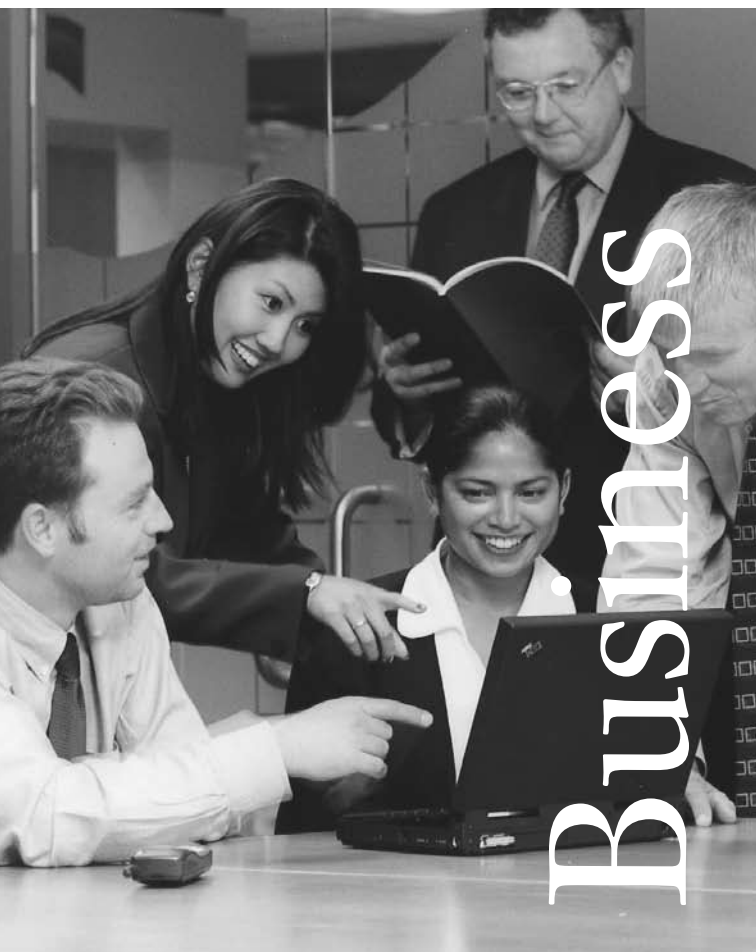


Guide to Applying for Long Term Business Visa
and Permit



New Zealand
Immigration Service
Te Ratonga Manene

New Zealand
the right choice



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Important

Long Term Business Visas and/or Permits are a category of work visa and/or permit allowing self-employment in New Zealand.

This leaflet is a guide to applying under the Long Term Business Category. Please take time to read this guide carefully and refer to it when completing your *Application for a Long Term Business Visa and Permit* (NZIS 1058).

Numbered boxes like this **A60** refer to question numbers in the *Application for a Long Term Business Visa and Permit*.

You need to submit all the information that we ask you for when you lodge your application. The information required is summarised in the checklist on page 16 of the *Application for Long Term Business Visa and Permit* (NZIS 1058). **If you do not include all the information we request, your application may be returned.**

For more information and application forms, visit our website at www.immigration.govt.nz

Who Should Use this Form?

This form should be completed by:

- first time Long Term Business Visa or Permit applicants; or
- applicants who have held a work visa and/or permit under the Long Term Business Visa/Permit category for less than 3 years and are applying for a further work visa and/or work permit; or
- applicants who are applying for consent to change their business plan; or
- applicants who have held a work visa and/or work permit under the Long Term Business Visa/Permit category for 3 years and are applying for a further work visa and/or permit.

What You Need to Know When Entering New Zealand

New Zealand has implemented a new system, Advance Passenger Screening designed to enhance the security of New Zealand's borders. If:

- you do not have an appropriate Visa to enter New Zealand; or
- your Visa has expired; or
- your Visa has not been transferred to your current/new passport or the passport being used to enter New Zealand,

you may be refused boarding your flight to return to New Zealand.

To minimise any disruption to your travel plans please ensure your travel documents are up-to-date and that you have the appropriate and current Visa. If you have any questions check out www.immigration.govt.nz

How Do I Apply?

You can apply by completing and submitting the *Application for Long Term Business Visa and Permit* (NZIS 1058) yourself, or you can ask another person to assist you.

Online checking of applications. You can also check the progress of your application online if you apply at one of our NZIS branch offices listed under the “More Information and Advice” section on page 20 of this guide. If you select this option you will be advised of the outcome of your application by email.

The New Zealand Immigration Service (NZIS) does not require you to have an agent or representative, but if you decide to use the service of an agent or representative you are free to do so.

- Anyone can act as your agent or representative.
- An agent or representative may be a lawyer, a consultant, or any other person, (including a friend) whom you hire or ask to help you apply.
- The NZIS treats all applicants equally and does not provide a preferential service to applicants with agents or representatives.

The NZIS deals with agents or representatives in the following ways:

- You may give your own address or the address of your agent or representative as the point of contact for the NZIS. If you choose to give your agent’s or representative’s address, all correspondence from NZIS, including notices for interviews, and the return of original documents, will be sent to your agent or representative.
- If you stop using the services of your agent or representative, you must cancel your authorisation in writing to the NZIS or the NZIS will continue to deal with them. If you hire a new agent or representative, you will need to provide a new authorisation to the NZIS.
- You are responsible for any documents or information that you submit to the NZIS, or that your agent or representative submits on your behalf
- If you elect an agent to represent you that agent will be provided with the ability to check your application online.

Section A Personal Details

Documents

All documents presented must be in their original form or certified copies. Certified copies are photocopies that have been endorsed by a person who is authorised to do so by law, such as a Justice of the Peace, Notary Public, lawyer, or court solicitor.

Translations

All documents not presented in English must be accompanied by an official translation. The translation provided must:

- be certified by a recognised private or official translation service; and
- be on official letterhead which includes the name, address and signature of the translator.

***Note:** Should you be considering applying for New Zealand citizenship at a later date you may want to have your documents translated by a provider approved by the Department of Internal Affairs. Refer www.dia.govt.nz*

Fees

If you are a first time Long Term Business Visa or Permit applicant, or have held a work visa and/or permit under the Long Term Business Visa/Permit category for 3 years and are applying for a further work visa and/or permit, you will need to pay a fee (unless you are from a country listed under a fee waiver agreement) – see *New Zealand Immigration's Guide to Fees* (NZIS 1028) or visit the NZIS website at www.immigration.govt.nz for details.

If you have held a work visa and/or permit under the Long Term Business Visa/Permit category for less than 3 years and are applying for a further work visa and/or permit, or are applying for consent to change your business plan, you will not need to pay a fee unless otherwise directed by the NZIS.

A8 Passports/travel documents

If you are unable to supply your passport, you must submit a certified copy. If you are in New Zealand, you must show you have a current permit. Your application will not be considered if you do not hold a current permit. Please note that any dependants must also have current permits.

Photographs

Attach two passport-sized photographs for each person included on the application.

A60 Custody arrangements

If you are separated or divorced and wish to bring children to New Zealand you must provide one of the following:

- custody papers showing you have the sole right to determine the residence of the child; or
- a court order permitting you to remove the child from his or her country of residence; or
- custody papers and a signed statement from the other parent, witnessed in accordance with local practice or law, agreeing to allow the child to live in New Zealand.

A61 Police Certificates

If you are a first time applicant or you have held a work permit under the Long Term Business Category for 3 years and are applying for a further work permit, each person included on the application and aged 17 years or older must provide:

- a police certificate from their country of citizenship; and
- police certificates from any country in which they have lived for more than 5 years since attaining the age of 17 years.

All certificates must be less than six months old at the time the application is lodged.

A63 Medical Certificates

A completed *Medical and X-ray Certificate* (NZIS 1007) is required for every person included in the application if:

- this is your first application under LTBV policy (“interim”); or
- you have held a work visa or permit under LTBV policy for 3 years and are applying for a further work visa or permit (“renewal”).

A completed *Medical and X-ray Certificate* (NZIS 1007) is not required if:

- you have held a work visa or permit under LTBV policy for less than 3 years and are applying for a further work visa or permit (“balance”),

unless requested by a visa or immigration officer.

Please note: Pregnant women and children under 11 years of age are not required to have an X-ray, unless a special report is required.

Please refer to the Health Requirements Leaflet (NZIS 1121) for more details.

A64 English language requirements

First time principal applicants under the Long Term Business Visa/Permit category or principal applicants who are applying to renew their work visa and/or permit for another 3 years and who have not previously met English language requirements, will need to meet a minimum standard of English.

Partners and/or dependants included in your application are not required to meet a minimum standard of English at this stage. **All** applicants, however, will need to show they can meet a minimum standard of English should you go on to apply for residence at a later date.

You may show that you meet the minimum standard of English by providing the following documents:

- a certificate (no more than **two years old** at the time you make your application) from the International English Language Testing System (IELTS), showing an overall band score of five; or
- Evidence of an English-speaking background (see below).

Evidence of an English-speaking background

Acceptable evidence of an English-speaking background includes:

- A certificate, or certificates, showing completion of all primary education and a minimum of three years secondary education in English (this means the equivalent of Form 5 or year 11 in New Zealand); or
- A certificate, or certificates showing completion of at least five years of secondary education in English (this means the equivalent of Form 7 or year 13 in New Zealand); or
- A certificate showing a course of at least three years duration, leading to the award of a tertiary qualification at institutions using English as the medium of instruction, was completed; or
- For applicants already in New Zealand and who have worked in New Zealand for a minimum of 12 months, references from employers on company letterhead which state the occupation and dates of employment and the contact phone number and the address of the employer, or an employment contract with confirmation from the employer that the person is still employed; or

- General Certificate of Education (GCE) “A” Levels from Britain or Singapore with a minimum C pass. The passes must specifically include the subjects English Language or Literature, or Use of English; or
- International Baccalaureate - full Diploma in English Medium; or
- Cambridge Certificate of Proficiency in English - minimum C pass; or
- Hong Kong Advanced Level Examinations (HKALE) including a minimum C pass in Use of English; or
- STPM 920 (Malaysia) — A or B pass in English Literature; or
- University of Cambridge in collaboration with University of Malaya General Certificate of English (GCE) “A” levels with a minimum C pass. The passes must specifically include the subjects English or General Paper; or
- South African Senior Certificate, including a minimum D pass in English (Higher Grade), endorsed with the words “matriculation exempt”; or
- New Zealand Tertiary Entrance Qualification gained on completion of the seventh form (year 13).

Other evidence of English language ability

You may also provide other evidence which satisfies a visa or immigration officer that, taking account of that evidence and all the circumstances of the application, you meet the minimum standard of English.

These circumstances may include but are not limited to:

- The country in which you currently reside; and
- The country(ies) in which you have previously resided; and
- The duration of residence in each country; and
- Whether you speak any language other than English; and
- Whether members of your family speak English; and
- Whether members of your family speak any language other than English; and
- The nature of your current or previous employment (if any) and whether that is or was likely to require skill in English language; and
- The nature of your qualifications (if any) and whether the obtaining of those qualifications was likely to require skill in English language.

***Please note:** Even if evidence of an English-speaking background is sighted, you may still be required to provide an IELTS certificate.*

Evidence of relationship to the principal applicant

If your partner, or children are included in your application, you must provide evidence that you and your partner:

- are living together in a genuine and stable relationship; and
- meet the minimum requirements for partnership (please see the *Guide to Applying for Residence in New Zealand* (NZIS 1002) for full details of Partnership policy).

Child – an original or certified copy of a full birth certificate stating the names of both parents.

If you have adopted children, you must provide a full adoption order from the home country, along with documents that show the adoption is in accordance with the New Zealand Adoption Act 1955.

Section B Business Plan Information

A business plan is a proposal to establish a business in New Zealand. A business that is started on the basis of sound planning and appropriate professional advice is far more likely to succeed than one started without careful thought and planning.

You will need to complete the business plan detailed in Sections B to F of the *Application for Long Term Business Visa and Permit* (NZIS 1058) if you are:

- a first time applicant; or
- applying for consent to change your business plan; or
- an applicant who has held a work visa or work permit under the Long Term Business Visa/Permit category for 3 years and are applying for a further work visa and/or work permit.

The plan covers the following areas:

Section B - business plan information;

Section C - an outline of the proposed business and its viability;

Section D - financial information (forecasts and financing options);

Section E - your business experience;

Section F - your knowledge of the New Zealand market.

Note: As each business plan is unique to the proposed business, your responses to the questions in Sections B to F must be specific to your application. Standard

responses, templates, and broad statements open to interpretation indicate a lack of planning and should, therefore, be avoided.

If there is not enough room on the application form to answer a question fully, please answer on a separate sheet of paper and state on the form that you have done so.

The plan must be no more than 3 months old on the date the application is made.

Assessment of Business Plans

Your business plan will be assessed on the credibility of the information you provide and the knowledge that you display of the proposed business and the New Zealand business environment. Your business plan must, therefore, be supported by suitable evidence and reflect your research into the proposed venture.

Each section of your business plan will be assessed separately, but the information you provide in each section should link together and be consistent.

The NZIS will assess your business plan and whether you have:

- *sufficient funds* – you have enough money to establish your proposed business in New Zealand; and
- *realistic financial forecasts* – your business plan contains realistic financial forecasts; and
- *relevant business experience* – you have relevant business experience; and
- *a sound business record* – you have not been involved in business failure or bankruptcy within the last five years; and
- *sound business character* – you have never been involved in business fraud or financial impropriety; and
- *registration* – you have obtained professional or occupational registration in New Zealand if registration is required for the proposed business.

In section B you will need to provide general information about your business plan, some of which may be used for statistical purposes.

B1 Business type

Please indicate the industry in which your proposed business is positioned.

B2 Location of the business

Please enter the location of your proposed business.

B3 Maintenance funds

You must provide evidence that you have, in addition to investment capital, sufficient funds for your maintenance and accommodation and that of any spouse or partner and/or dependent children who are applying for temporary visas and/or permits to accompany you to New Zealand.

Please note that you and any accompanying family members must not apply for and be granted welfare assistance under the Social Security Act 1964 while in New Zealand during the currency of your temporary permits.

B4 Business status

Please state whether you are establishing a new business or purchasing an existing business.

B5 Investment capital

Please state the amount of funds in NZ\$ that you have available to establish or purchase your business and to use as working capital.

Section C Business Outline

In this section you need to provide an outline of your proposed business including:

- a summary of the business;
- the proposed marketing strategy; and
- the timeline for establishing the business.

You will be expected to illustrate your knowledge of your proposed business and how you intend to structure and operate it.

C1 Details of proposed venture

You should include:

- a description of the proposed business;
- the industry that the business will operate in;
- the proposed customers of the business;
- where the business will source suppliers;
- the intended distribution network of the company; and
- what assets the company will require.

C2 Expectations of business achievement

Describe in detail what you expect the business to achieve within its first three years of operation. Please

go beyond restating the financial results forecast in Section D. Achievements must be specific goals – for example, *establishing relationships with five suppliers, gaining 100 new customers, employing seven full-time staff.*

C3 Proposed ownership structure

Select the legal structure that is most appropriate to your proposed business. Provide a chart illustrating the proposed ownership structure of the business including the names of any potential business partners. You must have a minimum shareholding of 25% in the business.

C4 Overseas links

Provide details of any relationships that your proposed business will have with any overseas companies. A relationship may include:

- shared ownership;
- joint shareholders or directors;
- supply agreements; or
- agency agreements.

C5 Benefit to New Zealand

Describe how your business will promote New Zealand's economic growth. Discuss whether your business will:

- introduce, or enhance existing, technology, management or technical skills; or
- introduce, or enhance existing, products or services; or
- create, or expand existing, export markets; or
- create employment (other than for yourself); or
- revitalise an existing New Zealand business.

Please note that when assessing the benefit of your business to New Zealand, a business immigration specialist will also consider whether your proposed business is likely to be trading profitably in the future.

C6 Your role

Describe what level of involvement you intend to have in the proposed business by providing an accurate and detailed job description. Use of a title such as 'Director' without an accompanying job description is unacceptable.

C7 Number of employees

How many full-time employees will your business require within the first 1-2 years of operation? Clearly state if you, your spouse and/or your family are

included in this number. In addition, state when you intend to employ these people.

Please note that if you plan to employ your child in your business, he or she will need to make a separate application for a work permit after he or she arrives in New Zealand. This will be assessed in accordance with normal work permit policy. You should consider the impact to your business should his or her permit not be approved.

C8 Employees' skills

Provide details of the skills that your potential employees will require. Are these skills readily available in New Zealand?

C9 Marketing strategy

Provide details of how you intend to market your business, including:

- the estimated market size in New Zealand;
- the business's targeted market share;
- how this market share will be achieved;
- analysis on the degree of competition in the market;
- the business's distribution policy; and
- any pre-arranged agreements that either the business or you have with suppliers or distributors.

C10 SWOT analysis

Complete a brief SWOT analysis. A SWOT analysis identifies the main strengths, weaknesses, opportunities and threats that will impact on the business. It is to your advantage to explain how any threats or weaknesses identified will be overcome.

C11 Proposed timeline

Provide details of the proposed timeline for establishing the business in New Zealand. Include in your timeline an estimation of the time required to complete the following milestones:

- establishing the business;
- obtaining approvals;
- finding premises;
- purchasing equipment;
- recruiting staff;
- establishing a distribution network; and
- starting operations.

Section D Financial Information

In this section you are required to provide detailed forecast information on the financial performance and position of the proposed business. This includes completing three-year forecast profit and loss statements and cash flow forecasts. You must illustrate an understanding of the revenue and cost structures relevant to the proposed business. In addition, you will need to provide detail on how you are intending to finance the establishment of the business.

D1 Start up costs

Provide details of the following forecast expenses:

- legal and professional fees;
- research and development;
- staff recruitment costs;
- resource approval costs (Resource Management Act);
- business fit-out costs; and
- assets that need to be purchased

Where an existing business is being purchased or an existing business is operating prior to LTBV approval, include:

- any conditional sale and purchase agreement;
- the basis for the purchase price, i.e. an independent valuation; and
- the profit and loss statement for at least the previous two years as well as actual results to the date of your application. You should comment on the business's past performance and trends.

D2 Profit and loss forecasts

This is a template for completing the forecast profit and loss statement. The ratios must be calculated using the following formulas:

- gross profit margin (%) = gross profit/revenue x 100
- net profit margin (%) = net profit after tax/revenue x 100
- interest cover (times) = earnings before interest and tax/interest expense.

All supporting assumptions should be included.

Assumptions should be consistent and link together with other sections of the business plan.

The following assumptions are particularly important:

- *revenue/sales* – explain the basis for forecasts, such as past experience, undertakings from prospective customers, or market research. Where appropriate, assumptions should include number of units, price.

- *gross profit margin* – as per revenue/sales, the basis for the gross profit margin should be explained and supported. Provide evidence where appropriate.
- *salaries* – this should reconcile with the number of employees you stated you were intending to employ in C6. Ensure you include the cost of full-time and part-time employees.
- *rent* – as above, explain the basis for your forecast (for example, the cost of the existing lease, the current market rental for equivalent premises).

Although you do not need to include a balance sheet, it is worthwhile including one to clearly show the capital structure and the assets that will be used by the business. It will also be helpful in preparing the cash flow forecast.

D3 Cash flow forecast

This is a template for completing the cash flow forecast. You must complete all sections. Pay close attention to the section detailing movements in working capital as this will help you to assess cash requirements, which is essential if you are forecasting rapid growth for your business.

You will find it beneficial to expand at least the first year to a monthly forecast.

D4 Capital investment required

State the total capital that is required to establish the business. Include any finance that you require to fund initial start-up costs. Include a table summarising the funds available and, where applicable, show the net funds available in local currency, the conversion rate applied, and the resultant funds available in NZ\$. This table must be supported by third party evidence such as bank statements. If your funds are invested in property or other assets, explain how you are going to utilise them.

D5 Your investment capital

What bank or other finance do you have available to invest in the company?

D6 Additional financing

Will additional financing be required?

D7 Financing arrangements

You must provide evidence of any collateral or guarantors that you have available to support any funding applications.

Section E Business Experience

E1 Your business experience

You need to provide detail on your past business experience, including:

- how you started out in business;
- what types of businesses you have been involved with in the past;
- detail of specific roles and responsibilities within these businesses; and
- references from associates, clients, and employers.

Ensure that you include the physical address, telephone and fax numbers for past employers and businesses. These addresses should be provided in both English and your own language.

E2 Your existing business(es)

You need to provide detail on your existing business ventures, including:

- the type of business(es);
- the background of the business(es);
- turnover and profitability; and
- the number of employees.

You must provide documentation to support your answers, including:

- business registration licences;
- financial statements (audited if available);
- copies of tax returns;
- contact details for the business(es); and
- organisation charts.

Alternatively, you may provide a report covering these points from an internationally recognised accounting firm.

E3 Your shareholdings

Provide details of current shareholdings in any existing business(es).

E4 Business failures

Provide details of the circumstances surrounding any previous business failure or bankruptcy.

E5 Fraud

You will not have your business plan approved if you have any previous convictions for fraud or financial impropriety.

E6 Qualifications

Please provide certified copies of all qualifications.

E7 Registration

Provide evidence that you have obtained professional or trade registration, if this is required in order to operate the proposed business in New Zealand.

Section F Knowledge of the New Zealand Market

In this section, you need to illustrate your knowledge of the New Zealand business environment and the impact of this environment on your business proposal. You must provide evidence that you have conducted sufficient research of the New Zealand market and the factors relevant to your proposed business to enable that business to operate successfully.

Please note that you should demonstrate **your** knowledge, as opposed to that of any other person who may be assisting you complete your application.

F1 Knowledge of the New Zealand business environment

Provide detail of any exposure that you have had to the New Zealand business environment, including any previous business dealings or connections with other New Zealand businesses. Ensure that the knowledge you convey is relevant and specific to the area in which your proposed business will operate – focus upon how the current New Zealand business environment will impact upon your proposed business.

F2 New Zealand business involvement

Provide details of any current or previous involvement you have had in terms of owning or supplying a New Zealand business.

F3 Trade associations

Provide details and supporting documentation of any contact that you have had with any relevant New Zealand trade associations.

F4 Business research

Provide details and supporting documentation of any research that you have commissioned on the viability of the proposed business. Include a summary of this research in English.

F5 Professional advice

Provide details and supporting documentation of any professional advice that you have received regarding establishing the business in New Zealand.

F6 Resource management consents

Provide detail of any consents that the business may require under the Resource Management Act or the Overseas Investment Act. Please state whether other consents or regulations (for example, health and safety requirements) apply to your proposed business.

F7 Family/ associates' business experience

Provide details of the involvement of any of your associates or family members with any similar businesses in New Zealand.

Validity of Work Visas and Permits

If your application is approved you will be granted and/or issued a 9 month work permit and/or work visa to allow you to establish and commence the operation of your proposed business in New Zealand. Further permits and/or visas may be granted or issued for the balance of the 3 year period (i.e. 27 months) if:

- you apply within the validity of your work permit and/or work visa; and
- you provide satisfactory evidence to demonstrate that your investment capital, was transferred to New Zealand through the banking system; and
- you provide satisfactory evidence to demonstrate that you have taken reasonable steps to establish or invest in your proposed business.

The requirement for a further application fee at this time will be waived unless a business immigration specialist considers that substantial additional work is required to process the application.

If you are unable to provide satisfactory evidence of having taken reasonable steps to establish or invest in your proposed business, but it appears that you may be able to provide such evidence within a specified time, a further short term permit and/or visa may be granted or issued to you to allow you to take further steps to establish and operate your proposed business.

Changing a Business Proposal

If you wish to change your business proposal within the validity of your visa and/or permit you must seek the consent of a business immigration specialist to the change. Consent may be given if a business immigration specialist is satisfied that:

- you have genuine reasons for abandoning your original business proposal; and
- you have an acceptable business plan for the proposed new business; and
- your new business proposal requires the same or a greater level of capital investment than your original business proposal; and
- you have access to sufficient capital to finance the proposed new business; and
- you have business experience relevant to the proposed new business.

Your permit may be revoked if you undertake a different business proposal to your original proposal without seeking consent from a business immigration specialist.

Note: It is understood that given the fluid nature of business, a business proposal may undergo some modification or further development once put into action. If you are unsure whether a change you are making to your business proposal will require consent from a business immigration specialist, you should contact the business immigration specialist who has been assigned your case.

Renewal of Work Permits and Visas Beyond 3 Years

Further work permits and/or work visas may be granted or issued to you beyond the initial 3 year period (for periods not exceeding 3 years) if you can satisfy a business immigration specialist that you have valid reasons for needing a further permit.

If you are seeking a renewal for a period beyond the initial 3 years on the basis of a new business proposal, a business immigration specialist may require that a new application be lodged.

Further work permits and/or visas will be granted or issued only where a business immigration specialist is satisfied that:

- any time you have spent in New Zealand has been spent setting up and operating your original business proposal; or
- if you made a change to your original business proposal, consent was granted for that change by a business immigration specialist; and

- you and any family member accompanying you have not drawn on the New Zealand welfare system; and
- you intend to spend the further period in New Zealand either implementing the original business proposed or a subsequent business proposal for which a business immigration specialist has given consent; and
- you have, in addition to investment capital, access to sufficient funds for your own maintenance and accommodation and that of any spouse, partner or dependent child accompanying you; and
- you meet Health and Character requirements.

Evaluation Requirement

Amongst other requirements listed on page 14 of the *Application for Long Term Business Visa and Permit* (NZIS 1058) in the event that your application is approved, you must agree to participate in an evaluation of the Long Term Business Visa/Permit category for a period of up to 5 years from the date your application is approved. You must also agree to inform the NZIS of any changes to your postal/contact address within 5 years from the date of approval of your application for the purpose of participating in this evaluation.

More Information and Advice

You can get more information about Visas or Permits from:

- New Zealand diplomatic and consular offices.
- Any of our NZIS branch offices overseas. We have overseas offices in Apia, Bangkok, Beijing, Hong Kong, Jakarta, London, Moscow, New Delhi, Nuku'alofa, Shanghai, Singapore, Suva, Sydney, Taipei and The Hague.
- Any of our NZIS branch offices in New Zealand, which are located in Auckland, Henderson, Manukau, Hamilton, Palmerston North, Wellington, Christchurch and Dunedin.
- All New Zealand Immigration Service forms and leaflets, and fee information, can be downloaded from the internet at: www.immigration.govt.nz