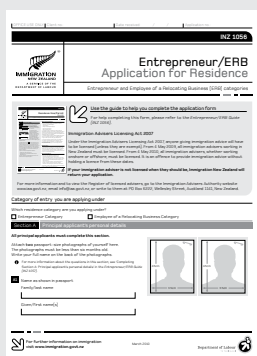


Entrepreneur/ERB Guide

Entrepreneur and Employees of a Relocating Business (ERB) categories



Information about this guide



The purpose of this guide is to help you complete the *Entrepreneur/ERB Residence Application (INZ 1056)*.

Boxes like this **B2** refer to questions in the application form.

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 filling in your application form:

- *Health Requirements (INZ 1121)*
- *Medical and Chest X-ray Certificate (INZ 1007)*
- *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. Information on how to obtain a police certificate is also available on our website www.immigration.govt.nz/policecertificate.

False information

If you supply false information in or omit relevant information from your application form, your residence application may be declined. Please be aware that we may verify any documents you provide.

How to apply for residence

Please complete the form in full

You must complete all the questions in the form unless the form specifically directs you to another question or a 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.

Enclose supporting documents

You will need to provide us with documents that support the claims you have made in the application form. This guide lists the type of documents we will accept as evidence.

You must also 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 application fee.

If your application is approved, you will also need to pay a migrant levy. We will advise you of the amount of the migrant levy at that time.

Submit your form

Send your application to:

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



Documents

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).

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.

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).

VisaView

It is an offence to employ a person who is not entitled to work in New Zealand. One way for employers to avoid committing this offence is to check a person's entitlement to work with Immigration New Zealand's online VisaView system. VisaView is authorised by legislation.

If you believe that an employer has been given the wrong entitlement information via VisaView you may contact the Immigration Contact Centre (0508 558 855) to request correction of that information.

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.

Passport photograph

You must attach two passport-sized photographs to the form at the section indicated. The photographs must be original, and taken within the last six months. The size of the photos should be about 45 mm by 35 mm and should be in good quality colour (not black and white).

A11 Passport/travel document

You must send your passport or travel document with your application. It must be valid to at least three months past the date you plan to leave New Zealand.

If you are unable to supply your passport, you are required to submit a certified copy. If you are in New Zealand, you must show you have a current visa. Any applicant not on a current visa will not have their application considered.

B3 Name and address for correspondence or adviser details.

You can apply for residence by completing and submitting the application form 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 'agent', 'adviser' or 'representative'.) We give all applicants equal treatment so you are free to choose whether or not to use an agent, adviser or representative. Our website, www.immigration.govt.nz, has lots of information about migrating to and settling in New Zealand and also provides links to other services that may be able to help you.

Please be aware of the following if you do decide to use an agent, adviser or representative.

- You can give your own address or your agent's, adviser's or representative's address as our point of contact. However, there may be times when we want to work directly with you.
- If you give your adviser's address, we will send them all correspondence about your application, including notices for interviews and original documents.
- If you stop using the services of your agent, adviser or representative, or hire a new one, you will need to tell us in writing or we will continue to deal with them. If you are changing your immigration adviser, please use the form *Immigration Adviser Details (INZ 1160)*.
- You are responsible for any documents or information you submit with your application as well as any information that your agent, adviser or representative submits on your behalf.

If anybody else helps you to complete the form – by interpreting, translating, or filling it in for you, for example – they must also sign 'Section O: Declaration by person assisting the applicant'.

B7 Checking applications online

You can check the progress of your application online. You can register for this service by selecting this option in your application. If you decide to use an agent, adviser or other person to represent you they will be given instructions for making an online enquiry.

This service is only available for applications lodged at Immigration New Zealand branches listed at the back of the application form under the heading 'for more information'.

D10 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 must:

D13

- 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
- 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 F 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 note regarding **D10** above).

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).

Evidence of relationship to your children

To prove your relationship to your 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.

Completing Section G Additional details

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

Completing Section H Character requirements

H2 Every person aged 17 years and over applying for residence in New Zealand must provide:

- a police certificate from their country of citizenship (unless they can provide satisfactory evidence they have never lived there)
- police certificates from any country they have lived in for 12 months or more in the last 10 years, including countries where their stay has been broken by short departures.

For information on how to obtain a police certificate visit www.immigration.govt.nz/policecertificate.

Accessing the website is the quickest means of obtaining this information, however if you do not have access to the internet you can either:

- call us on 0508 55 88 55 if you are in New Zealand, or (09) 914 4100 if you are in Auckland; or
- contact your nearest Immigration New Zealand branch.

Completing Section I

Health requirements

I1 Please read the leaflet *Health Requirements (INZ 1121)* for more details.

Please provide a completed *Medical and Chest X-ray Certificate (INZ 1007)* for every person included in your application.

In some 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. Alternatively you can contact your closest INZ office.

We can only accept your application if all of your medical and X-ray certificates are less than three months old at the date we receive your completed application.

Completing Section J

English language requirements

See the leaflet *English Language Information (INZ 1060)* for full requirements.

J1 Only principal applicants are required to meet a minimum standard of English under the Entrepreneur and Employees of a Relocating Business categories.

J2 Partners or dependent children of the principal applicant may pre-purchase ESOL tuition at the time their residence application is decided.

Completing Section K

Entrepreneur Category

To be approved residence under the Entrepreneur Category you need to:

- have established or purchased, or made a substantial investment in a business operating in New Zealand
- have been self-employed in your business for two years
- demonstrate how the business is benefiting New Zealand by promoting economic growth.

Your business must also comply with New Zealand employment and immigration law.

Business details

You must provide details of your established business in New Zealand. These details should include:

- its name and address
- a description of the business and your role in it
- the industry your business operates in
- the customers, suppliers, and the distribution network of your business
- the ownership structure
- the number of staff employed.

Business establishment and operation rules

Substantial investment means the purchase of 25 per cent or more of the shareholding of a business.

Self-employment is lawful active involvement in the management and operation of a business in New Zealand which the principal applicant has established or purchased, or in which the principal applicant has made a substantial investment.

Evidence of business establishment and operation

All documents submitted to prove that you have established a business in New Zealand must be produced by a reliable independent agency or professional (for example, a solicitor or chartered accountant).

Acceptable evidence that you have established and operated a business in New Zealand for two years may include (but is not limited to):

- a Certificate of Incorporation

- company financial accounts
- GST records
- company tax returns and tax records
- business registration (Companies Office)
- shareholder certificates or proof of ownership of business
- strategic planning documents
- employment agreements or contracts
- IRD employee schedules.

Business profitability

To demonstrate the profitability of your business or its potential to be profitable you must provide your business's financial accounts (profit and loss statements and balance sheets) for the last two years. These should be prepared by an accountant.

If your business is not profitable you must provide an explanation how it will become so in the next 12 months.

Benefit to New Zealand

You must demonstrate that your business is benefiting New Zealand by promoting economic growth. This can include (but is not limited to):

- introducing new, or enhancing existing, technology, management or technical skills; or
- introducing new, or enhancing existing, products or services; or
- creating new, or expanding existing, export markets; or
- creating employment for New Zealand citizens or residence class visa holders; or
- revitalising an existing New Zealand business.

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.

Completing Section L Employees of a Relocating Business Category

You should attach to your application a letter to Immigration New Zealand from the Chief Executive Officer (CEO) of the relocating business. The letter should give the following information and be accompanied by supporting documents.

- The name and location of the business intending to relocate to New Zealand.
- A statement as to why it is relocating and what the benefits will be to New Zealand.
- The names and dates of birth of staff (and their immediate family members) in respect of whom ministerial discretion is requested.
- Explanations as to why the employees concerned do not qualify under current immigration categories, countersigned by the staff member concerned.
- The current role in the business of the employee(s), and their intended role in the relocated business.
- An explanation as to why they are considered to be key staff.

The relocation of the business must be supported by New Zealand Trade and Enterprise (NZTE). Please note that INZ will consult with NZTE to determine their support of your application.

Completing Section M Declaration

The declaration must be signed by you and any partner and dependent children aged 18 years and over who are included in your application. It is your responsibility to ensure that you and everyone included in your application understand the declarations before you sign.

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 N Immigration adviser's details

If an immigration adviser has assisted you to complete this form then they must complete this section.

Completing Section O 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 P Paying your application fee

You need to pay a fee when you submit your application, unless you are from a fee waiver country. Fee details and fee waiver countries are listed on our website at www.immigration.govt.nz and in our *Fees Guide (INZ 1028)*. Payment must be in New Zealand dollars. No other currency will be accepted.

newzealand.govt.nz