

Investor (Investor 2 Category) Guide



Information about this guide

The purpose of this guide is to help you complete the forms for both the *Investor (Investor 2 Category) – Expression of Interest (INZ 1165)* and the *Investor (Investor 2 Category) – Application for Residence (INZ 1166)*.

The Investor (Investor 2 Category) is a points-based system designed to prioritise potential migrants on the basis of their ability to contribute to New Zealand businesses.

If you are interested in migrating to New Zealand as an investor under the Investor (Investor 2 Category), then completing the *Investor (Investor 2 Category) – Expression of Interest (INZ 1165)* form is your first step. We will use the information you provide in this form to assess whether you are likely to meet the

criteria for residence under this instruction.

Those with the highest total points for their Expressions of Interest may be invited to apply for residence.

If you are invited to apply for residence you will have three months to do so, from the date of our letter of invitation. Please note that you cannot apply for residence under this instruction unless we invite you to.

Boxes like this **B2** refer to questions in both forms.

A reference to 'EOI' or 'Application' refers only to the relevant section/question in the Expression of Interest form or application form respectively.

Before you begin

This guide refers to other guides and forms that contain health, English language, police certificate, and fee information. We recommend you get copies of these guides and forms before you begin:

- *Health Requirements Leaflet (INZ 1121)*
- *Medical and Chest X-ray Certificate (INZ 1007)*
- *English Language Information (INZ 1060)*
- Information on how to obtain a police certificate, available on our website www.immigration.govt.nz/policecertificate,
- *Fees Guide (INZ 1028)*.

You can pick up a copy of these documents from any branch of Immigration New Zealand or print copies from our website www.immigration.govt.nz.

False information

If you supply false information in or omit relevant information from these forms, your Expression of Interest may be rejected or your residence application may be declined. Please be aware that we may verify any documents you provide.

Other important matters

If you are approved for residence you must retain your investment funds in acceptable investment(s) in New Zealand for four years, and spend at least 146 days in New Zealand in each of the last three years of your four-year investment period.

How to make an Expression of Interest or application

Complete the form in full

You must complete all the questions in the form unless the form specifically directs you to another question or section further on. If a question does not apply to you, mark it 'N/A' or 'Not Applicable'. If you don't answer a question, we may send the incomplete form back to you.

Please complete the form in English.



Take a photocopy of your completed Expression of Interest form

It is important that you take a photocopy of your completed Expression of Interest form and keep it for your records. If you are invited to apply for residence, you will need to refer to this form and confirm in your residence application that either your circumstances are the same or inform us of any change(s) that may affect your application.

Application – Photographs

You must attach two identical passport-size (4.5cm by 3.5cm) colour photographs taken within the last six months for each person included in your application. Write the person's name on the back of each photograph.

Enclose the fee

Please ensure you enclose the correct fee for your Expression of Interest or Application for Residence under the Investor (Investor 2 Category).

If you are invited to apply and your application is approved, you will also need to pay a migrant levy.

Submit your form

Send your Expression of Interest or Application for Residence to:

Business Migration Branch
Immigration New Zealand
PO Box 3705
Wellington, New Zealand

Documentation

Do not send any supporting documentation with your Expression of Interest. Include only any additional sheets required to complete questions in the form. If you are invited to apply for residence, you will need to supply documentary evidence to support all the claims you made in your Expression of Interest with your application. This guide lists the type of documents we will accept as evidence.

Application – Certified copies

All documents should be either originals or certified copies. If you send certified copies, Immigration New Zealand may ask for originals at a later date. Certified copies are photocopies that have been stamped or endorsed by a person who confirms that the copy is a true copy of the original. The person who certifies the copy must be authorised to do so by law in your home country or in New Zealand (eg a Justice of the Peace, Notary Public, lawyer or Court official).

Application – Translations

If any of your documents are not in English, you must have them translated into English. Any translation provided must:

- be accompanied by the original documents or certified copies; and
- not be made by you, any of your family members or an immigration adviser assisting with your application; and
- be certified as a correct translation made by a person familiar with both languages and competent in translation work; and
- be on the official letterhead of the translation business (if applicable); and
- have the stamp or signature of the translator or translation business; and
- be paid for by you.

Translations may be prepared by:

- the Translation Service of the New Zealand Department of Internal Affairs; or
- reputable people within the community who are known to translate documents accurately; or
- embassies or high commissions (if the translation is endorsed with the appropriate embassy or high commission seal); or
- any other private or official translation business.

If you are considering applying for New Zealand citizenship at a later date you may want to have your documents translated by the Translation Service of the Department of Internal Affairs. For details see www.dia.govt.nz.

Additional information

Make sure you keep us informed of any change in your circumstances or in the information you have provided. You may provide additional information or documents after your application has been accepted for consideration, but you must do so before we make our final decision. Once a final decision has been made on your application, we won't accept any further information or documents.

Importing your car, boat, and/or household items

You may be able to bring your car, boat, and/or household items to New Zealand free of Customs charges. For detailed information on restrictions, and to find out if you must pay Customs charges, see the New Zealand Customs Service website www.customs.govt.nz. For enquiries, email feedback@customs.govt.nz, or telephone:

- 0800 428 786 (within New Zealand)
- +64 9 300 5399 (outside New Zealand).

Completing Section A Principal applicant's personal details

The principal applicant is the main person who will be assessed against the residence criteria.

A6 Date of birth

You cannot be approved under the Investor (Investor 2 Category) if you are aged 66 or over when you make your residence application.

A9 Partnership status

Tick 'Married/in civil union' if you are legally married or in a legal civil union with your partner. Tick 'Partner' if you have a de facto partner (ie a partner with whom you live, but you are not legally married to them, or in a legal civil union with them).

Where the term 'partner' is used elsewhere in the form or guide, it includes both legal and de facto partners.

A11 Taxation and social security numbers

↓ If you have taxation and/or social security numbers in your own country, please provide evidence with your application.

A12

Completing Section B Contact details

You can complete and submit your residence application yourself or you can ask another person – such as a friend, lawyer, or immigration adviser – to help you. We refer to people who help you in this way as your 'adviser'. We give all applicants equal treatment so you are free to choose whether to use an adviser.

Please be aware of the following if you do decide to use an adviser:

- You can give your own address or your adviser's address as our point of contact at **B2**.
- If you give your adviser's address at **B2** and indicate at **B3** that you want Immigration New Zealand to communicate only with this person, we will send them all correspondence about your residence application. However, there may be times when we want to work directly with you to seek further information or evidence about the information you have provided.
- If you stop using the services of your adviser, or begin using the services of another adviser, you will need to tell your former adviser and tell your assigned case officer in writing (letter, fax or email) or we will continue to deal with your former adviser. If you are changing your immigration adviser, please use the form *Immigration Adviser Details (INZ 1160)*.
- You are responsible for all information and documents you submit with your residence application as well as all information and documents that your adviser submits on your behalf.

B5 Online enquiries

You can check the progress of your application online by registering for our online enquiry system. By ticking this option you will also be advised by email when your application has been decided. If you elect an adviser to act on your behalf your adviser will be sent instructions for making an online enquiry.

Completing Section C Your family

EOI – You must provide details of ALL your family, whether they are migrating with you or not.

C1

↓ *EOI* – Partnership status should be described as in **A9**.

C3

Separated/divorced from the parent of children in your application

If you are separated or divorced from the parent of any child(ren) aged under 16 who is included in your application, you will need to provide evidence that you are legally allowed to remove the child(ren) from any country in which rights of custody or visitation have been granted to the other parent or any other person.

Evidence that you have the right to remove children from their country of residence includes:

- legal documents showing you have custody of the child, and the sole right to decide where they live without any visitation rights being granted to the other parent, or
- a Court order permitting you to remove the child from their country of residence, or
- legal documents showing you have custody of the child and a signed statement from the child's other parent:
 - which confirms that they agree to allow the child to live in New Zealand if your residence application is approved, and
 - is witnessed in accordance with local practice or law.

Excluding the parent of children in your application

If the other parent of any accompanying child(ren) aged under 16 is not included in your application for residence, you must provide evidence of your right to remove the child(ren) from their country of residence.

Completing Section D Your partner

D1 Minimum requirements for recognition of partnerships

↓ You can include your partner in your application, but for your partner to be granted residence as part of your application you need to provide evidence you meet the minimum requirements for recognition of partnerships. This means you must:

D2

- have been living together in a genuine and stable relationship for at least 12 months, and
- both be aged 18 years or older (or have parental/guardian consent if either of you are aged 16 or 17 years), and
- have met before this application is made, and
- not be close relatives according to Schedule 2 of the Marriage Act 1955 or Schedule 2 of the Civil Union Act 2004 (These Acts are available on the internet at www.legislation.govt.nz).

Evidence that you and your partner are *living together* may include (but is not limited to) original or certified copies of documents showing shared accommodation such as:

- joint ownership of residential property
- joint tenancy agreement or rent book or rental receipts
- correspondence (including postmarked envelopes) addressed to both you and your partner at the same address.

If you and your partner have been living separately for any period during your relationship, you should provide evidence of the length of the periods of separation, the reasons for them, and how your relationship was maintained during the periods of separation. Such evidence may include letters, itemised telephone accounts or email messages.

Evidence that your partnership is *genuine and stable* may include (but is not limited to) original or certified copies of documents such as:

- your marriage certificate
- birth certificates of any children you have had together
- evidence of communication between you both
- photographs of you both together
- documents indicating public recognition of your partnership
- evidence of you and your partner being committed to each other both emotionally and exclusively, for example:
 - joint decision-making and planning
 - shared parental obligations
 - shared household activities
 - shared companionship/spare time
 - shared leisure and social activities
 - you and your partner appearing to be a couple to outsiders.
- evidence of being financially interdependent, for example:
 - shared income
 - joint bank accounts operated reasonably frequently over a reasonable time
 - joint assets
 - joint liabilities such as loans or credit to purchase real estate, cars, major home appliances
 - joint utilities accounts (electricity, gas, water, telephone)
 - mutually agreed financial arrangements.

Completing Section E

Dependent children

You can include your children and your partner's children in your application if they are single and aged 17 or younger; or are single, aged between 18 and 24 years of age (inclusive), and have no children of their own. They must be either totally or substantially reliant on you and/or your partner for financial support, whether or not they are living with you or your partner.

Your partner's children cannot be approved for residence unless you and your partner are able to meet the minimum requirements for the recognition of partnerships (see Section D: Your partner).

Application – Evidence of relationship to your children

To prove your relationship to your children and/or your partner's children please include their full birth certificates showing your name and/or your partner's name as well as the child's name. If you have an adopted child, you must provide evidence of the adoption, whether it is a legal or a customary adoption.

Evidence of a legal adoption is original or certified copies of adoption papers from the country in which the adoption was approved.

Evidence of a customary adoption is a written declaration by you, the adoptive parent, stating:

- that you have adopted the child, and
- the date of the adoption, and
- the country in which the adoption took place.

We may seek confirmation of a customary adoption from the child's biological parents.

Passport details

If your child(ren) does not have a passport, but is named in (and will travel on) another person's passport, please state the passport number and the name of that other person when completing the 'passport number' question for the child(ren).

Completing Section F Additional details

EOI – The questions in this section apply to every person included in this application aged 17 years and over.

Application – If you are invited to apply for residence no further information is required.

Completing Section G Character

You and your family need to be of good character to be approved residence under the Investor (Investor 2 Category).

EOI – Questions **G2** to **G15** of the Expression of Interest form apply to every person who is included in your Expression of Interest. If you answer 'yes' to any of these questions, make sure you provide a full explanation about the circumstances so we can assess whether you can be granted a character waiver.

EOI – Questions **G2** to **G10** relate to sections 15 and 16 of the Immigration Act 2009. People described in sections 15 and 16 of the Immigration Act 2009 cannot normally be granted a residence class visa.

Questions **G12** to **G15** relate to other character requirements. People described in these questions require a character waiver to be granted a residence class visa. You can find more details on character waivers in our Operational Manual (see the Administration chapter at A5.25), available online at www.immigration.govt.nz/migrant.

Application – Every person included in your application aged 17 years and over **must provide** police certificates from:

- their country(ies) of citizenship (unless they can provide satisfactory evidence to an immigration officer that a police certificate is either not available or is unduly difficult to obtain)
- all countries in which they have lived for 12 months or more in the last 10 years, including countries where their stay has been broken by short departures.

Please refer to our website www.immigration.govt.nz/policecertificate for information on how to obtain a police certificate. Your police certificate(s) must be less than six months old when we receive your application.

Completing Section H Health

You and your family need to be in good health to be granted a residence class visa under the Investor (Investor 2 Category).

EOI – The questions in this section of your Expression of Interest form apply to every person who is included in your Expression of Interest. If you answer 'yes' to any of the questions in this section, make sure you provide a full explanation of your circumstances so we can assess your medical condition(s).

Questions **H1** to **H4** list medical conditions for which a medical waiver cannot be granted. People with these conditions can not normally be granted a residence class visa.

Application – Every person included in your residence application **must provide** a completed *Medical and Chest X-ray Certificate (INZ 1007)* with your application. Pregnant women and children under age 11 are not required to provide an X-ray unless a special report is required.

Your *Medical and Chest X-ray Certificates* must be less than three months old when we receive your application.

In most countries we require the medical examinations to be carried out by one of a selected panel of medical practitioners or institutions. The details of these countries and the names and addresses of the approved panels are listed on our website www.immigration.govt.nz. Alternatively, you can contact your nearest Immigration New Zealand office.

You can find more details of our health requirements and medical waivers in our leaflet *Health Requirements (INZ 1121)*.

Completing Section I

English language

As the principal applicant, you must meet the minimum standard of English language to be approved residence (ie claim at least 1 point), as defined in our leaflet *English Language Information (INZ 1060)*.

Points for English language ability are as follows:

IELTS* overall band score	Points
3	1
4	4
5 or more	10

*See page 4 of our leaflet *English Language Information (INZ 1060)* for details about the International English Language Testing System (IELTS).

Your partner and/or children aged 16 and over who will be included in your residence application must either meet the minimum standard of English or pre-purchase ESOL (English for Speakers of Other Languages) tuition. If ESOL is pre-purchased, they will need to attend English language classes once they arrive in New Zealand.

EOI – For your Expression of Interest please state how many points you are claiming for your English ability and indicate what evidence, if you are invited to apply, you will provide to support your claim. You must also indicate how your family would meet the minimum standard of English.

Note: if you have claimed points for IELTS 3 or 4, an IELTS certificate is required if you are invited to apply for residence.

Application – please provide evidence of your English ability to support your point(s) claim and how your family (if applicable) meet the minimum standard of English. Payment for ESOL tuition for your partner and/or children will only be required if your application is approved.

Completing Section J

Age

Your age will be determined as at the date of lodgement of your residence application. You cannot be approved if you are aged 66 or over when you make your residence application.

Points for age can be claimed as follows:

Age	Points	Age	Points
60-65	0	42	18
59	1	41	19
58	2	40	20
57	3	39	21
56	4	38	22
55	5	37	23
54	6	36	24
53	7	35	25
52	8	34	26
51	9	33	27
50	10	32	28
49	11	31	29
48	12	30	30
47	13	29	31
46	14	28	32
45	15	27	33
44	16	26	34
43	17	25 or below	35

Application – For your residence application please provide suitable evidence of your age, which can include (but is not limited to) original or certified copies of your:

- full birth certificate
- passport or other travel document
- identity document (if this contains your birth details).

Completing Section K Business experience

You need to have at least three years' business experience to be approved residence under the Investor (Investor 2 Category). Note that the business experience does not need to be consecutive. It could have been gained over a number of years but must add up to at least three years in total.

Business experience rules

Business experience is experience in planning, organisation, control, senior change-management, direction-setting and mentoring acquired through ownership of, or management level experience in, a lawful business enterprise that has at least five full-time employees or an annual turnover of NZ\$1 million.

- Ownership means owning at least 25 per cent of a business.
- A lawful business enterprise is an organisation that operates lawfully in a commercial environment with the goal of returning a profit and is not set up primarily for passive or speculative purposes.

Calculating business experience

The length of business experience is determined on the basis of at least 30 hours per week. Credit for part-time business experience may be given on a proportional basis, so if you have gained eight years' business experience at 15 hours per week, this would equate to four years' business experience based on a 30-hour week. Credit is given for 30-hour weeks only, even where you have worked more than 30 hours in any week.

If you have obtained business experience in New Zealand, you must have gained it lawfully while you were holding an appropriate visa.

Points for business experience can be claimed as follows:

Business experience years	Points
3	9
4	12
5	15
6	18
7	21
8	24
9	27
10+	30

Evidence of business experience

K2 **Application** – You must provide the documents you listed in your Expression of Interest to support your business experience claims.

Acceptable evidence of your business experience can include (but is not limited to) original or certified copies of the following documents to clearly demonstrate your business experience:

- business registration
- company financial statements
- company tax returns and tax records

- shareholder certificates or proof of ownership of business
- pay slips
- job specifications
- job assessments
- personal tax returns
- letters of appointment
- certificates of service
- strategic planning documents
- references from employers on company letterhead, stating your position(s) and dates of employment, and giving the contact phone number and address of the employer.

If you worked part time, you must show the actual weekly hours worked.

If you have obtained business experience in New Zealand, you must have gained it lawfully while holding an appropriate visa.

We may also ask you to produce other information to help us determine your EOI or application.

Completing Section L Investment funds

You need to have at least NZ\$1.5 million to invest in New Zealand for four years to be considered for residence under the Investor (Investor 2 Category). In addition to the funds that you intend to invest in New Zealand you must have NZ\$1 million as settlement funds. If your application is approved in principle, you are not required to transfer your settlement funds.

EOI

L1 Points for investment funds can be claimed as follows.

Investment amount (NZ\$M)	Points	Investment amount (NZ\$M)	Points
1.5	10	5.75	95
1.75	15	6	100
2	20	6.25	105
2.25	25	6.5	110
2.5	30	6.75	115
2.75	35	7	120
3	40	7.25	125
3.25	45	7.5	130
3.5	50	7.75	135
3.75	55	8	140
4	60	8.25	145
4.25	65	8.5	150
4.5	70	8.75	155
4.75	75	9	160
5	80	9.25	165
5.25	85	9.5	170
5.5	90	9.75	175

L2 If you can indicate briefly the kind of investment you propose to undertake, we may be able to provide contacts and information to assist you.

L4 Ownership of funds and/or assets

Funds and/or assets must be owned either by you, or jointly by you and your partner and/or dependent children included in your Expression of Interest/application. If the funds and/or assets you are nominating are partly owned by your partner you may only claim the full value if you meet the minimum requirements for the recognition of partnerships (see section D: Your partner). If you do not meet the minimum requirements for recognition of partnerships, or you own the funds and/or assets with someone who is not your partner and/or dependent child, you may only claim the value of that portion of the funds and/or assets for which you can provide evidence of ownership.

L5 Type and location of investment and settlement funds

In your Expression of Interest you need to state the type, location and value of the funds and/or assets that you are nominating. The value should be net of any mortgages or borrowings.

If you are nominating funds, make sure you include the name of the bank/institution in which the nominated funds are held. If you are nominating assets, make sure you describe the nominated assets sufficiently clearly to enable them to be easily identified.

L6 How did you earn or acquire these funds and/or assets?

Funds and/or assets must have been earned or acquired legally. Also we will not accept your Expression of Interest/application if the way in which you earned or acquired the funds would have breached New Zealand criminal law if they had been earned or acquired in the same manner in New Zealand.

In your Expression of Interest please explain how you earned or acquired your nominated investment funds and/or assets.

L7 Please list your earnings for at least the last five years. If your funds and/or assets came from earnings from earlier years, you will need to include appropriate information from that time.

L8 Were any of these funds and/or assets gifted to you?

You may nominate funds and/or assets which have been given to you unconditionally and in accordance with local law. You will need to show that your donor acquired those funds and/or assets legally.

If some of your funds or assets have been acquired by inheritance you will need to include appropriate evidence to show that they were acquired legally, eg probate and evidence from your solicitor.

L9 You need to list the documents you intend to provide with your application to support the claims that you own your investment funds and have earned or acquired them legally. Do not provide this evidence with your Expression of Interest.

Application

L2 Evidence of funds and/or assets

If you are invited to apply for residence, you will need to provide evidence of your funds and/or assets with your application.

Acceptable evidence of the value and ownership of funds and/or assets may include:

Cash

- original bank books/statements

Property

- original title deeds, and
- a recent valuation report for your property from an independent registered adviser, and
- mortgage documents or statements showing any liability incurred on the property.

Shares/bonds

- share certificates
- share printout reports
- share trading cards (if applicable)
- a recent statement by a registered share broker or chartered accountant that certifies the current market value of your shares and bonds.

Business

- documents of ownership, or financial interest in, the company/business, and
- an independent valuation by a chartered accountant (or appropriate person), including details of any mortgages, loans, or other financial obligations.

Other assets, eg gold bullion

- evidence of ownership, and
- a recent independent market valuation.

All documents provided as valuations of assets must be no more than three months old when you make your residence application and must be produced by a reliable, independent agency.

L3 You also need to provide evidence to show how you earned or acquired your nominated investment funds and/or assets.

Acceptable evidence to show how you earned or acquired your funds and/or assets may include:

Salaries and bonuses

- personal tax returns or tax certificates
- pay slips
- letters of appointment
- employer certificates
- bank statements showing receipt of earnings.

Business profits and dividends

- business financial statements
- evidence of ownership or shareholding in the business
- bank statements showing receipt of dividends.

Property

- evidence of capital appreciation of property, measured as the current value (or sale price if property has been sold) less purchase price, eg solicitor's settlement documents, bank statements showing your receipt of sale proceeds, valuation report for property currently owned.

Investments

- bank certificates
- evidence of share trading profits.

Inheritance

- probate and evidence of inheritance from your solicitor.

Gifts

- evidence of gifting, and evidence to show that your donor earned or acquired those funds and/or assets legally.

We may ask you to produce other information to help us determine your application.

Transfer of funds to New Zealand

Please be aware that, if your application is approved in principle, you will need to be able to transfer your nominated investment funds directly to New Zealand through the banking system or a foreign exchange company that uses the banking system. This is to enable a verifiable record to be

established showing the link between your nominated funds and/or assets (and your earnings), and the funds that are transferred to New Zealand.

Completing Section M Total points and amendments or new information

M1 Please complete the table summarising the total points that you are claiming.

M2 **Application** – If you are invited to apply for residence you will then need to confirm that all of the information you provided us on your *Investor (Investor 2 Category) – Expression of Interest (INZ 1165)* is correct and complete (refer back to your photocopy of this form if necessary). If any of the information is incorrect or incomplete because your circumstances have changed, please provide the new or additional information in the ‘Amendments or new information’ section of your Application for Residence form.

Completing Section N Declaration

EOI – Please note that while you, as the principal applicant, sign this declaration, you are signing on behalf of everyone included in your Expression of Interest.

Application – The residence application form must be signed by the principal applicant, and any partner and dependent children aged 18 or over included in your application.

It is your responsibility to ensure that you and everyone included in your Expression of Interest and/or application understand both the EOI and application declarations before they are signed.

If you have any questions about the declarations, please contact your nearest Immigration New Zealand branch or the Immigration Contact Centre toll free on 0508 55 88 55 (if you are in New Zealand) or on +64 9 914 4100.

Completing Section O Immigration adviser’s details

If you have an immigration adviser they must complete this section.

Completing Section P Declaration by person assisting the applicant

Make sure that anyone who has helped you complete the form by explaining, translating, or filling it in, understands and signs the declaration in this section.

Completing Section Q Paying your Expression of Interest/application fee

Details on the fee payable to submit your Expression of Interest and application are available on our website at www.immigration.govt.nz/fees and in our *Fees Guide (INZ 1028)*. Payment must be in New Zealand dollars. No other currency will be accepted. Cash is not accepted.

REMINDER: Do not provide any documentary evidence for your Expression of Interest. Should we invite you to apply you will be required to provide appropriate evidence with your application for residence.

newzealand.govt.nz