

16 October 2015

IMMIGRATION NEW ZEALAND INSTRUCTIONS: Amendment Circular No. 2015/08

To: All Manual Holders

AMENDMENTS TO THE IMMIGRATION NEW ZEALAND OPERATIONAL MANUAL

Introduction

This circular outlines changes to immigration instructions. A copy of the amended instructions is attached.

All immigration officers dealing with immigration applications should read the amendments and operate in accordance with the amended instructions on and after 1 November 2015.

Note

The amendments described in this circular will be published in the Immigration New Zealand 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).

Changes to immigration instructions effective on and after 1 November 2015

BB3.10 - Points scale for an Entrepreneur Work Visa

SM4.30 - Resident visa subject to conditions

SM6 - Summary of points for employability and capacity building factors

SM9.5 - Bonus points for employment outside the Auckland region

To help maximise the contribution of immigration to the regions, the following changes have been made to the Skilled Migrant Category (SMC) and Entrepreneur Work Visa Category:

- Increased points available to SMC applicants with a job offer outside of Auckland from 10 to 30
- Requirement that SMC migrants who have been in a job for less than three months and were awarded bonus points for a job offer outside of Auckland remain employed outside of Auckland for 12 months
- Increased points available to Entrepreneur Work Visa applicants who intend to establish a business outside of Auckland from 20 to 40.

BB2.1 - Entrepreneur Work Visas

BB3.1 - Summary of requirements for the grant of an Entrepreneur Work Visa

BB3.5 - Requirement for capital investment

BB3.10 - Points scale for an Entrepreneur Work Visa

BB3.15 - Requirements for a business plan

BB4.5 - Requirements at the end of the Entrepreneur Start-Up stage

BB5 - Changing a business proposal

BB6.1 - Definitions

BH2.1 - Successful establishment of a business that benefits New Zealand significantly

BH3.1 - Consistency with business proposal under the Entrepreneur Work Visa Category

References to 'working capital' have been removed and criteria for acceptable capital investment introduced. Acceptable residential property development has been defined.

E4.65 - How supporting documents must be submitted

A13.1 - The form in which documents must be submitted

Removed requirement for copied documents to be provided in colour.

WK2.10 Determining the availability of New Zealand citizens or residents

Removed expired Queenstown labour market test instructions.

WI13 China Skilled Workers Instructions

Removed note referring to validity of listed occupations.

**APPENDIX 1: AMENDED IMMIGRATION INSTRUCTIONS EFFECTIVE ON AND AFTER
1 November 2015**

BH2.1 Successful establishment and operation of a business that benefits New Zealand significantly

Principal applicants in the Entrepreneur Residence Visa Category are required to demonstrate that:

- a. they have successfully established a business in New Zealand that realises the benefits outlined in their business plan, and have operated that business for at least:
 - i. two years, and meet the requirements of BH2.1.1; or
 - ii. six months, and meet the requirements of BH 2.1.5; and
- b. the business is benefiting New Zealand significantly (see [BH4.10](#)); and
- c. the business complies with employment and immigration law (see [BH2.5](#)); and
- d. the same or greater amount of capital (see [BB3.5.10](#)) has been invested in the business as outlined in the business plan.

BH2.1.1 Requirements for applicants who have operated a business for at least two years

- a. To be granted an Entrepreneur Residence Visa on the basis of operating a business for two years, the principal applicant must:
 - i. have been self-employed in that business for two years prior to the date the application under the Entrepreneur Residence Visa Category is made; and
 - ii. hold an Entrepreneur Work Visa, Long Term Business Visa or other visa which allows self-employment.
- b. If a principal applicant does not hold an Entrepreneur Work Visa or Long Term Business Visa, they must demonstrate they meet the requirements for an Entrepreneur Work Visa set out at [BB3.1](#).

BH2.1.5 Requirements for applicants who have operated a business for at least six months

- a. To be granted an Entrepreneur Residence Visa on the basis of operating a business for six months, the principal applicant must:
 - i. have been self-employed in that business for at least six months prior to the date the application under the Entrepreneur Residence Visa Category is made; and
 - ii. have made a capital investment (see [BB3.5.10](#)) of at least NZ\$500,000 in their business; and
 - iii. have created at least three ongoing and sustainable full time jobs for New Zealand citizens or residents; and
 - iv. hold an Entrepreneur Work Visa or a Long Term Business Visa at the time the residence visa application is made.
- b. Applicants who have operated a business for six months must provide evidence:
 - i. of how their investment funds have been invested in their business and how this has benefited the business or increased its value; and
 - ii. that any jobs created meet the definition of full time employment at [BB6.1.25](#), as shown by employment contracts, wage and salary records, or evidence of business turnover.

BH3.1 Consistency with business proposal under the Entrepreneur Work Visa Category

- a. An application under the Entrepreneur Residence Visa Category will be declined if:
 - i. the business on the basis of which the application is made was established while the principal applicant was the holder of a work visa granted under the Entrepreneur Work Visa or Long Term Business Visa Category; and
 - ii. the business is different from the business proposal (except for a business proposal subsequently modified with the consent of a business immigration specialist) in respect of which the applicant was granted a work visa.
- b. Despite BH3.1(a) above, an application may be approved if:
 - i. the business that has been established would have met the requirements for a business plan under the Entrepreneur Work Visa Category; and
 - ii. the business that has been established required the same or a greater level of capital investment (see **BB3.5.10**) than a business proposal in respect of which the applicant was granted a work visa under the Entrepreneur Work Visa Category; and
 - iii. the applicant has relevant experience for the new business; and
 - iv. the business has provided a significant benefit to New Zealand equal or greater than the original business as determined by a business immigration specialist (see BH4.10).
- c. Applications for an Entrepreneur Residence Visa which have not met one or any of the goals in the business plan, or realised their stated goal in one or any of the categories which were claimed in the points scale at **BB3.10(d)** in the original Entrepreneur Work Visa application, will be declined unless:
 - i. the applicant can demonstrate that this failure was due to extraordinary circumstances outside their control; and
 - ii. the circumstances were not foreseeable; and
 - iii. the failure was not due to lack of planning or realistic goals on the part of the applicant or adviser working on their behalf.

Note: People who hold a visa under the former Long Term Business Visa Category must demonstrate they meet these requirements to be granted residence under the Entrepreneur Residence Visa Category.

SM4.30 Resident visa subject to conditions

See also Immigration Act 2009 ss 49, 50

SM4.30.1 Resident visas may be subject to conditions

- a. A resident visa may be granted under the Skilled Migrant Category to a principal applicant (and any accompanying partner and dependent children) subject to conditions imposed under section 49(1) of the Immigration Act.
- b. Resident visas will be granted subject to conditions where SM4.30.10 and/or SM4.30.15 below apply.

SM4.30.5 Compliance with conditions

When an applicant under this category satisfies an immigration officer that the conditions on their resident visa under section 49(1) have been complied with, those conditions will be cancelled and the officer will advise the applicant accordingly in writing.

SM4.30.10 Offer of skilled employment or skilled employment for less than 3 months

Where a resident visa is granted under the Skilled Migrant Category on the basis that the principal applicant qualifies for points for an offer of skilled employment in New Zealand or current skilled employment in New Zealand for less than three months (see [SM7](#)), the visa holder is subject to the following conditions:

- a. In the case of the principal applicant who:
 - i. has an offer of skilled employment **in Auckland** - that they take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), and they remain in that employment (or another position of employment that meets the requirements for offers of skilled employment including requirements for bonus points if the offer of employment qualified for bonus points under [SM8](#) or [SM9](#)), for a period of at least three months; or
 - ii. has current skilled employment in **Auckland** for less than three months - that they remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under [SM8](#) or [SM9](#)), for a period of at least three months; or
 - iii. has an offer of skilled employment outside Auckland - that they take up that offer of skilled employment within three months of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), and they remain in that employment (or another position of employment that meets the requirements for offers of skilled employment including requirements for bonus points if the offer of employment qualified for bonus points under [SM8](#) or [SM9](#)) for a period of at least 12 months; or
 - iv. has current skilled employment outside Auckland for less than three months - that they remain in that employment (or another position of employment that meets the requirements for current skilled employment including requirements for bonus points if the employment qualified for bonus points under [SM8](#) or [SM9](#)) for a period of at least 12 months.
- b. The visa holder must:
 - i. inform the nearest **office** of INZ of their residential address and any changes of residential address while they are subject to those requirements; and
 - ii. submit evidence to an immigration officer that, within five years of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the conditions set out above have been met.
- c. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

SM4.30.15 Where occupational registration subject only to interview by Medical or Dental Council

Where a resident visa application is approved on the basis that the principal applicant is eligible for occupational registration under [SM19.15\(b\)\(ii\)](#) subject only to a satisfactory personal interview with a representative of the Medical or Dental Council on arrival in New Zealand, the visa holder is subject to the following conditions:

- a. In the case of the principal applicant -
 - i. that, within one month of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant obtains full or provisional occupational registration in New Zealand; and
 - ii. that, within five years of the grant of their first entry to New Zealand as a resident (if the visa was granted offshore), or the grant of their resident visa (if the visa was granted in New Zealand), the applicant submits evidence to an immigration officer that requirement (i) above has been met.
- b. In the case of any accompanying partner and dependent child - that the principal applicant comply with the conditions to which they are subject.

SM6 Summary of points for employability and capacity building factors

Employability and Capacity Building

Factors	Points	Criteria
Skilled employment:		
• Current skilled employment in NZ for 12 months or more	60	SM7
• Offer of skilled employment in New Zealand or current skilled employment in New Zealand for less than 12 months	50	SM7
<i>Bonus points for employment or offer of employment in:</i>		
• An identified future growth area	10	SM8
• An area of absolute skills shortage	10	SM8
• Region outside Auckland	30	SM9
• Partner employment or offer of employment	20	SM10
Work experience:		
• 2 years	10	SM11
• 4 years	15	
• 6 years	20	
• 8 years	25	
• 10 years	30	
<i>Additional bonus points if work experience in New Zealand:</i>		SM12
• 1 year	5	
• 2 years	10	
• 3 years or more	15	
<i>Additional bonus points for work experience in an identified future growth area:</i>		SM13
• 2 to 5 years	10	
• 6 years or more	15	
<i>Additional bonus points for work experience in an area of absolute skills shortage:</i>		
• 2 to 5 years	10	
• 6 years or more	15	
<i>Qualifications:</i>		
• Recognised level 4-6 qualification (e.g. trade qualification, diploma)	40	SM14
• Recognised level 7 or 8 qualification (e.g bachelors degree, bachelors degree with Honours)	50	
• Recognised level 9 or 10 post-graduate qualification (Masters degree, Doctorate)	60	
<i>Bonus points for:</i>		
• 2 years of full-time study in New Zealand completing a recognised bachelor degree (level 7) New Zealand qualification	10	SM15
• 1 year of full-time study in New Zealand completing a recognised post-graduate New Zealand qualification	10	SM15
• 2 years of full-time study in New Zealand completing a recognised	15	SM15

post-graduate New Zealand qualification		
• Qualification in an identified future growth area	10	SM16
• Qualification in an area of absolute skill shortage	10	SM16
• Partner qualifications – recognised level 4-6 qualification – recognised level 7 + qualification	10	SM17
	20	SM17
• Close family support in New Zealand	10	SM20
Age (20 to 55 yrs):		
• 20-29	30	SM18
• 30-39	25	
• 40-44	20	
• 45-49	10	
• 50-55	5	

SM9.5 Bonus points for employment outside the Auckland region

Current skilled employment or an offer of skilled employment outside the Auckland region qualifies for 30 points.

BB2.1 Entrepreneur Work Visas

The Entrepreneur Work Visas is a category of temporary entry class visa with conditions that allow self-employment in New Zealand.

- a. Applicants for an Entrepreneur Work Visa may be approved, if they meet the requirements of BB3.1.
- b. Applicants and any partner or dependent child/ren accompanying them must meet health and character requirements for residence as set out at A4 and A5.
- c. Applicants and any partner or dependent child/ren accompanying them must also meet all requirements under Generic Temporary Entry Instructions.

BB2.1.1 Currency of Entrepreneur Work Visas

- a. An Entrepreneur Work Visa may be granted for a total period of up to 3 years, encompassing an Entrepreneur Start-Up stage and Entrepreneur Balance stage. Only one fee will be charged for an Entrepreneur Work Visa.
- b. The Entrepreneur Start-Up stage is the first 12 months of the Entrepreneur Work Visa (though a business immigration specialist may extend the Entrepreneur Start-Up stage under BB4.5.5). During the Entrepreneur Start-Up stage, the holder of the Entrepreneur Work Visa is expected to establish and commence the operation of an agreed business in New Zealand.
- c. If the holder does not meet the requirements in BB4.5(a) during the Entrepreneur Start-Up stage, the visa expires at the end of the Entrepreneur Start-Up stage.
- d. If the holder does meet the requirements in BB4.5(a), the visa will be valid for the balance of the 3 year period. This is the Balance stage of the Entrepreneur Work Visa.
- e. A further Entrepreneur Work Visa (also known as a Renewal) may be granted beyond the 3 year period, if the conditions at BB4.10 are met, the application is approved by a business immigration specialist, and the prescribed fee is paid.

BB2.1.5 Conditions of Entrepreneur Work Visas

- a. The conditions specified on an Entrepreneur Work Visa will include the following conditions relating to work:
 - i. As: Self-employed
 - ii. For: (Business type and trading name of business)
 - iii. At: (Location of business)
- b. The travel conditions on the visa will give permission to travel to New Zealand for multiple journeys.
- c. Entrepreneur Work Visas and any other temporary visas granted to the holder of an Entrepreneur Work Visa's partner or dependent child/ren are subject to the condition that the holder must not apply for and be granted welfare assistance under the Social Security Act 1964 while in New Zealand during the currency of their Entrepreneur Work Visas or any visa gained through their relationship with a holder of an Entrepreneur Work Visa.

BB3.1 Summary of requirements for the grant of an Entrepreneur Work Visa

Applications for an Entrepreneur Work Visa may be approved if:

- a. the applicant can demonstrate to the satisfaction of a business immigration specialist that they will meet a minimum capital investment (see BB3.5.10) of \$100,000, unless this requirement has been waived under BB3.5.1(b); and
- b. the applicant has been awarded a minimum of 120 points for factors described in BB3.10(d); and
- c. the applicant provides a business plan specific to the proposed business that meets the requirements of BB3.15; and
- d. the applicant has obtained professional or occupational registration in New Zealand if registration is required for operating the proposed business; and
- e. the applicant has not been involved in bankruptcy or business failure within the 5 years preceding the date their application was made; and
- f. the applicant has not been involved in business fraud or financial impropriety; and
- g. the applicant can provide evidence to satisfy a business immigration specialist that they have sufficient funds, in addition to investment capital, to:
 - i. finance their business; and
 - ii. provide maintenance and accommodation for the period of the Entrepreneur Work Visa for themselves and any partner or dependent child/ren who will accompany them to New Zealand; and
- h. a business immigration specialist is satisfied that the applicant:
 - i. has sufficient business experience relevant to their business proposal; and
 - ii. has a genuine intent to establish the business described in the business plan in New Zealand and will abide by the conditions of the visa; and
- i. the applicant and any partner or dependent child/ren accompanying them meet requirements as set out in BB2.1(c) and (d); and
- j. the applicant meets English language requirements set out in BF1 and BF2; and
- k. the proposed business would not constitute an unacceptable risk to New Zealand laws or policies under BB3.1.1.

BB3.1.1 Unacceptable risk

- a. INZ will decline an application for an Entrepreneur Work Visa where it considers the grant of the visa would create unacceptable risks to the integrity of New Zealand's immigration or employment laws or policies.
- b. Offering business opportunities to meet the requirements of an Entrepreneur Work Visa application by persons whose main business is the facilitation of entry to New Zealand of non-New Zealand citizens and residence class visa holders potentially creates an unacceptable risk to the integrity of New Zealand's immigration laws and policies. Therefore, applications for Entrepreneur Work Visas based on such business opportunities will not be approved.

BB3.5 Requirement for capital investment

- a. An applicant must be able to make a minimum capital investment (see BB3.5.10) of NZ\$100,000 in to their proposed business, unless waived as per BB3.5.1 below.
- b. The principal applicant must:
 - i. nominate funds and/or assets equivalent in value to the total capital investment identified in the business plan; and
 - ii. demonstrate ownership of these funds and/or assets (see BB3.5.5); and
 - iii. demonstrate that the nominated funds and/or assets have been earned or acquired legally (see BB3.5.5(c) below).

BB3.5.1 Discretion to waive capital investment requirement

- a. Only members of the management team of the Business Migration Branch are able to waive the minimum capital investment requirement.
- b. The requirement for applicants to demonstrate a minimum capital investment of NZ\$100,000 can only be waived for businesses in science, ICT, or other high value export-oriented sector, which demonstrates a high level of innovation or credible short-term high growth prospects.

BB3.5.5 Ownership of nominated funds and/or assets

- a. The nominated funds and/or assets may be owned either:
 - i. solely by the principal applicant; or
 - ii. jointly by the principal applicant and partner, provided a business immigration specialist is satisfied that the principal applicant and partner have been living together for 12 months or more in a partnership that is genuine and stable (see R2.1.15 and R2.1.15.1 (b) and R2.1.15.5 (a)(i)), and that the partner supports the use of these funds for the proposed business. If so, the principal applicant may claim the full value of such jointly owned funds or assets for assessment purposes.
- b. If nominated funds and/or assets are held jointly by the principal applicant and a person other than their partner, the principal applicant may only claim the value of that portion of funds and/or assets for which they provide evidence of ownership.
- c. The principal applicant may only nominate funds and/or assets that they earned or acquired legally, including funds and/or assets which have been gifted to them unconditionally and in accordance with local law. Where nominated funds and/or assets have been gifted to the principal applicant, a business immigration specialist must be satisfied that the funds and/or assets being gifted:
 - i. were earned lawfully by the person/s gifting the funds and/or assets; and
 - ii. are based outside of New Zealand.
- d. The nominated funds and/or assets must be unencumbered.
- e. The nominated funds and/or assets must not be borrowed, but may be gifted as per BB3.5.5(c).

BB3.5.10 Recognition of capital investment

Capital investment includes all nominated funds used in the establishment and operation of the approved business, except those used for:

- a. passive or speculative investment(s), such as reserve funds or term deposits; or
- b. the purchase of items for the personal use of the applicant(s), such as personal residences, cars or boats; or
- c. remuneration paid to the applicant(s) or their immediate family; or
- d. investment in residential property, except where the development of residential property meets the requirements of BB6.1.50 and formed part of an applicant's business plan.

BB3.10 Points scale for an Entrepreneur Work Visa

- Applications must meet a minimum score of 120 points in order to be granted an Entrepreneur Work Visa. Applications not meeting the minimum score of 120 points will be declined.
- Applicants must be able to demonstrate to the satisfaction of a business immigration specialist why they should be awarded the points they have claimed.
- Business immigration specialists must give written reasons for declining the application and not awarding any points claimed.
- The following table outlines the points that can be awarded for an Entrepreneur Work Visa application:

Points for business experience (can be awarded in only one category)	
Relevant self-employment	
10 years +	40
5 years +	30
3 years +	20
Other self-employment	
10 years +	20
5 years +	15
3 years +	5
Relevant senior management experience	
10 years +	10
5 years +	5
Points for benefit to New Zealand (can be awarded in up to two categories)	
New full time employment creation	
10+ new full time positions for New Zealand citizens or residents	80
5 or more new full time positions for New Zealand citizens or residents	50
3 or more new full time positions for New Zealand citizens or residents	30
2 new full time positions for New Zealand citizens or residents	20
1 new full time position for a New Zealand citizen or resident.	10
Points for approved export businesses (based on annual turnover)	
\$1,000,000 + turnover a year	80
\$750,000 + turnover a year	60
\$500,000 + turnover a year	40
\$400,000 + turnover a year	30
\$300,000 + turnover a year	20
\$200,000 + turnover a year	10
Points for unique or new products or services to New Zealand	
A credible business proposal that provides unique or new products/ services to New Zealand, or to a particular region.	30
Points for capital investment	
\$1,000,000 +	80
\$750,000 +	60
\$500,000 +	50
\$400,000 +	30
\$300,000 +	20

\$200,000 +	10
under \$200,000	0
Points for age of prospective applicant (at date of lodging application)	
24 and under	15
25-29	20
30-39	20
40-49	20
50-59	10
60 and over	0
Bonus points	
Business based outside Auckland as defined in BB6.1.35.	40

Note: For definitions of terms for the purposes of the Entrepreneur Work Visa and Entrepreneur Residence Visa Categories, see the Definitions section at BB6. The criteria for recognising capital investment are outlined at BB3.5.10.

BB3.10.1 Change to points scale and pass mark for Entrepreneur Work Visa

- The Minister of Immigration, in consultation with the Minister of Economic Development and the Minister for Small Business, may amend the bonus points that can be awarded in the points scale at BB3.10.
- Any changes to the points scale, categories or the pass mark will be effected through changes to immigration instructions and advertised on the INZ website.

BB3.15 Requirements for a business plan

Business plans must:

- a. be to establish or purchase a specific business in New Zealand; and
- b. be specific to the proposed business, not a generic or template business plan; and
- c. be no more than three months old on the date the application is made; and
- d. include satisfactory evidence:
 - i. to support the claims that have been made for the proposed business; and
 - ii. that the principal applicant has sufficient funds and/or assets to finance their business proposal; and
 - iii. that the principal applicant has sufficient business experience that is relevant to their business proposal; and
- e. demonstrate to the satisfaction of a business immigration specialist that:
 - i. the principal applicant's financial forecasts are realistic; and
 - ii. the principal applicant has sufficient relevant knowledge about the proposed business and the New Zealand business environment; and
 - iii. the principal applicant has done sufficient market research into the New Zealand business environment and market for their proposed business, to optimise their chances of succeeding; and
 - iv. the proposed business meets at least one of the business characteristics identified in the objective of the Entrepreneur Work Visa Category, as outlined in BB1; and
- f. include sufficient supporting documentation to support any of the claims made about the proposed business, or concerning any aspect of the applicant's skills, funds or experience.

BB3.15.1 Requirements for a business plan involving the purchase of an existing business

Where the business plan involves the purchase of an existing business, the plan must:

- a. identify the particular business to be purchased; and
- b. include:
 - i. information that allows business immigration specialists to assess the benefit that the applicant's business activity will provide New Zealand; and
 - ii. evidence that outlines the purchase price and the financial performance of the existing business, which may include, but is not limited to the conditional sale and purchase agreement, an independent valuation, and/or financial statements for the previous two years; and
 - iii. information on numbers of positions currently employed in the business, such as wage records, anonymised employment agreements and job descriptions for each role, or Employer Monthly Schedules prepared for Inland Revenue.

BB3.15.5 Assessment of a business plan

- a. A business immigration specialist will assess applications based on:
 - i. an applicant's capacity to contribute to economic growth by growing or establishing a high growth and innovative business in New Zealand; and
 - ii. plans provided by the applicant to demonstrate how they will meet the objectives set out in their business plan; and
 - iii. evidence that the applicant has sufficient business experience relevant to the proposed business; and
 - iv. information provided by the applicant demonstrating how their business will significantly benefit New Zealand.
- b. In assessing a business plan, a business immigration specialist will consider the credibility of the information provided and whether the business will significantly benefit New Zealand.
- c. Business immigration specialists must be satisfied that the information an applicant submits complies with the evidential requirements set out in Entrepreneur Work Visa Category instructions and may request additional evidence as they deem necessary to demonstrate that an applicant or a business plan meets the requirements as set out in [BB3.1](#).
- d. INZ may submit any business plan to an independent person or business for vetting. They will offer an independent assessment and advice, which will be considered by a business immigration specialist in making a decision.
- e. INZ may also consult other government agencies or sections of the Ministry of Business, Innovation and Employment when assessing business plans.

BB3.15.10 Verification of a business plan

- a. A business immigration specialist must be satisfied that documents provided in support of the business plan are genuine and accurate, and may take any steps they determine necessary to verify such documents and the information they contain.
- b. A business immigration specialist may interview, or ask another office of INZ to interview, the principal applicant in order to determine whether or not the information contained in the business plan is genuine and accurate.

BB4.5 Requirements at the end of the Entrepreneur Start-Up stage

- a. Towards the end of the Entrepreneur Start-Up stage, the holder must provide evidence to satisfy a business immigration specialist that:
 - i. the investment capital for the proposed business, as stated in the business plan, has been transferred directly from the holder'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.

BB4.5.1 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. bank statements
 - iii. 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, sales agreements, contracts to provide products or services).

BB4.5.5 Further Entrepreneur Start-Ups

- a. A business immigration specialist may extend the Entrepreneur Start-Up stage, in cases where they are not satisfied that the requirements of BB4.5(a) have been met, but are satisfied that the holder may be able to meet these requirements within a specified time, to allow the holder to take further steps to establish and operate their business.
- b. Towards the end of the Entrepreneur Start-Up stage, the holder must provide evidence to satisfy a business immigration specialist that they meet the requirements at BB4.5(a) to be granted an Entrepreneur Balance at the expiry of that second period.
- c. Further Entrepreneur Start-Ups will not extend the maximum length of the Entrepreneur Work Visa, which will still be for a period of up to 3 years (that is, the maximum duration remains up to 3 years from the date the Entrepreneur Work Visa was granted).

BB5 Changing a business proposal

- a. The holder of an Entrepreneur Work Visa may submit one request to change their business plan within the validity of their visa. Any changes proposed must be minimal, or the request will be declined.
- b. Change requests may be granted if a business immigration specialist is satisfied that:
 - i. the changes proposed are minimal and do not significantly alter the nature of the proposed business; and
 - ii. there are genuine reasons for changing the original business proposal; and
 - iii. the business still requires the same or a greater level of capital investment (see BB3.5.10) than the original business proposal; and
 - iv. the proposed changes would have been granted the same or greater points in the points scale set out in BB3.10(d); and
 - v. the business still meets the requirements for a business plan as set out in BB3.15; and
 - vi. the applicant has sufficient business experience relevant to the proposed business; and
 - vii. the business continues to offer at least the same level of benefit to New Zealand, including full time positions created for New Zealand citizens or residents, annual turnover, new exports and/or the introduction of unique products or services to New Zealand or to a particular region.
- c. If the request to change a business proposal is refused, the applicant must be offered the option of continuing with their original business proposal.
- d. If the applicant still wishes to pursue the new business after the request for a change has been refused, they must lodge a new application for an Entrepreneur Work Visa.
- e. If the applicant does not continue with the original business proposal, but starts the new business without approval or a new application being approved, they may be made liable for deportation.

Note: A genuine reason for changing the original business proposal does not include inadequate market research.

A visa holder may be made liable for deportation where they are undertaking business activities which breach the conditions of their visa.

Long Term Business Visa holders may also apply for a Change of Plan under these instructions, but do not have to meet the requirements at BB5(b)(iv) or (v).

BB6.1 Definitions

The definitions set out in this section define terms for the purposes of the Entrepreneur Work Visa Category ([BB](#)) and the Entrepreneur Residence Visa Category ([BH](#)).

BB6.1.1 Definition of a business plan

A business plan is a plan to establish or purchase a specific business in New Zealand, which contains information as set out in the business plan form, and is supported by appropriate documentation. Business plans must be based on specific details of the proposed business: generic or template business plans will not be accepted.

BB6.1.5 Definition of funds earned or acquired legally

- a. Funds and/or assets earned or acquired legally are funds and/or assets earned or acquired in accordance with the laws of the country in which they were earned or acquired.
- b. Business immigration specialists have discretion to decline an application if they are satisfied that, had the funds and/or assets been earned or acquired in the same manner in New Zealand, they would have been earned or acquired contrary to the law of New Zealand.

BB6.1.10 Definition of unencumbered funds

Unencumbered funds are funds that are not subject to any mortgage, lien, charge and/or encumbrance (whether equitable or otherwise) or any other creditor claims.

BB6.1.15 Definition of self-employment

- a. Self-employment is lawful full time active involvement in the management and operating of a business which the principal applicant has established or purchased, or in which the principal applicant has made a substantial investment.
- b. Substantial investment is defined as the purchase of 25% or more of the shareholding of a business.
- c. For the avoidance of doubt, self-employment does not include involvement of a passive or speculative nature.
- d. Applicants for an Entrepreneur Work Visa (see [BB](#)) may claim points for experience of self-employment in the points scale at [BB3.10\(d\)](#) for businesses outside of New Zealand, and/or for self-employment in New Zealand while on a visa that permitted self-employment.
- e. Applicants for an Entrepreneur Residence Visa (see [BH](#)) must have been self-employed in New Zealand in order to be granted residence under this category.

BB6.1.20 Definition of senior management

- a. Senior management experience means extensive experience at a senior level within a lawful business enterprise, in planning, organisation, control, change-management and direction-setting, where the business enterprise had at least five full-time employees or an annual turn-over of NZ\$1 million.
- b. To demonstrate senior management experience, an applicant will need to be able to show they held the day-to-day responsibilities of managing a business or company or corporation, or function within a large company (with, at that time, 5 or more full time employees, or a turnover in excess of \$1,000,000 per annum), with specific executive powers conferred onto them with and by authority of the board of directors and/or the shareholders.

BB6.1.25 Definition of creation of full time employment

- a. The creation of full time employment means a new full time and ongoing job or jobs that will be created for New Zealand citizens or residents.
- b. A full time and ongoing job means a permanent role for at least 30 hours a week:
 - i. as demonstrated in written employment contracts for the role; and
 - ii. excluding contract or casual roles.
- c. The creation of full time employment may include cases where new permanent and ongoing part time jobs have been created which, when taken together, are equivalent to new full time roles. Evidence must be provided in respect of each claimed equivalent full time job to demonstrate the part time roles:
 - i. are for two or more new roles with fixed hours that are equivalent to one new full time job; and
 - ii. are for permanent and ongoing roles as demonstrated in written employment contracts for the roles; and
 - iii. meet all employment and immigration laws; and
 - iv. exclude contract, sub-contracted or casual roles.
- d. The creation of employment for non-New Zealand citizens or residents in new or existing jobs will not result in points being awarded in the points scale at [BB3.10\(d\)](#).
- e. The employment of New Zealand citizens and residents in existing jobs will not result in points being awarded in the points scale at [BB3.10\(d\)](#).

BB6.1.30 Definition of providing unique or new products/services to New Zealand

- a. A product or service is considered "new" if it is:

- i. a significant enhancement or product line not being provided by existing businesses in New Zealand or the region of New Zealand in which the prospective business would be located; or
 - ii. a proposed enhancement that would promote New Zealand's economic growth within the 3 year validity of the Entrepreneur Work Visa.
- b. A product or service is considered "unique" if it is:
- i. the only product or service of its type being provided in New Zealand; or
 - ii. a product or service that is not available elsewhere in New Zealand or the region of New Zealand in which the prospective business would be located.

BB6.1.35 Definition of a business based outside Auckland

A business based outside Auckland means a business with its headquarters or sites based outside the area covered by the authority of the Auckland Council. See the Auckland Council website for details of the area they cover.

BB6.1.40 Definition of trading profitably

For the purposes of the instructions in Entrepreneur Work Visa Category (BB) and the Entrepreneur Residence Visa Category (BH), "trading profitably" means:

- a. meeting or exceeding the projected annual turnover from the original business plan, and assessment from the points scale at BB3.10(d); and
- b. making sufficient profit to enable the principal applicant to pay themselves at least the minimum wage per annum.

BB6.1.45 Definition of substantial investment

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

BB6.1.50 Residential property development

Residential property development is defined as the development of property or properties in which people reside and is subject to the following conditions:

- a. the residential property must be in the form of new developments on either new or existing sites; and
- b. the residential property cannot include renovation or extension to existing dwellings; and
- c. the new developments must have been approved and gained any required consents by any relevant regulatory authorities (including local authorities); and
- d. the purpose of the residential property investments must be to make a commercial return on the open market; and
- e. neither the family, relatives, nor anyone associated with the applicant(s), may reside in the development.

BB6.1.55 Definition of revitalisation of an existing business

For the purposes of Entrepreneur Work Visa Category and Entrepreneur Residence Visa Category instructions, revitalisation means significantly improving the performance of an existing business through the injection of new skills, networks, management capability and/or capital. Evidence of revitalisation can include, but is not limited to, evidence of:

- a. doubling the annual turnover of the business; or
- b. creating two or more full time and ongoing jobs for New Zealand citizens or residents; or
- c. adding a series of new product lines to an existing business; or
- d. expanding the number of branches or sites of the business; or
- e. significantly expanding the customer base of the business.

BB6.1.60 Definition of business in ICT sector

For the purposes of these instructions, Information and Communications Technology (ICT) is defined as one of three important activities in the economy: ICT manufacturing, telecommunications and information technology (IT) services.

BB6.1.65 Definition of a high value export-oriented business

For the purposes of these instructions, a high value, export oriented business is one where the Entrepreneur Work Visa application has claimed points in the points scale at BB3.10(d) for a business plan that aims to:

- a. create 5 or more new full time positions for New Zealand citizens or residents (50 points); and
- b. achieve an annual export turnover of NZ\$500,000 per annum or more; and

where the applicant can demonstrate that they have met these goals at the time they apply for an Entrepreneur Residence Visa.

BB6.1.70 Definition of innovation

For the purposes of these instructions, an innovative business is one that demonstrates a high probability of succeeding in discovering and applying new ways to produce more with the same quantity of inputs.

E4.65 How supporting documents must be submitted

- a. Any passport, certificate of identity, birth certificate or other document provided as evidence of an applicant's identity must be either the original, or a certified copy, unless provided in support of an application made:
 - i. on an electronic form; or
 - ii. by a diplomatic or consular official for a temporary entry class visa; or
 - iii. for reconsideration of a decision to decline a temporary entry class visa.
- b. All other documents submitted in support of an application for a temporary entry class visa may consist of legible copies, unless original documents are specifically requested on the relevant INZ form or guide, or by an immigration officer (see [A13.1](#)).
- c. Immigration officers should verify supporting documents in a manner consistent with the identified risk and verification level, and their general obligation to verify documents and information (see [E7.5](#)).
- d. Where uncertified copies of original documents have been provided, an immigration officer may request to see the original documents before making a decision on the application.
- e. Uncertified copies must be legible and an accurate reflection of the original document.

E4.65.1 Translations

- a. A certified translation is required for all police certificates and medical certificates not written in English which are provided in support of an application for a temporary entry class visa.
- b. If requested by an immigration officer, a certified translation is required for any other documents not written in English and provided in support of an application for a temporary entry class visa.
- c. Translations must:
 - i. not be prepared by the applicant, any member of their family or an immigration adviser assisting with the application; and
 - ii. be accompanied by legible copies of the original documents, unless original documents are specifically requested on the relevant INZ form or guide, or by an immigration officer; and
 - iii. be certified as a correct translation made by a person familiar with both languages and competent in translation work; and
 - iv. bear the stamp or signature of the translator or translation business; and
 - v. if applicable, be on the official letterhead of the translation business.
- d. Officers may request a translation:
 - i. of the complete document where the translation is of a selected part(s) of the document, and
 - ii. by a different (specified) translation service where they are not satisfied by the initial translation.

Note: If a translation by a different (specified) translation service is requested the reason(s) behind the request must be clearly documented and conveyed to the applicant by INZ.

WI13 China Skilled Workers Instructions

- a. To be considered for a work visa under these instructions, the applicant must be a citizen of the People's Republic of China who has a full-time New Zealand job offer in one of the occupations listed in the table below, and the relevant qualifications and experience required for that occupation.

Occupation	Requirements Qualifications must be comparable to the standard of the New Zealand qualification listed.
Auditor	Degree level (Level 7) qualification majoring in accountancy and membership with New Zealand Institute of Chartered Accountants (NZICA)
Automotive electrician	National Certificate in Automotive Engineering (Level 4) or National Certificate in Motor Industry (Automotive Electrical Engineering) (Level 4)
Boatbuilder	National Certificate in Boatbuilding (Level 4)
Computer Applications Engineer	Degree level (Level 7) qualification majoring in computer science, information science or information technology and three years of relevant work experience
Design Engineer – Electronics / Product Engineer	Degree level (Level 7) qualification majoring in electronics, computer science or telecommunications and three years of relevant work experience with at least 12 months' relevant work experience in the past 18 months
Diesel Mechanic	National Certificate in Motor Industry (Automotive Heavy Engineering) (Level 4)
Early Childhood Teacher	A qualification in Early Childhood Education (ages 0-5) at a minimum of Level 7 which is approved by the New Zealand Teachers Council, and New Zealand registration
Electronics Technician	National Diploma in Engineering (Level 6) (Electronics), or relevant degree-level qualification (Level 7) (for example, BTech in Electronics, BSc or BE) and three years' work experience and at least 12 months' relevant work experience in the past 18 months
Electrician	New Zealand Electrical Registration
Film Animator	Degree level qualification (Level 7) in one of the following: Fine Arts, Graphic Design, Computer Science, Software Engineering or Film, specialising in multimedia, computer graphics, digital design, computer programming or software development
Fitter and Turner	National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering, Machining and Toolmaking (Level 5)
Fitter / Welder	National Certificate in Maintenance and Diagnostics in Mechanical Engineering (Level 5) or National Certificate in Engineering - Fabrication with strands in Welding or Heavy Fabrication (Level 5)
Medical Diagnostic Radiographer / Medical Radiation Therapist	Bachelor in Health Science specialising in Medical Radiation Therapy or specialising in Medical Imaging and New Zealand registration
Motor Mechanic	National Certificate in Motor Industry (Automotive Engineering) (Level 4)
Plumber	New Zealand Plumbing Registration
Registered Nurse	Bachelor of Nursing or Diploma in Comprehensive Nursing, diploma or hospital based certificate and NZ registration
Senior Test Analyst	Degree level (Level 7) tertiary qualification (e.g. BTech in Electronics, BSc or BE) and three years' work experience with at least 12 months relevant work experience in the past 18 months
Structural Engineer	Degree level (Level 7) qualification and registered on the International Professional Engineers Register or Asia Pacific Economic Co-Operation (APEC) Engineers Register or a Washington

	Accord accredited engineering degree
University and Higher Education Lecturer and/or Tutor	Masters Degree or PhD
Veterinarian	Bachelor of Veterinary Science approved by the Veterinary Council of New Zealand and registration with the Veterinary Council of New Zealand

- b. At any one time, the number of Chinese nationals holding a visa granted under these instructions:
 - i. must not exceed 100 in respect of any of the occupations listed above; and
 - ii. must not exceed 1000 in total.
- c. To be granted a work visa under these instructions, applicants must:
 - i. provide a completed work visa application form and fee; and
 - ii. have a full-time job offer from a New Zealand employer, which meets the requirements set out in [W2.10](#); and
 - iii. meet the specific qualifications and/or experience requirement for their occupation, as detailed in WI13(a) above; and
 - iv. meet health and character requirements set out in [A4](#) and [A5](#); and
 - v. meet the requirements for bona fide applicants set out in [E5](#).
- d. A labour market check is not required.
- e. Applications for a work visa under these instructions must be lodged in China unless WI13(g) or (i) applies.
- f. Successful applicants will be granted a work visa and entry permission with the following conditions:
 - i. first entry to New Zealand must be made within six months; and
 - ii. the work visa will be valid for multiple entries to New Zealand for a maximum of three years from first arrival, depending on the length of their job offer.
- g. Applications for a work visa under these instructions may be lodged by people who are lawfully in New Zealand:
 - i. on a temporary visa for the purpose of obtaining New Zealand registration, and who have successfully obtained registration; or
 - ii. on a work or student visa.
- h. Successful applicants who apply in New Zealand will be granted a work visa with multiple-entry travel conditions for a maximum of three years, depending on the length of their job offer.
- i. If the initial visa is valid for less than three years, a further visa may be granted for the balance of the three-year period, as long as the applicant still meets all the requirements of these instructions.
- j. Work visas granted under these instructions must be endorsed with conditions that allow work only for a specified employer in a specified occupation.
- k. On completion of the three-year period, applicants must remain outside New Zealand for three years before applying for a further visa under these instructions.

Note:

~ If one of these occupations is listed on the Long Term Skill Shortage List (LTSSL) and the qualifications requirement for that occupation is lowered, the qualification requirement for these instructions will be correspondingly lowered.
 ~ These instructions reflect New Zealand's international trade commitments (see [E9](#)).

WK2.10 Determining the availability of New Zealand citizens or residents

- a. New Zealand citizens or residence class visa holder workers are considered to be 'available' if, as a result of a labour market test (see WK2.10.1), an immigration officer establishes that there are:
 - i. suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer (see WK2.10.10); or
 - ii. suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer (see WK2.10.15).
- b. Immigration officers will accept that no suitably qualified New Zealand citizens or residence class visa holders are available where an occupation is included on the current Long Term Skill Shortage List, Immediate Skill Shortage List or (for employment in the Canterbury region only) Canterbury Skill Shortage List and the applicant's qualification and/or work experience meets the requirements on the list.
- c. It is not relevant to the determination of availability of New Zealand citizens or residence class visa holder workers whether those New Zealand citizen or residence class visa holder workers are prepared to do the work on the terms and conditions proposed by the employer.

Notes:

- The Essential Skills in Demand Lists are published on the immigration website at <http://skillshortages.immigration.govt.nz/>.
- Employment in the Canterbury region if the entire or principal place of work (as defined in section 2 of the Health and Safety in Employment Act 1992) is within the territorial authorities of Christchurch City Council, Selwyn District Council and Waimakariri District Council.

WK2.10.1 Labour market tests

- a. When conducting a labour market test an immigration officer must be satisfied that:
 - i. the employer has made a genuine attempt to attract and recruit suitable New Zealand citizens or residence class visa holder workers (see WK2.10.5); and
 - ii. New Zealand citizens or residence class visa holder workers are not available (WK2.10).
- b. Matters an immigration officer may take into account when determining whether or not a labour market test is satisfied include but are not limited to:
 - i. the employer's case:
 - o for an approval in principle; or
 - o in support of an individual worker's application
 - ii. evidence of a genuine attempt (see WK2.10.5) on the part of the employer to recruit New Zealand workers by way of advertising and/or use of other appropriate avenues of recruitment likely to attract New Zealand workers;
 - iii. advice from the service delivery arm of the Ministry of Social Development, Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered;
 - iv. advice from relevant stakeholders within the particular industry, including unions.
- c. In any particular case an immigration officer may decide to:
 - i. determine the labour market test is satisfied by one or more of the above; or
 - ii. determine that the labour market test is not satisfied by one or more of the above; or
 - iii. make other inquiries.
- d. Despite (c) above, but subject to (e) below, when determining whether there are New Zealand citizen or residence class visa holder workers available to undertake work in an ANZSCO Skill Level 4 or 5 occupation, immigration officers must seek advice from Work and Income about the availability of New Zealand citizens or residence class visa holder workers to do the work offered.
- e. The requirement in (d) above does not apply for any period of time where Work and Income has advised INZ of a regional absolute labour shortage for a specified occupation or industry, and the work offered is both for that occupation or industry, and in the region specified.

WK2.10.5 Definition of 'genuine attempts'

- a. For the purpose of these instructions an employer is considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders workers if:
 - i. any specifications or requirements stipulated in a job description and/or ideal person specification are restricted to those specifications or requirements necessary to perform the work on offer; and
 - ii. the terms and conditions specified for the work on offer are not less than those of the New Zealand market, including payment at the New Zealand market rate; and
 - iii. the extent and nature of advertising or use of other appropriate means of recruitment is such that any suitable New Zealand workers would apply or be likely to apply for the position(s), for example:

- listing the vacancy with Work and Income;
 - advertising the vacancy in a national newspaper and/or website;
 - contracting a recruitment company appropriate to the industry.
- b. For the purposes of these instructions an employer is not considered to have made genuine attempts to recruit suitable New Zealand citizens or residence class visa holders if:
- i. the employer has advertised the work in such a way that no New Zealand citizen or residence class visa holder will or is likely to apply e.g. making foreign language skills a requirement when it is not necessary for the performance of the work; or
 - ii. an employer has advertised the work at terms and conditions that are less than terms and conditions New Zealand citizens or residence class visa holders typically receive for equivalent work.

WK2.10.10 Definition of 'suitable New Zealand citizens or residence class visa holder workers who can take up the work on offer'

For the purpose of these instructions a 'suitable New Zealand citizen or residence class visa holder worker who can take up the work on offer' is a New Zealand citizen or residence class visa holder worker who:

- a. has the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or has the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
- b. has qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and
- c. has other competencies identified by the employer as necessary for the performance of the work that are determined by Immigration New Zealand to be reasonable including (but not limited to):
 - i. having a driver's license or ability to get one, or
 - ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
 - iii. being able to pass health, drug and criminal checks if required; and
- d. is located in the local region, or is willing and able to move to that region; and
- e. can practically make it to the workplace by having a suitable mode of transport; and
- f. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see [W2.2](#)).

Notes:

- Local region is defined based on the regions used by Work and Income.
- At ANZSCO skill level 5, work experience and qualifications will not be relevant.
- Where other prerequisites are needed to perform the role an employer must explain why and demonstrate that the remuneration offered reflects those requirements.

WK2.10.15 Definition of 'suitable New Zealand citizens or residence class visa holder workers who can readily be trained to do the work on offer'

For the purpose of these instructions a 'suitable New Zealand citizen or residence class visa holder worker who can readily be trained to do the work on offer' is a New Zealand citizen or residence class visa holder worker who:

- a. with on the job training could do the work on offer, despite not having:
 - i. the relevant recognised qualification which is at, or above, the qualification that corresponds to the indicative skill level described for that occupation in the ANZSCO or the relevant recognised work experience that the ANZSCO indicates may substitute the required qualification; and
 - ii. the qualifications, work experience or skills identified by the employer as being necessary to perform the role, but which are not listed in the indicative skill level described for that occupation in the ANZSCO, that are determined by Immigration New Zealand to be reasonable; and
- b. has other competencies identified by the employer as necessary for the performance of the work that are determined by Immigration New Zealand to be reasonable including (but not limited to):
 - i. having a driver's license or ability to get one, or
 - ii. being fit enough to do the work or not have any medical or other reasons why they cannot perform the work, especially for physical work, or
 - iii. being able to pass health, drug and criminal checks if required; and
- c. is located in the local region, or is willing and able to move to that region; and
- d. can practically make it to the workplace by having a suitable mode of transport; and
- e. is available for work at the hours required by the employer, noting that the position must be for full-time employment (see [W2.2](#));

Notes:

- Local region is defined based on the regions used by Work and Income.
- All positions at ANZSCO skill level 5 are positions which New Zealand citizens and residence class visa holder workers are considered able to 'readily be trained to do the work on offer'.

A13.1 The form in which documents must be submitted

- a. Any passport, certificate of identity, birth certificate or other document provided as evidence of an applicant's identity must be either the original, or a certified copy, unless provided in support of an application made:
 - i. on an electronic form; or
 - ii. by a diplomatic or consular official for a temporary entry class visa; or
 - iii. for reconsideration of a decision to decline a further temporary entry class visa.
- b. All other documents submitted in support of an application must be originals, or certified copies, unless:
 - i. Uncertified copies are specifically requested on the relevant INZ form or guide; or
 - ii. the application is made on an electronic form, in which case a legible scan of the original document must be provided in the manner specified by the online form or by an immigration officer; or
 - iii. the application is for a temporary entry class visa, in which case a legible copy of the original document may be provided.
- c. Despite (a) and (b) above, original documents must be provided if specifically requested on the relevant INZ form or guide, or if requested by an immigration officer.

A13.1.1 Originals

Original documents must:

- a. be copied or processed immediately; and
- b. be returned directly to the owner or the owner's authorised agent (e.g. solicitor) as soon as possible (unless the relevant INZ form or guide specifies that only uncertified copies should have been provided, in which case originals should only be returned where requested); and
- c. not be released to any other person unless the owner has made a written statement authorising their release to a specified person.

A13.1.5 Certified copies

- a. Certified copies must be stamped or endorsed as being true copies of the originals by a person authorised by law to take statutory declarations in the applicant's country or in New Zealand.

Examples: a lawyer, notary public, Justice of the Peace, or court official.

- b. If certified copies are supplied, immigration officers may also request the original documents.
- c. An immigration officer may certify copies submitted with the original document if they are satisfied that the copy agrees with the original in essential details.
- d. If the actioning immigration officer is satisfied that the copy is a true copy, they must write on it:
 - i. the words "original sighted"; and
 - ii. their initials; and
 - iii. the date.
- e. An immigration officer should accept faxed copies of certified documents only if the originals, or certified copies, are then submitted at the earliest opportunity.
- f. Documents with evidence of having been tampered with, or unofficially altered, must be referred to an immigration officer, with Schedule 1-3 delegations, who will decide what further action to take.

A13.1.10 Uncertified copies

- a. Where uncertified copies of original documents have been provided, an immigration officer may request to see the original documents before making a decision on the application.
- b. Uncertified copies must be legible and an accurate reflection of the original document.