

5 November 2009

**IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular
No. 2009/15**

To: All Manual Holders

**AMENDMENTS TO THE IMMIGRATION NEW ZEALAND (INZ) OPERATIONAL MANUAL –
NOVEMBER 2009 RELEASE**

Introduction

This circular outlines changes to Government residence policy and Government immigration policy in the INZ Operational Manual. A copy of the amended policies is attached to this circular.

All visa and immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended policies on and from the effective dates below.

Note

The amendments described in this circular will be published in the INZ Operational Manual in due course.

Any enquiries about these amendments should be directed to the Immigration Contact Centre on 0508 558 855 or 09 914 4100 (Auckland only).

Change to Government immigration policy effective on and after 30 November 2009

N2.5 Transit Visa Country Waiver List

Nine countries have been added to the Transit Visa Country Waiver List

V3.10.1 Partners and dependent children of Essential Skills work visa or permit holders

U8.20.1 Dependent children of holders of Essential Skills work permits

WK1.15 Minimum income requirement for dependent children of Essential Skills work visa or permit holders

A minimum income threshold requirement has been added for work permit and visa holders under the Essential Skills policy in order for their dependent children to live in New Zealand. This is to ensure that the children have a appropriate level of financial support, given that these families are not eligible for state-funded income support.

WI4.1 Requirements for all Working Holiday Scheme applicants

WI4.1.1 General conditions

WI4.5 Canada Working Holiday Scheme

A number of amendments have been made to generic Working Holiday Scheme (WHS) policy.

- The primary objective of WHSs is to allow young people to holiday in New Zealand, but also allow them undertake work and study in accordance with their scheme.
- An existing provision which lists the type of permits working holidaymakers may apply for while on a WHS work permit has been removed. This aligns with current policy since most permit holders may apply for any permit, and their application will be decided according to policy.
- The provision that requires working holidaymakers to have a return ticket, or sufficient funds to purchase one, on arrival has been amended so that holders now must meet generic work policy onward travel requirements. This change better reflects the increased mobility of working holidaymakers and is consistent with provisions in other temporary policies.

The age limit for Canadian working holiday makers has been raised from 30 to 35.

WI 11 Philippines Special Work Policy

WI 12 Vietnam Special Work Policy

WS2 Specific purpose or events

V3.45 Applicants wanting to obtain occupational registration in New Zealand

E9 Trade Commitments

W2.10 Generic work visa and permit policy provisions

Following the signing of the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) special work policies for the Philippines and Vietnam have been established.

Nurses from the Philippines are able to work for a District Health Board while obtaining New Zealand occupational registration.

Occupational registration policy has been amended to clarify the requirements which must be met.

Generic work policy has been amended in relation to nurses who enter New Zealand to obtain occupational registration.

Changes to Government residence policy effective on and after 5 October 2009

BA2.1 Residence Categories

BL Entrepreneur Plus Category

BC4.15 Criteria for a business benefiting New Zealand

BC9 Validity of work visas and permits and issue and grant or further work visas and permits

BE5 General rules for approval in principle and relocation of business

BF2 Minimum standards of English

BH4.10 Criteria for a business benefiting New Zealand

R5.90 Migrant levy

A new Entrepreneur Plus Category has been established to prioritise high value entrepreneurs by providing a quicker path to conditional residence for Long Term Business Visa or Permit (LTBV/P) holders who invest at least NZ\$0.5 million and create at least three fulltime jobs for New Zealand citizens or residents. In all other aspects the Entrepreneur Plus Category will mirror the existing Entrepreneur Category.

Successful applicants under the Entrepreneur Plus Category also be subject to the following section 18A conditions:

- they must be self employed in the business for at least two years (inclusive of any time spent operating the business while holding a LTBP); and
- they must retain the investment and maintain the created jobs in the established business for the validity of the section 18A conditions.

Any time being self employed in the business while holding a LTBP will be taken into account when determining the actual validity of the section 18A conditions.

Borrowed funds are allowed under the new Entrepreneur Plus Category. Specific provisions have been drafted to ensure that borrowed funds come from legitimate sources.

The existing LTBV/P and Entrepreneur categories have also been amended with the following changes:

- the minimum English language requirements have been relaxed from IELTS 5 to 4
- the definition of 'creating employment' has been changed to include only genuine jobs for New Zealand citizens or residents.

Consequential amendments to generic government residence policy, the Employees of a Relocating Business Residence Category, English language, and work policies have also been made.

APPENDIX 1: AMENDMENTS TO GOVERNMENT IMMIGRATION POLICY EFFECTIVE ON AND AFTER 30 NOVEMBER 2009

N2.5 Transit Visa Country Waiver List

Bahamas	Papua New Guinea
Bermuda	Paraguay
Bolivia	Peru
Colombia	Philippines
Costa Rica	Republic of Marshall Islands
Ecuador	Samoa
Federated States of Micronesia	Solomon Islands
Indonesia	Thailand
Kiribati	Tonga
Nauru	Tuvalu
Palau	Vanuatu
Panama	Venezuela

U8.20 Partners and dependent children of holders of work permits

- a. Partners and dependent children (see E4.1) of work permit holders who wish to study in New Zealand may be issued with student visas or granted student permits unless the work permit holder has been issued with a work visa or granted a work permit under any one of the following policies:
 - i Crew of foreign chartered fishing vessels (see WJ), or
 - ii Recognised Seasonal Employer (RSE) Work Policy (see WH1), or
 - iii Transitioning to Recognised Seasonal Employer (TRSE) Policy (see WH3).
- b. Dependent children of work permit holders are regarded as domestic students (see U3.35) for the purpose of all course fees at primary and secondary schools for the period of the parent's work permit.
- c. Partners and dependent children (see E4.1) of work visa and/or permit holders may be issued with student visas or granted student permits without the need to produce evidence of enrolment.
- d. Guarantees of accommodation and/or maintenance for partners and dependent children may be waived provided this is covered by the income of the partner or parent or by evidence of funds, sponsorship or guarantees submitted with the work visa and/or permit application of the partner or parent (see W2.15).

U8.20.1 Dependent children of Essential Skill work visa or permit holders

- a. Dependent children (see E4.1.5) of holders of work permits granted under the Essential Skills work policy (WK) after 30 November 2009 will only be granted a student permit or visa if their parent/s meet a minimum income threshold.
- b. The minimum income threshold is \$33,675 gross per annum and must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work permit.
- c. Evidence must be provided of the Essential Skills work permit holder's current salary or wages to satisfy a visa or immigration officer that the applicant's parent/s meet the minimum income threshold.
- d. Despite (b) above, dependent children of Essential Skills work permit holders whose parents have an application being considered under the Samoan Quota or Pacific Access Category must meet the minimum income requirements of those policies (see S1.10.35 or S1.40.35) to be eligible for a student permit under this policy.
- e. Dependent children are not required to be assessed against the Essential Skills minimum income threshold if their parent/s:
 - i have held any temporary work permit before 30 November 2009; and
 - ii have remained on a valid visa or permit from 30 November 2009 until the date of the dependent child's application under U8.10.
- f. If a visa or permit application is declined under this policy and the dependent child becomes unlawful the parent's permit may be revoked.

g. If the parent/s do not maintain the minimum income threshold for the duration of their or their dependent child's permit both visas or permits may be revoked.

Note: Where both parents hold Essential Skills work permits, their income may be combined to meet the minimum income threshold.

V3.10 Partners and dependent children of student or work visa or permit holders

Subject to the provisions of E4.5:

- a. Partners (see E4.1.10) of student or work visa or permit holders may be issued with visitor visas or granted visitor permits if that type of visa or permit is appropriate to their needs for the currency of the spouse or partner's visa or permit.
- b. Dependent children (see E4.1.5) of student or work visa or permit holders may be issued with visitor visas or granted visitor permits if that type of visa or permit is appropriate to their needs for the currency of the parent's visa or permit.
- c. Notwithstanding (a) and (b) above, partners and dependent children of the following persons are not eligible for the issue of a visa or grant of a permit under this policy:
 - i persons who were unlawfully in New Zealand immediately before being granted a temporary permit under the October 2000 Transitional Policy; or
 - ii persons issued with a work visa or granted a work permit under the policy for Crew of foreign chartered fishing vessels (see WJ); or
 - iii persons issued with a work visa or granted a work permit under the Recognised Seasonal Employer (RSE) Work Policy (see WH1), or
 - iv persons granted a work permit under the Transitioning to Recognised Seasonal Employer (TRSE) Policy (see WH3).

V3.10.1 Dependent children of Essential Skills work visa or permit holders

- a. A dependent child of a holder of a work permit granted under the Essential Skills work policy (WK) after 30 November 2009 will only be granted a visitor visa or permit if the minimum income threshold is met.
- b. Despite (a) above, dependent children born in New Zealand after 30 November 2009 will not be tested against the threshold until their parent/s next applies for an Essential Skills work permit.
- c. Despite (a) and (b) above, the minimum income threshold does not apply if the dependent child's parent/s:
 - i have held any temporary work permit before 30 November 2009; and
 - ii have remained on a valid visa or permit from 30 November 2009 until the date of the dependent child's application under V3.10.

V3.10.5 Minimum income threshold

- a. The minimum income threshold is NZ\$33,675 gross per annum.
- b. The minimum income threshold must be met and maintained wholly by the salary or wages of a parent or parents holding an Essential Skills work permit.
- c. Evidence must be provided of the Essential Skills work permit holder's current salary or wages.
- d. Despite (a) above, if the child is included in a Samoan Quota or Pacific Access Category application, the minimum income threshold is the amount specified in Samoan Quota or Pacific Access Category policy.

e. If a visa or permit application is declined under this policy and the dependent child becomes unlawful the parent's permit may be revoked.

f. If the parent/s do not maintain the minimum income threshold for the duration of their or their dependent child's permit both visa's or permits may be revoked.

Note: Where both parents hold Essential Skills work permits, their income may be combined to meet the minimum income threshold.

WK1.15 Minimum income requirement for dependent children of Essential Skills work visa or permit holders

Immigration Act 1987 s27 (1) (b)

- a. Essential Skills visa or permit holders must meet a minimum income threshold if they wish to support their dependant child's (see [E4.1.5](#)) visitor or student visa or permit application (see [V3.10](#) or U8.20). The permit holder's dependent child will be assessed against criteria set out in V3.10.1 or U8.20.1.
- b. The parent's Essential Skills work permit may be revoked if the dependent child's visa or permit application is declined under this policy and the dependent child becomes unlawful.
- c. It will be a condition of the dependent child's permit and the parent/s permit(s) that the parent/s must maintain the minimum income threshold for the duration of their dependent child's permit. If the threshold is not maintained the parent/s and child's permits may be revoked.

Note: Where both parents hold Essential Skills work permits, their incomes may be combined to meet the minimum income threshold.

The minimum income threshold excludes employment related allowances (for example overtime, tool or uniform allowances, medical insurance, accommodation) and must be calculated on the basis of no more than 40 hours' work per week.

WI4.1 Requirements for all working holiday scheme applicants

As well as meeting the specific requirements for the relevant working holiday scheme, applicants must also meet the requirements under Generic Temporary Entry Policy, and the conditions below.

WI4.1.1 General conditions

- a. The objective of working holiday schemes is to allow young citizens of approved countries, whose primary intention is to holiday in New Zealand, to undertake employment and study during their stay in accordance with their scheme.
- b. To be eligible for a work visa and permit under these schemes, applicants, in addition to meeting the requirements of the particular scheme they are applying under, must:
 - i hold a valid passport from the country whose scheme they are applying under, and
 - ii be aged no less than 18 years of age and no more than 30 years of age, unless their scheme allows a different age limit, and
 - iii not be accompanied by children, and
 - iv meet onward travel requirements (see W2.20), and
 - v submit an application in the prescribed manner, and
 - vi pay the appropriate fee (if any), and
 - vii meet health and character requirements as set out at E6, and
 - viii be the holder of a valid temporary permit if applying from within New Zealand, and
 - ix not previously have been approved a visa or permit under a working holiday scheme.
- c. Applicants are not required to provide evidence of a job offer.
- d. Where a scheme has an 'ordinarily resident' requirement the applicant's usual place of permanent residence must be that country. This requirement is considered to be met if the applicant has not been absent from that country for more than two years immediately preceding the application.
- e. Successful applicants must not undertake permanent employment unless they apply for and obtain a work permit that enables this.
- f. Successful applicants may enrol in one or more courses of training or study of up to 3 months' duration in total during their visit to New Zealand, unless their scheme allows a longer period.

WI4.1.10 Ability to apply using the online system

Immigration Regulations 1999 Reg 3A

The online application system is accessed through the INZ website at www.immigration.govt.nz under "Online Application for a NZ Working Holiday".

WI4.5 Canada Working Holiday Scheme

- a. This scheme allows young citizens of Canada **aged 18 to 35 inclusive**:
 - i to be issued a work visa valid for travel for 12 months from date of issue, and upon arrival in New Zealand to be granted a work permit for a maximum of 12 months; or
 - ii if applying from within New Zealand, to be granted a work permit valid for a maximum of 12 months. Successful applicants will also be issued a multiple entry work visa, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.

- b. To be eligible for a work visa or permit under this scheme, applicants must:
 - i be citizens of Canada at the time of applying, and
 - ii have a minimum of NZ\$4,200 available funds for their maintenance during the period of stay in New Zealand.

- c. Participants in this scheme may enrol in one or more courses of training or study of up to 6 months' duration in total during their visit to New Zealand (see U2.5).

- d. Applicants under this scheme must lodge their application in the prescribed manner (E4.45, E4.55). Applicants may apply by using the online application system.

WI 11 Philippines Special Work Policy

WI 11.1 Objective

This policy allows limited numbers of citizens of the Philippines who are qualified and/or experienced in certain occupations, and who hold a New Zealand job offer in that occupation, to be issued with a work visa.

WI 11.5 Philippines Nurses

- a. This policy allows up to 100 Philippines nurses at any one time to work in New Zealand for a period of up to three years provided that they:
 - i have a job offer as a registered nurse from a New Zealand employer; and
 - ii hold a qualification which has been assessed as equivalent to a New Zealand Bachelor of Nursing or Diploma in Comprehensive Nursing (diploma or hospital based certificate); and
 - iii hold New Zealand registration; and
 - iv meet the requirements set out in WI11.20 below.
- b. An applicant who is a nurse and who is applying for a work visa or permit under this policy is not required to be resident in the Philippines at the time of application, and may lodge their application at their nearest Immigration New Zealand branch.
- c. An applicant who is a nurse and is in New Zealand under the policy at WS2(k) may lodge an application under WI11 once they have obtained their registration.

WI 11.10 Philippines Farm Managers

- a. This policy allows up to 20 Philippines farm managers at any one time to work in New Zealand for a period of up to three years provided that they:
 - i have a job offer from a New Zealand employer as a farm manager, which has been assessed as equivalent to ANZSCO Skill Level 1; and
 - ii hold a relevant qualification and/or have relevant work experience; and
 - iii meet the requirements set out in WI11.20 below.
- b. Under this policy, an applicant who is a farm manager must be ordinarily and actually resident in the Philippines at the time of application, unless WI11.20(d) applies. They must lodge their application with the Immigration New Zealand branch in Manila.

WI 11.15 Philippines Engineering Professionals

- a. This policy allows up to 20 Philippines engineering professionals at any one time to work in New Zealand for a period of up to three years provided that they:
 - i have a job offer from a New Zealand employer as an engineering professional, which has been assessed as equivalent to ANZSCO Skill Level 1; and
 - ii hold a bachelor degree (level 7 or above) qualification registered on the International Professional Engineers Register or Asia Pacific Economic Cooperation (APEC) Engineers Register, or Washington Accord accredited engineering degree; and
 - iii hold New Zealand registration, where required; and
 - iv meet the requirements set out in WI11.20 below.

- b. Under this policy, an applicant who is an engineering professional must be ordinarily and actually resident in the Philippines at the time of application, unless WI11.20(d) applies. They must lodge their application with the Immigration New Zealand branch in Manila.

WI 11.20 Generic Requirements

- a. To be issued or granted a work visa and permit under this policy, applicants must:
 - i provide a completed work visa/permit application form and fee; and
 - ii have a New Zealand job offer in one of the occupations listed above, which meets the requirements set out in W2.10; and
 - iii meet the specific requirements relating to registration, qualifications and/or experience for their occupation, as detailed above; and
 - iv meet health and character requirements set out in E6; and
 - v meet the requirements for bona fide applicants* set out in E5.
- b. A labour market check is not required.
- c. Successful applicants will be issued with a work visa valid for travel for 6 months from the date of issue and on arrival in New Zealand will be granted a work permit for a maximum of three years, depending on the length of their job offer. Successful applicants will also be issued a multiple entry work visa, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- d. If the initial permit is valid for less than three years, a further permit may be granted onshore for the balance of the three-year period, as long as the applicant still meets all the requirements of this policy.
- e. Work permits granted under this policy must be endorsed with conditions that allow work only for a specified employer in a specified industry, trade, occupation or profession.
- f. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa or permit under this policy.

Note: This policy reflects New Zealand's international trade commitments (see E9).

WI 12 Vietnam Special Work Policy

WI 12.1 Objective

This policy allows limited numbers of citizens of Vietnam who are qualified and/or experienced in certain occupations, and who hold a New Zealand job offer in that occupation, to be issued with a work visa.

WI 12.5 Vietnamese Chefs

This policy allows up to 100 Vietnamese chefs at any one time to work in New Zealand for a period of up to three years provided that they:

- a. have a job offer from a New Zealand employer as a Vietnamese chef, which has been assessed as equivalent to at least ANZSCO Skill Level 3; and
- b. hold a relevant qualification and/or have relevant work experience; and
- c. meet the requirements set out in WI12.15 below.

WI 12.10 Vietnamese Engineering Professionals

This policy allows up to 100 Vietnamese engineering professionals at any one time to work in New Zealand for a period of up to three years provided that they:

- a. have a job offer from a New Zealand employer as an engineering professional, which has been assessed as equivalent to ANZSCO Skill Level 1; and
- b. hold a bachelor degree (level 7 or above) qualification registered on the International Professional Engineers Register or Asia Pacific Economic Cooperation (APEC) Engineers Register, or Washington Accord accredited engineering degree; and
- c. hold New Zealand registration, where required; and
- d. meet the requirements set out in WI12.15 below.

WI 12.15 Generic Requirements

- a. To be issued or granted a work visa and permit under this policy, applicants must:
 - i. provide a completed work visa/permit application form and fee; and
 - ii. have a New Zealand job offer in one of the occupations listed above, which meets the requirements set out in W2.10; and
 - iii. meet the specific requirements relating to registration, qualifications and/or experience for their occupation, as detailed above; and
 - iv. meet health and character requirements set out in E6; and
 - v. meet the requirements for bona fide applicants set out in E5; and
 - vi. be ordinarily and actually resident in Vietnam at the time of application unless WI12.15(d) applies.
- b. A labour market check is not required.

- c. Successful applicants will be issued with a work visa valid for travel for 6 months from the date of issue and on arrival in New Zealand be granted a work permit for a maximum of three years, depending on the length of their job offer. Successful applicants will also be issued a multiple entry work visa, valid for the same period as the work permit, allowing re-entry to New Zealand on any number of occasions.
- d. If the initial permit is valid for less than three years, a further permit may be granted onshore for the balance of the three-year period, as long as the applicant still meets all the requirements of this policy.
- e. Work permits granted under this policy must be endorsed with conditions that allow work only for a specified employer in a specified industry, trade, occupation or profession.
- f. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa or permit under this policy.

Note: This policy reflects New Zealand's international trade commitments (see E9).

WS2 Specific purpose or events

Applicants who are considered to be coming to New Zealand for a specific purpose or event include the following:

- a. Business people such as:
 - i. Senior or specialist business people on short term secondments who have a job offer either in a substantial New Zealand company or a New Zealand subsidiary of an overseas company.
 - ii. A business person seconded to New Zealand as an intra-corporate transferee to take up a position in a multinational company as:
 - o an executive, or
 - o a senior manager, or
 - o specialist personnel.

Notes: In the context of this policy 'executive' or 'senior manager' means a person who is a senior employee of an organisation and who has been employed by that organisation for at least 12 months prior to their proposed transfer to New Zealand. Additionally, they are responsible for the entire organisation's operations in New Zealand, or a substantial part of it, receiving general supervision or direction principally from higher level executives, the board of directors or stockholders of the business.

In the context of this policy 'specialist personnel' means a person who is being transferred to undertake a specific or specialist task at a senior level within the company. Additionally they must possess knowledge of the organisation's service, research equipment, techniques or management.

- iii. Business people wishing to undertake business activities in New Zealand who can satisfy visa or immigration officers that they have genuine reasons to be in New Zealand for a period or periods exceeding 3 months in any one year. Documented evidence of these reasons is required.

Notes: Seconded business persons who do not have an acceptable standard of health may be considered for a medical waiver (see A4.65.1 Seconded business people). This policy (WS2 (a) (i), (ii) and (iii)) reflects New Zealand's international trade commitments (see E9).

- b. [Principal applicants](#) who [made](#) an application for residence under the Investor Category before 4 July 2005 Category who are investigating direct investment opportunities and making direct investments in New Zealand.
- c. Principal applicants for residence under the Active Investor Migrant Policy who are investigating investment opportunities and making direct investments in New Zealand.
- d. Principal applicants for residence under the Migrant Investment Policy who are investigating investment opportunities and making direct investments in New Zealand (see BJ7.40).

Note:
~ Partners and [dependent children](#) of Principal applicants under the Investor Category (b), the Active Investor Migrant Policy (c), or the Migrant Investment Policy (d) may be

issued with multiple journey visitors' visas authorising a permit current for the same period as the principal applicant's.

~ Dependent children of Principal applicants under the Investor Category (b) or the Active Investor Migrant Policy (c) may be issued with student visas and granted student permits, provided that they meet the standard student policy requirements (see [U2](#)).

- e. People with a written invitation or schedule of events invited to New Zealand to referee sports events or judge shows, displays, or exhibitions.
- f. Dance and music examiners of recognised international teaching institutions with a written invitation or job offer to conduct examinations in New Zealand.
- g. Pastors and lay missionaries with a written guarantee of accommodation, maintenance and repatriation from a sponsoring body.
- h. Installers or servicers of specialised machinery or equipment supplied by an overseas company who can provide evidence that installing or servicing the equipment in New Zealand is a condition of purchase.
- i. Entertainers, performing artists, film and video production crew, and associated support personnel, who intend to engage in any form of private or public performance in New Zealand or work on any film or video production in New Zealand, if they meet the evidential and other requirements set out in [WS3.1](#).
- j. Sports players and professional sports coaches taking up a paid position in a New Zealand sports club who have a written offer of employment from that club.

Note: Players or coaches who wish to undertake additional employment may apply for a variation of the requirements of their work permit once they arrive in New Zealand. A variation may be granted if: ~ the applicant provides evidence that the sponsor or company involved in the sport is offering the job solely to this particular player or coach; or ~ a labour market test (see [WG3.10](#)) on any other job offered shows that there are no New Zealand citizens or residents available to do the job.

- k. Philippines nurses seeking entry to obtain New Zealand occupational registration who have a job offer from a District Health Board and have been accepted for the Nursing Council's Competence Assessment Programme.

Note: This policy (WS2 (k)) reflects New Zealand's international trade commitments (see E9).

- l. People who need to come to New Zealand for any other specific purpose or event where the circumstances justify the issue of a work visa or grant of a work permit under this policy, and they meet the objective of this policy.

WS3 Evidence required

People applying for a specific purpose or event work visa or permit (with the exception of entertainers, performing artists, film and video production crew, and associated support personnel who have special requirements see [WS3.1](#)), must provide evidence:

- a. of the amount of time they need to be in New Zealand; and
- b. of a job offer, invitation, or schedule of events, if required by [WS2](#); and
- c. of their qualifications or experience relevant to the position or event, if required by [WS2](#); and
- d. of a sponsorship agreement guaranteeing accommodation, maintenance and repatriation, if required by [WS2](#); and
- e. of their international merit or distinction, if requested by a visa or immigration officer; and
- f. of any other requirements in [WS2](#) being met.

WS4 Currency of specific purpose or event permits

- a. The currency of a specific purpose or event permit must be consistent with the time required for the holder to complete the specific purpose or event.
- b. Applicants approved entry for a specific purpose or event may be issued with multiple entry work visas if appropriate. The maximum duration of permit, including a short grace period within which the permit holder can leave New Zealand after they have completed their specific purpose or event, are:
 - i Senior or specialist business people on short term secondments – 12 months, with the ability to be granted a permit for a further 12 months to complete the specific purpose;
 - ii Business people seconded to New Zealand as an intra-corporate transferee of a multi-national company – three years, with the ability to be granted a permit for a further three years to complete the specific purpose;
 - iii Business visitors wishing to undertake business activities in New Zealand for more than 3 months in any one year – 12 months;
 - iv Direct investment visas for applicants who [made](#) a residence application under the Investor Category prior to 4 July 2005 – 12 months;
 - v Show judges and sports referees – for the length of their engagement and not usually more than six months;
 - vi Dance and music examiners – for the period of their examinations and not usually more than six months;
 - vii Pastors and lay missionaries – three years;
 - viii Installers and servicers of machinery – three months;
 - ix Entertainers, performing artists, film and video production crew, and associated support personnel – for the period requested;
 - x Sports players and professional sports coaches – 12 months, or up to a maximum of three years in the case of coaches employed at national or regional level;
 - xi Philippines nurses – up to three months to enable them to work while meeting their registration requirements.

Note: Philippines nurses who have been issued a work visa or granted a work permit in order to obtain registration as a nurse will not be granted a further work permit other than for an occupation which is ANZSCO Skill Level 1 or 2.

V3.45 Applicants wanting to obtain occupational registration in New Zealand

- a. Applicants who seek entry to obtain New Zealand occupational registration may be issued with a visitor's visa or, in the case of a Philippines nurse, a work visa (see WS2(k)) provided that the relevant practical or educational training lasts less than 3 months.
- b. Applicants who have applied for residence while in New Zealand on a temporary permit and who need to exceed the maximum stay in New Zealand to meet registration requirements may be granted a further visitor's permit, provided that the practical or educational training lasts less than 3 months.
- c. If the training will take longer than 3 months, applicants must apply for a student visa or permit and must provide satisfactory evidence of the time required to complete registration requirements.

1 V3.45.1 Confirmation from registration body

Visa and immigration officers must sight written confirmation from the appropriate registration body that the applicant:

- a. is eligible to undertake the registration process in New Zealand, and
- b. has completed any enrolment requirements, including meeting applicable English language requirements.

W2.10 Generic work visa and permit policy provisions

Unless specifically stated otherwise elsewhere in work visa and permit policy the requirements set out below apply to all applicants for work visas or permits and all employers wishing to employ them.

W2.10.1 Requirements for applicants

Unless specifically stated otherwise all applicants for work visas or permits must:

- a. meet the requirements under Generic Temporary Entry policy for:
 - i. lodging an application for a temporary entry visa or permit as set out at [E4](#); and
 - ii. [bona fide applicants](#) as set out at [E5](#); and
 - iii. health and character as set out at [E6](#); and
- b. produce evidence to show that:
 - i. they are suitably qualified by training and experience to do the job they have been offered; and
 - ii. they can meet any of the necessary New Zealand registration requirements (see [SM19.5](#) for the list of occupations requiring registration); or
 - iii. they have an offer of employment in an occupation that requires registration and evidence from the New Zealand Medical or Dental Council that they are eligible for full or provisional registration subject *only* to attending a personal interview with a Council representative within one month of their arrival in New Zealand.

Note: For medical practitioners, registration within a 'special purpose scope of practice' is not full or provisional registration for the purpose of a residence application or a work to residence application.

Note: Applicants who have been issued a visa or granted a permit in order to obtain registration as a nurse will not be granted a work permit other than for an occupation which is ANZSCO Skill Level 1 or 2.

W2.10.5 Requirements for Employers

- a. All employers wishing to employ non-New Zealand citizen or resident workers or students to work in New Zealand must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes, but is not limited to:
 - i. paying employees no less than the appropriate adult or youth minimum wage or other contracted industry standard; and
 - ii. meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and
 - iii. only employing people who have authority to work in New Zealand.
- b. Evidence and/or confirmation of past and future compliance with employment, and immigration law may include but is not limited to:
 - i. employment agreements with workers which demonstrate compliance; and
 - ii. a recognised history with the Department of Labour of past compliance.

- c. Visa and immigration officers may also request evidence and/or confirmation of the employer's past and future compliance with employment and immigration law.
- d. To ensure that the objective of work visa and permit policy at [W1\(b\)\(iii\)](#) is met, visa and immigration officers may require employers to provide evidence that the rate of pay offered to non-New Zealand citizen or resident workers is not less than the market rate for New Zealand workers in that occupation.

Note: W2.10.5(d) applies regardless of whether a labour market test (including where an occupation is listed on the Immediate Skill Shortage List or Long Term Skill Shortage List (see [WG2](#)) has been met.

Note: INZ will decline an application for a work visa or permit where it considers that granting the work visa or permit would undermine the integrity, credibility or reputation of the New Zealand immigration or employment relations systems.

W2.10.10 Offers of Employment

All offers of employment must be genuine and sustainable. Unless specifically stated otherwise all offers of employment should contain the following information:

- a. name, address, telephone and/or fax number of the employer; and
- b. name and address of the person to whom the job is offered; and
- c. a full job description including:
 - i. the job title or designation; and
 - ii. the address of the place of employment if different from that in paragraph (a) above; and
 - iii. the type of work, duties and responsibilities involved; and
 - iv. details of pay and conditions of employment; and
 - v. any qualifications, experience or training required; and
 - vi. the duration of the job; and
 - vii. how long the job offer is open.
- d. To determine whether an offer of employment is genuine and to ensure that the objective of work visa and permit policy at [W1\(b\)\(iii\)](#) is met, visa and immigration officers may consider whether the salary or wages offered meet the New Zealand market rate.

Note: INZ will decline an application for a work visa or permit where it considers that the employment was offered as a result of payment made by the applicant (or their agent) to the employer (or their agent) in exchange for securing that offer of employment. Such practices are contrary to the principles of the Wages Protection Act 1983, as well as to immigration policy.

E9 Trade Commitments

- a. One of the objectives of New Zealand's temporary entry policy is to contribute to building strong international links. Part of this includes supporting New Zealand's position in a global trade environment, and ensuring that New Zealand's trade commitments with respect to immigration are being met.
- b. Immigration plays an important role in ensuring New Zealand's trade commitments are met through operational policy providing for the mobility (temporary entry) of bona fide business people into New Zealand.
- c. New Zealand has committed itself to a range of undertakings through different agreements. To date the following agreements have been signed:
 - General Agreement on Trade in Services (GATS)
 - New Zealand and Singapore Closer Economic Partnership Agreement (CEPA)
 - New Zealand and Thailand Closer Economic Partnership
 - Trans-Pacific Strategic Economic Partnership
 - Asia-Pacific Economic Cooperation (APEC)
 - New Zealand and China Free Trade Agreement
 - ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA)
- d. Details of some of these trade agreements are available on the Ministry of Foreign Affairs website at the following address:
<http://www.mfat.govt.nz/Trade-and-Economic-Relations/Trade-Agreements/index.php>
- e. Specific provisions throughout the Operational Manual enable New Zealand to meet the commitments that have been made in these trade agreements. These provisions are:
 - A4.65.1 Secoded business people
 - N4 Group Transit Visa for Chinese nationals
 - V3.5 Business visitors
 - V3.105 APEC Business Travel Cardholders
 - WS2(a) and (k) Specific purposes or event
 - W18 Thai chefs
 - W19 China Special Work Policy
 - W110 China Skilled Workers Policy
 - W111 Philippines Special Work Policy
 - W112 Vietnam Special Work Policy

APPENDIX 3: AMENDMENTS TO GOVERNMENT IMMIGRATION AND RESIDENCE POLICY EFFECTIVE ON AND AFTER 30 NOVEMBER 2009

BA 2.1 Residence Categories

The following categories of Business Immigration Policy are part of Government residence policy:

- Entrepreneur Category (see [BD](#)) (for people whose applications are made prior to 20 November 2002 and people who hold work permits granted (or the grant of which was approved) under the Long Term Business (Temporary Entry) Category of Government immigration policy prior to 20 November 2002)
- Entrepreneur Category (see [BH](#))
- Entrepreneur Plus Category (see [BL](#))
- Employees of relocating businesses Category (see [BE](#))
- Migrant Investment Policy Categories (see [BJ](#))
- Investor 1 Category (see [BJ3](#))
- Investor 2 Category (see [BJ4](#) – [BJ5](#))

BA2.1.1 Generic policy provisions

The residence categories have generic policy provisions covering the following matters:

- English language requirements (see [BF](#))
- Payment of settlement information fee (see [R5.85](#))
- Payment of migrant levy (see [R5.90](#))
- Health and character requirements (see [A4](#) and [A5](#))

Entrepreneur Plus Category

BL1 Objective

The objective of the Entrepreneur Plus Category is to attract migrants who can demonstrate they have been actively participating in business and contributing to New Zealand's economic development.

BL2 Summary of requirements

- a. For an application under the Entrepreneur Plus Category to be approved:
 - i the principal applicant and family members included in the application must meet health and character requirements (see [A4](#) and [A5](#)); and
 - ii the principal applicant must hold a Long Term Business Permit; and
 - iii the principal applicant and family members over 16 years must meet minimum English language requirements (see [BL4](#)); and
 - iv the principal applicant must transfer NZ\$0.5 million to New Zealand (see [BL5](#)).
 - v the principal applicant must have successfully established a business in New Zealand (see [BL6](#)).

BL2.1 Verification

- a. Business immigration specialists must be satisfied that all documents provided as evidence are genuine and accurate, and may take any steps they determine necessary to verify such documents and the information they contain.
- b. All documentation provided should be independent and verifiable to a business immigration specialist's satisfaction.
- c. A business immigration specialist may interview, or ask another branch of Immigration New Zealand to interview, the principal applicant in order to determine whether or not the information provided in an application is genuine and accurate.

Note: A business immigration specialist is an immigration officer.

BL3 Relationship to Long Term Business Visa or Permit Category

BL3.1 Consistency with business proposal under the Long Term Business Visa or Permit Category

- a. An application under the Entrepreneur Plus Category will be declined if:
 - i the business on the basis of which the application is [made](#) was established while the [principal applicant](#) was holding a work permit granted under the Long Term Business Visa/Permit Category; and
 - ii the business is different from a business proposal (including a business proposal subsequently modified with the consent of a business immigration specialist) in respect of which the applicant was granted or issued a work permit and/or visa.
- b. Applications under the Entrepreneur Plus Category will also be declined if the principal applicant and any [partner](#) or [dependent child](#) applied for and was granted welfare assistance under the Social Security Act 1964 while in New Zealand during the currency of their temporary permits.
- c. Notwithstanding (a) above, where an application otherwise meets all requirements for approval, a business immigration specialist may approve the application when they are satisfied that:
 - i the business that has been established would have met the requirements for a business plan under Long Term Business Visa or Permit policy; and
 - ii the applicant has relevant experience for the new business.

BL4 English language requirements

- a. Principal applicants in the Entrepreneur Plus Category must have a minimum overall band score of IELTS 4 for English language ability (see BF2).
- b. Any partner or dependent children aged 16 years and over who are included in the application must meet the minimum standard of English above or pre-purchase ESOL tuition (see BF1.1).

BL5 Transfer of investment capital

- a. If they have not done so previously under the Long Term Business Visa or Permit Category, the principal applicant must provide evidence of the transfer of NZ\$0.5 million of investment capital, as stated in the business plan, through the banking system direct from the principal applicant's bank account(s) to New Zealand.
- b. Borrowed capital is acceptable where the principal applicant is able to demonstrate that:
 - i they own net assets equal or greater in value to the proposed investment amount; and
 - ii the borrowed investment capital is from a bank or commercial lending institution and is secured against the assets identified under (i).

BL6 Successful establishment of a business in New Zealand

- a. A principal applicant will be considered to have successfully established a business in New Zealand if:
 - i they have established or purchased, or made a substantial investment in a business operating in New Zealand; and
 - ii they have been self-employed in New Zealand in that business since meeting (i); and
 - iii they have invested at least NZ\$0.5 million into the business as set out at (i); and
 - iv they have created a minimum of three full-time positions for New Zealand citizens or residents in that business; and
 - v the business complies with employment and immigration law (see BL6.10).

BL6.5 Definitions

BL6.5.1 Substantial investment

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

BL6.5.5 Self-employment

- a. 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 (see BL6.5.1).
- b. For the avoidance of doubt, self-employment does not include involvement of a passive or speculative nature.

BL6.5.10 Full-time employment

For the purpose of this policy, full-time employment is considered to be at least 30 hours of work per week.

BL6.10 Compliance with employment and immigration law

- a. Businesses established in New Zealand must comply with all relevant employment and immigration law in force in New Zealand. Compliance with relevant New Zealand employment and immigration law includes but is not limited to:
 - i paying employees no less than the appropriate minimum wage; and
 - ii meeting holiday and special leave requirements or other minimum statutory criteria, e.g. occupational safety and health obligations; and
 - iii only employing people who have authority to undertake that work under the Immigration Act 1987.

- b. Despite (a) above, where an application otherwise meets all requirements for approval and there is an incident of non-compliance with any relevant employment or immigration law in force in New Zealand, a business immigration specialist may nevertheless approve the application where:
- i they are satisfied that the breach of requirements is of a minor nature; and
 - ii evidence is provided that satisfies the business immigration specialist that the cause and consequences of the breach have been remedied.
- c. To determine the nature of a breach, the business immigration specialist may consult with Workplace Employment Relations, Workplace Health & Safety, and/or the Accident Compensation Corporation.

BL7 Evidence of requirements

BL7.1 Evidence of transfer of investment capital

- a. Evidence of transferring investment capital to New Zealand through the banking system may include but is not limited to:
- i telegraphic transfer forms
 - ii other documents, evidence and information the business immigration specialist considers may demonstrate the transfer of investment capital to New Zealand through the banking system.

BL7.5 Evidence that the principal applicant has established a business in New Zealand

- a. All documents submitted to prove that the principal applicant has established a business in New Zealand must be produced by a reliable independent agency or professional (for example, a solicitor or chartered accountant).
- b. Evidence that the principal applicant has established a business in New Zealand may include, but is not limited to:
- a Certificate of Incorporation
 - financial accounts
 - GST records
 - New Zealand Companies Office annual returns
 - shareholding records
 - other tax records
- c. The business immigration specialist may request any other documents to support the application.

BL7.10 Evidence of investment amount

- a. Suitable evidence of the investment amount can include, but is not limited to, original or certified copies of the following:
- a sales and purchase agreement
 - shareholder certificates
 - financial transfer documentation

- b. The business immigration specialist may request any other documents to support the application.

BL7.15 Evidence of job creation

- a. Suitable evidence of the created jobs can include, but is not limited to, original or certified copies of the following documents:
- Evidence of employees NZ citizenship or resident status (for example, passport, birth certificate)
 - Employment agreements or contracts
 - IRD Employee schedules
 - Payslips
 - Job descriptions
 - Job assessments
 - Letters of appointment

BL8 Approval in principle

Principal applicants who meet the criteria of the Entrepreneur Plus Category will be advised that:

- a. their application has been approved in principle; and
- b. residence visas and/or permits may be issued or granted once the following requirements have been met:
- i the principal applicant pays any applicable migrant levy; and
 - ii the principal applicant submits evidence that they and any partner or dependent children aged 16 or over meets the English language requirements (see BF1.1); and
- c. where residence visas or permits are issued or granted they will be subject to requirements under section 18A of the Immigration Act 1987 (see BL9.1).

BL8.1 Failure to meet approval in principle requirements

Applications for residence may be declined if principal applicants do not present the requirements listed in the approval in principle letter within the timeframe specified by a business immigration specialist in the approval in principle letter.

BL9 Residence visas

Residence visas issued under this policy will be current for 12 months from the date of issue.

BL9.1 Residence visas/permits subject to section 18A requirements

Immigration Act 1987 s 18A(1), (2)

- a. All residence permits granted under the Entrepreneur Plus Category must impose the following requirements on the permit holders, under section 18A of the Immigration Act 1987, and all residence visas or returning residence visas issued under this policy must specify that the following requirements will be imposed under section 18A on the holder of a residence permit granted under this policy:

- i. the principal applicant must be self employed in the business for a minimum of two years (inclusive of time spent operating the business while holding a Long Term Business Permit); and
 - ii. the principal applicant must retain the investment and maintain the created jobs in the established business for a minimum of two years (inclusive of time spent operating the business while holding a Long Term Business Permit); and
 - iii. the principal applicant informs the nearest branch of INZ of any changes of New Zealand address during the section 18A requirement period.
- b. Any accompanying partner and dependent children of a principal applicant issued with a residence visa or granted a residence permit will be subject to the requirement that the principal applicant comply with the requirements of their visa or permit.

BL9.1.5 Imposing requirements

- a. Principal applicants are advised of the requirements imposed in a letter that states:
- i. the requirements; and
 - ii. that failure to comply with the requirements may result in the revocation of the permit under section 20(1)(d) of the Immigration Act 1987; and
 - iii. that the requirements will continue to apply while any returning resident's visa issued is still current; and
 - iv. that the requirements will apply to any residence permit granted on the applicant's return to New Zealand, within the section 18A requirement period.

BL9.1.10 Reminder from Immigration New Zealand to provide evidence of section 18A requirements being met

- a. Immigration New Zealand will attempt to contact the principal applicant three months before the expiry of the section 18A requirements period requesting evidence that section 18A requirements are being met.
- b. The evidence must be provided no later than three months after the expiry of the section 18A requirements period.

BL9.1.15 Meeting section 18A requirements

- a. The principal applicant will need to show that they have:
- i. been self employed in the business for at least two years (inclusive of time spent operating the business while holding a Long Term Business Permit); and
 - ii. retained the investment and maintained the created three full-time positions for New Zealand citizens or residents in the established business for at least two years (inclusive of time spent operating the business while holding a Long Term Business Permit).
- b. Notwithstanding (a) (ii) above, where the principal applicant fails to retain the investment and/or maintain the created three full-time positions in the established business, a business immigration specialist may consider, on a case by case basis, whether the failure was beyond the control of the principal applicant (eg. unforeseen economic conditions) and if satisfied that this was the case, may consider the section 18A requirements met.

- c. Suitable evidence to prove that the principal applicant has met the section 18A requirements (see BL9.1) must be produced by a reliable independent agency or professional (for example, a solicitor or chartered accountant) and can include, but is not limited to, original or certified copies of the following documents:
- a Certificate of Incorporation
 - financial accounts
 - GST records
 - other tax records
 - Employment agreements/contracts
 - IRD Employee schedules
 - Payslips
 - Job specifications
 - Letters of appointment
 - Evidence of employees New Zealand citizenship or resident status (for example: passport, birth certificate)
 - property purchase or lease documents relating to the business' site
 - invoices for business equipment and supplies
 - other documents, evidence and information a business immigration specialist considers may demonstrate reasonable steps taken to maintain the business as a going concern (e.g. employment agreements, bank statements, utility company invoices).

BL9.1.20 Compliance with requirements

When the principal applicant under this category satisfies a business immigration specialist that the requirements imposed on their residence permit under section 18A(1) have been complied with, those requirements will no longer apply and the officer will advise the applicant in writing.

BC4.15 Criteria for a business benefiting New Zealand

- a. A business may be considered to benefit New Zealand if it promotes New Zealand's economic growth through, for example:
 - i. introducing new, or enhancing existing, technology, management or technical skills, or
 - ii. introducing new, or enhancing existing, products or services; or
 - iii. creating new, or expanding existing, export markets; or
 - iv. creating employment **for a New Zealand citizen or resident**; or
 - v. revitalising an existing business; and
- b. in the opinion of a business immigration specialist it appears likely that the business will be trading profitably at the time any subsequent application under the Entrepreneur category is made, or clearly has the potential to be trading profitably within 12 months after the application is made.

Note: For the purposes of this policy, the employment of non New Zealand citizens or residents is not considered an acceptable example of a business benefiting New Zealand.

BC9 Validity of work visas and permits and issue and grant of further work visas and permits

- a. Successful principal applicants under this policy will be granted a 9 month work permit (and issued a corresponding multiple entry work visa) to allow them to establish and commence the operation of the proposed business in New Zealand.
- b. A further work permit may be granted (and corresponding multiple entry work visa issued) for the balance of the 3 year period (i.e.27 months) if the principal applicant applies within the validity of their current work permit and/or work visa and a business immigration specialist is satisfied that:
 - i. the investment capital for the proposed business, as stated in the business plan, has been transferred **direct from the principal applicant's bank account(s)** through the banking system to New Zealand; and
 - ii. reasonable steps have been taken to establish or invest in the business as set out in the business plan.
- c. 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.
- d. In cases where a business immigration specialist is not satisfied that the requirements of BC9(b)(ii) have been met, but that the applicant may be able to meet these requirements within a specified time, a further work permit may be granted (and corresponding multiple entry work visa issued) for a period of less than 27 months to allow the principal applicant to take further steps to establish and operate the business. To be granted a further work permit (and issued a corresponding multiple entry work visa) at the expiry of that second period, the principal applicant must demonstrate that they meet the requirements in BC9(b)(ii) above.

BC9.1 Evidence of reasonable steps taken to establish and operate a business

- a. Evidence of transferring investment capital to New Zealand through the banking system may include but is not limited to:
 - i. telegraphic transfer forms
 - ii. other documents, evidence and information the business immigration specialist considers may demonstrate the transfer of investment capital to New Zealand through the banking system.

- b. Evidence of reasonable steps taken to establish and operate a business may include but is not limited to:
 - i. documents evidencing the constitution of the business (e.g. certificate of incorporation)
 - ii. audited accounts
 - iii. GST records
 - iv. other tax records
 - v. property purchase or lease documents relating to the business' site
 - vi. invoices for business equipment and supplies
 - vii. other documents, evidence and information a business immigration specialist considers may demonstrate reasonable steps taken to establish or invest in a business (e.g. employment agreements, bank statements, utility company invoices).

BE5 General rules for approval in principle and relocation of business

Principal applicants who meet the criteria of the Employees of Relocating Businesses category will be advised that:

- a. their application has been approved in principle; and
- b. residence visas/permits may be issued or granted once the following requirements have been met:
 - i. the principal applicant provides acceptable evidence that the business has relocated to New Zealand; and
 - ii. the principal applicant provides the New Zealand address at which the business operates; and
 - iii. the principal applicant pays any applicable migrant levy; and
 - iv. the principal applicant submits evidence that they and any partner or dependent children aged 16 or over meets the English language requirements (see [BE5.1](#) and [BF1.1](#)); and
- c. residence/permits will be issued or granted subject to requirements under section 18A of the Immigration Act 1987

BE5.1 English language requirements

- a. Principal applicants who lodge applications under the Employees of Relocating Businesses Category, meet the minimum standard of English for that Category if:
 - i they provide a certificate (no more than 2 years old at the time the application is lodged) from the International English Language Testing System (IELTS), which shows an overall band score of 5 or more in the IELTS General or Academic Module, or
 - ii they provide evidence that they have an English-speaking background (see [BF2.1](#)) which is accepted by a visa or immigration officer as meeting the minimum standard of English; or
 - iii they provide other evidence which satisfies a business immigration specialist that, taking account of that evidence and all the circumstances of the application, the person meets the minimum standard of English (see [BF2.5](#)).
- b. In any case under (a) (ii) or (iii), a visa or immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph (a)(i). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

Note:

~ Full consideration must be given to all evidence of English language ability provided before a decision to request an IELTS certificate under [BF5.2\(b\)](#) is made. If an IELTS certificate is requested, the reason(s) behind the decision must be clearly documented and conveyed to the applicant.

~ IELTS is an international organisation that provides an assessment of ability in English. Its General and Academic Modules provide band totals (test results) showing overall ability as well as performance in listening, reading, writing and speaking.

BF2 Minimum standards of English

- a. **Unless policy specifies otherwise**, principal applicants who lodge applications under all Categories of Business Immigration Policy, meet the minimum standard of English if:
 - i. they provide a certificate (no more than 2 years old at the time the application is lodged) from the International English Language Testing System (IELTS), which shows an overall band score of at least **4** in the IELTS General or Academic Module, or
 - ii. they provide evidence that they have an English-speaking background (see BF2.1) which is accepted by a visa or immigration officer as meeting the minimum standard of English; or
 - iii. they provide other evidence which satisfies a visa or immigration officer that, taking account of that evidence and all the circumstances of the application, the person meets the minimum standard of English (see BF2.5).
- b. In any case under (a) (ii) or (iii), a visa or immigration officer may require an applicant to provide an IELTS certificate in terms of paragraph (a)(i). In such cases, the IELTS certificate will be used to determine whether the applicant meets the minimum standard of English.

Note: IELTS is an international organisation that provides an assessment of ability in English. Its General and Academic Modules provide band totals (test results) showing overall ability as well as performance in listening, reading, writing and speaking.

BH4.10 Criteria for a business benefiting New Zealand

- a. A business is considered to benefit New Zealand if it promotes New Zealand's economic growth by for example:
 - i. introducing new, or enhancing existing, technology, management or technical skills, or
 - ii. introducing new, or enhancing existing, products or services; or
 - iii. creating new, or expanding existing, export markets; or
 - iv. creating employment **for a New Zealand citizen or resident**; or
 - v. revitalising an existing New Zealand business; and
- b. the business is trading profitably on the date the application is lodged or a business immigration specialist is satisfied that it clearly has the potential to become profitable within the following 12 months.
- c. **If the associated Long Term Business Visa or Permit application was made before 30 November 2009 the 'creating employment' benefit can also include non-New Zealand citizens or residents, with the exception of the principal applicant.**

R5.90 Migrant levy

Immigration Regulations 1999 reg 45

- a. All successful principal applicants and accompanying family members under:
 - i Family Category (except citizens of Samoa and people applying on the basis of their relationship to a person granted residence under the special policy for refugees), and
 - ii General Skills Category, and
 - iii Skilled Migrant Category, and
 - iv Residence from Work Category, and
 - v Investor Category, and
 - vi General (Active) Investor Category, and
 - vii Professional Investor Category, and
 - viii Global Investor Category, and
 - ix Investor 1 Category, and
 - x Investor 2 Category, and
 - xi Entrepreneur Category, and
 - xii Entrepreneur Plus Category, and
 - xiii Employees of Relocating Businesses Category, and
 - xiv Family Quota Category (except citizens of Samoa and people applying on the basis of their relationship to a person granted residence under the special policy for refugees), and
 - xv Pacific Access Category, and
 - xvi Special residence policy for Zimbabwean citizens

must pay a migrant levy, unless in the case of a Skilled Migrant Category application, the migrant levy has already been paid prior to a visa or permit being issued or granted as a consequence of a decision under the Work to Residence (Skilled Migrant Category) Policy.

- xvii The migrant levy for applicants under the General Skills Category, Skilled Migrant Category, the Residence from Work Category, the Investor Category, the Entrepreneur Category, the Entrepreneur Plus Category, Employees of Relocating Businesses Category, General (Active) Investor Category, the Professional Investor Category, the Global Investor Category, the Investor 1 Category, the Investor 2 Category, the Family Category, the Family Quota Category and the Special residence policy for Zimbabwean citizens is NZ\$300 for each person aged 5 and over, and NZ\$150 for each person under 5 years of age whose residence visa is issued or residence permit is granted. The maximum migrant levy payable per family for one application is the sum of the migrant levy amounts payable by the oldest four family members included in the application.
- b. The migrant levy for applicants under the Pacific Access Category is NZ\$150 for each person whose residence visa is issued or residence permit is granted. The maximum migrant levy payable per family for one application is the sum of the migrant levy amounts payable by the oldest four family members included in the application.
- c. The principal applicant is notified of the purpose and amount of the migrant levy in the letter advising that their application is approved in principle and must pay the migrant levy before a residence visa is issued or a residence permit is granted.

R5.90.1 Refunds of migrant levy

- a. If a migrant levy is paid but the principal applicant and partner and dependent children included in the application do not take up residence (or in the case of a person eligible to be issued and/or granted a visa and/or permit as a consequence of a decision under the Work to Residence (Skilled Migrant Category) Policy that work visa and/or permit is not issued or granted), a refund may be granted upon request to the NZIS. The request must be made in writing.
- b. Requests made more than 6 months after the expiry date of any unused residence visa, or made more than 6 months after advice from the NZIS that a person is eligible to be issued and/or granted a visa and/or permit as a consequence of a decision made under the Work to Residence (Skilled Migrant Category) Policy, must be declined.
- c. Visa and immigration officers who have been delegated the authority to refund the levy (under section 149(2) of the Immigration Act 1987) must be satisfied that:
 - i. the principal applicant and partner and dependent children included in the application have not taken up residence, and
 - ii. their residence visas and returning residents' visas are no longer current; or
 - iii. (in the case of a person eligible to be issued and/or granted a visa and/or permit as a consequence of a decision made under the Work to Residence (Skilled Migrant Category) Policy) that the visa and/or permit is not issued or granted.)
- d. The person who paid the levy will be refunded the appropriate amount.