rules and regulations and try to adapt to the conditions as quickly as possible
- consider taking up any educational or work opportunities that might be available
- consider taking up any prison counselling services that may be offered.

If you are imprisoned, a New Zealand consular officer can:

- advise family of the prison contact details and how they may communicate with you, if you request this
- advise family or friends how to bank or deposit their funds for the prisoner, in accordance with prison regulations
- if required, seek approval for prison visits by family or friends
- make periodic visits in countries where prison conditions are substantially different from New Zealand conditions, depending on the location of the prison
- bring any medical or dental problems you may have to the attention of the prison authorities
- take up any justified complaint you may have about any ill treatment or discrimination with the prison authorities and advise your lawyer of these.

New Zealand consular officials cannot:

- intervene in the judicial process of another country
- have you released from detention or imprisonment, or transferred to a prison in New Zealand
- select or appoint a lawyer, provide legal advice or investigate an offence
- pay legal fees, fines or bail, or act as a guarantor for bail or parole
- resolve immigration issues, or make travel arrangements for your deportation, including arranging visas for transits or stopovers. Only the countries you plan to visit/transit can provide up to date visa requirements.

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